Solving One of the Most Serious Crimes --
Should the Taiwan Government Make Sex Offenders’ Personal Information Public?

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作者:
陳柏諺 國立師大附中 二年 1318 班

指導老師:
郭青蘭老師
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I. Introduction

Last year, I participated in the Cicero Debate Tournament. The issue we were debating over was whether the Taiwan government should publicize the personal information of sex criminals. During the process I came to become aware of the severity of sex crimes in Taiwan. The statistics are not just an accumulation of cases; some cases mean horrible tragedies taking place in the real world. Therefore, I decided to do a research on what and how the current law can help to prevent these tragedies. Analyzing all the evidence again, I tried to evaluate how effective it would be if the same policy were applied in Taiwan. In this thesis I will compare the two methods and decide which one suits Taiwan better.

II. Thesis

1. Introduction

In Taipei, a sex offender Ting was caught raping a teenage girl just after being paroled in August, 2009. (CAN News 2012-04-22) He knew the electric shackle that he was wearing was only on at nighttime, so he picked a daytime to commit the crime. If the information of the offender had been made public in the first place, telling the neighborhood that there was an ex-convict around, then, the family might have been more cautious of their surroundings, and the local police might also have kept notice of such a dangerous convict and prevented the tragedy from happening.

However, on the other hand, based on the data from Ministry of Interior, from 1999 to 2002, about the relationship between the victims and the offenders, 27.4 percent of them are friends, 33.2 percent are acquaintances, and 10.5 percent has family relationship. It not only indicates that in over 70 percent of sex offenses the victims know their abusers but also implies that publicizing sex offenders’ personal information might not significantly help the current situation.

Sexual offense has always been a serious issue in crime history. Different from other crimes, when a victim is sexually assaulted, it is often harder for them to confess what they have been through. They might be too ashamed to reveal their experiences. In addition, victims of these cases have to go through to conquer their fear and shame is much harder than those in other crime cases. The society has a hard time dealing with these victims, too. The attitude is swaying between pity and indifference. Quite a few victims become criminals themselves, having been marginalized. According to The British Journal of Psychiatry, talking about the cycle of child sexual abuse: links between being a victim and becoming a perpetrator, a study in 2001 showed that among all victims, there are likely 35
percent of them who would become offenders. This is why the prevention of sex crime is worth extra attention.

In Taiwan, the government has a Sexual Assault Prevention Committee to specially handle and decrease these cases. In the current act, the offenders should report their personal information to the Sexual Assault Prevention Committee. All the information is kept private from the public and is excluded only for courts or police agencies. Sex offenders will be sentenced an imprisonment from three to ten years and convicts under the age of 18 have a certain amount of reduction of the penalty. In prison, the offender has to receive medical treatment and therapy, if the psychological experts evaluate that the offender is still too dangerous for the society, his or her sentence will be extended for another year for further evaluation. The offenders are taken not only as criminals but also as patients to a degree.

While the law seems complete in terms of punishment and restoration, statistics from the Ministry of Justice yet show that the number of sexual assault cases had risen from 3,569 cases in 2006 to 4,278 cases in 2011. At first glance, the current Taiwan’s measure fails to significantly prevent such cases from happening, but the situation might also be the result of social awareness and values – more and more victims have the courage to report the crime and seek help.

2. Definition:

A. Sex offender: According to the Criminal Code of R.O.C., a person who, by means of threats, violence, intimidation, inducing hypnosis or other means against the will of a male or female, has sexual intercourse with him or her is a sex offender.

B. Making public: In the thesis, based on the cases I have studied, I define making
public as making the sex offender’s personal information noticeable through the Internet or media. If the public need to apply for access to the information from the government, the offender’s personal information is also referred to as being made public.

According to NSOPW (National Sex Offender Public Website) from the U.S Department of Justice, a sex offender’s information usually contains the person’s photo, name, his or her present status (released or still in prison), date of birth, sex, address and special identical marks (tattoos, scars, marks, etc). In the thesis, when the sex offender’s personal information is mentioned, the information includes the categories above.

3. Examples:
Currently, there are 9 other countries which have legislated laws to make registrations of sex criminals’ personal information in order to decrease the rate of sex offense cases, including the US, Canada, England, Australia, South Africa, France, Ireland, Japan and Korea. Only three of them—the US, UK and South Korea—have publicized the information. In the following, I will introduce their measures and examine their effects.

A. the US
a. Introduction of the Megan’s Law
The US passed the Megan Law in 1994, when a 7-year-old girl in New Jersey, Megan Kanka, was raped and murdered by an ex-convict of sex crime. The Megan Law aims to prevent further sexual offense cases by allowing sex offenders’ personal information to go public. The Megan’s Law in New Jersey has started a trend of legislating similar laws of publicizing sex offenders’ personal information over the US.

In the same year, the Congress of the US passed the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, which has the following rules to set a baseline for all sex offender registration acts.1
1. All states should remind the sex criminals of the registration procedures.
2. Sex offenders should regularly confirm or update their own information.
3. There should be punishments for violating the rules of registration.

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1 Adapted and translated from 論我國性侵害犯罪加害人登記與公告制度之發展與未來—從美國梅根法案對世界之影響談起 研究成果報告(99.08.01-100.07.31), p.6
b. Effectiveness

Although individual counties vary, the aggregate state statistics indicate a significant drop in the number of rape cases in the year 1994. Figure 2 below displays the rates before and after the implementation of Megan’s Law. The upper line represents the number of sex offenses between the years 1985 and 1994, and the lower line represents that between the years 1995 and 2005. There are two important differences between these lines. First, beginning in 1995 the rate of sex offenses never again approaches the pre-1994 levels. Second, the slope is steeper in the post-Megan’s law period. This is particularly notable, since sex offense is a kind of crime that has smaller numbers of cases compared to other types of crimes.

![Figure 2. Comparison of Sex Offense Rates per 100,000 Before and After Megan’s Law](image)

B. UK

a. Introduction

In the 1980s, UK came up with registration systems for sex offenders. The system was given positive support and recommendation. In the mid 1990s, the General Meeting of the British Association of Social Workers approved an agreement to ask the British government to set up a national system of registration to keep track of sex offenders. In 1997, the British government passed The Sex Offender Act and successfully placed the registration system into the law, which states that sex offenders should report their name, birth, and address to the government 14 days after the release. In 2003, the Sex Offences Act replaced the Sex offender Act and
made some minor adjustments, which later were called the Sarah Law, having the sex offenders’ fingerprints and photo required for the registration.

However, although the British government has all the information, they decided not to publicize the information to the public as the Megan’s law does in the US. Below is the list of concerns that they fear publicizing everything may cause:

1. Lack of statistics which prove publicizing sex offenders’ personal information can reduce the recidivism rates
2. Offenders’ refusal to make their registration for fear of being bothered
3. Offenders to murder the victims to avoid being recognized
4. Offenders to be persecuted or to commit suicide
5. Offenders to commit well-planned crimes with more caution

Therefore, the British government decided to be the passive side. Only if the victim or those who want to know a particular offender’s information, after applying for it and the application being checked by the officials, will the government give the information to that person. Also, the government will make sure that the information is limited and is only given to people in a “need to know” range. For example, if a person wishes to know whether if a sex offender is living nearby the neighborhood and is permitted, the only information he will get will be the person’s name, picture, and address. No further information would be provided. Also, the government will make sure that the applicant really needs to know the information.

b. Effectiveness

After the amendment in 2003 of the Sexual Offence Act, there are no further major amendments of laws for sexual offence. The figure below shows the number of sexual offences recorded by the police. First, Line A, which represents the number of sexual assaults on a female, takes up the highest rate of all categories. The line also shows that sexual assaults on females are the majority of all kinds of sexual offences. From 2005/06 to 2008/9, the cases kept decreasing from about 23,500 cases to 20,000, but then in 2008/09 the decline stopped. Then, in 2009/10, the number increased again by 500 cases. Then from 2010/11 to 2011/12, the cases have dropped again back to about 20,000 cases. Although there is a little wave up during 2010 to 2011, the whole slope is going downwards, which means that the law is effective to a degree.

2 See note 1, p. 35, 36.
Line B, however, which represents the case of rape of females, had been escalating the whole time except for a decline in 2007/08. This means the law did not stop the rape of females and it still cannot solve the more severe cases (in comparison with sexual assaults).

C. South Korea
   a. Introduction
   In 2009, the South Korea government has imposed the Act on the Protection of Children and Juveniles from Sexual Abuse. The law forces the offenders to report to the local police office and register their personal information. As for publicizing the information, not all of the sex offenders’ personal information would be publicized. Only when the offender has the circumstances below will his or her personal information be publicized.
   1. Sexually abusing teenagers under the age of 19
   2. Violating a sex crime to a children under the age of 13
   3. Being diagnosed with mental illness but having the possibility to recommit the crime

   The information publicized includes name, age, birth, vocation, address, and crime description. The government will publicize the information through the information and communications network (www.sex offender.go.kr). Although the website is public, only adults can access the website by typing in their identification number, name, and cell phone number to check their identity. Anyone who leaks the sex offender’s information to the media or other publications would be sentenced a maximum of five years in jail. We can see that the system is more cautious in preventing leaking or putting the information into the wrong hands than the system in the US.
b. Effectiveness

The Chosun Ilbo (Daily News from Korea) (13:09 Aug 14, 2012) adapted the survey and statistics provided by the Ministry Gender Equality and Family in South Korea. It shows that the recidivism rates of sex offense have dropped from 13.4 percent to 0.1 percent after publicizing sex offenders’ personal information in 2012.

Although the report says that the number is the result of publicizing the sex offenders’ personal information, given that South Korea also has other supporting ways to decrease the rate, we cannot be sure that the significant drop of the recidivism rate is all because of publicizing the sex offenders’ personal information. For example, the law enacting the chemical castration was imposed in 2011, so it is likely to have had influence on the significant drop in the recidivism rate.

Although publicizing a sex criminal’s personal information seems to be an effective way to stop sex crimes from happening, there are still lots of consequences and questions that might flow out after prosecuting this law in Taiwan. In this thesis, I will show the advantages and the disadvantages if the same way were practiced in Taiwan, and conclude it with which decision is the better one.

4. Comparison and Analysis
A. Raise the public’s awareness

When the public notices the information of the sex offender being posted, they will have the awareness that there is an ex-convict around the neighborhood and therefore take further action to prevent tragedies from happening, whether to protect themselves or their family members. Yet, even though the information is publicized and you know where the sex offender lives, you still can’t be sure that the offender won’t travel to other parts of Taiwan and commit crimes. After all, Taiwan is not a large island and it is easy to travel between cities or towns in a short time.

Also, based on the data from Ministry of Interior, during 1999 to 2002, about the relationship between the victims and the offenders, over 70 percent of sex offenders are friends, and acquaintances of the victims, which means that most of the offenders are not from strangers but people we know. In this case, publicizing the information may not be effective to keep the public away from the offenders.

B. First-time crimes & Recidivism rates

The recidivism rates are significant, especially when taking the nature of sex crime into consideration. According to the Ministry of Justice, from 2006 to 2011,
28.6% of the sex offenders commit crimes again and three percent of them commit the same type of sex crime. Although 28.6% isn’t the majority, those who have a criminal record are relatively easier to trace and therefore to prevent from recommitting the crime, so it is important to completely reduce these kinds of possibilities. Also, Statistics in Korea support this argument. However, other factors, such as chemical castration, might have played a part in the process of reducing the recidivism rate, too.

As for possible convicts, they may be afraid of the consequences of having their personal information publicized and give up the idea. Then publicizing the information would reach its expected goal. However, for those who commit the crime on impulse or who are mentally challenged, this measure may not be efficiently preventative because they are either not afraid of being caught or cannot control themselves. Also, instead of stopping first-time crimes, publicizing the information is very likely to cause the offenders to commit their crime more carefully to avoid getting caught.

C. Budget and Manpower

To efficiently go public the information, putting it on the Internet is the most efficient way. However, it requires a big amount of money to set a website with enough security and manpower to keep it running. In Los Angeles, it takes $3,000 for a police computer that will allow residents to find out if a convicted sex offender lives in their neighborhood. In Taiwan, there are about 20 or more major police stations so that it would be $60,000 (about 2,100,000 NT dollars) in total to have a basic system, not to mention including ALL police stations in the system.

Also, it needs a lot of policemen to keep track of these offenders and make sure that their information is correct. According to the statistics of the Ministry of Interior, there are about 6,000 sex offenders each year in Taiwan. If we have to keep track of so many offenders, the government may need extra well-trained police manpower, who knows how to keep track of these offenders and keep all the information confidential.

D. Information safety, Personal Rights, and Discrimination

With the advanced technology we have in the 21st century, it is a common sight that hackers steal another person’s information. So if an offender’s personal information is publicized on the Internet under the government’s permission, it would be even easier to access and misuse these people’s information.
Besides, when a sex offender’s personal information has gone public, he or she may have no privacy. He or she may be recognized and may face the problem of losing the right of getting a job while no one wants to hire a sex crime ex-convict. According to a report in New Jersey in 2008, 52 percent of ex-convicts have lost job opportunities because of the policy. Furthermore, when an ex-convict is discriminated, a second damage is caused, and he or she may experience a sense of inferiority, which, if gets serious, may lead to suicide or more crimes. 33 percent of ex-convicts have faced experiences of threats, harassments and other physical attacks during 2005 in Florida, USA. From 2005 to 2006, there are certain cases that ex-convicts have been murdered in Washington State. 3

E. Controversies over Constitution

Back in 1995 when the Megan’s Law was first passed in New Jersey, there were already people saying that the system of registering and publicizing sex offenders’ personal information would become another penalty for the offenders and violate the offender’s privacy. In the same year, the Supreme Court of New Jersey came up with an explanation that the purpose of the law is to protect the society from being reoffended by a sex offender instead of punishing the offenders. Therefore, although the law has some deterrent impact, it does not mean that the nature of the law is to punish the sex offenders again. Similar explanations are also given in other countries which have the law of publicizing sex offenders’ personal information, saying that publicizing sex offenders’ personal information does not violate the constitution.

But still, this practice has made restarting a life much more difficult for a sex offender. Also, the privacy of the sex offender still has been violated and discrimination is nearly unavoidable.

III. Conclusion

By comparing the policies of all the other countries which have sex offenders’ personal information publicized and analyzing the data, we can see that the effect of publicizing sex offenders’ personal information to decrease the rate of sex offense is not really significant. Although it can raise the public’s awareness, statistics show that most of the offenders come from the people the victims know.

3 See note 1, p.27,28.
Moreover, many of the countries besides the US have considered that the human rights of the sex offenders would be violated, so they do not one hundred percent publicize the information nationally. These examples show that the policy of publicizing the sex offenders’ personal information is still not fully trusted by the countries to achieve the expected result, which is to have significant effect with the smallest damage.

Concluding all the collected data and the analyses that I have done, I would say it may be better not to publicize the personal information of the sex offenders in Taiwan. Although in the other countries, some statistics show that it does help, the cost of sacrificing the offender’s second life is still high. When the public see the information, more or less, they will avoid these people and create a gap which is nearly impossible to cross. Deprived of hope and opportunities, it is very likely for them to commit more crimes to revenge themselves on the unfriendly society.

It is crucial that the government and the society try their best to prevent sex crimes from happening as well as protect the weak, the minors and the disadvantaged from sex offense. Therefore, I reach the conclusion that the most urgent and safest step to change the status quo without violating human right is to strengthen our law and practice of tracking and treating sex offenders so that the police can easily spot them once a sex crime is reported and the social welfare system can help them readapt to the society to prevent more similar crimes. As for publicizing their personal information, it is not suitable at the moment.

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