

The Real History of Sex Offender Recidivism Fake Facks and Fake News Fake Facts Has Its Origins in Oregon from a 1986 Psychology Today article

It is a widespread misconception that sex offenders commit additional sex crimes at alarmingly high rates. This myth has had tremendous impact on court decisions and policy making.

The use of dubious statistics in major cases like Smith v. Doe and McKune v. Lile has created a dangerous precedent with lasting effects. In their article, "Frightening and High": The Supreme Court's Crucial Mistake About Sex Crime Statistics, Ira Mark Ellman and Tara Ellman describe the source of these exaggerated claims.

The phrase "frightening and high"—describing the recidivism rate for sex offenders—was used in both cases and has been used in almost 100 judicial opinions since. Proliferation of this phrase as justification for further punitive policies aimed at sex offenders demonstrates the influence these cases have had in propagating the myth of high recidivism rates.

The "statistic" quoted to justify claims of "frightening and high" recidivism rates has been traced back to a 1986 article from Psychology Today—a mass market publication, not a peer reviewed journal. Ellman and Ellman describe the "statistic" and its source:

That article has this sentence: "Most untreated sex offenders released from prison go on to commit more offenses— indeed, as many as 80% do." But the sentence is a bare assertion: the article contains no supporting reference for it. Nor does its author appear to have the scientific credentials that would qualify him to testify at trial as an expert on recidivism. He is a counselor, not a scholar of sex crimes or re-offense rates, and the cited article is not about recidivism statistics. It's about a counseling program for sex offenders he then ran in an Oregon prison. His unsupported assertion about the recidivism rate for untreated sex offenders was offered to contrast with his equally unsupported assertion about the lower recidivism rate for those who complete his program.

While the courts have utilized faulty information to justify the existence of punitive policies, it can be difficult to produce recidivism studies that consider every factor possible. Due to the umbrella nature of the sex offender registry in many states, it can be difficult to separate high risk offenders from their low risk counterparts—it seems obvious they would reoffend at different rates. Also, a successful study must differentiate between re-arrest (for a parole/probation violation, a non-sex crime, or ultimately not charged), re-offense (committing a new sex crime), and re-conviction (getting convicted for a new crime, sexual or non-sexual).

In 2003 the U. S. Department of Justice released a study on sex offender recidivism: Recidivism of Sex Offenders Released from Prison in 1994. The study tracked 9,691 sex offenders released from prison in 1994 for a period of 3 years. Several factors were considered and the data are broken down into several categories, but the most basic statistics state that 5.3% of the sex offenders in the study were arrested for a new sex crime within 3 years of their release from prison and 3.5% were convicted for a new sex crime within 3 years. (A far cry from a "frightening and high" rate of 80%.)

In 2012, the State of Connecticut Office of Policy and Management put out a study: Recidivism Among Sex Offenders in Connecticut. It tracked 14,398 men released from prison in Connecticut for five years. Those tracked were divided into several groups based on offense and incarceration history. 746 of the men had served a prison sentence for a sex-related offense before being released in 2005. Over the next 5 years, 3.6% were arrested and charged for a new sex crime, 2.7% were convicted for a new sex offense, and 1.7% were returned to prison to serve a sentence for a new sex crime. (Certainly not even close to 80%.)

In 2005, P. Karl Hanson and Kelly E. Morton-Bourgon published a meta-analysis of sex offender recidivism studies: The Characteristics of Persistent Sexual Offenders: A Meta-Analysis of Recidivism Studies. This meta-analysis covers 82 recidivism studies that tracked 29,450 sex offenders. Per their findings, 13.7% sex offenders were arrested for a new sex offense and 36.2% recidivated with another type of offense. They conclude that sex offenders with antisocial inclinations are more likely to recidivate, just like any other type of convicted felon.

The reality is, sex offenders have one of the lowest recidivism rates of any category of felon. Perpetuation of the high recidivism rate myth by the media is irresponsible and its utilization by those in power to pass punitive policies is reprehensible.

SEX OFFENDER FACTS

I am asking you, the member of the House Judiciary Committee to **vote NO on HB 2218** for the following substantiated reasons for the goal of real public safety, justice and facts to back if all up. Please consider the main reasons why expanding the number of registered sex offenders to be added to OSP's public website is **bad public policy** besides the fact that SOR laws are regressive in nature. Here is why Oregon's SOR law fail public safety and Fairness:

1. **Vigilantism:** Public listings of Registered Citizens' addresses, photos and other personal information has led and will increase the chances for violence against Registered Families such as has happened in other parts of the county such as murders, assaults, property damage and harassment of those publicly listed on the SOR lists including spouses, children, parent and roommates. **This is nobody's vision of improved public safety.**
2. **False Basis:** The Sex Offender Registration (SOR) law is mostly based on myth, false assumptions and "fake news" over the last thirty years at least that have influenced everyday citizens and legislators alike. Here are the facts:
 - a) The SOR law ignores empirical studies that prove very low recidivism rates for Registered Citizens (formerly convicted sex offenders).
 - b) The SOR law ignores the proven fact that the vast number of new sex crime convictions come from first-time sex offenders who have never been on any state or federal SOR list. About 97%.
 - c) The SOR law ignores the fact that the vast number of sex abuse cases occurs among existing family members and their acquaintances. About 94%.
 - d) The SOR law is based on the extremely rare cases of stranger-to-the-child sex offenders that make up less than 1% of all sex abuse cases in the United States over the last thirty-plus years. Yet it is this myth of stranger danger that is at the heart of all SOR laws today.
3. **Anti-Family:** The Oregon's SOR law cause harm to Registered Family members who live with a Registered Citizen because the entire family is negatively impacted in numerous ways including public shaming, humiliation, loss of social status, loss of employment and loss of housing options. SOR laws are very anti-family.
4. **Anti-Rehabilitation.** Oregon SOR laws work against the principles of rehabilitation and reintegration of Registered Citizens. The vast number of Registered Citizens are law-abiding people who were previously convicted of crime, paid dearly for that crimes and now simply wish to live lawful lives as ordinary citizens. Why allow government to derail efforts to be part of a community as family members, neighbors, employees, tax-payers, and law-abiding citizens?
5. **Anti-Democratic.** Oregon SOR laws work against equality in our state. Yet, our government supports the SOR law which create unequal citizens in that Registered Citizens are put on a leash even after the Registrant has already served all of their sentencing requirements. Registered Citizens are not allowed to own fire arms even for those Registrants that are not convicted felons. The effect of these anti-democratic laws is that they create a two-class citizenship in Oregon: People with all of their legal rights and those that have only some legal rights.
6. **Anti-Constitutional.** Oregon's SOR law seems to violate basic Bill of Rights concepts such as Due Process, Equality under the Law, Double Jeopardy, Cruel and Unusual Punishment and Ex post Facto in some cases.
7. **Fascist Scapegoating.** Government terror against perceived enemies of society, Government Sanctions, -- A Dangerous political path to follow.

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California study: Recidivism of Paroled Sex Offenders, 10 year study 1997 to 2007

Recidivism after 1 year of release: 2.21%
Recidivism after 2 years of release: 2.94%
Recidivism after 5 years of release: 3.3%
Recidivism after 10 years of release: 3.38%