

December 6, 2012

Ms. Laura Ahern
Executive Director
Parents for Megan's Law
P.O. Box 145
Stony Brook, NY 11790

Dear Ms. Ahern:

I am Executive Director of USA FAIR Inc., a newly formed not-for-profit corporation formed by family members of people required to register with the sex offender registry. FAIR stands for Families Advocating an Intelligent Registry and as the name implies, we are not against the registry, but favor a "smarter" registry that is informed and shaped by the volumes of research and evidence that has been compiled since its inception.

The findings of this vast body of research represent good news for community safety. The sex crime recidivism rate of sexual offenders is much lower than what people think. In fact, sex offenders have one of the lowest recidivism rates in the criminal justice system. The belief that most former sex offenders will commit a new sex crime is a myth – but is widely held by the American public.

A 2010 survey by the Center for Sex Offender Management of the U.S. Department of Justice found that 72% of Americans believe that the sex crime recidivism rates are 50% or higher, with a third believing it is more than 75%. Only 3% believe it is less than 25% - even though actual recidivism rates are considerably below 25%. New studies are constantly confirming low recidivism, with the latest being released last month showing a recidivism rate in four states of 10% after 10 years, with rates dropping sharply with years of offense-free tenure in the community. (<https://www.ncjrs.gov/pdffiles1/nij/grants/240099.pdf>)

Yet, perhaps more important than numbers, is the consistent narrative that has emerged from these studies – that former sex offenders are a diverse group of people and that while certain identifiable sub-sets of offenders do indeed have high recidivism rates – the vast majority do not and pose little future risk to the community.

This is a story that needs to be told. It is our hope that this knowledge will lead to reform of the registry that will end the painting of all registrants with the broad brush of the most heinous offenders – and target the truly dangerous.

As one of our first initiatives, USA FAIR is conducting a review of recidivism statistics as presented on websites that cover sex offender issues. We believe that the best public policies can be achieved when all stakeholders are operating off of the same empirical knowledge base. As the late Senator Daniel P. Moynihan famously said, “One is entitled to their own opinion, but not their own facts.”

We applaud your website and the information it provides to parents to keep children safe. However, we would like to share the following comments and concerns on some sex offender statistics that you present:

- As an overall observation the statistics and sources you feature are old. The Abel study is from 1987 as indicated. These older studies have not been found to accurately predict recidivism with contemporary offender groups. R. Karl Hanson, the noted criminologist and principal author of Static 99, the most widely used risk assessment instrument, published a paper acknowledging that that offender groups from the 1950's 60's and 70's, which formed the basis for his samples, recidivated at substantially higher rates than current offenders convicted in the 1990's and 2000's. Actual re-offense rate norms are significantly lower than predicted. This is good news for public safety that should be widely communicated. (http://static99.org/pdfdocs/forum_article_feb2009.pdf)
- As a “best practice”, we encourage you to provide links to the statistics you cite to provide your visitors with the opportunity to delve deeper into the numbers should they so desire. We have implemented this policy at our website: www.usafair.org
- On your site you state, “The typical pedophile commits an average of 280 sexual crimes during his lifetime”. This statistic comes from the above-mentioned Abel study. However, this number does not represent the “typical” pedophile unless you believe that the typical pedophile only molests young boys. Most of the offenders in this study offended against young girls and had an average of 23 sexual crimes. Further, using the “average” number of crimes is very misleading – giving the false impression that the “typical offender” has committed such a high number of crimes. This study also cited the “median” number of offenses, which is the midpoint among all of the offenders in the study and found that the median number of crimes committed was 10.1 for boy victims and 1.4 for girl victims. If you combine all of the offenders together, half of the subjects of the study committed 4 or fewer offenses and had 3 or fewer victims (refuting your other claim that, “The average serial child molester has between 360-380 victims in his lifetime.”) A small percentage of the subjects of this study were responsible for a disproportionately high number of offenses, which significantly skewed the “average” numbers. In summation, the “typical” offender in this study did not commit the “average” number of crimes you claim, nor had the number of victims.
- On your site you state, “46% of rapists who were released from prison were re-arrested within 3 years of their release for another crime: 18.6% for a violent offense, 14.8% for a property offense, 11.2% for a drug offense and 20.5% for a public disorder offense.” What these statistics reveal is the general problem of our revolving door criminal justice system – and that a rapist is more likely to be a serial criminal than a serial rapist. You do not identify the source of this particular study, nor do you cite the most important statistic... What is the sex crime recidivism rate? Further, these statistics clearly apply

to rape offenders against adult women and we are concerned that an individual motivated to visit your site out of a concern to protect children would come away with the mistaken belief that these statistics apply to offenders with minor victims – and they do not. Every major broad based study of sex offender recidivism has shown that child molesters recidivate at a lower rate than rapists and that offenders involved in statutory age of consent cases involving teenage victims recidivate at dramatically lower rates than rapists – and that incest offenders have the lowest recidivism rates of all.

- On your site you state, “93% of juvenile sexual assault victims know their attacker, 34.2% of attackers were family members and 58.7% were acquaintances and only 7% of the perpetrators were strangers to the victim.” While we could not identify the specific source of these statistics from your citations, they are generally correct – danger from strangers represents a very small percentage of child sex crimes. We would also encourage you to add another statistic from a New York study: First time offenders who are not listed on any registry commit approximately 95% of all sex offenses. It is important that parents know that they are more likely to see the picture of their child’s abuser in the family photo album than on any registry website.

As the loved-ones of registrants who have paid their debt to society and are now rebuilding their lives as good citizens and providers to their families, we encourage you to consider updating your sex offender statistics to reflect what is known today about lower recidivism rates.

There are undoubtedly many reasons for these lower rates and one of them is certainly the attention that an organization such as yours has brought to this issue. Parents need to be vigilant, but they are also entitled to the most up to date research available so they can make reasoned assessments about the true risks posed by law-abiding former offenders who may reside in their neighborhood.

Thank you for your consideration of this request and we do hope that in the future our two organizations can engage in a positive and constructive dialog.

Sincerely,

Shana Rowan
Executive Director