Minnesota TV reporter asks tough questions about sex offender laws

Comments 17 By Radley Balko May 20, 2015

As we’ve noted before at The Watch, local news tends to sensationalize and fearmonger, especially when it comes to issues involving crime, sex, kids, drugs or some combination of the four. So it’s worth pointing out when a local news reporter does great work. Here’s some praise for Dan Hanger, a reporter for Fox 21 in Duluth, Minn., for his recent provocative and challenging series on sex offender laws.

So many local news stations have taken the easy route on this issue, pandering to public fears about “sex offenders in your neighborhood.” Hanger asks whether we’ve gone too far and, more important, whether the sex offender registries actually prevent sex crimes. From the first installment:

There are registered sex offenders living in the Northland, have served time and are now labeled for life – and rightfully so, a majority of society might say.

But should all levels of sex crimes be treated equally?

For example: raping a child versus exposing one’s self in public?

How about an 18-year-old’s sexual relationship with a 17-year-old girl?

And, of course, many sex offender laws do exactly that. In part two, Hanger explores treatment of sex offenders and finds that contrary to popular belief, rehabilitation is actually possible. The final installment looks at the role sexual development and personal relationships play in sex crimes, and how stigma can both inhibit both, which can prevent people with pedophilic tendencies from seeking treatment and push those who have already committed an offense into recidivism. (The statistics say sex offenders are actually less likely to reoffend than other classes of criminals and that treatment reduces recidivism in serious offenders by half.)

I don’t agree with everything in the series, but it’s nice to see a reporter pushing back. Some current “sex offenses” shouldn’t even be crimes, such as two minors close in age who have sex, teens who send one another nude photos over e-mail or text messaging or very young children “playing doctor.” (About a third of convicted sex offenders were younger than 18 when they committed their first offense.) Others, such as some acts of indecent exposure or public urination, or an adult having sex with a minor who is close in age (say, an 18 year-old who has sex with a 14-year-old), perhaps merit a fine or low-level charge but shouldn’t be lumped in with more serious offenses and certainly shouldn’t result in a lifetime of stigmatization. (Remember the “streaking” fad in the 1970s? Streaking today could ruin your life.)

Still others, such as downloading or possessing child pornography, should be seen more as someone with a problem in need of treatment than a predator in need of decades behind bars. (There’s no evidence of a causal link between consumption of child porn and “contact” victimization of children. Some consumers of child porn are even victims themselves, who seek out the images as a form of therapy.)

Finally, even with the more serious sex crimes, the question we should be asking is, What’s the best way to reduce the incidence of these crimes? not What other punitive things can we do to these people?

There’s an argument to be made that anyone who victimizes a child in person, whether it’s fondling or a brutal rape, should be imprisoned for life — both to punish the perpetrator and to keep him or her from hurting others. There’s also an argument to be made that if those who commit the less serious crime can be rehabilitated after they’ve served their time, public policy should facilitate that rehabilitation — not because we don’t believe fondling a child is a serious offense, but because it’s the best way to keep other children from being victimized.

Whichever approach you prefer, our current policy is the worst of all worlds. We let those who commit the less severe crimes serve out their sentences, then we either hold them indefinitely, which makes a mockery of the law, or we release them but then make it impossible for them to rehabilitate, reintegrate into society and have a normal life — thus making them more likely to reoffend.

Radley Balko blogs about criminal justice, the drug war and civil liberties for The Washington Post. He is the author of the book "Rise of the Warrior Cop: The Militarization of America's Police Forces."