DOES INTERNET INFORMATION ON SEX OFFENDERS REDUCE THE RATE OF SEX OFFENSES? AN ANALYSIS OF CALIFORNIA ASSEMBLY BILL 488

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By

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ABSTRACT

In September 2004, California passed an amendment that expanded the breadth of the State’s version of Megan’s Law, the general name for any statute mandating that sex offenders register with the local community after being released from incarceration. This amendment, Assembly Bill 488, created a website under the California Department of Justice so that citizens could search for sex offenders in any community. After the passage of California Assembly Bill 488 in 2004, the number of sex crimes in California dropped nearly 10% from 9,750 to 8,800. I estimate the differential impact that this amendment had on deterring sex crimes by past criminals and new criminals. Using multivariate analyses on all arrests in California from 2001 to 2008, the estimated odds of any arrest being a sex offense are 15.7% lower after the passage of California Assembly Bill 488 compared to before enactment of the law. The odds that any arrest for a new offender will be a sex offense are 7.1% lower compared to before enactment of the amendment. In contrast, the odds that any arrest for a past offender will be a sex offense are 18.7% lower compared to before the law. Therefore, Assembly Bill 488 deterred sex crimes, but with a stronger effect on those offenders with any criminal history than someone without a prior record. This result indicates that California’s amendment increasing public access to sex offender information over the Internet has had a deterrent effect on past arrestees. While this is an encouraging effect, the legislature must continue to keep pace with advances in web technology to deter crime.
Dedication and Acknowledgements

This thesis is dedicated to: my mother Athena, for her eternal support; my father Vasilios, for his endless inspiration; and my brother Philip, for his guidance throughout my life.

I especially thank Dr. William Encinosa for using his expertise as a means to direct me during the process of constructing my thesis. Without him, the completion of my thesis would not have been possible.

Last, but not least, I would like to thank my academic advisor, Kerry Pace, as well as the entire faculty and staff of the Georgetown Public Policy Institute. The knowledge that I have gained while at Georgetown has been priceless.
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I. Introduction

In 2004, California passed an amendment that expanded the breadth of the State’s version of Megan’s Law, the general name for any statute mandating that sex offenders register with the local community after being released from incarceration. California’s amendment, Assembly Bill 488, allows public citizens to use their own computers to obtain information about registered sex offenders over the Internet. Prior to the enactment of Assembly Bill 488, members of the community were only able to acquire information on registered sex offenders by visiting a law enforcement office in person or by calling a 1-900 number. Therefore, on its face, Assembly Bill 488 expanded public access to information regarding registered sex offenders. On December 14, 2004, the website that was created by the California Department of Justice was made publicly available so that citizens could search for sex offenders in any locale.

My research question is the following: “Did the passage of Assembly Bill 488 decrease the probability that a sex offense will occur?” More specifically, this paper examines the effect of California’s law on new offenders, as compared with prior arrestees. In turn, my hypothesis, which I will test empirically, using a logistic regression, is that facilitating the public’s access regarding the residential addresses of sex offenders will decrease the likelihood that a sex crime will occur. Thus, I posit that Assembly Bill 488 will have a deterrent effect. Common sense would suggest that a user-friendly interface for providing easily accessible information on registered offenders would provide the public with a valuable tool to protect itself against sexual predators. While the specific research question presented in this paper has yet to be addressed, a major study to be discussed later finds that Megan’s Law has not been effective in the state of

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New Jersey. However, this finding should not be immediately accepted as externally valid with respect to the other 49 states.

II. Motivation and Justification for Analysis

The Dateline NBC show “To Catch a Predator,” hosted by Chris Hansen, was the primary motivation behind this research paper. “To Catch a Predator” is “a reality television show that featured a series of hidden camera investigations…devoted to the subject of identifying and detaining those who contact people they believe to be below the age of consent over the Internet for sexual liaisons.”\(^3\) This television show served to emphasize the prevalence of individuals that attempt to commit sex crimes. At the same time, the television series raised the question as to whether the laws currently in place within the various states are sufficient to prevent the commission of such crimes, or whether new laws are needed.

One would initially think that by providing the public with readily accessible information over the Internet on sex offenders living in the community, Assembly Bill 488 serves to limit the commission of sex crimes. Then again, the show “To Catch a Predator” highlighted the fact that certain sex law violations, particularly those in which an adult targets a minor, are not initiated in person. This demonstrates that while technology can be used to fight crime, criminals themselves can also use it as a tool to break the law. In fact, it is plausible that Assembly Bill 488 had the opposite of its intended effect. For instance, by making sex offenders more easily identifiable to the public through California’s Department of Justice website, it may actually be the case that Assembly Bill 488 forced sex offenders to seek other avenues through which to

commit unlawful violations. One such avenue is the Internet, as has proven to be the case on “To Catch a Predator.”

An empirical investigation of my research question is important because it will provide an indication as to whether the amendment to California’s Megan’s Law has been effective. If the update to the law has not, in fact, reduced the probability that a sex offense will occur, then the California legislature may want to further amend the law in order to achieve its goal of a reduction in sex crimes. Furthermore, even if the amendment has had its intended effect, the magnitude of the effect may prove to be so small that further changes may be necessary. Any further amendments may be so simple as to make the publicly accessible website more user friendly; in addition, the California legislature may simply want to have automatic updates sent to community members via e-mail when sex offenders move into the neighborhoods of local citizens.

III. Institutional Background

According to the California Department of Justice website, the passage of California’s Megan’s Law in 1996 “provides the public with certain information on the whereabouts of sex offenders so that members of [the] local communities may protect themselves and their children.”

This law derives its name from “seven-year-old Megan Kanka, a New Jersey girl who was raped and killed by a known child molester who had moved across the street from the family without their knowledge.” After this heinous crime was committed, the family of deceased Megan Kanka attempted to provide local communities with a resource to identify sex

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5 Id.
offenders who resided in surrounding areas.\textsuperscript{6} Besides California’s Megan’s Law, the remaining forty-nine states also have a similar statute, albeit possibly in a different version.\textsuperscript{7}

For over 50 years, the state of California mandated that sex offenders register with their local law enforcement officials.\textsuperscript{8} Despite this requirement, “information on the whereabouts of these sex offenders was not available to the public until the implementation of the Child Molester Identification Line in July 1995,”\textsuperscript{9} which was shown to have a variety of problems.\textsuperscript{10} Furthermore, even though such information has been publicly available since 1995, this does not necessarily indicate that information regarding the location of registered sex offenders was readily accessible to the public. Importantly, the Attorney General of California sponsored Assembly Bill 488, which allows the public to access much information about registered sex offenders through the Internet.\textsuperscript{11} Prior to the enactment of this law on September 24, 2004,\textsuperscript{12} “the information was available only by personally visiting police stations and sheriff offices or by calling a 900 toll-number.”\textsuperscript{13}

California’s database of registered sex offenders is maintained by the Sex Offender Tracking Program within the State’s Department of Justice.\textsuperscript{14} There is a specific process for the collection of information from sex offenders. Individuals “convicted of specified sex crimes are required to register as sex offenders with a local law enforcement agency.”\textsuperscript{15} Before these convicts are released from their position of incarceration, they are “notified in writing of their

\textsuperscript{6} Id.
\textsuperscript{7} Id.
\textsuperscript{8} Id.
\textsuperscript{9} Id.
\textsuperscript{10} Id.
\textsuperscript{13} Id.
\textsuperscript{15} Id.
duty to register, and a copy of the notification form is forwarded to [the California Department of Justice].”

Next, “[w]hen a sex offender is released into the community, the agency forwards the registration information to [the California Department of Justice].” Finally, even after their initial disclosure of all the required information, the convicted sex offenders have a duty to update their information each year, within five business days of their date of birth. It is important to note that a specific subset of offenders must update their information on a more frequent basis. In particular, “transients must update every 30 days, and sexually violent predators, every 90 days.”

Although all sex offenders are required to register with their local law enforcement agency, the California Department of Justice Internet website does not contain information on every convict. In fact, about 25 percent of all convicts registered as sex offenders in California are excluded from public disclosure under the law. The decision as to whether the state can publicly disclose the information it has obtained regarding a registered sex offender depends on the type of sex crime. A sex offender’s eligibility for exclusion from the California Department of Justice’s website is determined by the aforementioned Sex Offender Tracking Program. More specifically, persons convicted of the following sex offenses may seek to be excluded from the Internet website: “(1) sexual battery by restraint (Penal Code § 243.4, subd. (a)); (2) misdemeanor child molestation (Penal Code § 647.6, or former section 647a); or (3) any offense which did not involve penetration or oral copulation, the victim of which was a child, stepchild, grandchild, or sibling of the offender, and for which the offender successfully

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16 Id.
17 Id.
18 Id.
19 Id.
20 Id.
21 Id.
22 Id.
23 Id.
completed or is successfully completing probation.”\textsuperscript{24} Even those convicts who are granted exclusion from the publicly accessible Internet database must nevertheless officially register as a sex offender with the local law enforcement agency.\textsuperscript{25}

The California Department of Justice’s Internet website currently allows the public to obtain information on over 63,000 registered sex offenders.\textsuperscript{26} The level of information provided varies. For example, “[s]pecific home addresses are displayed on more than 33,500 offenders in the California communities; as to these persons, the site displays the last registered address reported by the offender.”\textsuperscript{27} At the same time, another 30,500 sex offenders are displayed on the website, but the information provided only includes the ZIP code, city, and county where they reside.\textsuperscript{28} The Internet website allows the public to “search the database by a sex offender’s specific name, obtain ZIP Code and city/county listings, obtain detailed personal profile information on each registrant, and use [the] map application to search [a] neighborhood or anywhere throughout the State to determine the specific location of any of those registrants on whom the law allows [the California Department of Justice] to display a home address.”\textsuperscript{29}

Perhaps the most important aspect of the website is that it shows when a registered sex offender is in violation of the registration requirements mandated by law.\textsuperscript{30} This feature allows citizens to report to local law enforcement officials if they obtain information regarding the location of a registered sex offender who is in breach of his or her duty to continually update law enforcement of his or her whereabouts. Prior to accessing the website, the public is required to

\textsuperscript{24} Id.
\textsuperscript{25} Id.
\textsuperscript{27} Id.
\textsuperscript{28} Id.
\textsuperscript{29} Id.
\textsuperscript{30} Id.
read and acknowledge a disclaimer,\textsuperscript{31} which contains, but it not limited to, the following material:

\textbf{Legal and Illegal Uses.} The information on this web site is made available solely to protect the public. Anyone who uses this information to commit a crime or to harass an offender or his or her family is subject to criminal prosecution and civil liability. Any person who is required to register pursuant to Penal Code section 290 who enters this web site is punishable by a fine not exceeding $1,000, imprisonment in a county jail not exceeding six months, or by both the fine and imprisonment. (Pen. Code, § 290.46, subd. (h)(2)).\textsuperscript{32}

The above-mentioned section of the disclaimer indicates that the purpose of California’s Megan’s Law is not to have citizens take the law into their own hands, or to harass registered sex offenders. Rather, the website is apparently intended as a vehicle for the public to alert law enforcement officials of any potentially illegal behavior on the part of sex offenders.

\section*{IV. Literature Review}

The most prominent study on the effectiveness of Megan’s Law, within the state of New Jersey, was published in December 2008 by Kristen Zgoba, Ph.D., Philip Witt, Ph.D., Melissa Dalessandro, M.S.W., and Bonita Veysey, Ph.D.\textsuperscript{33} The United States Department of Justice provided the authors with federal funding in order to complete their study.\textsuperscript{34} The study was particularly commissioned to determine: “1) the effect of Megan’s Law on the overall rate of sexual offending over time; 2) its specific deterrence effect on re-offending, including the level of general and sexual offense recidivism, the nature of sexual re-offenses, and time to first re-

\begin{flushleft}
\textsuperscript{31} \textit{Id.}
\textsuperscript{34} \textit{Id.}
\end{flushleft}
arrest for sexual and non-sexual re-offenses (i.e., community tenure).”

The most significant takeaway of the study is that New Jersey’s Megan’s Law was not found to be effective. In particular, “sex crime rates [were] down prior to Megan’s Law and pre and post samples [did] not indicate statistically lower rates of sexual offending.”

The study of New Jersey’s Megan’s Law used three different samples and approaches. First, “Phase One was a 21-year (10 years prior and 10 years after implementation, and the year of implementation) trend study of sex offenses in each of New Jersey’s counties and of the state as a whole.” Phase One provided an indication as to whether statistical differences were present in sex offending arrests both pre and post implementation of Megan’s Law. Moreover, Phase One also considered “the pattern of sexual offense rates in New Jersey over a 21-year timeframe while comparing them to drug offense rates and non-sexually based offending rates.” The primary findings resulting from Phase One are as follows. Overall, there was a downward trend in sex offenses. At the same time, while a few counties realized significant declines in the number of sex offenses after the enactment of Megan’s Law in New Jersey, those same counties later experienced significant increases in the rates of sex offenses a few years later.

Furthermore, “many counties demonstrated a predictable ‘jump’ after Megan’s Law was implemented.” For instance, in Cumberland County, there was a large initial drop in sex offender rates, followed by a large rebound in sex offenses, and later accompanied by a sustained decline.

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35 Id. at 1.
36 Id. at 39.
37 Id. at 39.
38 Id. at 1.
39 Id. at 10.
40 Id. at 10.
41 Id. at 10.
42 Id. at 15.
43 Id. at 16-17.
44 Id. at 17.
According to the study, the “spike in sexual offenses most likely reflects increased surveillance and arrests, rather than increased offending.” Next, the study also arrived at certain conclusions in relation to offenses that were drug-related and those that were not. In particular, the overall decline of sex offenses in New Jersey is akin to that of “non-sex/non-drug crimes.” Even so, “the statewide change point for sex offenses occurred during the Megan’s Law implementation year (i.e., 1994), whereas the change in trend for non-sex crimes occurred later, in 1998.”

Second, during “Phase Two, data on 550 sexual offenders released during the years 1990 to 2000 were collected, and outcomes of interest were analyzed.” Lastly, “Phase Three collected implementation and ongoing costs of administering Megan’s Law.” Given that the research question in this paper focuses on the effectiveness of the California’s Internet website used to track registered sex offenders, a discussion of the costs of administering Megan’s Law, as it relates to Phase Three, is outside the scope of this paper.

With reference to Phase Two, the authors of the study “used a sample of sex offenders released from New Jersey Department of Corrections facilities (either the Adult Diagnostic and Treatment Center [ADTC] or one of the general population facilities) before and after the implementation of Megan’s Law.” For the period between 1990 and 2000, 50 sex offenders were randomly selected, providing a sample of 550 observations. Extensive data was collected on each observation, thereby “provid[ing] an opportunity to contrast outcomes (i.e., recidivism, time to failure, and harm variables) of offenders arrested and released prior to the passing of

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45 Id. at 17.
46 Id. at 17.
47 Id. at 22.
48 Id. at 22.
49 Id. at 1.
50 Id. at 1.
51 Id. at 22-23.
52 Id. at 23.
Megan’s Law with offenders arrested and released after the legislation passed.” Moreover, the authors of the study used the data collected during Phase Two in order to analyze outcomes relating to “[r]educed recidivism,” “[i]ncreased community tenure,” and “reduced harm.”

After completing their analysis in Phase Two, the authors of the study concluded that 46 percent of the sex offenders were re-arrested. In addition, for those who were re-arrested for any crime, it was 753 days on average between the time a sex offender re-entered the community and the re-arrest. For those convicts who were re-arrested for another sex offense, the average time to arrest was 795 days from the time that they exited their previous state of incarceration. The authors believed that an analysis of community tenure was important because “more days in the community without committing a crime reflects improved outcomes in community and personal harm.”

Finally, the authors of the study themselves note that their findings involve a number of limitations. The most significant “problem plaguing sexual offense research, the low base rate of reported sexual offenses, is tied to the under-representation of official data.” The authors further mention that this limitation results in an underestimation of the recidivism rate. In fact, “[i]t has been suggested that the present statistics on sexual abuse represent approximately one-third of the number of actual victimizations, leaving researchers and practitioners concerned about the ‘dark figure’ of sexual abuse.” A second limitation, again acknowledged by the authors of the study, is that any decrease in recidivism after New Jersey’s passage of Megan’s

53 Id. at 23.
54 Id. at 23.
55 Id. at 31.
56 Id. at 33.
57 Id. at 33.
58 Id. at 32-33.
59 Id. at 42.
60 Id. at 42.
61 Id. at 42.
Law may be a result of general deterrence, as opposed to specific deterrence.\textsuperscript{62} In particular, “the idea of notification and increased surveillance may have a general deterrent effect.”\textsuperscript{63} As was previously mentioned, the primary conclusion of the authors of the New Jersey study is that “[d]espite wide community support for these laws, there is little evidence to date, including this study, to support a claim that Megan’s Law is effective in reducing either new first-time sex offenses or sexual re-offenses.”\textsuperscript{64}

While the conclusion of the authors of the study is important, it is critical to note that significant differences exist between this prior research and this paper’s current research involving the California Offender-Based Transaction Statistics (OBTS) database. The first, and most obvious difference, is that the previously-mentioned study involved observations from the state of New Jersey. In contrast, the research of this paper focuses on sex offenses in the state of California. This is relevant, for example, because the version of Megan’s Law in these two states is not identical and will vary state by state. Also the manner in which the law is administered in the two states may vary greatly. Hence, results of a study conducted in New Jersey do not necessarily provide a clear picture of the state of affairs in California. Second, and most importantly, this research paper is only concerned with the effect of Assembly Bill 488, which provided a readily accessible Internet website for public citizens to monitor sex offenders. Hence, the scope of this research paper is particularly limited to a single amendment to Megan’s Law, rather than the statute as a whole. Therefore, while the study of New Jersey’s Megan’s Law may provide valuable insight, it provides a point of view substantially different from that assumed by this research paper.

\textsuperscript{62} Id. at 42.  
\textsuperscript{63} Id. at 42.  
\textsuperscript{64} Id. at 43.
V. Theoretical Framework

This research examines the deterrent effect of Assembly Bill 488 on arrestees with any prior criminal record, rather than focusing solely on those convicts with a past record that involves sex crimes. While the logic behind this analysis is not immediately evident, consider the following line of reasoning. Start with the basic assumption that people do not want to have their identifying information posted on the publicly accessible sex offender website if they are convicted of a sex crime. At the same time, assume that individuals with any past criminal record, compared with people who do not have a prior record, are more likely to be caught by the police if they commit a sex offense because their distinguishing characteristics (such as fingerprints, DNA, etc.) are already available in the police database. Therefore, since past arrestees are more likely to be apprehended by the police if they were to commit a sex crime, they are less inclined to take the risk of being arrested and convicted of a sex offense, which would result in the undesirable outcome of having their status posted on the California Department of Justice website. Hence, by including arrestees with any prior criminal record, as opposed to focusing only on those convicts with a past record of sex crimes, my conceptual model accounts for both the general and specific deterrent effect of Assembly Bill 488.

Furthermore, my conceptual model is premised on the belief that, by allowing public citizens to use their own computers to obtain information about registered sex offenders, the enactment of California’s Assembly Bill 488 into law will reduce the probability that sex offenses will occur. The basic idea is that by providing individuals with easily accessible information regarding criminals in their neighborhoods, they will be better positioned to monitor the surrounding area. However, there are a number of factors other than readily available information on sex offenders that will determine whether or not a crime is committed. First, it
may be the case that while sex offenders live in one area, they have a strong tendency to commit their crimes in a neighborhood far from where they live. Second, sex offenders may have a physiological problem that makes it very difficult for them to stop themselves from becoming repeat offenders. In such a situation where these convicts are not able to control themselves from committing repeat offenses, even knowing that they are being watched by members of the community would serve as an effective deterrent. Unfortunately, such a physiological defect would be almost impossible to measure, and also include, in a regression model.

Third, it may be the case that even if individuals know exactly who the sex offenders are in their community, as well as where they are located, all this information still does not provide a tool for the community to protect itself. Ultimately, for example, a parent cannot monitor his child’s location at all hours of the day. Therefore, a convicted sex offender who is truly committed at striking again is likely capable of avoiding detection. In addition, if a community is in such an extreme state of poverty, it may not have the means to protect itself from known sex offenders, for example, by creating a neighborhood watch program.

Furthermore, while the concept of providing the community with information on sex offenders who live in the surrounding area may be very worthwhile, this idea may not actually be effective for a number of reasons. For instance, the website may not be user friendly, thereby making it very difficult for parents to actually track sex offenders in their community. Also, in order for the website to actually be effective, one would assume that those who access it do so on a regular basis so that they are fully aware of all the convicts who live in the surrounding area. Perhaps the website would be more useful if individuals were able to sign-up by providing their home address. That way, people who provide their personal information to the California DOJ
would be automatically notified when registered sex offenders move into their neighborhoods. Such a feature would likely go a long way in increasing the effectiveness of the website.

One final possibility, although counterintuitive, is that the publicly accessible website created by California’s passage of Assembly Bill 488 will actually increase the rate of recidivism. This is conceivable, for example, if sex offenders themselves perform a search to find areas where other convicts tend to gravitate and they move to that same area. If a large number of offenders live in the same surrounding area, this could make it virtually impossible for members of the community to tracks the sex offenders, given the large number of convicts. Therefore, in such a case, even a user friendly publicly accessible website would not be of any practical use.

Given that the California Department of Justice data does not specifically provide sex-offense recidivism as a variable in the OBTS dataset, a person-year analysis of arrestees appears to be the most favorable approach. This research paper will implement a logistic regression in order to estimate the probability that an arrest is made for a sexual offense given the Amendment to California’s Megan’s Law. Considering that Assembly Bill 488 was enacted into law in 2004, I would expect the probability that a sex offense will occur to decline after this date. The following logistic equation will be used to test this hypothesis:

\[
\text{Probability That a Sex Offense Will Occur} = \frac{1}{1 + \exp\{-\text{(Intercept + Year + 2004 Enactment of Assembly Bill 488 + Past Arrestee + 2004 Enactment of Assembly Bill 488*Past Arrestee + Male + Race + Age + u)}\}}.
\]
VI. Data and Descriptive Statistics

A. Description of Data

The research question will be tested using the Offender-Based Transaction Statistics (OBTS) dataset from the California Department of Justice. An observation in the data is any arrest made in California between years 2001 to 2008. However, the 2002 year data was not available and has therefore been excluded. The type of data provided by the California DOJ can best be described as panel because it combines aspects of both cross-sectional and time-series data. While data is collected yearly, individual offenders are also tracked over a prolonged period of time. The data used to perform the logistic regression was acquired via a compact disc that was sent to me by the California Department of Justice. The codebook was also provided on the same compact disc. The sampling design does not fall under any of the following categories: SRS, stratified, or clustered sample. Rather, the data is merely observational, as one’s commission of a crime determines whether or not he is included in the data.

B. Main Variables Used in the Analysis

A variety of independent variables will be used in the analysis. It is important to note that the variables used in the model are inherently limited based on the information that was provided in the OBTS dataset. The dependent variable is a binary variable (0 or 1) indicating that a sex offense, as classified by California law, has occurred. The dataset contained a variable for criminal offenses, which was comprised of 76 various types of violations; however, there was not an all-encompassing category specifically labeled “sex crimes.” Therefore, I personally selected the various crimes, as shown in the Appendix, which would be identified as sex crimes under Assembly Bill 488. More specifically, the dependent variable includes the following
felonies: “forcible rape,” “lewd or lascivious conduct,” “unlawful sexual intercourse,” and “other sex law violations.” In addition, the dependent variable is also comprised of the following misdemeanor-level offenses: “indecent exposure,” “obscene matter,” “lewd conduct,” and “other sex crimes.” The key point is that, due to the fact that the categories of legal violations are coded in a general and somewhat ambiguous manner, the dependent variable may potentially be either overinclusive or underinclusive.

The year of the arrest is one independent variable that will be used in the logistic equation to control for general trends in time. As previously mentioned, this will range between 2001 and 2008, except for 2002 due to a lack of availability. Next, a binary variable, “post website,” will be added to represent the passage of Assembly Bill 488, which mandated the creation of the sex offender website. So, “post website” is coded as 1 in 2004-2008 and 0 before 2004. Third, there will be another binary independent variable to control for individuals who have committed a crime in the past, i.e. past arrestees, whether or not the previous crime was a sex offense. In addition, there will be an independent variable for the interaction between the passage of Assembly Bill 488 and whether or not an individual was previously convicted of a crime in the past. This interaction is important because it will show how the effect of the passage of the Amendment varies depending on whether a person has previously committed a crime. Moreover, there will also be a few standard independent variables that are generally accepted as control variables. These include gender, race, and age.
### Table 1: Descriptive Statistics

<table>
<thead>
<tr>
<th>Variables</th>
<th>Full Sample: All Arrests</th>
<th>Sex-Offense Arrests</th>
<th>Non Sex-Offense Arrests</th>
</tr>
</thead>
<tbody>
<tr>
<td>Post Website</td>
<td>65.7%</td>
<td>62.3%</td>
<td>65.9%</td>
</tr>
<tr>
<td>Past Arrestee</td>
<td>81.2%</td>
<td>73.4%</td>
<td>81.4%</td>
</tr>
<tr>
<td>Gender</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Male</td>
<td>79.2%</td>
<td>97.2%</td>
<td>78.7%</td>
</tr>
<tr>
<td>Female</td>
<td>20.8%</td>
<td>2.8%</td>
<td>21.3%</td>
</tr>
<tr>
<td>Race</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>White</td>
<td>42%</td>
<td>40%</td>
<td>42%</td>
</tr>
<tr>
<td>Black</td>
<td>21%</td>
<td>19%</td>
<td>21%</td>
</tr>
<tr>
<td>Other</td>
<td>37%</td>
<td>41%</td>
<td>37%</td>
</tr>
<tr>
<td>Age</td>
<td>33</td>
<td>36</td>
<td>33</td>
</tr>
<tr>
<td></td>
<td>(11)</td>
<td>(13)</td>
<td>(11)</td>
</tr>
<tr>
<td>N</td>
<td>2,498,589</td>
<td>74,306</td>
<td>2,424,283</td>
</tr>
<tr>
<td></td>
<td>(2.97%)</td>
<td>(97.03%)</td>
<td></td>
</tr>
</tbody>
</table>

***All differences between Sex Offense Arrests and Non Sex-Offense Arrests are statistically significant at 95%.***

Source: 2008 California Department of Justice Offender-Based Transaction Statistics (OBTS) dataset. Standard deviations are in parentheses.
Graph 1: Trend in Sex Crimes Over Time

Number of Sex Offenses Per Year

- Number of Sex Offenses: 8800, 8900, 9000, 9100, 9200, 9300, 9400, 9500, 9600, 9700, 9800, 9900
VII. Expected Findings

Common sense indicates that the Assembly Bill 488, by increasing the public’s access to information on sex offenders living in the surrounding area, should decrease the possibility that a sex offense will occur. This seems to be the most obvious effect of the Bill if one assumes a number of considerations. First, in order to be deterred, past arrestees must be aware of the law. Second, the information about the registered offenders that is posted on the California Department of Justice website must be updated and accurate. Third, it must be true that people will actually visit the California Department of Justice website that provides the information on the registered sex offenders. Fourth, it must also be true that people who are informed about the location of registered sex offenders in the surrounding area can use their knowledge to protect themselves and others; that is, awareness can be transformed into some sort of protective action.

Despite this expected finding, it would not be inconceivable to learn that Assembly Bill 488 failed to have an effect, or even that it resulted in an increase in the probability that a sex crime will occur. This could be the case for a variety of different reasons. For instance, it may be true that while sex offenders congregate in one area, they tend to commit their crimes in an area far from where they live. In addition, the California Department of Justice website may simply be providing too much information so that it is not feasible for the public to be aware of all the sex offenders in a surrounding area. Furthermore, sex offenders may have a physiological problem, potentially immune to treatment, which compels them to commit violations, even if they are on notice that their neighbors are watching them.

In addition, it may be the case that while the concept of proving the public with easily accessible information over the Internet is effective, the California Department of Justice website itself needs to be altered. For example, the website may not be user friendly so that it actually
hinders an individual’s ability to monitor sex offenders in their community. Also, in order for the website to be a useful tool, the assumption must hold that people access it on a regular basis so that they are completely aware of all the offenders who live nearby. If this assumption fails, one potential solution would be to automatically notify an individual by e-mail when a sex offender moves within a certain radius of his home.

Finally, as has been proven true on the television series “To Catch a Predator,” criminals are now using the Internet themselves as a tool to break the law. This phenomenon may actually be a result of Assembly Bill 488. In particular, it may be the case that this Bill has made it more difficult for sex offenders to initiate their violations in person and have therefore turned to the Internet, a clandestine vehicle whereby they can remain hidden. Although the show “To Catch a Predator” features adults who seek to engage in sexually illicit acts with minors, the Internet can clearly be used as a means to initiate other types of sex crimes. If it is in fact true that sex offenders are using technology to circumvent the hurdles imposed by Megan’s Law in general, and Assembly Bill 488 in particular, then lawmakers must in fact adapt to this reality by drafting new laws to protect the public.

VIII. Actual Findings and Analysis

A. Main Conclusion

In the raw data of Graph 1, after the enactment of California Assembly Bill 488 in 2004, the number of sex crimes in California dropped nearly 10% from 9,750 to 8,800. Using multivariate logistic regressions, after the passage of California Assembly Bill 488, the estimated odds of any arrest being a sex offense are 15.7% lower compared to before enactment of the law. Also, after the passage of the Amendment, the odds that any arrest for a new offender will be a
sex offense are 7.1% lower compared to before enactment of the amendment. In contrast, the odds that any arrest for a past offender will be a sex offense are 18.7% lower compared to before the law [OR(post website)*OR(post website*past arrestee)= OR(0.929)*OR(0.875)= .813] (p<.0001). Therefore, Assembly Bill 488 deterred sex crimes, but with a stronger effect on those offenders with any criminal history than someone without a prior record. Ultimately, this result indicates that California’s amendment increasing public access to sex offender information over the Internet has had a substantial deterrent effect on past arrestees.

B. Other Relevant Effects

In addition to the primary conclusion that California’s Assembly Bill 488 has produced a deterrent effect on past arrestees, the logit odds ratios resulting from the logistic regression indicate a couple relevant considerations. For a criminal with a past record, the odds that any arrest prior to development of the website will be a sex offense are 42% lower compared to someone without a past record. This suggests that sex offenders have a tendency to avoid the commission of crimes in general, or simply to evade detection. Furthermore, the odds of any arrest being a sex offense after passage of Assembly Bill 488 are 49.2% lower for people with a prior criminal record, as compared with individuals without a past record [OR(past arrestee)*OR(post website*past arrestee)= OR(0.580)*OR(0.875)= .5075] (p<.0001).
### Table 2: The Probability that an Arrest is a Sex Offense

<table>
<thead>
<tr>
<th>Variables</th>
<th>Logit Odds Ratios</th>
<th>Logit Odds Ratios</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(1)</td>
<td>(2)</td>
</tr>
<tr>
<td>Post Website</td>
<td>0.843***</td>
<td>0.929***</td>
</tr>
<tr>
<td></td>
<td>(0.818,0.868)</td>
<td>(0.893,0.965)</td>
</tr>
<tr>
<td>Past Arrestee</td>
<td>0.535***</td>
<td>0.580***</td>
</tr>
<tr>
<td></td>
<td>(0.526,0.544)</td>
<td>(0.564,0.596)</td>
</tr>
<tr>
<td>Post Website*Past Arrestee</td>
<td>---</td>
<td>0.875***</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(0.845,0.906)</td>
</tr>
<tr>
<td>Male</td>
<td>10.115***</td>
<td>10.118***</td>
</tr>
<tr>
<td></td>
<td>(9.682,10.567)</td>
<td>(9.685,10.570)</td>
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<tr>
<td>Race</td>
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<td>---</td>
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<tr>
<td>Black</td>
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<tr>
<td></td>
<td>(0.978,1.019)</td>
<td>(0.978,1.018)</td>
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<tr>
<td>Other</td>
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<td>1.134***</td>
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<tr>
<td></td>
<td>(1.115,1.153)</td>
<td>(1.115,1.153)</td>
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<tr>
<td>Age (by quintiles)</td>
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<td></td>
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<tr>
<td>14-23</td>
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<tr>
<td>24-28</td>
<td>1.045***</td>
<td>1.046***</td>
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<td>29-35</td>
<td>1.187***</td>
<td>1.188***</td>
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<td>36-42</td>
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<td>1.427***</td>
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<td>43+</td>
<td>1.951***</td>
<td>1.956***</td>
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<td></td>
<td>(1.909,1.994)</td>
<td>(1.914,1.999)</td>
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<td>Year Fixed Effects</td>
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<td>Yes</td>
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<tr>
<td>N</td>
<td>2,498,589</td>
<td>2,498,589</td>
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</table>

*** p<.01, ** p<.05, * p<.10
IX. Limitations

This paper encompasses two main limitations. First, it is impossible to determine whether a reduction in the number of sex crimes is real, or rather if a greater number of such crimes have simply been committed without detection. Even more troubling is the aforementioned possibility that the California Department of Justice website is forcing sex offenders to seek covert methods of interacting with their victims, such as via the Internet. If the California DOJ website is forcing sex offenders to target victims outside of the public arena, it is very difficult to determine the degree to which offenders are turning to alternate means of committing their crimes. For instance, sex offenders may now be more prone to use the Internet or target acquaintances that are less likely to report the crime.

The second significant limitation is that this analysis focuses solely on the state of California and thus lacks a control group. For example, it would have been useful to have an adjacent state, such as Nevada, to serve as a means of comparison to control for confounding factors not accounted for in the regression. Perhaps future studies will be able to access a broader range of data in order to conduct such an analysis.

X. Policy Implications and Conclusion

While the effect of Assembly Bill 488 is encouraging, the legislature must keep pace with the times. As the show “To Catch a Predator” has demonstrated, sex offenders will continue to use clandestine means, such as the Internet, in order to target their victims. Given that sex offenders are likely to increasingly seek victims over the Internet, new laws that adapt to technology will be needed. For example, it may be the case that in the future, an overwhelming proportion of sex crimes are initiated via the Internet. If this hypothetical scenario turns out to be
a reality, Assembly Bill 488 may become obsolete. Consider a situation where a parent is aware of all the sex offenders who live in a five block radius of his house, yet he has no knowledge of the individuals with whom his child is communicating over the Web. The California State Legislature, and the legislatures of all states more broadly, must continually monitor how offenders use technology to approach their targets so that lawmakers may effectively craft policy to thwart such clandestine form of victimization.
Appendix: Sex-Offense Crimes

Forcible Rape (Felony)
Lewd or Lascivious Conduct (Felony)
Unlawful Sexual Intercourse (Felony)
Other Sex Law Violations (Felony)
Indecent Exposure (Misdemeanor)
Obscene Matter (Misdemeanor)
Lewd Conduct (Misdemeanor)
Other Sex Crime (Misdemeanor)

a This list of sex offenses is based on the 2008 California Department of Justice Offender-Based Transaction Statistics (OBTS) dataset.
References


