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Examining Current Juvenile Sex Offender Policies in the United States:
A Mixed Methods Approach

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Examining Current Juvenile Sex Offender Policies in the United States:

A Mixed Methods Approach

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Examining Current Juvenile Sex Offender Policies in the United States:

A Mixed Methods Approach

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Over the past three decades, there has been a marked increase in juvenile sex offender legislation. The effect of these policies on reducing recidivism is not clear. The first two articles focus on the impact of Megan's Law, utilizing a retrospective two-group time-series design to examine the sexual, violent, non-violent and status arrest rates for states where juveniles are required to register as sex offenders as compared to arrest rates in states where juveniles do not register as sex offenders and the data was analyzed using segmented regression analysis. There were no significant differences in the overall model or between groups for sexual or status arrest rates, nor in the between groups model for violent or non-violent arrest rates. However, there were significant differences in the overall model for violent and non-violent arrest rates before the passage of Megan's law (violent: $p = .000$; non-violent: $p = .030$) and in the 11-year follow-up period (violent: $p = .000$; non-violent: $p = .002$). Implications of these findings are

discussed. The last article focuses on Texas's failure to pass the Adam Walsh Act, the most recent piece of juvenile sex offender legislation. The study uses a qualitative approach and data sources include targeted transcripts of the Senate and House hearings on the bill, as well as interviews with two of the staffers for the author of the bill. The data show Texas reached a tipping point and would not pass any more legislation in this area without data to prove its efficacy.

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Chapter 1: Introduction

Scope and Statement of the Problem

Starting in the late 1980's and throughout the 1990's, there was a national concern in the United States that juvenile violence and juvenile offending had reached "epidemic" proportions (Howell, 2003). Examining arrest records, victim reports and self reports from juveniles provides varying pictures of the rate of juvenile delinquency. Arrest rates suggest a sharp increase in violent offending by juveniles, including sexual offenses, from 1980's through 1994, and then an equally sharp decrease in these same offenses from 1994 to 2004 (Howell, 2003). Data from national crime victim surveys also indicate a small increase in violent offending by juveniles between 1980 and 1995, and then a gradual decrease through 2000 (Zimring, 2004). Conversely, data from national juvenile self-reports suggest a fairly stable pattern of serious offenses committed by juveniles in the 1980's and 1990's (Howell, 2003). In a comprehensive review of all three of the aforementioned sources of data, and additional sources of data from law enforcement, Zimring (2004) argued that rates of juvenile offending from 1974-2000 should be characterized as stable, rather than showing any remarkable increases or decreases.

There are no exact figures for how many juveniles are arrested or incarcerated for all sexual offenses in the United States. Each state defines and adjudicates these crimes differently, thus making it difficult to ascertain exact numbers. However, according to the 2001 report from the Federal Bureau of Investigation's (FBI) Uniform Crime Reports (UCR) there were 2,788 juveniles arrested for forcible rape. In 2010, there were 1,821

juveniles arrested for forcible rape, representing a 34.7% decrease in arrests for forcible rape compared to 2001 (Federal Bureau of Investigation, 2010). Despite this decline, during this same decade, five new pieces of federal sexual offender legislation were passed, each more punitive and comprehensive than the next, aimed specifically at juveniles, and countless pieces of legislation aimed at this same population passed at the state level (Terry & Ackerman, 2009).

This tide of increasingly punitive legislation for sexually-based offenses, and particularly juvenile perpetrators of sexual offenses, began in the previous decade. In the early 1990's, a new wave of legislation changed the perception of sex offenders in the United States. Specifically, in 1994, the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act was passed, mandating sexual violent offenders and offenders who committed crimes against children to register with law enforcement agencies (Robbers, 2009). When this act was instated, states were allowed to choose whether they would place juveniles who had been convicted of a sexual offense on a public registry; two states (Washington and Minnesota) were already registering juveniles and 29 additional states began registering juveniles at this time. The remaining states opted to leave juveniles (ages 18 and younger) off public registries at that time. However, the Adam Walsh Act, the most recent congressional act regarding sexual offenders, passed in 2006 and required all states to establish long-term (25 years or life) public registration of juveniles (14 years and older) adjudicated as minors for certain sexual offenses (Letourneau, Bandyopadhyay, Sinha, & Armstrong, 2009). The pervasive theme in these recent legislative acts is that without some sort of intervention or public

surveillance, sex offenders will never stop committing sex crimes (Sample & Bray, 2003). The majority of this legislation is predicated upon the belief that sexual offenders have a higher risk of recidivism than other types of criminals, so it is essential to examine if the empirical literature and data on this population support this assertion. Additionally, it is critical to examine any theoretical foundations for sex offender legislation and the assumptions regarding sexual offending and recidivism amongst juveniles.

Theoretical Foundation

Social Construction Theory

As an area of public policy that has exponentially increased in prevalence and scope over the past two decades, sexual offender legislation should be viewed as a critical area of study for policy theorists. As such, it is imperative to examine these policies with a public policy theory or framework, and social construction theory provides a unique lens for this analysis. Social construction theory is predominantly concerned with the social construction of target groups and the manner in which these constructions can shape policy, and conversely, how public policies can shape social constructions of populations. In the case of juvenile sexual offenders, the social construction of this target population is predominantly that this is a group of deviants, but recent increases in the punitive nature of these policies and subsequent public criticism may suggest that the social construction of juvenile sex offenders is changing. Using social construction theory to analyze these policies may provide unique insights into future policy decisions and the effects of current policies.

Historical Background and Key Concepts of Social Construction Theory

In the early 1980s, public policy theorists recognized a need for a policy design approach to assess the variables that effect the design, selection and implementation of public policy; at that time, there was no theoretical framework that allowed for this type of analysis and many scholars advocated for the development of such a theory. By the late 1980s, the concept of the social construction of target populations was developed, providing a framework for further analysis (Ingram, Schneider, & deLeon, 2007). This concept suggests that public policy makers traditionally create social constructions of target populations (e.g., people affected by their policy), viewing these groups of people as either positive or negative; the policymakers then construct their policies to provide benefits to positively viewed groups and burdens to negatively viewed groups (Schneider & Ingram, 1993). Social construction of target populations can be defined as “the cultural characterizations or popular images of the persons or groups whose behavior and well-being are affected by public policy”: additionally, these constructions are viewed as “normative and evaluative, portraying groups in positive or negative terms through symbolic language, metaphors and stories (Schneider & Ingram, 1993, p. 335).” Policies send a message to the public about what the government intends to do or is supposed to do, and which groups are deserving of benefits and which deserve burdens. Social constructions are not solely created by policy makers; often, politics, culture, history and the media create these constructions and policy makers utilize these commonly held ideas about certain groups to base their policies upon. As such, social constructions are often conflicting and highly subject to refutation (Schneider & Ingram, 1993). Fortunately, the policies themselves create boundaries around target populations and the social

constructions of these populations; therefore, social constructions are measurable, empirical phenomena and exist within objective conditions, despite the changing nature of these conditions (Schneider & Ingram, 1993).

Schneider and Ingram (1993) conceived of 4 different types of target populations, comprised of where the groups appear on the continuum of power and if their social construction is positive or negative: *advantaged*, *contenders*, *dependents*, and *deviants* (Figure 2).

Figure 2: Schneider and Ingram’s Depiction of Target Populations

Constructions			
		Positive	Negative
Power	Strong	Advantaged (e.g., Elderly, Business)	Contenders (e.g., Large unions, Wealthy elites, Moral majority)
	Weak	Dependents (e.g., Children, Mothers, Disabled)	Deviants (e.g., Criminals, Addicts)

Source: (Schneider & Ingram, 1993)

Due to the nature of socially constructed images, these groups can change their position on the power continuum and therefore, their social constructions and policies affecting them can change as well. An often cited example of the changing nature of social constructions is persons with AIDS. Many originally constructed this population as deviants and criminals, but as more and more cases of children, hemophiliacs, and heterosexuals contracting HIV emerged in the popular media, social constructions of this target population changed and they moved from the “Deviant” sector to either the “Dependent” sector, or in the case of professional basketball player Magic Johnson, to the “Advantaged” sector (Ingram, et al., 2007; Schneider & Ingram, 1993). As such, public policies providing additional support and research for this issue were passed and

public perceptions of this population continued to become more positive.

Assumptions of Social Construction Theory

Ingram, Schneider and deLeon (2007) assert that there are 6 main assumptions or propositions in social construction theory. First, policy designs serve to design opportunities and communicate a variety of messages to a myriad of socially constructed groups about how government behaves and how likely each group is to be treated by the government (Ingram, et al., 2007). This ties directly back to the idea of the distribution of benefits and burdens (positively viewed groups receive the most benefits from public policy and negatively viewed groups receive the least). Policies are therefore messages that convey to the public who is seen as deserving of rewards, whose interests are important and implicit messaging about whose concerns will be addressed, and whose will likely never receive political action (Ingram, et al., 2007).

The second assumption is fairly redundant to points addressed earlier; the allocation of benefits and burdens from public policies to socially constructed target groups depends on the extent of their political power, and where they fall on the deserving or undeserving axis (Figure 2) (Ingram, et al., 2007). The location of a group on these two axes dictates which of the 4 socially constructed target groups they fall into and subsequently, their expectations for benefits or burdens from public policies.

Third, public policy design elements including tools, reasoning, and delivery structures differ according to the social construction and political power of target groups (Ingram, et al., 2007). To reiterate points illustrated above, groups that are socially constructed in a positive light receive more benefits from policy and this is evident in the

policy structure itself and is clearly messaged to the groups who will benefit from the policy, as well as other less advantaged groups. In their words, through policy, the government continues to make it clear which groups are valued above others in society and are viewed as deserving of beneficial treatment.

Fourth, policymakers, including but not limited to elected politicians, respond to, perpetuate, and facilitate the creation of social constructions of target groups in anticipation of public approval or disapproval (Ingram, et al., 2007). In this way, public policy serves to create some of the most enduring stereotypes in popular discourse.

Scholars use the example of welfare recipients as an illustration of this concept, in that the changing conception of welfare recipients in popular media has been perpetuated by political discourse and therefore public perceptions of welfare recipients as deserving or undeserving result in a feedback loop (Ingram, et al., 2007; Schneider & Ingram, 1993).

Policy affects public opinion, and public opinion influences policy, resulting in a permanent feedback loop that politicians tap into to ascertain how their policies will be received by their constituents.

Using similar logic, the fifth assumption of social construction theory is that the social construction of target groups can change and public policy is an important impetus behind this change (Ingram, et al., 2007). Although social constructions can change, they are not likely to unless there are compelling reasons presented by either scientific evidence, cases which present evidence to the contrary of the social construction (e.g., Magic Johnson and HIV), or consistent messaging over time. Social constructions can change outside of policy intervention, but it is more likely that a policy will reshape the

social construction, due to the availability of resources and the mobilization of political actors when a new policy is enacted which presents a new social construction of a target group. As mentioned above, social constructions and policies are engaged in a permanent feedback loop and this provides the impetus for change in both arenas.

Finally, the sixth assumption is that in degenerative policy-making situations, differences in policy designs are related to different patterns of policy change (Ingram, et al., 2007). In this way, social construction theory expands upon the capabilities of previous theoretical frameworks in this area by providing an efficacious means of determining who benefits from change in policy, as well as providing a lens to analyze if this change impacts the conditions of democracy. For example, social construction theory explains why policies which serve to punish deviants have a longer duration than those that serve to rehabilitate them, while path dependency and punctuated equilibrium theories cannot provide cogent reasoning for these changes (Ingram, et al., 2007). Social construction theory therefore expands upon the prior theories in this area and provides a useful framework for analyzing public policy.

Utility of Social Construction Theory in Examining Juvenile Sex Offender Legislation

Social construction theory provides a useful framework for examining juvenile sex offender legislation as it allows scholars to examine the construction of this target population over time. It then allows scholars to follow the progression of this construction and analyze changes in policy that occurred in tandem with changes in the social construction of this population. Using the concepts described above, it is likely that sex offenders as a whole would be considered “deviants” and be viewed as having

weak or little power in terms of influencing policy and a negative social construction.

However, it is interesting to note that examining juvenile sex offenders may provide a slightly different lens, in that the public often views children as less culpable than their adult counterparts. Within current sex offender policy, this is not evident, as most policies for juveniles are simply an extension of their adult counterparts, but this trend may be changing with more and more research regarding the efficacy of these policies in deterring juveniles from committing sexual crimes. Additionally, Schneider (2006) asserted that policies that are especially harsh on disadvantaged populations could eventually produce a change in social construction where the population is viewed more sympathetically, or public attention shifts to a different aspect of the issue (e.g., the cost of the policy) and therefore demands change based on this new social construction.

Using this theory is also important for legislators and advocates who may wish to make changes to current policy. Through an in-depth analysis and understanding of how the juvenile sex offender population has been socially constructed in the past few decades through media, law and culture, legislators may be able to present viable alternatives to current policies; without understanding where the policy originated and the assumptions and concepts behind the policy, it is impossible to effect change. Social construction theory therefore affords the opportunity to provide an in-depth understanding of how the United States has arrived at its current policies in this arena, as well as the opportunity to advocate for change where research and theory dictate is necessary.

Empirical Analysis of Social Construction Theory and Sexual Offender Legislation

At the time of this review, there were no published studies using social construction theory to examine sex offender legislation for adults or juveniles. As mentioned previously, this is an area of public policy that has exponentially increased over the past two decades and therefore requires further study. Social construction theory has been utilized to examine similar arenas (e.g., other criminal populations and other criminal/juvenile justice policies) with some success.

Schneider (2006) examined social construction theory in addition to several other policy theories to analyze the use of incarceration in the United States from 1927 through 2003. She found that changes in the use of incarceration followed the path that social construction theory would predict; upward paths (in this case, greater use of incarceration) were more common, lasted longer, were more extreme and more resistant to change than downward paths (e.g., decreases in incarceration). This was predicted because social construction theory asserts that criminals are viewed as deviants (no power and negative public image) and this social construction is relatively resistant to change, even over the course of 76 years of incarceration policy that was examined (Schneider, 2006).

Hogan (1997) used social construction theory to examine how prisoners with AIDS were treated, as opposed to the general prison population, and found that prison policies dictated that the most resources within the prisons went to the most advantaged groups and the least protected were those who were perceived as “deviant” within the prison culture, in this case, the prisoners with AIDS. This study has implications for similar studies of sex offender policies, as sex offenders are traditionally viewed as a

“deviant” population even within the prison and therefore may be subject to additional burdens during their prison time and upon release.

Schneider (1999) also examined prisons and the private prison movement in the United States. She found that in several states, when the policy overreaches in its intended goals and impact, opportunities for change in those policies may occur. The relevancy to sex offender policy here is that sex offender policy may be perceived as having overreached its intended goals, as evidenced by the failure of most states to pass the Adam Walsh Act, despite impending financial penalties for the failure to pass a similar bill in their state. In this case, the policy may have reached a tipping point of sorts where policy changes may be introduced. This idea may work in tandem with Schneider’s views that policies that are perceived as exceptionally harsh on disadvantaged populations may achieve the opposite of their goal, in that they may force public opinion to change their social construction of the disadvantaged population and in turn view this population as worthy of policy reform to distribute benefits.

As evidenced above, social construction theory has utility in examining criminal justice policy and may therefore be efficacious in the study of sex offender legislation in the United States. A policy level theory is useful in providing a framework for understanding the sheer volume of policy in this area.

Overview of Empirical Literature

History of Sexual Offender Legislation in the United States

The majority of scholars begin their analysis of sex offender legislation with the 1930s. As with many current sex offender laws, emotionally charged cases of sexual abuse to children instigated stricter sexual offense legislation in the United States in the 1930s (Terry & Ackerman, 2009). Most scholars cite the case of Albert Fish, who was rumored to have tortured and killed over 100 children across the United States, as the case which provided the impetus for stricter legislation regarding the prosecution and incarceration of sexual offenders (Taylor, 2004). Throughout the late 1930s to the 1950s, many states implemented policies to incapacitate sexual offenders by sending them to mental hospitals. Michigan was the first state to do so, and 28 other states followed; these policies were based upon the prevailing thought at that time that all sexually-based offenses were due to psychological disturbances in the brain and therefore would best be treated at a mental institution.

Offenders were sent to an institution until they were “cured” or were no longer considered a danger to society (Terry & Ackerman, 2009). Sexual offenses were broadly categorized at this point and one could be placed in a mental institution for anything from peeping and lewd acts to sexual molestation (Terry & Ackerman, 2009). Unfortunately, “dangerousness” was a difficult concept to measure and was also subject to cultural influences (e.g., at that time, homosexual men were considered “dangerous” and therefore subject to imprisonment), so many offenders were imprisoned indefinitely, until the cultural norms shifted. Homosexuality is one such example; the American Psychiatric Association (APA) listed “homosexuality” as a sexual deviation in the Diagnostic and Statistical Manual of Mental Disorders until 1973 and it was not until 1992 that the

World Health Organization (WHO) removed homosexuality from its list of diseases (Terry & Ackerman, 2009).

By the late 1940s, many scholars were beginning to question the use of civil commitment for all sexual offenders. Tappan (1950) produced a comprehensive report depicting the inaccuracies regarding sexual offenders that were currently reflected in the laws. He argued that the costs for civil commitment were too onerous for the taxpayers and the practice of committing men without due process set up a dangerous situation for civil rights (Tappan, 1950). In the 1970s and 1980s, cultural norms shifted yet again and the focus shifted to sexual victimization; this was mainly related to the rise of feminist researchers and focused predominantly on sexual abuse occurring within the home, rather than offenses committed by strangers (Terry & Ackerman, 2009).

Current Sexual Offender Legislation in the United States

In the early 1990s, a new wave of legislation drastically changed the perception of sex offenders in the United States. Washington was the first state to implement specific laws intended to promote public safety and prevent sexually-based offenses against children. There were 2 specific cases that led to this new legislation, both involving offenders who had previously been released from prison, both having served sentences for sexual crimes and giving statements that indicated they would harm other children if released (Terry & Ackerman, 2009). Washington, as well as the majority of other states in the United States, had finite sentences for sexual acts; legislators pushed for more comprehensive legislation to ensure public safety from sexual offenders. These laws were largely a reaction to the two previously mentioned heinous cases of sexual abuse

and molestation against children in Washington; the subsequent laws were named for the children who were killed by sexual offenders and thus started a sequence of “memorial laws” for sexual offenses, or laws named for the children who were sexually assaulted and killed (Terry & Ackerman, 2009). The first act passed in Washington, which would later be replicated in other states and at the federal level, was entitled the Community Protection Act of 1990. The act dealt specifically with 14 provisions for ensuring community safety once a sex offender was released from prison back into the community (Terry & Ackerman, 2009).

In 1994, the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act was passed, mandating sexual violent offenders and offenders who committed crimes against children to register with law enforcement agencies (Robbers, 2009). This was a federal act which required each state to create a registry for offenders convicted of sexual offenses against children (Robbers, 2009). The Wetterling Act was amended in 1996 by the passage of Megan’s Law, which mandated that states establish a statewide system for registering and tracking registered sexual offenders, and this system must be available to the public. The Jacob Wetterling Act and Megan’s Law were both federal policies that were to be implemented on the state level; if states failed to comply with these acts, they were subject to losing 10% of their funding under the Edward Byrne Memorial State and Local Law Enforcement Assistance grant program (Sample & Bray, 2006). Also in 1996, the federal government passed the Pam Lychner Sexual Offender Tracking and Identification Act, establishing a national database of sex offenders with the Federal Bureau of Investigation (FBI) (Terry & Ackerman, 2009).

Several states adopted their own measures in attempts to ensure public safety. One example is Florida's Jimmy Ryce Involuntary Civil Commitment for Sexually Violent Predators Treatment and Care Act which provided for the long term civil commitment of sexual offenders who are assessed to be at a high risk for recidivism (Terry & Ackerman, 2009). Many other states implemented similar legislation.

In 2000, the federal government passed the Campus Sex Crimes Act which requires sexual offenders to provide information about the higher education institutions where they attend or are employed, in an effort to reduce the amount of sexual assaults on college campuses (Terry & Ackerman, 2009). In addition to the memorial laws, there were broader measures of federal legislation enacted to protect children, as well as investigate and prosecute sexual offenders. The PROTECT Act of 2003 created a national Amber Alert system, lifted the statute of limitations on sexual abuse charges, authorized supervised release programs for sexual offenders after release from prison, and increased various other penalties for criminal and sexual offenses against children (Terry & Ackerman, 2009). In 2005, the Jessica Lunsford Act was passed in Florida, increasing the supervision of sexual offenders on the state registry, the fingerprinting of all school employees and increasing the penalties for crimes against minors. Similar to many of the aforementioned memorial laws, similar legislation was passed in many other states after Florida implemented these policies (Terry & Ackerman, 2009).

The most recent legislative act, the Sex Offender Registration and Notification Act (SORNA), Title I of the Adam Walsh Child Protection and Safety Act of 2006, is the most punitive and comprehensive piece of sexual offender legislation ever passed. The

law was passed by the federal government and requires each state to implement legislation including the following provisions: (1) DNA samples are required of all sex offender registrants, (2) all juvenile sex offenders are required to register on the public registry and offenders over the age of 14 who were convicted of certain offenses are subject to community notification upon their release into the community (Terry & Ackerman, 2009), (3) juveniles convicted of a sexual offense are required to register for a minimum of 10 years (Letourneau, et al., 2009a), (4) failure to register was made into a felony offense, punishable by up to 10 years in prison, (5) state registries must include information on all three tiers of offenders (previously only the high risk offenders had their information posted), (6) Tier 3 offenders must register for life and register in person with law enforcement agencies every 3 months, and (7) Tier 2 and Tier 1 offenders are required to register for 25 years (registration in person with law enforcement every 6 months) and 15 years (registration in person with law enforcement every 12 months), respectively (Terry & Ackerman, 2009). The Adam Walsh Act was passed quickly by Congress, but has not been implemented in most states (Dickson, 2009). The act was passed in 2006 and originally gave states three years to comply with the new portions of the law, or risk losing federal funding. It is critical to note that the legislation provided no additional funding to implement these policies. However, as this newest act was quite far-reaching in its scope and required massive overhauls to the current systems, Attorney General Eric Holder granted the states a one-year extension in June 2009 when it was clear that not one state was ready to comply with the act (Dickson, 2009). As of May 2010, only three states (Ohio, Delaware and Florida) and two Native-American tribes

(Confederated Tribes of the Umatilla Indian Reservation and Confederated Tribes and Bands of the Yakama Nation) were deemed in compliance with the act (United States Department of Justice, 2010). However, when the national administration changed in 2008 with the election of President Obama, the leadership of the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) changed and states who submitted documentation for compliance with SORNA seemed to be judged very differently (e.g., many states submitted packages that were markedly different than other states and diverged significantly from the original requirements of SORNA) and were deemed in compliance. As of December 2012, the following states/territories are in compliance with SORNA: Alabama, Commonwealth of the Northern Mariana Islands, Delaware, Florida, Guam, Kansas, Louisiana, Maryland, Michigan, Mississippi, Missouri, Nevada, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, United States Virgin Islands and Wyoming (U. S. Department of Justice, 2012).

This legislation reflects a growing public concern that juvenile sex offenders recidivate at a much higher rate than any other type of juvenile offender and as such, should be subject to additional sanctions (Vitacco, Caldwell, Ryba, Malesky, & Kurus, 2009). Laws that specifically target juvenile sex offenders and mandate punitive sanctions after release into the community are based on the assumption that juvenile sex offenders differ in critical and durable ways from other juvenile delinquents (M. F. Caldwell, 2007). These public policies have often been based on inaccurate or incomplete

information on the risk of juvenile sexual offending and recidivism (E. Letourneau & M. H. Miner, 2005; Zimring, 2004).

Review of Empirical Evidence of Juvenile Sex Offender Legislation and Recidivism

Over the past two decades, there has been an increasing focus on the occurrence of sexual offenses committed by adolescents. Adolescents accounted for 1 in 5 sexual assaults, and up to 1 in 3 assaults against young children in 2005 (Federal Bureau of Investigation, 2006). Specifically, male adolescents accounted for 16% of all arrests for forcible rape and other sexual offenses in 1991, 1995 and 2000 (Bureau of Justice, 2001). These statistics have contributed to a new discourse that adolescent sexual offending is quickly approaching epidemic proportions.

Conversely, other studies suggest that adolescent sexual offending increased sharply from the late 1980s to 1994 and experienced an equally sharp decrease from 1994 to 2000 (E. Letourneau & M.H. Miner, 2005). Similarly, Franklin Zimring, a professor of law at University of California-Berkeley and a renowned expert on adolescent sexual offender policy, indicated that juvenile sex offense rates from the 1970s through 2000 can be characterized more by stability than by change in either direction (2004). Despite the differing viewpoints on the actual prevalence of adolescent sexual offending in the United States in the past two decades, there has been a surge of legislation regarding juvenile sexual offenders.

This legislation reflects a growing public concern that juvenile sexual offenders recidivate at a much higher rate than any other type of juvenile offender and as such, should be subject to additional sanctions (Vitacco, et al., 2009). Laws that specifically

target juvenile sexual offenders and mandate punitive sanctions after release into the community are based on the assumption that juvenile sexual offenders differ in critical and durable ways from other juvenile delinquents (M.F. Caldwell, 2007). These public policies have often been based on inaccurate or incomplete information on the risk of juvenile sexual recidivism (E. Letourneau & M.H. Miner, 2005; Zimring, 2004).

Unintended Consequences of Juvenile Sex Offender Legislation

Several studies have compared juvenile sexual offenders who have been subject to registration vs. those that have not. The juveniles were matched on various factors, including demographic factors, offense histories and characteristics of the current offense, allowing for a fairly accurate assessment of the deterrence effect these policies may have on juveniles. In the most comprehensive study of this type, Letourneau, et al. (2009b) found no significant differences in sexual recidivism for a group of 111 registered juvenile sex offenders vs. a group of non-registered offenders. They concluded that for their sample, there was no support for the assumption that registration decreases the sexual recidivism risk for juveniles and registration did not decrease the risk of sexual re-offending. Similarly, Schram and Milloy (1995) found that 79% (n = 14) of the juveniles arrested for sexual offenses and subject to community notification were re-arrested for new offenses. Of these, 43% committed new sexual offenses (Schram & Milloy, 1995). Since the sample size for this study was quite small, it is critical to expand upon this research for juveniles in other states who are subject to community notification.

Letourneau, et al. (2009b) did however find a surveillance effect for registered youth; essentially, since registered youth are placed on public registry and their names are readily available as potential suspects for new crimes, these youth are at an increased risk for being charged with other non-sexual offenses after registering. Vàsquez, Maddan, and Walker (2008) also alluded to this in their study; they found that in some states, due to the increase in the number of offenses now classified as “sexual offenses... police practices in concert with community support may now be focusing more on sex offenders (p. 188).” This in turn could lead to an inflated number of sex offenses, as law enforcement is now “focused on a predetermined population [previously convicted sex offenders] that is relatively easy to find (p.188).” Additionally, the policy itself aims to promote public safety, but it also may heighten fear and promote panic and vigilante justice in communities, which in turn decreases public safety (Elbogen, Patry, & Scalora, 2003; Younglove & Vitello, 2003). Other scholars also believe that the policies may decrease public safety by diverting attention and resources away from those offenders most in need of services and by inadvertently creating a false sense of security for community members (Fortney, Levenson, Brannon, & Baker, 2007). These unintended consequences of sexual offender legislation provide researchers with multiple avenues for examining the issue and hopefully ascertaining the relative success or failure of the laws. As the Jacob Wetterling Law was the first to place juveniles on public registries, the efficacy of this law in deterring future crimes and reducing recidivism must be examined. Additionally, as more states attempt to comply with the federal government’s passage of the Adam Walsh Act, it is critical to examine if the data suggests that a version of this

law should be passed in each state and if so, what the contents of that law would be in order to achieve the original intentions of the public registry of juvenile sex offenders, both deterrence and reducing recidivism.

Although several studies have looked at individual juvenile offenders and their risk for recidivism after they have registered as sex offenders, to date, no study has examined the impact on overall crime rates in states who have placed juvenile sex offenders on a public registry vs. crime rates in states which did not place juvenile sex offenders on a public registry. This is the focus of this dissertation in Chapters 2 and 3 and will hopefully provide meaningful data to the overall discussion on the impact of sex offender legislation for juveniles in the U.S, both for the individual offenders and the public. It is important to note that the methodology for examining these arrest rates was identical for sexual/violent offense arrest rates (the focus of Chapter 2) and non-sexual/status offense arrest rates (the focus of Chapter 3) and therefore the methodology section of these two articles is very similar. This repetition is necessary as the methodology was virtually identical.

Additionally, in Chapter 4, this dissertation will examine the attempt to pass the Adam Walsh Act in Texas during the 2007 legislative session and the reasons for the ultimate failure of the act to pass, despite Texas' reputation as a tough on crime state. This, in combination with the information from Chapters 2 and 3, will provide important information for policymakers, practitioners and the general public.

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Chapter 2

Examining the Impact of Megan's Law on Sexual and Violent Offense Rates:

A Segmented Regression Approach

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Over the past two decades there has been an increased focus on sexual offenses and subsequently, the individuals who commit these offenses, from law enforcement, media and the general public. This increased focus has led to an increase in legislation geared specifically towards sex offenders. Beginning in the early 1990s, the legislation originally was focused on adult sex offenders, but legislators were quick to include juvenile offenders in the legislation, perhaps without a complete picture of the severity and frequency of juvenile sexual offending.

There are no exact figures for how many juveniles are arrested or incarcerated for all sexual offenses in the United States. Each state defines and adjudicates these crimes differently, thus making it difficult to ascertain exact numbers. However, according to the 2002 report from the Federal Bureau of Investigation's (FBI), Uniform Crime Reports (UCR), there were 2,814 juveniles arrested for forcible rape in that year. Comparatively, in 2011, there were 1,735 juveniles arrested for forcible rape, representing a 38.3% decrease in arrests when compared to 2002 (Federal Bureau of Investigation, 2011).

Despite this decline, during this same decade, five new pieces of federal sexual offender legislation were passed, each more punitive and comprehensive than the next, with portions of many laws aimed specifically at juveniles, and countless pieces of legislation aimed at this same population passed at the state level (Terry & Ackerman, 2009).

Sexual Offense Legislation

This tide of increasingly punitive legislation for sexually-based offenses, and particularly juvenile perpetrators of sexual offenses, began in the early 1990s. A new wave of legislation changed the perception of sex offenders in the United States.

Washington was the first state to implement specific laws intended to promote public safety and prevent sexually-based offenses against children. There were two specific cases that led to this new legislation, both involving offenders who had previously been released from prison, both having served sentences for sexual crimes and giving statements that indicated they would harm other children if released (Terry & Ackerman, 2009). Washington, as well as the majority of other states in the United States, had finite sentences for sexual acts; legislators pushed for more comprehensive legislation to ensure public safety from sexual offenders. These laws were largely a reaction to the two previously mentioned heinous cases of sexual abuse and molestation against children in Washington. The subsequent laws were named for the children who were killed by sexual offenders and thus started a sequence of “memorial laws” for sexual offenses, or laws named for the children who were sexually assaulted and killed (Terry & Ackerman, 2009). The first act passed in Washington, which would later be replicated in other states and at the federal level, was entitled the Community Protection Act of 1990. The act dealt specifically with 14 provisions for ensuring community safety once a sex offender was released from prison back into the community (Terry & Ackerman, 2009).

In 1994, the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act was passed, mandating sexual violent offenders and offenders who committed crimes against children to register with law enforcement agencies (Robbers, 2009). This was a federal act which required each state to create a registry for offenders convicted of sexual offenses against children (Robbers, 2009). The Wetterling Act was amended in 1996 by the passage of Megan’s Law, which mandated that states

establish a statewide system for registering and tracking registered sexual offenders, and this system must be available to the public. When this act was instated, states were allowed to choose whether they would place juveniles who had been convicted of a sexual offense on a public registry; two states (Washington and Minnesota) were already registering juveniles and 29 additional states began registering juveniles at this time. The remaining states opted to leave juveniles (ages 18 and younger) off public registries at that time. The Jacob Wetterling Act and Megan's Law were both federal policies that were to be implemented on the state level; if states failed to comply with these acts, they were subject to losing 10% of their funding under the Edward Byrne Memorial State and Local Law Enforcement Assistance grant program (Sample & Bray, 2006).

The pervasive theme in these recent legislative acts is that without some sort of intervention or public surveillance, sex offenders will never stop committing sex crimes (Sample & Bray, 2003). The majority of this legislation is predicated upon the belief that sexual offenders have a higher risk of recidivism than other types of criminals, so it is essential to examine if the empirical literature and data on this population support this assertion. Similar to the conflicting accounts of actual occurrence of sexual offenses committed by adolescents, juvenile sexual offender recidivism estimates vary widely across empirical studies. There are two elements on which virtually all studies in this area reach consensus: (1) juvenile sexual offenders recidivate with non-sexual crimes at a much higher rate than sexual crimes, and (2) all estimates of sexual offenses are likely conservative as sexual assaults are underreported (e.g., the actual rate of incidence of

sexual crimes is likely much higher than the rates that are reported) (Worling, 2004).

Sexual and Violent Offense Recidivism in Juvenile Sexual Offenders

Worling and Curwen (2000) collected recidivism data from 10 studies regarding the efficacy of treatment for juvenile sex offenders published since 1975 (the year the first comprehensive treatment program for juvenile sexual offenders was established) and found rates of sexual recidivism ranging from 0 to 14%. The studies included varied on the definition of recidivism used and therefore the data collected included re-arrests for a sexual crime, reconvictions for a sexual crime, and self-report data. Comparisons across studies using different definitions of recidivism should be interpreted with caution, due to the inherent differences in these varying measures of sexual recidivism.

Other studies have also examined the recidivism of juvenile sex offenders prior to public registration. In their 1993 study, Rubinstein, Yeager, Goodstein and Lewis examined recidivism rates for 19 juveniles who had previously been convicted of a sex offense; 37% of their sample recidivated (1993). Subsequent researchers (e.g., Sipe, Jensen and Everett, 1988) argued that their sample was comprised almost solely of violent offenders and therefore their results could not be generalized to all juvenile sex offenders. In their own study, Sipe, Jensen and Everett (1988) found that 9.7% of their sample of 164 offenders were re-arrested for a sexual offense. Righthand and Welch (2001) found an identical recidivism rate for their sample of 124 juveniles who had committed “nonviolent” sex offenses against children younger than 16 years old; 9.7% of their sample was subsequently arrested for a sex offense as an adult. Caldwell (2002) conducted a meta-analysis of 25 studies assessing sexual offense recidivism in juvenile

sexual offenders and found a 9% recidivism rate. Similarly, Trivits and Reppucci (2002) found a 10% recidivism rate for juvenile sexual offenders averaged across all of the studies included in their meta-analysis. Prescott (2004) analyzed 13 studies conducted in 1988 through 2000 and found sexual recidivism rates ranging from 0% to 20%. Caldwell (2007) compared the recidivism rates for violent sex offenders as compared to nonviolent sex offenders and found very similar recidivism rates of 6.6% and 6.8%, respectively.

The Indiana Department of Corrections conducted a 3 year recidivism study of juvenile sex offenders and found that only 2.8% of offenders released in 2007 were placed back in the Department of Corrections for a new sex offense (Schelle, 2010). Most recently, Caldwell (2010) examined 63 studies of juvenile sex offender recidivism, providing a data set of 11,219 offenders. The weighted mean sexual offense rate was 7.08%. This study included previous studies that defined recidivism as reconviction and studies that defined recidivism as re-arrest. Caldwell (2010) found that there was no significant difference in the recidivism rates between the two types of recidivism data, providing evidence that either type of recidivism data could be utilized when studying this population.

Several studies have compared juvenile sexual offenders who have been subject to registration vs. those that have not. The juveniles were matched on various factors, including demographic factors, offense histories, and characteristics of the current offense, allowing for a fairly accurate assessment of the deterrent effect these policies may have on juveniles.

In the most comprehensive study of this type, Letourneau, et al. (2009b) found no significant differences in sexual recidivism for a group of 111 registered juvenile sex offenders vs. a group of non-registered offenders. They concluded that for their sample, there was no support for the assumption that registration decreases the sexual recidivism risk for juveniles and registration did not decrease the risk of sexual re-offending.

Conversely, Schram and Milloy (1995) found that 79% (n = 14) of the juveniles arrested for sexual offenses and subject to community notification were re-arrested for new offenses. Of these, 43% committed new sexual offenses (Schram & Milloy, 1995). Since the sample size for this study was quite small, it is critical to expand upon this research for juveniles in other states who are subject to community notification.

Finally, Vandiver (2006) followed 300 registered adult male sex offenders (who were juveniles at the time of their initial arrest for a sex offense) for three to six years after they turned 17. There were 158 individuals rearrested during that time, 28 for assaultive offenses and 13 for sexual offenses. Regardless of the study, it is evident that the rates of sexual recidivism are lower than what the popular media often portrays.

Therefore it is imperative to examine the efficacy of public registration of juvenile sex offenders in the reduction in recidivism rates for sexual offenses.

Research Questions

The studies reviewed above examined recidivism for sexual and violent offenses in individual juvenile sex offenders, but, to date, there has not been a study which compares the rates of crime with the state as the unit of analysis. This article will focus on the efficacy of Megan's Law in states which elected to publicly register juvenile sex

offenders, as compared to those states that left the juveniles off the public registry until being forced to following the passage of the Adam Walsh Act. The primary research question for this article is: do sexual offense arrest rates in states where juveniles are required to register as sex offenders differ from the sexual offense arrest rates in states where juveniles are not required to register as sex offenders? Secondly, this article will also examine if violent offense arrest rates in states where juveniles are required to register as sex offenders differ from the violent offense arrest rates in states where juveniles are not required to register as sex offenders.

Methodology

This study utilized a retrospective two-group time-series design to examine the arrest rates for states where juveniles are required to register as sex offenders as compared to arrest rates in states where juveniles do not register as sex offenders. An interrupted time-series analysis is the strongest quasi-experimental design used to evaluate longitudinal effects of an intervention - in this case, the implementation of Megan's Law (Cook & Campbell, 1979). A time-series is a sequence of data of a particular measure taken at regularly spaced intervals over a specified period of time (Wagner, Soumerai, Zhang, & Ross-Degnan, 2002).

Setting

The data used in this analysis was from the Uniform Crime Reports (UCR), a collection of arrest statistics compiled by the Federal Bureau of Investigation (FBI). In 1929, the International Association of Chiefs of Police devised the UCR program to meet

a need for reliable, uniform crime statistics for the nation. In 1930, the FBI was tasked with collecting, publishing, and archiving those statistics. The statistics are compiled annually with data provided by nearly 17,000 law enforcement agencies across the United States (UCR website).

As the study utilized a segmented regression analysis, arrest rates from the following years were included:

Pre-test measures: 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997 (Legislation was enacted in 1996, but it can be assumed that it took at least one calendar year to be implemented and to take effect)

Post-test measures: 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008

The data were obtained via a request to the UCR database. The data was converted to a PASW file and was analyzed in PASW Statistics Version 17.

Sample

The arrest rates from states with juvenile sex offender registration policies were included in the intervention group, while arrest rates from states that do not have juvenile sex offender registration policies were included in the comparison group. The states included in intervention and comparison groups are, respectively:

Intervention: Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nevada, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Texas, and Wisconsin

Comparison: Alaska, Georgia, Kentucky, Louisiana, Maine, Maryland, Nebraska, New Hampshire, New Jersey, New Mexico, New York, Pennsylvania, Tennessee, Utah, Vermont, Virginia, West Virginia, and Wyoming

As the FBI collects and disseminates the information regarding arrest rates from all 50 states, this study used their online database to access this information. The UCR can be accessed at <http://www.fbi.gov/ucr/ucr.htm>.

Arrest rates from Washington and Minnesota were excluded from the analysis because these states enacted juvenile sex offender registration policies prior to 1996. Current arrest rates from these states may be influenced by unique historical events prior to enactment by the other test states possibly introducing a selection bias. Therefore, comparing rates from these states to states that have recently enacted the legislation would not yield helpful data and arrest rates from these states were excluded from the analysis. Additionally, in cleaning the data, it was discovered that Florida was missing juvenile arrest data for 14 of the 23 years included in the study, so Florida was excluded from the study as well.

Procedures

The aim of this study is to determine the impact of juvenile sex offender registration policies on arrest rates for sexual and violent crimes. Juvenile sex offender registration policies were enacted to deter individuals from committing initial sexual crimes, as well as deter individuals who have already been adjudicated for committing a sexual crime from committing an additional offense. Therefore, in order to ascertain if the policies are achieving this goal of deterrence, it is necessary to compare the arrest rates in states that have enacted this policy with the arrest rates in states that do not yet have this policy. As arrest rate information is already collected by individual police departments and then disseminated by the FBI via the UCR, access to the UCR provided

the researcher with the data for this study. However, since the UCR only provides the number of arrests, this data was converted to percentages of arrests per 100 juveniles using the Census data for the number of juveniles residing in a state during the years 1986-2008. Census data was accessed at <http://www.census.gov/>.

Intervention

The states with juvenile sex offender registration policies enacted in 1996 comprised the intervention condition. As this study is a policy analysis, the intervention for this study is the juvenile sex offender registration policy. In 1994, the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act was passed, mandating sexual violent offenders and offenders who committed crimes against children to register with law enforcement agencies (Robbers, 2009). In 1996, this act was amended by the passage of Megan's Law which required registries to be made public. As individual states implemented this national legislative act, each state was left to decide if they would include juveniles in their registration policies. Twenty-nine states decided to include juveniles in their registration beginning in 1996. This study used a segmented regression analysis to determine what changes, if any, occurred in arrest rates prior to the implementation of this policy and following the implementation of the policy. Nineteen states opted to not require juveniles to register when they implemented their initial registration policies in 1996. The arrest rates from these states served as the comparison condition for this policy analysis.

Measurement

The dependent variables for this study were the sexual and violent arrest rates for the states included in each group. The two categories of the UCR that were included for sexual offenses are forcible rape and sexual offenses. The following categories of the UCR were condensed into one violent offense category: violent crimes, murder and non-negligent manslaughter, robbery, aggravated assault, and other assaults. The number of arrests by juveniles in each category was divided by the population of juveniles per state in order to obtain a percentage arrest rate per 100 individuals. These arrest rates can then be compared across states, as the percentage controls for population differences between states. The arrest rates are continuous variables.

The arrest rates, as mentioned above, were taken at 23 different time points in this analysis. In order to establish a baseline of arrest rates for each state, the arrest rates for 12 years prior to the implementation of this policy (1986-1997) were taken. The data from 1997 was included in the pre-implementation segment of time because it is reasonable to assume that the policy took one calendar year to be fully implemented in each state and allows for the policy to take effect. Additionally, the data for 11 years (1998-2008) post-implementation of this policy were taken, in order to ascertain any changes in arrest rates with the legislation. Using the data for 12 years prior and then 11 years post-legislation established a pattern of arrest rates for each state and strengthens the design by establishing a true baseline, therefore making it easier to identify any significant changes in arrest rates after the legislation was implemented. The independent variable is the juvenile sex offender registration policy, as described above.

The variable is dichotomous; the 29 states in the experimental condition have the policy while the 19 states in the comparison condition do not.

Data Analysis

Segmented regression analysis can be used as a powerful statistical method for measuring intervention effects in an interrupted time-series study. It allows researchers to assess how much an intervention changed the dependent variable (or outcome of interest, in this case, arrest rates) immediately or over time; immediately following the intervention or with some delay; if the effects are time-limited or long-term; and finally whether factors other than the intervention could explain the change (Wagner, et al., 2002). In a time-series design, segments are defined when the sequence of measures is divided into two or more portions at change points; in the current study, the measures are divided into sections, pre-Megan's Law and post-Megan's Law. Change points are specific points in time where the values of the time series could potentially display a change from the prior pattern because of an identifiable intervention (in the current study, a policy) (Wagner, et al., 2002). The selection of the beginning and end of each segment is directly related to the beginning and end of the intervention. Additionally, segmented regression analysis allows for the addition of a pre-specified lag time to allow the intervention (policy) to take effect (Wagner, et al., 2002). As segmented regression analysis requires the data to be collected regularly over time and organized at regularly spaced intervals, the data for the UCR fits well into this statistical model.

Each segment in a time series is defined by two key parameters: level and trend (slope). The level is the value of the series at the beginning of a defined time interval (y-

intercept), while the trend reflects the rate of change during a segment (Dumsha, DiTomasso, Gomez, Melucci, & Stouch, 2011). A change in level in the outcome immediately following the intervention, either positive or negative, indicates an abrupt intervention effect and can be measured by calculating the difference between the last pre-intervention time point and the first post-intervention time point (Dumsha, et al., 2011; Ramsay, Brown, Hartman, & Davey, 2003; Wagner, et al., 2002). A change in trend, or slope, is defined by an increase or decrease in the slope of the segment after the intervention as compared to the segment preceding the intervention, representing a more gradual change in the value of the outcome during the segment or a more gradual effect of the intervention over time (Dumsha, et al., 2011; Wagner, et al., 2002).

For the current study, the following linear regression model has been specified to estimate the level and trend in mean numbers of arrests per group before Megan’s Law was implemented and any changes in level and trend post-implementation:

$$Y_t = \beta_0 + \beta_1 * \text{time}_t + \beta_2 * \text{intervention}_t + \beta_3 * \text{time after intervention}_t + \beta_0 \text{ adopted} + \beta_1 * \text{time_by_adopt}_t + \beta_2 * \text{intervention_by_adopt}_t + \beta_3 * \text{time after intervention_by_adopt}_t + e_t$$

In this equation, Y_t is the mean number of arrests per group in the year t , time is a continuous variable indicating time in years at time t from the start of the observation period, intervention is an indicator for time t occurring before (intervention = 0) or after (intervention = 1) the implementation of Megan’s Law which occurred at year 12 in the series, and time after intervention is a continuous variable counting the number of months after the intervention at time t , coded 0 before the passage of the law and (time – 11) after the passage of the law. β_0 estimates the baseline level of the outcome, the mean number

of arrests per year at time zero, β_1 estimates the change in the mean number of arrests that occurs with each month before the passage of the law (e.g., the baseline trend), β_2 estimates the level change in the mean number of arrests immediately following the passage of the law, and β_3 estimates the change in the trend in the mean number of arrests per year after the passage of the law, compared with the annual trend before the passage of the law. The sum of β_1 and β_3 is the post-intervention slope. The second segment of the equation (denoted by the inclusion of the term “Adopted”) includes the group to compare those states that adopted Megan’s Law to those that did not. Using this model to estimate any changes in level and trend associated with the passage of the law controls for baseline level and trend, a strength of the segmented regression method (Wagner, et al., 2002).

The interrupted time-series design with segmented regression analysis also allows for a control or comparison group. In this case, the states who did not implement Megan’s Law in 1996 served as the control group and strengthened the design of the study, helping to control for internal validity threats such as history.

Results

The results of the segmented regression analysis for sexual offense arrests for both the overall model and the comparison model are presented in Table 1.

Table 1. Parameter estimates, standard errors and P – values of sexual offense arrests before and after the implementation of Megan’s Law

	Coefficient	Standard error	t -statistic	P -value
Intercept β_0	249.114	45.550	5.469	.000
β_1 *time _{t}	6.025	7.015	.859	.391
β_2 *intervention _{t}	-42.405	70.029	-.606	.545
β_3 *time after intervention	-11.406	10.638	-1.072	.284
Intercept β_0 adopted	188.394	57.988	3.249	.001
β_1 *time_by_adopt _{t}	9.655	8.930	1.081	.280
β_2 *intervention_by_adopt _{t}	-139.482	89.152	-1.565	.118
β_3 *time after int. by adopt _{t}	-15.478	13.543	-1.143	.253

These results indicate that before the passage of Megan’s Law, there were no significant year-to-year changes in the mean number of arrests for sexual offenses in the overall model (P -value for baseline trend = .391) or between groups (P -value for baseline trend = .280). Immediately following the adoption of Megan’s Law, there was no significant year-to-year change in the mean number of arrests for sexual offenses in the overall model (P -value for level change = .545), nor between groups (P -value for level change = .118). In the 11 years following the adoption of Megan’s Law, there was no significant change year-to-year change in the mean number of arrests for sexual offenses in the overall model (P -value for trend change = .284) or between groups (P -value for trend change = .253). Although there were no significant changes detected in this model, the data presented offers extremely important information for legislators and will be discussed more fully in the discussion section.

An identical segmented regression model was run for violent offense rates. The results of the segmented regression analysis for violent offense arrests for both the overall model and the model including a comparison group are presented in Table 2.

Table 2. Parameter estimates, standard errors and *P* – values of violent offense arrests before and after the implementation of Megan’s Law

	Coefficient	Standard error	<i>t</i> -statistic	<i>P</i> -value
Intercept β_0	273.441	26.608	10.276	.000
β_1 *time _{<i>t</i>}	23.632	4.098	5.767	.000
β_2 *intervention _{<i>t</i>}	-69.723	40.908	-1.704	.089
β_3 *time after intervention	-23.922	6.214	-3.849	.000
Intercept β_0 adopted	42.351	33.874	1.250	.211
β_1 *time_by_adopt _{<i>t</i>}	-1.793	5.217	-.344	.731
β_2 *intervention_by_adopt _{<i>t</i>}	-18.860	52.079	-.362	.717
β_3 *time after int. by adopt _{<i>t</i>}	4.445	7.911	.562	.574

These results indicate that before the passage of Megan’s Law, there was a significant year-to-year change in the mean number of arrests for violent offenses in the overall model (*P*-value for baseline trend = .000). Conversely, there was no significant change between groups before the passage of Megan’s Law (*P*-value for baseline trend = .731). Immediately following the adoption of Megan’s Law, there was no significant year-to-year change in the mean number of arrests for sexual offenses in the overall model (*P*-value for level change = .089), nor was there any significant change between groups (*P*-value for level change = .717). In the 11 years following the adoption of Megan’s Law, there was a significant change year-to-year change in the mean number of arrests for sexual offenses in the overall model (*P*-value for trend change = .000), but there was no significant change between groups (*P*-value for trend change = .574). All of

the data provided by this regression model is useful for examining the effects of the adoption of Megan's Law and the differences in the overall model versus the model comparing groups are of particular interest.

Discussion

The current study compared sexual and violent crime arrest rates in states that implemented Megan's Law to those that did not, both prior to the passage, and for 11 years after. The results differed slightly for the different types of crimes, so it is imperative to discuss each category separately.

Sexual Crimes

Popular media suggested that there was a crime wave of epic proportions occurring in the United States beginning around 1990 and that sexual offenders were some of the worst offenders and therefore needed to be subject to additional sanctions, thus the increase in sexual crimes legislation over the past three decades. The data in the current study suggest that this is not an accurate picture of the state of sexual offending in the United States. There were no significant changes between groups for sexual crimes before, immediately following, or in the 11 year follow-up period to the passage of Megan's Law. Essentially, states that spent millions of dollars to implement a policy intended to reduce the incidence of sexual crimes both by identifying juveniles who had previously offended sexually and by deterring individuals from committing an initial sexual offense for fear of the public registration as a sex offender had no significant

difference in rates of arrests for sexual crimes than those states that did not implement the policy.

In the 12-year period leading up to the passage of the law, there was no significant change in year-to-year arrest rate for sexual crimes in the overall model, indicating the arrest rates for sexual crimes were holding fairly steady, despite what was reported by the popular media and legislators trying to build a case for the need for stricter sex offender legislation. As there was also no difference between groups in the period before the law, it's interesting to note that the baseline indicates the two groups did not differ significantly in rates of arrests for sexual crimes. Therefore, it's intriguing that some states felt compelled to pass stricter legislation, perhaps without data to indicate the incidence of sexual crimes in their states was increasing.

Immediately following the passage of the law, there was no change in the overall model or between groups. This is to be expected, as policies typically take time to have a measurable effect on crime. The immediate threat of more severe sanctions for committing a sexual crime did not appear to change the rate of arrests between groups. However, it could also be argued that the rate of sexual offenses remaining constant is a victory in itself, as it was reported that a wave of sexual violence was occurring. But, as stated previously, the data from the baseline period does not support that a crime wave was occurring, despite what was being reported by the popular media and legislators at the time.

Finally, in the follow-up period, as deterrence was suggested as a predominant reason to implement Megan's Law, a significant decrease in crime between groups could

suggest that the law was working; however, no significant differences were found between groups, or in the overall model. It appears that states that chose to implement Megan's Law invested much of their time and resources into maintaining the status quo. Again, it is critical to note that the rate of sexual crime was not significantly increasing either, so the laws may have had some small (e.g., not enough to achieve statistical significance in the segmented regression model) effect. Although it appears the passage of Megan's Law made no significant changes in sexual crime rates in states that did or did not pass it, it is perhaps more interesting to examine if rates of other types of crime had any significant changes. Increases in other rates of crime could indicate a criminogenic effect of the policy itself, or could represent a threat to public safety in that too many resources were spent implementing Megan's Law and therefore rates of other types of crimes increased due to an inability for police to enforce laws, or an inability to focus resources on preventing other types of crime.

Violent Crimes

Unlike the sexual crimes data, there were significant differences found in the overall model for violent crime rates. There was a significant change in the violent crime rate during the baseline period in the overall model ($p = .000$); the rate of violent crimes was increasing and this mirrored the concerns of popular media about a youth crime epidemic. There was not a significant change in the overall model immediately following the passage of the legislation ($p = .089$). Finally, there was a significant change in the rate of violent crime during the 11 year follow-up period ($p = .000$); however, the change

was occurring in the opposite direction as expected and violent crime rates amongst juveniles were decreasing.

There are many possible explanations for this change, none of which can be determined from the current study. It is plausible that violent crime incidents were not actually decreasing at all, but the focus on preventing sexual crimes led to a decreased focus on detecting and apprehending perpetrators of violent crimes (e.g., the same amount of crimes were being committed but law enforcement was simply not arresting people for violent crimes at the same rate as the baseline period). It is equally plausible that violent crime rates amongst juveniles were simply decreasing, mirroring a similar decline in violent crime amongst adults. One final possible explanation is the prevalence of tougher sanctions for violent and non-violent offenders (e.g., three strikes laws) during this time period and crime was simply decreasing because people were staying behind bars for longer and were therefore unable to commit new crimes. This could explain why there was a significant change in the follow-up period in the overall model, but not between groups.

There were no significant differences between groups in any of the three time periods included in the model. This suggests that the implementation of Megan's Law made no measurable difference in rates of violent crimes in those states as compared to states where Megan's Law was not passed. As Megan's Law was specific to sexual crimes, it can be assumed that there should be no measurable changes to other types of crimes and the current study suggests this is true. Further research is needed to replicate

the findings in the current study and ascertain what may account for the differences noted in both sexual and violent crime rates, both overall and between groups.

Limitations

While the current study uses some of the strongest available methods and data analysis available for quasi-experimental studies, there are still several limitations. Wagner et al. (2002) believe that 12 time points prior to the intervention and 12 time points post-intervention are necessary to conduct a segmented linear regression. The current study had 12 time points prior to the intervention, but only 11 years of data post-intervention. This was unavoidable, as the Adam Walsh Act was passed in 2008 and drastically changed registration laws for juveniles in virtually every state in the United States (Letourneau, et al., 2009b). This constitutes a second intervention and would need to be modeled as such. Including data post-2008 was outside of the scope of the current study, but the current study should be extended to include data post 2008 in future studies.

Additionally, as with all quasi-experimental studies, the results of the current study do not allow for causality to be determined (Cook & Campbell, 1979). From the results of the current study, it is impossible to determine if the adoption of Megan's Law or the failure to adopt it was the cause for any changes in arrest rates in juveniles. Due to the nature of policy research and the inability of researchers to randomly assign individuals or states to implement a policy, it is not viable for researchers to conduct true experimental research in this area. While correlation certainly does not equal causation, there is still much to be gained from this type of quasi-experimental study.

Finally, it is commonly known that the number of sexual offenses reported is traditionally much lower than the actual number of incidents (Letourneau, et al., 2009b; Parks & Bard, 2006; Pittman & Parker, 2013). As the UCR data includes only arrests (e.g., only when a victim reports the offense and a perpetrator is found), this could mean that the number of sexual crimes is much lower than what actually occurred during the time periods in this study. Fortunately, as the low likelihood of reporting a sexual crime is not specific to any state or region, states that adopted Megan’s Law and those that did not should have an equally low arrest rate for sexual crimes.

Future Directions

As mentioned above, the current study should be extended to include data post-2008 (when the Adam Walsh Act was passed at a national level). A major strength of segmented regression models and one reason why it was selected for use in the current study is that it allows for the inclusion of more than one intervention or change point (Wagner, et al., 2002). The model for the study would be:

$$Y_t = \beta_0 + \beta_1*time_t + \beta_2*intervention1_t + \beta_3*time\ after\ intervention1_t + \beta_0\ adopted + \beta_1*time_by_adopt1_t + \beta_2*intervention_by_adopt1_t + \beta_3*time\ after\ intervention_by_adopt1_t + \beta_4*time_t + \beta_5*intervention2_t + \beta_6*time\ after\ intervention2_t + \beta_4*time_by_adopt2_t + \beta_5*intervention_by_adopt2_t + \beta_6*time\ after\ intervention_by_adopt2_t + e_t$$

The federal government is currently very interested in examining the effects of the Adam Walsh Act on individual states and while a segmented regression model does not allow for individual level analysis, examining how different states that have or have not adopted the Adam Walsh Act vary in their arrest rates post-implementation could provide

very important information for legislators, lobbyists, and both criminal and juvenile justice officials.

Additionally, it would be interesting to examine any differences in the individual states in law enforcement policies related to juvenile sexual offenders. For example, the South is traditionally viewed as more “tough on crime” and it would be interesting to see if any regional differences exist in line with, or in opposition to, this view. Information gained from this type of study could potentially save millions of taxpayer dollars if they informed smarter policy decisions, facilitated better allocation of law enforcement resources, and helped inform law enforcement officials in their work with juvenile sex offenders.

The current study contributes to the growing body of research on the impact of registration laws for juvenile sex offenders. The results are quite mixed across studies as to the efficacy of these laws, and certainly there is much discussion of a cost-benefit analysis for states and the juveniles impacted by the laws. Although it is clear that the implementation of Megan’s Law impacted states in different ways that originally intended by the legislators, it is less clear if the impact was worth the cost to the state for implementing and enforcing the law, or the emotional cost to the victims, juveniles, families, and communities. More research is needed in each of these areas to determine the next steps in this area of public policy.

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Chapter 3

Unintended Consequences of Megan's Law: A Time-Series Analysis of Non-Violent and Status Offense Rates

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Public discourse and subsequently, public policy, geared towards sex offenders has increased exponentially in the United States over the past two decades. Cases of sex offenders who have been released from prison, only to reoffend sexually, receive an enormous amount of attention from popular media and have forced the federal government and most state governments to enact laws attempting to ensure public safety by deterring people from committing an initial sexual offense and by alerting the public when a sex offender is released into their community. Although most laws were originally written for adult offenders, recently the legislation has been extended to include juveniles as well. The legislation has impacted a large number of offenders, both adults and juveniles. In 2011, there were 747,408 sex offender registrants (adult and youth offenders) in the country. What proportion of these people committed sexual offenses as children is impossible to determine from publicly available national data (Pittman & Parker, 2013). In order to understand current policy in this arena, it is imperative to examine the history of sexual offense legislation in the United States.

Sexual Offense Legislation

The implementation of sexual offense legislation began as early as the 1930s in the United States. As with many current sex offender laws, emotionally charged cases of sexual abuse to children instigated stricter sexual offense legislation in the U.S. in the 1930's (Terry & Ackerman, 2009). Throughout the rest of the 20th century, sexual offense legislation changed in tandem with changing perceptions of crime and deviant sexuality. However, in the early 1990s, a new wave of legislation changed the perception of sex offenders in the U.S. Washington was the first state to implement specific laws

intended to promote public safety and prevent sexually based offenses against children. These laws were largely a reaction to two cases of sexual abuse and molestation against children in Washington (Terry & Ackerman, 2009). Many other states began examining their policies towards sexual offenses during this time, but the federal government forced their hand in the passage of new legislation in 1994.

In 1994, the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act was passed, mandating sexual violent offenders and offenders who committed crimes against children to register with law enforcement agencies (Robbers, 2009). This was a federal act which required each state to create a registry for offenders convicted of sexual offenses against children (Robbers, 2009). The Wetterling Act was amended in 1996 by the passage of Megan's Law, which mandated that states establish a statewide system for registering and tracking registered sexual offenders, and this system must be available to the public. When this act was instated, states were allowed to choose whether they would place juveniles who had been convicted of a sexual offense on a public registry; 2 states (Washington and Minnesota) were already registering juveniles and 29 additional states began registering juveniles at this time. The remaining states opted to leave juveniles (ages 18 and younger) off public registries at that time. The Jacob Wetterling Act and Megan's Law were both federal policies that were to be implemented on the state level; if states failed to comply with these acts, they were subject to losing 10% of their funding under the Edward Byrne Memorial State and Local Law Enforcement Assistance grant program (Sample & Bray, 2006).

The theme of this legislation mirrors the concerns about sex offenders voiced by popular media (although not grounded in empirical evidence) is that without some sort of intervention or public surveillance, sex offenders will never stop committing sex crimes (Sample & Bray, 2003). Most of these policies are predicated upon the belief that sexual offenders have a higher risk of recidivism than other types of criminals, so it is essential to examine if the empirical literature and data on this population support this assertion. While juvenile sexual offender recidivism estimates vary widely across empirical studies, there are two elements on which virtually all studies in this area reach consensus: (1) juvenile sexual offenders recidivate with non-sexual crimes at a much higher rate than sexual crimes, and (2) all estimates of sexual offenses are likely conservative as sexual assaults are underreported (e.g., the actual rate of incidence of sexual crimes is likely much higher than the rates that are reported) (Worling, 2004). Although current sex offender registration and notification policies were not originally intended to impact non-sexual offense rates, the empirical data suggests that they may have some impact. It is critical to examine the entire picture of adolescent sex offender recidivism in order to examine the efficacy of current policies.

Non-Sexual Offense Recidivism in Juvenile Sex Offenders

Non-sexual offense recidivism rates for juvenile sex offenders appear to be consistently high across studies (M.F. Caldwell, 2002; Letourneau, et al., 2009b; Viljoen et al., 2008; Vitacco, et al., 2009). For example, in Caldwell's (2002) study, the weighted mean general recidivism rate was nearly 6 times higher than the weighted mean sexual recidivism rate. Similarly, Viljoen et al. (2008) found that while 8.4% of their sample

was re-arrested for a new sexual offense, 42.8% of their sample was arrested for a new non-sexual crime. In the study by Prescott (2004), he found that general recidivism rates ranged from 8% to 65%; clearly, while these rates are higher than the sexual offense recidivism rates, there is still a large range in estimates, indicating that researchers are not certain what the actual general recidivism rates are across the juvenile sexual offender population. Caldwell (2007) found that 77.9 % of the non-sexual violent offenders in his sample were charged with a new crime and 80.4% of the non-violent, non-sex offender offenders in his sample were charged. These numbers decrease slightly for new felony charges, 60.4% and 61.6% respectively, but the rates are still nearly 3 times the rate of the highest estimate of sexual offense recidivism. Most juveniles are re-arrested for a new crime, but critics argue that the increased surveillance that sex offenders receive through community notification legislation increases the likelihood that a juvenile will be found doing something wrong and therefore the rates of general recidivism for these individuals is significantly higher than the general juvenile population (Sample & Bray, 2006; Zimring, 2004).

Letourneau, et al. (2009b) did however find a surveillance effect for registered youth; essentially, since registered youth are placed on public registry and their names are readily available as potential suspects for new crimes, these youth are at an increased risk for being charged with other non-sexual offenses after registering. Vázquez, Maddan, and Walker (2008) also alluded to this in their study; they found that in some states, due to the increase in the number of offenses now classified as “sexual offenses... police practices in concert with community support may now be focusing more on sex offenders

(p. 188).” This in turn could lead to an inflated number of sex offenses, as law enforcement is now “focused on a predetermined population [previously convicted sex offenders] that is relatively easy to find (p.188).” Additionally, the policy itself aims to promote public safety, but it also may heighten fear and promote panic and vigilante justice in communities, which in turn decreases public safety (Elbogen, et al., 2003; Younglove & Vitello, 2003). Other scholars also believe that the policies may decrease public safety by diverting attention and resources away from those offenders most in need of services and by inadvertently creating a false sense of security for community members (Fortney, et al., 2007).

The disparities in the results of studies on sexual and nonsexual recidivism in adolescent sex offenders are best exemplified in Kenny, Keough, and Seidler’s (2001) study which determined that the rates of reoffending for juvenile sex offenders fall between 3 and 70%. Clearly, there is much variability in the empirical studies in this area, but it is evident that juvenile sex offenders may be at a risk for general re-offense and at a much lower risk for sexual re-offense.

These unintended consequences of sexual offender legislation provide researchers with multiple avenues for examining the issue and hopefully ascertaining the relative success or failure of the laws. As Megan’s Law was the first to place juveniles on public registries, the efficacy of this law in deterring future crimes and reducing recidivism must be examined. The current study will provide data regarding how placing juveniles on a public registry may affect crime rates in individual states, specifically non-violent and status crime rates. In light of the questions raised about the actual impact of the public

registration of juvenile sex offenders in the empirical literature, this study will make a significant contribution to the discussion of the efficacy of these laws and the impact of these policies on public safety.

Research Questions

This article will focus on several different research questions. It will focus on the efficacy of Megan's Law in states which elected to publicly register juvenile sex offenders, as compared to those states that left the juveniles off the public registry until being forced to after the passage of the Adam Walsh Act. The research questions are:

1. Do status offense arrest rates in states where juveniles are required to register as sex offenders differ from the status offense arrest rates in states where juveniles are not required to register as sex offenders?
2. Do non-violent offense arrest rates in states where juveniles are required to register as sex offenders differ from the non-violent offense arrest rates in states where juveniles are not required to register as sex offenders?

Methodology

This study utilized a retrospective two-group time-series design to examine the arrest rates for states where juveniles are required to register as sex offenders as compared to arrest rates in states where juveniles do not register as sex offenders. An interrupted time-series analysis is the strongest quasi-experimental design used to evaluate longitudinal effects of an intervention (Cook & Campbell, 1979), in this case, the implementation of Megan's Law. A time series is a sequence of data of a particular measure taken at regularly spaced intervals over a specified period of time (Wagner, et al., 2002).

Setting

The data used in this analysis was from the Uniform Crime Reports (UCR), a collection of arrest statistics compiled by the Federal Bureau of Investigation (FBI). In 1929, the International Association of Chiefs of Police devised the UCR program to meet a need for reliable, uniform crime statistics for the nation. In 1930, the FBI was tasked with collecting, publishing, and archiving those statistics. The statistics are compiled annually with data provided by nearly 17,000 law enforcement agencies across the United States (UCR website).

As the study utilized a segmented regression analysis, arrest rates from the following years will be included:

Pre-test measures: 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997 (Legislation was enacted in 1996, but it can be assumed that it took at least one calendar year to be implemented and to take effect)
Post-test measures: 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008

The data were obtained via a request to the UCR database. The data was converted to a PASW file and was analyzed in PASW Statistics Version 17.

Sample

The arrest rates from states with juvenile sex offender registration policies were included in the intervention group, while arrest rates from states who do not have juvenile sex offender registration policies were included in the comparison group. The states included in intervention and comparison groups are, respectively:

Intervention: Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nevada, North Carolina, North

Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Texas, and Wisconsin

Comparison: Alaska, Georgia, Kentucky, Louisiana, Maine, Maryland, Nebraska, New Hampshire, New Jersey, New Mexico, New York, Pennsylvania, Tennessee, Utah, Vermont, Virginia, West Virginia, and Wyoming

As the FBI collects and disseminates the information regarding arrest rates from all 50 states, this study used their online database to access this information. The UCR can be accessed at <http://www.fbi.gov/ucr/ucr.htm>.

Arrest rates from Washington and Minnesota were excluded from the analysis because these states enacted juvenile sex offender registration policies prior to 1996. Current arrest rates from these states may be influenced by unique historical events prior to enactment by the other test states possibly introducing a selection bias. Therefore, comparing rates from these states to states that have recently enacted the legislation would not yield helpful data and arrest rates from these states were excluded from the analysis. Additionally, in cleaning the data, it was discovered that Florida was missing juvenile arrest data for 14 of the 23 years included in the study, so Florida was excluded from the study as well.

Procedures

The intended purpose of this study is to determine the impact of juvenile sex offender registration policies on arrest rates for status and non-violent crimes. Juvenile sex offender registration policies were originally enacted to deter individuals from committing initial sexual crimes, as well as deter individuals who have already been adjudicated for committing a sexual crime from committing an additional offense.

However, as discussed in the literature review above, registration laws have been shown to have an impact on other types of crime, including non-violent and status offenses.

Therefore, in order to ascertain if the policies are achieving this goal of deterrence and to determine the impact on other types of crimes, it is necessary to compare the arrest rates in states that have enacted this policy with the arrest rates in states that do not yet have this policy. As arrest rate information is already collected by individual police departments and then disseminated by the FBI via the UCR, access to the UCR provided the researchers with the data for this study. However, since the UCR only provides the number of arrests, this data was converted to percentages of arrests per 100 juveniles using the Census data for the number of juveniles residing in a state during the years 1986-2008. Census data was accessed at <http://www.census.gov/>.

Intervention

The states with juvenile sex offender registration policies enacted in 1996 comprised the intervention condition. As this study is a policy analysis, the intervention for this study is the juvenile sex offender registration policy. In 1994, the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act was passed, mandating sexual violent offenders and offenders who committed crimes against children to register with law enforcement agencies (Robbers, 2009). In 1996, this act was amended by the passage of Megan's Law which required registries to be made public. As individual states implemented this national legislative act, each state was left to decide if they would include juveniles in their registration policies. 29 states decided to include juveniles in their registration beginning in 1996. This study used a segmented regression

analysis to determine what changes, if any, occurred in arrest rates prior to the implementation of this policy and following the implementation of the policy. 19 states opted to not require juveniles to register when they implemented their initial registration policies in 1996. The arrest rates from these states served as the control condition for this policy analysis.

Measurement

The dependent variables for this study will be the arrest rates for non-violent offenses and status offenses. The UCR categories which will be included in the non-violent offense category are as follows: property crimes, burglary, larceny-theft, motor vehicle theft, arson, forgery and counterfeiting, fraud, embezzlement, stolen property, vandalism, weapons, prostitution and commercialized vice, drug abuse violations, gambling, offenses against the family and children, driving under the influence, liquor laws, drunkenness, disorderly conduct, vagrancy and all other offenses. The UCR categories which will be included in the status offense category are curfew and loitering law violations, and runaways. The number of arrests by juveniles in each category was divided by the population of juveniles per state in order to obtain a percentage arrest rate per 100 individuals. These arrest rates can then be compared across states, as the percentage controls for population differences between states. The arrest rates are continuous variables.

The arrest rates, as mentioned above, were taken at 23 different time points in this analysis. In order to establish a baseline of arrest rates for each state, the arrest rates for 12 years prior to the implementation of this policy (1986-1997) were taken. The data

from 1997 was included in the pre-implementation segment of time because it is reasonable to assume that the policy took one calendar year to be fully implemented in each state and allows for the policy to take effect. Additionally, the data for 11 years (1998-2008) post-implementation of this policy were taken, in order to ascertain any changes in arrest rates with the legislation. Using the data for 12 years prior and then 11 years post-legislation established a pattern of arrest rates for each state and strengthens the design by establishing a baseline and therefore making it easier to identify any significant changes in arrest rates after the legislation was implemented. The independent variable is the juvenile sex offender registration policy, as described above. The variable is dichotomous; the 29 states in the experimental condition have the policy while the 19 states in the control condition do not.

Data Analysis

Segmented regression analysis can be used as a powerful statistical method for measuring intervention effects in an interrupted time series study. It allows researchers to assess how much an intervention changed the independent variable (or outcome of interest, in this case, arrest rates) immediately or over time; immediately following the intervention or with some delay; if the effects are time-limited or long-term; and finally whether factors other than the intervention could explain the change (Wagner, et al., 2002). In a time series design, segments are defined when the sequence of measures is divided into two or more portions at change points; in the current study, the measures are divided into sections, pre-Megan's Law and post-Megan's law. Change points are specific points in time where the values of the time series could potentially display a

change from the prior pattern because of an identifiable intervention (in the current study, a policy) (Wagner, et al., 2002). The selection of the beginning and end of each segment is directly related to the beginning and end of the intervention. Additionally, segmented regression analysis allows for the addition of a pre-specified lag time to allow the intervention (policy) to take effect (Wagner, et al., 2002). As segmented regression analysis requires the data to be collected regularly over time and organized at regularly spaced intervals, the data for the UCR fits well into this statistical model.

Each segment in a time series is defined by two key parameters: level and trend (slope). The level is the value of the series at the beginning of a defined time interval (y-intercept), while the trend reflects the rate of change during a segment (Dumsha, et al., 2011). A change in level in the outcome immediately following the intervention, either positive or negative, indicates an abrupt intervention effect and can be measured by calculating the difference between the last pre-intervention time point and the first post-intervention time point (Dumsha, et al., 2011; Ramsay, et al., 2003; Wagner, et al., 2002). A change in trend, or slope, is defined by an increase or decrease in the slope of the segment after the intervention as compared to the segment preceding the intervention, representing a more gradual change in the value of the outcome during the segment or a more gradual effect of the intervention over time (Dumsha, et al., 2011; Wagner, et al., 2002).

For the current study, the following linear regression model has been specified to estimate the level and trend in mean numbers of arrests per group before Megan's Law was implemented and any changes in level and trend post-implementation:

$$Y_t = \beta_0 + \beta_1 * \text{time}_t + \beta_2 * \text{intervention}_t + \beta_3 * \text{time after intervention}_t + \beta_0 \text{ adopted} + \beta_1 * \text{time_by_adopt}_t + \beta_2 * \text{intervention_by_adopt}_t + \beta_3 * \text{time after intervention_by_adopt}_t + e_t$$

In this equation, Y_t is the mean number of arrests per group in the year t , time is a continuous variable indicating time in years at time t from the start of the observation period, intervention is an indicator for time t occurring before (intervention = 0) or after (intervention = 1) the implementation of Megan’s Law which occurred at year 12 in the series, and time after intervention is a continuous variable counting the number of months after the intervention at time t , coded 0 before the passage of the law and (time – 11) after the passage of the law. β_0 estimates the baseline level of the outcome, the mean number of arrests per year at time zero, β_1 estimates the change in the mean number of arrests that occurs with each month before the passage of the law (e.g., the baseline trend), β_2 estimates the level change in the mean number of arrests immediately following the passage of the law, and β_3 estimates the change in the trend in the mean number of arrests per year after the passage of the law, compared with the annual trend before the passage of the law. The sum of β_1 and β_3 is the post-intervention slope. The second segment of the equation (denoted by the inclusion of the term “Adopted”) includes the group to compare those states that adopted Megan’s Law to those that did not. Using this model to estimate any changes in level and trend associated with the passage of the law controls for baseline level and trend, a strength of the segmented regression method (Wagner, et al., 2002).

The interrupted time series design with segmented regression analysis also allows for a control or comparison group. In this case, the states who did not implement

Megan’s Law in 1996 served as the control group and strengthened the design of the study, helping to control for internal validity threats such as history.

Results

The results of the segmented regression analysis for non-violent offense rates for the overall model and the between groups comparison model are presented in Table 1.

Table 1. Parameter estimates, standard errors and *P* – values of non-violent offense arrests before and after the implementation of Megan’s Law

	Coefficient	Standard error	<i>t</i> -statistic	<i>P</i> -value
Intercept β_0	3147.345	200.339	15.710	.000
β_1 *time _{<i>t</i>}	66.916	30.852	2.169	.030
β_2 *intervention _{<i>t</i>}	53.345	308.003	.173	.863
β_3 *time after intervention	-144.079	46.789	-3.079	.002
Intercept β_0 adopted	233.346	255.044	.915	.360
β_1 *time_by_adopt _{<i>t</i>}	-16.475	39.276	-.419	.675
β_2 *intervention_by_adopt _{<i>t</i>}	-402.607	392.107	-1.027	.305
β_3 *time after int. by_adopt _{<i>t</i>}	81.115	59.565	1.362	.174

These results indicate that before the passage of Megan’s Law, there was a significant year-to-year change in the mean number of arrests for non-violent offenses in the overall model (*P*-value for baseline trend = .030). Conversely, there was no significant change between groups that adopted the law compared to those that did not for the same time period (*P*-value for baseline trend = .675). Immediately following the adoption of Megan’s Law, there was no significant year-to-year change in the mean number of arrests for non-violent offenses in the overall model(*P*-value for level change = .863), nor in the between groups comparison (*P*-value for level change = .305). In the 11 years following the adoption of Megan’s Law, there was a significant change year-to-year change in the

mean number of arrests for non-violent offenses in the overall model (P -value for trend change = .002), but there was no significant change between groups (P -value for trend change = .174). All of the data provided by this regression model is useful for examining the effects of the adoption of Megan’s Law and the significant changes in states that did not adopt the policy are of particular interest.

An identical segmented regression model was run for status offense rates. The results of the segmented regression analysis for status offense arrests for the overall model and the between groups comparison are presented in Table 2.

Table 2. Parameter estimates, standard errors and P – values of status offense arrests before and after the implementation of Megan’s Law

	Coefficient	Standard error	t -statistic	P -value
Intercept β_0	36.275	2.905	12.486	.000
β_1 *time _{t}	-.131	.447	-.293	.770
β_2 *intervention _{t}	-.917	4.467	-.205	.837
β_3 *time after intervention	-.516	.679	-.761	.447
Intercept β_0 adopted	10.141	3.699	2.742	.006
β_1 *time_by_adopt _{t}	-.824	.570	-1.446	.148
β_2 *intervention_by_adopt _{t}	.680	5.686	.120	.905
β_3 *time after int. by adopt _{t}	1.268	.864	1.467	.143

These results indicate that before the passage of Megan’s Law, there was no significant year-to-year change in the rate of status offenses in the overall model (P -value for baseline trend = .770) or between groups (P -value for baseline trend = .148).

Immediately following the adoption of Megan’s Law, there was no significant change in the overall model (P -value for level change = .837), nor in the between groups comparison (P -value for level change = .905). In the 11 years following the adoption of

Megan's Law, there was no significant change year-to-year change in the mean number of arrests for status offenses in the overall model (P -value for trend change = .447) or in the between groups model (P -value for trend change = .143). Although there were no significant changes detected in this model, the data presented offers extremely important information for legislators and will be discussed more fully in the discussion section.

Discussion

As stated previously, the original goals of registration and community notification laws for juvenile sexual offenders were to reduce the likelihood of a new sexual offense being committed by a juvenile offender due to increased surveillance and to deter other juveniles from committing an initial sexual offense by having such severe penalties. Although the legislation was not originally intended to impact non-violent and status offense rates, empirical data provided by other studies suggested the possibility of this unintended effect. The current study examined if Megan's Law had any impact on non-violent and status offense rates in the United States, and then compared arrest rates for status and non-violent offenses in states that adopted the community notification and registration pieces of Megan's Law for juveniles to those states that did not initially apply this policy to juveniles.

Non-violent Crimes

In terms of non-violent offense arrest rates, there was no difference in the comparison model. It appears that juvenile offenders did not differ significantly in their rates of non-violent offense arrest rates based on their state's decision regarding the

adoption of the policy. In the current study, states that spent the money to include juveniles in community registration and notification efforts did not differ significantly from states that opted not to spend money on enforcing these policies in 1997. While Megan's Law was not intended to impact arrest rates for non-violent crimes and therefore this finding should not be surprising, the data from the current study conflicts with results from other studies (e.g., Caldwell (2002); Letourneau, et al., 2009; Viljoen, et al., 2008). Further research on the impact of community registration and notification on juvenile sex offender's non-violent crime rates is needed in order to provide a more comprehensive picture of the impact of these policies.

While there were no significant changes in the between groups comparison, there were significant differences in arrest rates over time in the overall model. In the 12 year baseline period, arrests for non-violent crimes were increasing ($B = 66.916$). This fits with assertion by DiIulio that youth crime was increasing (DiIulio, 1995), although DiIulio's work was more concerned with violent crimes and the alleged "superpredator." Again, while Megan's Law was not intended to impact crimes in this area, after its adoption, some changes were evident in the data from the current study. There was no significant difference in non-violent arrest rates immediately following the passage of the law, but such radical change was not expected as policies often take time to implement and this particular policy was not aimed at affecting change in this area. However, in the 11 year follow up period, there was a statistically significant decrease in crimes in this area ($B = -144.079$, $P = .002$). There are several plausible explanations for this marked decrease. One is that non-violent crime simply was decreasing in youths during the early

2000s. However, other studies suggest that this was not the case (M.F. Caldwell, 2007; Prescott, 2004). One other explanation is that more resources were being pulled from local criminal justice agencies for the enforcement of new sexual offense legislation and there was a decreased focus on non-violent crimes, and a subsequent decrease in arrests for non-violent crimes. It is impossible to determine if this explanation is valid from the data in the current study, but it bears future examination as it informs the allocation of resources for law enforcement and this is critical to maintaining public safety. Overall, the data from the current study contradicts reports of non-violent crime increases in other empirical studies, but provides important information on the state of non-violent crime by juveniles during the 1990s and 2000s.

Status Offenses

A status offense is an act that would not, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult (Office of Justice Programs, 2013). Therefore, the examination of status offense rates is relevant to the current study because juvenile sex offenders can be arrested for a status offense and some could argue are more likely to be arrested for such crimes because they are already a known entity to local law enforcement and are therefore subject to increased surveillance (Letourneau, et al., 2009b).

There were no significant differences in status offense arrest rates for any of the time periods in the overall model. Similar to non-violent arrest rates, this is to be expected based on the intentions of the policy, but is not in line with the findings of other empirical studies in this area. The arrest rates for status offenses appeared relatively

stable over time, as none of the p -values were approaching significance. There are many possible explanations for this stability, but the most obvious and likely correct is that rate of arrests for status offenses during these time periods were simply stable. It is also possible that the number of arrests for status offenses (typically a very low number) is not large enough to show a statistically significant difference. It is impossible to tell from the current study which explanation presented above, or a multitude of other explanations, accounts for the stability shown in the current study.

Arrest rates for status offenses did not differ significantly during any of the time periods in the current study for the between groups model. Analogous to the overall model, none of the p -values were approaching significance, again indicating that rates of status offenses in both states that adopted the law and those that did not were relatively stable. This is especially interesting to note in the follow-up period after Megan's Law had been adopted in some states, because the lack of a statistically significant difference between groups could indicate that law enforcement allocating resources to enforce Megan's Law had no measurable effect on policing status offenders. Status offenses do not represent a significant threat to public safety, but can be indicative of juveniles who are not engaged in pro-social activities and could quickly escalate to more severe offenses, so it is a positive sign that status offenses are not increasing in states where more resources are being allocated to fight other types of crime.

Overall, while there no statistically significant differences in either model for status offenses, the data presented here provides important information for law enforcement and legislators. In order to continue the stability shown in this data, it's

critical for law enforcement to understand what they are doing that is working and these results indicate their efforts to prevent increases in status offenses are effective.

Limitations

While the current study uses some of the strongest available methods and data analysis available for quasi-experimental studies, there are still several limitations. As with all quasi-experimental studies, the results of the current study do not allow for causality to be determined (Cook & Campbell, 1979). From the results of the current study, it is impossible to determine if the adoption of Megan's Law or the failure to adopt it was the cause for any changes in arrest rates in juveniles in any of the states included. Due to the nature of policy research and the inability of researchers to utilize random assignment when designing a study to analyze a policy, it is not viable for researchers to conduct true experimental research in this area. The methods utilized in the current study provide a rigorous study for policy analysis, but the results should be interpreted with extreme caution when discussing any sort of causal impact.

Additionally, in their article, Wagner et al. (2002), suggested that 12 time points prior to the intervention and 12 time points post-intervention are necessary to conduct a segmented linear regression. The current study had 12 time points prior to the intervention, but only 11 years of data post-intervention. While the inclusion of an additional data point would have been preferable in order to follow Wagner et al.'s original model, it was impossible for the current study. The Adam Walsh Act was passed in 2008 and drastically changed registration laws for juveniles in virtually every state in the U.S. (Letourneau, et al., 2009b). This constitutes a second intervention and would

need to be modeled as such. Including data post-2008 was outside of the scope of the current study, but the current study should be extended to include data post 2008 in future studies in order to examine the impact of the newest piece of legislation in this area of public policy.

While there are several limitations to the current study, it is one of the first to examine the impact of Megan's Law on statewide arrest rates and therefore provides important information for legislators, law enforcement and the public. This study should hopefully be the first of many in this area, as taxpayers are paying out enormous sums for these policies, all in the name of increasing public safety, and it is imperative to examine if these lofty goals are being achieved.

Future Directions

As mentioned above, the current study should be extended to include data post-2008 (when the Adam Walsh Act was passed at a national level). The Sex Offender Registration and Notification Act (SORNA), Title I of the Adam Walsh Child Protection and Safety Act of 2006, is the most punitive and comprehensive piece of sexual offender legislation ever passed. The law was passed by the federal government and requires each state to implement legislation including the following provisions: (1) DNA samples are required of all sex offender registrants, (2) all juvenile sex offenders are required to register on the public registry and offenders over the age of 14 who were convicted of certain offenses are subject to community notification upon their release into the community (Terry & Ackerman, 2009), (3) juveniles convicted of a sexual offense are required to register for a minimum of 10 years (Letourneau, et al., 2009b), (4) failure to

register was made into a felony offense, punishable by up to 10 years in prison, (5) state registries must include information on all three tiers of offenders (previously only the high risk offenders had their information posted), (6) Tier 3 offenders must register for life and register in person with law enforcement agencies every 3 months, and (7) Tier 2 and Tier 1 offenders are required to register for 25 years (registration in person with law enforcement every 6 months) and 15 years (registration in person with law enforcement every 12 months), respectively (Terry & Ackerman, 2009). Clearly, this law expands greatly upon the provisions of Megan's Law and therefore must be included as a separate intervention in the current statistical model. A major strength of segmented regression models and one reason why it was selected for use in the current study is that it allows for the inclusion of more than one intervention or change point (Wagner, et al., 2002). Continuing to study policy in this area and provide meaningful empirical data on the efficacy of such policies to legislators will hopefully inform more effective policy in the future.

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Chapter 4

Reaching the Tipping Point: A Case Study of a Sex Offender Registration Bill in
Texas

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Public perception of sexual behavior has varied since ancient times and attitudes towards sexually based offenses have subsequently fluctuated in tandem with attitudinal changes. The concept of “deviant” sexual behavior is socially constructed; therefore, it is subject to society’s changing conceptions of behavior. Concurrently, acts defined as sexual offenses co-vary along with the cultural conception of what constitutes a sexually based offense. As the definition of a sexually based offense has changed numerous times in the past century in the U.S., it is critical to examine the historical background of sexual offense legislation and the empirical literature on the effects of these policies on sexual offenders in the U.S.

As a former clinical social worker, I worked with adult individuals who were re-entering the community after incarceration. Individuals with sexual offenses on their criminal record were by far the most difficult population to serve, as they were extremely restricted by law in where they could live and where they could work. While it was difficult to find housing for many of them, it was essential to find it quickly so that they could register with the state and not be sent back to prison for failure to register (a state jail felony in the state of Texas). These issues were difficult to handle with adult clients, but the problems are exacerbated when dealing with a juvenile who may be trying to go back home to live with parents and younger siblings, who live close to an elementary school, and the list goes on. From a social work perspective, placing a semi-permanent or permanent label of “sex offender” on a 10-year-old seems criminogenic in itself; this label could serve to increase the likelihood that these individuals will commit a new crime and could lead to the revolving door cycle of incarceration. Additionally, publicly

identifying juveniles who have committed a crime through the online registry renders the confidentiality of the juvenile justice system useless; juveniles can no longer avoid the stigma and public scrutiny that many scholars believe may be detrimental to their rehabilitation (Dickson, 2009). I believe research into the rationale behind this legislation is essential, so that we can determine which policies are efficacious in reducing recidivism and which policies only serve to assuage the fears of the public, while possibly leading to the commission of additional crimes by these juveniles.

Literature Review

The implementation of sexual offense legislation began as early as the 1930s in the U.S. As with many current sex offender laws, emotionally charged cases of sexual abuse to children instigated stricter sexual offense legislation in the U.S. in the 1930's (Terry & Ackerman, 2009). Throughout the rest of the 20th century, sexual offense legislation changed in tandem with changing perceptions of crime and deviant sexuality. However, in the early 1990s, a new wave of legislation changed the perception of sex offenders in the U.S. Washington was the first state to implement specific laws intended to promote public safety and prevent sexually based offenses against children. These laws were largely a reaction to two cases of sexual abuse and molestation against children in Washington (Terry & Ackerman, 2009). In 1994, the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act was passed by Congress, mandating sexually violent offenders and offenders who committed crimes against children to register with law enforcement agencies in their respective states (Robbers, 2009). When this act was instated, states were allowed to choose whether they

would register juveniles who had been convicted of sexually based offenses; 2 states (Washington and New Jersey) were already registering juveniles and 30 additional states began registering juveniles at this time. The Wetterling Act was amended in 1996 by the passage of Megan's Law, which mandated that all states establish a statewide system for registering and tracking registered sexual offenders, and this system must be available to the public; if states failed to comply with these acts, they were subject to losing 10% of their funding under the Edward Byrne Memorial State and Local Law Enforcement Assistance grant program (Sample & Bray, 2006). The most recent congressional act regarding sexual offenders is the Adam Walsh Act which required all states to establish long-term (25 years or life) public registration of juveniles (14 years and older) adjudicated as minors for certain sexual offenses (Letourneau, Bandyopadhyay, Sinha & Armstrong, 2009).

The pervasive theme in these recent legislative acts is that without some sort of intervention or public surveillance, sex offenders will never stop committing sex crimes and will recidivate in alarmingly high numbers, threatening public safety (Sample & Bray, 2003). This ideology appears to be based on the public perception of sexual offenders created by the extensive media coverage of several particularly heinous cases of sexual offenders molesting and murdering children; the empirical literature on adult and juvenile sex offenders suggests that they do not recidivate at a higher rate than other types of offenders (Sample & Bray, 2003). Unfortunately, as Edwards and Hensley (2001) note, the legislation is based on emotional reactions to sexual crimes, rather than on an examination of the empirical literature:

...the phenomenon of sexual abuse is intertwined with a strong emotionalism that exacts

an almost visceral response in nearly everyone, and this emotionalism has confounded our lawmaker's collective abilities to separate legislative proposals that are functionally efficacious from those that are certainly well-intentioned but are nonetheless unsuccessful...the evolution of sexual victimization legislation in general and the statutes aimed specifically at sex offenders in particular has developed its own theoretical legitimization and ontological validity that are repeatedly reinforced through the layering of new laws on previous legislation...Instead of reevaluating these core assumptions when considering new legislation, public opinion, limited and biased informational resources, and the political environment itself allow new legislation to be supported by a series of fundamental beliefs about the problem of sex offending that often lead to ineffective laws at best or laws that exacerbate the problem at worst (p. 84-85).

At the time Edwards and Hensley (2001) wrote this article, the majority of sexual offender legislation was readily being passed by states; however, the latest national sexual offender legislation bill, the Adam Walsh Act, was passed quickly by Congress, but has not been implemented in most states (Dickson, 2009). The act was passed in 2006 and originally gave states three years to comply with the new portions of the law, or risk losing federal funding. However, as this newest act was quite far-reaching in its scope and required massive overhauls to the current systems, Attorney General Eric Holder granted the states a one-year extension in June 2009 when it was clear that not one state was ready to comply with the act (Dickson, 2009).

Senator Florence Shapiro authored Senate Bill 1740 in the 80th session of the Texas Legislature in an effort to pass a version of the Adam Walsh bill in Texas (J. Rauls, personal communication, February 21, 2010). As Byrne Act funding is tied to compliance with the federal Adam Walsh Act, Senator Shapiro was called upon to put Texas in compliance. Although many quantitative studies on sex offender legislation and

its subsequent effects exist (e.g., Edwards & Hensley, 2001; Sample & Bray, 2003; 2006), there has been no examination of how these bills move through the legislative process.

The purpose of this case study is to examine why Senate Bill 1740, the Texas version of the Adam Walsh Bill, did not pass in Texas in the 80th Legislative Session. Texas is traditionally seen as a punitive, “tough on crime” state and traditionally passes most bills related to more severe punishment for offenders, but, as stated previously, this particular bill passed through the Senate and died in the House committee. As the provisions in the bill have significant implications for juvenile justice in the state of Texas, it is critical to examine the reasons why the bill did not pass, as well as possible re-introduction of the bill in the upcoming legislative session.

Methodology

I chose to employ an intrinsic case study design (Creswell, 2007). An intrinsic case study method focuses on description of one unique or unusual case. Senate Bill 1740 is one of the few pieces of sex offender legislation in Texas that has not passed and therefore is an unusual case (J. Rauls, personal communication, February 21, 2010). The case study binds the case in time; in this study, the case began at the start of the legislative session, January 9, 2007 and ended when the bill died in House committee on May 28, 2007.

A case study approach can be particularly useful when examining legislation, as case study techniques aim to describe the case in its entirety and therefore can be useful

when looking at events that occur over time in the legislative process. Understanding the reasons why Senate Bill 1740 did not pass required examining the bill from its creation to its ultimate end in a House committee, a task for which case study methodology is ideal.

This study proceeds within a social constructivist framework. To understand this case, it was critical to examine the interaction between the text of the bill, the views of all of the senators on the criminal justice committee, and the hearings on the bill in both the Senate and the House committees. As Crotty (1998) states, constructionism is "...the view that all knowledge, and therefore all meaningful reality as such, is contingent upon human practices, being constructed in and out of interaction between human beings and their world, and developed and transmitted within an essentially social context." (p. 42) The social context was important to consider in this case; this case was atypical, as it was a crime bill that did not pass in a traditionally punitive state, Texas. Therefore, the research for this case study used constructionist approach.

Sampling and Data Collection

According to Stake (1995), the case study approach is strengthened when multiple sources of data are utilized in order to describe the case more fully. I interviewed two staffers for Senator Florence Shapiro (R-Plano), the author of Senate Bill 1740. I elected to interview these staffers because I believed an understanding of how the bill was written and the rationale behind the bill was critical for understanding the case; I believed interviewing two staffers who worked on the bill provided information on these issues. These staffers have worked for Senator Shapiro through several sessions of the legislature and are extremely familiar with the legislative process in Texas. Additionally, Senator

Shapiro has presented crime bills to the Senate in virtually every session and many of them have been passed. Therefore, interviewing members of her staff provided insight into the traditional political climate surrounding crime bills and understanding of what made this bill different and caused it to not be passed.

One ethical issue in this study was asking the staffers for Senator Shapiro questions that may have caused them to divulge confidential information; for example, I was curious if the bill would be reintroduced in the 81st legislative session and while the staffers knew this information, the staffers perhaps did not feel comfortable in answering my question. In order to ensure that I did not make the staffers uncomfortable, I began the interview by assuring that I was only interested in information that the staffers felt comfortable sharing; I stated that the staffers should feel free to pass on any question, and were free to end the interview at any time.

Similarly, I intended to ask several demographic questions at the conclusion of my interview; however, I realized that the answers could jeopardize the confidentiality of the respondents (e.g., if I had asked how many years the staffers have worked for Senator Shapiro). Any identifying information that was given during the interview was not included in the final write-up in order to protect my interviewee's confidentiality.

Overall, with only conducting one interview with two staffers and viewing publicly available videotaped footage of Senate and House hearings, I do not believe any major ethical considerations had to be taken into account. I offered disclaimers to the interviewees that my interview and notes would only be used for the purposes of my paper, that any identifying information would be removed and that they were free to pass

on any question. Both interviewees seemed at ease after this disclaimer was offered and I believe there were no ethical violations.

I used a semi-structured interview guide (Taylor & Bodgan, 1998). Additionally, while I used a standardized interview approach, I also used probes that related specifically to the questions in my interview guide (Berg, 2004). My interview guide was as follows:

Interview Schedule/Guide:

- Tell me about how Senator Shapiro came to be the author of this bill.
 - Is this how she traditionally becomes the author of a bill?
 - Tell me about Senator's Shapiro's interest in crime legislation in Texas.
- How would this particular bill have changed the way Texas handles juvenile sex offenders in the juvenile justice process?
- What was important about the issues presented in this bill?
- In your opinion, what went well in proposing this bill?
- In your opinion, what did not go well?
- Tell me your thoughts as to if the bill will be re- introduced in the next legislative session.
 - If not, will any similar bills be introduced?

The interviews were audio recorded and transcribed by the researcher. The transcription was used in my data analysis.

I also used the video recordings of the Senate Criminal Justice Committee hearing on this bill as a data source. I viewed the video recording first and made notes about the

process and the testimony of the witnesses. I then watched the video again and completed a targeted transcription for the 2.5 hour hearing (H. Bell, personal communication, March 21, 2010). The targeted transcription was used in my data analysis. Analyzing this tape allowed me to understand the viewpoints of both the supporters and the opponents of the bill, as well as the perspectives of the legislators on the committee. Additionally, this video recording was a rich source of data regarding the social interactions, both verbal and non-verbal, between senate committee members and testifying witnesses for the bill. The bill did pass through the Senate Committee, and was then passed on to the House committee; therefore, I also examined the House committee hearings as this is where the bill died.

My third data source was the video recording of the hearings for this bill before the House Committee on Criminal Jurisprudence. This tape provided me with a rich source of data regarding the interaction between committee members, as well as specific witnesses who testified as to how the bill would affect them if passed. Interestingly, in both videos, all testifying witnesses were opposed to the bill. Similar to the process for the senate hearing, I watched the video recording first and made notes regarding the process of the hearing and the testimony of the witnesses. I then watched the video again and completed a targeted transcription of the hearing. This targeted transcription was used in my data analysis.

Data Analysis and Trustworthiness

The structure of the analysis was adapted from Creswell's (2007) structure for data analysis in intrinsic case study design. Through my data collection, a detailed

description of the case emerged. Through my data sources, I was able to examine the history of the case and subsequently, to construct a chronology of the events that comprised the case. After examining the case as a whole, I again utilized Creswell's (2007) structure and reduced the data into meaningful segments, and then into emerging categories of data. Based on these segments of data, I then constructed a list of codes based on my thematic analysis of the transcript of my interviews, and the targeted transcriptions of the video footage of the House and Senate Hearings. The following is a list of my initial codes:

1. Purpose of bill- stated purpose of bill, as detailed by various representatives, staffers, and witnesses
2. Compliance – State compliance with the federal statutes
3. Financial concerns – Fiscal concerns with the implementation of the bill
4. Juvenile concerns – Concerns about how the bill will affect juveniles
5. Timelines – Time in session bill was presented, time to pass the bill
6. Labels – Labels for offenders associated with the registry
7. Efficacy of bill – Effective in deterring, effective in other stated purposes
8. Effects of bill on families
9. Political popularity – Popularity of sex offender bills, popularity of representatives who propose them
10. Size of the registry
11. Danger to victims – Danger to children, to society
12. Danger to offenders – consequences of the bill
13. Romeo and Juliet - “Consensual” sex with minors

14. Classification – Tier system of classifying offenders
15. Prevention
16. Treatment of offenders
17. Unintended consequences of bill – how bill actually will affect people
18. Further studies – to examine this population and effects of this type of bill
19. Assessment of Risk

I focused on determining the reasons why this bill failed to pass in order to fully describe the case and the unique characteristics of this case. After examining my codes, I determined that I had several main codes, with several sub-codes which form the basis of the findings that follow. The trustworthiness of these findings is enhanced by triangulating data from different sources (Stake, 1995).

Results

After compiling the data and conducting thematic analysis, the subsequent coding revealed six main themes in the data: the negative effects of the bill on offenders and families; the negative effects of the bill on the state; compliance with the federal Adam Walsh Act; effective, not emotional legislation; and reaching the tipping point. When considered in total, the reasons for the bill not passing are quite clear: despite federal pressure to implement the bill, legislators in Texas would not pass additional sex offender legislation until time had passed and they had seen how all of the current legislation affected their constituents.

During the course of the interview, it became clear that the two staffers themselves were not advocates of Senate Bill 1740 and had worked on it only because their boss, Senator Shapiro, had been tasked with authoring the bill. It appeared that even Senator Shapiro was not completely in support of the bill, as she believed Texas already had tough enough laws for sex offenders and did not believe the federal mandate made sense for Texas at that time; nevertheless, she was tasked with authoring the bill that would put Texas in compliance with the federal act and she wrote Senate Bill 1740. In this way, the bill was not set up to succeed from its inception. The two staffers noted multiple issues with the bill, aspects of it which were not fully resolved prior to the hearings and general discontent in the Texas Congress that they were being forced to hear another sex offender bill. In re-reading my transcripts and my field notes, and examining the chronology of the events surrounding the bill, it became very clear that the legislators in Texas had reached their tipping point in terms of new sex offender legislation and perhaps would not have passed any other sex offender bill during the 80th session, regardless of its contents. Senate Bill 1740 was written by an author who seemed to be bullied into writing it by the federal government, contained measures that would be expensive and were not funded, and had the potential to cause major complications for the state of Texas in implementing it; as such, and as the findings below detail, the bill had little chance to be passed into law.

Negative Effects on Offenders

Although Senate Bill 1740 was unlikely to pass for the many reasons described above, the testifying witnesses did provide some arguments as to the potential effects of

the bill on their lives. One of the witnesses who testified against Senate Bill 1740, Richard, was a registered sex offender. Richard testified at both the Senate and House committee hearings on Senate Bill 1740 and based on the extensive background he gave on himself, he testifies at most hearings of new pieces of sex offender legislation. He began by detailing his background and crime, which was sleeping with an under-aged girl when he was 23, and then discussed how Senate Bill 1740 would affect his life, such as requiring him to register more often, which was difficult when he could only fin hourly or shift work which would not allow for absences during the work day to go check in with his probation officer, and possible residency restrictions which could require him to move from his current residence.

Although Richard discussed multiple ways the bill could affect his life, he did not present very compelling arguments. He presented himself as someone who had been victimized by the state and took very little responsibility for his own actions. He was certainly not the poster child for the need for reform in the sex offender legislation arena. However, he was well-spoken and articulate and was the only witness who had first-hand accounts of the effects of the bill. It was not clear from the video how much his testimony affected the legislators, but for the reasons detailed above, Senate Bill 1740 seemed to have been on its way to not passing before Richard ever spoke. As such, his testimony offered some interesting arguments against the bill, but likely did not serve as the crushing blow which caused legislators to vote against the passage of the bill. His testimony should be taken with the proverbial grain of salt.

Richard spoke of an encounter with a neighbor who came to confront him after seeing his name on the sex offender registry. This neighbor had recently moved in, checked the registry and told Richard that he knew all about him and would be watching him carefully. The neighbor never really was able to get past his first impression of Richard, and saw him solely as a sex offender.

While the sex offender legislation affected the relationships he was in at the time of his testimony, Richard also discussed how this legislation affects his future relationships as well. Richard aspired to be married someday and have children, but was very concerned about the undue pain he could inflict on his future wife's family and their future children, all because of the issues being on the registry presents. Overall, Richard felt that he was discriminated against in most areas of his life due to his name being on the registry list: "The essence of discrimination is the forming of opinions on others not based on their personal merit, but rather on their membership in a group with assumed characteristics. And that's what happens to me daily as a result of being on this registry."

Other witnesses testified against the bill on behalf of their juvenile children who were registered on the sex offender registry in Texas. Although Richard was not the poster child for the need for reform in this area, many of the juveniles represented by parents or family members did exemplify the issues with Senate Bill 1740; the bill called for juvenile registrants who were convicted of a non-violent, non-contact sexual offense to register for the same amount of time as an adult offender who repeatedly sexually abused children. In this way, the bill proposed to treat all sex offenders the same, but the testimonies from parents and family member presented arguments that not all sex

offenders should be treated the same way. Senate Bill 1740 pushed for treating all individuals who committed an offense that was deemed sexual in the same way, but the testimony of the family members tried to make it clear that a child molester should not be considered the same as a person who solicited someone over the Internet.

One woman, Brenda, discussed how her son was unable to find a job because people would hire him, find out what his offense was, and subsequently fire him. Additionally, several testifying witnesses discussed how difficult it was for their sons to find housing. Brenda discussed how her son was living in a trailer park because that was the only place that would allow him in, and that was only because the police department came to talk to the landlords and allow him to stay. A grandmother and grandfather, Janet and Charles, talked about how their grandson could only live in a hotel that was known for drugs and prostitution, due to the residency restrictions placed on sex offenders. Senator Hagar, the Chair of the Senate committee, also discussed how he saw a story in USA today about how sex offenders were living under a bridge in Florida because they had nowhere else where they could live, due to the residency restrictions placed on sex offenders. Senator Hagar could not that “we have laws that make it where there is no other place to live than under a bridge.”

While housing and employment concerns significantly affected sex offenders, it also was clear that attending counseling, as a requirement of their parole, had detrimental effects on the offenders. Brenda detailed how her son was placed in a counseling group with the “worst of the worst” and had nightmares and could not sleep based on hearing the stories of what the other offenders in his group have done. Although previous bills

had created a system for classifying offenders, all offenders received counseling together; her son, who was convicted of soliciting an underage girl over the Internet, was in counseling with child molesters and rapists. She was very concerned about the secondary trauma her son was experiencing as a result of the legislation for sex offenders.

In addition to the trauma of the counseling, Janet's grandson was also struggling to afford to pay for the counseling. The counseling was a requirement of his probation and he had to attend and pay \$70 each time, or his parole would be revoked. He was trying to pay for it, but could only get hired at minimum wage jobs due to his status as a sex offender.

Brenda also discussed how her son was banned from attending church, due to his status as a sex offender. She questioned what other groups of people were prevented from being able to worship: "What other group is not allowed to worship?" She talked about how dehumanizing the entire process was for her son and made the assertion that this type of dehumanizing was similar to what was done to people in World War II, and how those people were dehumanized as well.

Finally, the last aspect of Senate Bill 1740 which directly affected offenders was the new quarterly registration requirements. Richard spoke about how difficult it was for him to maintain his yearly registration, with taking time off work to register, making sure he has the proper documentation and ensuring that his parole officer keeps the correct information. This aspect of the bill was intended to increase the amount of people on the registry by increasing the frequency with which they have to register. As Senator Shapiro stated "20% of the people who are supposed to register in Bexar and Harris

counties either fail to register or give false information and this bill will clear that up.”

This logical inconsistency was noted by the staffers during the interview. The staffers offered the opinion that requiring people to register more often likely would not capture the people that never register at all.

The effects of Senate Bill 1740 on offenders who are on the registry were significant and numerous. While many of the sources of information on these effects were from either the registrants themselves or their family members, several of the representatives on the House and Senate committees also spoke about the subsequent effects of Senate Bill 1740 on their constituents. Despite the issues with Richard’s testimony noted above, the numerous negative effects on offenders presented by family members did provide an argument that not all sex offenders should be treated equally. It was unlikely that this type of testimony persuaded the legislators to vote against the bill, but perhaps was considered by the legislators when looking at the total argument against the bill.

Negative Effects on Families of Offenders

In addition to the direct effects of placement on the sex offender registry to registrants, there were several negative effects on the families of registrants presented as well. The witnesses who testified against the bill enumerated the multiple ways in which having a family member or child on the registry had significantly affected their own lives.

Charles and Janet, the grandparents of a juvenile sex offender, were evicted from their apartment when their grandson moved in with them; he had only moved in with

them because he was evicted from living with his father and mother because they had other children with whom he could not be in contact, based on the terms of his parole. Charles was concerned that there were no laws in place that protected the families of these offenders from this type of discriminatory practice. Brenda had a similar experience and her son was no longer able to live with her due to the sex offender legislation already in place, which would be expanded with Senate Bill 1740.

In addition to housing restrictions, many sex offenders would not be able to take their own children to the park or to school anymore based on Senate Bill 1740, as they were not allowed near these places based on their parole restrictions. Additionally, Janet spoke about how her grandson was not allowed to be in her home when her other grandchildren were present, so she was no longer able to have her whole family together. She believed these laws did not take the whole family into consideration.

Many of the witnesses became quite emotional when discussing how these bills have affected their children and their entire family. Most poignantly, several of them discussed how they had met with Senator Shapiro to discuss their concerns, and that the Senator had talked about how these laws were not intended for people like their children, juveniles who had committed relatively minor sex crimes. Several of the representatives on both the House and Senate committees echoed this sentiment by stating that they did not believe laws like Senate Bill 1740 should apply to the children of the testifying witnesses. But, as stated by several of the witnesses, the laws did apply to their children and Senate Bill 1740 would have only increased the amount of pain and struggles for their families and children.

Negative Effects on State

While the direct negative effects on offenders and indirect negative effects on families of offenders were discussed at length by the testifying witnesses, many of the representatives on the committees and the staffers interviewed brought up the effects of Senate Bill 1740 on the state. The concern that was voiced most frequently was the cost to local law enforcement for the implementation of the bill. As discussed previously, the Adam Walsh Act was an unfunded mandate from the federal government, meaning that some version of the Act had to be passed in each state, but there was no funding being sent to pay for the bill. As one of the staffers interviewed stated: “And there’s no ‘Pass Adam Walsh and we’re going to send you this big pot of money that you can distribute out to your locals [law enforcement] so they can implement it.’” Several of the witnesses who testified before the committees had called their local law enforcement to ask if they supported the law and many said no, as they would not be able to pay for it and would have to hire more officers just to keep up with the registry. The House sponsor of the bill even discussed that the passage of this bill would have deleterious effects on an already over-crowded prison system and would take money away from other areas of the budget, such as education: “I’d rather build more schools, not prisons.”

While Senate Bill 1740 would have increased the financial burden on local law enforcement, failure to pass it would have resulted in the loss of funding to the state of Texas from the Edward Byrne federal grant for law enforcement, so states were placed in a hard position. The Byrne fund originally distributed a large sum of money to states, but funding has gradually decreased for the past few decades, due to budget revisions: “Right

now, it's [Byrne funding] is like a million, which really is nothing in the grand scheme.”

As one of the staffers commented, it was a collaborative effort to decide if it was worth it to lose the Byrne funding, or if it was worth it to burden the local law enforcement:

I mean, I'm there, the governor's office is there, the Department of Public Safety is there, um, the Lieutenant Governor's office is sitting at the table, so I mean, everybody is collaborating and trying to figure out, you know, is this the right thing for the state and is it worth it in terms of this amount of money? Especially because the cost to local law enforcement is so much more than the million dollars you would lose.

While the discussions regarding cost to local law enforcement vs. the loss of Byrne funds were occurring, the staffers and legislators were also considering the public safety implications of Senate Bill 1740.

Senator Shapiro and the House sponsor of the bill, Representative McReynolds, both introduced the bill as a means of increasing public safety by allowing law enforcement to have a better idea of where sex offenders were residing and working. However, as the staffer pointed out during our interview, there was no evidence that passing Senate Bill 1740 would increase public safety: “I mean, there's no clear evidence that changing our laws to look like, you know, what they [federal government] want it to look like would enhance public safety any more than what we've got right now.” One of the witnesses testified that her local law enforcement believed that the bill would decrease public safety in their area, because more officers would be in the office registering people, rather than out of the streets preventing crime and helping out people in the community.

In consideration of the large burden this bill would place on local law enforcement, the failure to increase public safety (and perhaps even decrease it), and the negligible effects of the loss of the Byrne funding, it was apparent that the staffers for Senator Shapiro and even the legislators on the House and Senate committees did not have many reasons to vote for the passage of Senate Bill 1740.

Compliance with the Federal Adam Walsh Act

In addition to considering the effects of Senate Bill 1740 on the state of Texas, it was also important to look at what effects the failure to pass a version of the Adam Walsh bill in Texas would have on the state of Texas. Both of the staffers discussed the issues with having a federal bill which is then mandated to be passed at a state level. As one staffer said, “it’s not apples to apples.” They used the phrase “term-of-art” to describe these federal bills, meaning that the bill is merely a term which can mean entirely different things in different states. They cited the example of Jessica’s law, a federal mandate to make repeat sex offending a capital offense in every state; many states have a version of Jessica’s law, but they all look very different. “And we have a very different version of Jessica’s law than Florida or Louisiana....People probably view it like ‘They have Jessica’s Law. Jessica’s Law is Jessica’s Law is Jessica’s Law.’ But it’s totally different.”

At the time of the current study (May 2011), only one state had passed a version of the Adam Walsh Act that had been deemed in compliance by the federal government. The staffers commented that the state was deemed in compliance, even though their version of the act looked very different than the federal act. The staffers were uncertain

if Texas would have been in compliance with the Adam Walsh Act even if they had passed Senate Bill 1740. As the staffer stated, “It’s a crapshoot.” These discrepancies in the determination of what would be determined as in compliance with the federal act seemed to contribute to the lackluster support for the bill. Senate Bill 1740 was a bill that many legislators already did not fully support, and passing a bill that could cost a significant amount of money to taxpayers, which may not increase public safety, and that still may not put Texas in compliance with the federal act seemed to be too large of a hurdle to overcome.

Effective, not Emotional, Legislation

An additional theme found in the data was the emphasis on effective, not emotional legislation. The first area where this was mentioned was in the discussion of the focus on prevention. The entire intent behind the legislation is for law enforcement to know where sex offenders were living and working; as the House sponsor of the bill stated, “The upside to this bill, guys, [is] that we will be able to track the people that we don’t want preying on our children or preying on others.” But, as one of the testifying witnesses stated:

With those 45,000 names on the registry, it dilutes the purpose of the registry. If the purpose of the registry is truly to determine if we have the names and information on people who are dangerous, again, you got people lumped into one big net with people who made one mistake right next to people who are repeated child molesters.

Similarly, one of the staffers mentioned that the Chair of the Senate Criminal Justice Committee was also very concerned about this.

...I think the Chair is kind of like at a point where he views the registry as having ballooned out to this, a little somewhat uncontrollable animal and it's time to reevaluate you know, is it so big that we need to think about the dilution of, the ability of law enforcement to watch the people that they really need to be watching.

The expansion of the registry to many new offenses that would occur with Senate Bill 1740 was seen as diluting the ability for citizens and law enforcement to be able to determine who really needed surveillance vs. people who were no longer a threat or were unlikely to reoffend.

The argument was also made that the legislation needed to be more focused on accurate risk assessment; the bill would have placed offenders in tiers based on their offense, rather than on their risk for future offenses. One of the staffer discussed the potential issues with this system:

One of the huge problems with Adam Walsh is the tiering. The way they tier the offenses is not based on risk. It's based on the charge. So, as we as a state move towards risk-based assessment, which we've kind of agreed from a policy perspective that we should, to do Adam Walsh takes us back to only going by the offense and that doesn't say a lot. Because there's so many bargains, you know, the way that prosecutors get to the charge that they end up with, I mean, there's so much that goes beyond the elements of the crime and the offense.

In this way, Texas seemed to be making a move towards a smarter and more effective way to determine risk and surveillance for sex offenders. The Adam Walsh Act, and in turn Senate Bill 1740, would have pushed Texas back to the old system which was deemed not as effective by policymakers.

Reaching the Tipping Point

All of the aforementioned themes related to the last theme found in the data: Texas appeared to have reached its tipping point in terms of sex offender legislation.

Senate Bill 1740 was proposed because there was a federal mandate to pass this legislation, but it was proposed during a legislative session that had already passed several controversial bills related to sex offenders. Most notably, Jessica's Law was passed during the session amid much controversy regarding the use of capital punishment as a possible punishment for repeat sex offenders. As such, the legislators appeared to be tired of hearing about sex offenders and wanted to wait to see what would happen with the laws already in place, rather than pass another law related to sex offenders. One of the staffers stated “. . . sex offender legislation in the Senate is not popular right now.”

She went on to say

But that session was a big sex offender session, the 80th. The bill and Jessica's Law so it was real, like, I think everyone was like, “Okay, let's just sit back and see how all this stuff works.” And I think that maybe subconsciously, everyone is kinda like, “Alright, let's see what happens here.

The impact of this not only reached the legislators that this staffer was referring to, but even to the chair of the Senate Criminal Justice committee. One of the staffers stated: “...the more we keep passing stuff, the more it balloons. So he's [the Chair] been a little hesitant to set bills that have to do with sex offender laws...for the most part, he killed all sex offender bills.”

Interestingly, it appeared that not only were legislators tired of hearing about sex offender legislation, the newspapers in Texas were tired of writing about it. During the period of this case study, there were no newspaper or magazine articles, no political blogs, no letters to the editor nor any other type of archival document written about Senate Bill 1740. I used Lexis Nexis and several other databases to search for any

archival information on the bill, but was unable to find any mention of it. Conversely, Jessica's Law received coverage in each of the 10 major newspapers in Texas and was discussed in numerous blogs and magazine articles. Therefore, the average Texan was likely not aware that this bill had even been proposed, much less had passed through Senate Committee before dying in the House. It was unclear as to why no one wrote anything about this particular bill, but at the very least, it suggested that newspapers/magazine editors did not believe their readers would be interested in reading about it.

As stated previously, the 5 other themes in the data all contributed to the Texas legislature reaching its tipping point with sex offender legislation. The numerous negative effects on offenders and on offenders families mentioned by testifying witnesses were all heard by the committees, in addition to the numerous negative effects on the state itself, which were mentioned by witnesses but also by the legislators themselves. Additionally, the push towards effective, not emotional legislation that the legislature was aiming for was contradicted by Senate Bill 1740, with its push for returning to offense-based classification and failure to prevent new offenses. Finally, the issues with creating a state law based on a federal mandate with unclear expectations as to what needed to be included for it to be deemed "in compliance" with the federal government also contributed to a general feeling that legislators needed to sit back and wait to see how other legislation played out before passing any more bills. Legislators appeared to be so tired of hearing about sex offender legislation that a new version of Senate Bill 1740 was not slated for the next session because, as the staffers for Senator Shapiro surmised, other

legislators were not interested in any more legislation in this arena. As the staffer stated “I’d be shocked if we did a major Adam Walsh bill like 1740.” Despite all of the reasons why Senate Bill 1740 should have passed (e.g., the federal mandate, the possible removal of funding if not passed, and historical evidence that sex offender legislation traditionally passes in Texas), Texas legislators had reached their tipping point and refused to pass it.

Discussion

Although this study represents the case of one sex offender bill in Texas, it provides an interesting example of the legislative process and the factors that may cause a bill to not be passed, despite heavy pressures and historical precedence. My interviews with staffers from the author of the bill and viewing of the videotaped hearings of the bill describe the case from its inception to its ultimate end, dying in the House committee. By looking at the case both chronologically and then organized into themes, several important insights regarding why the bill did not pass emerged.

First, the bill seemed somewhat doomed from the beginning, as Jessica’s law was passed earlier in the session and proved how unpopular sex offender legislation was at this time. The staffers enumerated several discussions they had had with lawmakers and the clear consensus was that people thought Texas needed to take a step back, watch what happened with the laws that are already in place and then make changes based on what happens; however, Senate Bill 1740 had already been authored and was set for hearing prior to the passage of Jessica’s law. In this way, all of the work that went into trying to determine which pieces of Senate Bill 1740 to revise, eliminate or add to were tantamount to rearranging the furniture on the Titanic; the ship, or bill in this case, was

already going down and the revisions were futile efforts to save something that was already slated for failure. It appeared, based on many conversations with other legislators, that these staffers knew people were not ready for another piece of sex offender legislation to pass, and perhaps would not have passed this law in any form or any other piece of sex offender legislation during that session.

In this way, it appeared that Texas may have reached its tipping point in relation to sex offender legislation. Sex offender legislation has increased exponentially in both severity and sheer volume of law over the past 3 decades and seemingly with no end in sight. However, this case provides a different perspective on this issue, in that there was federal pressure to pass the bill, there were financial reasons to pass the bill, and historical precedent that the bill would be passed, and yet this bill never made it into law. Even more telling, the staffers opined that no bill similar to this will be reintroduced in the next legislative session, effectively stopping any efforts for Texas to comply with the federal mandate to pass a version of the Adam Walsh bill. This case is unique because it is one of the first instances where a sex offender bill was proposed in Texas with federal support, and was not passed into state law.

Lastly, the case provides a unique lens to examine the legislative process in Texas, particularly in the criminal and juvenile justice arena. Texas is traditionally seen as a tough on crime, punitive state, but this case suggests that a paradigm shift could be occurring; multiple legislators, testifying witnesses and staffers for the author of the bill stated that instead of continuing to pass tough legislation, we must instead refocus our efforts on effective legislation. To this end, in the interim period after this legislative

session the legislators were charged with examining risk assessment tools, studies on the recidivism of sex offenders, and how local law enforcement could pay for unfunded mandates in order to determine the next steps in sex offender legislation. It was clear that the legislators did not pass this law because they were unclear on how all of the components would affect their constituents, and as such, charged themselves with doing additional studies to examine what a better law may look like, or if no new laws are necessary in this area.

This study expanded upon previous research in this area by focusing on why the bill did not pass. No other studies in this area have used a case study method to study a legislative bill regarding sex offenders from inception to end in order to determine the reasons why the bill passed or did not pass. Additionally, the findings from this study support other findings from quantitative studies about the detrimental effects of sex offender legislation on the offenders, their families and financial implications for the state agencies charged with maintaining these registries (Robbers, 2009; Sample & Bray, 2006).

The current study utilized three sources of data and examined one case in one state. There was little variability in the sample; both of the staffers for the interview worked for the author of the bill and the videotapes showed only what happened during the hearings, and showed testimony from the opponents of the bill only. At this stage of the research it is impossible to know if there were other reasons for the bill's demise.

Despite these limitations, the case study still has value for the field, as it examines a unique case of legislation in Texas which may have broader implications for the state of

sexual offender legislation in the U.S. If a tough on crime state similar to Texas refused to pass a version of the Adam Walsh Bill, other states may follow a similar path.

Future research in this area should examine the legislative process for Adam Walsh-type bills across the U.S. As the federal government has charged all states with complying with this bill, or risk losing federal funding, most states are likely looking at a version of this bill to be brought before their legislators for a vote. As mentioned by the staffers, only one state (Ohio) and two Native American tribes have been deemed to be in compliance with the Act at the time of current study, and their bills look fairly different from what was originally set forth in the national act. In the time that has passed since Texas attempted to pass Senate Bill 1740, the national leadership in the United States has changed with the election of President Obama and therefore the leadership of the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) has changed as well. With the new leadership, states who submitted documentation for compliance with SORNA seemed to be judged very differently (e.g., many states submitted packages that were markedly different than other states and diverged significantly from the original requirements of SORNA) and were deemed in compliance. As of December 2012, the following states/territories are in compliance with SORNA: Alabama, Commonwealth of the Northern Mariana Islands, Delaware, Florida, Guam, Kansas, Louisiana, Maryland, Michigan, Mississippi, Missouri, Nevada, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, U.S. Virgin Islands and Wyoming (U. S. Department of Justice, 2012).

Therefore, 34 other states and numerous other entities may be determining what they need to pass in order to get their state in compliance with the federal policy. Data from these other states could suggest if the nation is reaching a tipping point in terms of sex offender legislation, or if the case in Texas is truly unique and not indicative of legislation in other states. As the potential detrimental effects of some of these policies have been clearly outlined in the empirical literature, it is imperative to investigate if more sex offender legislation will be implemented, and if so, at what cost to offenders, families and state agencies.

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Chapter 5: Conclusion

The aims of this dissertation were two-fold: (1) to examine the impact of current sex offender legislation on juvenile crime rates, both sexual and non-sexual, and (2) to examine why the most recent piece of federal legislation for juvenile sex offenders did not pass in Texas. The three articles presented above provide important data for researchers, legislators, and the public regarding the current state of sex offender legislation in the United States and may provide guidance for the next steps in legislation in this area. The major findings of all three articles are summarized below.

Major Findings

Sexual Offense Arrest Rates

In the first article, the impact of Megan's Law on sexual and violent crime rates was investigated. In regards to the impact of Megan's Law on sexual crimes, the data in the current study suggest that the enormous sum of money spent on drafting, passing, and implementing Megan's Law did not make a significant impact on the reduction of crime. There were no significant changes in the between groups comparison model for sexual crimes before, immediately following, or in the 11 year follow-up period to the passage of Megan's Law. Essentially, states that spent millions of dollars to implement a policy intended to reduce the incidence of sexual crimes both by identifying juveniles who had previously offended sexually and by deterring individuals from committing an initial sexual offense for fear of the public registration as a sex offender had no significant difference in rates of arrests for sexual crimes than those states that did not implement the policy.

In the overall model, in the 12-year period leading up to the passage of the law, there was no significant change in year-to-year arrest rate for sexual crimes. It is important to note that the baseline indicates the two groups did not differ significantly in rates of arrests for sexual crimes prior to the passage of the law but some states still felt compelled to pass stricter legislation, perhaps without data to indicate the incidence of sexual crimes in their states was increasing.

Finally, in the follow-up period, as deterrence was suggested as a predominant reason to implement Megan's Law, a significant decrease in crime between groups could suggest that the law was working; however, no significant differences were found between groups, or in the overall model. It appears that states that chose to implement Megan's Law invested much of their time and resources into maintaining the status quo. Again, it is critical to note that the rate of sexual crime was not significantly increasing either, so the laws may have had some small (i.e., not enough to achieve statistical significance in the segmented regression model) effect.

Violent Offense Arrest Rates

Unlike the sexual crimes data, there were significant differences found in the overall model for violent crime rates. There was a significant change in the violent crime rate during the baseline period in the overall model ($p = .000$); the rate of violent crimes was increasing and this mirrored the concerns of popular media about a youth crime epidemic. There was not a significant change in the overall model immediately following the passage of the legislation ($p = .089$). Finally, there was a significant change in the rate of violent crime during the 11-year follow-up period ($p = .000$); however, the change

was occurring in the opposite direction as expected and violent crime rates amongst juveniles were decreasing.

There are many possible explanations for this change, none of which can be confirmed from the data in the current studies. It is possible that the increased focus on apprehending sexual offenders led to a decreased focus on other types of crime and while the same amount of violent crimes were being committed, law enforcement was simply not arresting people for violent crimes at the same rate as the baseline period. It is equally plausible that violent crime rates amongst juveniles were simply decreasing, mirroring a similar decline in violent crime amongst adults during this same time period.

There were no significant differences for violent offense arrest rates in the between groups model in any of the three time periods included in the model. This suggests that the implementation of Megan's Law made no measurable difference in rates of violent crimes in those states as compared to states where Megan's Law was not passed. As Megan's Law was specific to sexual crimes, it can be assumed that there should be no measurable changes to other types of crimes and the current study suggests this is true.

Non-violent Offense Arrest Rates

In terms of non-violent offense arrest rates, there were no significant differences in the comparison model. While Megan's Law was not intended to impact arrest rates for non-violent crimes and therefore this finding should not be surprising, the data from the current study is in contrast to results from other studies (M.F. Caldwell, 2002; Letourneau, et al., 2009b; Viljoen, et al., 2008).

While there were no significant changes in the between groups comparison, there were significant differences in arrest rates over time in the overall model. In the 12-year baseline period, arrests for non-violent crimes were increasing ($B = 66.916$). There was no significant difference in non-violent arrest rates immediately following the passage of the law, but such radical change was not expected as policies often take time to implement and this particular policy was not aimed at affecting change in this area. However, in the 11-year follow up period, there was a statistically significant decrease in crimes in this area ($B = -144.079$, $P = .002$). Similar to the discussion of violent crime rates above, there are several possible explanations for these findings. One is that non-violent crime rates were simply decreasing. One other explanation is that more resources were being pulled from local criminal justice agencies for the enforcement of new sexual offense legislation and there was a decreased focus on non-violent crimes, and a subsequent decrease in arrests for non-violent crimes.

Status Offense Arrest Rates

There were no significant differences in status offense arrest rates for any of the time periods in the overall model. The arrest rates for status offenses appeared relatively stable over time, as none of the p -values were approaching significance. There are many possible explanations for this stability, but the most obvious and likely correct one is that rate of arrests for status rates during these time periods were simply stable. It is also possible that the number of arrests for status offenses (typically a very low number) is not large enough to show a statistically significant difference.

Arrest rates for status offenses did not differ significantly during any of the time periods in the current study for the between groups model. Analogous to the overall model, none of the p -values were approaching significance, again indicating that rates of status offenses in both states that adopted the law and those that did not were relatively stable.

When considered in total, the data from the two articles mentioned above provide little support for the impact of Megan's Law. There were no significant differences found in the between groups model for any of the four categories of offenses. In short, the money, time, and personnel resources spent to draft, pass, and enforce this bill for juveniles made no measurable impact on the crime rates in those states. While it is positive that juvenile crime did not significantly increase in these states, in a cost-benefit analysis of the bill, it appears the costs may outweigh the benefits. This data hopefully provides important information for legislators attempting to pass future legislation aimed at juvenile sex offenders, such as the Adam Walsh Act. The results from the qualitative study on this bill in Texas are summarized below.

Qualitative Data on the Failure to Pass the Adam Walsh Act

After compiling the data and conducting thematic analysis, the subsequent coding revealed six main themes in the data: the negative effects of the bill on offenders and families; the negative effects of the bill on the state; compliance with the federal Adam Walsh Act; effective, not emotional legislation; and reaching the tipping point. When considered in total, the reasons for the bill not passing are quite clear: despite federal pressure to implement the bill, legislators in Texas would not pass additional sex offender

legislation until time had passed and they had seen how all of the current legislation affected their constituents.

Negative Effects on Offenders

The testifying witnesses provided some arguments as to the potential effects of the bill on their lives. One of the witnesses who testified against Senate Bill 1740, Richard, was a registered sex offender. He discussed how Senate Bill 1740 would affect his life, such as requiring him to register more often, which was difficult when he could only find hourly or shift work which would not allow for absences during the work day to go check in with his probation officer, and possible residency restrictions which could require him to move from his current residence. He also spoke of an encounter with a neighbor who came to confront him after seeing his name on the sex offender registry. This neighbor had recently moved in, checked the registry and told Richard that he knew all about him and would be watching him carefully. The neighbor never really was able to get past his first impression of Richard, and saw him solely as a sex offender. Overall, Richard felt that he was discriminated against in most areas of his life due to his name being on the registry list: “The essence of discrimination is the forming of opinions on others not based on their personal merit, but rather on their membership in a group with assumed characteristics. And that’s what happens to me daily as a result of being on this registry.”

Other witnesses testified against the bill on behalf of their juvenile children who were registered on the sex offender registry in Texas. One woman, Brenda, discussed how her son was unable to find a job because people would hire him, find out what his

offense was, and subsequently fire him. Additionally, several testifying witnesses discussed how difficult it was for their sons to find housing, how one could only live in a hotel that was known for drugs and prostitution, due to the residency restrictions placed on sex offenders. Brenda also discussed how her son was banned from attending church, due to his status as a sex offender. She questioned what other groups of people were prevented from being able to worship: “What other group is not allowed to worship?”

In summation, the effects of Senate Bill 1740 on offenders who are on the registry were significant and numerous. Based on the reactions of the legislators, it was clear that these effects could have some bearing on their vote as to whether to pass or vote against the bill.

Negative Effects on Families of Offenders

In addition to the direct effects of placement on the sex offender registry to registrants, there were several negative effects on the families of registrants presented as well. The witnesses who testified against the bill enumerated the multiple ways in which having a family member or child on the registry had significantly affected their own lives. Some families had been evicted from their homes if they allowed their child who was required to register as a sex offender to move in with them. One witness was concerned that there were no laws in place that protected the families of these offenders from this type of discriminatory practice. In addition to housing restrictions, many sex offenders would not be able to take their own children to the park or to school anymore based on Senate Bill 1740, as they were not allowed near these places based on their parole restrictions.

Negative Effects on State

While the direct negative effects on offenders and indirect negative effects on families of offenders were discussed at length by the testifying witnesses, many of the representatives on the committees and the staffers interviewed brought up the effects of Senate Bill 1740 on the state. The concern that was voiced most frequently was the cost to local law enforcement for the implementation of the bill. The House sponsor of the bill even discussed that the passage of this bill would have deleterious effects on an already over-crowded prison system and would take money away from other areas of the budget, such as education: “I’d rather build more schools, not prisons.”

While Senate Bill 1740 would have increased the financial burden on local law enforcement, failure to pass it would have resulted in the loss of funding to the state of Texas from the Edward Byrne federal grant for law enforcement, so states were placed in a hard position. The Byrne fund originally distributed a large sum of money to states, but funding has gradually decreased for the past few decades, due to budget revisions: “Right now, it’s [Byrne funding] is like a million, which really is nothing in the grand scheme.”

In consideration of the large burden this bill would place on local law enforcement, the failure to increase public safety (and perhaps even decrease it), and the negligible effects of the loss of the Byrne funding, it was apparent that the staffers for Senator Shapiro and even the legislators on the House and Senate committees did not have many reasons to vote for the passage of Senate Bill 1740.

Compliance with the Federal Adam Walsh Act

At the time of the study (May 2011), only one state had passed a version of the Adam Walsh Act that had been deemed in compliance by the federal government. The staffers commented that the state was deemed in compliance, even though their version of the act looked very different than the federal act. The staffers were uncertain if Texas would have been in compliance with the Adam Walsh Act even if they had passed Senate Bill 1740. As the staffer stated, “It’s a crapshoot.” These discrepancies in the determination of what would be determined as in compliance with the federal act seemed to contribute to the lackluster support for the bill.

Reaching the Tipping Point

All of the aforementioned themes related to the last theme found in the data: Texas appeared to have reached its tipping point in terms of sex offender legislation. There had been one other major piece of sex offender legislation passed during the same legislative session, and this bill seemed to take all of the interest away from Senate Bill 1740. Legislators were not interested in passing anything else related to sex offenders in that session. Interestingly, it appeared that not only were legislators tired of hearing about sex offender legislation, the newspapers in Texas were tired of writing about it. During the period of this case study, there were no newspaper or magazine articles, no political blogs, no letters to the editor nor any other type of archival document written about Senate Bill 1740. Therefore, the average Texan was likely not aware that this bill had even been proposed, much less had passed through Senate Committee before dying in the House. It was unclear as to why no one wrote anything about this particular bill,

but at the very least, it suggested that newspapers/magazine editors did not believe their readers would be interested in reading about it.

During the course of the interview, it became clear that the two staffers themselves were not advocates of Senate Bill 1740 and had worked on it only because their boss, Senator Shapiro, had been tasked with authoring the bill. It appeared that even Senator Shapiro was not completely in support of the bill, as she believed Texas already had tough enough laws for sex offenders and did not believe the federal mandate made sense for Texas at that time; nevertheless, she was tasked with authoring the bill that would put Texas in compliance with the federal act and she wrote Senate Bill 1740. In this way, the bill was not set up to succeed from its inception. The two staffers noted multiple issues with the bill, aspects of it which were not fully resolved prior to the hearings and general discontent in the Texas Congress that they were being forced to hear another sex offender bill. Senate Bill 1740 was written by an author who seemed to be bullied into writing it by the federal government, contained measures that would be expensive and were not funded, and had the potential to cause major complications for the state of Texas in implementing it. As such, the bill had little chance to be passed into law.

Concluding Thoughts on Findings

Sex offender legislation has increased exponentially in both severity and sheer volume of law over the past 3 decades and seemingly with no end in sight. Many of these pieces of legislation have been passed without data to inform the drafting and certainly without data to help legislators decide whether to support or vote against the bill

for their constituents. The three articles in this dissertation provide cogent discussion on the impact of these laws in terms of individual impact (e.g., crime rates and negative effects on offenders) and collective impact (e.g., public safety and difficult decisions for legislators). This data provides little support for current pieces of sex offender legislation, but provides a framework with which to analyze a new piece of legislation from the drafting stage all the way to examining its impact. Legislators, law enforcement and the general public have long demanded more data with which to base their opinions on, and the findings described above could assist in future debates on new legislation.

Limitations

As with any quasi-experimental study, there are limitations to the studies contained above. First, for the articles concerning sexual/violent crime and non-violent/status offenses, Wagner et al. (2002) believe that 12 time points prior to the intervention and 12 time points post-intervention are necessary to conduct a segmented linear regression. These two studies each had 12 time points prior to the intervention, but only 11 years of data post-intervention. This was unavoidable, as the Adam Walsh Act was passed in 2008 and drastically changed registration laws for juveniles in virtually every state in the U.S. (Letourneau, et al., 2009b).

Additionally, as with all quasi-experimental studies, the results above do not allow for causality to be determined (Cook & Campbell, 1979). Due to the nature of policy research and the inability of researchers to randomly assign individuals or states to implement a policy, it is not viable for researchers to conduct true experimental research in this area. The methods utilized in the current study provide a rigorous study for policy

analysis, but the results should be interpreted with extreme caution when discussing any sort of causal impact.

Finally, it is commonly known that the number of sexual offenses reported is traditionally much lower than the actual number of incidents (Letourneau, et al., 2009b; Parks & Bard, 2006; Pittman & Parker, 2013). As the UCR data includes only arrests (e.g., only when a victim reports the offense and a perpetrator is found), this could mean that the number of sexual crimes reported is much lower than what actually occurred during the time periods in this study. Fortunately, as the low likelihood of reporting a sexual crime is not specific to any state or region, states that adopted Megan's Law and those that did not should have an equally low arrest rate for sexual crimes.

In terms of the qualitative study, it only utilized three sources of data and examined one case in one state. There was little variability in the sample; both of the staffers for the interview worked for the author of the bill and the videotapes showed only what happened during the hearings, and showed testimony from the opponents of the bill only. Since there was virtually no discussion of the bill in newspapers, blogs or other print media, there were not many other data sources available to analyze. Additionally, as the bill died in committee, there was no vote to be recorded and therefore it was not possible to determine which legislators may have voted the bill; additionally, there were no advocates speaking in support of the bill during either committee hearing. Speaking with advocates for the bill would have provided a more complete picture of the process of the bill, but was simply not possible in this case. However, the fact that no supporters of the bill could readily be identified also provides data on why the bill failed to pass.

In light of these limitations, the three studies included above provide important information on the current state of sex offender legislation. When all three are considered in conjunction, they present a broad knowledge base for a myriad of researchers, legislators, law enforcement and the general public.

The Complete Picture: A Framework for Analyzing Sex Offender Policy

The three articles contained in this dissertation comprise a mixed methods approach for examining juvenile sex offender policy. The first two articles analyzed the impact of Megan's Law through a quantitative approach, segmented linear regression. In the review of the empirical literature, it was apparent that there is much that is not known about the actual state of sex offending by juveniles in the United States and even less is known about the impact of registration and community notification laws on juvenile offenders and communities. The results from the studies indicate that there was not a significant difference in juvenile offending in any of the four categories of offenses in states that applied Megan's Law to juveniles as compared to those states that did not. This information is important for legislators who are drafting and voting on juvenile sex offender legislation, and this is exactly the type of information that legislators in Texas did not have when they were attempting to pass Senate Bill 1740, the focus of the last article. Several of the legislators mentioned the paucity of research in this area during the committee hearings and both of Senator Shapiro's staffers noted that enough sex offender legislation was in place without research to back it up and before passing more, more information was needed on the effectiveness of what was already law.

Similarly, many researchers have noted that in hindsight, there was not enough information available to legislators when they were drafting their versions of Megan's Law (M.F. Caldwell, 2002; Langstrom & Grann, 2000). One team of researchers examined the impact of Megan's Law in retrospect to determine if it had been in place, how many crimes could have been avoided. Petrosino and Petrosino (1999) conducted a retrospective analysis of the efficacy of Megan's Law, based on how many crimes could potentially have been prevented had Megan's Law been in place. Utilizing the criminal records of 136 "sexual psychopaths" (as defined by the state), the authors found that 27% of these offenders who would have been subject to registration and community notification committed new sexual crimes. Perhaps more significantly, only one-third of these crimes were committed against strangers, meaning that potentially only 6 offenses from the 136 sexual offenders could potentially have been prevented through registration and community notification (Petrosino & Petrosino, 1999). Again, if more data had been available, perhaps states would not have passed Megan's Law at all (as was the case with Senate Bill 1740), or they could have amended the legislation to reflect the data.

The passage of this law followed the pattern of many laws before it, and this same pattern continues: there was a heinous case of a sex offender who was released from prison and re-offended, the case received an enormous amount of media attention and calls for reform or additional legislation, a law was created and passed, and only in the aftermath was a discussion about the cost-benefit of the law and any empirical validation or refutation of the legislation. Additionally, most of these laws were created for adult sex offenders, but were extended to juvenile offenders without consideration of

developmental differences between juveniles and adults. In a recent interview, Frank Zimring, a law professor at University of California-Berkeley and the author of *An American Tragedy: Legal Responses to Adolescent Sexual Offending*, concurred; “Nobody is making policy for 12-year olds in American legislatures... What they’re doing is they’re making crime policy and then almost by accident extending those policies to 12-year olds – with poisonous consequences (Jennings, 2009).”

The three articles contained in this dissertation represent the analysis of 2 seminal pieces of juvenile sex offender legislation and each article contributes to the increasing body of knowledge of juvenile sex offending in the United States. Each article is unique in the data it provides, but when considered in conjunction with each other, they represent not only an analysis of the current state of sex offender legislation in the United States, but also provide direction in terms of the gaps in the current knowledge base and directions for future research in this area.

Gaps in Knowledge

As is often the case in policy research, which is virtually always quasi-experimental in nature, the data contained in these articles sheds light on the impact of sex offender legislation on juveniles, but does not provide any information on causation. While the data presented here suggests that different pieces of legislation had differing impacts on various types of juvenile crime, there are myriad theories on how the legislation made this type of impact. More research is necessary, perhaps using qualitative techniques with individual sex offenders, to determine if any of these policies

are causing an impact or if some other factor is contributing to the changes (or lack thereof) in juvenile crime rates.

Another area that has not received adequate study is the impact these laws have had on public safety. The first two articles presented above, and other empirical literature, provide some data suggesting the rates of other types of crime (e.g., other than sexual crimes) are impacted by legislation that is aimed at curbing sex offenses. It is unclear if the increases or decreases in other crime rates are related to the increase in sex offender legislation and increased surveillance of sex offenders, or if other factors account for these changes. Further, it is unclear if the increases in other types of crime, as suggested in the empirical literature, threaten public safety enough to warrant a re-examination and perhaps reallocation of law enforcement resources, away from sex offenders and towards preventing other types of crimes. More research regarding the cost-benefit analysis of juvenile sex offender policies is necessary.

Additionally, there is a gap in the knowledge base surrounding states that passed the Adam Walsh Act and the impact this law has had upon their states. Future research in this area should examine the legislative process for Adam Walsh-type bills across the United States. As the federal government has charged all states with complying with this bill, or risk losing federal funding, most states are likely looking at a version of this bill to be brought before their legislators for a vote. As mentioned by the staffers interviewed for the third article, only one state (Ohio) and two Native American tribes was deemed to be in compliance with the Act at the time of that study, and their bills look fairly different from what was originally set forth in the national act. In the time that has passed since

Texas attempted to pass Senate Bill 1740, the national leadership in the United States has changed with the election of President Obama and therefore the leadership of the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) has changed as well. With the new leadership, states who submitted documentation for compliance with SORNA seemed to be judged very differently (e.g., many states submitted packages that were markedly different than other states and diverged significantly from the original requirements of SORNA) and were deemed in compliance. As of December 2012, the following states/territories are in compliance with SORNA: Alabama, Commonwealth of the Northern Mariana Islands, Delaware, Florida, Guam, Kansas, Louisiana, Maryland, Michigan, Mississippi, Missouri, Nevada, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, U.S. Virgin Islands and Wyoming (U. S. Department of Justice, 2012).

Therefore, 34 other states and numerous other entities may be determining what they need to pass in order to get their state in compliance with the federal policy. Data from these other states could suggest if the nation is reaching a tipping point in terms of sex offender legislation, or if the case in Texas is truly unique and not indicative of legislation in other states. As the potential detrimental effects of some of these policies have been clearly outlined in the empirical literature, it is imperative to investigate if more sex offender legislation will be implemented, and if so, at what cost to offenders, families and state agencies.

Directions for Future Research

As mentioned above, more research is needed on the passage of the Adam Walsh Act at the state level and the subsequent impact of the law on juvenile crime rates. The first two studies in this dissertation should be extended to include data post-2008 (when the Adam Walsh Act was passed at a national level). A major strength of segmented regression models and one reason why it was selected for use in the current study is that it allows for the inclusion of more than one intervention or change point (Wagner, et al., 2002). The Department of Justice is currently very interested in examining the effects of the Adam Walsh Act on individual states and while a segmented regression model does not allow for individual level analysis, examining how different states that have or have not adopted the Adam Walsh Act vary in their arrest rates post-implementation could provide very important information for legislators, lobbyists, and both criminal and juvenile justice officials.

Additionally, it would be interesting to examine any differences in the individual states or regions of the country in law enforcement policies related to juvenile sexual offenders. For example, the South is traditionally viewed as more “tough on crime” and it would be interesting to see if any regional differences exist in line with, or in opposition to, this view. Information gained from this type of study could potentially save millions of taxpayer dollars. Continuing to study policy in this area and provide meaningful empirical data on the efficacy of such policies to legislators will hopefully inform more effective policy in the future.

Finally, most studies suggested that more data was needed on the individual impact these pieces of legislation have on families of victims and offenders, and on the

offender themselves. The data from the third article shed some light on the unintended consequences of juvenile sex offender registration and community notification, but more information is needed. In the first study of this kind, Nicole Pittman and Alison Parker (2013) interviewed 281 juvenile sex offenders and 15 family members of juvenile sex offenders in 20 states to determine the impact of public registration on the life trajectory of a juvenile. In their report, *Raised on the Registry: The Irreparable Harm of Placing Children on Sex Offender Registries in the U.S.*, they detail the experiences of these individuals and provide meaningful insight on the impact of registration laws. Their study also raises innumerable additional directions for research in this area.

The current study contributes to the growing body of research on the impact of registration laws for juvenile sex offenders and the passage of these laws by publicly-elected legislators. The results are quite mixed across studies as to the efficacy of these laws, and the support for more legislation in this area. Certainly, there is much discussion of a cost-benefit analysis for states and the juveniles impacted by the laws. Although it is clear that the implementation of Megan's Law impacted states in different ways than originally intended by the legislators, it is less clear if the impact was worth the cost to the state for implementing and enforcing the law, or the emotional cost to the victims, juveniles, families, and communities. Similarly, the Adam Walsh Act made a meaningful impact for some victims and offenders, and yet some tough on crime states (e.g., Texas) refused to pass it. More research is needed in each of these areas to determine the next steps in this area of public policy and to reduce possible harms to victims, offenders and the public.

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