

POLICY BRIEF

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Ohio Sex Offender Registration

In recent years, federal and state governments have taken steps to require convicted sex offenders to register with law enforcement agencies, providing these agencies with identifying information intended to inform segments of the public of the presence of such offenders in their immediate area. The Federal Government has implemented three acts primarily responsible for the creation and operation of sex offender registration on the state and local levels: the Jacob Wetterling Act, Megan's Law, and the Pam Lyncher Act.¹

Jacob Wetterling Act (1994). This act requires states to do the following:²

1. Create a two-tiered system of sex offender registration, distinguishing sex offenders from sexually violent predators.
2. Establish a board of experts to advise courts concerning offenders' classification as a sexually violent predator.
3. Along with local law enforcement, to develop sex offender registration and address verification systems.
4. Ensure that sex offenders moving from state to state are reciprocally registered and that notice is provided to states receiving convicted registered sex offenders.

The Act requires that offenders who have victimized minors or who have been classified as "sexually violent offenders" to register yearly for a period of ten years upon release from state correctional supervision. "Sexually violent predators" are required to register

Ohio Sex Offenders Committed to Prison in 1997 ³	
Rape and Attempts	33%
Gross Sexual Imposition & Attempts	29%
Sexual Battery and Attempts	14%
Other Sex Offenses	24%
Total Sex Offenders Committed to DRC in 1997	1,114

for life and to report their addresses to law enforcement every ninety days.

Megan's Law (1996). This act amends the Wetterling Act by⁴:

1. Requiring states to release relevant information about registered offenders in order to maintain and protect public safety interests.
2. Permitting disclosure of any information collected by a state sex offender registry to be disclosed for any purpose allowed under state law.

Pam Lyncher Act (1996). Also known as the Pam Lyncher Sexual Offender Tracking and Identification Act, this act instructs the FBI to establish a national

OVERVIEW

Do sex offender registries deter future criminal activity? Or do they violate the offenders' rights to privacy after they have served their sentences?

Recently, several federal and state statutes have been enacted requiring sex offenders to register with law enforcement agencies. These statutes also require states to release relevant information about these offenders, and provide for a national sex offender database.

This policy brief provides information about:

- ♦ Federal statutes requiring the registration of sex offenders;
- ♦ Ohio's registry;
- ♦ Sex offenders and recidivism

The brief also provides arguments for and against the sex offender registry system.

In Ohio, three classes of offenders are required to register upon release.

Classification of Sex Offenders

Sexual predator - An offender who is convicted of a sexually violent offense and is determined to be a sexual predator by the sentencing court. Generally, sexual predators are required to register for life, and must verify their addresses with the local sheriffs' department quarterly.

Habitual sex offender - An offender previously convicted of one or more sexually oriented offenses. The sentencing judge may or may not determine that community notification is necessary. Generally, habitual offenders must register for 20 years, and must verify their addresses with the local sheriffs' department annually.

Sexually oriented offender - An offender convicted of a sexually oriented offense. Such offenders must register for 10 years, verify their addresses with their local sheriff's department annually, and are not subject to community notification provisions.

sex offender database. The Lyncher Act requires state sex offender registries not meeting certain minimum requirements to register offenders directly with the FBI. Lifetime registration is required for violent and habitual sex offenders, and compels offenders to submit fingerprints along with other identifying information to registries.⁵

OPERATION OF OHIO'S REGISTRY

The Wetterling Act requires that 10 percent of states' funding from the Edward Byrne Memorial State and Local Law Enforcement Assistance grants is contingent upon compliance with the above requirements. In Federal FY 1998, Ohio received approximately \$19 million for Byrne grants (state match was approximately \$500,000).⁶ Byrne grants are distributed to local and state government in order to assist these entities in carrying out specific programs to improve the criminal justice system. Program areas include: drug task forces, community policing, victim/witness assistance, corrections, research, and training.⁷

In Ohio, three classes of offenders are required to register upon release: sexual predators, habitual sex offenders, and sexually oriented offenders. All are required to provide fingerprints, photographs, DNA, criminal history, and vehicle registration information.⁸

Offenders must register within seven days of entering any county, and within seven days of changing address. These requirements also apply to out-of-state offenders establishing residence in Ohio.

The penalties for failure to register in Ohio are dependent upon the sexually-oriented offense committed. Offenders who are required to register as the result of committing a misdemeanor sex offense are charged with a first-degree misdemeanor for failure to register.⁹ A first-degree misdemeanant may be sentenced

up to six months' imprisonment and fined up to \$1,000. Offenders who are required to register as the result of committing a felony sex offense are charged with a fifth-degree felony for failure to register. A fifth-degree felon may be sentenced to between six and twelve months' imprisonment, and may be fined up to \$2,500.

Active written notification of the presence of a sexual predator or habitual sex offender is provided to the following parties within the school district in which the offender resides:¹⁰

1. Local law enforcement
2. All occupants of residences adjacent to the offender's residence
3. The executive director of the public children services agency
4. The superintendent of each board of education of the school district
5. The appointing/hiring officer of each nonpublic school
6. The director, head teacher, or elementary principal of each pre-school
7. The administrator of each child day care center
8. The president or other chief administrator of each higher education institution.

As of September 16, 1998, there were 880 offenders registered in Ohio.¹¹

RESPONSIBILITY DISTRIBUTION FOR REGISTRY OPERATION

The operation of Ohio's sex offender registry is dependent upon interagency cooperation among many state and local entities, including the Department of Rehabilitation and Correction (DRC), the Bureau of Criminal Identification and Investigation (BCII), and local sheriff's departments. The table entitled "Operation of Sex Offender Registry" shows each agency's role in sex offender registry.

SEX OFFENDERS AND RECIDIVISM

Of Ohio sex offenders released by DRC in 1989, 28.3 percent of inmates in that cohort committed other offenses after their release. Recidivism rates were highest among parolees (46 percent), and lowest among definite sentence releases (15.5 percent). The low rate attributed to definite sentence releases can be attributed to lower levels of post-release supervision. Inmates receiving shock probation committed another offense at a level between the two extremes, at 22 percent.¹²

Overall, the recidivism rate of Ohio's sex offenders is similar to the general prison population, approximately thirty percent. In the general population of inmates released in FY 1992, the recidivism rate of paroled inmates was approximately 38 percent, while the recidivism rate of offenders whose sentences had expired was close to 27 percent. Offenders receiving shock parole and probation represented approximately 23 and 28 percent of recidivists, respectively.

Recidivism by sex offenders varies by offense type. In general, inmates sentenced for rape offenses had the highest recidivism rate (43.5 percent), followed by inmates sentenced for corruption of minors (33.8 percent).¹³

Offender recidivism also varies by victim. Sex offenders who victimized strangers were the offenders most likely to subsequently commit another crime. Nearly 52 percent of recidivists were offenders who victimized strangers. Additionally, rapists with adult victims have the highest recidivism rates (between 48 and 60 percent recidivism), followed by abusers of teenagers (between 26 and 32 percent recidivism) and victimizers of young children (between 20 and 22 percent). Offenders who abused their relatives had the low-

est rates of recidivism in the 1989 cohort.

National data from the Bureau of Justice Statistics indicates that offenders who were imprisoned for sexual assault are 7.5 times as likely as those convicted of other crimes to be arrested for a new sexual assault.¹⁴ This study showed that 8 percent of the 2,214 rapists released from prisons in 11 states in 1983 were rearrested for a new rape within three years, compared to approximately 1 percent of inmates who were imprisoned for robbery, murder, or assault. The data also show that 51.5 percent of convicted rapists would be arrested for a new crime. Nearly 28 percent of released rapists were rearrested for a new violent crime, and nearly eight percent were arrested for new rapes.

However, compared to other violent felons, rapists had a lower rate of rearrest for a violent felony than did most violent criminals. Overall, approximately 41 percent of violent criminals on probation were rearrested within three years for a new felony, 19.5 percent of rapists were arrested for new felonies in that same period of time.¹⁵

Since Ohio's sex offender registry is relatively young, there is no conclusive data yet on the impact of the registry on recidivism. Very little research exists concerning the effects of registries on recidivism. One study conducted in the state of Washington suggests that the sex offender registries have no measurable effect on offender recidivism.¹⁶ Further research is needed to evaluate the effects of this program, both at the state and national levels.

PROPONENT ARGUMENTS

Proponents of the sex offender registry system base their views on a public safety argument. Some of the arguments made in favor of sex offender registries include:¹⁷

Four state and local entities cooperate to operate Ohio's sex offender registry.

Operation of Sex Offender Registry

DRC – Provides preliminary information on offender and offender's location to local sheriff's departments and BCII

Sheriff's Departments - Collects registry information from offender; provides notification; collects address verifications; forwards registry information to BCII

BCII – Compiles sex offender database from data collected by Sheriff's Departments; forwards data to FBI

FBI – Compiles national database of sex offenders

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This paper was written by Laura Bickle, Budget/Policy Analyst. For further information on the subject presented, or for information concerning other Policy Briefs, visit our web site at www.lbo.state.oh.us, or contact Deborah Gavlik at 614/644-7772.

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- ♦ Access to a registry enhances public safety, especially by allowing parents the ability to identify nearby threats to their children.
- ♦ The registry serves as a valuable law enforcement tool. By collecting fingerprints, DNA, and other information, law enforcement agencies increase their abilities to solve new crimes.
- ♦ Registration serves a deterrent against new offenses, because offenders know that they are being monitored.
- ♦ Registration creates a false sense of security. A large percentage of dangerous sex offenders are not included in the registry, because they have not been incarcerated.
- ♦ Penalizing offenders for behavior that may or may not occur in the future represents cruel and unusual punishment.

CONCLUSION

Implementation of federal law regarding sex offender registries, including the Wetterling Act, Megan’s Law, and the Lyncher Act, is necessarily the product of multi-agency cooperation among local sheriff’s departments, BCII, DRC, and the FBI. Currently, there is insufficient data to determine whether registries act as deterrents to future criminal activity, or whether or not they represent an unacceptable risk to offenders’ existence in communities. Further research is needed to clarify the effects of this policy in future years.

OPPONENT ARGUMENTS

Opponents of sex offender registration generally base their views on the argument that registries infringe upon offenders’ civil liberties. Some of these arguments include:¹⁸

- ♦ Registration of offenders violates offenders’ rights to privacy. Offenders are attached with a stigma that would encourage citizen vigilantism.

¹ National Criminal Justice Association, Sex Offender Community Notification, October 1997

² Department of Justice, Final Guidelines for Megan’s Law and the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, July 21, 1997

³ DRC Commitment Report, Calendar Year 1997, <http://www.drc.ohio.gov/web/repub15.htm>, posted October, 1998 (October 8, 1998)

⁴ National Criminal Justice Association, op. cit

⁵ Ibid.

⁶ Communication with Office of Budget Management, September 15, 1998

⁷ Office of Criminal Justice Services, <http://www.ocjs.state.oh.us/Grants/byrne.htm>, last updated July 6, 1998 (December 14, 1998)

⁸ Communication with Attorney General’s Office, September 15, 1998

⁹ Ibid.

¹⁰ Ohio Revised Code, section 2950.11

¹¹ Communication with Attorney General’s Office, September 16, 1998

¹² Five Year Recidivism Follow-Up of Sex Offender Releases, DRC Office of Management Information Systems, Bureau of Planning and Evaluation, August, 1996.

¹³ Konicek, Paul. Five Year Recidivism Follow-Up of Sex Offender Releases, DRC Office of Management Information Systems, Bureau of Planning and Evaluation, August, 1996

¹⁴ Greenfield, Lawrence. Sex Offenses and Offenders, U.S. Dept. of Justice Bureau of Justice Statistics, 1997 NCJ-163392 (revised February 6, 1997).

¹⁵ Ibid.

¹⁶ Center for Sex Offender Management: An Overview of Sex Offender Community Notification Practices, November, 1997, [//www.appa-net.org/csom4.html](http://www.appa-net.org/csom4.html)

¹⁷ Council of State Governments Issue Alert, October, 1998 [//www.csg.org/issue_alerts/ia041797.html](http://www.csg.org/issue_alerts/ia041797.html)

¹⁸ Sacco, Dena. “Arguments used to challenge notification laws—and the government’s response,” National Conference on Sex Offender Registries, May, 1998.