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Sex Offender Registration and Notification: Limited Effects in New Jersey

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OVERVIEW

In 1994, 7-year-old Megan Kanka was raped and murdered by Jesse Timmendequas, a sex offender who had been released after serving a maximum sentence. In response to this event and other sex crimes, community members successfully lobbied for the enactment of a law that requires sex offender registration and notification to the public that a sex offender is living and working in the community.

Since the mid-1990s, all 50 states and the District of Columbia have passed similar legislation, collectively referred to as “Megan’s Law.” Underlying these laws is the belief that notifying the public of the presence of sex offenders in their community allows citizens to take protective measures against sex offenders who live nearby.

Researchers for the first time have conducted an independent scientific assessment of the effects of the law in New Jersey.¹ They analyzed data from before and after the law was enacted. The study’s primary goal was to examine the impact of the law on the state as a whole and each county within the state. (See “Limitations of the Study” for what researchers were unable to examine.)

Researchers studying the impact of registration and notification laws in other states have found similar results.²

FINDINGS

■ Sex offense rates in New Jersey have been on a consistent downward trend since 1985. During this period, rearrests for violent crime (whether sex crimes or not) also decreased. When the researchers examined the decline in each county and then examined the state as a whole, the resulting

MEGAN’S LAW IN NEW JERSEY

In New Jersey, sex offenders are required to register with the local police department within a specified time after release from prison. Registration and notification are separate steps in New Jersey, but are often referred to as one process as they are in other states. Notification to the public and past victims is determined by the level of risk the offender poses. Placement in a tier is determined by a risk assessment instrument the state of New Jersey uses to estimate an offender’s likelihood of committing another offense.

Offenders who represent the lowest risk are placed in tier one. They are only required to notify law enforcement officials and the victims after release. Tier two classification represents moderate risk of reoffense and requires notification of organizations, educational institutions, day care centers and summer camps. Tier three offenders are predicted to present the greatest risk to reoffend. Placement in this category generates the most legal resistance because it calls for the broadest level of notification. Under the law, a sizable portion of the community is notified through posters, pamphlets and, more recently, the Internet.

statistical analysis showed that the greatest rate of decline for sex offending occurred prior to 1994 and the least rate of decline occurred after 1995. Hence the data show that the greatest rate of decline in sex offending occurred prior to the passage and implementation of Megan’s Law.

- Megan’s Law did not reduce the number of rearrests for sex offenses, nor did it have any demonstrable effect on the time between when sex offenders were released from prison and the time they were rearrested for any new offense, such as a drug, theft or sex offense.
- The majority of sexual offenders sentenced in New Jersey are convicted of incest and child molestation. In more than half the cases, the victim and offender know each other. Megan’s Law did not have an effect on this pattern: The bulk of offenses and reoffenses committed both before and after the law remained child molestation and incest.
- Megan’s Law had no demonstrable effect on the number of victims involved in sexual offenses, i.e., the data show no reduction in the numbers of victims.
- Sexual offenders convicted after Megan’s Law was passed received shorter sentences than those convicted before the law; sentences before Megan’s Law were nearly twice as long as those afterwards. However, fewer sexual offenders have been paroled since the law was passed, due largely to changes in sentencing guidelines. As a result, offenders convicted before and after Megan’s Law serve approximately the same amount of time.
- Estimates of the cost show that New Jersey spent \$555,565 to implement the law in 1995. In 2006, the estimated cost of implementing the law was approximately \$3.9 million, based on data received from 15 of New Jersey’s 21 counties.

ABOUT THE NEW JERSEY STUDY

Phase One: Identify Trends

In phase one of the study, researchers used a pre-post research design to determine trends in the rates of sexually based offenses reported by law enforcement agencies in the 21 counties of New Jersey — 10 years before to 10 years after the implementation of Megan’s Law. To compare trends, data on violent, nonsexual crime and drug offenses were also collected and analyzed for the same period. All data came from the FBI’s *Uniform Crime Reports*. Prevalence rates for three types of offenses — sexually based offenses, nonsexually based offenses and drug offenses — were established using population estimates from the Department of Labor’s Bureau of Labor Statistics guidelines and cross-referenced with the *Sourcebook of Criminal Justice Statistics*, a yearly publication of the federal government.

LIMITATIONS OF THE STUDY

The greatest challenge in conducting research about sexual offenses is the low rate of reported sexual offenses. Because these crimes tend to be underreported, official sources of data and most measures of recidivism may underrepresent true offending rates.

Another challenge in this study was determining whether Megan’s Law served as a deterrent. Although the study found long-term downward trends in sexual arrest rates, it was not possible to determine whether the results were due to decreases in new, first-time sex offenses (general deterrence) or to decreases in sexual reoffenses (specific deterrence).

The study did not examine the extent to which sex offender registration and community notification increased surveillance and prepared the public to take preventive action.

Phase Two: Compare “Before” and “After”

In phase two, researchers used a sample of 550 sex offenders arrested and released from New Jersey Department of Correction facilities before and after the implementation of Megan’s Law to examine the differences between the two groups. Pre-post comparisons looked for differences in general reoffense arrest rates, sexual reoffense rates, harm (violent offense rates, percentage of child victims) and community tenure.

Phase Three: Estimate Costs

The final phase of the project aimed to assess costs associated with the implementation and current operation of community registration and notification activities in New Jersey. Cost assessment questionnaires were mailed to the Megan’s Law Units in the prosecutor’s offices for the 21 counties. Survey questions were classified under two general categories: start-up costs (equipment, Internet sex offender registry) and ongoing yearly implementation costs for the 2006 calendar year (staff salaries, Internet registry maintenance, equipment maintenance/supplies and office supplies). Fifteen of 21 counties completed the survey. Along with the cost assessment survey, prior New Jersey state budgets were reviewed for costs associated with the incarceration, rehabilitation and tracking of sex offenders.

DEMOGRAPHICS OF THE NEW JERSEY STUDY

Convicted offenders and their offense types in this study were similar before and after Megan's Law was passed. Compared to the average criminal, sex offenders are generally older, married or have been married, employed, better educated, and have children or stepchildren. In this study, 79 percent of the offenses were child molestations and 20 percent were rapes.

In 48 percent of the cases, the sex offender was a member of the victim's family. In 42 percent of the cases, the perpetrator lived with the victim, and in 77 percent of the cases, the crime occurred in the victim's or offender's home.

NOTES

1. The New Jersey study report *Megan's Law: Assessing the Practical and Monetary Efficacy* is available at: <http://www.ncjrs.gov/pdffiles1/nij/grants/225370.pdf>.

2. Other studies of the impact of laws in states with similar registration and notification statutes include:

- Walker, Jeffery T., Sean Maddan, Bob E. Vásquez, Amy C. VanHouten, and Gwen Ervin-McLarty, *The Influence of Sex Offender Registration and Notification Laws in the United States*, Arkansas Crime Information Center, 2008, available at: http://www.acic.org/statistics/Research/SO_Report_Final.pdf.

- Prescott, J.J., and Jonah E. Rockoff, *Do Sex Offender Registration and Notification Laws Affect Criminal Behavior?* Cambridge, Mass.: National Bureau of Economic Research, NBER Working Paper No. W13803, February 2008, available at: <http://ssrn.com/abstract=1100584>.
- Levenson, Jill S., David A. D'Amora, and Andrea L. Hern, "Megan's Law and Its Impact on Community Re-Entry for Sex Offenders," *Behavioral Sciences and the Law* 25 (2007): 587–602, available at: [http://www.nacdl.org/sl_docs.nsf/issues/SexOffender_attachments/\\$FILE/Lev_Megan.pdf](http://www.nacdl.org/sl_docs.nsf/issues/SexOffender_attachments/$FILE/Lev_Megan.pdf).
- Sandler, Jeffrey C., Naomi J. Freeman, and Kelly M. Socia, "Does a Watched Pot Boil? A Time-Series Analysis of New York State's Sex Offender Registration and Notification Law;" *Psychology, Public Policy, and Law* 14(4)(2008): 284–302, available at: <http://psycnet.apa.org/index.cfm?fa=search.displayRecord&uid=2008-18509-003>.

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FIND THIS STUDY

The full report of the New Jersey study, *Megan's Law: Assessing the Practical and Monetary Efficacy*, can be accessed at <http://www.ncjrs.gov/pdf files1/nij/grants/225370.pdf>.

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