

# “Memorialization Laws in the United Kingdom: A Response to Fear or an Increased Occurrence?”

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**Abstract** Issues of sexual abuse, predation and rape have received an increased degree of attention over the last decade and as a result have overshadowed similarly offensive crimes. Various highly publicized cases of sexual violence against women and children have gripped both the United States and the United Kingdom and have resulted in the implementation of sexual violence laws. Media coverage of an ‘epidemic’ of sexual violence has led some to question whether the frenzy surrounding these publicized cases has created a “fear factor” among parents and caregivers, begging the question as to whether the incidence of sexual violence has increased or whether the heightened sensitivity is a result of increased media reporting. This article examines approximately 12 years of aggregate sexual abuse prevalence data (crimes reported to the police) in England, Wales, Scotland and Northern Ireland, and compared prevalence change points and sexual offense law implementation. The article then examines the possible theory of whether Sarah’s Law could potentially be a result of increased fear or a moral panic. Findings indicate sex crime rates were declining prior to the law’s implementation, lending cautious support to the proposition that the genesis of Sarah’s Law may have been due to fear, rather than actual increases in sexual crimes.

**Keywords** Sexual offense · Moral panic · Sarah’s law · Legislation · United Kingdom

This paper explores the potential link between fear and a sexual abuse moral panic and the fluctuations of approximately 12 years of sexual abuse prevalence data in the United Kingdom. Sexual offenses, particularly those perpetrated against children, are among the most serious and frightening crimes committed. They are considered one of the most heinous of criminal acts, with consequences for victims, families, and society as a whole. Sexual crimes represent a universal, global phenomenon and the fear they promote is not particular to any specific geographic region (McCartan, Kemshall, &

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Hudson 2013). In the United States, the Center for Disease Control has upgraded sexual abuse from a social concern to a public health concern due to its prevalence rate, as well as the physical, mental, and financial costs to victims, their families, and the community (Anderson, Mangels, & Langsam 2004). Similarly, the head of the National Society for the Prevention of Cruelty to Children (NSPCC) in London stated last year that the Government will start treating sexual abuse comparably to how they handle the outbreak of chronic disease. Furthermore, in 2014, the United Kingdom International Business Times ranked both the United Kingdom and the United States as two of the top countries in the world with the highest rates of child sexual abuse (Iaccino 2014). According to the report, in Britain, a quarter of a million Britons (i.e., more than one in every 200 adults) are pedophiles (Lusher, Bamber, & Hyder 2000). They report that in the United Kingdom, one in 20 children (4.8 %) have experienced contact sexual abuse. The United States fares no better; the U.S. Department of Health and Human Services' Children's Bureau reported that 16 % of young people aged 14 to 17 had been sexually victimized in that year, and over the course of their lifetime, 28 % of young people in the United States will be victimized (Iaccino 2014).

For all countries, sexual abuse concerns are further compounded by the awareness that those offenders who commit sexual offenses against women and children will be released from correctional institutions and require management and supervision for continued community safety. In the United States there has been considerable growth in the recent two decades in laws and policies targeting sex offenders, with the most notable of these policies being the creation and publicizing of sex offender registration and community notification systems via Megan's Law and the Adam Walsh Act (42 U.S.C. § 14,071(d) et seq; Jennings, Tewksbury & Zgoba, 2012; Tewksbury & Jennings, 2010; Tewksbury, Jennings, & Zgoba 2012; Zgoba, Witt, Dalessandro, & Veysey, 2008; Zgoba, Miner, Letourneau, Levenson, Knight, & Thornton 2015). Similarly, in 2003 and 2008, the United Kingdom implemented the Violent and Sex Offender Register (ViSOR) and the Child Sex Offender Disclosure Scheme (CSOD).

## Legislative Efforts in the United Kingdom

In 2003, the United Kingdom implemented a policy referred to as the Violent and Sex Offender Register (ViSOR). This is a database of records managed by the Home Office of those required to register under the Sexual Offences Act 2003. The register includes persons jailed for more than 12 months for a violent offense and presumed to be at risk for reoffending. Years later, the Child Sex Offender Disclosure Scheme (CSOD) was implemented. The CSOD is often referred to as Sarah's Law by the UK media due to its memorialization of the victim after which the law is named, Sarah Payne. By many accounts, the U.S. version of Megan's Law was the predecessor to the implementation of Sarah's Law in the UK (although the Sarah's Law notification process works differently and it is not as far-reaching as Megan's Law, and the Home Office [2010] explicitly indicated, "It is not an aim of this scheme to introduce a U.S.-style Megan's Law or automatic disclosure of sexual offenders details to the general public"). However, both laws are considered memorialization laws, named after sexually abused and murdered children. Additionally, both laws are a response to increased media attention, public outcry and potentially, panic. Sarah's Law was originally launched

by the Home Office in 2008 as a pilot program in four police districts (Warwickshire, Hampshire, Cambridgeshire and Cleveland). The pilot operated from September 2008 until September 2009. The program was subjected to an independent process evaluation by De Montfort University (see Kemsall, Wood, Westwood, Stout, Wilkinson, Kelly, & Mackenzie (2010) for full report) and was determined to be successfully implemented. A second pilot program was then undertaken from September 2009 until May 2010 in Tayside, Scotland. With the exception of Northern Ireland, the law has been considered fully implemented in the UK since 2011.

The law allows parents, care givers, guardians or even third parties (when appropriate) to apply with the police concerning whether a specific individual who has contact with a child has a criminal conviction for child sex offenses. The applicant will have to agree to sign a confidentiality agreement. If the police consider the named individual a risk, they will disclose this information to the applicant, otherwise no information will be provided; “a risk” means they may have a previous conviction for sexual abuse and/or other acts regarding the safeguarding children, as well as intelligence on the subject regarding child safety concerns. Information will only be disclosed to the person best suited to protect the child and may only be used for the purpose it was requested (i.e., child protection).

## Moral Panic and Legislation

The moral panic was first developed by Young (1971) and then expanded in more detail by Cohen (1972), in his examination of society’s reaction to the Mods and Rockers of 1960s Britain. Cohen argued that a moral panic is an exaggerated social problem relating to the negative or anti-societal actions and/or ideologies of a certain event, group or sub-culture by society, which sees the actions as being destructive to modern life (McCartan, 2010). These threats are constructed in a sensationalized manner by the media as well as other agents of social control, including law enforcement, religious leaders and politicians, with the intention of establishing meaningful parameters for acceptable societal behavior (Welch, 2000; Zgoba, 2004). Those behaviors that do not conform to the established norms of society are marginalized as unacceptable and cast out of society (Jewkes, 1999). The crafted threat of a moral decline propagates a collective outrage, which ultimately defines what society perceives as good vs. bad (Zgoba, 2004).

The process of constructing a social problem or a moral panic begins with the recognition of an event and in the most sensationalized cases, that event involves children (Jenkins, 1998; Zgoba, 2004). Moral panics tend to focus around specific groups of ‘folk devils’, for example, pedophiles, satanic cults, and ‘super predator’ youth (Welch, 2000). These individuals or groups are vilified and branded as deviant by society (in some cases they are offenders, in others, there is a perceived wrong doing) and suffer from a form of offender shaming, a process that involves societal rejection (McCartan, 2010; Kleinhaus 2002). This is then reinforced through an increase in the depicted degree of criminality, which leads to an extreme social response that often overshadows the reality of the true problem (McCartan, 2010; Silverman and Wilson 2002).

Policies that respond to, or are the result of, such heightened perceptions are often referred to as quick fixes, knee jerk reactions or ‘window dressing’. The term crime

control theater is also applicable, whereby the policy does not provide a viable solution for a real crime, but rather functions as a socially constructed answer to a socially constructed problem (Griffin & Miller, 2008; Hammond, Miller, & Griffin 2010). In essence, the policy/law is a solution looking for a problem. These types of memorialization laws, enacted to reduce a harm and bring about good, are often hypothesized to make us feel secure and protected, but may realistically incur a false sense of security, or at least a misconceived perception of the true harm (Armstrong, Miller, & Griffin, 2015; Griffin & Miller, 2008; Hammond et al. 2010; Zgoba, 2004).

As the most recent example, the sexual abuse of women and children has generated increased levels of public fear and anxiety in the UK (McCartan, 2010; Lusher et al., 2000; Zgoba, 2004). The media, by way of newspaper and television, has undoubtedly been the most powerful conduit influencing public opinion over sexual crimes and the resulting legislation. Because few other crimes evoke the fear and outrage as sexual crimes against children and women, the media continuously reports these stories, setting the stage for a widespread panic (Palermo & Farkas, 2001; Zgoba, 2004).

The case of Sarah Payne in the United Kingdom was no exception to this pattern. Sarah Payne was a 7 year-old girl visiting her grandparents when she disappeared from a cornfield in West Sussex, England, while playing with her siblings. Her body was located approximately two weeks later and forensic evidence led to the identification of a previously convicted sex offender, Roy Whiting, as the perpetrator. Whiting was convicted and sentenced in 2001 and only after the sentencing phase was it revealed to the public he was a previously convicted child sex offender. This information encouraged calls for increased sexual offender monitoring in the United Kingdom, similar to the events that transpired in the United States with the Megan Kanka case, the namesake for Megan's Law. The media was captivated by the Sarah Payne case from the very beginning and a nationwide search commenced and was publicized within 48 hours. Payne's parents also made numerous television and newspaper appeals for her safe return and the coverage continued well past the trial of Roy Whiting.

According to McCartan (2010) and Thomas (2005), the UK press, particularly the tabloids, tend to discuss events such as Sarah Payne, and sex crimes in general, in a salacious light. A variety of UK tabloid headlines have stated: 'Vile sickos sulking in high places' (Parsons, 2003), 'Paedo caught by perv site' (Flynn, 2006), 'Lonely heart sicko was a paedo' (Patrick, 2009), and 'Pervs on the loose' (The Daily Star, 2007, as cited in McCartan, 2010). However, as McCartan (2010) indicates, this sensationalized, reactionary language is not just limited to the tabloid press, as the mainstream media outlets often imitate the pattern in a toned down fashion: 'Don't betray Sarah now' (The Guardian, 2000), 'Mobs and monsters' (Younge, 2000), and 'Child-killers on the loose' (McKie, 2000) are a few examples of amplified writing. Furthermore, this language continues beyond headlines, with pedophiles described as perverts, monsters and beasts (Thomas, 2005; Greer, 2003). This biased media reporting contributes to the social construction of a pedophilia panic or a sex offender craze, begging the question as to whether the incidence of sexual crimes has increased or whether the nation's heightened awareness is a result of increased media reporting (Zgoba, 2004).

The clearest example of the media significantly contributing to the sex offender moral panic, and potentially the resulting legislation, can be seen in the News of the World campaigns surrounding Sarah Payne (McCartan, 2010). They ran a series of anti-pedophile campaigns in 2000, taking the position after the rape and murder of

Sarah Payne that the government should impose stricter sanctions on sex offenders and develop a public disclosure scheme (McCartan, 2010). The News of the World's "Name and Shame" campaign ran for two consecutive Sundays, the 23rd and 30th of July 2000, and in a fashion reminiscent of the U.S. Megan's Law, published personal details and photographs of some of the UK's most prolific sex offenders, while arguing that disclosure to the public was the most effective tool in the fight against abuse (McCartan, 2010). The inflammatory news reporting style has continued in the UK since 2000, as sexual abuse cases have skyrocketed into public consciousness with the cases of Jimmy Savile and his suspected 500+ victims, the Elm Guest House scandal, and the sex abuse scandals surrounding Members of Parliament (MPs). The Telegraph recently warned that the investigation into predators of children in the UK will "lead into our schools and hospitals, our churches, our youth clubs and many other institutions that should have been places of safety..." (May, 2015).

As was previously done in the United States, this article examines approximately 12 years of aggregate sexual abuse prevalence data (crimes reported to the police) in England, Wales, Scotland and Northern Ireland, while comparing prevalence change points and sexual offense law implementation (Zgoba et al., 2008). The article then examines the possibility of whether the implementation of laws in the United Kingdom has the potential to be a result of a moral panic. If sex crimes were not increasing prior to the law's implementation, then it may be possible that the law was enacted in response to a moral panic or fear, rather than an actual increase in crime. While sex offender registration and community notification evaluations have been in existence for over a decade in the United States, research has consistently indicated rates for sexual crimes were decreasing before their inception (Zgoba et al., 2008). Zgoba and colleagues' (2008) quantitative assessment, along with the public's vociferous promotion of child and female safety laws, have led many researchers to conclude the U.S. laws were likely a response to an increased level of fear or a moral panic (Griffin & Miller, 2008; Zgoba, 2004). This paper will explore whether a similar pattern potentially holds true for the inception of the UK's law when examining the occurrence of sexual crimes.

## Methodology

### Data

The data utilized for these analyses included annual aggregated crime counts for reported sexual offenses in England and Wales (*Crime in England and Wales, Year Ending June 2014*), Scotland (*Recorded Crime in Scotland, 2013–2014*) and Northern Ireland (*Trends in Police Recorded Crime in Northern Ireland 1998/99 to 2013/14*). Data years ranged from 2002 to 2014 in England and Wales and included numeric counts on total sexual crimes, rape, 'other' sexual crimes, sexual violence against children under 13 and incest. Data analysis ranged from 2004 to 2013 in Scotland and included numeric counts of crimes reported to the police for total sexual crimes (does not sum to the other columns), rape, sexual violence against children 13–15, sexual assault against children and incest. In Northern Ireland, data years ranged from 2003 to 2013 and included numeric counts on total sexual crimes, rape, sexual violence against children and incest. Sex crime categories and definitions may vary slightly

among countries, although it is believed that the categories provided here are exhaustive in the effort to accurately depict ‘hands-on’ sexual violence against women and children.

### **Analysis Plan**

In order to examine the rates of sexual violence before and after the implementation of Sarah’s Law, the implementation year for England and Wales is considered 2008, 2009 for Scotland and there is no year of implementation for Northern Ireland. Northern Ireland has not yet adopted Sarah’s Law and examination of their sex crime rates for the same period will provide a useful comparison. The timeframes will allow for a comprehensive, multiple year analysis of sex crime rates before and after the implementation of Sarah’s Law in the United Kingdom. The pre-implementation time period in England and Wales was six years (2002–2007) and the post-implementation period was seven years (2008–2014). The pre-implementation time period in Scotland included the five years from 2004 to 2008 and the post-implementation period ranged five years from 2009 to 2013. Northern Ireland’s data was examined for the years 2003–2013, with no implementation year.

This study is based on a simple pre-post test research design to determine whether any significant increases in rates of sexual crimes occurred before the implementation of Sarah’s Law, rendering one to conclude its creation was necessary. Annual percent changes in sexual offenses across the timeframes were also analyzed. Finally, bivariate analyses were conducted to compare differences between the pre and post test periods. The ‘Sexual Offences Act 2003’, introduced in May 2004, altered the definition and coverage of sexual offenses in some of the categories, although it appears that numbers simply shifted from one column/ category to another.

### **England and Wales Results**

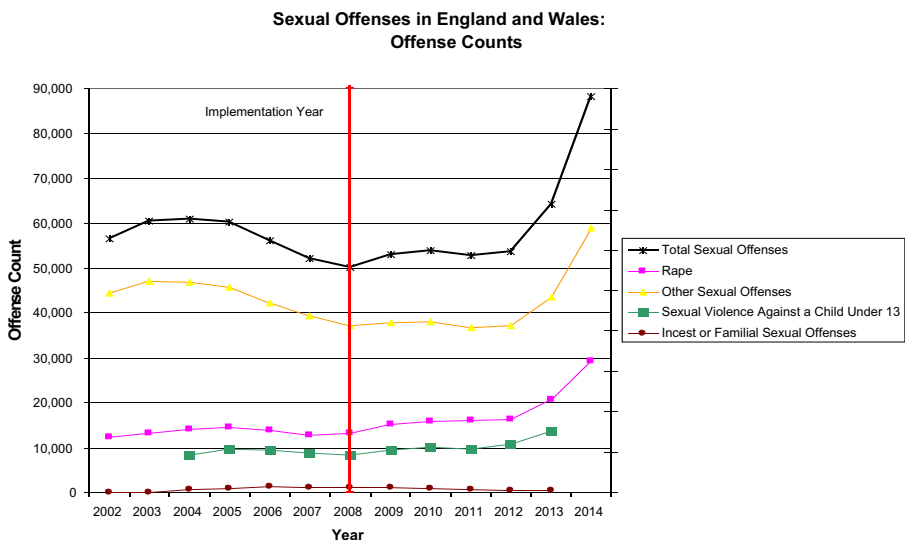
England and Wales sexual crimes reported to the police were examined before and after the law’s implementation. As can be seen in Table 1 and Fig. 1 below, the highest number of sex crimes reported to law enforcement before the implementation of the law occurred in 2004 (i.e., 60,924). Reported sexual crimes appear to be on the increase at the beginning of the period and may be a response to the media coverage of the rape and murder of Sarah Payne and the sentencing of Roy Whiting in 2001. However, as early as 2004 it is noted that ‘Other’ sex crimes began declining, and this trend continued until the year of the implementation of the law, for five straight years. Two years prior to the law, the ‘Rape’ category also began decreasing, while ‘Total’ sex crimes decreased for four years straight until the year the law was instituted. Sexual violence against a child under the age of 13, demonstrated a decrease for three years straight, until the year the law took hold. Lastly, the category of ‘Incest’ demonstrated a decrease in reporting for the year before and the year the law took hold, after it experienced a definitional change and saw a large increase in 2004. With the exception of incest in 2006, all sex crime categories were decreasing before the period of implementation from four to two years prior. Four sexual crime categories continued with decreases

**Table 1** Sexual crime in England and Wales with annual percent changes in parentheses

Year	Rape	'Other' sex offenses	Total sex offenses*	Sexual violence under 13	Incest
2002	12,295	44,357	56,652	–	99
2003	13,272 (+7.95)	47,140 (+6.27)	60,412 (+6.64)	–	105 (+6.06)
2004	14,013 (+5.58)	46,911 (–.49)	60,924 (+.85)	8395	713 (+579.1)^
2005	14,443 (+3.07)	45,844 (–2.27)	60,287 (–1.05)	9743 (+16.06)	966 (+35.48)
2006	13,774 (–4.63)	42,268 (–7.80)	56,042 (–7.04)	9400 (–3.52)	1344 (+39.13)
2007	12,673 (–7.99)	39,493 (–6.57)	52,166 (–6.92)	8858 (–5.77)	1125 (–16.29)
2008	13,096 (+3.34)	37,089 (–6.09)	50,185 (–3.80)	8385 (–5.34)	1041 (–7.47)
2009	15,074 (+15.10)	37,932 (+2.27)	53,006 (+5.62)	9549 (+13.88)	1111 (+6.72)
2010	15,892 (+5.43)	38,048 (+.31)	53,940 (+1.76)	10,106 (+5.83)	803 (–27.72)
2011	16,038 (+.92)	36,722 (–3.49)	52,760 (–2.19)	9623 (–4.78)	637 (–20.67)
2012	16,374 (+2.10)	37,225 (+1.37)	53,599 (+1.59)	10,789 (+12.12)	510 (–19.94)
2013	20,748 (+26.71)	43,481 (+16.81)	64,229 (+19.83)	13,614 (+26.18)	491 (–3.73)
2014	29,265 (+41.05)	58,954 (+35.59)	88,219 (+37.35)	–	–

\*'Total Sex Crimes' is the sum of 'Rape' and 'Other' in this table ^Counting rules changed

(except Rape) the year Sarah's Law was implemented, yet every sexual crime increased in reporting the year after the law. Interestingly, 'Incest' decreased almost steadily (except 2009) in reporting after the law's implementation, while all other reported sexual crimes (with the exception of year 2011 for 'Total', 'Other', 'Sexual Violence under 13') increased steadily after the implementation of Sarah's Law. Lastly, for all categories, except 'Other' sex crimes, the average count of reported sex crimes was higher in the post law period.



**Fig. 1** Sexual offenses in England and Wales



## Scotland Results

Scotland's reported sexual crime counts were examined for the time period before and after the implementation of Sarah's Law in 2009. Sex crimes in Scotland followed a similar trajectory to those in England and Wales. As can be seen in Table 2 and Fig. 2, prior to the law's implementation, counts in all categories, with the exception of incest, had begun to decrease. 'Rape' decreased for the three years prior to the law's implementation, 'Sex offenses against 13–15 year olds' decreased for the two years prior and 'Sex assault against children' decreased the year prior to the law taking hold (however, the counts in 2006 and 2007 are almost identical as well). 'Incest' presents an interesting count, as it is so low that a small fluctuation will generate a significant percentage change. 'Incest' decreased for the two years prior to the implementation of Sarah's Law, while the counts within the year the law was set into motion increased drastically from 19 occurrences to 49 (a 157 % increase). 'Total' sex offenses were the lowest in the years before the law's implementation than at any other time during the remainder of the analysis period. Specifically, reported 'Total' sex crimes decreased in 2005, 2007 and 2008, prior to the law's implementation in 2009, but then increased every year after this, with the highest year of 2013 (the same year that incest was the lowest). After implementation in 2009, counts in all categories, again with the exception of incest and 13–15 year olds, demonstrated a steady increase.

## Northern Ireland Results

Despite an absence of the implementation of Sarah's Law, Northern Ireland's sex crime statistics were examined from 2003 to 2013. As can be seen in Table 3 and Fig. 3, compared with England, Wales, and Scotland, the rate of reported sex offenses is currently on an upward trend that accelerated from 2011 to 2012. Although rates of total sex crimes have increased 28 % since the start of data analysis (2003), fluctuations in rates were common throughout the eleven year period. The same can be stated for

**Table 2** Sexual crime in Scotland with annual percent changes in parentheses

Year	Rape and attempted rape	Sex assault against children	Incest	Sexual offenses against 13–15	Total sex offenses*
2004	1109	1542	27	277	7325
2005	1161 (+4.69)	1557 (+.97)	29 (+7.41)	316 (+14.08)	6558 (–10.47)
2006	1123 (–3.27)	1714 (+10.08)	19 (–34.48)	436 (+37.97)	6726 (+2.56)
2007	1053 (–6.23)	1721 (+.41)	18 (–5.26)	394 (–9.63)	6552 (–2.59)
2008	963 (–8.55)	1681 (–2.32)	19 (+5.56)	370 (–6.09)	6331 (–3.37)
2009	996 (+3.43)	1737 (+3.33)	49 (+157.89)	445 (+20.27)	6527 (+3.10)
2010	1131 (+13.55)	1774 (+2.13)	17 (–65.31)	441 (–90)	6696 (+2.59)
2011	1274 (+12.64)	2056 (+15.90)	18 (+5.88)	516 (+17.01)	7361 (+9.93)
2012	1462 (+14.76)	2166 (+5.35)	16 (–11.11)	429 (–16.86)	7693 (+4.51)
2013	1808 (+23.67)	2449 (+13.07)	11 (–31.25)	434 (+1.17)	8604 (+11.84)

\*'Total Sex Crimes' not the sum of all other columns



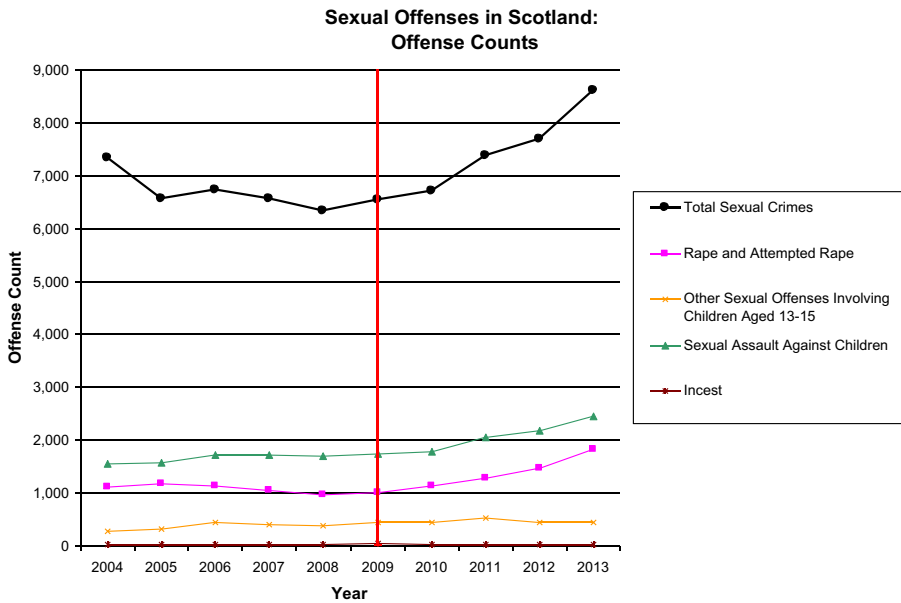


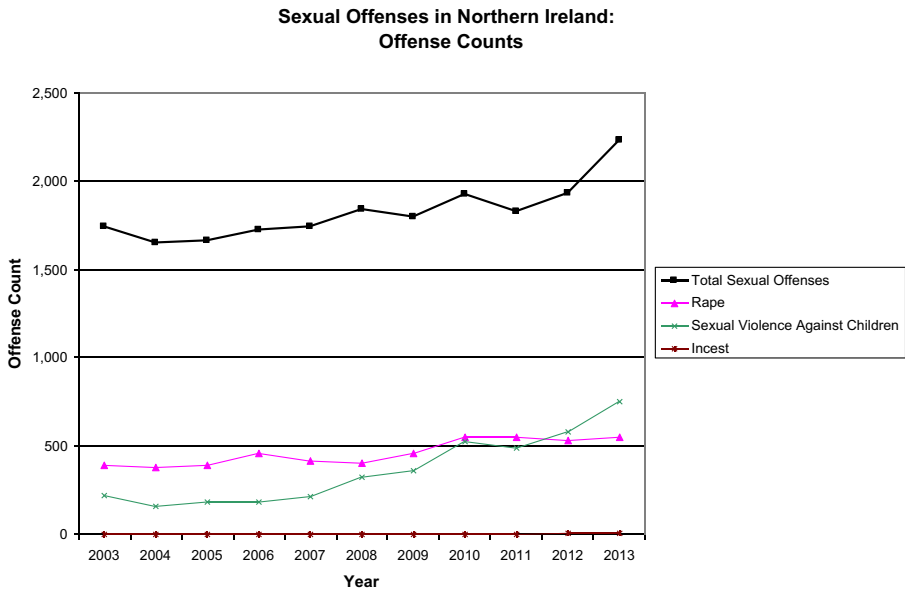
Fig. 2 Sexual offenses in Scotland

rapes in particular, while rapes have increased nearly 40 % since 2003, the increase has been gradual and fluctuated slightly. Rape counts started at 394, but were higher every year after 2004, with the largest increase from 2009 to 2010. There was a discernible increase in reported sexual violence against children beginning in 2004, as rates consistently increased yearly. From the start of the period until the end, reporting rates for this category increased 167 %. Incest counts were two times higher at the end of the analysis period, however small numbers show significant increases (incest counts went from two to four during the analysis period).

Table 3 Sexual crime in Northern Ireland with annual percent changes in parentheses

Year	Rape	Sex violence against children	Incest	Total sex offenses*
2003	394	218	2	1743
2004	379 (-3.81)	161 (-26.15)	2 (0.00)	1650 (-5.34)
2005	391 (+3.17)	182 (+13.04)	0 (-100.0)	1662 (+.73)
2006	457 (+16.88)	185 (+1.65)	0 (0.00)	1725 (+3.79)
2007	415 (-9.19)	214 (+15.68)	0 (0.00)	1739 (+.81)
2008	404 (-2.65)	326 (+52.34)	1 (+100.0)	1839 (+5.75)
2009	461 (+14.11)	360 (+10.43)	1 (0.00)	1798 (-2.23)
2010	550 (+19.31)	524 (+45.56)	1 (0.00)	1928 (+7.23)
2011	553 (+.55)	487 (-7.06)	0 (-100.0)	1828 (-5.19)
2012	533 (-3.62)	582 (+19.51)	6 (+600.0)	1932 (+5.69)
2013	550 (+3.19)	751 (+29.04)	4 (-33.33)	2234 (+15.63)

\*Total Sex Crimes does not equal each column



**Fig. 3** Sexual offenses in Northern Ireland

## Discussion

This article provides a longitudinal analysis of approximately 12 years of aggregate sexual abuse prevalence data in England, Wales, Scotland and Northern Ireland, while comparing prevalence change points and sexual offense law implementation. The purpose of the analysis was to determine whether sexual crimes reported to the police were increasing and to introduce a preliminary discussion on whether sex crime rate fluctuations could support or justify the adoption of a law that disclosed sexual offender information. Media coverage of an ‘epidemic’ of sexual violence have led some to question whether the media frenzy surrounding these publicized cases has created a “fear factor” among parents and caregivers, begging the question as to whether the incidence of sexual violence has increased or whether the nation’s heightened sensitivity is a result of increased media reporting (Zgoba, 2004).

Despite the publicity warnings in the media over rampant pedophilia and sex crimes documented earlier, both crimes were actually decreasing prior to the implementation of the law. As a statement of fact, the crimes were lowest for the years prior to the implementation of Sarah’s Law. At this preliminary stage, the theory that Sarah’s Law may have been implemented as a response to increased fear and media speculation is cautiously supported here. According to reported statistics in England and Wales, as early as the year 2004 it is noted that sex crimes started decreasing, and this trend continued until the year of the implementation of the law, for five straight years. With the exception of incest in 2006, all sex crime categories were decreasing before the period of implementation from four to two years prior. Four sexual crime categories continued with decreases (except Rape) the year Sarah’s Law was implemented, yet every sexual crime increased in reporting the year after the law. Sex crimes in Scotland followed a similar trajectory to those in England and Wales. Prior to the law’s implementation,

counts in all categories, with the exception of incest, had begun to decrease. After implementation in 2009, counts in all categories, again with the exception of incest and 13–15 year olds, demonstrated a steady increase. Sexual crime rates in Northern Ireland appear to have increased throughout the analysis period (with limited exceptions) and they are currently on an upward trend that has accelerated since 2011–2012.

These findings are confirmed in the publication, “Crime in England and Wales, Year Ending June 2014.” Accordingly, it states that sexual crimes have been on a generally upward trend since 2008–2009 and are now at the highest level since 1971, the first year for which comparable crime groups are available. It is interesting to note that this document highlights the increase beginning the year Sarah’s Law was implemented. However, even this statistical document calls attention to the notion that this is based on recorded crimes, and increase may be the result of increased reporting, particularly following increased media attention on high profile cases in recent years.

While recorded crime in Scotland may not be directly comparable with England and Wales or Northern Ireland due to differences in counting rules, the overall trend for sexual crimes is very similar across the United Kingdom ([Crime in England and Wales, Year Ending June 2014](#)). Between 2012–2014, sexual crimes in England and Wales increased by 20 % compared with 12 % in Scotland and 16 % in Northern Ireland. Between 2008–09 and 2013–14 sexual crimes in England & Wales increased by 28 %, Northern Ireland increased by 21 % and Scotland increased by 36 % ([Crime in England and Wales, Year Ending June 2014](#)). It should be noted that despite the fact that sexual crimes increased only after the law’s implementation, proponents may utilize the increase as an argument for why the law must exist. This is not unusual and law makers in the United States have used this reasoning after the adoption of Megan’s Law ([Zgoba et al., 2008](#)). Despite this tautological reasoning, sound bites may be extracted from these results and consequently taken out of context when the media, national child protection organizations and lawmakers report on Sarah’s Law.

The findings documented here indicate sex crime rates were declining in England, Wales and Scotland prior to the law’s implementation, lending cautious support to the proposition that the genesis of Sarah’s Law may have been due to fear, rather than actual increases in sexual crimes. Despite the relative infrequent occurrence of sex offenses, “they generate an enormous amount of media attention and ignite fear, passion, and outrage of various individuals and groups in the community” ([Palermo & Farkas, 2001](#); [Zgoba, 2004](#)). While it is certainly not cemented in fact, it is reasonable to then question the cause for the implementation of the law, if not supported by previous increases in offenses.

## Limitations

Conducting a study of this type with sensitive sexual crime data introduces a number of limitations. The most noted problems plaguing sexual offense research, specifically when sex crimes are examined with their respective legislation, run somewhat contradictory to one another and include 1) the underrepresentation of official data due to underreporting and 2) subsequent increases in reporting due to increased awareness. Because sexual offenses are sometimes underreported, criminal justice measures may underrepresent the true offending rates ([American Psychiatric Association 1999](#);

Belknap, 2000; Furby et al., 1989; Hanson & Bussiere, 1998). In the United States, it 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 (APA, 1999; Belknap, 2000). Legal definitions, fear and shame, and a desire for privacy are the main contributors to the unwillingness of many victims to report their abuse. Conversely, it has been noted that some types of sexual abuse may be over-represented to the police, such as stranger rapes (Belknap, 2000; Zgoba, et al., 2008), while occasionally sex crime rates also increase due to increased reporting. Increases in reporting generally occur when awareness is raised during public education efforts or cases covered extensively in the media. Unlike underreported cases, increases in sexual offense reporting may or may not represent more realistic occurrences of sexual crimes. One must also consider that increased reporting is not a negative issue if more victims are encouraged to speak out about sexual violence. This would certainly be a welcome result of increased media coverage and public education campaigns. It is possible that the coverage surrounding cases encourages awareness of victimization, but it may also be possible that coverage provides individuals a false sense of what constitutes an offense or victimization.

It is also possible that because sex offenders are closely scrutinized, their offenses may be more readily discovered or reported. Despite estimations, no one can truly account for the precise number of offenses that go unreported and it can likely be assumed that the proportion of undetected offenses has remained fairly constant over time. Thus, when examining trends, unreported crimes may not impact our ability to detect changes in repeat arrest rates over time (Levenson & Zgoba, 2015).

A final limitation of this study is the uncertainty and inability to determine whether Sarah’s Law was implemented as a direct result of a panic or increased level of fear over sexual offending. While one can note that timewise, sex crimes were on a downward trend, it is impossible to establish causation retrospectively. It is possible that the United Kingdom followed in the steps of the United States and the murder case of Sarah Payne was the tipping point in a much larger decision of when to adopt sexual offense disclosure laws. The inability to establish cause is further compounded by the difficulty of quantifying the occurrence of a moral panic. It is for this reason, that this analysis should be considered a first step in a more extensive discussion on the need and reason for the implementation of sex offense laws. Further research on the genesis and the effectiveness of such law is necessary. As we have witnessed in the United States, these analyses naturally evolve with time and the law’s maturity.

## Implications for Future Study

This study is a preliminary step in examining sexual crime rates over various points in time, before and after the implementation of a sexual offense law. Given the limitations of using official data with sex crime research, future research studies should focus on utilizing alternative methods for data collection, such as surveys. Survey research, particularly victimization surveys, would allow researchers to calculate more accurate representations of the occurrence of sexual offenses. Because many victimization surveys can be conducted with decreased direct contact, the limitations of fear, shame, and a desire for privacy are less likely to plague the research.

As a natural progression, the next phases of research within the United Kingdom should begin focusing on the effectiveness of Sarah's Law. While this process is a lengthy task, it is a necessary step in understanding the true worth and value of a law. As we have learned with Megan's Law, there is always the possibility that Sarah's Law is misdirecting efforts or attention. Sex offender legislation, prevention, and investigation policies and procedures are most effective when based on the empirical realities of sex crimes instead of media myths (Simon & Zgoba, 2006). Because most sex crimes are not committed by random strangers, they can be more easily prevented by an informed public and more easily solved by law enforcement. Unfortunately, the vast majority of people in society are not informed or educated on steps that may be taken to prevent many crimes in general, and sex crimes in particular, that are committed by family members and acquaintances (Simon & Zgoba, 2006). Studies that explore the effectiveness of Sarah's Law will allow researchers to understand the nuanced process and whether sexual crimes are prevented or solved quicker.

### Implications for policy

There are two main purposes underlying sexual offense legislation - to increase public awareness of sexual crimes and disclose whether a sex offender comes into contact with children in the UK and to allow law enforcement agencies to track and monitor these offenders more closely. The ultimate goal of this monitoring is to prevent recidivistic sex crimes by decreasing opportunities for victimization and theoretically increasing the likelihood that sexual reoffenders will come to the attention of authorities. It is important to note that the UK's version of Sarah's Law is much less far reaching than what is required by Megan's Law in the United States. Within the UK, it is stressed that the sex offender maintain his right to privacy and for that reason, any disclosures made are directly to the parents or guardians with information maintained privately. If Sarah's Law does not experience the net widening effect that Megan's Law has in the United States, it is possible that any collateral consequences resulting from Sarah's Law would be minimized.

On a final note, in the absence of clear evidence in the United States that sex offender laws reduce recidivism, other alternatives for sex offender management might be considered and pursued. For instance, sex offender management strategies may be more effective and cost-efficient when utilizing empirically derived risk assessments to target those at highest risk to reoffend. In this way, resources might be better directed toward more dangerous sex offenders, and obstacles to reintegration can be minimized for lower risk offenders (Levenson & Zgoba, 2015).

### Summary and Conclusion

According to Jenkins (1998, pg. 216), concern in the United States has fluctuated greatly over the past century, where issues of child safety "...rise and fall, evolve and mutate, depending on such intertwined factors as demographic changes, shifting gender expectations, economic strains, and racial conflicts as well as the social, political, and religious ideologies built upon these underlying realities" (Zgoba, 2004). It is possible,

based on this preliminary analysis, that the United Kingdom may be following a similar trajectory. Until the point of the law's implementation, sex crime reporting rates in the United Kingdom appear to show an appreciable decline, which changes direction once Sarah's Law was implemented. The findings documented here indicate sex crime rates were declining in England, Wales and Scotland prior to the law's implementation, lending cautious support to the proposition that the genesis of Sarah's Law may have been due to fear, rather than actual increases in sexual crimes.

It is difficult to obtain reliable information on the volume of sex crimes as it is known that a high proportion of crimes are not reported to the police and changes in recorded figures may reflect changes in reporting or recording rates rather than actual victimization (Levenson & Zgoba, 2015). For these reasons, caution should be used when interpreting trends in these offenses (Crime in England and Wales, Year Ending June 2014). A limitation of using official crime counts in research, regardless of country, will always be that undetected or unreported offenses cannot be included (Levenson & Zgoba, 2015). Research suggests that many victims of sexual assault are reluctant to report sex crimes for a variety of reasons, therefore, it is advocated here that increasing public awareness of sexual crimes is always encouraged, simply in proportion to the actual occurrences. Future research should begin examining whether Sarah's Law has achieved the anticipated result of increasing sex offense awareness, while decreasing potential primary offenses and reoccurrences.

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