

Oregon Action Committee, Inc.

Reform the Oregon Sex Offender Registry

Reform Oregon Revised Statutes to **limit registration requires to the duration of parole and probation:**

- **181.585 - 590** (Predatory Sex Offender Notice Procedure)
- **181.592 - 599** (Sex Offender Registration)

The Oregon Sex Offender Registration (SOR) laws are a complete fraud and hoax perpetrated against the citizens of Oregon by past legislative sessions. Although the goal of Oregon SOR laws was supposedly designed to bring the benefit of improved public safety to the citizens in our state, Oregon's SOR laws have failed miserably in that pursuit because there is a mismatch between the stated goal of reducing sex crimes and the actual facts showing that most sex crimes are committed by people not on the Sex Offender Registry.

Today, Oregon's sex offender related statutes reflect the continuing focus on falsely perceived and falsely assumed attention toward future sex crime possibilities of people already listed on the SOR list. Instead, Oregon legislators need to get a grip of the facts showing that the problem of sex offending (the vast majority of which are committed by people NOT on the SOR list) are not strongly connected to Registered Sex Offenders on the Sex Offender Registry (people with very low-recidivism rates and responsible for only about 3.5% of new sex crimes).

In this legislative year of 2013, the various leaderships in the Oregon House and Senate can begin to shift away from the many fear-based, often one-sided, and fact-less sex offender public safety laws enacted in past election cycles and begin the work of repealing sex offender laws that are not up to the task of providing Oregonians with true public safety in the sex crimes area. Oregon's political leaders will want to come into line with the growing sense that new laws that educate parents about the true nature of sex abuse of children starts by looking in the family itself and not to strangers listed in the Sex Offender Registry (SOR). Increasingly, Oregonians want a re-focus on true democratic freedoms and legal rights for all citizens where facts and evidence, expert testimony from all sides, and constitutionality will benefit everybody without exclusion of anybody.

Below is a summary list of the main points about why we must repeal the Sex Offender Registry (SOR) laws in Oregon because:

1. **SOR laws HARM the truth by promoting false assumptions about Registered Sex Offenders.** Public policy in Oregon should be based on relevant facts, expert testimony and logical reasoning. However, SOR laws do NOT reflect these basic well-known facts that so often REFUTE Oregon's SOR law foundations:
 - a. Most (about 94%) sex offenses are committed by people who are first time sex offenders. Source: <http://www.rethinking.org.nz/images/newsletter%20PDF/Issue%2078/C%2002%20watchedpot.pdf>
 - b. Most (roughly 91%) of child sex abuses are committed by people who already have close access to the child victim today (step-dads, older siblings, babysitters, church staff, next door neighbor, etc.)
 - c. Actual evidence from many federal and state studies show that people who are required to register as "sex offenders" have low recidivism (re-offense) rates (2.8% to 3.5% over various three year frames) in contrast to other comparative criminal recidivistic percentages that range from 35% to 57% or higher. <http://bjs.gov/index.cfm?ty=pbdetail&iid=1136>
2. **SOR laws HARM the expectations for public safety** in that Oregon citizens want to stop sexual abuse in the community. Parents do not want to have their attention misdirected toward the SOR distraction list because they are increasingly aware that most sex abuse is committed by somebody already known to the victim (91% of past cases). So why does the State of Oregon advertise the names of those on the SOR list as strangers who are likely to harm them? Citizens in general will be very unhappy when they discover that the Oregon legislature has not been fully straight forward with them by misdirecting their attention to the SOR list strangers instead of being told that the vast majority (94%) of likely new sex crimes will be committed by first time sex offenders. Source: <http://www.rethinking.org.nz/images/newsletter%20PDF/Issue%2078/C%2002%20watchedpot.pdf>

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3. **SOR laws HARM the concept of democratic equality under the law for everybody.** Oregon's reputation as a society of equals under the law has given up since the adoption of the Sex Offender Registry (SOR) laws in the last twenty years. SOR laws have created two classes of citizenship: **Regular status citizens** for most people who are not on the SOR list and enjoy all of their constitutional rights and freedoms under the law. Then there are the **degraded status citizens** (such as RSOs) where the normal legal rights and freedoms are limited; **RSOs do not have the freedom to travel widely depending on their Sex Offender Registration cycle and how far they can likely go because of the threat of breaking Oregon's "failure to register" laws.** If an RSO gets himself out of range (lack of money or time) of getting back in time to officially register as Oregon law provides then he probably has committed a new crime and will be held accountable. Also, the Oregon RSO may be travelling in other states but still run afoul of other local SOR laws that have different rules for registration requirements and end up being prosecuted for "failure to register" there.
4. **SOR laws HARM the Oregon and US Constitutions** because violating the basic legal rights for one group of citizens is tantamount to what could be the future violations of constitutional rights for everybody else. This has frequently been shown in history where the slippery slope of allowing the government to persecute one group endangers all citizens in the future. Oregon's SOR law violates due process, equal protection under the law, double-jeopardy, and cruel and unusual punishment clauses of the US Constitution.
5. **SOR laws HARM innocent persons and entities** who share a common "registered" address.
 - a. **Family and friends** of those living with a Registered Sex Offender (RSO). People who share the living quarters with an RSO may receive the same shaming and humiliation as that intended for the RSO himself. Neighbors will pull their children back from playing with children who live with the RSO. The RSO's children may receive shaming at school because daddy is on the SOR list.
 - b. **Employers** who risk hiring an RSO face the wrath of existing employees, customers and suppliers if found out. The employer's address is also listed on the SOR and the likelihood of the RSO holding onto a job is near zero. The employer may face loss of profits for the fact that customers go elsewhere to avoid an employed RSO.
 - c. **Educational facilities** that enroll Registered Sex Offenders. Public school, colleges and universities also share in the risk that an RSO who attends there will drive away other potential students. The school's reputation gets put on the line as "not a safe place" to get an education. Often times, the RSO is forced to leave through intimidation by administration or the students themselves.
6. **SOR laws HARM tax revenues from unemployed RSOs** because they are less likely to be employed and also end up costing the state for their qualifying for public assistance programs (if any) to survive. There is something like 18,000+ people on the Oregon Sex Offender Registry today and of that there might be 10,000 adult sex offenders. What is the value of this lost employment tax revenue from these (most likely) unemployed RSO? The SOR laws discourage employers from hiring Registered Sex Offenders because the business could be listed on the SOR list.
7. **SOR laws HARM the language of criminal justice** by using a current tense term of "sex offender" that embeds a permanent meaning to anybody who has ever been convicted of a sex crime. The adage that "once a sex offender always a sex offender" has been debunked years ago but persists because of old myths that perpetuate the beliefs about sex offenders: that "they can't be cured and they're all the same". Yet the federal statistics showing low recidivism rates do not allow for Registered Sex Offenders to become former sex offenders because Oregon sex offender statutes hold them in a perpetual "now" – as if a crime were committed yesterday. If the law's SOR laws language referred to convicted sex offenders as former sex offenders then the SOR laws would simply become an absurdity like that of what it actually is when federal crimes statistics are applied to these laws.

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Clinician Prejudice Toward Sex Offenders - Sex and Intimacy

by Robert Weiss LCSW, CSAT-S

Perverts and Rapists and Creeps, Oh My!

A couple of weeks ago my colleague [Jenner Bishop](#) posted an open letter on the IITAP (International Institute for Trauma and Addiction Professionals) listserv about clinician prejudice toward sex addicts and sex offenders. Jenner had just come from a "suite meeting" for an office she'd recently rented, at which she'd been bombarded with angry questions from the other therapists about how they were supposed to protect their clients from her "unsupervised" sex addicts and offenders. She had explained that she doesn't work with violent offenders, and that the offending behaviors of her clients were typically something along the lines of hiring prostitutes and/or looking at illegal pornography – which the other therapists' clients were probably also doing, even if the therapists weren't aware of it – but Jenner's fellow professionals just wouldn't let it go.

She writes: I was shocked. Eventually someone admitted that – despite the landlord sending around an advance email informing tenants the potential new renter is a Certified Sex Addiction Therapist – they wish they'd further investigated what a CSAT does, because they'd have informed the landlord that my practice is incompatible with theirs. You know, I just forget. We're on the front lines of healing such a grossly misunderstood population. And it's not just the masses, it's fellow clinicians with these massive prejudices and blind spots.

Jenner is absolutely right. The world is filled with sexual prejudice of all types, and even highly trained professionals are not immune to this bias. I face this fact every single day both in my educational efforts and in my practice. Honestly, even the most basic and factual of my blogs is likely to draw "friendly fire" from certain colleagues. And only a year ago I had to host a three-day staff training session at one of the addiction treatment facilities I work for, the sole purpose of which was to calm *the staff's fears* about working with a sexually addicted, potentially offending population. And their concerns – their prejudices if you will – were exactly the same as what Jenner recently faced. In other words, they were convinced that the facility's sexually addicted clients were monsters who were going to be molesting and raping all over campus. Never mind the fact that they'd been treating these same people for years as part of the chemical dependency population.

Ignorance = Fear

The good news when it comes to clinicians is proper education can help to alleviate concerns. While it is true that some people's prejudices toward sex offenders are simply too deep to overcome, for the most part therapists are open-minded individuals who respond well to unbiased, factual information. And that is my goal with this blog – to present the facts about who sex offenders are and the risks these men and women do and don't present.

For starters, many clinicians don't fully understand what sexual offending is. Oftentimes therapists, like the general public, are of the opinion that there is a one-size-fits-all definition. In reality, there is a clinical definition, along with multiple legal definitions. The *clinical definition* of sex offending is *nonconsensual sexual activity*. Essentially, a person's carnal activity is nonconsensual (offending) if one or more of the following occurs:

- The activity is forced
- The other person is incapacitated and can't consent (drugged, drunk, passed out, etc.)
- The other person is mentally unable to consent to the activity (developmentally disabled, psychologically disturbed, etc.)
- The other person is too young to consent
- The other person has been subjected to a non-forcible sexual experience that he or she did not invite or agree to (exhibitionism, voyeurism, frotteurism, etc.)

The *legal definition* of sex offending is sometimes quite different, and it varies from state to state and nation to nation. Consider, for instance, a fully cognizant 19-year-old male and a fully cognizant 17-year-old female who engage in consensual sex after dating for nearly two years. In one state this might be a crime, while in a neighboring state it might not be. And in the states where it is a crime the caliber of the offense and the potential consequences might vary significantly. Even more confusing is the fact that laws sometimes change. Behavior that was illegal last year might not be today, and vice versa. Either way, from a clinical perspective this behavior is unlikely to be considered sexual offending. Another interesting example is same-sex sexual activity between consenting adults. Such behavior was illegal in most of the United States until the late 20th century, and it is still illegal in several countries. So even though consensual gay sex was (and in some places still is) by law a sex offense, it does not now nor did it ever meet the clinical standard. In other words, from a legal perspective sexual offending is subjective, based primarily on the collective moral code of a specific community at a particular time.

From the clinical perspective, sexual offending typically involves one or more of the following behaviors:

- Exhibitionism – illegal in-person, legal online
- Voyeurism – illegal in-person, legal online

- Frotteurism (rubbing against a non-consenting person for sexual gratification) – illegal
- Sexual harassment – can be either illegal or legal, depending on circumstances
- Incest – illegal
- Viewing, downloading, or creating child pornography – illegal
- Sexual activity with a minor or mentally disabled adult – illegal
- Rape – illegal
- Abuse of a professional role to obtain sex – can be either illegal or legal, depending on circumstances

Categories of Sex Offenders

Much of the clinical prejudice toward sex offenders stems from the fact that in addition to not knowing what offending is, some clinicians have very little factual information about who the perpetrators actually are. Generally speaking, sex offenders, regardless of age and/or gender, fall into one (or more) of the following four categories:

1. **Violent sex offenders:** Violent sex offenders are the least prevalent type of sexual offender. Nevertheless, they (along with fixated child offenders) get by far the most media attention. These are people who commit forcible rape and “snatch and grab” child molestations. They are unlikely to enter treatment outside of incarceration, and they usually do not respond positively to treatment if and when they finally receive it. Unfortunately, the public has a tendency to perceive all sexual offenders as falling into this category, even though these individuals are in fact a small minority of the overall sex offender population.
2. **Fixated (dedicated) child offenders:** The primary and often sole sexual orientation of fixated child offenders is toward children – either prepubescent (pedophiles) or adolescent (hebephiles). They have little to no interest in sex with adults. Approximately 10 percent of the men and women who commit sexual offenses against children fall into this category. These individuals sometimes set up their lives so they have access to and can become emotionally (and later physically) intimate with minors. Often they relate to their victim as a peer or equal, adapting their interests and behaviors to the level of their victim(s) and experiencing themselves as children. Typically their sexual interest in kids has nothing to do with childhood sexual trauma or early abuse. They were born with this orientation. Ever since they became interested in sex their thoughts were about children. Attempts to change a fixated child offender’s orientation will almost certainly be unsuccessful, no matter how hard the therapist and client try. Former Penn State football coach Jerry Sandusky is a classic example of a fixated child offender, in that he set up his life so he could have ready access to victims (founding a child-oriented charity and even adopting a son).
3. **Regressed (situational) child offenders:** With regressed child offenders the sexual interest in kids is not exclusive. Approximately 90 percent of child offenders fall into this category. Usually regressed child offenders are equally or even more aroused by adults than minors. Many have adult sexual and romantic relationships, though others find adult sexuality threatening and avoid it or abandon it. When these people offend against children the behavior is opportunistic, meaning they don’t set up their lives so they can have contact with and offend against minors. When under stress, the influence of substances, or both they sometimes turn to a child/teen relationship as an unhealthy way to meet their need for intimacy. Their sexual offending is nearly always driven by life stressors and/or underlying psychological issues such as depression, severe anxiety, attachment deficit disorders, low self-esteem, etc. Typically these individuals see their victims as pseudo-adults. Because of this fantasy/misperception, they may feel as if they are not actually victimizing the child with whom they are being sexual. Regressed child offenders usually respond quite well to treatment.
4. **Sexually addicted sex offenders:** Sexually addicted sex offenders (SASOs) comprise anywhere from 55 to 75 percent of the sex offender population. That said, *not all sex addicts are sex offenders*. In fact, most are not. SASOs, like other sex addicts, use sexual fantasy and ritualized sexual behavior patterns as a way to dissociate from uncomfortable thoughts and emotions, including seemingly benign feelings like boredom. In other words, their behavior is driven by life stressors and underlying psychological conditions such as anxiety, depression, low self-esteem, attachment deficit disorders, and unresolved trauma. Anecdotal evidence from clinicians working in the field indicates that most sexually addicted sex offenders don’t start out offending. Rather, their behavior escalates over time from “vanilla” activities like legal pornography, webcam sex with adults, and casual adult sexual hookups to offending behaviors like prostitution, public sex, voyeurism and exhibitionism, viewing illegal pornography, inappropriate sexual behavior with minors, etc. Typically, SASOs respond well to treatment.

The Clinical Reality

In the clinical community there are two highly destructive beliefs about sex offenders.

1. No sex offender is treatable.
2. All sex offenders are treatable.

These two opposing opinions, neither of which is accurate, have caused a great deal of confusion, the wasting of valuable resources, and harm to the offender population, the therapists who treat those men and women, and society as a whole. The simple fact is some sex offenders can be successfully treated, while others cannot. Generally speaking, violent sex offenders and fixated child offenders do not respond well to treatment, while regressed child offenders and SASOs usually benefit greatly from proper clinical intervention.

These latter individuals, the “treatable” sex offenders, are the people that I see in my practice, and that Jenner sees in hers. They present little danger in a therapeutic setting. The odds of such a client taking advantage of another vulnerable person while sitting in the waiting room of a clinic are infinitesimally small; it’s about as likely as a recovering drug addict robbing his or her therapist’s office as a way to pay for his/her next fix. It’s possible, sure, but it doesn’t happen. In other words, we have every reason to treat these individuals, and little to no reason not to.