

Public Perception in the Legislative Process:
A Case Study of Washington State Sex Offender Laws & Related Research

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Abstract

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Laws & Related Research

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Current sex offender legislation focuses on preventing subsequent sex offenses—providing a tool for law enforcement and the public to monitor convicted sex offenders. This scheme fails to account for the original victim and the potential for future known or related victims.

Furthermore, it is inconsistent with empirical research regarding the recidivism of convicted sex offenders. This research has three specific goals – (1) analyze the descriptive details available for Washington state registered sex offenders (RSO; n=19,532), (2) assess the accuracy of public perception for Washington state residents regarding sex offender characteristics and legislation, and (3) assess the role or influence of public perception within the legislative drafting and enactment process. Question 1 utilizes the Washington State Sex Offender Registry (n=19,532).

The analysis revealed that almost 40% of RSOs in Washington are Male, White, and between 36–59 years of age. Further, supplemental data regarding victim relation for RSOs (n=3,273) revealed that 90% perpetrated against a juvenile and 35% against a juvenile family member.

Question 2 utilizes previously collected public perception data for Washington State residents

(Fisher and Pedneault, 2017). Compared with the descriptive analysis from Question 1, public perception of Washington state residents was incorrect concerning the offender's age and risk for recidivism. Question 3 utilizes semi-structured interviews of Washington state legislators, and the resulting analysis utilizes the Grounded Theory of qualitative analysis in Atlas.ti. The interview respondents discussed their legislative function, providing different legislative experiences as anecdotal evidence. There are multiple entry points for public perception into the legislative process—the main two being direct constituent contact and legislative standing committee hearings. The complexity of public perception within the drafting and enactment process is exacerbated when legislating public safety issues due to the need to overcome fear and misperception.

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Special thanks to the Center for Statistics and Social Science (CSSS) at the University of Washington for guidance and advice concerning statistical analysis with the data available.

Content Warning

The content of the research and data discussed within this dissertation may be difficult to process due to the nature of the discussed crimes. There will be discussion regarding sexual assault, sexual assault victimization, crimes against children, and instances of intra-familial sexual abuse. The above list is not exhaustive and is meant to introduce you to the potentially triggering nature of the following content.

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List of Abbreviations
(In order of occurrence)

Abbreviation	Explanation
CPA	Community Protection Act
SVP	Sexually violent predator
RSO	Registered sex offender
WASPC	Washington Association of Sheriffs and Police Chiefs
EBP	Evidence-based policy or program
CAQDAS or QDAS	Computer Assisted Qualitative Data Analysis Software or Qualitative Data Analysis Software
UCR	Uniform Crime Report
NIBRS	National Incident Based Reporting System
NCVS	National Crime Victimization Survey
FBI	Federal Bureau of Investigations
DSM	Diagnostic Statistical Manual
ESRC	End of Sentence Review Committee
RCW	Revised Code of Washington
PROTECT	Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act
AWA	Adam Walsh Child Protection and Safety Act
SORNA	Sex Offender Registry and Notification Act
SMART	The Office of Sex Offender Monitoring, Apprehending, Registering, and Tracking
KIDS	Keeping the Internet Devoid of Sex Predators Act
USC	United States Code
NIPSVS	National Intimate Partner and Sexual Violence Survey
NVSS	National Vital Statistics System
IRB	Institutional Review Board (for human subject research)
ESSB	Engrossed Substitute Senate Bill
NC	Non-Compliant
AIAN	American Indian/Alaskan Native
AAPI	Asian American/Pacific Islander
OFM	Washington State Office of Financial Management
IQR	Interquartile Range
TVW	TV Washington (Public Access Television)
SD	Standard deviation
SOP	Standard operating procedure or practice

CHAPTER I

Introduction

Statement of Problem

Public perception is a necessary consideration within the legislative process. Elected officials¹ are responsible for creating and amending legislation² to be relevant within the context of the current period. With that, they must make many different considerations; for example, legislators balance opposing party relations, public perception, and stakeholder perception with data and evidence every time they are involved in drafting a bill. Some issues before the legislature, such as sex crimes, are more controversial and require more balancing by legislators.

Public perception is a dynamic variable based on time and place. Examining how public perception interacts with the legislative process entails a review of the research, perceptions, and resulting legislation for any given topic. Stakeholders as a group include many different professionals in the respective areas being legislated—typically individuals who are or will be directly affected by the proposed bill. For example, doctors and nurses are likely involved in the drafting and enactment when working on healthcare legislation as they are the individuals directly affected by those laws. Similarly, legislators often seek out guidance from professionals working within the criminal legal system when legislating crime or public safety issues.

Understanding how elected officials mobilize the legislative process is essential for anyone attempting to understand how or where they may fit into the overall function—each

¹ For the purposes of this research the use of the terms elected official, legislator, and lawmaker will be used interchangeably to describe the same group of individuals.

² For the purposes of this research the use of the terms legislation, bill, and law will be used interchangeably to describe the result or output of the legislative process.

consideration bringing its own set of nuance or complexity to the process. Furthermore, examination of the process allows for identifying potential gaps and or implications.

This research will provide an overview of the legislative process and considerations, explicitly focusing on the relative accuracy, role, and influence of public perception of sex offenders, their treatment/rehabilitation, management, monitoring, and punishment on the legislative process in Washington State. The variables are examined to assess the pragmatic inclusion of public perception in the legislative process in the years and decades to come.

Scope of Current Research

This research examines the Washington State Sex and Kidnapping Offender registry to provide descriptive analytics for the population required to register as a result of a conviction involving a sex offense (or kidnapping offense) since the enactment of the 1990 Community Protection Act (CPA; Lieb, 1996).

Washington state provides comprehensive data regarding sex offender characteristics via a registry that has been in place for over 30 years and the subsequent sex offender legislation enacted since the 1990 CPA. Pioneering the current registry and community notification wave across the US in the late 1980s and early 1990s—the CPA was the first of its kind with public notification and successively added publicly accessible offender data. The CPA was enacted in response to multiple highly publicized sexual assaults in Western Washington in the late 1980s. The perpetrators of the offenses were previously convicted sex offenders, contributing to a moral panic³ in the months and years to follow.

³ Moral panic is defined as, "when the official reaction to a person, groups of persons or series of events is out of all proportion to the actual threat offered, when 'experts' perceive the threat in all but identical terms, and appear to talk 'with one voice' of rates, diagnoses, prognoses and solutions, when the media representations universally stress 'sudden and dramatic' increases (in numbers involved or events) and 'novelty,' above and beyond that which a sober, realistic appraisal could sustain" (Cohen and Hall as in Jenkins, 1998, pp. 6).

Examining legislation enables the visualization and a deeper understanding of the social construction of the ideas utilized to draft and enact laws. The social construction of "stranger danger" dominated the 1990s, which is evident in the many different laws enacted regarding the registration and monitoring of sexual deviants. The focus on public safety is evident within the resulting legislation, necessitating registration, community notification, and the civil commitment, post-conviction, of offenders deemed to be sexually violent predators (SVP).

Drafting and enacting the 1990 CPA included a series of public hearings at which time the governor's task force—created specifically to address this issue—heard testimony from stakeholders, community members, concerned citizens, and victims of sexual assault. As the understanding of offenders and causes of criminal behavior has advanced, the legislation, in theory, should evolve and adapt along with it (Jenkins, 1998).

The registry and community notification scheme introduced in 1990 is the basis of sex offender legislation in place today. The current laws rely on a combination of public perception and input, community stakeholders, and experts within their respective fields to enact legislation. This research highlights the role, influence, and accuracy of public perception within the legislative drafting and enactment process as it stands in 2021.

Research Questions

This research considers three questions: What is the demographic profile of registered sex offenders (RSO) in the state of Washington? Are there gaps between the data profile and the public perception of sex offender characteristics and community risk? What role does public perception play within the legislative drafting and enactment process—specifically when thinking about laws enacted in response to a societal panic (i.e., sex offender legislation)?

Utilizing the statewide Washington registry dataset,⁴ this research examines and delineates the descriptive variables collected and recorded for the registered offenders, including race, age, gender, managing agency, and risk-level classification, and additional variables concerning the victim–offender relationship and victim age group (juvenile [under 18], adult [18+]).⁵ Ackerman et al. (2011) conducted a nationwide study in which they attempted to compile a descriptive profile of the national sex offender registry. They utilized data-scraping⁶ tools to access information online through publicly accessible registries (N=5,927)—Level I (Non-Compliant), Level II, Level III, and Transient offenders. The Washington Association of Sheriffs and Police Chiefs (WASPC) dataset collected and analyzed information on Level I offenders, determined to be the lowest risk of re-offense within the community.⁷ Level I offender data is not accessible through the online registration system. As seen below, in Figure 1.1, approximately 65% of the registered population in Washington are classified as low-risk, Level I sex offenders—utilizing these data allows for a complete descriptive analysis of the most frequent risk-level classification in the state of Washington.

Figure 1 illustrates risk-level distribution for the Washington State RSO population. The WASPC data include descriptive variables (non-identifying) for Level I sex offenders. When accessing the online registry, the public is provided with information for Level II, Level II, Level

⁴ Data obtained from the Washington Association of Sheriffs and Police Chiefs via Excel on January 12, 2021.

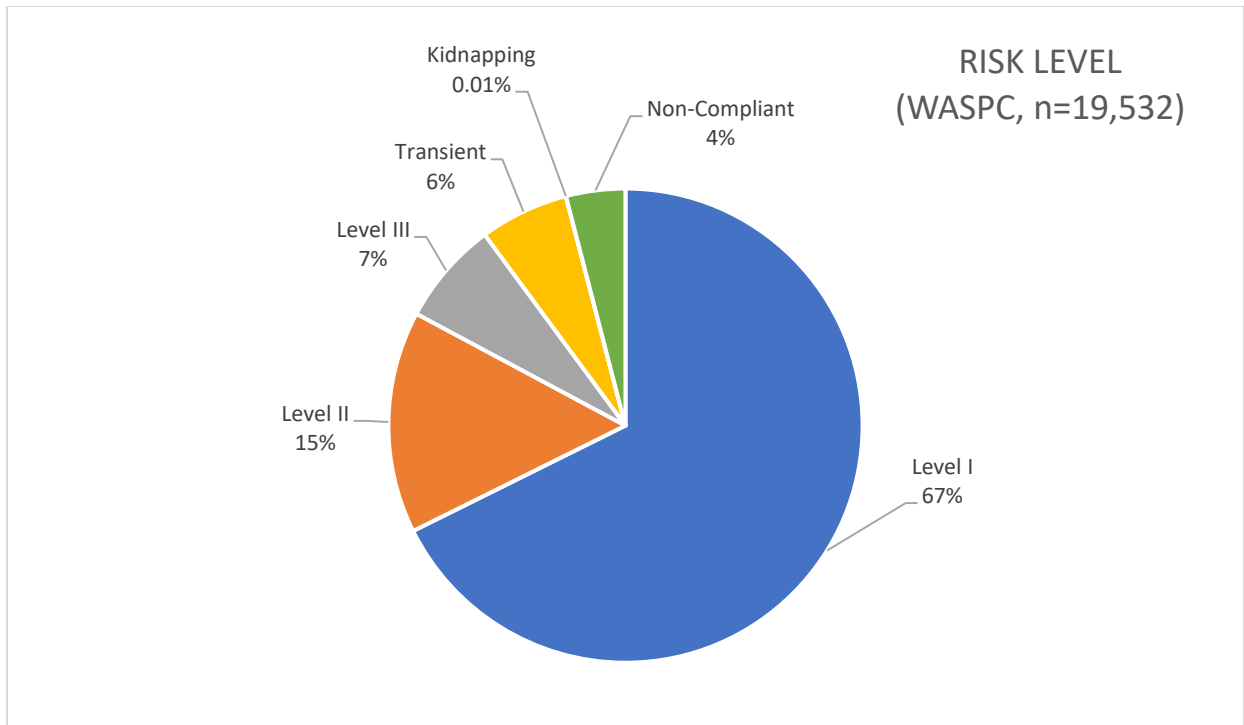
⁵ Managing agency datasets obtained from individual counties' sheriff departments—selected counties for supplemental data analysis (n= 3,273): Columbia (n=15), Clark (n=1,097), Lewis (n=378), Pierce (n=1,172), Skamania (n=48), Thurston (n=561).

⁶ Ackerman et al. (2011) describe data-scraping as a "process in which a computer program scrolled through each state registry and extracted offender-level and offense-level information from each case. Scraping programs can be utilized for many types of data extraction. For this purpose, a program was created for each state. The program takes a copy of each offender entry and copies the data into a previously specified format," (pp. 151).

⁷ See Barnoski (2006) for more on the risk-level classification tool and information on Level I (or low-risk) offenders.

I (Non-Compliant), Transient, and Kidnapping offenders. Risk-level classification and the assessment tools used are explored in depth within the registry data analysis in Chapter 4.

FIGURE 1 - Risk Level Distribution of the Washington State Sex Offender Registry



Source: Washington State RSO Population - Data received from the Washington Association of Sheriffs and Police Chiefs (WASPC) on 01/12/21.

The descriptive analysis gleaned from the data described were compared with the public perception of Washington state residents, using the 2016 public perception survey data from Fisher and Pedneault (2017). Public perception is a driving factor within state legislatures, and it is an important variable to understand. If misinformation influences the public perception, the resulting legislation can be, in theory, ineffective.⁸ The extent to which specific perceptions directly influence the legislative drafting and enactment process in Washington can be ascertained in various ways.

⁸ See Granlund (2005). Societal/public input in sex offender legislation, if driven by misinformation, can be ineffective.

This research adopted a direct approach to understand the role of public perception and its influence on the legislative process by conducting interviews with Washington state legislators. The interviews covered several ways public perception interacts with drafting and enacting legislation.⁹

In a world focused on evidence-based policy (EBP) and programs, is there a place for public perception within the legislative process, or do we rely solely on the evidence presented by experts and scholars? This research examines sex offenders as a population and sex offender legislation as a case study in which blanket legislation was applied to identify whether the registry is an effective public safety tool. Moreover, this research considers how the current legislation can incorporate further research and evidence regarding sex offenders based on research completed in the past 30+ years.

The research presented does not intend to imply increased risk for public safety. The statistics provided are purely descriptive and a starting point for future research regarding sex offender victim types and how we can address juvenile sexual victimization with restorative justice practices and policies in Washington. Furthermore, identifying victim types or victim typologies of registered sex offenders does not intend to imply any fault on behalf of the victim. Instead, this research highlights groups of individuals on which we should focus our protection efforts via legislation to restore the victim and rehabilitate the offender, as a collective process, addressing root-cause issues for offending. Although short-term goals may include individual desistance from crime, long-term goals focus on overall desistance from crime for individuals

⁹ Further discussion with examples is provided and discussed within the results and analysis in Chapter 4 and the discussion in Chapter 5.

and generations to come.¹⁰ The registry data analyzed provide a foundation for research regarding sexual victimization and potential policy implications for the short- and long-term.

Summary of Research

The literature review in Chapter 2 introduces and discusses existing research regarding public perception, sex offender legislation, sex offender characteristics and risk posed. Specifically, Chapter 2 outlines the existing literature regarding sex offenders and sex offenses, focusing on the period since the enactment of the 1990 CPA. For context and further understanding, there is a historical overview, looking back to the early 1900s, when sex offender legislation began trending across the US. The overview includes the social construction of sex offenses and sex offenders within society, both at the state level and federally.

Research and literature regarding public perception are also examined, including, but not limited to, qualifying, and quantifying public perception, the accuracy of public perception, public perception of sex offenders, and sex offender legislation. Furthermore, other stakeholder perceptions are discussed regarding sex offender laws—two specific accounts important to consider are legislators and law enforcement personnel. These are the individuals who respectively write and enforce the laws being discussed. Their perspectives are pertinent to the overall conversation of how sex offender law’s function, either effectively or ineffectively, within a society.

Research regarding victimization, focusing mainly on women and children, is examined in the literature review, in addition to a discussion of the under-reporting of sex crimes. Furthermore, research regarding the recidivism of sex offenders with either a subsequent sex

¹⁰ See Latimer et al. (2005) regarding short-term and long-term goals of desistance from crime using restorative justice practices.

offense or non-sex offense is explored—perceived and actual recidivism rates are also considered when discussing public perceptions in Chapter 2.

Chapter 3 provides a detailed description of the methodology used for data collection and analysis. This research utilized both quantitative and qualitative methodologies. The different theories, procedures, and concepts used are outlined for future replication or potential continued research. Moreover, the variables considered and studied within this research are identified, with a discussion regarding the importance of the selected variables for analysis.

The results for the three research questions are discussed in Chapter 4. Each question forms a section, with both the results and analysis discussed systematically. The first question utilizes a quantitative methodology for analysis. The second question is a comparative analysis, in which the current research is compared with previously collected data. The third and final research question utilizes a qualitative methodology for the analysis of interview transcripts.

To close, Chapter 5 presents a discussion and conclusion of the findings within the context of current research. Furthermore, there is a discussion that includes directions for the future duplication of research or continued research in this line of inquiry. Policy implications for Washington state are outlined as well to provide a starting point for potential future legislation.

Contribution to Research

Differing from previous research, this study provides a descriptive profile of the Washington state registered sex offender as of January 12, 2021.¹¹ The registry is essentially a living document because it changes regularly as individuals complete the registration requirements and are removed, and other individuals are added as they are convicted and

¹¹ WASPC Data received on January 12, 2021.

sentenced for new sex crimes committed. This research offers quantitative analysis of the risk-level description, racial distribution, age distribution, and geographic distribution of registered sex offenders in Washington state. Furthermore, insights into the victim type for Washington state registered offenders are provided for those counties able to provide complete data for the list of sex offenders they manage.

The second research question regarding the public perception of sex offenders employs a comparative approach of analysis—utilizing data obtained for both Questions 1 and 3. The methodology utilized applies both quantitative and qualitative analysis in an attempt to gain greater insight into the public perception of sex offenders and how it specifically affects the legislative process. Public perception data obtained from the Washington State Office of Financial Management for a study completed by Fisher and Pedneault in 2016 enable a comparison of the sex offender profile (Question 1) and public perceptions to assess the accuracy of those perceptions. The lawmakers interviewed for Question 3 also provided some experiential evidence regarding public perception; specifically, the role and accuracy of public perception in their experiences.

The second question contributes to this research's novel findings by presenting public perceptions of Washington state residents regarding sex offender characteristics and the laws that govern them (Fisher and Pedneault, 2017), which are compared with the descriptive analysis provided by Question 1. This comparison enables an assessment of the accuracy of public perception regarding sex offender characteristics, specifically in the state of Washington. The accuracy of public perception is related to the role of public perception within the legislative drafting and enactment process; thus, the variable is important within the overall consideration

and conversation of the overall effectiveness¹² of sex offender legislation discussed as part of Question 3.

The third and final research question regarding the role of public perception within the legislative drafting and enactment process is addressed using the grounded theory of qualitative analysis. The methodology and analysis are discussed in detail, with the results producing significant themes that arose within the semi-structured interviews via the various stages of coding and re-coding the interview transcripts within the chosen Computer Assisted Qualitative Data Analysis Software (CAQDAS)—Atlas.ti. The formatting of these data is discussed in Chapter 3, with a discussion of the results and analysis of those results in Chapter 4.

The third research question provides experiential evidence regarding the role of public perception in the legislative drafting and enactment process, as accounted by elected lawmakers in the state of Washington. This research differs from Meloy et al.'s (2013) work regarding the lawmaker perspective, as the lawmakers interviewed for this research were not asked specifically to provide details or information regarding sex offender legislation, but rather the role of public perception within the process. Although there were no specific questions regarding sex offender laws, the lawmakers did mention several bills they had sponsored within their elected service that concerned the prosecution of sex offenders, registry or notification, and/or treatment for sex offenders.

Limitations of Research

Although there are several goals of this research, it is equally important to address the data limitations and their effect on the resulting analysis and implications. First, it is imperative to address the under-reporting of sex offenses and sexual victimization (Finkelhor et al., 2005).

¹² Within this research, efficacy and effectiveness are used interchangeably—see Black's Law Dictionary (n.d.).

Several data sources provide statistics regarding sexual violence and victimization—the Uniform Crime Reporting System (UCR),¹³ the National Incident-Based Reporting System (NIBRS),¹⁴ and the National Crime Victimization Survey (NCVS).¹⁵ However, those data sources do not account for the "dark figure" of crime; that is, the percentage that occurs and is not reported or accounted for.¹⁶ There are many reasons someone might not report being victimized, especially with sexual violence. It is pertinent to remember this point when assessing sex crime occurrence rates, reporting, and potential policy implications.

Second, there are vast jurisdictional differences in how sex offending is defined and described in the law. These definitions not only differ from state to state, but also from city to city in some instances of local municipal codes (Huebner et al., 2014). The inconsistencies in how we define behaviors, and the resulting legislation creates difficulty for researchers when attempting to classify crime types and descriptions.

The third limitation to address is the discretion utilized by actors within the legal system and how that may affect the resulting arrest rates, charging decisions, and imposed sentences. Discretion within the system is necessary, but it also creates issues when attempting to form generalizations about the sample populations. For example, an individual arrested and charged with Rape in the First degree could and would likely enter into a plea agreement with the prosecution during their trial for a lesser charge that does not accurately reflect the original offense committed.¹⁷ The amended charge would replace the original charge—offense type or crime description information is significantly affected by plea bargaining and, thus, not a

¹³ The UCR is published annually by the Federal Bureau of Investigation (FBI).

¹⁴ The NIBRS is published annually by the FBI.

¹⁵ The NCVS is published annually by the Bureau of Justice Statistics.

¹⁶ See Penney (2014) regarding the dark figure of crime, outlining barriers and obstacles for victims reporting crime (pp. 1-3).

¹⁷ The Vera Institute of Justice estimates that, "more than 90% of criminal cases that end in conviction are the result of plea bargaining" (Subramanian et al., 2020, pp. 2).

relevant categorical tool for comparison (Granlund, 2005; Subramanian et al., 2020). The implications of the limitations outlined are discussed further, with examples, in Chapter 3.

CHAPTER II

Literature Review

First, this literature review examines the creation and history of sex offender laws in the US—examining the social construction of these laws through the lens of social and civil rights movements from the mid-twentieth century. Moving beyond the different influential concepts, this literature review will examine the current (late 1980s–present) sex offender legislation that exists in the state of Washington and nationally. Furthermore, the research and literature regarding unintended consequences of the current sex offender legislation must be reviewed and discussed in terms of the overall effectiveness of the laws.

Second, research and literature regarding public perception and the role it plays in the lawmaking process are discussed; specifically, examining the utilization of the registry, with public safety being the primary purpose. Furthermore, the perception of legal and criminal justice professionals is examined. Offender perception is also discussed, with the experiences and unintended consequences registered offenders face due to their registry status. Finally, concerning public perception and its role in the lawmaking process, moral panic is discussed; specifically, regarding how it creates emotionally driven legislation, which has been proven to be unproductive and ineffective.

Third, this review examines research and literature regarding the historical and current treatment of victims of sexual violence, including a review that focuses on policies and programs for victims' rights and resources.

The literature review concludes with a review of the statistics and issues of sexual violence in America today—both with specific regard to children and in general.

The Concept and History of Sex Offenders in the United States in the Twentieth Century

The creation and concept of sex offenders as understood today can be attributed to several movements throughout the twentieth century. The initial conceptualization and explanation of sex crimes stemmed from two main concerns within society: (1) female purity and the evolving understanding of sexuality, and (2) abnormal male sexual behavior which was believed to be influenced by female purity and/or lack thereof.¹⁸

Early American rape laws, heavily influenced by English common law, recognized rape as a property crime. Women did not have autonomy during this early twentieth century period; a female's moral purity and reproductive function were considered property of father or husband (Tracy et al., 2012, pp. 4). The narrow legal scope of rape accounted for two victims—an unmarried virgin¹⁹ or a married woman by someone other than her spouse. To be clear, the victims of the assault were not considered the victims of the crime—those were their fathers or spouses. Victim compensation was awarded to the responsible male in each scenario, as the female's reproductive potential was thought to have been devalued. Early social and legal definitions of rape leave much to be desired by way of victim recognition, protection, or restoration.²⁰

¹⁸ See Denno (1997) regarding female purity and the role of the female within the traditional family structure (pp. 1322–1329). See also Denno (1997) regarding abnormal sexual behavior (pp. 1369–1373).

¹⁹ Tracy et al. (2012) discusses the specific requirement that unmarried victims be virgins prior to the offense: "Under these [traditional] theories, men could not be raped, rape of orifices other than the vagina was not legally recognized, and rape of non-virginal women was not a crime" (pp. 4). The need to establish the victim's purity prior to establishing a crime occurred is a further demonstration of the arbitrary moral bounds placed on the laws during the early twentieth century.

²⁰ See generally, Tracy et al. (2012) regarding the historical view of rape victims (pp. 4–5).

Female sexuality or immorality²¹ was a direct threat to female purity and a primary concern for society. The issue challenged previous understandings of gender, gender roles, and morality in America. Female immorality, in essence, was any sexual desire voiced or acted upon outside traditional marriage and for purposes other than procreation (Denno, 1997; Drescher, 2015; Freedman, 1987). The idea of female purity relied upon women being nurturing and gentle homemakers. Requiring protection and guidance from a male figure—initially, this would be the father, and once married, the husband would take on this responsibility.²²

The departure from the idea of female purity was driven in part by the idea of female immorality and the acknowledgment of female sexual desire. In other part, World War I necessitated that women, once relegated to care for home and children, work outside the home to support their families. When the war ended and America was re-structuring, the role of women in the workplace threatened society's pre-World War I definition and understanding of traditional gender roles (Drescher, 2015, pp. 567; Freedman, 1987). Overall, these factors led to concerns regarding women's sexual desires in general and the potential for those desires to interrupt the traditional family structure and/or challenge masculinity.

Departure from the traditional family structure coincided with expanding conversations of sexuality within society and the designation of "normal" versus "abnormal" sexual behavior. Society categorizes and accepts specific behaviors and rejects and criminalizes others.²³ Women who voiced sexual desires or engaged in non-procreative or extra-marital sexual activities were considered and labeled "hypersexual." The criminalization of female sexuality outside of

²¹ On female immorality, see Freedman (1987). The term "female immorality" is used here to define any female sexual desire outside the determined norm in the early twentieth century.

²² On traditional female roles and the need for a male leader and protector, see Carlson (2008, pp. 5–6).

²³ See Denno (1997) regarding female purity and the role of the female within the traditional family structure (pp. 1322–1329). See also Denno (1997) regarding abnormal sexual behavior (pp. 1369–1373).

procreative purposes can be seen in the proliferation of prostitution laws enacted around the country. Hypersexual females were perceived to be a threat to society—overtly sexual females challenged beliefs of masculinity as understood.

Hypersexuality first became an issue for society and government alike during and post-World War I: "the United States Army mobilized against prostitution, incarcerating suspected prostitutes found in the vicinity of military training camps" (Freedman, 1987, pp. 86). Initial concerns regarding prostitution claimed the sanctity of female purity as an issue; with men unable to control their sexual impulses, they relied upon the purity and morality of females. As prostitution continued and increased, concerns ranged from the distraction of soldiers before and during battle to the public health cry claiming the potential of female prostitutes to spread venereal diseases.²⁴

State laws began to criminalize many forms of sexuality considered to be abnormal—including sex between same sex individuals and female promiscuity (Jenkins, 1998).²⁵ Homosexuality was often linked directly to deviant sexual behaviors—essentially characterized as a predisposition to more serious and violent sex offenses.²⁶

The early understanding of psychopathy was "applied to habitual criminals who had normal mentality but exhibited abnormal social behavior" (Freedman, 1987, pp. 87). Early sexual psychopath laws focused the habitual nature of offending due to an individual's lack of impulse control. It is important to distinguish that the understanding and diagnostic tools of psychopathy during era of the sexual psychopath are not consistent with our current day

²⁴ See Freedman (1987) regarding initial concerns of prostitution (pp. 86). See also Freedman (1987) regarding concerns of prostitutes regarding soldiers (pp. 87).

²⁵ See Terry and Ackerman as in Wright (2014) regarding the outlaw of same sex acts (pp. 53). Most states had laws outlawing sodomy in some form until the 1970s. Furthermore, it was not until *Lawrence v. Texas*, 539 U.S. 558 (2003) that the Supreme Court ruled laws against sodomy were unconstitutional.

²⁶ The extent to which homosexuality was specifically outlawed within the US in the twentieth century is beyond the scope of this research.

understanding of psychopathy and sexual offending. By the late 1930s, the term "sexual psychopath" was synonymous with terms such as "sex fiend" and "habitual sex offender" (Sutherland, 1950, pp. 549).

Early definitions and understanding of psychiatry and psychology implemented in the criminal justice system translated to legal definitions that were vague and overbroad, driven by emotion and fear (Leon, 2011, pp. 29). The resulting sexual psychopath laws applied to deviant sex acts and habitual behaviors, both ambiguous concepts. Deviant sexual behavior was essentially anything deemed to fall outside of the societal norm of the 1930s.²⁷ Sexual psychopathy included, incorrectly, both prostitutes and homosexuals due to the habitual nature of policing and arrest of those groups.²⁸

Individuals who fell outside the bounds of whatever is considered normal sexuality within a given period were likely to be criminalized if they voiced or acted upon their desires: "The sexual psychopath represented a man unbounded by the controls of female purity, a violent threat not only to women but to children as well" (Freedman, 1987, pp. 87).

Introducing the medical model into the understanding of deviant and criminal behavior and the subsequent treatment thereof required a shift in thinking about punishment. If an offender is suffering from some type of illness or disorder, then clearly there is a need for indeterminate incapacitation of the offender for public safety, which favored institutional commitment rather than a fixed period of incarceration (Denno, 1997, pp. 1343–1344).

²⁷ See Terry and Ackerman in Wright (2014) regarding initial sexual psychopathy laws focused on women's hypersexuality and or homosexual men (pp. 52-53). See also, Freedman (1987) commonly referred to as "child molesters"—these ideas of sex offenders at the time revolved around abnormal sexual behavior, which was anything considered to be outside of the cultural norm created a normative conflict (pp. 86–87). See Matsueda (1988) regarding normative conflict (pp. 280–282).

²⁸ See Myers as in Freedman (1987) regarding the inclusion of prostitution and homosexuality as psychopathic personality traits (pp. 90).

Indeterminate periods of involuntary commitment created the illusion of public safety from potential victimization, by simply removing the individual (Sutherland, 1950). The laws allowing for involuntary commitment varied, but, in many states, it was an administrative procedure that did not include due process for the individual being committed (Terry and Ackerman as in Wright, 2014, pp. 53). Treatment during the period of commitment for mentally ill individuals or habitual offenders included forced sterilizations, medications, and experimental procedures.

The medicalization of criminal behavior focused on treating the underlying mental illness or disorder that contributed to an individual's offending, focusing heavily on the idea that sex offenses were compulsive behaviors that sex offenders experience (Sutherland, 1950, pp. 552; Terry and Ackerman, as in Wright, 2014, pp. 52). It was also believed, based on misinformation, that minor sex offenses were gateway offenses for more serious sex offenses in the future. This period of introduction of the medical model into criminology can be attributed to the introduction of psychology and psychiatry (Denno, 1997; Freedman, 1987; Leon, 2011).

Cycles of panic regarding sex crimes paired with media perpetuation of incidents led to the legal mobilization of the ideas and fears—constructing sexual predators and the sexual psychopath. Eventually, those ideas and fears become legislation (Freedman, 1987, pp. 94; Terry and Ackerman, as in Wright, 2014, pp. 52).

A culmination of factors work together to perpetuate moral panic and emotionally driven legislation possible each time.²⁹ The Director of the FBI, J. Edgar Hoover, added to the panic in 1937 when he "called for a 'War on the Sex Criminal' and charged that 'the sex fiend, the most

²⁹ On mobilization of societal panics into legislation, see Zimring, (1999, pp. 3–5). The author discusses the specific mobilization of communities and societies reacting to crimes in their local communities and the link between the symbolic and operational impacts of the resulting laws. See also, Leon (2011, pp. 35–36).

loathsome of all the vast army of crime, has become a sinister threat to the safety of American childhood and womanhood" (Freedman, 1987, pp. 94).³⁰

The Great Depression and World War II reinvigorated panic regarding female hypersexuality—traditional gender roles and family structures were again challenged, due to economic crisis and international divide. Those disruptions were thought to cause, in some cases, either "inadequately masculine" or "hypermasculine" male behavior (Freedman, 1987, pp. 89). Inadequate masculine behavior was viewed as effeminate, whereas hypersexual masculine behavior was regarded as sexual psychopathy. Both extreme ideas of masculinity were thought to attack children, creating public safety concerns for vulnerable populations, mainly women and children, against the uncontrollable impulses (Freedman, 1987, pp. 96).

James et al. (2007) outlines the assumptions or presumptions that the era of the "sexual psychopath" was based upon. The first presumption was that sexual psychopaths are distinguishable and thought to differ from generic offenders. The second presumption was that such sex offenders act out because of a mental disease, which leads to the presumption that mental diseases are treatable and curable. Furthermore, it was assumed that mental health professionals can accurately predict who will commit sex crimes in the future. The idea of the sexual psychopath led legislators to introduce civil commitment for those who were mentally ill as a way of keeping the public safe from offenders who could not control their impulses. Instead, offenders were mandated to participate in medical treatment, both medically valid and experimental, for an indeterminate period, with the overall hope of eliminating threat or danger to the public (James et al., 2007).

³⁰ On J. Edgar Hoover's call for the "war on sex criminals", see Denno (1997, pp. 1343-1344). On the idea of the "sex fiend" and compulsive sexual disorders, see Leon (2011, pp. 29).

The primary focus during the era of the sexual psychopath was public safety from sexually deviant individuals through the indefinite incapacitation and treatment of anyone convicted of a sex crime (Leon, 2011, pp. 9). Indeterminate sentencing for sexual psychopaths is based on the legal principle of *parens patriae*³¹—granting the state to utilize control over individuals for the purposes of public safety and treatment for the individual (La Fond, 1992, pp. 661).

The moral values included in the original sexual psychopath laws of the mid- to late-1900s criminalizing "abnormal" sexual behavior based on the societal standards of the time and place. During that period, understanding of sexuality was lacking, and those who were misunderstood because they fell outside of societal norms were labeled as abnormal. The moral laws included within the overbroad and vague sexual psychopath laws, outlawed consensual sex between different races, homosexual activities, and any other sexually abnormal behavior according to the societal standards and norms of the time.

Early understanding of criminal offending was based on biological predispositions and elementary theories of psychology. Psychology as a field evolved post-World War I, and again during and post-World War II. Understanding and theories of psychology, crime, and criminal behavior were evolving to recognize environmental and developmental influences. Furthermore, these theories were becoming intersectional, recognizing multiple variables, or contributing factors of criminality.³²

³¹ The concept of *parens patriae* postulates that the state has a responsibility to care for individuals who cannot care for themselves. This is often discussed within the arena of juvenile justice but used also within the scope of psychiatry and early sexual psychopathy laws as well (Evans and Salekin, 2013; La Fond, 1992, pp. 660–661).

³² On differential association, see Sutherland (1950; 1973b) and Matsueda (1988). On social learning theory, see Akers (1990). On the general theory of crime, see Gottfredson (1984) and Gottfredson and Hirschi (1990).

The focus on habitual offenders or sexual psychopaths lasted into the mid-twentieth century—the end of most state’s sexual psychopathy laws in the 1960s indicated a shift in policy and practice within the criminal justice system. Legislators and criminal justice professionals began to realize that sex offenders are not easily identifiable individuals with readily explained impulse control issues, as previously defined (Sutherland, 1950). Realizations regarding the nature of sexuality led to a greater understanding of sexual offending (Jenkins, 1998).

Mid- to late twentieth-century rights movements allowed for evolved social themes of sexuality, recognizing, and including female autonomy and same-sex relationships and acts, normal forms of sexual expression (Terry and Ackerman, as in Wright, 2014, at 53–54). Women’s rights movements were regaining traction in the political sphere, voicing experiences of sexual violence and the lasting effects of the victimization. Recognition of women as victims of sexual assault required moving away from sex crimes as property crimes and recognizing bodily autonomy and consent. The gay rights movement and the reinvigorated women’s rights movements both worked to address gender disparities within the law (Tracy et al., 2012, pp. 5–6).

The understanding of sexuality and sexual deviance expanded during this 1970s and 1980s. Homosexuality, for example, recognized as a diagnosable pathology or disorder within psychiatry and psychology until 1973, was officially removed from the *Diagnostic and Statistical Manual (DSM) II* (Drescher, 2015, pp. 565–566). Removal from the DSM was prompted by research in psychiatry demonstrating that same sex attraction and sexual interaction were far more common among general populations (both human and animal) than originally thought. Furthermore, homosexuality did not generally indicate or imply a predisposition to violent sex crimes (Drescher, 2015, pp. 570). It is important to note that while homosexuality

was no longer considered a diagnosable mental disorder or illness and states were beginning to decriminalize same sex acts, it was still not a generally accepted form of sexual expression within society (Terry and Ackerman, as in Wright, 2014, pp. 53).

A shift in thinking occurred in the 1970s and 1980s regarding civil liberties and constitutional protections—this required rethinking and restructuring of the indeterminate sentencing laws of the sexual psychopath era. Specifically, states were beginning to examine and amend pieces of legislation that were based on the moral and social context of the time (Hiday, 1988). The evolving understanding of sexuality and sexual behavior allowed for an understanding of sex offenders and sex crimes to become more specific and accurate, rather than the vague and overbroad laws previously applied (Sutherland, 1950).

Finally, the expanded understanding and acceptance of differing forms of sexuality allowed for identification of truly deviant sex acts, as compared to those that just fall outside of the status quo. Crime and deviancy were being understood and explained as socially learned behaviors and situational lapses in control or judgment. Furthermore, the expansion in understanding of sexuality included behaviors and actions previously thought to be deviant due to their existence outside of the societal norm. Sex offenders to be treated and rehabilitated through social change rather than indeterminate periods of incapacitation and institutionalization (Jenkins, 1998). Treatment allowed offenders to learn to manage their impulses, with the eventual goal of overall desistance from crime.

Sex Offender Registry, Community Notification, and Civil Commitment of Sex Offenders

Like most other criminal laws, current sex offender legislation in the US can be found at both the federal and state levels. The first wave of present sex offender legislation began in the late 1980s in response to multiple violent sexual victimizations—all of which involved

previously convicted sex offenders (Lieb, 1996; Lieb and Matson, 1997). The mid- to late- 1980s reinvigorated earlier twentieth-century fears and panic regarding "stranger danger," again shifting the focus onto a subset of the sex offender population that represented the most severe and high-risk offenders and the smallest percentage of offenders. Since the enactment of this new wave of laws in the early 1990s, subsequent legislation has been harsher and more punitive.

Current sex offender legislation has attempted to clarify many of the previously ambiguous definitions and statutes of sex crimes and sex offenders. The current terminology for "habitual sex offenders" in Washington has shifted to the idea of a "sexually violent predator" (SVP), moving away from the previously incorrect inclusion of psychopathy in the etiology of sexual violence and victimization. This concept necessitated the need for post-incarceration commitment in cases of offenders who, "if released," would continue to threaten the community (Lieb and Matson, 1997).

The additional factors recognized in the current legislation are more inclusive but consider different mitigating factors on a case-by-case basis. The process of determining whether an individual is an SVP requires evaluations of the offender and hearings to decide the status before the end of the criminal sentence. Although indeterminate, the civil commitment does allow the offender to petition for review and potential release upon substantial compliance and proof of rehabilitation.³³

Washington State Sex Offender Legislation³⁴

Washington state pioneered present-day sex offender legislation in the US. Its substantive features include a statewide registry system, community notification, and further safeguards,

³³ On the history of indeterminate civil commitment in the era of the "sexual psychopath," see Terry and Ackerman, in Wright (2014, pp. 52).

³⁴ WA State Revised Code of Washington (RCW), chapters within Title 9A.44 and chapters within Title 9.

such as civil commitment, for those deemed to be SVPs (Granlund, 2005; Lieb, 1996; Lieb and Matson, 1997). The 1990 CPA stemmed from societal reaction to two sexually violent and sexually motivated offenses (Lieb, 1996). The first case involved Gene Raymond Kane (Lieb, 1996), convicted for the rape and murder of a businesswoman in Seattle, in 1988. The crime occurred while Kane was participating in a work-release program (Siegel, 1990). The offense committed by Kane in 1988, was followed in 1989 by the violent sexual assault and mutilation of a seven-year-old boy riding his bike near his Tacoma home (Granlund, 2005; Lieb, 1996). Other, similar crimes across the nation began occurring and collectively left people questioning whether they were safe in their neighborhoods. The goal and intention of the legislation is the protection of public safety by monitoring/tracking offenders and notifying community members of potential dangers as necessary (Bedarft, 1995; Lieb, 1996; Lieb and Matson, 1997; Maleng, 1992).

Milloy (2006) discusses the enactment of the CPA. The legislation defines three levels of classification: Level I offenders are those identified as having a low risk for re-offense. Level II offenders are identified as having a moderate risk for re-offense. Level III offenders are defined as those with the highest risk of re-offense if released into the community. The community notification aspect of the legislation initially only applied to Level II and Level III offenders, but a 1997 modification allowed anyone within a community or neighborhood to request and receive information regarding Level I offenders (Milloy, 2006; WASPC Model Policy, 2007, 2020). Community notification is necessary when an offender registered as a Level II or Level III moves into a community or moves within a community. Level II offender notifications go to schools, neighbors, and community groups. A Level III offender notification includes all of the above with the addition of a community press release before the offender's release from custody (WASPC Model Policy, 2007, 2020).

FIGURE 2.1 - WA State Sex Offender Registry Risk Level Classification (w/ Notification)

Risk Level Classification	Classification Description
<i>Level I</i>	<p>LOWEST RISK OF SEXUAL RE-OFFENSE</p> <ul style="list-style-type: none"> • Information is shared between law enforcement agencies • Information is available to the public upon request • No Community Notification
<i>Level II</i>	<p>MODERATE RISK OF SEXUAL RE-OFFENSE</p> <ul style="list-style-type: none"> • Community Notification: Information that is shared can be shared with schools, childcare centers, businesses, neighborhoods, and community groups near the expected residence or locations where the offender is "regularly found."
<i>Level III</i>	<p>HIGHEST RISK OF SEXUAL RE-OFFENSE</p> <ul style="list-style-type: none"> • Same disclosures as Level II • Maintaining Law Enforcement Agency can release information to the public at large.

Source: End of Sentence Review Committee (ESRC), Washington Department of Corrections (n.d.)

FIGURE 2.2 - Registerable Offenses in Washington State

Revised Code of Washington (RCW) Chapter No.	OFFENSE
RCW 9A.44.040	Rape in the 1st Degree
RCW 9A.44.050	Rape in the 2nd Degree
RCW 9A.44.060	Rape in the 3rd Degree
RCW 9A.44.073	Rape of a Child in the 1st Degree
RCW 9A.44.076	Rape of a Child in the 2nd Degree
RCW 9A.44.079	Rape of a Child in the 3rd Degree
RCW 9A.44.083	Child Molestation in the 1st Degree
RCW 9A.44.086	Child Molestation in the 2nd Degree
RCW 9A.44.089	Child Molestation in the 3rd Degree
RCW 9A.44.093	Sexual Misconduct with a Minor in the 1st Degree
RCW 9A.44.096	Sexual Misconduct with a Minor in the 2nd Degree
RCW 9A.44.100	Indecent Liberties
RCW 9A.44.105	Sexually Violating Human Remains

RCW 9A.44.115	Voyeurism
RCW 9A.44.132	Failure to Register as a Sex Offender or Kidnapping Offender * is only considered a sex offense in itself if the person has a prior conviction for RCW 9A.44.132(1) or RCW 9A.44.130 – FTR RCW.
RCW 9A.44.160	Custodial Sexual Misconduct in the 1st Degree
RCW 9A.44.170	Custodial Sexual Misconduct in the 2nd Degree
RCW 9A.44.196	Criminal Trespass Against Children
RCW 9.94A.835/ RCW 13.40.135	Other Crimes w/ Sexual Motivations
RCW 9A.40.100(1)(b)(ii)	Trafficking
RCW 9.68A.090	Communication with a Minor for Immoral Purposes
RCW 9A.88.070	Promoting Prostitution in the First Degree *is only considered a sex offense if the person has a prior conviction for RCW 9A.88.070 or RCW 9A.88.080
RCW 9A.88.080	Promoting Prostitution in the Second Degree *is only considered a sex offense if the person has a prior conviction for RCW 9A.88.070 or RCW 9A.88.080
RCW 9A.64.020	Incest
RCW 9A.28.020/ RCW 9A.28.030/ RCW 9A.28.040	Criminal Attempt/ Criminal Solicitation/ Criminal Conspiracy *only considered sex offense if the person is convicted of (1)(2)(3)(a)(b)(c)
RCW 9.68A.040	Sexual Exploitation of a Minor
RCW 9.68A.050	Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct
RCW 9.68A.060	Sending or Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct
RCW 9.68A.070	Possession of Depictions of Minor Engaged in Sexually Explicit Conduct
RCW 9.68A.075	Viewing Depictions of a Minor Engaged in Sexually Explicit Conduct
RCW 9.68A.090(2)	Communication with a Minor for Immoral Purposes
RCW 9.68A.100	Commercial Sexual Abuse of a Minor

RCW 9.68A.101	Promoting Commercial Sexual Abuse of a Minor
RCW 9.68A.102	Promoting Travel for Commercial Sexual Abuse of a Minor
RCW 9.94A.030(47)(d)	Federal Sexual Assaults (see Figure X for applicable federal offenses)

Source: The Revised Code of Washington (RCW), *see* Title 9, and Title 9A, Title 13 (last updated: December 16, 2019).

Figure 2.2, above, is a compilation of all of the Washington state laws, for the purposes of this research, which could result in sex offender registration with the possibility of community notification. Although Washington state does not rely solely on the offense at the time of conviction for risk-level classification, it is considered within the overall risk classification process. Therefore, the offense information is pertinent for identifying and understanding within the discussion of the overall context of the sex offender legislation.

Federal Sex Offender Legislation

Federal sex offender laws, established after initial state registries, have worked to unify and standardize the registry and notification process for registered sex offenders in the US. The federal laws enacted from 1994 to present apply in cases involving interstate (or international) nexus, meaning at some point—before, during, or after the crime commission—the perpetrator crossed state lines to either commit the crime, or moved the victim for crime commission.

The first federal law addressing state registration for convicted sex offenders occurred in 1994, with the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (Terry and Ackerman, as in Wright, 2014; Vandiver et al., 2016; Vásquez et al., 2008). The Jacob Wetterling Act mandated states to implement a state-managed registry for sex offenders and those convicted of other specific crimes against children. This legislation is intended to aid law enforcement in preventing subsequent sex crimes by the registered population within the respective states.

Regarding the Jacob Wetterling and other federal memorial laws enacted by Congress, the mandate does not simply mean that the states must implement the new federal laws; rather, it is structured so that failure to comply results in the loss of federal grant funding (Howard, 2020, at, pp. 1567). Although the Federal Government cannot necessarily require that a state implements a specific law, it can withhold funding for state and local law enforcement if a state fails to comply with the reporting or community notification standards (Vásquez et al., 2008; Wright, 2003). State compliance with the Jacob Wetterling Act was required until 2006 when it was repealed. Failure to implement the required registry would result in a loss of 10 percent of a states yearly allotment from the Omnibus Crime Control and Safe Streets Act of 1968.³⁵

In 1996, Megan's Law quickly followed the 1994 legislation, adding to the registry requirements of the Wetterling Act in terms of community notification for certain risk-level classifications of offenders. Initially from the state of New Jersey, this memorial law was enacted in response to the sexual assault and murder of a seven-year-old girl by a neighbor who had been convicted previously, on two separate occasions, of sexual assault. Initial state sex offender registries were accessible for law enforcement as necessary to track and monitor offenders' movements within the community post-release (Howard, 2020; Terry and Ackerman as in Wright, 2014). Megan's Law created the first federal mandate for community notification laws and further monitored offenders. Today, law enforcement must notify communities regarding the movement of sex offenders released into their jurisdiction.

Zimring (1999) attributes these new laws regarding public accessibility of information, in part, to the overall public distrust in the Government. Specifically, concerning Megan's Law, this new access connotes the overall idea that the public is not satisfied with the protection that law

³⁵ See Brewster et al. (2013) regarding loss of federal funding for failure to comply with mandated registry (pp. 698).

enforcement provides against these particular offenders. Law enforcement had access to prior conviction information about Megan Kanka's neighbor but did not monitor him effectively or efficiently, allowing him to commit the subsequent violent sexual offense. Megan's law is critical to the idea of sex offenders and stranger danger—Megan was the first national case highlighting a perpetrator known to the victim. Previous understandings and explanations of sex offenders highlighted cases involving stranger perpetrators rather than individuals known to the victim.

The Pam Lynchner Sex Offender Tracking and Identification Act of 1996³⁶ was an amended subsection of the Jacob Wetterling Act. This amended law established a national database for the FBI (federal law enforcement, specifically) to track sexually violent offenders and other perpetrators of crimes against children as they moved across state lines—essentially creating the first form of interstate reliability for managing sex offenders. Jurisdictional variance and difference in reporting guidelines and standards had previously made it difficult to track an offender's interstate movement, leaving many issues regarding public safety from offenders (Levenson and D'Amora, 2007; Vandiver et al., 2016).

Prior to 1996, registries were managed individually by states, with little to no communication between states. The Pam Lynchner Act of 1996 allowed for a more standardized form of monitoring across states. This is important for understanding and monitoring the movement of registered offenders. The lack of standardization had allowed gaps within the tracking and monitoring of offenders moving between states, but the requirements for the FBI to establish the national database aimed to reduce issues with the interstate tracking of movement for offenders allowing for interstate reliability (Vandiver et al., 2016).

³⁶ See Vandiver et al. (2016) regarding the Pam Lynchner Sex Offender Tracking and Identification Act of 1996. The authors discuss the incident that led Pam Lynchner to devote her life to victim advocacy, ultimately enacting this memorial law after her passing (unrelated to incident) in 1996, establishing the first National Sex Offender Registry (pp. 310–311). See also Levenson and D'Amora (2007, pp. 8).

The next federal legislation enacted was the Protection of Children from Sexual Predators Act,³⁷ enacted in 1998. This legislation enabled the FBI to assist and work with states to comply with registry requirements. This Act also established specific offenses and penalties for human trafficking and child pornography, including federal (interstate) laws against the communication, exploitation, and transportation of minors for sexual purposes, and increasing the previous penalties that some states had in place. Although the concern had previously been focused on stranger danger within communities, this newer fear of human trafficking created the need for legislation to address larger-scale sexual assault and abduction offenses at the federal level.

The Campus Sex Crimes Prevention Act followed the Protection of Children from Sexual Predators in 2000. This Act required offenders to provide information about the institutions of higher education they either attended or were employed by and their respective jurisdictions. The Act was an amendment to the Violent Crime Control and Law Enforcement Act of 1994. It added a new section that mandated registered offenders to notify their managing agency of any connections to institutions of higher education. The jurisdictions in which the institutions reside would then be notified, and those institutions could then request information regarding the offender at any time.

Next came the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today (PROTECT) Act in 2003. This piece of legislation focused on preventing the abduction and exploitation of children focusing on child pornography. The PROTECT Act "mandate[d] the development of Internet registries in all 50 states" (Levenson and D'Amora, 2007, pp. 8). In addition, the Act increased penalties for offenders, increased the statute of

³⁷ See Terry and Ackerman, as in Wright (2014) regarding the Protection of Children from Sexual Predators Act of 1998 (pp. 58).

limitations for which an individual could be charged, and overall strengthened the laws against child pornography as technology was rapidly expanding.³⁸

The PROTECT Act mandates the creation of internet accessible registries, allowing for faster and more effective monitoring. When convicted individuals under supervision move between states, there is a procedure in place for the initial monitoring agency to contact and alert the state to which the convicted offender is moving. Communication between states prior to the PROTECT Act required that states manually send information, which could be a timely process. The creation of an internet registry allowed for the instant monitoring and tracking of offenders in real time.³⁹

The enactment of the Adam Walsh Child Protection and Safety Act (AWA),⁴⁰ passed in 2006, contained the most comprehensive package of sex offender registry and community notification laws to date. Title I of the AWA established the Sex Offender Registry and Notification Act (SORNA),⁴¹ which created new mandates and requirements for registration, expanding the scope of the federally mandated registry requirements for state governments. The SORNA attempted to bridge the gaps of jurisdictional variance to create standard operating procedures for monitoring and tracking sex offenders. In 2006, the SORNA created guidelines for state registries, community notification, and public accessibility to information regarding offenders (regardless of jurisdiction).

Specifically, the SORNA expanded the scope of registries to include federally recognized Native American tribes. Furthermore, it created a comprehensive group of sex offenders and

³⁸ For more on the PROTECT Act of 2003, see Wright (2003, pp.100).

³⁹ Assuming that the original registry information (current state) is correct and up to date for the offender prior to their move to the new state.

⁴⁰ For the specific requirements of AWA, see Bonnar-Kidd (2010) at 413.

⁴¹ For the Sex Offender Registry and Notification Act, see Title I of 34 USC § 20901.

offenses that would be required to register. Moreover, offenders required to register must keep their registration up to date in all jurisdictions where they may live, work, or attend school. The SORNA added to the scope of information that states were required to collect regarding the offender/offense, and it changed the required minimum registration duration for sex offenders. There was also the addition of in-person appearances to verify and update the registration information for offenders. Finally, the SORNA intended to make the information regarding registered offenders more accessible to the public. This factor was part of the idea that information and knowledge regarding the potential dangers in communities could prevent further victimization.⁴²

The Office of Sex Offender Monitoring, Apprehending, Registering, and Tracking (SMART), created within the 2006 AWA,⁴³ published a report in September 2020 listing state compliance or non-compliance with the SORNA mandates. The SMART bases state compliance on the following categories: Offenses and Offenders Included (registerable offenses); Tracking and Penalizing Absconders; Community Notification; Appearance and Verification (of the registry details); Information Sharing (accessibility; SMART, 2020, pp. 2). As of 2020, only 22 US states and territories that are fully comply with the SORNA requirements for registry and community notification.⁴⁴ Washington state is non-compliant or slightly deviates from the SORNA standards in a couple of categories.⁴⁵

⁴² *Id.*

⁴³ See Cubellis and Ackerman, as in Wright (2014) regarding the creation and purposes of the SMART (pp. 277–279).

⁴⁴ For states compliant with the SORNA, see SMART (2020, pp. 2–3). The following states/US Territories are fully compliant with the SORNA requirements (22 in total): Alabama, American Samoa, Commonwealth of the Northern Islands of Mariana, Colorado, Delaware, Florida, Guam, Kansas, Louisiana, Maryland, Michigan, Mississippi, Missouri, Nevada, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, US Virgin Islands, Virginia, Wyoming.

⁴⁵ For the specific areas in which Washington state complies with the SORNA requirements and fails to comply with others, see SMART (2020) at 30.

Congress amended the SORNA in 2008 with the Keeping the Internet Devoid of Sex Predators (KIDS) Act,⁴⁶ focusing on the uptick in instances of sexual luring and grooming through technology. The KIDS Act added requirements for jurisdictions to collect internet identifiers for sex offenders within the registration process for the purposes of law enforcement monitoring. With the expansion of technology in the early 2000s, there were new areas within society where crime was occurring, specifically cybercrime. The objective was for the law enforcement tracking and monitoring of online activity for registered sex offenders. Overall, this Act increased the monitoring and tracking of offenders, allowing jurisdictions to monitor an offender's online activity to ensure compliance with registry requirements and, generally, for public safety online.

Further expansion of the SORNA in 2015, as part of a Victims Trafficking Act, Title V, required the inclusion of military convictions for sexual offenses. Not previously included within the national registry, the Military Sex Offender Reporting Act⁴⁷ required that the Department of Defense report any court-martials resulting in the conviction for an offense included in the comprehensive list of registerable offenses proposed by the SORNA in 2006. Court-martials that resulted in the conviction for a registerable sex offense were required to report to both the National Sex Offender Registry and the National Sex Offender Public Website.

The final piece of federal legislation discussed in relation to the SORNA is the International Megan's Law,⁴⁸ enacted in 2016. This amendment required registered sex offenders to provide notice of intended international travel, and the respective jurisdictions to them submit

⁴⁶ For the Keeping the Internet Devoid of Sex Predators (KIDS) Act of 2008, see 34 USC § 20917, editorially reclassified from 42 USC § 16915b.

⁴⁷ For the Military Sex Offender Reporting Act of 2015, see 34 USC § 20931, editorially reclassified from 42 USC § 16928a.

⁴⁸ For the International Megan's Law of 2016, see 34 USC § 21505, editorially reclassified from 42 USC § 16935.

international travel information regarding the registered offender. The goal of this piece of legislation was the overall prevention of human sex trafficking and sex tourism. This Act requires that offenders provide advanced notice of intended international travel to the US Government, with the next goal being for the US Government to notify the country of destination. This Act expands the scope of monitoring and tracking the registered population of sex offenders.

FIGURE 2.3 - SORNA Tier (Risk Level) Classification System

SORNA Tier	Tier Classification Description	Registry Duration Requirement
Tier I	A sex offender other than a Tier II or Tier III sex offender. 42 USC § 16911(2).	15 years
Tier II	<p>Defined in 42 USC § 16911(3) as an offense punishable by imprisonment for more than one year and:</p> <p>A. Comparable to or more severe than the following offenses, when committed against a minor (or an attempt or conspiracy to commit them):</p> <ol style="list-style-type: none"> 1. Sex trafficking as defined in 18 USC § 1591; or 2. Coercion and enticement under 18 U.S.C. § 2422(b); or 3. Transportation with intent to engage in criminal sexual activity under 18 USC § 2423(a); or 4. Abusive sexual contact under 18 USC § 2244 committed against a minor 13 years old or older. <p style="text-align: center;">OR</p> <p>B. That involves:</p> <ol style="list-style-type: none"> 1. Use of a minor in a sexual performance; or 2. Solicitation of a minor to practice prostitution; or 3. Production or distribution of child pornography. <p style="text-align: center;">OR</p> <p>C. That occurs after the offender becomes a Tier I offender.</p>	25 years
Tier III	<p>Defined in 42 USC § 16911(4) as an offense punishable by imprisonment for more than one year and:</p> <p>A. Comparable to or more severe than the following offenses (or an attempt or conspiracy to commit them):</p> <ol style="list-style-type: none"> 1. Aggravated sexual abuse under 18 USC § 2241 or sexual abuse under 18 USC § 2242. 	Lifetime

	<p>2. Abusive sexual contact under 18 USC § 2244 (described in the tier II offense definition) when committed against a minor under 13 years old.</p> <p style="text-align: center;">OR</p> <p>B. Involve kidnapping of a minor (unless committed by a parent or guardian).</p> <p style="text-align: center;">OR</p> <p>C. That occurs after the offender becomes a Tier II offender.</p>	
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Source: Markham (2017) at 1.

The above figure illustrates the tier system the SORNA uses to classify offenders. Differing from the risk assessment used within the Washington state risk-level classification system, the federal system utilizes a standard for risk-level classification that does not consider potential mitigating or aggravating factors.

FIGURE 2.4 - Registerable Offenses under SORNA

<i>OFFENSE</i>	<i>US Code</i>
Sex Trafficking of Children	18 USC §1591
Aggravated Sexual Abuse	18 USC §2241
Sexual Abuse	18 USC §2242
Sexual Abuse of a Minor Ward	18 USC §2243
Abusive Sexual Contact	18 USC §2244
Offenses Resulting in Death	18 USC §2245
Sexual Exploitation of Children	18 USC §2251
Selling or Buying of Children	18 USC §2251A
Material Involving the Sexual Exploitation of Minors	18 USC §2252
Material Containing Child Pornography	18 USC §2252A
Misleading Domain Names on the Internet	18 USC §2252B
Misleading Words or Digital Images on the Internet	18 USC §2252C

Production of Sexually Explicit Depictions of a Minor for Import into the United States	18 USC §2260
Transportation of a Minor for Illegal Sexual Activity	18 USC §2421
Coercion and Enticement of a Minor for Illegal Sexual Activity	18 USC §2422
Transportation of Minors for Illegal Sexual Activity, Travel with the Intent to Engage in Illicit Sexual Conduct with a Minor, Engaging in Illicit Sexual Conduct in Foreign Places	18 USC §2423
Failure to File Factual Statement About an Alien Individual	18 USC §2424
Transmitting Information about a Minor to further Criminal Sexual Conduct	18 USC §2425
Specified Military Offenses	34 USC § 20931

Source: Sex Offender Registration and Notification Act (SORNA), smart.gov/sorna.

Impacts of the Sex Offender Registry and Community Notification

Efficacy is a significant concern when discussing legislation that is costly and potentially detrimental to those affected by the enactment of said laws. Determining whether a law has produced its intended results requires consideration of multiple factors. It is essential to see if the changes in research—specifically, the understanding of the population being governed—have been addressed and modified within the legislation. When examining sex offender legislation, it is pertinent to examine the actual versus perceived recidivism rates of registered sex offenders. This assessment can be made by comparing the public perceptions of sex offenders and sex offender laws with data and research on sex offenders. Finally, examining the benefits of having a registry and community notification versus the unintended and collateral consequences that affect registered sex offender populations is another notable aspect.

With the current goal of sex offender registration and community notification being public safety and offender rehabilitation, it is pertinent to understand how the public utilizes the registry and what information is available to them to enhance public safety against registered offenders in their individual communities. Further examining the goal of rehabilitation, it is

important to understand the unintended or collateral consequences experienced by offenders as a result of the legislation because it enables the identification of potential barriers and obstacles for offenders for successful re-entry into the community.⁴⁹

Who are Registered Sex Offenders?

Figure 2.4, above, contains details regarding the types of offenses (both state and federal) that require an offender to register upon conviction. In addition to the registerable offense information, it is vital to examine the individuals on sex offender registries across the nation. Regarding what is known about sex offender characteristics and as a population of offenders, there has been little work on providing any aggregate analysis of the population of registered offenders in the state of Washington or nationally. This research intends to provide a profile of registered sex offenders in Washington state, including risk-level description, age, gender, and geographic location through managing agency data obtained from the WASPC for the statewide registry, as of January 12, 2021. Furthermore, supplemental data obtained directly from the offense type, victim type, victim age, and victim relation are presented and analyzed regarding the managing agencies in Washington that collected and provided the requested information.

Ackerman et al. attempted a national profile in 2011. Through their research, they discovered that due to the jurisdictional variance in sex offender laws and state registry laws, it was difficult to compile any generalizable profile of the registered population. In a general sense, we know that the registered sex offender population, in the US, is majority White, male, mid-30s (Ackerman et al., 2011).

Freeman and Sandler attempted a statewide registry analysis with a sample of New York state RSOs in 2010. Freeman and Sandler excluded any registry entries missing the offender

⁴⁹ Successful re-entry or reintegration within the scope of this research refers to desistance from further sex crime commission following confinement and/or treatment.

sex/gender and all-female sex offenders. The resulting selected sample included 17,165 RSOs. The researchers' data analysis revealed that 64 percent of the RSOs in the state of New York were White, and the average age of the registered population was 33. Furthermore, Freeman and Sandler examined the victim group type of offenders, assessing both age and gender of victim (when recorded): 38 percent of the RSOs perpetrated against a victim aged 12 or younger; 33 percent of the RSOs perpetrated against a teen victim; and only 14 percent of the RSOs in New York had an adult victim.⁵⁰

The Washington State Registry system classifies offenders using a risk-based assessment tool: the STATIC-99/R. Assessing more than just the offense of conviction, the STATIC-99/R considers and weighs previous charges and convictions, the nature of the offense, and the risk for re-offense based on an assessment of the individual offender. Initial registry status and placement on the registry are determined by the End of Sentence Review Committee (ESRC). The committee is tasked with determining an offender's level of danger and/or risk at least six months before their release from prison, jail, mental institution, or juvenile facility. Additionally, the committee assesses and assigns level designations for those convicted and sentenced to community supervision (ESRC, n.d.; WASPC Model Policy, 2007, 2020). The ESRC comprises representatives from state and local agencies, the Department of Corrections, and the Department of Social and Health Services (ESRC, n.d.). There are further distinctions and sub-committees within the ESRC that specifically deal with subsets of the registered sex offender population: (1) juvenile sex offenders; (2) low-risk sex offenders who victimized a child; and (3) those deemed

⁵⁰ For more information on the New York population of registered sex offenders, see Freeman and Sandler (2010).

to be SVPs who are eligible for civil commitment at the expiration of their criminal sentence (ESRC, n.d.).⁵¹

Pedneault and Fisher (2016) examined the different risk-assessment tools used by law enforcement agencies across Washington to determine and assign risk-level designation to the offenders they monitor. The sample included 47 sex offender registry coordinators within the state of Washington—these are the individuals coordinating and maintaining the registry within their respective jurisdictions (counties in Washington). Pedneault and Fisher's findings indicate that although law enforcement agencies rely on the Static-99/R to assess offenders, other variables and factors are considered by the actual stakeholders conducting these risk assessments. Their survey analysis resulted in the finding that there are some common areas of practice within the assessment process; the overwhelming majority of coordinators rely on the STATIC-99/R. The survey analysis also revealed in which aspects managing agencies differ in their risk-assessment processes and procedures. Fisher and Pedneault note that, "several respondents identified that they were using the inappropriate tool when assessing risk. 38.3% of respondents (n=47) said they used the [(juvenile tool)] when assessing adult offenders," (2016, pp.14). Pedneault and Fisher (2016) demonstrate jurisdictional variance within the risk-assessment classification process within the state of Washington.

The current research provides a descriptive analysis of the Washington State Sex Offender Registry while also adding to the narrative with respect to jurisdictional variance regarding sex offender registry procedures across the state of Washington. Utilizing individual managing agencies for data collection in the current research allowed for the further

⁵¹ On the use of the evidence-based risk assessment tool STATIC-99 and the process of risk-level classification, see Pedneault and Fisher (2016) at 10.

demonstration of Pedneault and Fisher's (2016) above findings within the results and analysis in Chapter 4.

Collateral and Unintended Consequences

Offender perception is also a factor that will be examined and discussed within the context of sex offender legislation and the role those different perceptions play in enacting those laws. Tewksbury (2002; 2006) examined this issue using a sample of registered sex offenders in Kentucky. Using mailed survey questionnaires, Tewksbury contacted registered offenders at the address they provided to the Kentucky registry. The idea surrounding this question of efficacy is how effective registries can be if they do not have the correct information for offenders, such as correct addresses and identifying information. The research found that sex offenders required to register for extended periods or even life are less likely to update their information, which makes their entry on the registry obsolete. Overall, Tewksbury (2002; 2006) found that the registrants' failure to keep their information up to date with the Kentucky registry was due to the unintended consequences of the laws that now govern them. Failure to keep registry information up to date was assumed to be due to recidivation, but offenders offered different accounts. The significant consequences of being identified as a registered sex offender include difficulty finding housing, employment, being constantly stigmatized, and even experiencing vigilantism due to the public disclosure of identifying information (Ehrhardt Mustaine and Tewksbury, 2014; Horowitz, 2015; Wagner, 2011).

Brannon et al. (2007) examined perceptions of sex offender registry and community notification laws in Florida, using a sample of 125 registered sex offenders. They administered a questionnaire to the registered offenders. Their findings reveal that the offenders felt the notification laws were unfairly applied and should only affect offenders identified explicitly as

high risk or a threat to society (Brannon et al., 2007). The registered sex offenders participating in the study felt that the blanket registry and notification laws were ineffective and negatively impacted their ability to live within a community and to reintegrate. Nearly half the offenders who participated in this study had experienced threats, property damage, or physical assaults due to their public disclosure and the community notification.

Ackerman et al. (2013) explored the issues perceived by offenders with a registry requirement. Registered sex offenders reported difficulty reintegrating into society once they obtained that status, and they often reported feeling stressed, fearful, and even shameful based on their registry status. The overall thought among the participants was that the registry could be helpful when applied and used correctly with high-risk offenders. However, including all sex offenders makes it difficult for citizens to assess and understand the actual risk. It is important to note that the study had a small sample and was not randomly selected, so the findings, while important, are not generalizable (Ackerman et al., 2013). Other studies examining the offender's perception of sex offender legislation highlight that registry requirements created issues and difficulty for them when trying to find housing and employment (Brannon et al., 2007; Ehrhardt Mustaine and Tewksbury, 2014; Horowitz, 2015; Wagner, 2011).

Frenzel et al. (2014) examined a similar issue when considering the unintended and collateral consequences experienced by offenders. Their sample included participants on the sex offender registry in three states. Their findings reveal that the consequences experienced by offenders differed little geographically. The registry created issues for offenders, including but not limited to crimes against them. The difficulties are attributed to the public disclosure of identifying information (Worley and Worley, 2013). Frenzel et al. (2014) found such disclosure drastically affected the registered offenders' ability to reintegrate into society.

Most recently, Helfgott et al. (2019) examined the perceptions of Washington state registered sex and kidnapping offenders. Utilizing a mixed-methodology survey, they mailed surveys to registered offenders in the state of Washington, resulting in a sample of 402. Their findings offer more information regarding the perception of registered offenders. Specifically, offenders had issues with reintegration, finding stable housing, and employment after being convicted and required to register (Helfgott et al., 2019). There does not seem much variance between the impacts experienced and risk-level classification or demographic variables of the registered offenders. The data reveal that the most significant effects of registration on offenders were stigma, fear, and difficulty finding housing. All three aspects are known barriers to successful reintegration and desistance from criminality (Helfgott et al., 2019).

It is important to acknowledge that the unintended and collateral consequences outlined and discussed above are included to identify the injustice experienced by registered offenders—beyond their criminal sentence. These experiences are included to highlight the barriers and obstacles that registered offenders face in successful reintegration into society. It is imperative that the laws in place do not create unnecessary barriers and obstacles for offenders to rehabilitate successfully and reintegrate into society as contributing members.

Perceptions of Sex Offenders, the Registry, and Community Notification Laws

Public perception of sex offender legislation, including registry, community notification, and residency restrictions, is an important variable to consider for this research. The laws in place are, in theory, a representation of the will of the people. The legislators ultimately drafting and enacting these laws depend on the input of stakeholders in their respective fields being legislated, experts, and the perception of their constituents. Understanding the accuracy of public perception is pertinent when considering the efficacy of the laws in place. If the laws are based

on misperceptions and incorrect information, then the resulting legislation will not effectively address the issue.

The following review begins with research and literature regarding registry accessibility—providing the variables that the public has access to when accessing their respective registered populations.

Next, this review will examine the resulting studies and research on public access of the registry and utilization of the public safety tool as intended.

Further, the public perception of sex offenders' characteristics and the registry and community notification laws will be examined. The first goal of the latter is to assess the public's knowledge of the laws as they exist. Second, public perception research has assessed public knowledge and perceptions regarding sex offenders and the actual risk within the community. The third and final goal is to assess public knowledge and perceptions of the effectiveness of the current legislation.

Examination of public perception includes unpacking the concept of moral panic.⁵² The phenomenon of moral panic, often fueled by the news and social media, can be easily sparked when misinformation is spread about controversial public safety topics (Garland, 2008; Granlund, 2005; Jenkins, 1998). It is essential to discuss moral panic regarding sex offender legislation to understand properly the progression of sex offender legislation in society.

Finally, this literature review will also analyze professional views regarding the effectiveness of the current sex offender legislative scheme. Including lawmakers, who draft and

⁵² Moral panic is understood as a disproportionate, hostile, social reaction to an incident that challenges moral norms (Garland, 2008, pp. 11). This concept must be examined within the context of specific groups of people or periods of time to establish a normative comparison.

enact the laws, and law enforcement personnel tasked with enforcing the different registry and notification laws.

Registry Accessibility

Brewster et al. (2013) attempted an aggregate analysis of 51 state sex offender registries. Their primary objective was to assess the registries regarding accessibility and completeness of information. Their sample included all 50 states and the District of Columbia's sex offender registries. The overwhelming majority of state sex offender registries provide the public with the ability to search the registry based on the offender's name, city/town, and zip code (Brewster et al., 2013, pp. 702). Regarding the details that state registries provide to their public or have accessible within their registry website, all 51 registries examined included the offender's name, photo, and age. Moreover, over 90 percent of those registries provided the offender's gender, race/ethnicity, height, weight, hair color, eye color, and residential address.⁵³

Public Utilization of the Registry

Anderson and Sample (2008) conducted a study using a sample of 1,821 adult residents of Nebraska. The authors asked the respondents a range of questions regarding their knowledge and personal use of the registry. They aimed to determine who was accessing the registry and what those people were doing with the information they obtained. The findings indicate that very few people accessed the online registry. The majority of participants were aware there was one but did nothing to seek information regarding registrants (Anderson and Sample, 2008).

Similarly, Kernsmith et al. (2009) examined public access of the sex offender registry in Michigan. Their sample consisted of 733 individuals, randomly selected, and they used a computer-assisted telephone survey. The findings are not surprising because most of their

⁵³ On state registry listing details, see Brewster et al. (2013) at 703.

participants did not access the registry, not due to a lack of information, but because they did not feel it necessary. Those who did access the registry reported that, when doing so, it instilled more fear in them rather than making them feel safer within their community. Those accessing the sex offender registry did so because they had children, and those who did not reported they felt as though they lived in a safe community (Kernsmith et al., 2009). Interestingly, these results reveal that the intent behind the original legislation is not being fulfilled due to the public's lack of interest or concern. In contrast, those accessing the registry felt more fear knowing sex offenders were living within their community.

Public Perception of Sex Offenders and Registry and Community Notification Laws

Katz-Schiavone and Jeglic (2009) examined the public perception of sex offender characteristics and community notification laws. Their sample included 115 community members (citizens) across 15 states in the US. The survey intended to measure the demographics of the respondents, knowledge of Megan's Law, attitude/perception toward sex offenders and sex offender policies, and specifically, public perceptions of Megan's Law (Katz-Schiavone and Jeglic, 2009, pp. 684–686). The majority of the respondents reported having prior knowledge of sex offender registries and community notification laws. Furthermore, 44 percent of the respondents reported that they felt Megan's Law helped to prevent further offending. In contrast, most of those respondents did not feel that recidivism rates had decreased due to Megan's Law (Katz-Schiavone and Jeglic, 2009, pp. 690). In addition, the respondents acknowledged that registered offenders do face difficulties with housing and employment while trying to reintegrate into society post-conviction (Connor and Tewksbury, 2017; Lieb and Nunlist, 2008).

Most recently, Fisher and Pedneault (2017) conducted a study of the public perception of Washington state residents. Their research aimed to measure the respondents' knowledge of sex

offender characteristics, to examine if/how respondents' demographic characteristics influenced their level of support for sex offender policies, and to assess whether contextual factors and offender characteristics affected the respondents' perceptions. The findings reveal that most of the respondents who agreed with sex offender policies as a valid mechanism for community safety had children. The respondents to Fisher and Pedneault's (2017) survey estimated that 76 percent of sex offenders would recidivate with a subsequent offense. Mancini (2014) also found inconsistencies between actual and perceived recidivism rates among their respondents. Recidivism rates for sex offenders with a new non-sex offense are between 20 and 30 percent, and even lower for offenders recidivating with a new sex offense (Adkins et al., 2000; Craun et al., 2011; Harris and Hanson, 2014).

Overall, the public perceptions examined ranged in accuracy regarding sex offender characteristics and understanding of the legislation currently in place (Connor and Tewksbury, 2017; King, 2019). Misperceptions and myths have increased the punitive nature of the legislation in place due to fear of victimization (Kernsmith et al., 2009; King, 2019; Levenson et al., 2007). An example of misinformation regarding the risk of sexual violence and victimization is that over 75 percent of the respondents in King's (2019) survey indicated that, "teaching children about 'stranger danger' is one of the best ways to protect them from sex offenders" (pp. 267). These findings contradict the other research and data discussed in this study. The Center for Disease Control estimates that 91 percent of sexual abuse against children is perpetrated by someone known to the child. Of that 91 percent, over 25 percent of those known are related to the child victim (Finkelhor and Shattuck, 2012, pp. 1). The idea of "stranger danger" is discussed further in the methodology and analysis chapters. However, it is important to note here that our

concerns for public safety and a publicly accessible registry do little to address the offenders related to their victims with established trust and access.

In the current study, the second question discussed attempts to identify the accuracy of Washington state public perception of registered sex offenders, compared with the Washington State Sex Offender Registry.⁵⁴ This comparison informs the analysis in Question 3, examining and identifying the role of public perception in the legislative drafting and enactment process. The accuracy of the public perception and how lawmakers perceive it to interact with the legislative process will be introduced and analyzed in Chapters 4 and 5.

Common themes and a consensus have emerged across the research regarding public perception. Most of the public perception research found that respondents favor the sex offender registry and community notification laws and feel they are, overall, functional, and essential for public safety (Connor and Tewksbury, 2017; Lieb and Nunlist, 2008). Respondents in many public perception surveys, overwhelmingly supported the registry and community notification laws for offenders who perpetrated against children (Fisher and Pedneault, 2017; Kernsmith et al., 2009; King and Roberts, 2017; Levenson et al., 2007). Furthermore, most respondents, within the respective public perception studies, identified they were obtaining their information about sex offender legislation and sex offender characteristics from the media (Katz-Schiavone and Jeglic, 2009; Lieb and Nunlist, 2008; Mancini, 2014). This finding, paired with other concerns regarding the accuracy of public perception, creates cause for concern about the resulting publicly influenced laws.

Moral Panic and Emotionally Driven Legislation

⁵⁴ Data obtained from the WASPC on January 12, 2021.

Fear and moral panic are not new concepts when discussing crime, the media, and the creation of criminal laws (Jenkins, 1998). Moral panic is a social reaction that occurs in response to an incident or event that challenges society's existing morals and norms. Examples of this issue include terrorist attacks, natural disasters, crimes, and other catastrophes that cause panic or concern for society. Originally a sociological concept, moral panic has made its way into the studies of many other disciplines. Most applicable within the scope of this research is expansion into the political realm, affecting the individuals who create and enact the laws that govern our society (Garland, 2008).

An example of the moral panic phenomenon happened in Washington in the late 1980s. The fear and panic that resulted from two violent sexual offenses perpetrated by previously convicted sex offenders led to pressure being placed on political actors to legislate and address the issue of convicted sex offenders committing subsequent violent sex offenses. Until this time, there were no methods for registering and tracking such offenders. Due in part to the media coverage, the panic that ensued pressured the then Governor of Washington, Booth Gardner, to create a task force to address the issue and create legislation. Ultimately, helped by the attorney general and community members, the task force created the 1990 CPA, introducing a comprehensive package of laws to address the issue of monitoring convicted sex offenders in the community and additional public safety from those deemed SVPs. Similarly, other cycles of panic have occurred throughout history concerning sex offenders,⁵⁵ human trafficking, and child sex trafficking, as well as the resulting legislation (Hamilton, 2015).

Burchfield et al. (2014) examined national trends regarding public interest in sex offenders. Utilizing data from Google over eight years (2004–2012), the authors assessed

⁵⁵ See Jenkins (1998) regarding the cycles of panic surrounding sex offenders throughout history (pp. 215-220).

whether panic exists over extended periods and how it functions. Comparing sex offending to terms that are also associated with public fear and panic (e.g., crime and terrorism), they examined what trends, if any, could be identified. Burchfield et al. (2014) found that, in comparison with the other terms analyzed, interest in sex offenders remained stable for the period assessed. Burchfield and colleague's findings suggest that a perpetual panic regarding sex offenders exists among the public. These findings contradict the existing data and literature regarding sex offenders and their risk to the community. The research discussed has revealed that the actual risk posed is much lower than perceived; thus, the perceptions and panic are unfounded (Hanson et al., 2018).

Burchfield et al. (2014) attribute panic and misperception to multiple factors, the first of which is media coverage and the portrayal of sex offenders. Their findings indicate that any increase in public interest over the eight years often occurred after increased media coverage of a sex crime. This media coverage coincides with political influence that also occurs during those times as there is a push to legislate and protect communities. If based on emotion and panic, the resulting legal response further legitimizes the panic and it becomes accepted as normal (Burchfield et al., 2014, pp. 109). Generally, the resulting legislation is not effective at crime prevention or reduction and only perpetuates the issue within the respective communities (Burchfield et al., 2014; Terry, 2015).

Criminal Justice Professionals' Perceptions

Meloy et al. (2013) surveyed policymakers and their perceptions and opinions surrounding the sex offender registry and community notification laws. The authors used a sample of legislators from across the US. All the participants had either written or publicly supported legislation that focused on the sex offender registry and community notification laws.

The findings indicate that the policymakers received most of their knowledge regarding sex offenders from the media and not from validated research. With a lack of empirical research being considered during the creation of legislation, it is questionable whether the resulting legislation effectively carries out its intended goals. Meloy et al. (2013) discuss the paradox involved in this situation and contend that it is not in the best interest of anyone to enact legislation driven by emotion and moral panic.

Conducting a meta-analysis,⁵⁶ Connor and Tewksbury (2017) reviewed research on differing groups' perceptions of the sex offender registry and community notification laws. The different groups of individuals were either stakeholders or directly affected by sex offender legislation: the public, lawmakers, criminal justice professionals, registered sex offenders, family members of registered sex offenders, and finally, the media. Although the groups differ drastically in their connection to the sex offender registry, their views did not differ as much.

Harris et al. (2018) surveyed law enforcement perspectives regarding the sex offender registry and community notification laws regarding their perception of the overall effectiveness. The researchers' intention was to understand the perspectives of the individuals charged with implementing and operating the registry and community notification laws once enacted. The sample involved 105 law enforcement personnel from across the US, including tribal and federal law enforcement (Harris et al., 2018, pp. 398). Using two measures, the researchers conducted both semi-structured interviews and disseminated an online survey. The resulting data demonstrate that most of the respondents favored the publicly accessible registry data; for law enforcement, a publicly accessible registry decreases the number of requests to law enforcement for information on RSOs.

⁵⁶ On the use of the term meta-analysis, "meta-analysis is the analysis of results from multiple studies, in which individual studies are the unit of analysis" (Card, 2015, pp. 5).

Regarding the effectiveness of the registry and community notification legislation, the respondents identified potential barriers to the overall effectiveness of the laws, the majority of which involved misinformation or misperceptions regarding the actual risk that sex offenders may pose within the community (Harris et al., 2018, pp. 413). Overall, the law enforcement personnel responding in the study indicated support for the registry and the purposes it served while also highlighting areas in which the registry can be improved to be a more accurate and effective tool (Cubellis et al., 2018; Harris et al., 2018).

Sexual Violence and Victimization

The above literature review covers much of the research conducted, providing a historical overview of the concept of sex offenders and sex crimes in the US, examining research and literature that assessed the current sex offender legislation in the state of Washington and federally, in the US. The current laws provided a foundation of understanding for the analysis of public perception research. Research on the public perception of sex offenders and sex offender laws was examined, in addition to the perceptions of lawmakers and law enforcement personnel. Finally, it is imperative that the current understanding and rates of sexual victimization are reviewed before moving onto suggested policy implications.

Within the scope of victimization, women and children are overwhelmingly the focus. When examining sexual violence and victimization as a general issue, there is no way to quantify accurately the rate at which it occurs due to gross under-reporting⁵⁷ (Wiseman, 2015, pp.4). The NCVS data reveal that, "on average, there are 433,648 victims (age 12 or older) of rape and sexual assault each year in the US" (Morgan and Truman, 2020). The 2015 National Intimate Partner and Sexual Violence Survey (NIPSVS) estimates "one in five women have experienced

⁵⁷ The reasons for underreporting of sexual assault are beyond the scope of this research.

completed or attempted rape during [their] lifetime" (Smith et al., 2018, pp.2). Furthermore, 81 percent of those women who had experienced sexual assault had been victimized before the age of 25, demonstrating that young females, both juvenile and adult, are at the highest risk of sexual victimization in the US (NIPSVS, 2015, pp. 4).

Hullenaar and Ruback (2020) focus specifically on the violent victimization of juvenile victims (age 12–17) from 1995 to 2018. Their sample included three datasets—data from the NCVS, the NIBRS, and the National Vital Statistics System (NVSS). The overall findings reveal that from 1995 to 2018, the rates of serious violent crimes against juveniles declined—the one exception being the rate of sexual violence against juveniles. During that period, incidents of sexual violence against juveniles increased from "1 victimization per 1,000" to "2.5 victimizations per 1,000" (Hullenaar and Ruback, 2020, pp. 4). Although there are incidents of juveniles victimizing other juveniles, "[a]dults are responsible for 55 percent of the juvenile victimizations known to police and constitute 47 percent of all identified offenders against juveniles," (Finkelhor and Shattuck, 2012, pp. 7).

*Recidivism*⁵⁸

A primary focus of the current sex offender legislation is decreasing subsequent offenses for released sex offenders—meaning those already convicted of one sex crime. The focus on recidivism has been best demonstrated by the enactment of numerous laws specifically targeting the registration of convicted sex offenders (tracking recidivism/subsequent offenses). These laws, paired with the notification aspect to alert community members of the new threat to public safety, have been based on the idea that sex offenders are at a high risk of recidivism upon release.

⁵⁸ For the purposes of this research, recidivism refers to the rate at which an already convicted offender commits a subsequent sex offense.

Adkins et al. (2000) examined the recidivism rates of registered sex offenders in Iowa. Their findings reveal that the studied registered sex offenders recidivated with a non-sex offense at a rate of 24 percent; however, the rate of recidivism with a new sex offense was only three percent. Differing from the intent stated in the blanket registry and community notification laws enacted federally by states and the SORNA, the intent of the registry and notification laws both purport that individuals who commit a sex offense pose a higher risk of re-offense within the community.⁵⁹

Hanson and Morton-Bourgon (2005) attempted to identify specific characteristics of persistent offenders over time. Completing a meta-analysis of 82 studies on recidivism, the authors identified two significant variables that predicted sexual recidivism for offenders: sexual deviancy and antisocial orientation (Hanson and Morton-Bourgon, 2005, pp. 1158). The authors define antisocial orientation as things considered an antisocial personality, antisocial traits, and/or a history of rule violation: "The prototypic sexual recidivist is not upset or lonely, instead, [he or she] lead[s] an unstable, antisocial lifestyle and ruminates on sexually deviant themes" (Hanson and Morton-Bourgon, 2005, pp. 1159)

Craun et al. (2011) conducted a study assessing the recidivism of sex offenders with a subsequent sex offense. Relying on patient data from a sexual abuse resource center, they compared the names of the perpetrators identified in the reports at the sexual abuse center against the sex offender registry. Of the 566 patient files they examined, only five percent were on the sex offender registry, among whom the perpetrator knew the victim personally in the overwhelming majority of cases, highlighting that sexual assault often involves familiar or familial victims (Craun et al., 2011).

⁵⁹ Higher than other types of crime such as robbery or burglary.

Craun et al.'s (2011) results do not support the intent of the legislation, which claims that sex offenders are known to have a high risk of recidivism, making them a significant threat to public safety. The claims of high risk for recidivism paired with the few high profile public sex crimes in the media justified requiring individuals to register if convicted of specific offenses. More extreme cases of sexual assault necessitated community notification as well. The research further demonstrates the reactionary nature of the current sex offender laws in place—reacting to the initial sex offense and intervening to prevent subsequent sex offenses.

Hanson et al. (2018) assessed the risk of recidivism for sex offenders over a prolonged period. As a rule, sex offenders are considered a high risk to public safety, but it is unclear from where ideas regarding sex offender recidivism and risk of re-offense originate when compared with offenders' actual data. Using a sample of previously studied sex offenders,⁶⁰ Hanson et al. (2018) examined a later point in time to assess the continued risk that sex offenders posed. Overall, the results are consistent with previous studies of sex offender recidivism, revealing that sex offenders, in general, pose a lower risk of re-offense than other groups of offenders. Furthermore, the longer the offender lives in the community without recidivating, the less likely they are to commit subsequent sex offense and a subsequent non-sex offense.⁶¹

Moving into the focus of this current research, Chapter 3 will provide the methodology utilized. The data collected for each research question will be discussed—including details regarding the formatting and missing and incomplete data.

⁶⁰ The sample was originally constructed by Helmus et al. (2012).

⁶¹ For more on recidivism and long-term desistance from sex offending, see Hanson et al. (2018, pp 55-57).

CHAPTER III

Methodology

Theoretical Considerations

Understanding and explanation of the variables and factors that lead an individual to commit a sex offense require examination of theories of criminology and criminal justice that have informed the research and legislation to date. Generally, the understanding of crime and criminal behavior has evolved with society and technological advancements. As society is constructed, the laws that govern said society are created as well.

Early theories focused on the biological variables or traits in an individual that were static and unchanging. Biological theories proposed that some people were genetically predisposed to criminal behavior based on different genetic and biological facts that one could not change. The theory of the "born criminal" posits that individuals are pre-disposed to crime, and can be identified, based on biological factors that are out of their control—rejecting the idea that humans are rational individuals who operate with a sense of value and morals.⁶² This idea of criminology has been disproven, and criminal behavior is understood to be complex in nature, affected by biological, social, and environmental factors.

Modern-day theory of crime and criminal behavior looks past static variables to examine the dynamic variables in an individual's life that may have been significant or happened at a significant time, causing some disruption.⁶³ These theories include both instances of nature and nurture when discussing potential causes of criminality for individuals. Past theories and research specifically regarding sex offenders and the cause of their criminal behavior have focused on self-control and the offender's ability to exercise such when they experience an

⁶² See Shichor (2014) at 1-2 (biological positivism).

⁶³ See Matsueda (1988) (differential association theory). See also Akers (1990) (social learning theory).

impulse. Further, research has considered that there are different motivations for different offenders.⁶⁴ These theories were not developed within specific relation to sex offenses and sex offenders; therefore, gaps exist in understanding root cause issues and motivating factors for offenders. Sex Offender typologies by crime type have also been proposed, but jurisdictional variance in how sex crimes are defined have made it difficult to ascertain any generalizable typology of sex offenders.

This research relies on the modern-day theory of differential association theory—understanding that these offenses occur based on dynamic factors and variables that are learned or internalized through relationships (positive or negative).⁶⁵ Moreover, and most importantly, understanding that the same dynamic variables that led an individual to commit a crime can be rehabilitated from a deviant state through changes in association. Moving beyond the theories of criminal behavior and focusing on addressing crime, it is imperative to unpack the idea of restorative justice.⁶⁶

Restorative justice is a full circle approach to addressing harm done—focusing not on the punishment for the crime but rather restoration and rehabilitation of the offender and victim. Restoration for both the offender and victim is essential when discussing instances of sexual assault because there are often multiple parties affected, and the mental health implications can be grievous if not addressed.⁶⁷ Furthermore, it is more common than not that the victim is known to the offender, creating conflict and resentment between affected parties. When discussing

⁶⁴ See Cohen and Felson (1979) (routine activities theory focuses on differing motivations for offenders).

⁶⁵ See Cressey (1954) (the theory of differential association). See also Matsueda (1988) (the current state of differential association theory and understanding of crime and criminal behavior).

⁶⁶ For the purposes of this research, ‘restorative justice’, is used to describe the approach towards crime that focuses on restoration of the victim and community to pre-crime state, while also addressing the contributing issues and factors in the offender’s life. The overall focus is restoration for all involved for long-term desistance from crime.

⁶⁷ Utilizing the National Crime Victimization Survey data, Langton and Truman (2014) highlight socio-emotional impacts of sexual assault and the different variables effecting those impacts. Variables include but are not limited to victim and offender relationship, and location of offense. See Langton and Truman (2014) at 3.

issues of intra-familial sexual abuse, this is even further complicated due to the relationships that continue to exist outside of the offender-victim dyad (Langton and Truman, 2014, p. 3).

There are both short-term and long-term goals to restorative justice, the instant goal of restoration of the offender behavior, victim trauma, and eventually the offender/victim relationship when appropriate. The long-term goal is to have those restorative resources in place within the community as a preventative for a future offense.⁶⁸ The thought is that if communities have resources readily available to combat potential factors of criminality, overall rates of crime would decrease. Community resources are not necessarily a concrete idea, rather a dynamic and evolving ideal based on valid and reliable research.⁶⁹

Current policies in Washington state do not provide guaranteed services for victims and affected parties. Victims are often forgotten within the court process once the charges have been filed and the necessary testimony received. Several different non-profit organizations provide victim resources, but again, it is not guaranteed service.⁷⁰

Approaching sexual assault from a restorative justice perspective allows for discussion of the overall rehabilitation rather than punitive punishment that has been proven ineffective.⁷¹ In a general sense, restorative practices allow us to recognize and acknowledge the existing institutional structures' failures while actively updating policies and practices using evidence-based input to rectify unintended consequences contributing to criminality. This research is not intending to provide an overview for a new sex offender management system, instead

⁶⁸ For more information on the practice of restorative justice, *see* Zehr (2015). *See also* Latimer et al. (2005). *See also* Jonas-van Dijk et al. (2020).

⁶⁹ *See* Marinari (2021) at chapter 5 'Building a Restorative Justice Programme' and chapter 6 'Best Practice Guidelines' (discussion of in community resources for restorative justice programming).

⁷⁰ *Office of Crime Victim Advocacy*. (2020). Washington State Department of Commerce. Retrieved March 4, 2021, from <http://www.commerce.wa.gov/serving-communities/crime-victims-public-safety/office-of-crime-victims-advocacy/> (crime victim resources available in the state of Washington).

⁷¹ For discussion of ineffective punitive sex offender policy and the unintended consequences, *see* literature review in chapter 2.

highlighting the current gaps based on the data available and propose specific implications moving forward.

Conceptualization

There are a couple of concepts related to sex offenders and sex offenses that should be identified and elaborated upon as applicable to the current research. Specifically, the myth of "stranger danger" in regard to sexual victimization. Understanding of risk posed and a general public understanding of behavior aides in overall public safety. If individuals are focusing on the wrong actors, then they will be unable to prevent future victimization. Namely, sex offenses often abuse the victim's trust or the perpetrator's authority/status.⁷² In their attempt to compile a national profile of the registered sex offender, Ackerman et al. (2011) found that of the 125,693 cases reviewed nationally, including the victim's specific age, ninety percent involved a minor. Indicating that not only is this an issue that needs to be addressed nationally (in a systematic state by state review), but it also needs to focus specifically on the protection of minors and prevention of future or continued sexual abuse. Various sources provide historical overviews of the social construction and modifications of sex offenses, sex offenders, and how we address offenders using laws and treatment.

Public perception is not a tangible construct. We can not necessarily see the public's perception—but it is measurable when considering different survey instruments and qualitative measures.⁷³ Due to the intertwined nature of public perception within the lawmaking process, it

⁷² For example, Thurston County's Sheriff's Office (the managing agency for the Thurston County Sex Offender Registry population) provided a data set with 834 registered offenders. Of those 834 registered offenders, 561 included victim relation data. Of the 561 complete registry entries, 521 of offenders were known to the victim prior to offense—roughly 62% of the county registry population. Further, 260 of those known to the victim prior to offense, were also related to the victim—roughly 31% of the county registry population.

⁷³ Fisher and Pedneault (2017) measure the perception of 1,000 Washington state residents in 2016 regarding sex offenders and the effectiveness of sex offender legislation. This will be used as a point of comparison following the descriptive analysis of the Washington State Sex and Kidnapping Offender Registry data provided by WASPC and the individual managing agencies.

is imperative to understand (in a general sense) the concerns of constituents (or citizens). Suppose some misperceptions are driving legislation—it is important for lawmakers and stakeholders to acknowledge the misperception and address it appropriately. It is also possible to educate constituents with facts and evidence to support the proposed or opposed legislation (where appropriate and applicable).

As a primary focus of the research and arguably of the legislation that we see enacted, public perception is the perception that our Washington state citizens (voters) hold regarding the topic discussed. With this specific research, public perception will be discussed in terms of the public perception of sex offenders as a whole, and the effectiveness and efficacy of sex offender legislation. The role of public perception is defined differently among lawmakers, but the variance with explanation will be discussed further in Chapter 4. In sum, public perception is something that the responding lawmakers came into contact with at the beginning of their campaigns—and every working day in office.

Ethical Considerations

Due to this research's nature and the data being utilized—it is considered human subject research. Therefore, study proposals and relevant paperwork were submitted to the University of Washington Human Subjects Division, Institutional Review Board (IRB) for approval. This research was determined to be 'Exempt' at that time with minimal to no harm posed for research participants.⁷⁴

Exclusion of publicly accessible records from the data utilized for the purposes of this research ensures that there is no additional harm posed to the registered offenders in the state of Washington with their inclusion in this research.

⁷⁴ IRB Letter of Exempt Status attached as *Appendix B*.

Quantitative Data

WASPC Data Collection Methodology

The Washington Statewide Sex and Kidnapping Offender Registry is maintained online by WASPC.⁷⁵ The data requested did not include any specific identifying information—rather demographic characteristics, along with the location and risk level classification/description for registered offenders in the State of Washington. The data set provided by WASPC included the racial marker, age, gender (binary), risk level classification/description, and managing agency (N=20,109, n=19,532).⁷⁶

WASPC Data Formatting

In raw format, as received, the data set from the Washington Association of Sheriffs and Police Chiefs was in Excel format. The data that they provided was pulled from the Washington State OffenderWatch database.⁷⁷ There were several missing data points within the data set and for the purposes of analysis those incomplete registry entries are not included within the final results and analysis. Within the complete data set, there are 19,532 Washington State registered sex and kidnapping offenders. The data provided from WASPC included variables for Risk Level Description, Race, Sex, Age, and Managing Agency⁷⁸.

With regard to the risk description variable – as received, this variable included: Level I, Level II, Level III, Level I (Non-Compliant), Kidnapping, Transient 1, Transient 2, Transient 3,

⁷⁵ RCW 4.24.555(5)(a). See also, Sex Offenders—Risk Level Classification—Public Notice. (Engrossed Substitute Senate Bill (ESSB) No. 5759), Washington State Legislature, 55th Legislature—Chapter 364, 1997 Regular Session. Retrieved from <http://lawfilesexext.leg.wa.gov/biennium/1997-98/Pdf/Bills/Session%20Laws/Senate/5759-S.SL.pdf?cite=1997%20c%20364%20C2%A7%201>

⁷⁶ The data provided by WASPC was exempt from Public Records request because it did not include any identifying information.

⁷⁷ OffenderWatch is a for-profit company that provides the GIS mapping software and technology products to law enforcement and state agencies for the purposes of tracking and monitoring sex offenders to "Prevent the Unthinkable!". For more on OffenderWatch, see <https://offenderwatch.com/about-us/>.

⁷⁸ Managing Agency refers to the county sheriff's office which maintains the sex offender registry and population for individual counties across Washington state—in total there are 39. Pursuant to RCW 9A.44.130.

Non-Compliant Unrated, and No Selection (Blanks). For the purposes of data analysis some of the above risk description variables will be grouped with other like-kind variables. Categories will include Level I, Level II, Level III, Level I (NC), Transient (includes 1, 2, and 3), and Kidnapping. Level I offenders are assessed to be the lowest risk for re-offense; therefore, their registry information is not publicly accessible; when a Level I offender falls out of compliance with their registry requirement they are assumed to be a higher risk and as a result their information is published for the public to view on the registry. As a brief reminder, registered offenders assessed with a risk level of Level II, Level III, Level I (NC), Transient, and Kidnapping have their information published to the online registry, Level I offender information is not accessible to the public.

Race indicators on the sex offender registry include American Indian/Alaskan Native, Asian American, Native Hawaiian/Pacific Islander, Black, Hispanic, Other, White, Unknown, and No Selection (Blanks). For the purposes of this research, the following race categories will be included and utilized within the analysis of the data—American Indian/Alaskan Native (AIAN), Asian American/Pacific Islander (AAPI), Black, Hispanic, Other, and White.⁷⁹ If the race was unknown or the data was missing the registered offender entries were not included within the selected sample.

Age of the registered offender was additionally categorized in analysis, ranging from 12-102 years of age with some missing data. Age categories are consistent with those utilized by both the US Census and the Washington State Office of Financial Management within their population estimates and data. The following categories will be utilized within the data analysis and resulting discussion: <14, 15-19, 20-29, 30-39, 40-49, 50-59, 60-69, 70-79, and 80+.

⁷⁹ This race categorization is consistent with the categories used by and within the US Census. *See* <https://www.census.gov/topics/population/race/about.html>.

The remaining variables of Gender and Managing Agency did not need to be reformatted for analysis. Registry entries that were missing data points were not included within the final selected sample for analysis.

Supplemental Managing Agency Data Collection Methodology

The supplemental crime and victim information was provided on an individual basis at the receipt of a Public Records Request to the specific managing agency's public records manager. There are 39 managing agencies in Washington state, corresponding directly with the county in which it is located. The records that were provided were also coming directly from the OffenderWatch database that WASPC had also accessed and provided data from. The managing agencies were able to provide more information with the public records request than WASPC had been able to provide.

Victim relation to offender is not a required variable for tracking within the Washington state registry or even the National Sex Offender Registry, therefore the information that was provided was inconsistent and incomplete at best. Several of the managing agencies were gracious enough to review their registered offenders case information for victim information and compile a data set manually. This was only feasible in counties with small registry populations.

Due to limitations and variance in data entry, not all the received data sets will be used within the analysis. For purposes of analyzing the most complete data possible, the following counties will be examined within the descriptive analysis of the WASPC data set and the supplemental data: Columbia County (n=15), Clark County (n=1,097), Lewis County (n = 378), Pierce County (n=1,172), Skamania County (n=48), and Thurston County (n=561). In total, the selected sample of registered offenders includes 3,273 registered sex offenders in the state of

Washington with additional supplemental variables for analysis. Those variables include victim age group, victim relation, and offense type data.

Supplemental Managing Agency Data Formatting

Most supplemental data provided from the managing agencies was in excel format. If it was received in another format, PDF or Word, it was converted to Excel or re-entered into Excel for analysis. Initial review of the data indicated that the variables provided would need to be formatted and categorized for analysis. The variable for Victim Age Group was provided in a binary (Juvenile or Adult) and did not require any reformatting. If there was missing data in an entry than that entry was not included within the final selected sample for analysis.

With regard to the victim relation to offender variable—when received from the managing agencies this came in a range of different formats. This data is not required to be collected or recorded for registered offenders; therefore, it is not something that is asked, but rather information received from police reports, self-reports, and other forms of case material/evidence received for the registered offender. For example, Columbia County provided victim relation variables "acquaintance, relative, known, unknown". For the purposes of this research and data analysis, the following victim relation categories were utilized: Known and Unknown. The Known victim category includes additional codes for familial relation, quasi-familial relation, and non-familial relation. The Unknown category includes individual's unknown to the offender—this was mainly entered as "stranger" within the original data sets. If the victim relation data was missing than the registry entry was not included within the selected sample for analysis.⁸⁰

⁸⁰ See *Appendix C* for a full list of variables used within the original data sets and coding for the purposes of this research.

With regard to the offense type or crime at the time of conviction, data was provided by the managing agencies when available. There are a couple important things to note before moving forward with this data. First, in the state of Washington, offense type is not a determining factor for risk. Second, the data that was entered into the registry reflect the crime at the time of conviction which is not necessarily representative of the crime committed. It is no secret that the United States utilizes plea bargaining in the majority of its criminal cases⁸¹—when an offender takes a plea deal the charge(s) is often amended to reflect the agreed upon crime. All this to say that there is no way to know if the offense included within the Washington State sex offender registry is consistent with the offense that was committed. For the purposes of this research, offense type data was used in conjunction with other variables within the analysis but will not be discussed further within this research due to inconsistencies.

FIGURE 3 – Data Requested and Received

Managing Agency	County Pop⁸²	WASPC⁸³	RSO % of Co Pop	RSO Pop⁸⁴	% of Vic_Relation Data Available⁸⁵
Adams County	20,450	57	2.80%	Data not provided	--
Asotin County	22,640	109	4.80%	108	22%
Benton County	205,700	631	3.10%	642	25%
Chelan County	79,660	180	2.30%	337	15%
Clallam County	76,770	218	2.80%	216	36%
Clark County	499,200	1,393	2.80%	1437	70%

⁸¹ "Every two seconds during the typical workday, a criminal case is disposed of in an American courtroom by way of a guilty or nolo contendere plea," (Conlquitt, 2001, p. 696). See also, Devers (2011, pp. 2), between 90-95% of criminal cases result in a plea bargain.

⁸² *State of Washington: 2020 Population Trends* (pp. 1–55). (2020). [OFM Forecasting and Research Division]. Office of Financial Management. Retrieved from https://ofm.wa.gov/sites/default/files/public/dataresearch/pop/april1/ofm_april1_poptrends.pdf (county population information found on p. 9)

⁸³ Washington State Registered Sex and Kidnapping Offender Population—Data received from Washington Association of Sheriffs and Police Chiefs (WASPC) on 01/12/21 from Sex Offender Registry Program Coordinator (WASPC RSO—N=20,109, n=19,532).

⁸⁴ Managing Agency Supplemental Victim and Offense Data—this data was received directly from the county listed—dates and format provided varies—data was formatted after receipt for analysis (N=39).

⁸⁵ This is the percentage of Washington RSOs in which victim relation information was provided within the Managing Agency Supplemental Victim and Offense data sets (n=30).

Columbia County	4,185	25	6.00%	18	66%
Cowlitz County	110,500	710	6.40%	Data not provided	--
Douglas County	43,750	80	1.80%	98	92%
Ferry County	7,910	34	4.30%	32	25%
Franklin County	96,760	217	2.20%	22	21%
Garfield County	2,225	9	4.00%	Data not provided	--
Grant County	100,130	302	3.00%	590	21%
Grays Harbor County	74,720	428	5.70%	479	3%
Island County	85,530	145	1.70%	247	36%
Jefferson County	32,190	67	2.10%	70	Not available
King County	2,260,800	3,852	1.60%	4324	30%
Kitsap County	272,200	749	2.80%	1389	3%
Kittitas County	48,140	92	1.90%	94	19%
Klickitat County	22,770	93	4.10%	91	18%
Lewis County	80,250	481	6.00%	490	75%
Lincoln County	11,050	26	2.40%	23	39%
Mason County	65,650	287	4.40%	Data not provided	--
Okanogan County	43,130	176	4.10%	Data not provided	--
Pacific County	21,840	93	4.30%	81	32%
Pend Oreille County	13,850	44	3.20%	44	41%
Pierce County	900,700	2,715	3.00%	2744	37%
San Juan County	17,340	23	1.30%	22	Not available
Skagit County	130,450	307	2.40%	315	76%
Skamania County	12,220	54	4.40%	51	90%
Snohomish County	830,500	1,907	2.30%	Data not provided	--
Spokane County	522,600	1,806	3.50%	1788	67%
Stevens County	45,920	178	3.90%	180	27%
Thurston County	291,000	856	2.90%	834	60%
Wahkiakum County	4,210	21	5.00%	18	78%
Walla Walla County	62,580	132	2.10%	136	18%
Whatcom County	228,000	577	2.50%	553	27%
Whitman County	50,480	83	1.60%	82	40%
Yakima County	258,200	952	3.70%	954	23%

NOTE: Discrepancies between the registered offender population provided by WASPC and population as provided by the individual managing agencies are due to a difference in the date obtained. The managing agency data sets were obtained between August 2020 and November 2020 after filing individual public records requests with each county.

Data Analysis Methodology

With regard to the descriptive analysis, both the WASPC data set as a whole and the five counties were identified for further analysis of the additional data sets from the individual managing agencies. The data received from the individual managing agencies was delivered in a number of different formats, with some including different variables. State law does not mandate that victim age or relation information be collected for the registry and community notification; therefore, the agencies that have that information available did so of their own accord. Further, the information was not consistently entered, so there were a number of missing variables. If the category was left blank within the data sets received from both WASPC and the individual managing agencies, it was coded as 'Missing/Unknown.'

Within the WASPC population (N=20,109), there were several missing and incomplete registry entries, missing either the risk level descriptor, gender, or race of the registered offender.⁸⁶ Those entries were not included in the final selected sample—in total, the selected sample included 19,532 registered offenders in the state of Washington.⁸⁷ Similarly, missing and incomplete registry entries within the managing agency data sets were also excluded from analysis. Specifically, if the entry was missing risk level or victim relation information.

Visualization of the data obtained is made possible through various tables, charts, graphs, and figures within Chapter 4. Moreover, the resulting discussion will provide recommendations for future research and potential methodologies for data collection with regard to the population of registered offenders in Washington.

⁸⁶ For the purposes of this research, registered offender(s) refers to both sex offenders and kidnapping offenders who are required to register in the state of Washington.

⁸⁷ As of date received January 12, 2021.

Qualitative Data

Data Collection Methodology

This sample population included past and present lawmakers in the state of Washington—including but not limited to House Representative(s), Senator(s), and Governor(s). These individuals were identified initially by their role as Washington state lawmakers. Second, the lawmakers included in this sample population have all served as the primary sponsor for a bill related to sex offender assessment, management, or treatment during their time of public service. Current lawmakers were identified through public records on the Washington State Legislature website (Population of Washington State Lawmakers in September 2020, N=148). The identity of the lawmakers who participated in this research will remain confidential, allowing respondents to answer the questions without fear of repercussion. A total of nine (9) semi-structured interviews⁸⁸ were completed over two months in October and November of 2020, in just under seven hours. The lawmakers interviewed have a combined 100 years of legislative experience—working as publicly elected representatives of their respective districts. Further information regarding the participants and the resulting interviews will be discussed in detail within Chapter 4.

Before discussion of the interview data, it is pertinent to address my assumptions prior to the interviews. The first assumption to address regarding state legislator duty—elected officials are bringing forward ideas for legislation based on the voice of their individual constituents. Specifically, meaning that they are legislating issues relevant to their constituents and district. The second assumption held—public perception is an idea or concept that can be defined and understood. The third and final assumption held prior to the completion of the interviews—the

⁸⁸ The Interview Guide used for the semi-structured interviews is attached as *Appendix A*.

overall goal of legislators is to implement effective and evidence-based laws. These assumptions are outlined here because they influenced the creation and implementation of the interview guide. Further, these assumptions were challenged within the interviews themselves and throughout the analysis highlighting gaps in my own thinking about legislators and the laws that they are creating.

Qualitative interviewing can have various intents and impacts—the analysis of the qualitative interviews intends to explain a phenomenon (public perception in the legislative drafting and enacting process) that occurs within lawmakers' day-to-day lives (Roulston and Choi, 2018). Interviews took place over Zoom due to the COVID-19 pandemic and lasted anywhere from twenty-five minutes to ninety minutes. The resulting recordings were transcribed using an online transcription service.⁸⁹

Data Analysis Methodology

The interview transcriptions were uploaded into Atlas.ti⁹⁰ for the grounded theory analysis. Within qualitative data analysis, grounded theory is a bottom-up approach, beginning the data analysis without preconceived coding structures and allowing the data to inform the emerging codes and themes determined to be significant (Charmaz, 1996, 2014; Bryant and Charmaz, 2010). Initial coding of the interview transcripts involves a line-by-line analysis of the transcriptions, attempting to identify the actions that lawmakers describe within their responses (Charmaz, 2014, p. 116). Initial coding was followed by focused coding in which synthesis

⁸⁹ Interview transcription was completed through Scribie.com (Audio and Video Transcription Services) Accessed from <https://scribie.com/>. See also Jenks (2018) (interview transcription for data analysis).

⁹⁰ Atlas.ti is a QDAS. For more information on the use of QDAS in qualitative data analysis, see Cope (2014), Gibbs (2013), and Woods et al. (2016). For more on the specific use of Atlas.ti in qualitative data analysis, see Friese (2017) and Friese et al. (2018).

across each of the interview transcripts allowed for comparison of emerging themes and categories.

The grounded theory of qualitative data analysis requires the researcher to create a code and content analysis that is informed by the interview data—rather than the researcher imposing a preconceived structure or system of coding and analysis. Coding of the data was iterative, the first step discussed above, initial coding was followed by focused coding which required further review of the data and the initial coding. Focused coding within grounded theory is the first form of categorization, allowing the researcher to focus on significant ideas and themes as they arise within analysis. Focused coding leads to visualization of the patterns within the qualitative data, showing connections across the interview data to better understand the data set. In this case, focused coding of the interview data allowed for visualization of significant themes that arose for different legislators.

Thematic content analysis of resulting codes from the interviews allowed for patterns within the qualitative data to emerge (Friese et al., 2018, at 8). Thematic content analysis using the grounded theory requires an iterative process, systematically reviewing the emerging codes to ensure that continued themes throughout are brought forward for further qualitative analysis and visualization of the data. The groundedness (validity) of the data depends on the frequency of occurrence within the data—codes and themes that are grounded and supported by the data occur more frequently (Charmaz, 2014). If a code occurs minimally, or within only one interview then the idea likely did not make it into the focused coding and visualization. The data informs the theory as it emerges with this methodology and therefore was determined to be the best method for analysis of lawmaker interviews.

Scope of Current Research

Contribution to Research

This study's first identifiable strength is the inclusion of the Level I (lowest risk of re-offense) offenders within the descriptive analysis of the Washington State Sex and Kidnapping Offender Registry (N=20,109, n=19,532).

Ackerman and colleagues attempted a national profile in 2011—utilizing data scraping, they pulled information from state sex offenders registries that are available online. The resulting data was somewhat limited, including a sample of 5,927 Washington state offenders—only including Level II, Level III, and Level I (Non-Compliant). Their data and resulting analysis did not include Level I of the registry because it is not publicly accessible online in Washington. Therefore, data obtained for this research provide a more complete and detailed description of the registered offender population in Washington State.

Further, victim relation information and victim age group are discussed for a selected sample of counties that collect and track that information regarding registered offenders. Victim relation is categorized for analysis and discussion as discussed above within the quantitative methodology. Categorization includes 'Known' and 'Unknown' with further subcategorization of 'Known' to include 'Familial', 'Quasi-Familial', and 'non-Familial' for registered offenders with specific victim relation included.

In terms of public perception, this research aims to further situate the above descriptive data with the idea of public perception by utilizing the public perception survey responses collected by Fisher and Pedneault in 2016.⁹¹ This includes, but is not limited to, comparison of public perception of offender age, race, offender/victim relation and risk posed to the community

⁹¹ Fisher and Pedneault (2017) (data for public perception of Washington State Residents regarding sex offenders and sex offender legislation).

through recidivism. This analysis allows for the examination of accuracy of public perception within Washington State regarding the registered sex offender population.

Lastly, regarding the role and influence of public perception within the legislative process—there have been various studies completed regarding public perception of the laws but none that address the role public perception plays within the process. Very few legal studies utilize qualitative methodology within their analysis, so the present study offers new insights through grounded theory analysis and the use of QDAS.⁹²

General Limitations of Research

The following analysis and discussion of the WASPC statewide data and managing agency data sets is not intended to make any insinuations or conclusions regarding the offenders or anyone's safety within the community. Further, it is purely informational and intends to describe the registered population using various demographics, offenses, and victim variables. Ackerman et al. (2011) noted that the variance in sex offender laws and registry requirements across jurisdictions makes it difficult to draw comparisons regarding offense type and risk level classification.⁹³

Further, it is widely known that sexual assault is among the highest unreported and under-reported crimes in the United States.⁹⁴ Research regarding sex crimes is bound to be under-representative of the current rates of sexual violence and victimization across the nation. Moreover, when we examine specific subsets of the sex offender population by victim relation, there is reason to believe familial sexual assaults are even further under-reported than other

⁹² See Meloy et al. (2013) (with regard to interviews of lawmakers in regard to sex offender policies)

⁹³ The specific limitations that Ackerman and colleagues experienced in 2011 will be discussed in detail within the literature review.

⁹⁴ See Finkelhor and Ormrod (2001) at 222. See also Townsend et al. (2016).

forms of sexual assault (date rape, rape, etc.) due to the complexity of family situations and lack of resources.⁹⁵

Concerning the quality or validity of the crime description—it is pertinent to address prosecutorial discretion and plea bargaining. Prosecutorial discretion references the charging power that prosecutors hold—at the beginning and through the entirety of a court case. Initially, once an arrest is made, a police report filed, and initial evidence collected—the prosecutor decides how to charge the offender. They charge based on the evidence available and can make changes during the court proceedings to offer a plea bargain at any point in time. Plea bargains have historically been used to support efficiency through the court system—a systematic review of the use of plea bargaining has highlighted some areas to be addressed.⁹⁶ Prosecutorial discretion and implicit bias are variables to be considered when reviewing offenses listed on the Washington State Sex Offender Registry. There is no way to measure the implicit bias within charging decisions with the current data set; it is pertinent to acknowledge though and would be possible to measure through future research.⁹⁷

Moreover, when considering the registry data received, there is no way to know if the crime description provided by the managing agencies is the original crime that the offender was charged with or a lesser charge that they plead to at some point within their trial. Plea bargaining creates issues regarding the measurement validity of crime statistics that are categorized based on crime descriptions. For example, an individual may be arrested and initially charged with Molestation of a Child in the Second Degree (specifics of this statute are not necessary for this

⁹⁵ *Id.*

⁹⁶ See generally O’Hear (2007). See also Devers (2011). See also Johnson (2019). (plea bargaining and the issues of prosecutorial discretion and gatekeeping).

⁹⁷ See Smith and Levenson (2012) regarding implicit bias in relation to prosecutorial discretion in the legal system (pp. 797-801).

example). During the pre-trial proceedings, the prosecutor offers a plea bargain to the individual to plead to the lesser charge of Assault in the Fourth Degree with sexual motivation (hypothetical). On the registry, the charge reflected will show as Assault in the Fourth Degree with Sexual Motivation and not the original charge involved, which creates issues for those attempting to measure or categorize offenders by crime type accurately. For these listed reasons, the crime description within the data collected will be analyzed when available; however, it should and will not be used to make generalizations about the population of registered offenders.

Specific Limitations of this Research

The first specific limitation of this research that is necessary to address is jurisdictional variance.⁹⁸ Specifically, when examining Washington State's sex offender laws and population, we must disclose that Washington state is minimally compliant with the National Sex Offender Registry and Notification Laws.⁹⁹ This means that there are components of Washington State's registry and notification and the subsequent legislation that do not align with some of the SORNA requirements. Washington does not comply with the categories of community notification, offender appearance and verification, and information sharing. Specifically, Washington fails to "maintain [a] public registry website; post all required offenders and offender information," "offense-based tiering and required duration of registration and frequency," and "collect all identification and location information in registry" (SMART, 2020, p. 30).

⁹⁸ With regard to jurisdictional difference in the state of Washington—WASPC provides model policy information for managing agencies but does not require that details outside of the SORNA required identifying details are obtained and retained for public records. Nationally, this is seen on a much wider scale as there is even less of a standardization of process within the management and monitoring of registered sex offenders (Ackerman et al., 2011).

⁹⁹ See SMART (2020).

The second limitation of the data is that the managing agency data sets were missing and incomplete for the majority of data sets received.¹⁰⁰ Missing and incomplete data is due to the variance in reporting standards statewide, to whom the local managing agencies look for guidance in their reporting and documenting processes. After speaking with several different public records managers for the various managing agencies in Washington state, it was ascertained that the victim relation information is available. However, it would have required a systematic review of individual case files for each registered offender. This information is typically collected within a police report of sexual assault, so the information is accessible. It would have required a substantial case file review to obtain the applicable data for individuals who are reviewing larger RSO populations (ex: King County, Pierce County, Snohomish County) and not something that counties typically have the staffing to complete. Further, specific familial relations would also be worth collecting as a data point if the project of reviewing individual case files did occur moving forward.¹⁰¹

With regard to the accuracy of public perception—this research relies on previous public perception data (Fisher and Pedneault, 2017) which at this time may not be representative of Washington State residents. Further, future research with regard to public perception may be better suited in the format of focus groups. Focus group research on public perception could allow researchers to see public perception shifting within the group setting, witnessing the variables and factors that directly caused those shifts in perception. This would require funding and a larger research team to complete.

Finally, the small sample size within the qualitative interviews of Washington state lawmakers is limiting with regard to applicability of the findings. The qualitative interviews

¹⁰⁰ See Figure 3 for further information regarding the completeness of managing agency data sets received.

¹⁰¹ Further discussion of future research and policy implications will be discussed within chapter 5.

offered anecdotal evidence and would require further large-scale interviewing in multiple rounds to obtain any type of generalizable lawmaker perception. The qualitative analysis within this research offers a starting point in which researchers can move forward with more direct lines of questioning regarding public perception specifically within legislative standing committees and constituent contact.

CHAPTER IV

Results and Analysis

The findings were achieved using both quantitative and qualitative research methodologies. The first research question is addressed using descriptive statistics and comparative analysis. The second question also utilizes a comparative analysis of the research regarding previous public perception using the descriptive statistics provided from the first question. Furthermore, experiential evidence from the qualitative interviews supports the role and accuracy of public perception from the viewpoint of selected Washington state elected officials. The third and final research question is addressed using qualitative interviews. Analysis of the resulting interview transcriptions was completed using a grounded theory of qualitative analysis in Atlas.ti.

RQ1: What is the demographic profile of the registered sex offender in the state of Washington?

The WASPC data included 20,109 registered sex offenders and kidnapping offenders in Washington state. Incomplete and missing variables for entries necessitated coding and formatting. The selected sample from the population included 19,532 registered offenders¹⁰² in Washington state as of January 12, 2021.

¹⁰² For the purposes of this research, the term "registered offenders" refers to all those offenders required to register in the state of Washington—both sex offenders and kidnapping offenders.

The following analysis and results are not intended to imply increased risk to individuals solely based on the existence, proximity, or number of registered offenders. These data are intended to be descriptive to assess and understand the current composition of the sex offender registry in Washington state as it exists 31 years after its creation and implementation with the CPA.

Additional variables were provided within the supplemental data requested and received from the individual managing agencies across Washington state. For this research, "managing agency" refers to the sheriff's office in the county (in Washington) in which the registered offender resides or will be residing. The additional variables analyzed include 'victim relation to offender' and 'victim age group.'

Previous research by Ackerman et al. (2011), attempting to provide a national descriptive analysis of the sex offender registry, is also displayed as a point of comparison. The data used by Ackerman et al. (2011) were taken from online, publicly accessible state registries in the US. Their resulting sample did not include Level I—those offenders considered the lowest risk for re-offense when at large in the community. Those offender data are not published in the Washington State Sex Offender registry but can be accessed by contacting the managing agencies via a public records request.

Gender Distribution

Initial analysis of the WASPC dataset revealed that 97.78 percent of the Washington State Registry population are identified or classified as male (n=19,099), and 2.22 percent as female (n=433). These findings are consistent with Ackerman et al. (2011), who found that 98 percent of the publicly accessible registry records in the Washington State Registry sample and for the overall US Registry sample were identified as male.

The data collected and utilized for analysis from the WASPC include no other gender identities. It is unclear how and when this issue will be addressed moving forward. Including other gender identities would provide a more accurate representation of the registered population.

Age Distribution

FIGURE 4.1 – Age Distribution WASPC (n=19,532)	
Mean	47.2834018
Median	46
Mode	41
Variance	226.369291
Std Dev	15.0455738
Skew	0.19957024
Quartile (0)	12
Quartile (1)	36
Quartile (2)	46
Quartile (3)	59
Quartile (4)	102

Interquartile Range (IQR)

Age distribution of the Washington State Registry data indicates that most registered offenders were between the ages of 36 and 59 years of age. The most commonly occurring age among registered offenders was 41, with a mean age of 47. The standard deviation was +/- 15.045 from the mean age of 47. The following comparison data utilize the Washington state registered offender population, categorized consistently with the US Census and the Washington State Office of Financial Management (OFM). The distribution of these data is moderately and positively skewed (right-tailed), meaning that most offenders are over the median age of 46 years of age.

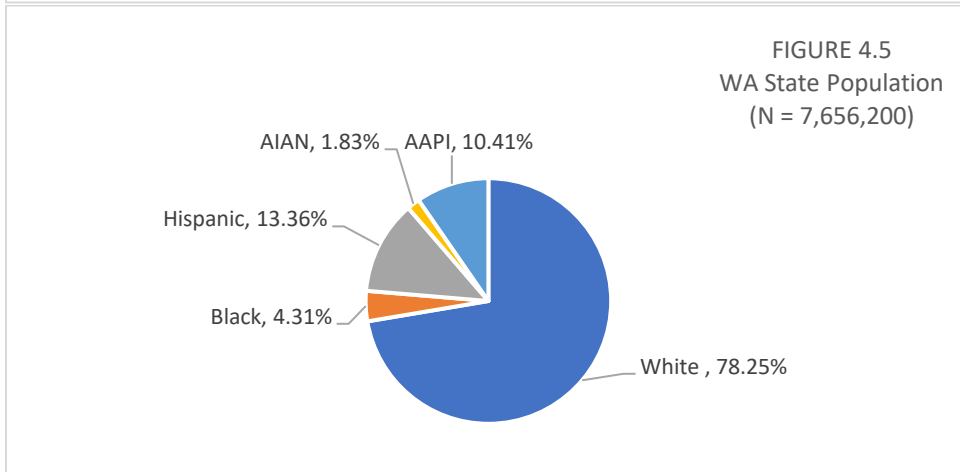
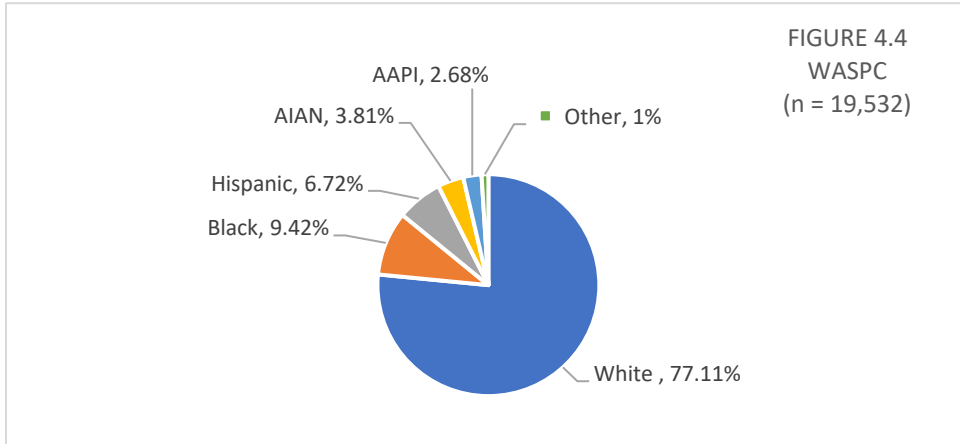
FIGURE 4.2 – Age Distribution of Registered Sex Offenders			Central Tendencies		Percentage w/in Age Categories						
Data Source	Sample Description	RSO (n)	Mean	Median	<18	18-25	26-35	36-45	46-55	56-65	66+
Ackerman et al. (2011)	WA State (N)	5,927	42.3	43	1%	9%	21%	31%	25%	10%	4%
	US (N)	449,543	44.8	44		6%	22%	26%	26%	13%	7%
WASPC	WA State (n)	19,532	47	46	<1%	6%	17.50%	24%	20%	19%	12%

A separate comparison for age distribution is illustrated in Figure 4.2. In this comparison, the WASPC registered offender age data are categorized consistently with the Ackerman et al. (2011) research. The Ackerman et al. profile indicates that approximately 77 percent of all publicly accessible registry records in Washington are for offenders between the ages of 26 and 55. The publicly accessible Washington offender data are consistent with the national profile: approximately 74 percent of the overall publicly accessible registry records in the US fall within the same age range of 26–55. The age disparity between populations of offenders could reflect an aging population or an increase in older offenders committing sex offenses. This research does not intend to explain the cause of this shift in age within the respective registered offender populations due to the already discussed differences in data collection, formatting, and analysis.

FIGURE 4.3 - Age - WA RSO v. WA State Population		WASPC (n)	WA (N) ¹⁰³
Central Tendencies	Mean Age	47	-
	Median Age	46	38.47
Percentage in Age Categories	<14	<1%	18.52%
	15-19	1.64%	6.11%
	20-29	10.66%	13.62%
	30-39	21.55%	13.87%
	40-49	22.34%	12.31%
	50-59	20.90%	12.52%
	60-69	15.15%	11.97%
	70-79	6.10%	7.48%
80+	1.63%	3.60%	

¹⁰³ The Washington state population data for comparison was obtained from the Washington State OFM’s April 1, 2020, Population estimates. For more information on this data set and to access the data online, see <https://ofm.wa.gov/washington-data-research/population-demographics/population-estimates/estimates-april-1-population-age-sex-race-and-hispanic-origin>.

Racial Distribution



The above figures represent a combination of different Washington state populations for comparison. Figure 4.4 illustrates the Washington State Registry sample’s racial distribution for original analysis in this research, derived from the WASPC data. Figure 4.5 illustrates the racial demographics within the state of Washington’s general population.¹⁰⁴ As indicated in the legends, racial indicators include White, Black, Hispanic, AAPI, AIAN, and Other. Other as a

¹⁰⁴ All Washington state general population data used for comparison in this research were compiled and published by the Washington State Office for Financial Management’s on April 1, 2020. The racial categorization is also consistent with the U.S. Census categorization. For more information on this dataset and to access the data online, see <https://ofm.wa.gov/washington-data-research/population-demographics/population-estimates/estimates-april-1-1-population-age-sex-race-and-hispanic-origin>. For more on the race categorization used within the US Census, see <https://www.census.gov/quickfacts/fact/note/US/RHI625219>.

racial indicator means that the race of the individual is not available in the predetermined racial categorization.

Geographic Distribution and Population Density

FIGURE 4.6 - Geographic Distribution of RSO Population in Washington			Population Density			
	Total		Rural		Urban	
Region	WASPC (%)	WA State (%)	WASPC (%)	WA State (%)	WASPC (%)	WA State (%)
East	26.33	21.71	13.98	12.2	12.36	9.51
West	73.44	78.29	14.17	9.3	59.5	69.10

NOTE: Sum totals may not equal one percent due to rounding.

In Washington, the Cascade Mountain Range geographically divides the state, generally referred to as ‘Western Washington’ and ‘Eastern Washington.’ The above figure demonstrates both the regional distribution and the population distribution of the registered offender population. The data reveal that almost 75 percent of the registered population (n=19,532) reside on the west side of the Cascades. The population distribution across regions and the population density are consistent with the population distribution of Washington state in general, as 78.29 percent of the general population (n=7,656,200) reside on the west side.

When discussing population density, it is essential to understand the definitions of rural and urban counties. Rural Counties in the state of Washington are defined as "a county with a population density of less than 100 persons per square mile or a county smaller than two hundred twenty-five square miles" (RCW 82.14.370[5]). Alternatively, counties with a greater population density than 100 persons per square mile and an overall size larger than 225 square miles are considered urban counties. Based on the OFM population estimate data, 5,367,200 individuals reside in urban counties in Western Washington. Those urban counties included are Clark County, King County, Kitsap County, Pierce County, Snohomish County, Thurston County, and Whatcom County—equaling approximately 69.10 percent of the overall Washington state population.

Risk Level Distribution

FIGURE 4.7 - Risk Level Classification		Records for LEA Only	Publicly Accessible Records				
		Risk Level Description			Other Specified Descriptions Indicating Increased Risk		
		Level 1 (Low Risk)	Level 2 (Moderate Risk)	Level 3 (High Risk)	Transient	Kidnapping	Non- Compliant
Managing Agency	Washington State Registered Pop (n)	% RSO	% RSO	% RSO	% RSO	% RSO	% RSO
WA State Data used in Ackerman et al. (2011)	7,042	9%	49%	24%	12.00%	0	6.00%
WASPC (1) - STATEWIDE	19,532	66.52%	15.04%	6.79%	6.42%	0.01%	4.43%

NOTE: Sum totals may not equal one percent due to rounding.

As demonstrated above in Figure 4.7, the Washington State Registry primarily comprises the lowest risk offenders—67 percent of the overall registry is classified as Level I, meaning the lowest risk for re-offense in the community. The program coordinator for the statewide registry provided some clarification regarding how and when offenders are assessed.

Typically, when an individual is charged and convicted for some type of sex offense, the individual must serve a period of incarceration before re-entering society or be placed on court supervision or probation to ensure compliance with the court order and registry requirements. Once the individual has completed their criminal sentence and re-enters society, they need to be assessed to assign a risk level. In cases in which the individual serves a period of incarceration upon their release, they are assessed by the ESRC using the Static-99R¹⁰⁵ and then assigned a risk-level descriptor that is used moving forward by the managing agency in the county they reside in or will be residing in upon re-entry.

¹⁰⁵ See Phenix et al. (2016) regarding Static-99R and coding rules used by the Washington State ESRC to assess and assign risk levels for offenders with an additional registry requirement (pp. 45–84). For Static-99R Coding Form, see Phenix et al. (2016, pp. 93).

In cases in which the individual is convicted and sentenced with no period of incarceration, meaning they were not detained or incapacitated for the commission of the crime, then the managing agency in the county in which they reside conducts the risk assessment and assigns the risk descriptor. These are individuals working within the county sheriff departments that manage the county registry population, entering and updating registered offender information. It is common practice for civilian employees to conduct risk assessments for offenders both pre- and post-conviction. An example of this approach in Washington state is county probation officers conducting pre-sentence investigations with recommendations for sentencing based on the assessed risk. In a post-conviction risk assessment, probation officers assess risk levels to assign a schedule for checking in with probation and updating changes. This level of assessment does not carry the same level of inter-rater reliability as the ERSC when conducting assessments and assigning a risk-level descriptor.

To summarize, if the offender is convicted of an offense that necessitates some period of incarceration, then the risk-assessment process is formal and goes through a committee of individuals who work together to assess and assign risk. There is inter-rater reliability with the risk-level assessment conducted by the ESRC. When individuals are convicted of offenses that do not necessitate a period of incarceration, they are assessed and assigned a risk level based on an individual within the specific managing agency. The risk-level variable is discussed in more detail within the analysis of the supplemental victim information.

Comparison of risk-level distribution with the Ackerman et al. (2011) data profile reveals a significant difference in the registry population when based on publicly accessible data. The Ackerman et al. data profile is based on the publicly available data from the online registry system. The data regarding Level I offenders obtained for this specific research were obtained

via records requests to the different agencies involved. Comparing those publicly available datasets, the WASPC sample (n=6539) is substantially smaller but provides a more accurate comparison than the Ackerman et al. data profile.

Before the discussion of that comparison, two critical distinctions regarding the datasets need to be mentioned. The Level I offenders publicly accessible through the online database are only accessible due to their non-compliance. For this research, those publicly available offenders (Level I, Non-Compliant) are included within the overall 'Non-Compliant' category. The reasoning for this decision is because the level does not necessitate community notification or public accessibility, but rather the non-compliance that has occurred. The cause of non-compliance varies; most frequently, it is due to an offender not updating their registry information upon some change (e.g., moving residences, not checking in at the required time). Therefore, within the analysis for this research, those offenders are grouped in with non-compliant offenders as this label implies an increased risk for re-offense when in the community. Similarly, within the Ackerman et al. national profile, there are no kidnapping offenders included in the WASPC data of 156 offenders with that specific risk-level description used for this research.

Figure 4.8, below, reveals the risk-level distribution of the publicly accessible registry records, not including the Level I offender data provided by WASPC. This research is not attempting to imply any increased or decreased risk based on the inclusion of Level I offenders; the statistics provided are purely descriptive. Researching the changes in the risk-level distribution of these registry populations would require an in-depth analysis of the risk-assessment procedures in Washington state, both with the ESRC and the individual managing agencies. The analysis would need to include the assessment procedures and the changes in

assessment procedures in the 10-year period or subsequent period before future comparison.

Moving forward, the entire selected sample of the WASPC data, including the Level I offenders, is used for analysis because it forms a substantial part of the overall registry population.

FIGURE 4.8 - Risk Level Classification		Publicly Accessible Records				
		Risk Level Description		Other Specified Descriptions Indicating Increased Risk		
		Level 2 (Moderate Risk)	Level 3 (High Risk)	Transient	Kidnapping	Non-Compliant
Managing Agency	Washington State Registered Pop (n)	% RSO Pop	% RSO Pop	% RSO Pop	% RSO Pop	% RSO Pop
WA State Data used in Ackerman et al. (2011)	7,042	59%	28%	13.73%	0	17.78%
WASPC (1) - STATEWIDE	6,359	44.92%	20.29%	19.18%	2.40%	13.62%

NOTE: Sum totals may not equal one percent due to rounding.

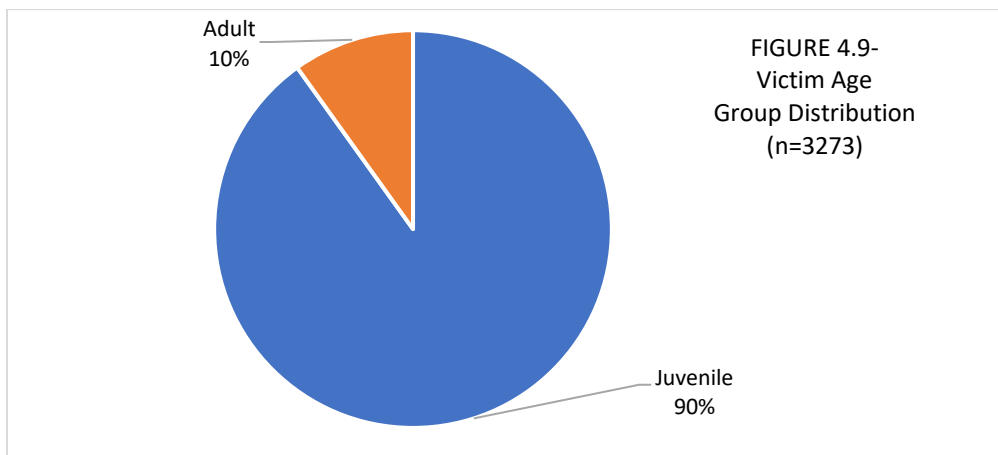
Victim Age Group and Relation

The data utilized for this portion of the analysis were received from the individual managing agencies within Washington state. The selected sample includes complete registry records from Columbia County, Clark County, Lewis County, Pierce County, Skamania County, and Thurston County (n=3,273). Data not included within this analysis were excluded due to missing or incomplete entries. The resulting discussion of victim information does not intend to imply fault on behalf of any victim of sexual assault—this research purely intends to highlight groups that may be at risk or a higher risk of victimization for several reasons, none of which involve fault of the victim.

The WASPC maintains the online registry and outward-facing registry website for the public. The registry data are maintained individually within the counties where the registered offender resides. The county sheriff departments are charged with assessing, monitoring, and

updating the registry information.¹⁰⁶ The sheriff's department provided detailed information regarding victim relations and age groups based on access to the case information and file.

Victim data do not have to be collected and recorded within the Washington State Sex Offender and Kidnapping Offender Registry. During the conversation with the WASPC Program Coordinator in January 2021, she indicated that within the specific risk-assessment tool utilized in Washington state (the Static-99/R), familial victim relation is a mitigating factor that implies less overall risk of re-offense.



Regarding the victim age distribution, Figure 4.9 illustrates the victim age group distribution for a selected sample of managing agencies that provided victim relation and age group variables and data.

¹⁰⁶ RCW 9A.44.130.

**FIGURE 4.10 -
Juvenile Victim Relation to Offender
(n=2945)**

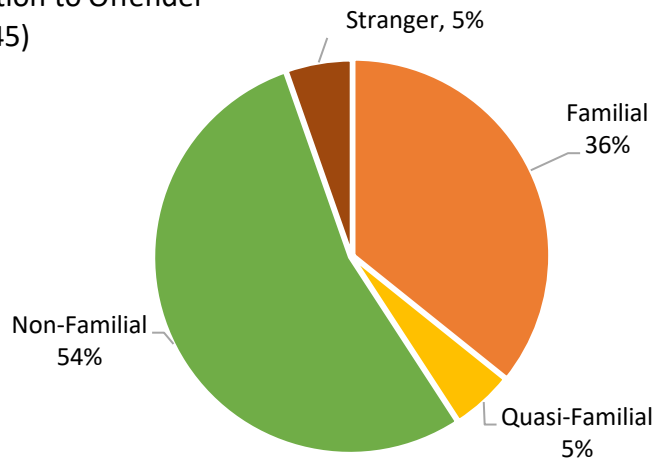


FIGURE 4.11 – Juvenile Victim Relation to Offender		Victim Relation (%)				Risk Level (n=2945)	% Vic Relation Data
Managing Agency	Risk Level Descriptor	Known			Unknown		
		Familial	Quasi-Familial	Non-Familial	Stranger		
Columbia Co	Level I	41.66%	-	50.00%	-	91.67%	0.40%
	Level II	-	-	8.33%	-	8.33%	
	Level III						
	Transient						
	Kidnapping						
	Non-Compliant						
Clark Co	Level I	11.60%	3.50%	58.30%	2.60%	75.97%	34.06%
	Level II	3.70%	0.60%	13.70%	1.50%	19.44%	
	Level III	0.60%	0.20%	3.60%	0.20%	4.60%	
	Transient						
	Kidnapping						
	Non-Compliant						
Lewis Co	Level I	42.90%	4.10%	33.30%	1.10%	81.40%	12.43%
	Level II	3.00%	-	8.70%	1.10%	12.80%	
	Level III	0.80%	-	2.50%	-	3.30%	
	Transient	0.80%	0.30%	0.80%	0.50%	2.40%	
	Kidnapping						
	Non-Compliant						
Pierce Co	Level I	35.30%	2.60%	26.01%	3.30%	67.21%	34.47%
	Level II	3.80%	0.50%	7.40%	2.50%	14.20%	
	Level III	1.80%	0.40%	4.80%	1.30%	8.30%	
	Transient	2.70%	0.50%	2.30%	0.40%	5.90%	
	Kidnapping	0.10%	-	0.50%	0.50%	1.10%	
	Non-Compliant	1.80%	0.20%	1.30%	0.30%	3.60%	

Skamania Co	Level I	32.60%	-	30.40%	2.20%	65.20%	1.56%
	Level II	10.90%	-	13.00%	-	23.90%	
	Level III	2.20%	-	4.30%	4.30%	10.80%	
	Transient						
	Kidnapping						
Non-Compliant							
Thurston Co	Level I	38.00%	6.40%	27.20%	1.60%	73.20%	17.08%
	Level II	3.20%	1.80%	6.20%	1.20%	12.40%	
	Level III	0.80%	0.20%	2.20%	0.60%	3.80%	
	Transient	3.40%	1.00%	4.00%	0.20%	8.60%	
	Kidnapping	-	0.20%	-	0.20%	0.40%	
	Non-Compliant	1.00%	-	0.80%	0.00%	1.80%	

NOTE: Sum totals may not equal one percent due to rounding.

Figures 4.10 and 4.11 reveal the distribution of victim relation for juvenile offenders using the managing agency data received from Columbia County, Clark County, Lewis County, Pierce County, Skamania County, and Thurston County sheriffs' office(s). The victim relation categorization was introduced in the methodology in Chapter 3. Briefly, 'Quasi-Familial' implies that the offender had a prior relationship with the victim that mirrored a familial relationship. These relationships could include but are not limited to Girlfriend, Girlfriend's Child, Mother's Boyfriend's Child, Foster Sibling, etc.¹⁰⁷ This category implies added trust or availability to the victim based on the established relationship. Furthermore, 'Familial,' 'Quasi-Familial,' and 'Non-Familial' are all categories under the overall categorization of 'Known Victim.' 'Stranger' or 'Unknown' represent those completely unknown victims to the offender before the incident of abuse.

A snapshot of the Washington State Registered Offender Population, from the WASPC dataset (n=19,532) and the managing agencies (n=3,273) can be described as follows:

- 97.78 percent of registered offenders in Washington are male.

¹⁰⁷ For a full list of the victim relation variables as received from the managing agencies and then categorized for the purpose of this research, see Appendix C.

- Most registered offenders in Washington are between the ages of 36 and 59 years, with a mean age of 47 years.
 - The standard deviation for the selected sample is 15.045 years.
- 77.11 percent of the registered population are identified as White.
 - 39.26 percent of the registered population are male, between 36 and 59, and identified as White.
- 73.44 percent of registered offenders in Washington state live in Western Washington, with 88.13 percent of those offenders residing in urban counties on the west side.
- 66 percent of the overall registered population (n=19,532) are assessed and registered as the lowest risk for re-offense within the community.
 - These records are not publicly accessible.
- The overwhelming majority of registered offenders perpetrated a crime against a juvenile (90 percent, n=3,273).
 - 94.64 percent of those registered offenders perpetrated against a juvenile previously known to them.
 - 35.76 percent of those registered offenders perpetrated against a juvenile related to them.

RQ2: Are there gaps between the data profile and the public perception of sex offender characteristics and community risk?

Before assessing the role of public perception within the legislative drafting and enactment process, this research determines the accuracy of public perception¹⁰⁸ regarding sex

¹⁰⁸ For the purposes of this research, public perception is the voiced or aggregate voice of the public (voting citizens) regarding the topic being discussed.

offenders in the state of Washington by utilizing public perception survey data (n=1,000) collected in 2016 and published by statistician Leah Fisher (ne: Landon, of the Washington State OFM) and Professor Amelie Pedneault, Ph.D. (of Washington State University) in 2017.

The survey aimed to "measure respondents' knowledge of sex offender characteristics" (Fisher and Pedneault, 2017, pp. 4) while assessing the respondents' knowledge and opinions of sex offender laws and the perceived effectiveness of those laws. The latter are not used as a comparison for this research, but the findings are discussed as they support the overall finding of misperception on behalf of the public regarding sex offenders and the laws that govern them.

The public perception survey implemented within Fisher and Pedneault's (2017) research was divided into three general substantive sections, with an additional section regarding the respondent demographics. The first section of the survey covered "general attitudes toward sex offender policies" and asked respondents to read statements and use a Likert scale to respond to how strongly they agreed or disagreed. The second section provided a series of scenarios involving sex offenders. Variance in these different scenarios included gender of the offender, gender and age of the victim, and criminal history information for offenders. After reading the scenario, the respondent was asked several questions regarding sex offender attributes, level of comfort around sex offenders, the respondent's perceived appropriateness of sanctions, and perceived offender risk with the potential for rehabilitation. In the third section of the survey, respondents were asked several questions in a 'true or false' format—these questions were phrased as "most offenders..." and continued with a statement about sex offenders that can be supported by the research of sex offender behavior. It is unclear which population of offenders their comparison is based upon, so for the purposes of this research the perception is compared with the data profile in the first question's analysis.

Public Perception of Sex Offender Characteristics

Fisher and Pedneault identified areas in which the public perception survey highlighted accuracy and inaccuracy in public perception and actual knowledge. For example, 90.8 percent of respondents correctly identified that victims and offenders often know each other before the abuse or assault, further identifying correctly that most sex offenders are identified as male.

Experiential evidence provided within the qualitative interviews allowed for further insight into the accuracy of public perception within specific constituent groups. This evidence is not generalizable but highlights further inconsistency in the public perception regarding sex offender characteristics. The accuracy inconsistencies regarding public perception identify a need for public re-education regarding the characteristics and risks posed.

Registered offender age is the first area in which this research reveals public perception departs from the reality of the data profile presented in the above analysis. The WASPC data analyzed for the demographic profile of the registered offender (see Figure 4.1) demonstrated that 75 percent of registered offenders in the state of Washington are over the age of 36. The mean age of Washington registered offenders is 47 years, with a standard deviation of 15.045 years. The Fisher and Pedneault (2017) public perception data demonstrate that just under 70 percent of Washington state residents surveyed (n=1,000) believed "most sexual abusers are under the age of 35."¹⁰⁹ The accurate representation of offender characteristics and victim groups allows for discussion of more targeted preventive measures against sexual victimization.

¹⁰⁹ Interestingly, and worth noting, Fisher and Pedneault (2017) state that their survey respondents correctly identified the majority of sex offenders as "under the age of 35" but do not indicate which population the comparison is based upon.

Public Perception of Sex Offender Risk Posed

Fisher and Pedneault identified further discrepancies between the public perception of both the variables that contribute to an individual committing a sexual offense and sex offender recidivism in the community. The respondents indicated that they perceived a high risk for re-offense for sex offenders, specifically with sex offenses. Fisher and Pedneault characterize this misperception as "grossly higher than those provided by empirical research" on sex offenders, which estimates recidivism at 13.4 percent (2017, at 13). The low risk for re-offense or recidivism is further supported within the risk-assessment distribution of the Washington state registered offender population. Based on the risk-assessment tool utilized in Washington state, which considers multiple factors and does not base risk solely on the offense committed, 66 percent of registered offenders are at the lowest risk of re-offending in the community.

The topic of sex offender recidivism came up unprompted within the qualitative interviews conducted to answer Question 3, below. Lawmaker 4 (D) further substantiated the idea of low-recidivism rates for sex offenders. They¹¹⁰ discussed their specific experience working on sex offender legislation during much of their elected service. Specifically, Lawmaker 4 (D) has focused on the SVP laws created within the 1990 CPA. These SVP laws were created to deal with offenders who, even after a period of incarceration, still posed a risk to the community upon their release—necessitating the need for civil commitment. This specific concept and section of the 1990 CPA is not discussed in detail in the scope of this research due to the sheer complexity.

In the interview, this topic arose in response to a question regarding public perception within the legislative drafting and enactment process. Their response focused largely on the idea

¹¹⁰ For the purposes of confidentiality in this research, the interview respondents will be referred to with the general pronouns, they/them.

that legislators are responsible for educating constituents to mitigate misinformation or misperceptions. They responded with the following example:

I've been out to the island when we were there for an orientation a couple of summers ago. One data point that I gleaned from that visit that I've shared with constituents is, "[...] of those released from the [McNeil] island over time...nobody has recidivated with respect to the underlying crime for which they ultimately ended up being civilly committed?" So, they might have like, I don't know, for example violated the terms of their, what we call a least restrictive alternative order or LRA. (Interview #4, October 2020, at 19:22)

Lawmaker 4 (D) provided experiential evidence to support sex offenders' low risk of re-offending. In contrast, SVPs are considered and labeled as the highest risk sex offenders but are not included within the registry because they are civilly committed to McNeil Island in Pierce County for an additional indefinite period. These are offenders who have been deemed too high risk for release into the community at the end of their criminal sentence, and not one individual released from that facility has re-offended with another sex offense. Public misperception of high recidivism rates for sex offenders, as demonstrated by Fisher and Pedneault (2017), directly conflicts with the data regarding the offenders released from McNeil Island.

Differences between the registered offender population and the public perception of those offenders demonstrate gaps in public education regarding sex offenders, their characteristics, and risks for re-offending. This data analysis and research does not intend to imply that one collective public perception can be reached regarding sex offenders. Public perception is subjective and depends on several variables in an individual's life. Instead, the goal is to highlight whether there are gaps in the public perception—potentially causing misperception—

and what those gaps may be. The final discussion, with potential implications to address the gaps, is within the conclusions in Chapter 5.

This research also highlights there are specific victim groups at risk—at no fault of their own—of sexual victimization and provides ideas for action steps to introduce and implement changes in the existing laws. For example, children are disproportionately at risk of sexual victimization perpetrated explicitly by an individual known to them—in 35 percent of registered offender cases involving a juvenile, the perpetrator was related to the victim. Shifting perceptions of sex offenders from a stranger in the shadows to a friend of the family who has direct and sometimes unsupervised access to children is an essential first step in understanding the actual risk of sexual offending.

Understanding Public Misperceptions

General avoidance of the taboo topic of sex and any variation of such has created difficulty in discussing sex offenses and the individuals who perpetrate them. This difficulty is perpetuated within society regarding how sexual assault cases are handled by the system and within the media—focusing on the fault or contributing factors of the victim rather than root-cause issues of offending for the perpetrator. This issue discourages victims from coming forward to report an offense out of fear they will be re-traumatized during the process. The lack of discussion and avoidance of the general topic creates an environment in which misinformation is created and perpetuated within society.

Adding familial relation as victim status when discussing sex offenders is not something that society and communities have been willing to do. Lawmaker (D) 3 discussed this issue and provided further experiential evidence regarding public misperceptions during our interview on

public perception within the legislative process. Lawmaker (D) 3 spoke of the state of public perception based on their experience of working with their constituent population:

The perception of sex offenders is painted with a very broad brush, so that they're all predators who are going to be assaulting and maybe killing teenage girls in an alleyway, whereas as you probably know, most sexual assault is the vast majority of people who know one another and, not a majority, but a lot is within the same household, the same family. (Interview #3, October 2020, at 13:16)

Lawmaker 4 (D) also spoke on this issue based on their experience working on sex offender legislation and in a district in which there is a substantial sex offender population. They stated that, "fear and hope are the two greatest motivators, so it's easy to fear monger when we're talking about people [sex offenders] who are released into the community" (Interview #4, October 2020, at 18:19). Further research into this area could lead to targeted education for the public and legislation that works toward the overall prevention of sexual victimization instead of reactionary legislation.

RQ3: What role does public perception play within the legislative drafting and enactment process?

The above discussion of Washington state registered sex and kidnapping offenders in comparison with the public perception highlighted specific areas in which there are gaps between the two. It is not uncommon for public perception to be misaligned with the evidence or data available regarding any number of topics; however, it is vital to understand the role and influence that public perception has on the laws being written to govern society in general. If public perception is the driving factor behind a law and it is based on misperceptions of a specific behavior or misinformation, then in theory, the law will not address its intended issue.

The resulting interview data discussed intends to explore public perception as a concept that can be identified and qualified in comparison with other data. The purpose is to understand the emphasis that Washington state lawmakers place on public perception within their daily role and function and, on a larger scale, within their function as publicly elected officials to serve the interests of their constituents. Understanding how legislators define and utilize public perception can enable the public to work more efficiently with their representatives to create laws that are effective, productive, and relevant to the current social and political climate.

Analysis of the qualitative data included initial coding of the interview transcripts. This procedure required line-by-line analysis of the data to understand and capture the essence of the actions and functions lawmakers described. Ricardo Contreras, Ph.D., applied cultural anthropologist and Director of Atlas.ti Americas, defines codes within qualitative data analysis as the "window in which we can view symbolization of the data" (May 7, 2021—Atlas.ti software training session). The initial coding of the data follows the data very closely to define the actions, rather than applying pre-existing actions or categories to the data (Charmaz, 1994, 2014, pp. 116).

Focused coding follows the initial coding of the interview data—this process enables the organization and streamlining of the initial coding—displaying patterns across interviews through the common codes and themes that emerge (Charmaz, 2014, pp. 141). Analysis of the interview transcripts revealed several significant concepts that occurred across political affiliation, gender, educational background, and years of service. Reviewing the interview data was iterative, with multiple phases of coding and focused coding in which the emerging themes were analyzed and re-analyzed to ensure the validity and groundedness of the codes and themes.

Atlas.ti allows for the systematic review of qualitative data—establishing codes and, ultimately, an analysis grounded in the qualitative data. Groundedness is based on the frequency the code occurs within the interviews, both individually and across respondents. The software did not complete the qualitative coding within this research, the coding was completed manually; however, the software did enable the grouping of codes and documents to create a cohesive understanding of what the data were displaying.

Researchers can code in several ways, depending upon the individual researcher and specific research being conducted. For this research, codes were utilized to symbolize the actions or ideas the responding lawmakers were describing in their responses. In Atlas.ti, each code includes a manually selected quotation from the interview to provide context to the code. Atlas.ti has several query tools the researcher can employ to inspect codes individually and/or in comparison with other codes.

Reports generated from the code queries display the relevant quotes, allowing for the identification of potential similarities across the respondent interviews. The software essentially facilitates the researcher to move from literal to thematic analysis of the qualitative data.

The legislative function discussed in the interviews involved multiple emerging codes/themes, including legislative drafting and enactment, transparency, bipartisan relationships, legislative standing committees, and constituent contact. The discussion regarding public perception also included emerging themes/codes warranting analysis and discussion, such as the role of public perception within the legislative process. Analysis of the public perception themes is included within the legislative function analysis; specifically, the role of public perception within the legislative process is discussed within the context of legislative standing committees and constituent contact. Furthermore, all the above identified themes are analyzed

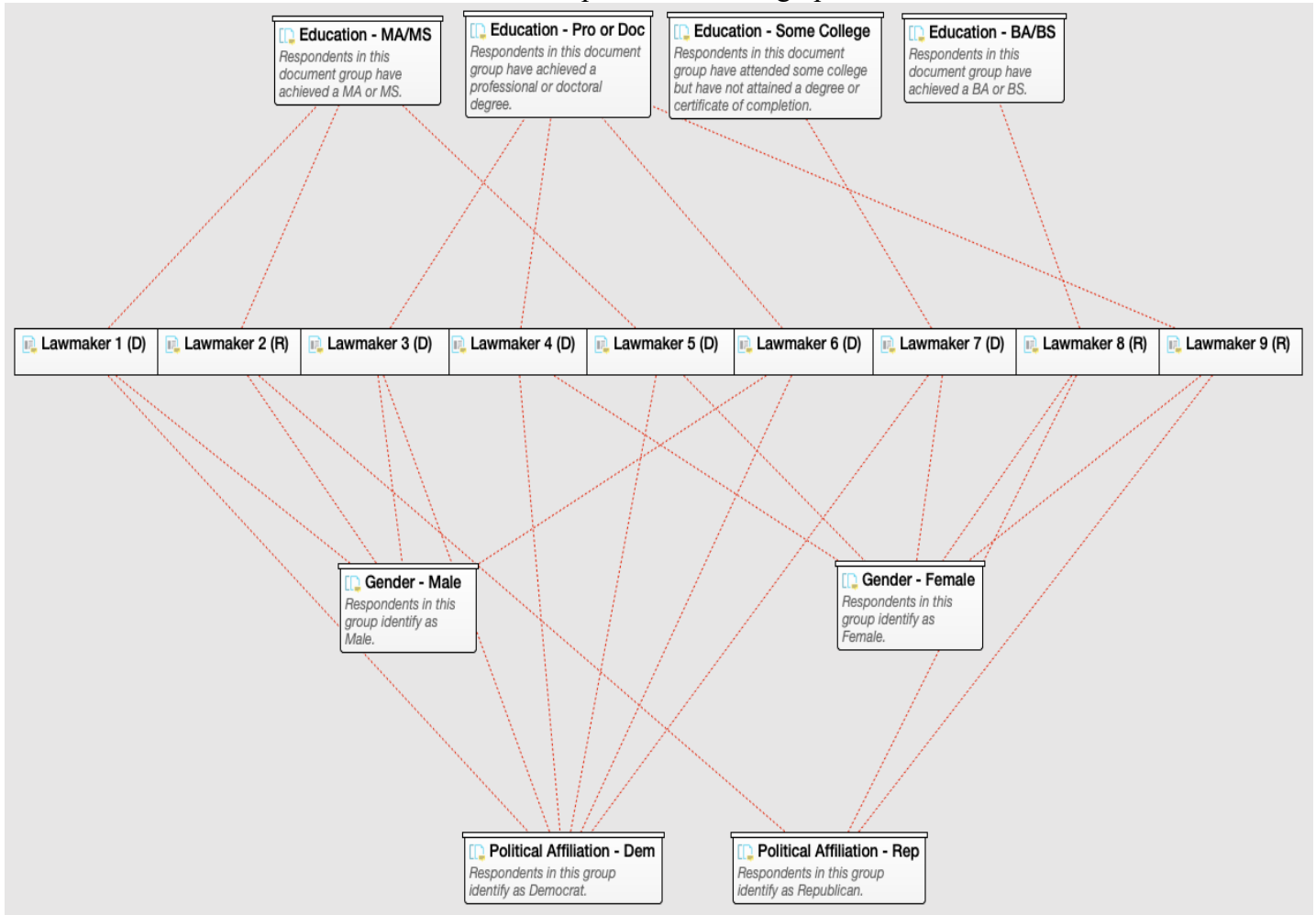
within the context of the specific Washington state sex offender laws that the respondents discussed in their interviews.

Respondent Demographics

Demographic information regarding political affiliation, education level, the length of time served as an elected official, status (active/retired), location of the represented district (Eastern WA vs. Western WA), population density of represented district, gender, and race are also identified. Official titles such as Representative, Senator, or Governor will not be used for anonymity and confidentiality.

The below figure 4.12 is a network output from Atlas.ti. The network demonstrates the education, political affiliation, and gender of the interview respondents. Of the nine respondents, four had completed either a professional degree or doctoral degree before serving as an elected official—approximately 44 percent of respondents (n=4). Further, 44 percent of the interview respondents identified as male (n=4), and approximately 55 percent identified as female (n=5). Finally, when assessing respondents' political affiliation, —33 percent identified as Republican (n=3), and 66 percent identified as Democratic (n=6).

FIGURE 4.12 – Network of Interview Respondent’s Demographics



Legislative Function of Washington State Lawmakers¹¹¹

In a general sense, the interviews provided an experiential blueprint for the function of Washington state legislators. Each respondent provided an account of elected service, answering several questions about how they function and how they would like to function. Common themes that emerged were committee assignments, legislative drafting and enactment, legislative sessions, constituent contact, the role of public perception, and the role of the media in shaping the public perception of constituents.

¹¹¹ For the purposes of this research, ‘lawmaker’ refers to an elected individual serving in the primary function as Washington state representative, senator, or governor. This term is used interchangeably with ‘legislator.’

The legislative branch of the Washington State Legislature has two chambers, the House of Representatives, and the Senate, similar to the US Federal Government. Elected representatives and senators represent 49 legislative districts in the state of Washington. Understanding the structure of the legislative branch enables further analysis and understanding of the drafting and enactment of the bills proposed by elected officials. Proposed bills can be pre-filed before the session or anytime once the session begins—legislative sessions run in two-year cycles. Once a bill has been proposed during the active session, it is then assigned to the respective committee it best fits. There are currently 48 active standing committees within the Washington State Legislature. The legislature comprises house committees, senate committees, and joint committees. The joint committees are special assignments in the form of work groups or task forces formed to address a specific issue or problem area. Standing committees can change but generally continue to address the same issue areas.¹¹²

The assigned committee for any given bill is tasked with researching the problem area and the proposed bill. This process includes but is not limited to working with nonpartisan staffers and researchers, listening to and hearing from experts in respective fields, stakeholders within the community, and constituents or others affected by the potential implications of the proposed bill. Standing committees became a significant theme within this qualitative research; each respondent discussed, unprompted, their committee assignments as part of the semi-structured interview, as well as the role of committees within the legislative process.

Within the terms of this research, standing committees are important because they are an environment in which evidence and empirical research are introduced and considered regarding

¹¹² For more information on the standing committees and the issue areas in which they address, see 2021–22 House Standing Committees/Issue Areas (n.d.). The Washington State House of Representatives. Retrieved on August 7, 2021, from <https://leg.wa.gov/House/Committees/Documents/2021-22CommitteeIssueAreas.pdf>.

the issue being legislated. In addition, the respondents identified committees and committee hearings as the standard place within the legislative process in which "public perception" is introduced and considered. Public perception is incorporated into the lawmaking process through the public hearing process of standing committees. The hearings allow the public to come and comment on the bill(s) being vetted.¹¹³ Lawmakers then take the empirical research provided by nonpartisan staffers, stakeholders, and experts, as well as the perceptions of constituents, to put forth the most amenable bill possible.

Once the bill has been vetted and amended within the committee, the committee votes to decide whether the bill should move out of committee and into the rules committee. The committee bill report is read during the open session, and the bill is then referred to the respective chambers' rules committee. The rules committees in both chambers of the Washington State Legislature determine the open session calendar agenda and order of bills to be heard and voted on within the respective chamber. The inner workings of the rules committees are beyond the scope of this research, and they are mentioned here only to provide context for the process of how a bill becomes a law in the Washington State Legislature.

Once the rules committee has reviewed the bill, the committee decides whether it will be scheduled for legislative hearing, in which all members of the chamber vote on the bill; if passed, the bill goes to the other chamber for essentially the same process of vetting and voting. If one chamber passes a bill and the other does not, the bill dies and can be proposed again in future sessions to go through the same process of review. If both chambers vote to pass the bill, the bill is then passed on to the governor for signature and final approval, partial veto, or full veto (Interview #6, November 2020, at 16:18).

¹¹³ It is important to note that public hearings are not guaranteed within the legislative committee process; these are at the discretion of the committee members in leadership roles.

This research highlights the similarities and differences regarding how Washington state lawmakers incorporate and utilize public perception within their legislative function. The findings offer experiential evidence for lawmakers indicating differences in how public perception is defined, how legislative duties are defined, and how partisan conflict plays a role in legislative function.

Much of the legislative function of elected lawmakers, except for the above-outlined bill process, can be described as either balancing or educating. Whether lawmakers are balancing perceptions with evidence and fact, or balancing the perceived opposition to a bill from colleagues across the aisle, both functions enable them to educate on the issues they are legislating. Lawmaker 5 (D) identified that the key to educating and changing perceptions within their constituency has been finding "the trusted messenger" (Interview #5, November 2020, at 12:43). Trusted messengers differ depending on the topic or area of legislation—for example, doctors and immunology experts are and have been considered "trusted messengers" regarding the COVID-19 pandemic. In some instances, the lawmakers themselves are the trusted messenger on a topic, and communication with constituents allows for the mitigation of misperceptions within the context of the legislative process.¹¹⁴

Legislative Drafting and Enactment

How lawmakers introduce and support or sponsor bills was a focus throughout the interviews. Bills that stemmed from constituent contact are discussed within the context of that theme later in this analysis. The respondents were asked to provide an example of a public safety bill they had either sponsored or that had come before a committee in which they served. Specifically, the respondents were asked to describe the intent of the bill, whether it was enacted,

¹¹⁴ This is specifically in reference to public perception as it interacts with the legislative process through legislative standing committee hearings and constituent contact with legislators.

and, ultimately, whether the bill succeeded in its impact. The responses varied, and most respondents provided more than one example for discussion. There were three general ways the respondents identified the event or contact that lead to a bill being drafted, the first being constituent contact. This approach includes direct contact from constituents who want to discuss an issue they perceive needs to be legislated. The second event or contact is events in Washington and locally, in legislative districts, which are seen and discussed directly with and by the lawmaker addressing the gap. The third and final influence the respondents identified was national incidents or events they were indirectly exposed to via the news media.

The lives of bills can differ drastically: there are bills introduced and killed within one legislative session, and there are others assigned to specific committees for further research and amending with the goal of passing and enacting. Bills that do not survive previous legislative attempts are eligible for reintroduction, likely with amendments, in new legislative sessions. Lawmaker 7 (D) discussed this idea, describing how when they introduce a bill, they are essentially planting a seed in hopes of educating other lawmakers and constituents regarding a piece of legislation that may not be accepted upon first introduction. Lawmaker 7 (D) stated they do this hoping the bill will eventually make its way through the legislative process once individuals are educated on the topic and perceptions have shifted to accept it (Interview #7, November 2020, at 19:54).

Another reoccurring theme identified by various respondents is the need for the constant review and revision of concepts they are legislating. Lawmakers work to identify gaps in the legislation and address these with new laws or re-write older laws to adapt to the social and political changes within the society and community they govern. How lawmakers approach this issue is subjective, however, and depends on experience, both personal and professional, prior to

coming to the legislator. The responses to this point ranged from structured and systematic review to discretion based on education and experience.

Revision of the bills also coincides with educating colleagues and constituents to bolster support for the next introduction of said bill. Lawmaker 1 (D), Lawmaker 4 (D), Lawmaker 5 (D), and Lawmaker 7 (D) all discussed in detail the concept of educating based on evidence and fact to dispel fear and misinformation regarding the topics being legislated. For example, this approach had been a focus for Lawmaker 4 (D) regarding legislative issues concerning SVPs and their release into communities' post commitment:

So, I think you have to educate and also explain as well that, "These are individuals who have... That were subject to essentially consignment and civil commitment for a period of time, and they do have constitutional rights as... And certainly, hear you, you [want to] be safe, but right now, this process is going to make the whole system safer and that means that you're safer." That's not an easy message to land. Some people may still dismiss that and then you have to respectfully, I guess, part ways. But it's a bit of a tightrope walk for sure because I view my job as one in which, again, because of the opportunity you have to influence law, public debate, you have to really be thoughtful and not fuel conjecture or fear. I think you can validate, everyone certainly has their subjective perception, but then you also need to inform and strike a balance. (Interview #4, October 2020, at 27:26)

Legislating controversial topics, across disciplines, requires a balancing act in which the lawmaker must provide information and education to the public to combat misinformation and fear among constituents. Most notably, this issue was mentioned regarding the COVID-19 pandemic—although legislators were informed this interview and research did not concern perceptions of COVID-19, it was something each lawmaker was dealing with. Therefore, those

examples were typically the first to surface when discussing the difficulty of managing misperceptions.

Transparency

The importance of and need for legislative transparency was communicated across the interviews. The idea that citizens should have access to every aspect of the legislature was communicated across party lines, genders, and educational backgrounds. In a general sense, transparency connotes openness, communication, and accountability. This aspect is also true with transparency within the legislature. The lawmakers discussed transparency regarding their duty to their constituency and the citizens of Washington state.

Focusing on the role of the lawmaker as a transparent communicator and educator for constituents, Lawmaker 1 (D) and Lawmaker 2 (R) discussed transparency regarding their door-to-door constituent contact and legislative drafting and enactment in Olympia. Lawmaker 2 (R) stated:

[T]he most valuable word to me as a legislator... either when I'm running for office or I'm in Olympia acting as an elected official, the most valuable word is "truth." I want to stand for truth. Not just [IDENTIFIOR REDACTED] biases, but the truth. What is the truth in this matter? And when I testify on the floor, I always try to have some evidence that I can direct people to a resource...So, to me, truth is the most powerful thing, and if people would simply, and elected officials would share the truth, not just [] personal biases and feelings, but what is the truth on this topic, that would be powerful. (Interview #2, October 2020, at 20:50)

The above excerpt highlights the role of the legislator in this conversation, as an individual moving beyond their own personal biases to present facts and evidence to the population they

represent. The idea of truth being supported by fact and evidence was present among multiple respondents. It is important to note that truth, evidence, and fact are currently concepts treated subjectively—it is beyond the scope of this research to discuss the subjectivity or objectivity of truth, evidence, and facts; this is mentioned only to raise attention that these definitions may differ depending on the individual.

Transparency in action with constituent populations differed when speaking with the respondents. Lawmaker 3 (D) stated, "I'm actually trying to be as inclusive and transparent as possible when it comes to public safety policy. So, we get drafts out there for consumption [to] those who are interested" (Interview #3, October 2020, at 9:42). This transparency within the drafting process allows for constituents to provide feedback prior to the enactment of a law—allowing them to make their perception heard within the legislative standing committee hearings, if applicable.

Lawmaker 2 (R) similarly highlighted the importance of transparency within their drafting process for overall constituent understanding of the law being proposed and/or enacted, focusing on the importance of the accessibility of the content for readers. Differing from Lawmaker 3 (D) regarding providing copies of drafts to constituents, Lawmaker 2 (R) focused on the accessibility and potential for constituent understanding of the law once enacted.

Lawmaker 2 (R) stated, "it can't be written in such way that the only people who understand it are attorneys and lawyers, it's got to be written matter that the general public can understand this law because that's who it pertains to" (Interview #2, October 2020, at 06:06).

Bipartisan Relationships

Political division and difference can be assumed within most democratic legislative bodies, and the Washington State Legislature is not immune. The importance of maintaining

positive and productive bipartisan relationships was a significant theme that arose within the qualitative interviews. For the purposes of this research, bipartisan and nonpartisan are used interchangeably, consistent with the respondents use of the terms during the respective interviews. The following discussion regarding bipartisanship within Washington does not ignore other political parties on the spectrum—the term bipartisan is specifically used to remain consistent with the language and terminology of the respondents.

In general, the interviews identified and acknowledged the difficulty all the respondents faced due to the partisan divide. Maintaining positive bipartisan relationships was supported by multiple respondents within this research as a way to legislate effectively. The overwhelming consensus communicated by the lawmakers focused on the delicate balancing act of being a state legislator—balancing not only constituent requests and demands, but also having to consider and manage other lawmakers throughout the process, as well as experts and stakeholders within the respective fields being legislated.

Lawmaker 1 (D), Lawmaker 3 (D), Lawmaker 5 (D), and Lawmaker 8 (R) all identified bipartisan or nonpartisan support as a focal point within the drafting and enactment of bills. This theme is augmented by the idea that support "across the aisle" garners good faith and helps pass bills more efficiently. The respondents all indicated different ways legislative function requires compromise and flexibility.

The process for garnering support within the legislature for a bill to go to committee and eventually to the legislative floor is also noteworthy. This process again requires bipartisan relationships and is really the start. Lawmaker 1 (D) described the process as follows, "on a signature sheet for [a] bill...there's 24 spaces on the front, and you want to [have] a Democrat, Republican, Democrat, Republican to show that there is bipartisan support" (Interview #1,

October 2020, at 10:17). When the bill proposal goes to the chair of a committee with a request for a hearing, they want to see support on both sides, indicating that the bill is more likely to succeed within committee and overall, in the legislature. More discussion regarding the specific legislative committees, their role, and the role of the leadership is below. This discussion was included to highlight those bipartisan relationships begin as soon as a legislator is elected and continue throughout the entirety of their career. The lawmakers indicated the value of forming relationships with counterparts in the opposing party as a normal function of their everyday work as an elected lawmaker in the state of Washington.

Furthermore, Lawmaker 3 (D) identified how bipartisan relationships interact with their legislative function:

I would say that in terms of passage of legislation, relationships between the elected official's matter. Like we talked earlier about the role of the chair. "What's your role as a sponsoring member of a piece of legislation?" And it's total inside baseball. Because I'm not suggesting that that should, I hate to use the word trump, but weigh more favorably than needing to get a particular, like a genuine bonafide community need and a statutory gap that needs to be filled. But I do think the reality is that legislative relationships matter, like, "Will the chair hear your bill? What's your relationship with the chair? Do you know members on the committee?" Again, a little bit inside baseball and it feels a tad anti-democratic, but that is something that matters. (Interview #3, October 2020, at 42:07)

Considering the opposing party's response to a proposed bill is a required function for legislators; if they are not considering the perspective of the opposing party, they are likely to be met with opposition that will either stall or kill their proposed bill. Lawmaker 5 (D) echoed the

above sentiment regarding consideration of the opposing viewpoints within the drafting and enactment of bills in each legislative session as a focal element of their overall function as a lawmaker in Washington state (Interview #5, November 2020, at 26:15).

Legislative Standing Committees

Another prominent theme discussed was legislative committee work. This issue was mentioned and discussed in a couple of different ways throughout the interviews and across the board. The lawmakers interviewed had served on numerous different committees during their tenure and filled a variety of leadership roles within those committee assignments. The respondents identified 18 different standing committees they had served on or were serving on.¹¹⁵ It is important to note that the name and subject area of the legislative standing committees can change at the beginning of a new legislative session, so there may be slight differences in how the lawmakers refer to the committees within the interviews.

Legislative committees, as a rule, are subjective and based on the leaders of the legislature during any given biennium (Interview #8, November 2020, at 2:52). Within the state legislature, there are various leadership roles that formulate and dictate the agenda for the time they are serving. Special roles within the legislative body, and specifically within committees, dictate the agenda for the legislative biennium, allowing for flexibility and adaption as new issues arise or become more urgent.

Regarding their purpose, legislative standing committees were discussed within the overall drafting and enactment function of lawmakers—this discussion regarding the role of

¹¹⁵ Committees identified: Appropriations; Budget Writing; Business and Financial Services; Capital Budget; Civil Rights and Judiciary; Community Development, Housing, and Tribal Affairs; Criminal Justice and Corrections; Education (K-12); General Government and IT; Healthcare and Wellness; Higher Education; Human Services and Early Learning; Insurance; Judiciary; Labor and Workplace Standards; Public Safety; State and Local Government; and Transportation. These are not all active committees; a number of those identified have since been eliminated and/or amended.

public perception within the legislative drafting and enactment process focuses on the constituent role at these hearings. Overwhelmingly, the lawmakers identified standing committees as the place or environment within the drafting and enactment process in which public perception is considered and potentially incorporated into the bills being discussed. Lawmaker 2 (R) mentioned the conversations they have with constituents who want to voice perspectives regarding a proposed bill:

"[c]ome to Olympia and testify before a committee, those things that are especially important to you, make sure, if at all possible, that you come to Olympia and testify before a committee how you feel on that subject, so your voice is heard by your legislators, so they can take that into consideration when they go to vote on that piece of legislation." So yeah, by far, that's the most powerful thing any citizen in the state of Washington can do, is get to Olympia, testify before a committee on the subjects that are most valuable to them. (Interview #2, October 2020, at 14:21)

This sentiment was echoed by Lawmaker 7 (D), regarding when and where constituents should focus their efforts if they want their perceptions to be considered or incorporated into the bill being drafted. This process, of course, requires that constituents conduct research to learn what committee the bill is currently with and when the hearings including public testimony are held. Furthermore, Lawmaker 2 (R) highlighted those constituents living on the eastern side of Washington do not have easy access to Olympia, where the committee hearings are held.

Lawmaker 6 (D) discussed their experience on different legislative standing committees. It is common for legislators to be assigned to committees in which they have prior expertise. For example, Lawmaker 6 (D) was initially assigned to the Judiciary Committee due to their previous experience working as a prosecuting attorney and perceived knowledge of legal

interpretation. Committee assignments can change throughout a legislator's tenure, by choice or necessity of changes in the committee structure, and legislators often are assigned to multiple committees.

Legislative standing committees highlighted the importance of funding for Lawmaker 6 (D), describing their experience on the Higher Education Committee.

While I enjoyed the issues of [the] Higher Education Committee, I found it really not very satisfying because you could pass all the policies that you want, but quite frankly, to really have an impact on higher education, it requires funding. So, you talk about increased enrollments, you talk about more support for faculty and programs and expansion of programs, but if the colleges and the universities don't have the money to carry it out. You know, what's the point? (Interview #6, November 2020, at 08:46).

Introducing yet another area when legislators are required to balance within their legislative function—balancing the budget. Lawmaker 6 (D) learned that the legislature's impact is ultimately controlled by the funding to implement the proposed bills. Wanting to expand their legislative impact, Lawmaker 6 (D) moved to the Budget Writing Committee in the following legislative session, allowing more control over the enacted legislation.

Those lawmakers who do not serve on monetary committees still have an investment in the budget and appropriations process. Lawmaker 3 (D) described their role as an elected legislator as "a lobbyist from inside the legislature" (November 2020, at 33:06)—lobbying leadership for funding to support bills coming out of their respective committees.

There are areas of legislation that garner more public attention and, thus, are more heavily influenced by the public perception of constituents. Lawmaker 4 (D) identified two areas in which they felt public perception is more involved or influences the legislative drafting and

enactment process more: taxes and public safety. Taxes are an area because, in their experience, constituents are concerned with the Government's involvement with their finances. Public safety is another area because people want to be sure that they, as individuals and collectively as families, are secure.

Public safety issues can prompt volatile social reactions, complicating the public testimony process in legislative standing committee hearings, creating an obstacle to public perception within the legislative drafting and enactment process. Lawmaker 9 (R) discussed this limitation regarding public perception within the context of the comprehensive sexual health and education bill that was put to a referendum in Washington state.

We don't give that much time for people. And so, the average person, it is incredibly frustrating for them to be involved because I always have what I call the fake people and the real people. The fake people are your paid lobbyists who are always in Olympia. The real people are people all over our state that are absolutely affected by what we do, whether that is proposed budget cuts for the people who are developmentally disabled. And that really impacts them if I have a hard time getting my schedule. So, for you, usually, it's the Wednesday, the week before, is when we'll notify the public whether or not. So, if the hearing is on a Monday, you've only got five days. And that's in a perfect world. (Interview # 9, November 2020, at 33:19)

A short notice in scheduling, time conflicts, and issues of accessibility cause issues for constituents who may want to testify within the legislative standing committee hearings (Interview #2, October 2020; Interview #5, November 2020; Interview #9).

Furthermore, those who can attend the hearings to provide public testimony are limited to two minutes per individual. During some bill hearings, the limited time for public testimony is

not a problem. Lawmaker 9 (R) identified a recent committee experience, the comprehensive sexual health education bill¹¹⁶ to a referendum in the November 2020 election cycle. Lawmaker 9 (R) reported that there were thousands of people present during the public testimony hearing. Most of those individuals who traveled to Olympia to provide their testimony regarding this bill were unable to contribute due to time limitations (Interview # 9, November 2020, at 36:00).

Legislative standing committees are the primary setting for public perception to influence the legislative drafting and enactment once a bill has been proposed and set into motion. Another potential access point for public perception is constituent contact, which differs from the influence within legislative standing committee hearings. It is direct contact with the legislators either in electronic communication or direct face-to-face contact with constituents at any point in time. Constituent contact is discussed in detail below regarding the lawmakers' experiences as elected officials.

Constituent Contact

"The best bills come from people. They don't come from agencies or [] from lobbyists...So it's really important [for legislators] to stay connected [to their constituents]" (Interview #8, November 2020, at 12:55).

Constituent contact refers to direct exposure and contact with Washington state citizens, especially those within the legislator's specific district. The legislative function occurs in Olympia, but much of the duty of a state legislator includes meeting constituents where they are, in the community. Establishing and maintaining constituent contact was mentioned across

¹¹⁶ This bill is a special example of when the enactment of the bill was put on a ballot for citizens to decide due to the controversial nature of the bill, which was ultimately enacted in December 2020. See RCW 28A.300.475. Retrieved on September 26, 2021, from: <https://apps.leg.wa.gov/rcw/default.aspx?cite=28A.300.475>.

multiple interviews, with discussion of door-to-door campaigning and continued contact with communities in legislative districts as laws are drafted, enacted, amended, and so on.

The form and frequency of constituent contact ranged among the respondents—several respondents reported relying heavily on constituent contact in various forms for their day-to-day function. Regular contact helps to ensure lawmakers are truly representing the voice of their constituents. Furthermore, constituent contact outside of the legislative standing committees was identified as a way for public perception to influence the drafting and enactment of laws.

Lawmaker 8 (R) was so available to constituents that they provide their personal contact information (Interview #8, November 2020, at 30:10). They also reported that many of the bills they have taken through the drafting process all the way to enactment had stemmed from personal constituent contacts in which they made themselves readily available and the constituent was a regular fixture throughout the drafting process for that specific bill (at 27:03). This level of availability may not be possible for every elected official, especially considering that many legislators in Washington also have a full-time job or career outside of their legislative duty and role.

Other respondents, for example, Lawmaker 9 (R), explained that they personally read and respond (if applicable) to every email from their constituents. This aspect, again, is not something that every Washington state legislator has the time to do regularly, but it allowed Lawmaker 9 (R) to become familiar with their constituency during their time in the elected position. Other lawmakers interviewed described face-to-face experiences with constituents that resulted in the drafting of a bill that was ultimately enacted as law.

Lawmaker 1 (D) discussed various door-to-door contacts they had had with constituents during their elected service. Several bills resulted from these direct constituent contacts in the community, for example:

I listen to the constituents. When I go out doorbelling people would tell me stuff. Like that woman that talked to me about the abandoned newborns. Other people would talk to me about issues, and I would have a clipboard and I would write that down. Then I would try to follow up on it, ask my legislative aid to see, "What's the status of this? Is there anything around?"... You start looking around to see what's out there, what's working, does there appear to be a demand. (Interview #1, October 2020, at 0:52:45)

Lawmaker 1 (D) described this interaction as stemming from a national news program that the constituent had recently seen. In this instance, the individual public perception of the constituent prompted the research and, ultimately, the drafting and enactment of an abandoned newborn bill. The constituent contact describing a perceived issue led to nonpartisan research, then the drafting of a bill, hearings on said bill, and finally the enactment.

Lawmaker 4 (D) echoed the importance of doorbelling within the legislative function experiences, explaining that door-to-door contact allowed them to familiarize themselves with the issues their constituents faced and wanted legislated (Interview #4, October 2020, at 36:22). Lawmaker 4 (D) also had experience legislating issues from direct constituent contact—both in the form of electronic communication and in person with constituents.

Legislating Issues of Public Safety

The legislative function discussed above does not operate exclusively, and there are legislative areas more susceptible to obstacles or blockers in the process. Public safety laws are an area ripe for fear and misperception, requiring lawmakers to mitigate those with fact-based

education, evidence, and research (Interview #1, Interview #3, Interview #4, Interview #5, Interview #6, and Interview #7). The following discussion will include examples of public safety legislation and the barriers lawmakers have experienced in drafting and enacting specific bills.

Interestingly, lawmakers identified the media as one of the primary vehicles in which transparency is presented to the public, allowing citizens to see the inner workings of the legislative function. In Washington, TVW¹¹⁷ is the public access network contracted with the legislature to provide public access to legislative proceedings. On the other hand, lawmakers also identified media as a barrier or obstacle to the overall transparency goal being relayed to citizens.

Media misrepresentation can cause or perpetuate misinformation leading to panic and fear. Ultimately, this is due to a lack of transparency on behalf of the media, overcomplicating the legislative process. Instances of media misrepresentation experienced by the lawmakers interviewed mainly revolved around issues of public safety—the idea that "if it bleeds, it leads" (Interview #4, October 2020, at 32:26). Furthermore, the respondents focused on controversy and division within the media, with stories being reported from an angle to entice people to continue watching, listening, or reading.

The misperceptions lawmakers discussed were linked to perceived bias or misrepresentation by the media, contributing to an overall lack of transparency. Although the media were recognized as a necessary component within the legislative function, especially regarding holding legislators accountable and transparent to their constituent bodies (Interview #8, November 2020, 23:13), media representation was also identified as somewhat of an obstacle regarding the misrepresentation of facts based on underlying biases. The respondents were

¹¹⁷ TVW, founded in 1993, is a non-profit organization in Washington, modeled after CSPAN. TVW provides open access, non-partisan coverage of government function in Washington state (*About – TVW, Washington State’s Public Affairs Network*, n.d.).

unhappy with the perceived lack of balance in reporting on legislative issues. The lawmakers identified media bias as one reason they are forced to balance fear and fact when legislating for crimes and victimization.

Lawmaker 3 (D) discussed an experience in which misrepresentation by the media convoluted the transparency of the public safety issue being legislated. The bill they were working on was regarding grooming¹¹⁸ within school settings. The bill focused on the student-teacher relationship specifically, but that was not clear within the law as written. "[T]he bill ultimately said that if a student was even 18, 19, or 20 years old, like past the age of majority, and had a consensual relationship with someone employed at the school, who was... I think there was an age limit, like [f]ive years or younger, then that was a crime" (Interview #3, October 2020, 22:25). Lawmaker 3 (D) reports that the specific language in the bill was overbroad and vague. It was not the intent of the legislature to criminalize a consensual relationship between a school employee and a non-traditional, consenting student.

When a local news media outlet contacted Lawmaker 3 (D) for comment regarding their opposition, their example was taken out of context and misrepresented within the printed news article. The article reported that Lawmaker 3 (D) was "defending sex predators" (October 2020, 23:12) when really, they were attempting to make the legislation more specific and intentional. The news outlet first failed to define whom they were describing using "sex predators." Creating unnecessary fear for readers by not clarifying that this legislation was explicitly focused on student-teacher relationships in middle and high school settings. Second, this distorts the transparency that Lawmaker 3 (D) was attempting to communicate, clarifying overbroad and potentially problematic language in the proposed grooming bill. Lawmaker 3 (D) reports that

¹¹⁸ Grooming as a concept is beyond the scope of this research but is mentioned within the scope of the legislative example provided by the lawmaker.

those experiences of misrepresentation have led to hesitancy when communicating with the media regarding topics that may cause volatile social reactions.

Transparency is complicated when legislating public safety issues—legislators not only are tasked with educating their constituency and other legislators regarding the components of a bill but also have to combat fear and misrepresentation of the issue. When discussing legislation that will potentially impact their daily lives, fear and hope are the greatest motivators for individuals, and lawmakers are then tasked with mitigating the fear and misinformation for constituents (Interview #4, October 2020, at 18:19).

Shifting constituent misperceptions requires legislators to utilize fact-based arguments—focusing on the evidence and research clarifies or answers the questions and fears experienced (Interview #4, October 2020, at 16:19). Lawmaker 5 (D) discussed their experiences in mitigating fear and misperception with public safety laws

[W]hen people have a preconceived notion of what you're intending to do regardless... And I would blame this on the current political climate. Even when you have the person right in front of you, who's writing the bill and can show you the text and can put in front of you those who would be implementing the bill, who can also share with you that your concerns are addressed in the bill, and you still don't believe it, 'cause your perception is driven by whoever or is motivating the effort, either in support or opposition, that's a real struggle. (Interview #5, November 2020, at 11:47).

Even with the presentation of facts and evidence, there are still situations in which citizens do not understand the underlying concepts. Playing further into the idea that Lawmaker 7 (D) discussed with their seed-planting analogy—shifting misperceptions is not an overnight experience; this process can take months, years, and sometimes decades.

Lawmaker 3 (D) examined the complexity and time in which it takes to shift misperceptions of drug policies, an area of law that continues to battle misinformation

So, I worked on drug policies, still am working on drug policy reform and the war on drugs, and it took ten years to change the conversation on drug policy, where first, the idea of treating rather than incarcerating, was a radical idea, like we should be locking everybody up. And then that wasn't starting to feel right, and so then we started providing treatment and, "Oh, that works. These people need help." But we didn't talk about the drugs themselves, they still should be illegal and prohibited, and we gotta crackdown on the cartels. Not understanding that dynamic doesn't work, but if you regulate, you get rid of the cartels, and you can protect public health. We're not quite there yet, but we're moving in that direction (Interview #3, October 2020, at 36:20).

Public safety bills that draw public attention and perception often cycle through the legislature more than once, as there is difficulty reaching consensus between parties. Particularly controversial bills may never pass through the legislature if consensus cannot be reached.

The above analysis of the interview data provided detailed accounts of individual lawmakers in the state of Washington who are responsible for drafting and enacting legislation. The interviews demonstrate the complexity of the role of having to work in the best interest of the public and satisfying the public, so it creates trust for re-election. Overall, across functions, regardless of who legislators work with, there is a constant need to balance differing opinions and information. The need for balance occurs legislatively among peers as they work to create bipartisan legislation amenable to both sides of the political spectrum. The idea of balancing for lawmakers is also applicable when dealing with individual constituents and interest groups—the lawmakers all referred to their duty to educate based on the empirical evidence presented to them

during their brainstorming and their drafting and enacting of laws in general, and specifically with public safety legislation.

Analysis of the interview data collected revealed a general need for more information for the public regarding the legislative process. There seems to be a disconnect in terms of the public's role, as described by their elected officials, and the public's understanding of their role within the legislative process. These results are discussed within the context of previous research and directions for future research in Chapter 5.

CHAPTER V

Discussion and Conclusions

Crime prevention and public safety are always focal concerns within the legislative agenda. The call for punitive crime control erupted in the 1980s and 1990s, leading to various blanket laws being enacted to provide public safety from re-offense (e.g., three-strikes legislation, sex offender legislation, the war on drugs).¹¹⁹ In the three decades since, researchers have assessed the many policies' efficacy—and we have come a long way in terms of risk-assessment prediction and evaluating offenders. Efficiently addressing crime requires that we provide individuals with the most appropriate mechanisms and resources for short-term and long-term rehabilitation and desistance from crime (Laub and Sampson, 2001).

The understanding of crime and criminality—once focused mainly on an individual's rational choice to commit an offense based on various risk-vs.-reward models—has evolved (Akers, 1990). Criminological and crime control theories have attempted to understand the complexity of criminal offending and addressing the combination of variables that could lead to

¹¹⁹ See Levenson et al. (2007) regarding the unintended consequences of emotionally driven blanket sex offender registry restrictions and community notification. See also Alexander (2015) regarding the unintended consequences of emotionally driven blanket legislation.

criminal offending. Theories of crime and criminal behavior have grown to include socially learned behaviors and to account for environmental factors to understand how and why individuals commit crimes.

The historical overview of sex offender laws in the US from the early 1900s offered an understanding of the cycles of panic that drive these morally influenced laws. The original sex offender laws in the early 1900s focused on abnormal female sexual desire. Following the Victorian era, women were beginning to exist outside the home and traditional family structure, challenging earlier theories on masculinity and male sexual desire (Carlson, 2008; Denno, 1997; Freedman, 1987). This change led to societal outcries for a return to tradition, calling for public safety through the indeterminate incapacitation of those who did not conform (Freedman, 1987).

The introduction of the medical model regarding treating deviancy occurred before 1920 in the US. With the medical model came the understanding that offenders could be treated and rehabilitated. The medical model led to the idea of the sexual psychopath, individuals who exhibited abnormal sexual behaviors thought to have detrimental effects on the community or society at large. For women, hypersexuality was defined as any type of sexual desire outside of procreative activity and/or sexuality outside of the traditional marriage structure (Carlson, 2008; Denno, 1997; Freedman, 1987). For men, the idea of sexual psychopathy revolved around any type of homosexual behavior or hypermasculine sexual behavior.

There is a significant caveat here when discussing ideas of normal vs. abnormal sexual behavior—the societal standard of sexuality and the norms of any given period depend wholly on the time and culture being examined.

At the outset of the twentieth century, the values and beliefs that dictated the norms of society were heavily reliant on morals and religion; thus, hypersexual, non-procreative behavior

was not accepted. Female hypersexuality was believed to threaten traditional male masculinity, and it expanded the understanding that sexual desire can be experienced by all genders; it is not an innately male trait. With this expansion came an increased need to control and prevent sex crimes.

In the mid-1900s, there was a shift from the medical model of treatment—the previous laws aimed at treating and rehabilitating offenders were now focused on punishing offenders and incapacitating them to prevent further victimization. Unsurprisingly, cycles of panic are the driving forces behind these different eras of sex offender legislation. Such cycles regarding sex crimes, paired with media perpetuation of incidents, lead to the legal mobilization of the ideas within society that eventually become legislation. A combination of factors works to make this possible each time.¹²⁰

Public safety laws are proposed and enacted to protect the general public and prevent crime commission—with sex offender legislation, the shift in focus to registration and community notification moved away from overall crime prevention to focus on subsequent crime prevention or recidivism. The drafting and enactment of laws cannot be done without considering the effects of those laws—specifically, checking there will be no unintended consequences for the population being governed.

The recidivism of sex offenders as individuals and the overall population of registered offenders is a concept that is grossly misunderstood and misleading regarding establishing public safety and preventing crime. Focusing on recidivism fails to consider the original crime commission and the potential public safety threat posed before that. Punitive measures have been

¹²⁰ See Zimring (1999) regarding the mobilization of societal panics into legislation (pp. 3–5). The author discusses the specific mobilization of communities and societies reacting to crimes in their locale and the link between symbolic and operational impacts of the resulting laws. See also, Leon (2011, pp. 35-36).

put in place over the past 30 years regarding sex offender management as a way of reducing recidivism—failing to prevent the original criminal offense but hoping to deter any subsequent offenses.

The expansion of criminological theory to include social learning and reaction theories has allowed for an investigation into individuals' pasts to explore what factors may have led to criminality.¹²¹ These ideas have broadened the understanding of crime and criminal behavior and have, through empirical research, found restorative practices to be the most effective in transforming an individual's criminal propensity—focusing the intervention on the rehabilitation of the offender, in addition to restorative services for the victim and affected parties (Harland, 1978; Braithwaite, 1989; Zehr, 2015).

The current system leaves much to be desired regarding victim services. If an individual commits a sex offense against someone within their family (e.g., stepfather/stepdaughter), there is likely significant emotional trauma not only for the direct victim (stepdaughter), but also for the partner/biological parent and any siblings (McNeish and Scott, 2018). Restorative justice practices aim to address all those affected by using empirically researched and supported practices and programs to address root-cause issues for offending. The overall goal is to mitigate and minimize lasting effects for the victims and to provide support and resources for the offender, assisting them to desist from crime.

The call for evidence-based programs and policies within the criminal justice system is not novel. Over the past three decades, criminal justice and legal systems in the United States (US) have adapted to incorporate evidence-based policies and practices. In the social sciences,

¹²¹ See Akers (1990) regarding rational choice and social learning theory in understanding criminal behavior. See also Matsueda (1988) regarding the differential association theory of criminal behavior. See also Pratt et al. (2010) regarding social learning theory in understanding criminal behavior. Expansion of criminological theory to acknowledge and include social learning and reaction theories.

evidence-based policy (EBP), practices, and programs are the closest we have come to an absolute in terms of proven results when attempting to change or evolve human thinking or behavior (Stinson and Clark, 2017).

The current study aimed to identify gaps within the existing Washington state sex offender legislation and address them. The first research question analyzed the Washington State Sex Offender Registry, utilizing data obtained from both the WASPC and the individual managing agencies¹²² across Washington. As mentioned previously, this approach was attempted on a national scale by Ackerman et al. (2011). Data-scraping of online registries and jurisdictional variance by state made such national scale research difficult. The current research utilized a state approach in which the registry and community notification laws are uniform.

The following is a snapshot of the Washington State Registered Offender Population, from the WASPC dataset (n=19,532) and the managing agencies (n=3,273):

- 97.78 percent of registered offenders in Washington are Male.
- The mean age of registered offenders in Washington state is 47 years old (SD 15.045).
- 77.11 percent of the registered population are identified as White.
 - 39.26 percent of the registered population are Male, between 36 and 59, and identified as White.
- 73.44 percent of registered offenders in Washington live in Western Washington, with 88.13 percent of those offenders residing in Urban Counties on the west side.
- 66 percent of the overall registered population (n=19,532) are assessed and registered as the lowest risk for re-offense within the community.

¹²² The individual managing agencies for the Washington State Sex Offender Registry are the county sheriff departments across Washington. There are 39 in total.

- These records are not publicly accessible.
- 90 percent of registered offenders perpetrated a crime against a juvenile (n=3,273).
 - Of those, 35.76 percent perpetrated against a juvenile related to them.

This research also highlights specific victim groups, for Washington State Registered Sex Offenders, who—at no fault of their own—are at a higher risk of sexual victimization. For example, children are disproportionately at risk of sexual victimization perpetrated explicitly by an individual known to them. In 35 percent of Washington state registered offender cases involving a juvenile, the perpetrator was related to the victim. It is imperative to shift perceptions of sex offenders from a stranger in the shadows, to individuals who have access to children. Focusing on individuals who have direct and sometimes unsupervised access to children is an essential first step in understanding the actual true scope of sexual victimization.

The second research question examined the accuracy of public perception regarding sex offender characteristics and risk posed. This research utilized a comparative analysis of a previous Washington state public perception survey.¹²³ Public perceptions gleaned from the previous survey were compared with the sex offender characteristics identified within the descriptive analysis for the first question.

Fisher and Pedneault (2017) did not define the population of sex offenders that they were using for the comparison of sex offender characteristics and risk of recidivism to public perception. The comparison revealed that public perception regarding sex offenders is correct in the majority of categories. Washington state residents correctly identified that most registered sex offenders are male, White, and known to the victim prior to offense. However, interestingly, there was confusion and misperception regarding offender age and risk for recidivism.

¹²³ The public perception survey was implemented by Fisher and Pedneault (2017) in Washington in 2016, utilizing a sample of 1,000 Washington state residents.

Fisher and Pedneault's (2017) data revealed that almost 70 percent of Washington residents surveyed (n=1,000) believed "most sexual abusers are under the age of 35."¹²⁴ Accurate representation of offender characteristics and victim group enable a discussion of more targeted preventive measures against sexual victimization.

Furthermore, regarding the risk of recidivism, Fisher and Pedneault (2017) identified public misperception. Their survey respondents indicated that they perceived a high risk of re-offense for sex offenders, specifically with a subsequent sex offense. Fisher and Pedneault characterized this misperception as "grossly higher than those provided by empirical research" on sex offenders, which estimates recidivism at 13.4 percent (2017, pp. 13). The low risk for re-offense or recidivism is further supported within the risk-assessment distribution of the Washington state registered offender population. Based on the risk-assessment tool utilized in Washington, which considers multiple factors and does not base risk solely on the offense committed, 66 percent of registered offenders are at the lowest risk of re-offending in the community.

Understanding the accuracy of public perception is an important distinction for lawmakers. Lawmakers, as elected officials, are responsible for representing their individual constituencies within their day-to-day function. If lawmakers base their legislative decisions on misperceptions, the legislation is likely to be ineffective at achieving its original intent. The third question in this research examined the role of public perception within the legislative drafting and enactment process in the state of Washington. Utilizing a series of semi-structured qualitative interviews, the final research question attempted to understand the role of public

¹²⁴ Interestingly, Fisher and Pedneault (2017) stated that their survey respondents correctly identified the majority of sex offenders as "under the age of 35" but do not indicate which population the comparison is based upon.

perception from the perspective of the elected officials who draft and enact the laws that govern their constituencies.

Within the interviews, significant themes arose during the initial and focused coding. The overarching categories that emerged within the interview data were ‘Legislative Function’ and ‘Public Perception.’ Legislative function included multiple emerging codes/themes that required further analysis and discussion, including transparency, bipartisan relations, legislative drafting and enactment, legislative standing committees, and constituent contact. Public perception also included emerging themes/codes warranting analysis and discussion, including the role of public perception within the legislative process and the media’s role in shaping and shifting public perception.

Collectively, the lawmakers interviewed indicated there is no single specific role of public perception within the legislative drafting and enactment process. Rather, there are multiple different points at which public perception can interact with the legislative process. For example, when discussing constituent contact, two specific places within the regular legislative function in which public perception came into consideration were mentioned: first, face-to-face contact with constituents, whether that stemmed from doorbelling within the community or constituents contacting the lawmaker to have the perceptions heard and incorporated; second, the main junction in which public perception is discussed and considered within the legislative process was the legislative standing committees to which bills are referred after initial introduction.

The assigned committee for any given bill is tasked with researching the problem area and the proposed bill. This process includes but is not limited to working with nonpartisan staffers and researchers, listening to and hearing from experts in respective fields, stakeholders

within the community, and constituents or others affected by the potential implications of the proposed bill. Although this opportunity is available for constituents to voice their respective perceptions—the window in which individuals are provided is two minutes—this does not allow for substantial public testimony (perception) to be incorporated in the legislation being discussed.

The perceived issues or obstacles that lawmakers experience are often increased when legislating bills regarding public safety issues. The inclusion of public perception within the legislative process is more complicated and time-consuming due to fear and misinformation in many cases. This barrier creates more work for legislators—requiring that they first educate to mitigate and overcome the misperceptions.

Going into this research, the goal was to identify a specific role, but the data collected and analyzed could not provide that insight. However, experiential evidence suggests that elected lawmakers in Washington state serve as educators for their respective constituencies regarding the legislated topics, often complicating and slowing the process. This theme was further substantiated in discussion with the lawmakers regarding how they introduce bills, knowing they will be initially rejected, promoting the idea to educate constituents with facts and evidence over time. Overcoming misperceptions and fears is a long-term process.

Limitations of the Research

Quantitatively, this research offered descriptive statistics for the Washington State Sex Offender Registry population—but the comparative analysis for Question 1 is limited regarding the significance of the correlation discussed. The data from Ackerman et al.'s (2011) descriptive profile that were compared with the descriptive analysis for this research did not include the

original datasets for analysis; thus, the significance of the correlation or differences identified cannot be measured.

Further limitations of the quantitative analysis include jurisdictional variance regarding what information is recorded for the registry profile by the individual managing agencies. Variance occurs in the process for registered offender entry by the individual managing agencies in Washington state. The data required to form a complete profile are mostly available but would require the systematic review of each registered offender's criminal incident report for a registerable offense (N=20,109, n=19,532).

Implications for Policy & Future Research

The first identifiable policy implication resulting from the research involves the possible standardization of the data collection and entry process for registry managers across Washington. When requesting the data from the individual managing agencies, several data points were missing or unaccounted for, with the reasons varying. If registry and community notification laws continue without substantial reform, it could be beneficial to have a standardized operating procedure (SOP) of data collection and entry. If the data are unavailable within the OffenderWatch profile (registry program), there is no way to collect them without the systematic review of each individual registered offender's incident report. Considering the size of the state registry, a systematic review of each RSOs case file would not be beneficial or time-efficient, necessitating the creation of a legislative SOP.

This research offered an experiential examination of how elected lawmakers function in the state of Washington. Legislative function and process are pertinent for citizens to comprehend their specific role within the overall legislative process. The legislature could create a workgroup with the specific intent of examining and understanding how legislators in

Washington are utilizing public perception in their roles. Furthermore, survey research regarding the role of public perception within the legislative drafting and enactment process among Washington lawmakers could be implemented on a larger scale to all Washington state elected lawmakers, creating the potential for quantifiable and generalizable data and evidence.

Understanding how lawmakers utilize public perception within their roles on a larger scale would allow for the identification of any potential gaps within the process or procedure. Overall, this could improve and streamline the legislative process, especially when the public is more inclined to participate.

Concluding Thoughts

Approaching this research, I held a few assumptions regarding the processes and procedures of the legislative function. The first assumption that the legislative process is linear—legislative interviews revealed that this is, in fact, not true. Drafting and writing legislation is an iterative process, much like this research, requiring repeated review, revision, and analysis of the bills. The second assumption is that public perception is a significant consideration for drafting legislation within any given year or biennium concerning the legislative agenda and individual bills. Lawmakers revealed that the legislative agendas are discretionary on behalf of the individuals in leadership roles within the legislature.

After completing the research, I am unsure if my feelings regarding public perception within the legislative process have changed. I understand that public perception is a necessary consideration, but if legislators are having to educate their constituents on the issues being legislated, can the public perception be reliable within the drafting process? In a perfect world, legislators would be able to vet the accuracy of each influence on a bill, processing with the evidence and research available on the topic. Unfortunately, with time constraints, in-depth

vetting and research are impossible every time. With that being said, the role of public perception within the drafting would benefit from a standardized process for inclusion or exclusion based on the established criterion.

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Appendix A
INTERVIEW GUIDE
 - Washington State Legislator Interviews -

Respondent: _____
 Date: _____
 Interview Started: _____
 Interview Ended: _____

Informed Consent Document Signed
 Date Signed: _____

Introductory Note:

Please note that this survey/interview is not designed to discuss any one particular bill or law. Further, these questions and this research were designed prior to COVID and it is not the intent to include or specifically discuss any COVID related legislation – my primary focus is criminal justice and public safety (in terms of crime and sentencing) legislation.

Question	Question Asked	Notes
1. How long have you served as a legislator for the state of Washington? *Approximations are appropriate for confidentiality.		
2. Can you tell me about the committees that you currently or have previously served on? a. Have you served on any public safety or crime and sentencing committees specifically? b. Have your committee assignments changed during your tenure?		
3. Can you tell me about a bill that you have sponsored or that has come before your committee that has dealt with public safety or crime and sentencing? a. What was the intent of the legislation? b. Was it enacted? c. Has it been successful in its impact?		

<p>4. How would you define the role of public perception within the legislative drafting & enacting process?</p> <p>5. How do you balance evidence and research with public perception and constituent requests/demands?</p> <p>6. How does the input of individual constituent's balance with the evidence you receive from staffers and advisors who provide research regarding the legislation?</p> <p>7. Is there an area of legislation that you think lends more to relying on public perception within the process? (Healthcare, education, social services, criminal justice, economic, budget, etc.)</p> <p style="padding-left: 20px;">a. Basically, is there an area of law that we can always rely on public perception to drive the legislative process effectively?</p>		
<p>8. When you are creating or working on legislation that is a public safety concern and arises out of public/moral outrage – what is the main focus?</p>		
<p>9. What role do you feel the media plays in the legislative process?</p> <p style="padding-left: 20px;">a. Are you satisfied with the media coverage of the legislative process?</p> <p style="padding-left: 20px;">b. Do you feel your constituents understand their role in the process?</p>		
<p>10. What kind of public perception/insight/input would be helpful or useful within the legislative process?</p> <p>11. What input would you share with your constituents to streamline or make the legislative process more efficient and effective?</p>		
<p>12. Is there anything that you would like to add?</p>		

Reflections of Interview

Appendix B Letter from IRB – Exempt Status



DETERMINATION OF EXEMPT STATUS

February 24, 2020

Dear Haily Perkins:

On 2/24/2020, the University of Washington Human Subjects Division (HSD) reviewed the following application:

Type of Review:	Initial Study
Title of Study:	Understanding the Role and Accuracy of Public Perception in the Legislative Process: A Washington State Case Study
Investigator:	Haily Perkins
IRB ID:	STUDY00009466
Funding:	None

Exempt Status

HSD determined that your proposed activity is human subjects research that qualifies for exempt status (Category 2).

- This determination is valid for the duration of your research.
- This means that your research is exempt from the federal human subjects regulations, including the requirement for IRB approval and continuing review.
- **Depending on the nature of your study, you may need to obtain other approvals or permissions to conduct your research. For example, you might need to apply for access to data or specimens (e.g., to obtain UW student data). Or, you might need to obtain permission from facilities managers to approach possible subjects or conduct research procedures in the facilities (e.g., Seattle School District; the Harborview Emergency Department).**

If you consider changes to the activities in the future and know that the changes will require IRB review (or you are not certain), you may request a review or new determination by submitting a Modification to this application. For information about what changes require a Modification, refer to the [GUIDANCE: Exempt Research](#).

Thank you for your commitment to ethical and responsible research. We wish you great success!

Sincerely,

Theresa Naluai-Cecchini
IRB Administrator, Committee j
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Implemented 01/07/2020– Version 1.9 - Page 1 of 1

**Appendix C
Index of Variables as Received and Coded**

WASPC DATA		
Category	Variable as Rec'd	Coded Variable / Categorization
Risk Level Classification	Level I	Level I
	Level II	Level II
	Level III	Level III
	Level I, Non-Compliant	Level I (NC)
	Transient Level I	Transient
	Transient Level II	
	Transient Level III	
	Kidnapping	Kidnapping
	Non-Compliant Unrated	Not included
Unrated		
RSO Race	American Indian / Native Alaskan	AIAN
	Asian American / Pacific Islander	AAPI
	Black	B
	Hispanic	H
	White	W
	Other	Not included
	Unknown	
	No Selection	
Age Group	Individual RSO age included	>14
		15-19
		20-29
		30-39
		40-49
		50-59
		60-69
		70-79
		80+
Gender	Male	Male
	Female	Female
	Blank	Not included

Index of Crime Description Variables as Received from Managing Agencies
Abusive Sexual Contact
Aggravated Sexual Abuse of Child 13-16 yoa
Aggravated Sexual Assault
Aggravated Sexual Assault of a Child
Aggravated Sexual Battery

Index of Crime Description Variables as Received from Managing Agencies
Aggravated Sexual Contact
Animal Cruelty 1
Assault 1
Assault 2
Assault 2 w/ Sexual motivation
Assault 3
Assault 3 w/ Sexual Motivation
Assault 4 w/ Sexual Motivation
Assault of a Child 1
Assault of a Child 2
Assault of a Child 2 w/ sexual motivation
Assault of a Child 3
Assault of a Child 3 w/ sexual motivation
Assault of a Child w/Intent to Commit Rape
Assault w/ Intent to Commit Sexual Abuse
Attempt to Commit Rape
Attempt to Commit Rape 1
Attempt to Commit Rape 2
Attempt to Commit Sexual Abuse 1
Attempted Aggravated Sexual Assault 1
Attempted Child Molestation
Attempted Child Molestation 1
Attempted Child Molestation 2
Attempted Child Molestation 3
Attempted Commercial Sexual Abuse of a Minor
Attempted Communication with a Minor for Immoral Purposes
Attempted Indecent Liberties
Attempted Indecent Liberties w/ Forcible Compulsion
Attempted Indecent Liberties w/o Forcible Compulsion
Attempted Kidnapping 1
Attempted Kidnapping 2
Attempted Kidnapping of Child 1
Attempted Lewdness w/ Child 14 yoa
Attempted Possession of Depictions of a Minor Engaged in Sexual Conduct
Attempted Possession of Depictions of a Minor Engaged in Sexual Conduct 2
Attempted Rape 1
Attempted Rape 2
Attempted Rape 3
Attempted Rape of a Child 1
Attempted Rape of a child 2

Index of Crime Description Variables as Received from Managing Agencies
Attempted Rape of a Child 3
Attempted Sexual Abuse of a Child 2
Attempted Sexual Abuse of a Child 3
Attempted Sexual Assault w/ Deadly Weapon
Attempted Sexual Conduct w/a Child
Attempted Sexual Penetration 1
Attempted Sexual Penetration w/ Object
Attempted Sodomy 1
Attempted Voyeurism
Awaiting conviction info from ID (out-of-state)
Battery w/ Intent to Commit Sexual Assault
Burglary 1
Burglary 1 w/ Sexual Motivation & Attempted Rape 1
Burglary 2
Burglary of Habitation Intent to Commit Sexual Assault
Carnal Knowledge
Certain activities relating to material constituting or containing child pornography
Child Enticement
Child Molestation
Child Molestation 1
Child Molestation 2
Child Molestation 3
Child Pornography
Child Solicitation by Electronic Communication Device
Coercion and Enticement to Travel to Engage in Prostitution
Comm w/Minor for Immoral Purposes
Commercial Sexual Abuse of a Minor
Commit or Attempt Lewd Act on Child under 16 yoa
Communicating Indecent Language to a minor
Compelling Prostitution
Conspiracy to Commit Child Molestation 1
Conspiracy to Commit Rape 1
Continuous Sexual Abuse of Child
Contributing to the Sexual Delinquency of a Minor
Crime Requiring Registration
Criminal Attempt
Criminal Sexual Penetration 2
Criminal Sexual Penetration 4
Custodial Interference 1
Custodial Sexual Misconduct 1

Index of Crime Description Variables as Received from Managing Agencies
Dealing in Child Pornography
Dealing in depictions of minor engaged in sexually explicit conduct
Dealing in depictions of minor engaged in sexually explicit conduct 1
Dealing in depictions of minor engaged in sexually explicit conduct 2
Disorderly Conduct: Solicit Lewd Act
Disseminating Matter Harmful to Juveniles
Distributing Child Pornography
Encouraging Child Sexual Abuse 1
Encouraging Child Sexual Abuse 3
Endangering the Welfare of a Child by Sexual Conduct
Enticing a Minor 2
Exploitation of a Minor
Extortion 1
Extortion 2
Forcible Sodomy
Forcible Touching
Gross Sexual Imposition
Gross Sexual Misconduct
Immoral or Indecent Acts
Importuning
Incest
Incest 1
Incest 2
Indecent Acts
Indecent Acts w/ Minor
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Indecent Assault and Battery of a Child under 14 yoa
Indecent Exposure
Indecent Language To A Child, under 16 yoa
Indecent Liberties
Indecent Liberties w/ Force
Indecent Liberties w/ Minor
Indecent Liberties w/ Minor by Person in Custodial or Supervisory Relationship
Indecent Liberties w/ Sexual Motivation
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Kidnapping 1 w/ sexual motivation & Assault 2 w/ sexual motivation

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Kidnapping 2 & Assault 4 w/ sexual motivation
Kidnapping 2 & Custodial Interference 1 w/ Sexual Motivation, Sexual Abuse 3
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Knowingly Possesses Child Pornography
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Lewd and Lacivious Acts w/ a Child, 14-15 yoa
Lewd Conduct w/ Minor under 16 yoa
Lewd Or Indecent Proposals/Acts To Child
Lewd or Lascivious Acts w/ a Child under 14 yoa
Lewd or Lascivious Acts w/ a Child under 14 yoa w/ Force
Lewd or Lascivious Battery of a Child 12-15 yoa
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Persuading, Inducing, and Enticing a Minor to Travel in Interstate Commerce to Engage in Sexual Activity
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Possession of Depictions of Minors Engaged in Sexually Explicit Conduct 1
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Rape 2
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Sexual Abuse 1
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Sexual Abuse by Force
Sexual Abuse of a Child
Sexual Abuse of a Child 2
Sexual Abuse of a Child under 12 yoa
Sexual abuse of a Child under 16 yoa
Sexual Abuse of a Child under 16 yoa
Sexual Abuse of a Minor 1
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Sexual Assault on a Child/Position of Trust-Pattern of Abuse
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Sodomy of a Child 1
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Statutory Rape 2
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Unlawful Imprisonment w/Sexual Motivation
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Victim Type Categorization Variable as Coded	Known to Victim		Unknown to Victim	
	Familial	Quasi-Familial		Non-Familial
Variables as Received from Managing Agencies	Aunt	Boyfriend's Child	Acquaintance	Unknown
	Brother	Father's Girlfriend's Child	Babysitter	Hitchhiker
	Brother-in-law	Foster Child	Boyfriend	Stranger
	Cousin	Foster Sibling	Camp Counselor	UC - Undercover Officer
	Daughter	Girlfriend's Child	Caregiver	Unknown
	Extended Family	Girlfriend's Daughter	Caretaker	Unknown to Vic
	Familial	Girlfriend's Sibling	Counselor	
	Granddaughter	Mother's Boyfriend's Child	Childcare Provider	
	Grandson		Co-Worker	
	Half Brother		Coach/Instructor	
	Half Sister		Date	
	Mother		Ex-boyfriend	
	Mother-in-law		Ex-girlfriend	
	Nephew		Ex-husband	
	Niece		Fiance	
	Parent		Former Partner	
	Relative		Friend	
	Sibling		Friend of Child	
	Sister		Friend of Family	
	Sister-in-law		Girlfriend	
	Son		Inmate	
	Spouse		Known	
	Step-brother		Military Recruiter	
	Step-daughter		Neighbor	
	Step-granddaughter		Non-Familial	
	Step-sister		Other	
	Step-son		Property Owner	
Uncle		Roommate		
Wife		Student		
		Superior/Instructor		
		Teacher		
		Treatment Provider		
		Unrelated to Vic		