

VITAL Theology

Helping People Think Theologically

Grace Missing in Crackdown on Sex Offenders What Purposes Do Registries, Televised Stings Serve?

VOLUME 3 ISSUE 4
JUNE 25, 2006

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Public pressure nationwide has resulted in an expanding network of Internet registries that pinpoint the location of former sex offenders, often adding new levels of detail about each person listed.

Other new laws have made it effectively impossible for offenders to find housing in some municipalities, and some cities are about to start running offenders' photos on local cable television.

"Society cannot give up its responsibility for this person's wholeness."

Now, Congress is weighing the establishment of a national registry.

But such measures are both counterproductive and totally lacking in the Christian concept of grace, said systematic theologian Frank D. Macchia, of Vanguard University of Southern California.

Every society needs to pursue justice, said Macchia, but justice must be tempered with mercy that is oriented toward the rehabilitation and healing of offenders.

"In part, that comes from our recognition as a society that this person is a wayward child of our society and in some ways this person himself or herself is a victim and has been neglected," he said. "Society cannot give up its responsibility for this person's wholeness."

Theologians in the Reformed tradition call this concept common grace.

"It is rooted in the conviction that God the creator has graced all of life and all of creation," said Macchia, who is a specialist in

Pentecostal studies and an ordained minister in the Assemblies of God.

"As the people of God we should not only seek to bear witness to Christ and to the redemptive grace that Christ channels to us, but also function in the public arena as salt of the earth," he said, "seeking to encourage elements of grace in how we relate to each other as a society, regardless of what the context might be."

Macchia's thinking on this matter is influenced by Jan Miliu Lochman, a Reformed theologian who taught at the University of Basel, in Switzerland, where Macchia received his doctorate in theology.

Dateline's Exposé

Along with millions of other television viewers, Macchia watched the *Dateline NBC* investigative reports titled "To Catch a Predator."

NBC worked with Perverted-Justice, a group the network described as a vigilante organization, and with law enforcement agencies, to pull off a series of five sting operations.

The stings exposed men who showed up at private residences after having been lured there on the premise that they could have sex with a young teenager whom they met via the Internet.

NBC's Chris Hansen, who did not initially identify himself as a reporter to the sting suspects,



Frank Macchia

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convinced many to confess their misdeeds.

Then, shocked to find cameras rolling and a TV reporter instead of a 13-year-old girl, the men were seen scurrying for cover like trapped animals.

Just as NBC intended, Macchia was repulsed by the brazen actions of the would-be sexual predators. Among those caught in the stings were a teacher, a rabbi and a government official.

But he also was disheartened to see the way the men were held up to ridicule on national television, effectively consigning them to a lifetime of shame and humiliation.

"That is enormous for them and their families," said Macchia. "What does that say about us as a society? How does that provide a commentary for who we are? It was just so graceless and so completely insensitive to these people and to the enormous amount of punishment being heaped upon them. I don't know how any of these people could ever recover from that.

"I see (registries) as part and parcel of a trend in our society toward gracelessness in terms of how we deal with these offenders," he said. "There's a kind of callousness involved that I find very distasteful. ... Many people who are asked about this say they really don't care what the consequences are to the offenders."

Sex-Offender Registries

The momentum for sex-offender registries was ignited in 1994 when Megan Kanka accepted the invitation of a convicted sex offender to enter his home to play with a puppy. When the man was charged with raping and strangling Megan, her neighbors in New Jersey latched onto a commonsense solution: people should be told if a sex offender lives in the area.

Some 400,000 New Jersey residents signed petitions in support of such a law and the state legislature expedited a bill that became known as Megan's Law.

Now, a decade later, the public is becoming more aware of the violence that occurs in sexual crimes, said Macchia. In addition, there is a growing feeling that sex offenders are being coddled with light sentences or no sentence at all.

"The more these kinds of crimes are publicized, the more your average family in America is wondering, 'Hey, how many of these people do I have in my neighborhood,'" said Macchia.

According to the *Kansas City Star*, nearly 567,000 offenders have appeared on registries this year.

States Tighten Laws

Numerous states and municipalities adopted new laws this spring aimed at sex offenders. The laws added more identifying detail to Web-based sex-offender registries,

designated more spaces where offenders could not reside, kept offenders at greater distances from spaces where children congregate and called for posting photographs on local cable channels.

Despite calls to remove those convicted of less-serious offenses from the Web sites, Virginia will add the names of additional low-level offenders to its new, user-friendly site.

Meanwhile, Vermont was among the states that mandated longer sentences for sexual offenders.

(See related article on Page 6 for further details.)

Unintended Consequences

The new rules have kept offenders from registering in Iowa because they can't find a place to live, said Elizabeth Barnhill of the Iowa Coalition against Sexual Assault.

"People should be available for treatment and we don't know where they are," said Barnhill. The number of "whereabouts unknown" was 142 in June 2005 and jumped to 367 less than a year later.

"People are shown living in a truck or under an overpass. That's the only place they can go. That's the unintended consequence of the 2,000-foot residence requirement," she said, in an AP account.

The *Boston Globe* reported that a mother of four attended a city council meeting in Westborough, Mass., because she considered a proposed ordinance shortsighted.

"Where will these people go?" said Judy Driscoll. "The city is tarring and feathering these people and running them out on a rail."

She said she watched a friend try to rebuild his life after serving jail time for rape. Driscoll said he was ostracized by neighbors who saw his name on the state's list and he later lost his job.

Most chilling of all, two sex offenders were shot to death on Easter morning by Stephen Marshall, a 20-year-old

"Sex offenses in those states that have the registries have not gone down in number and offenders who have been interviewed have claimed that it is not a deterrent."

Canadian.

State officials said Marshall looked up at least 34 names on Maine's sex offender registry before going to the houses of the two men he killed.

Mapping software on Marshall's laptop indicated that he drove by the houses of two other offenders before selecting his targets.

One of the Maine shooting victims was convicted of having sex with an underage girl when he was 19. Listing teen-age Romeos alongside vicious predators is a major

complaint of registry opponents.

"That guy's dead because there was information on the Web that allowed a vigilante to track him down," said Daniel Dodson, a Jefferson City, Mo., lawyer and board member of the National Association of Criminal Defense Lawyers.

Federal Registry Looms

House sponsors of the Sex Offender Registration and Notification Act say the bill places new, stringent requirements on sex offenders.

Under the bill, sex offenders must register prior to their release from prison, update their registry in person twice a year, provide annual photographs and fingerprints and make any updates to their registry within three days after a change of address or employment. First-time sex offenders would be subject to registry requirements for 20 years and second offenders and sexually violent offenders would be subject for the rest of their lives.

The House version also proposes that first-time offenders be required to wear a tracking device for the duration of their supervised release and second-time offenders to wear the device for their lifetimes.

Failure to meet all requirements would result in a federal felony charge.

John Walsh, the children's rights advocate and host of *America's Most Wanted*, challenged Congress to unify competing versions of the bill in the House and Senate during a recent appearance on *This Week with George Stephanopoulos*.

"It's not controversial, no one's opposed to it," Walsh said. "It's just the dragging of the feet."

"Do you care that you have the right to know that a dangerous, level-three sexual predator, who has already broken the law, has now moved across the street from you?" Walsh asked. "I think I know the answer; I hope Congress gets the answer, gets it done, no excuses."

The Practical Level

Macchia, the Vanguard theologian, has concluded that knowledge of who lives down the street would not influence his family's conduct.

"What am I going to say to my daughter?" asked Macchia. "Well, you might go with a stranger, but since there's an offender in our neighborhood you shouldn't do it?"

"We're going to live by the same standards of safety and wisdom whether there is (an offender) or not. I don't think that makes any difference. I don't think it accomplishes the goal that the laws were crafted to accomplish. In fact, I think they are in danger of being very counterproductive."

Macchia believes the registries can have dire consequences because they do not take into consideration who actually commits such crimes.

One report he cited showed that 90 percent of rape



Macchia: No safety from registries

victims under the age of 12 knew their attacker and in many cases the attacker was a family member.

That study titled "Politics and Irrelevance: Community Notification Statutes" first appeared in the *Federal Sentencing Reporter* in 1997 and was updated in January 2006 by authors Eric Lotke and Herbert J. Hoelter for the National Center on Institutions and Alternatives (NCIA).

Families who know that a sexual offense has taken place within their fold are fully aware of the sex registries and they know that they will suffer as a result of the

person being exposed, said Macchia. This may make them avoid cooperating with law enforcement.

Macchia believes that sex registries aren't making us any safer.

"Study after study is showing that," he said. "Sex offenses in those states that have the registries have not gone down in number and offenders who have been interviewed have claimed that it is not a deterrent."

Statistics compiled by the U.S. Department of Justice bear out Macchia's concern.

Overall, most sexual victimization of juveniles takes place within families (34 percent) and among friends (59 percent). Only 7 percent of juveniles are victimized by strangers.

The 2006 report from NCIA notes that there is a widespread misperception that people who commit sexual crimes do it again and again.

One analysis of 7,000 offenders found that the overall re-offense rate was 12.7 percent.

"Recidivism rates for sex offenses are relatively low, typically running in the 3-13 percent range, and among the lowest of all types of crime," the NCIA report states.

While it is true that sex offenders are about four times more likely than non-sex offenders to be arrested for another crime, according to the Justice Department, Lotke and Hoelter point out that the re-offense rate for sex crimes is only 5.3 percent.

The 1997 report declared, "The unstoppable sex predator is primarily a creation of media and politicians highlighting the dramatic and pandering to prurient interests."

Another study showed that only 10 percent of those who receive treatment re-offended, whereas 18 percent of those untreated are repeat offenders.

"Theologically, I look at this and say that if we deal with these offenders in a way that is graceless, not only are we demeaning ourselves as a society, but we are creating an environment that I think is even more dangerous," said Macchia.

If the data is to be believed, he said, then dealing with offenders in a way that tempers justice with mercy is not only justified on theological grounds. It is good for society. ◀

Creative Laws Out Ex-Offenders Monitoring for Life, 'Most Wanted' List

With only minimal objections, several states and municipalities toughened laws this year against sex offenders, particularly those who have preyed on children.

In Missouri, the online database managed by the highway patrol includes an offender's name, address, crime committed and photo and is searchable by name, street, city, county and ZIP code.

A new requirement expands the information to include an address where an offender works or attends school, vehicle description and license plate number, physical description and other identifying details.

State Sen. John Loudon, who proposed requiring the vehicle information, said in an Associated Press report, "People have been very clear that they are just not sensitive to the privacy rights of the sexual predators."

Some offenders must wear electronic monitors for life after release from prison. Posting photos in newspapers once a year is encouraged.

In Iowa, a new law imposed last year keeps those convicted of sexual offense against children from living within 2,000 feet of a school or day-care center. Now, some municipalities have piled on additional restrictions to keep offenders from living near parks, pools and bus stops.

In Indiana, six sex offenders sued the city of Indianapolis to block a new ordinance that keeps them from venturing within 1,000 feet of parks, playgrounds and pools when children are present.

In federal court, the plaintiffs argued that the law is unconstitutionally vague, violates their rights to vote and attend church, and prevents them from traveling on roads that may pass within 1,000 feet of the out-of-bounds sites.

An attorney for the city said officials plan to defend the ordinance. "The important part is protecting kids," she said.

In Wisconsin, some 2,000 offenders evaded the state's sex-offender registry by failing to report their whereabouts.

The state countered with a novel approach: create another Web site.

The new site provides photographs and information of about 40 sex offenders who have been labeled "Wisconsin's most wanted," Gov. Jim Doyle announced in late May.

"These are some of the most dangerous, elusive sex offenders in the state. We won't rest until we've found them all," the governor said.

In Massachusetts, a Springfield councilor (council member) has suggested that his city follow the lead of Chicopee, Mass., by putting information about sex offenders on local cable television.

In May, the Chicopee council announced that it would begin showing photos and information on sex offenders living there on a local cable channel.

"My thing is, the more access there is to this kind of information, the better it is for security," Domenic J. Sarno told *The Republican*, of Springfield.

And in Marlborough, a city councilman drafted an ordinance that would effectively ban sex offenders from living in most of the city.

The *Boston Globe* reported that Councilor Steven Levy drafted the ordinance after a May incident in which a convicted sex offender was arrested near a parked school bus and charged with lewd behavior.

"When you do that type of crime, you lose certain rights," said Levy of sex offenders.

The proposed ordinance would prohibit convicted sex offenders from living within 2,500 feet of schools, day-care centers, parks, playgrounds, and any public or private recreational area where children congregate.

In Virginia, the state recently unveiled a user-friendly version of its eight-year-old Internet sex offender registry.

"For the first time, visitors to the sex-offender registry site can pinpoint the locations of convicted sex offenders using virtual thumbtacks on an interactive map," the *Richmond Times-Dispatch* reported on June 13.

By clicking on a thumbtack, the map displays names, aliases, current addresses and information on the offenses committed by the subject.

After July 1, nonviolent sex offenders will be added to the site. Previously, the site listed only violent sex offenders.

As part of a \$10.5 million improvement plan, the state hopes to add 50 additional state troopers and six civilian employees to enforce compliance with the registry requirements.

In Vermont, a new state law increases the penalties for most sex offenses and sends people convicted of sexual assault to prison for at least five years. The law also increases the number of police investigators who specialize in sex crimes and broadens the sex-offender registry.

Lawmakers were urged to change the sex crimes laws after a judge sentenced a man to a minimum of 60 days in jail for sexually assaulting a girl over a number of years.

Sara Kennedy of the Vermont Network against Domestic and Sexual Violence told the *Bennington Banner* there should be "zero tolerance" for sexual violence.

"It's really looking at all the different levels of our society and how sexual violence is condoned and really allowed to continue happening in our communities, and thinking about how do we prevent perpetration of sexual violence from happening in the first place, and really making our culture a zero tolerance culture for sexual violence," Kennedy said. ◀