

FAILURE TO REGISTER: AN EMPIRICAL ANALYSIS OF SEX OFFENSE RECIDIVISM

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PURPOSE OF THE STUDY

In 2006, the Adam Walsh Act was passed, lengthening registration periods, requiring more frequent updating of registrant information, and expanding the number of sex offenders to whom notification requirements apply. The Adam Walsh Act (AWA) also increased penalties for sex offenders who fail to comply with registration obligations. The purpose of this study was to investigate the relationship between failure to register as a sex offender and subsequent recidivism. Since little is known about sex offender registration violators, our first goal was to describe the characteristics of a sample of sex offenders convicted of failing to register in South Carolina. Second, we sought to determine whether, as a group, sex offenders who failed to register differed significantly from compliant registrants on relevant risk variables. Third, we endeavored to identify factors predictive of failure to register (FTR). Finally, we evaluated the role of registration noncompliance in contributing to recidivism risk over time.

METHODS

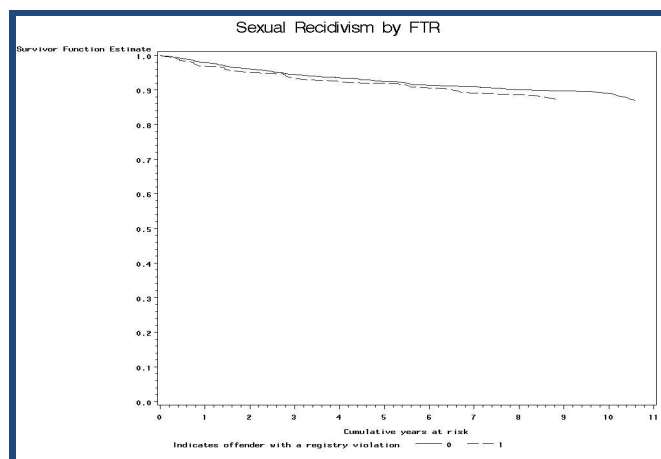
Data for this study (n = 2,970) were extracted from databases from three sources: South Carolina sex offender registry records, South Carolina adult criminal justice records, and South Carolina Department of Juvenile Justice records. The study focused on adult offenders 18 years of age or older

convicted of registry-eligible sex crimes in South Carolina whose initial registration occurred between January 1, 1995 (registry inception) and December 31, 2004. Sex offenders convicted of FTR were compared with compliant registrants on variables of interest. Multivariate logistic regression analysis was used to identify factors predictive of FTR. Cox regression and survival analysis examined the influence of potential predictors on FTR (while accounting for time at risk) and evaluated the role of registration noncompliance in contributing to recidivism over time. Specifically, Cox proportional hazard models (CPH) were computed using the SAS PHREG procedure.

RESULTS

Table 1 illustrates that there were no significant differences in the sexual recidivism rates of those who failed to register and compliant registrants (11% vs. 9%, respectively). There also was no significant difference in the proportion of sexual recidivists and nonrecidivists with registration violations (12% and 10%, respectively). FTR offenders were more likely than compliant registrants to be younger, to have had adult victims rather than child victims, and to have prior and subsequent non-sexual criminal activity. Failure to register did not predict sexual recidivism, and survival analyses revealed no significant difference in time to recidivism when comparing those who failed to register (2.9 years) with compliant registrants (2.8 years). Figure 1 displays survival curves showing that both the FTR and non-FTR groups had about a 13% estimated risk of sexual recidivism after approximately 10 years (see Figure 1).

Figure 1: Differences in sexual recidivism between FTR and non-FTR sex offenders



FTR - - - - -

NON FTR _____

Table 1: Description of sample and differences between groups: FTR and non-FTR sex offenders

| | Total N = 2970 | FTR n = 294 | Non-FTR n = 2676 |
|---|-------------------|----------------|---------------------|
| Gender (% male offenders) | 98.2% | 99.0% | 98.1% |
| Race (% white) *** | 60.0% | 46.6% | 61.4% |
| Mean age at registry offense (SD) *** | 33.5 (12.2) | 29.2 (9.4) | 33.9 (12.4) |
| Mean age at initial registration date (SD) *** | 36.6 (12.3) | 32.7 (9.6) | 37.0 (12.5) |
| Index sex offense | | | |
| Contact-minor ** | 65.5% | 57.8% | 66.4% |
| Contact-unspecified ** | 22.5% | 30.3% | 21.7% |
| Noncontact | 8.0% | 8.8% | 7.9% |
| Pornography | 1.0% | 0.3% | 1.1% |
| Nonsexual | 2.9% | 2.7% | 3.0% |
| Mean # of prior general offenses (SD) *** | 2.5 (3.6) | 3.6 (4.0) | 2.3 (3.5) |
| Proportion of sample with prior sexual offenses | 21.3% | 18.0% | 21.6% |
| Mean # of prior sexual offenses (SD) | 0.27 (0.58) | 0.24 (0.60) | 0.27 (0.58) |
| Victim gender (% female) | 88.5% | 96.3% | 87.8% |
| Victim age (% minor) | 84.8% | 80.9% | 85.1% |
| General recidivism *** | 42.2% | 75.2% | 38.6% |
| Sexual recidivism | 8.9% | 10.9% | 8.7% |

* significant differences between FTR and non-FTR groups at the .05 level

** significant differences between FTR and non-FTR groups at the .01 level

*** significant differences between FTR and non-FTR groups at the .001 level

Note: victim gender and age were available for 20% of the sample.

CONCLUSIONS

Results from this study do not support the supposition that sexual offenders who fail to register are more sexually dangerous than those who comply with registration requirements. Specifically, results indicated that approximately 10% of sex offenders had registry violations across an average follow-up period of about 6 years. Of those who failed to register, 11% also had a sexual recidivism charge, compared with 9% of compliant registrants. The presence of prior sexual offenses did not predict FTR, and FTR did not predict sexual recidivism. Consistent with other research, sex offenders are more likely to reoffend non-sexually than with a subsequent sex crime.

Sexual violence is a serious and complex problem requiring a comprehensive set of strategies to enhance public protection. Interventions based on research data are more likely to succeed in preventing sex crimes by targeting resources toward factors associated with reoffending. The current study indicates that sex offenders who fail to comply with registration are not more apt to reoffend sexually, but substantial resources are spent for enforcement, and, as required by the Adam Walsh Act, to incarcerate violators. We suggest that utilizing empirically derived risk assessment to identify high-risk predators, and assisting sex offenders to reintegrate successfully might contribute in more meaningful ways to public safety.

AUTHORS' NOTE

This report is a summary of a research article forthcoming in the peer-reviewed scientific journal *Justice Quarterly*.

This research was supported by a grant from the National Institute of Justice (2006-WT-BX-0001). The authors wish to thank Mr. Charles Bradberry, Senior Statistician and Ms. Diana Tester, Statistician, South Carolina Budget and Control Board, Office of Research and Statistics and Mr. Robert McManus, South Carolina Office of Justice Programs, Statistical Analysis Center. The conclusions expressed in this paper are those of the authors and do not necessarily represent those of funding agencies or South Carolina state agencies.

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