

# From Registered Sex Offender to Regular Citizen

## Rationale and Procedure RSO's take to Deregister

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## Objectives

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- How and Why the Sex Offender Registry (SOR) was created
- Pros and Cons of the SOR
- Which Registered Sex Offenders (RSOs) qualify to be removed from the sex offender registry
- Who makes the final decision on whether a RSO is removed from the registry
- Why Texas has a process to allow for RSOs to be removed from the registry

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## Purpose of the Sex Offender Registry (SOR)

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- ❖ Protection of the Community



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## How The Registry Was Created


- > **1994 Jacob Wetterling Act**
  - Response to the 1989 stranger abduction of an 11-year-old boy in Minnesota, Jacob Wetterling
  - Police later found out that after Jacob was abducted that there were HWHs in a nearby areas that included SOs. A registry would have allowed PD to investigate anyone there.
  - **Law Enforcement would have had a list of SOs to aid their efforts in solving the case**



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## How The Registry Was Created


- > **1994 Jacob Wetterling Act**
- > **1996 Megan's Law**
  - Megan Kanka was 7 years old when she was abducted in NJ
  - Police went door-to-door after her abduction was reported. Knowing that 3 SOs lived in a nearby house could have had them begin there.
  - One of them confessed.
  - **Had the family/public been privy to SOs in the area, then the community would know to be weary of him**



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## How The Registry Was Created

- > **1994 Jacob Wetterling Act**
- > **1996 Megan's Law**
- > **Pam Lyncher SO Tracking and Identification Act**
  - Established a law enforcement-only national database (the National Sex Offender Registry or NSOR) to track when SOs move from state to state.
  - **Required state registry officials to immediately transmit sex offender registration information to NSOR.**



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## How The Registry Was Created

- > 1994 Jacob Wetterling Act
- > 1996 Megan's Law
- > 1996 Pam Lyncher SO Tracking and Identification Act
- > 1997 Department of Commerce, Justice, and State, the Judiciary Related Agencies Appropriations Act of 1998
  - a. Required RSOs who change their state of residence to register under the new state's laws
  - b. Required RSOs to register in the states where they work or go to school if different from where they live
  - c. Directed states to participate in the National Sex Offender Registry



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## Scientific Studies of Registration

- Registration prompted by good intentions
- **Public** registration implemented before it could be researched.
  - But no way to research public registration without implementing it.
  - Scientific proof/research now available

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## The Registry


- Patty Wetterling speaks about the Registry
- <https://youtu.be/J1V2S6cUNcM?feature=shared>



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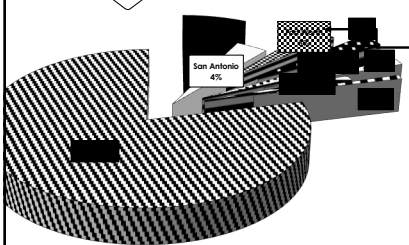
## Show Me The Numbers (of RSOs)

- U.S. 787,000
- Texas: 106,000
- California: 82,000
- Florida: 35,000
- Illinois: 33,000
- New York: 27,000



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## Show Me The Numbers (of RSOs)



- Texas: 106,000
- Fort Worth: 3,175
- Houston: 7,816
- San Antonio: 3,776
- Dallas: 2,902
- Austin: 1,600
- El Paso: 1,291
- Corpus Christi: 1068
- Amarillo: 874

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## Pros and Cons of the Registry

Created a way to help protect the community



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### Pros and Cons of the Registry



- Effects on the **family and friends** of registrants
- Increased difficulty obtaining job
- **Families** have to move to a less desirable neighborhood
- **Family members** harassed and threatened and have had their property damaged
- **Children** of registrants frequently experience collateral consequences for parent on registry
- **Children stigmatized** by adults such as teachers, neighbors, and friends' parents, due to their parent on the registry
- **Research: family support is associated with reduced recidivism**
- More registrants means more full-time law enforcement officers to register/track

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### How Deregistration Started

- 2005: Law created a way for some "low risk" sex offenders to deregister
  - **Rationale:** registry increasing by about 100 every week
- Higher risk offenders require more intensive services for law enforcement
- Lower risk offenders may require little or no services for law enforcement

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### Purpose of Deregistration

- **PROTECTION OF THE COMMUNITY**
- Focus resources
- Truer sense of security
- Alleviate collateral consequences
- Greater chance of prosocial lifestyle
- More worthwhile endeavor toward public safety
- **PROTECTION OF THE COMMUNITY THROUGH REDUCED RECIDIVISM**

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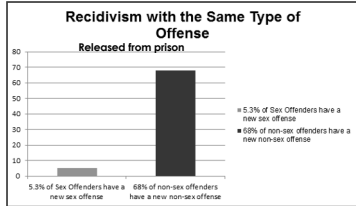
### Deregistration Info

1. ONLY removal of **PUBLIC** registry
2. Does **NOT** remove from nonpublic law enforcement registries
3. Does NOT remove DNA from law enforcement registries
4. Does NOT affect probation or parole status
5. Not for appeal or expunge sex offense
6. **Offense is still on their criminal record**
7. Still ineligible for jobs with children
8. Deregistration paid by registrant
9. Only **COURT** that sentenced the registrant makes final ruling

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### Deregistration: Based on Research (even if counter-intuitive)

After SO is caught, prosecuted, put on supervision and required to complete sex offender treatment, then least likely to re-offend

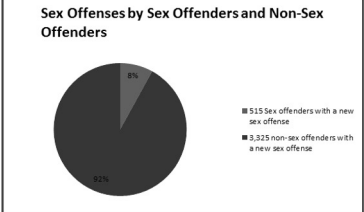


| Offender Type     | Percentage with new offense |
|-------------------|-----------------------------|
| Sex Offenders     | 5.3%                        |
| Non-sex offenders | 68%                         |

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### Deregistration: Based on Research (even if counter-intuitive)

After SO is caught, prosecuted, put on supervision and required to complete sex offender treatment, then least likely to re-offend




| Offender Type                            | Count | Percentage |
|--|-------|------------|
| Sex offenders with a new sex offense     | 515   | 8%         |
| Non-sex offenders with a new sex offense | 3,325 | 92%        |

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**Deregistration:  
Based on Research**

- ✓ Texas Legislature would not purposefully take action to put the public at risk
- ✓ Texas Legislature determined that SOR does not decrease public safety
- ✓ Texas Legislature determined that SOR may increase risk



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**Art. 62.403  
Texas CCP**



○ The Council shall establish, develop, or adapt an individual risk assessment tool or a group of **individual risk assessment tools** that:

1. **evaluate** the criminal history of a person required to register under this chapter; and
2. seeks to **predict**:
  - a. the **likelihood** that the person will engage in criminal activity that may result in the person receiving a second or subsequent reportable adjudication or conviction; and
  - b. the **continuing danger**, if any, that the person poses to the community

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**Do All RSOs Qualify?**

○ Texas law must be stricter than Federal law

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**Do All RSOs Qualify?**

| Yes  | No   |
|--|--|
| Indec w/Child by <b>Contact</b> (victim age 13-17)                                       | Indec w/Child by <b>Contact</b> (victim <b>under</b> 13) |
| Cont SXAB of Child (victim age 13-17)  | Cont SXAB of Child (victim <b>under</b> 13)              |
| Sexual Assault (if victim was 13-17 and offender not more than 4 yrs. older than victim) | Sexual Assault (all other situations)                    |
| Pass/Prom of CP  | Agg Sex Assault and Agg Sex Assault/Child                |
| Indecent Exposure  | Burg of Habitation w/ Int Comm a Sex Offense             |
|  | Attempt/Conspiracy to Commit a SO                        |
|  | Indec w/ Child by <b>Exposure</b> (10-year registration) |
|  | Online Solic of Minor (10-year registration)             |

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**Step 1 – Submit Application**

1. Order of Conviction/Deferred Adjudication Order;
2. If offense involved a minor, proof of minor's age through
  - a. Indictment
  - b. Offense Report or
  - c. Probable Cause Affidavit;
3. Current Criminal History Background Checks
  - a. Texas DPS Criminal History
  - b. FBI Criminal History
4. \$50

**Disqualified if**

1. New sex offense (including misdemeanor)
2. New other crime

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**Step 2 – Deregistration Evaluation**

1. Choose from 20 Deregistration Specialists
  - 1) Clinical Interview
  - 2) Sexual Reoffense Risk Assessment
  - 3) General Criminal Risk Assessment
  - 4) Risk of Psychopathy

Not eligible for next step if ANY of the 3 risk assessments are in the high-risk range

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### Step 2 – Deregistration Evaluation Clinical Interview

- ❖ **Legal Information**
- ❖ **Client's description** of sexual offending behavior
  - ❖ versus the victim's description
- ❖ **Treatment History**
- ❖ **Supervision History**

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### Step 2 – Deregistration Evaluation Sexual Reoffense Risk Assessment Static 2002

**AGE**

1. **Age at Release**  
 50 or older = 0  
 35 to 49.9 = 1  
 25 to 34.9 = 2  
 18 to 24.9 = 3

**PERSISTENCE OF SEXUAL OFFENDING**

2. **Prior Sentencing Occasions for Sexual Offenses:**  
 No prior sentencing dates for a sex offense = 0  
 1 = 1  
 2 or 3 = 2  
 4 or more = 3

3. **Any Juvenile Arrests for a Sexual Offense and Convicted as an Adult for a Separate Sexual Offense:**  
 No arrest for a sexual offense prior to age 18 = 0  
 Arrest prior to age 18 and conviction after age 18 = 1

4. **Rate of Sexual Offending:**  
 Less than one sentencing occasion every 15 years = 0  
 One or more sentencing occasions every 15 years = 1

**Persistence Raw Score Conversion to SUBSCORE**

0 = 0  
 1 = 1  
 2 or 3 = 2  
 4 or 5 = 3

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### Step 2 – Deregistration Evaluation Sexual Reoffense Risk Assessment Static 2002

0 Age

0 Persistence of Sexual Offending

**DEVIANT SEXUAL INTERESTS**

5. **Any Sentencing Occasion for Non-Contact Sex Offense:**  
 No = 0  
 Yes = 1

6. **Any Male Victim:**  
 No = 0  
 Yes = 1

7. **Young Unrelated Victims:**  
 Does **not** have two or more victims < 12 years, one of them unrelated = 0  
 Does have two or more victims < 12 years, one must be unrelated = 1

**Relationship to Victims**

8. **Any Unrelated Victim:**  
 No = 0  
 Yes = 1

9. **Any Stranger Victim:**  
 No = 0  
 Yes = 1

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### Step 2 – Deregistration Evaluation Sexual Reoffense Risk Assessment Static 2002

0 Age

0 Persistence of Sexual Offending

1 Deviant Sexual Interests

1 Relationship to Victims

**GENERAL CRIMINALITY**

10. **Any Involvement with the Criminal Justice System:**  
 No = 0  
 Yes = 1

11. **Prior Sentencing Occasions for Any Crime:**  
 No prior sentencing occasions for anything = 0  
 1 to 13 prior sentencing occasions = 1  
 14 or more prior sentencing occasions = 2

12. **Any Community Supervision Violations:**  
 No = 0  
 Yes = 1

13. **Years in Prison for Index Sex Offense:**  
 More than 36 months free prior to committing the sexual offense that resulted in the index conviction **AND** more than 48 months free prior to index conviction = 0  
 Less than 36 months free prior to committing the sexual offense that resulted in the index conviction **OR** less than 48 months free prior to conviction for the index sex offense = 1

14. **Any Prior Involvement in Violence Sentencing Occasions:**  
 No = 0  
 Yes = 1

**Raw Score Conversion to General Criminality Subscore**

0 = 0  
 1 or 2 = 1  
 3 or 4 = 2  
 5 or 6 = 3

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### Step 2 – Deregistration Evaluation Sexual Reoffense Risk Assessment Static 2002

0 Age

0 Persistence of Sexual Offending

1 Deviant Sexual Interests

1 Relationship to Victims

0 General Criminality

0 to 2 = low risk

3 to 4 = low-moderate risk

5 to 6 = moderate risk

7 to 8 = moderate high risk

9+ = high risk

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### Step 2 – Deregistration Evaluation Sexual Reoffense Risk Assessment Risk Matrix 2000

|                      |   |
|----------------------|---|
| Age                  | [8-24 = 2 points] [25-34 = 1 point] [Older = 0 points]        |
| Sexual Appearances   | [1 = 0 points] [2 = 1 point] [3,4 = 2 points] [5+ = 3 points] |
| Criminal Appearances | [4 or less = 0 points] [5 or more = 1 point]                  |

|                |               |         |               |                    |
|----------------|---------------|---------|---------------|--------------------|
| Points         | 0             | 1-2     | 3-4           | 5-6                |
| Category Label | Below Average | Average | Above Average | Well Above Average |

|       |          |        |             |
|-------|----------|--------|-------------|
| Male  | Stranger | Single | Non-contact |
| 0 / 1 | 0 / 1    | 0 / 1  | 0 / 1       |

Revised S-Category | Below Average | Average | Above Average | Well Above Average

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**Step 2 – Deregistration Evaluation  
General Criminal Risk Assessment  
LS/CMI**

**1.1 Criminal History**

Yes 1. Any prior youth dispositions (number \_\_\_) or adult convictions (number \_\_\_)?

Yes 2. Two or more prior youth/adult dispositions/convictions?

Yes 3. Three or more prior youth/adult dispositions/convictions?

Yes 4. Three or more present offences (number \_\_\_)?

Yes 5. Arrested or charged under age 16?

Yes 6. Ever incarcerated upon conviction?

Yes 7. Ever punished for institutional misconduct or a behavior report (number \_\_\_)?

Yes 8. Charge laid, probation breached, or parole suspended during prior community supervision?

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**Step 2 – Deregistration Evaluation  
General Criminal Risk Assessment  
LS/CMI**

**1.2 Education/Employment**

When in the labor market (either in the community or long-term imprisonment with work opportunities):

Yes 9. Currently unemployed?

Yes 10. Frequently unemployed?

Yes 11. Never employed for a full year?

School or when in school:

Yes 12. Less than regular grade 10 or equivalent?

Yes 13. Less than regular grade 12 or equivalent?

No 14. Suspended or expelled at least once.

For the next three questions, if the offender is a homemaker or pensioner, complete question 15 only. If the offender is in school or working, complete 15, 16, and 17. If the offender is available for the labor market but is unemployed and not in school, rate 0 for 15-17.

2 1 0 15. Participation/Performance.

2 1 0 16. Peer interactions.

2 1 0 17. Authority interaction.

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**Step 2 – Deregistration Evaluation  
General Criminal Risk Assessment  
LS/CMI**

**1.3 Family/Marital**

2 1 0 18. Dissatisfaction with marital or equivalent situation.

2 1 0 19. Nonrewarding, parental.

2 1 0 20. Nonrewarding, other relatives.

Yes 21. Criminal—family/spouse.

**1.4 Leisure/Recreation**

No 22. Absence of recent participation in an organized activity.

0 23. Could make better use of time.

**1.5 Companions**

Yes 24. Some criminal acquaintances.

2 1 0 25. Some criminal friends.

Yes 26. Few antiriminal acquaintances.

2 1 0 27. Few antiriminal friends.

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**Step 2 – Deregistration Evaluation  
General Criminal Risk Assessment  
LS/CMI**

**1.6 Alcohol/Drug Problem**

Yes 28. Alcohol problem, ever.

Yes 29. Drug problem, ever.

2 1 0 30. Alcohol problem, currently.

2 1 0 31. Drug problem, currently. Specify type of drug(s) \_\_\_\_\_

If a current alcohol/drug abuse problem exists, complete the following:

Yes 32. Law violations.

Yes 33. Marital/Family.

Yes 34. School/Work.

Yes 35. Medical or other clinical indicators? Specify \_\_\_\_\_

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**Step 2 – Deregistration Evaluation  
General Criminal Risk Assessment  
LS/CMI**

**1.7 Procriminal Attitude/Orientation**

2 1 0 36. Supportive of crime.

2 1 0 37. Unfavorable toward convention.

Yes 38. Poor, toward sentence/offence.

Yes 39. Poor, toward supervision/treatment.

**1.8 Antisocial Pattern**

Yes 40. Specialized assessment for antisocial pattern.

Yes 41. Early and diverse antisocial behavior.

Yes 42. Criminal attitude.

Yes 43. Pattern of generalized trouble.

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**Step 2 – Deregistration Evaluation  
Risk of Psychopathy**

Psychopathic Personality Inventory™-Revised

**PPI-R**

- Machiavellian Egocentricity:** Lack of empathy and sense of detachment from others for the sake of achieving one's own goals
- Rebellious Nonconformity:** Lack of concern for social norms
- Blame Externalization:** Blame others for one's difficulties and rationalizing personal contributions
- Carefree Nonplanfulness:** Lack of forethought and planning
- Social Influence:** Ability to be charming and manipulative
- Fearlessness:** Lack of anxiety related to harm and propensity to take risks
- Stress Immunity:** General lack of anxiety
- Coldheartedness:** Callous and unemotional

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### Another Look at Risk

- Study of over 7,000 RSOs
- Long-term risk (25 years) of sexual recidivism
- Likelihood of new sexual offenses **declined** the longer a RSO is in the community without further arrest
- After 10-15 years, most were no more likely to commit a new sexual offense than individual with a criminal history
- True for all age groups and initial risk levels
- **Non-sexual offending** during follow-up period **increased risk** for further sexual offending

Hanson, R. K., Harris, A. J. B., Lussier, E., Helmus, L., & M. Thomson, D. (2017). Recidivism in risk based on time free in the community: Does a sex offender not always a sex offender. *Psychology, Public Policy & Law*. Online Publication

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### Step 3 – Petition the Court

- Legal Representation
- Sentencing Court
- **Hearing (or not)**, Treatment Provider may testify
- Judge decides
- If granted, attorney sends court order to DPS
- DPS removes registrant from **public** registry

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### How Do The Judges Rule

| Granted  | Denied  |
|--|---|
| <ul style="list-style-type: none"> <li>✓ Off Supervision for 20 years</li> <li>✓ Wait another year...granted</li> <li>✓ Fully admits to offense</li> <li>✓ Completed intensive treatment</li> <li>✓ No violations</li> <li>✓ Various counties throughout Texas</li> <li>✓ Longer time since offense</li> </ul> | <ul style="list-style-type: none"> <li>✓ Not fully admitting to offense</li> <li>✓ Ongoing high-risk behaviors</li> <li>✓ Refused polygraph over reoffense</li> <li>✓ Victim's mother testified against it</li> <li>✓ Never attended treatment (withdrew motion)</li> </ul> |

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### Thank You!

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