

Sex offender registries don't prevent re-offending (and vigilante justice is real)

January 10 2019, by Maggie Hall



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Calls for public access to information about convicted child sex

offenders [occur often](#) in Australia. It may seem like common sense that allowing the public to know the whereabouts of dangerous people should increase community safety. As in many areas of criminal justice, the real story is more complicated.

Home affairs minister Peter Dutton's [recent call](#) to have the states agree to a publicly accessible register reflects this kind of common sense view. All Australian states already have registers and the National Child Offender System ([NCOS](#)) allows police to record and share child offender information across states.

Child sex offenders are required to keep police informed of their address and other personal details for a period of time (which varies across states and the nature of convictions) after they are released into the community. But in most Australian states, these details are not available to the public.

Besides the political appeal of being seen to crack down on crime, evidence shows public sex offender registers do more harm than good. The Australian Institute of Criminology [recently reviewed](#) the latest evidence from Australia and overseas on the effectiveness of public and non-public sex offender registries. The report concluded: "while public sex offender registries may have a small general deterrent effect on first time offenders, they do not reduce recidivism. Further, despite having strong public support, they appear to have little effect on levels of fear in the community."

A 2011 US paper [compared research](#) on offending rates of sex offenders who appear on public registers and those don't. It detected little difference in rates of re-offending between the two groups. These registers can have other, unintended, consequences including creating community panic and vigilante attacks.

Where public registers are available

Among Australian states, the South Australian police website has hosted a [public access register](#) since 2014 for sex offenders who have failed to report to police or given false information, and whose whereabouts are unknown. Western Australia [recently introduced](#) a register of sex offenders with limited access to the public. The scheme provides:

- photographs and personal details of offenders who have either failed to comply with their reporting obligations, provided false or misleading information to police and whose whereabouts aren't known to police
- photographs of dangerous and high risk offenders in the searchers' local suburb or surrounding suburbs
- a parent or guardian with an avenue to inquire about a specific person who has regular contact with their child.

The US, South Korea and the Maldives are the only countries that [allow public access](#) to sex offender registers. Open public registers have existed under [federal legislation](#) in the US since 1994, but the legislation is [inconsistently applied](#) across states. New York State, for instance, [refuses to fully comply](#) with the register, preferring an evidence-based approach where judges use risk assessment tools to place offenders into categories.

Maintenance of registries is also often expensive and information may not be updated due to lack of resources.

Community safety vs panic

Knowing where convicted sex offenders live may allow people to believe they can organise their and their children's lives to reduce the risk of

harm. This may be attractive to politicians seeking to tap into people's wish to protect their children. But the Australian Institute of Criminology review concluded registries had no appreciable effect on levels of fear in the community.

Conversely, some [researchers have considered](#) whether registries actually do the opposite and magnify safety fears. In 2007, residents of an upstate New York town displayed what the researchers called "[community-wide hysteria](#)", including sleeping difficulties, after notification about sex offenders living nearby.

Others have raised concerns access to registers may lead to a false sense of security and [perpetuate myths](#) about "stranger danger" when most child sex offenders are known by, and are often related to, the victim. Some Australian [groups have expressed concerns](#) that publication in small communities may mitigate against reporting, as well as identify and stigmatise victims.

Public registers can [affect real-estate prices](#) too, and [create ghettos](#) by establishing multiple exclusion zones.

Vigilante justice

It's easy to dismiss concerns about rehabilitation and reintegration of offenders into the community. But if one considers preventing crime to be the primary aim of criminal justice, then rehabilitation is important to protect the community. Sex offenders are the [most stigmatised group](#) of offenders – both [in prison](#) and after release. Exclusion and virtual exile on release from prison provide further barriers to rehabilitation.

The risk of vigilantism is real too, despite [Derryn Hinch's claims](#) to the contrary. In Tennessee, in September 2007, a man's wife died after two neighbours set their house on fire. This was believed to have been

prompted by the man's recent charges for possession of [child pornography](#).

In [one US study](#), up to 15% of respondents reported being physically assaulted after being publicly identified as sex offenders, and about 19% of sex offenders reported negative effects had been experienced by other members of their households. One-third of the offenders in the study had experienced physical threats. Another [study found](#) 5% of attacks (some fatal) were on people with no history of child sex offending, possibly due to incorrect information on the registers.

While the idea of [public access](#) to identifying information about convicted child sex offenders is attractive, there is little evidence it improves public safety.

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