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Reflections on registration and its inherent paradoxes

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On its face, registering individuals who have committed sexual offenses seems like common sense. It neatly ties to public perceptions and myths around these individuals, their rates of recidivism, and levels of risk. The creation of a registry reinforces risk management procedures, public protection policies, and an increasing “audit culture” (one in which there is an ever-increasing focus on monitoring and supervision) within the criminal justice system. It can seem that we are all better protected from sexual abuse when we are constantly monitoring our known sex offenders in the community, although the evidence for this is presently lacking.

The notion that focusing on the small number of people who have been brought to the attention of law enforcement, charged, convicted, and then mandated to register, while ignoring the larger community where sexual victimization occurs every day, is a clear indication that, as a society, we are not actually focusing on risk. Rather, we are making the erroneous assumption that reactive focus of registration is a better, more effective, policy than proactive prevention. This is not the only collateral consequence or contradiction of registries.

There are numerous inherent contradictions – paradoxes – that go hand in hand with developing a register. For example, by feeding myths about the inability of people who have sexually abused to change and the importance of prioritizing an audit culture, professionals and lay people alike can overlook what is actually known to reduce risk and harm. We argue that it is vital to examine the collateral damage caused by policies seemingly steeped in common sense. Doing so may force us to ask if the registry (especially in its current form) is actually fit for the combined purpose of public safety and community



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SAJRT Bloggers' Profile

We are longtime members of ATSA dedicated to furthering the causes of evidenced-based practice, understanding, and prevention in the field of sexual abuse.

The Association for the Treatment of Sexual Abusers is an international, multi-disciplinary organization dedicated to preventing sexual abuse. Through research, education, and shared learning ATSA promotes evidence based practice, public policy and community strategies that lead to the effective assessment, treatment and management of individuals who have sexually abused or are risk to abuse.

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(re)integration.

The unfortunate and often unintended messages from the registration of people who have sexually abused include those that are:

- *Anti-rehabilitation:* The basic premise of the register is that the police and criminal justice system will have information on known offenders so that if, and potentially when, someone reoffends, law enforcement will know where to find them. This suggests that people don't change; that once someone is labelled an offender that they will always be an offender. This goes against the basic tenants of treatment/rehabilitation and enables the individual to disengage from the process. Even the most stringent studies of rehabilitative efforts find a larger effect of treatment on recidivism than the registry.
- *Anti-desistence:* The register reinforces in people that they will always be a risk and always likely to re-offend, which impacts on their motivation to change and to desist. The inherent message is that they can never be more than the sum of their worst behaviors.
- *Impede the (re)integration of individuals convicted of a sexual offence:* There are many unknown and unplanned outcomes of registration for the person on the register, from the sharing of their personal data to where they can live, work and how they can access the internet. This disconnects people from their communities, impeded reintegration.
- *Enforces myths about sexual abuse perpetration:* The creation of registries enforces the idea that sexual abuse is perpetrated by a small group of individuals who continually reoffend. The reality, however, is that most individuals who sexually offend are not known to the police and do not have a prior offence at time of arrest.

Despite these concerns and the lack of meaningful supportive evidence, registries have been implemented internationally over the past 15-20 years and they are often seen as good practice in sex offender risk management. There has been virtually no mention in the professional literature of how rehabilitation and registration can work together, or if that is possible. Most western and northern hemisphere countries have a sex offender registry. However, there are variants in the structure and function of these registries. For example, some registries are available only to the police, some only target certain sexual offenses, and some target non-sexual offenses. Registration is the only common denominator.

The USA is an extreme example. The country is fast approaching one million people on the public registry. The USA asks for the most information, sharing much of it publicly. Even the penalties for non-compliance are extreme. Interestingly, countries looking to develop their own registers have looked to the USA as an example, though none has directly replicated it.

The policing and risk management function of the register may have merit, but it is time to reconceptualize it and reconsider the underlying premise to make sure that it is a prosocial, positive risk management tool. As for the USA, there is little room to argue that the registry, in its current form, is prosocial or positive.

When asked, most lay people believe that providing rehabilitative services to people who have committed sexual crimes is one of many good ideas. Given that the registry is likely here to stay, it's time to consider how we can also promote policies that are going to have a demonstrable impact on

public safety.