LESSON

The Constitutionality of Sex Crime Laws

OVERVIEW
There are more than 800,000 people listed on sex offender registries in the United States today. These kinds of registries have been a primary tool in the government’s efforts to prevent sex crimes. Rather than debating whether or not they have been effective in guarding public safety, this lesson asks students to look at the impact of such registries and related policies on democracy and the rule of law.

Society’s view of sex crimes, and the policies created around them, is based on a complicated set of beliefs about safety, morality, virtue, childhood innocence and traditional gender roles. Because most people convicted of committing sex offenses eventually return to communities, there is a compelling public interest in management and treatment strategies that lead to successful reintegration. How far can those strategies stretch before they weaken legal protections for everyone?

In this lesson, students will take a position on the constitutionality of laws and policies that monitor and manage people with sex offense convictions in the United States. The lesson also offers an option for students to explore their own use of smartphones, computers and other devices and examine when things that are shared with friends cross the line and become sex crimes.

Video clips provided with this lesson are from the documentary *Pervert Park*. This film takes viewers inside a residential center in a Florida mobile home park that is run by and for those who have committed sex offenses, served their sentences and been released from prison.

POV offers a lending library of DVDs that you can borrow anytime during the school year, free-of-charge. Get started by joining our Community Network.

OBJECTIVES
In this lesson, students will prepare a debate position (presented orally, in writing or in a multimedia format) on the legality of restrictions placed on individuals who have been convicted of committing sex offenses and have completed their sentences.

GRADE LEVELS: 9-12

SUBJECT AREAS
Civics/U.S. Government
English/Language Arts
Health

Law
Research Skills
MATERIALS
• Film clips from *Pervert Park* and equipment on which to show them
• Internet access for research
• *Pervert Park* discussion guide, available to download at [www.pbs.org/pov/pervertpark/](http://www.pbs.org/pov/pervertpark/).

ESTIMATED TIME NEEDED
90 minutes (easily divided into 2 class periods) plus homework. Additional class time will be required for debate presentations. Time needed will depend on the number of students involved.

NOTE TO TEACHERS
Though the lesson is focused on legal issues and not on sex, it may fall under school opt-out protocols. Before beginning the lesson, please consider whether or not your school policy requires parental notification and/or opt out alternatives. The clips chosen spare students from the most graphic stories in the film, however, the film’s subject matter is disturbing and may trigger emotional reactions, especially in those who have experienced sexual abuse or assault. Prior to starting the lesson, we recommend that you inform school counselors, administrators and other support personnel. Be prepared to refer students who are upset to professionals who can help them work through their issues in healthy ways. If you are interested in trauma-informed approaches to classroom facilitation, see our list of Resources at the end of the lesson as a starting point and follow up with a professional.

FILM CLIPS

Clip 1: “Monitoring and Internet Crimes” (3:05 min.)
The clip begins at 18:47 with shot of an ankle monitor and Jim Broderick, president and CEO of Florida Justice Transitions (FJT), describing electronic monitoring devices. It ends at 21:52 with James saying, “That night I wanted attention.”

*The clip begins with an explanation of how electronic monitoring devices, sex offender registries and publicly available apps are used to monitor convicted sex offenders after they have served their prison sentences. It continues with 22-year-old James describing how he was “arrested in one of those Internet stings.”*

Clip 2: “Transition and Harassment” (4:14 min.)
The clip begins at 05:52 with a shot of the OFFICE sign at FJT. It ends at 10:06 with Bill saying, “So I chose to feel good.”

*The clip opens with Jim Broderick describing the FJT program and sharing that he was arrested on an Internet-related charge. We hear about and see the harassment experienced by FJT residents—including someone leaving a bag of rats in a resident’s clothes dryer—and we hear a little bit of Bill’s story, which includes being abused by a babysitter as a child.*

ACTIVITY

Step 1 – Preparation
In preparation for the lesson, download the *Pervert Park* discussion guide for contextualization of the issues presented in the film. The guide also includes suggested action steps and a list of websites, organizations and reports that may serve as helpful resources.
Step 2 – Introduction
Begin the lesson by asking students what they know about sex offender registries. Do they know who must register and what information they must provide? Why do they think such registries were implemented?

After students have shared a few of their ideas, segue to the film clips by letting students know that for the next couple of days they are going to examine how the law treats sex crimes and whether current practices set legal precedents that could affect everyone (not just those who have been convicted of sex crimes). Students will be asked to come to their own conclusions about whether residency restrictions and lifetime registration are constitutional and then advocate for their positions, either in persuasive essays, oral debates or multimedia presentations. Let students choose their preferred formats, or assign a particular format that supports your curriculum goals. Advanced students might also be asked to look at whether post-incarceration requirements are effective.

To help students begin their research, tell them that you’re going to show clips from a documentary film called Pervert Park. If time allows, you might solicit a few reactions to the title, including guesses about the content of the film (the title refers to the nickname given to the park by locals). If not, just summarize the film’s content, noting that it features people who have committed sex crimes, served time and been released. Because there are restrictions about where they are permitted to live, they have created their own small community, where they are under court supervision and receive counseling and peer support. In the clips, students will hear about the program that runs the community, as well as a few of the residents’ stories.

You may also want to remind students that this lesson isn’t about Facebook-style determinations of whether they like/dislike, sympathize with/reject or forgive/condemn people who have committed sex offenses. It’s about how the way we treat them affects everyone and everyone’s legal rights and the strength of the U.S. Constitution.

Step 3 – View and Discuss Clip 1
To help focus students’ attention, ask them to listen/watch for the following as the clip plays:
- What specific crimes were committed?
- What were the restrictions imposed on the residents?
- What do you think are some of the benefits and drawbacks of those restrictions?
- Why do you think these policies were developed? What is their purpose?

Play Clip 1 and discuss the viewing focus questions. If needed, prompt students to take note of the following:
- Electronic monitoring
- Sex offender registry and app for public search
- James’ story and the notion that he was “entrapped”
- Trustworthiness of Craig’s List
- The counselor’s point about James’ immaturity
- Going online to satisfy a need for attention

Eventually bring the discussion around to James’ story. Do students buy James’ explanation that he was entrapped? What do you think would have happened had James been talking to an actual mother of a 14-year-old? What are the benefits or drawbacks of law enforcement using undercover strategies? How would students define the limits of online sex-related behavior? Is a girl who sends a topless photo to her boyfriend’s phone guilty of a sex crime? How about an ex
who sends a private nude photo to the entire school as revenge? Or an 18-year-old senior who has phone sex with a 16-year-old girlfriend? Or a 15-year-old who shares a porn video found online with a group of friends? Should those convicted of committing sex offenses like James’ be required to register as sex offenders forever? Why or why not?

OPTIONAL: Because nearly all students use digital devices, you may want to add a “detour” to the lesson to explore what is legal and what is illegal to share or do online. Ask students where they might look online to find out what their state law says about the types of online (phone or computer) acts that would result in convictions for sex offenses. As a class, develop a list of credible sites. Then have students research the laws in your state. As time allows, discuss the results, especially if any results are surprising. Did students encounter anything they think shouldn’t be a crime but is or vice versa?

Step 4 – View and Discuss Clip 2
Continue the research process by playing Clip 2. As before, play the clip and discuss the viewing focus questions:

- What specific crimes were committed?
- What were the restrictions imposed on the residents?
- What do you think are some of the benefits and drawbacks of those restrictions?
- Why do you think these policies were developed? What is their purpose?

If needed, prompt students to note and think about the implications of the following:

- The tools that were used to stop park residents from repeating their abusive behaviors.
- Bill’s remark about his monitoring requirements being “silly.”
- The consequences of labeling someone a “sex offender.”
- A large list of acts can qualify as sex offenses (they aren’t all violent).
- Every person seen on screen is listed in a sex offender registry. Could you tell by looking?
- Severed ties with family and friends can make it impossible to return home after release from prison.
- It can be very difficult for those convicted of sex offenses to find jobs, and it is therefore easy for them to be exploited by employers.
- Those on sex offender registries are often under threat from vigilantes, and harassment is common.
- Bill was abused as child, which he connects to his own abusive behavior pattern.

Now that students have seen the human side of policies governing those who have committed sex offenses, they are ready to research and defend positions on those policies.

Step 5 – “Debate” Assignments
For the statements below (use as many or as few as you wish), assign each student to argue pro or con or to be a judge. Judges need to know the legal issues so they can evaluate pro and con arguments. For each assigned topic, be sure that all three roles are filled. It is fine to have more than one student assigned to each role.

**TOPICS**
- Americans have the right to live where they choose. Residence restrictions on those who have committed sexual offenses and have completed their sentences are unconstitutional.
• Prison terms are not enough to keep the public safe from people who have been convicted of sex crimes. They should be restricted further, even after they have served their sentences.

• Sex offender registries should be reserved for those who commit violent offenses. It should not include everyone who has ever been convicted of any sex-related crime.

• The sex offender registry requirement should be lifelong. Those who have been convicted of sex crimes should not have the option to apply to have their names removed from a registry, even if they have not offended again and regardless of the nature of their original crimes, their age or how much time has passed.

• Sexting or digitally sharing explicit photos between boyfriends and girlfriends should be classified as a sex crime, especially if one party is a legal adult (age 18 or older) and the other is a minor (under age 18).

• Sharing explicit images of someone without their permission should be a crime, but it should not be classified and punished as a sex crime.

You and your students can also create your own topics, especially if events have occurred at your school or in your community that are important to address.

Ask students to research their topics and prepare written summaries on them, including the major evidence that supports their arguments. Remind the students representing pro and con positions that the focus is on constitutional/legal issues and how precedents created by current practices might affect groups other than those listed in a sex offender registry. This is not an argument about whether to pardon people who have been convicted of sex crimes. Pro and con students should also prepare four-minute (maximum) oral debates or multimedia presentations. Judges should write summaries of the main issues and also be prepared to explain their final decisions orally once they have heard arguments.

To get students started on research, visit the Resources for Research section below and/or have them read the Pervert Park discussion guide (www.pbs.org/pov/pervertpark/discussion-guide.php), paying special attention to the Background and Resources sections.

**Step 6 – Presentations**

Structure the presentations more like a court session than a debate. The judges will collectively hear all the cases and take notes as they go. After all presentations, the judges will convene to discuss their decisions. When they finish, each one will be responsible for explaining orally the decision on the topic that judge was originally assigned.

Pro and con students should take turns presenting. You (or your designee) should serve as the timekeeper. As is the practice in the U.S. Supreme Court, stop presenters at the time limit, whether they have finished or not. Leave a couple of minutes after each presentation for questions from the judges.

Wrap up the lesson with a five-minute free-write (or a pair and share) during which students reflect on what they’ve learned about how giving rights to one group or taking rights away from one group can affect the rights enjoyed by all.
EXTENSIONS/ADAPTATIONS

1. Take the position statements and have students engage in a formal debate (according to standard competition rules).

2. Use James’ story to kick off a cyber-safety/cyber-responsibility initiative.

3. Continue the lesson by examining the constitutionality of civil commitment laws.

4. Engage advanced-level students in a discussion about why society views sex crimes and those labeled as sex offenders differently from other types of crimes and criminals. Explore the religious, cultural and legal roots of today’s attitudes about and perceptions of sex crimes. Look at the history of the age of consent and why we react to sexual crimes against children differently than crimes against adults.

5. In an era when concern about bullying is at an all-time high, attacks against people convicted of sex crimes are still common, and sometimes even considered justifiable. Have students discuss how bullying applies to people who have committed sexual offenses. Do they deserve protection? What are the pros and cons of providing safety and protection initiatives for these individuals? Based on their conclusions, have students brainstorm and present strategies for communities, including local government and law enforcement, to address attacks against those convicted of sexual offenses.

6. Have students research the efficacy of sex offender registration and/or residence restrictions in reducing recidivism or sex crime rates. (Note: Some proficiency in statistical analysis is required for this task.) Prompt students also to consider this from a law enforcement perspective. Is it helpful for law enforcement to have information on people who have been convicted of committing sex offenses to use in investigations of new sex crimes? Why or why not?

7. Assign students to track news reports about local sex crimes. How are victims and offenders portrayed? What is the long-term impact of the portrayals?

8. Have advanced-level students investigate the meaning of the phrase “rape culture” and how it might apply to sexual violence on college campuses. What cultural factors contribute to creating environments where rape is viewed as acceptable or inevitable? Include an exploration of the role played by the belief that sex offenders are “monsters” and whether that belief causes people to turn a blind eye to their own behavior or that of those around them.

RESOURCES

Film-Related Websites

POV: Pervert Park
http://www.pbs.org/pov/pervertpark/
The POV film page includes a general discussion guide with additional activity ideas.

POV: Media Literacy Questions for Analyzing POV Films
http://www.pbs.org/pov/educators/media-literacy.php
This list of questions provides a useful starting point for leading rich discussions that challenge students to think critically about documentaries.

**Resources for Research**

Association for the Treatment of Sexual Abusers (ATSA)

[www.atsa.com](http://www.atsa.com)

ATSA is an international, multi-disciplinary organization dedicated to preventing sexual abuse by providing research and promoting evidence-based practice. The following pages on its website may be of particular interest:

- “Civil Commitment: If It Is Used, It Should Be Only One Element of a Comprehensive Approach for the Management of Individuals Who Have Sexually Abused” [www.atsa.com/sites/default/files/%5BCivil%20Commitment%5D%20In%20Context.pdf](http://www.atsa.com/sites/default/files/%5BCivil%20Commitment%5D%20In%20Context.pdf)

Center for Sex Offender Management (CSOM)


The CSOM is a national clearinghouse and technical assistance center that supports state and local jurisdictions in the effective management of sex offenders. The CSOM website includes numerous texts with statistics and facts about sex offender management, including:


Legal Information Institute (LII)

[www.law.cornell.edu](http://www.law.cornell.edu)

LII is a Cornell Law School website with easy-to-navigate information on the law.

National Institute of Justice (NIJ): Sex Offenders

[www.nij.gov/topics/corrections/community/sex-offenders/Pages/welcome.aspx](http://www.nij.gov/topics/corrections/community/sex-offenders/Pages/welcome.aspx)

This research wing of the U.S. Department of Justice Office of Justice Programs provides research-based information on legal issues. The portions of the website relevant to sex offenders discuss recidivism rates and the efficacy of strategies (like residency restrictions) on convicted sex offenders.

National Sex Offender Public Website (NSOPW)


The NSOPW is a national public safety resource. Their website offers educational materials and information on registries and the prevention of sexual abuse.

*The New York Times*: “The Supreme Court: Sex Offenders; Justices Reject Challenges to Megan’s Laws"


This 2003 *New York Times* article by Linda Greenhouse offers an introduction to the *Smith v. Doe* case and the U.S. Supreme Court’s determination that sex offender registration is a civil regulatory, non-punitive process that is constitutional, which some states contest.
Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART)
www.smart.gov/
A U.S. Department of Justice Office of Justice Programs office authorized by the Adam Walsh Child Protection and Safety Act of 2006, SMART offers resources and support to jurisdictions, and its website includes information on legislation and legal developments, as well as tools for education and prevention. Students may find useful information in the office’s “Sex Offender Management Assessment and Planning Initiative.” http://smart.gov/SOMAPI/index.html

Sex Offender Management Assessment and Planning Initiative (SOMAPI)
http://smart.gov/SOMAPI/index.html
SOMAPI is a comprehensive report from the SMART office that is designed to assess the state of research and practice in sex offender management.

Stop It Now!
http://www.stopitnow.org/
Stop It Now! Is a nonprofit organization that focuses on the sexual abuse of children as a public health issue. Its website features educational materials and training resources to support community prevention programs.

U.S. Department of Justice: Citizen’s Guide to U.S. Federal Law on Sex Offender Registration
On this page, the website of the U.S. Department of Justice provides the official federal policy on sex offender registries.

Victim Support

National Sexual Violence Resource Center
http://www.nsvrc.org
The National Sexual Violence Resource Center develops and disseminates resources and research on preventing and responding to sexual violence. For resources related to talking to kids about sexual abuse, visit http://www.nsvrc.org/projects/child-sexual-abuse-prevention.

Rape, Abuse and Incest National Network (RAINN)
https://rainn.org/
RAINN is the largest anti-sexual violence organization in the United States. The organization created and operates the National Sexual Assault Telephone Hotline (800-656-HOPE), which connects callers with trained staff in their areas. For information about the hotline, visit https://rainn.org/get-help/national-sexual-assault-hotline. The website also offers resources on sexual assault prevention and talking to kids about sexual assault.

Trauma-Informed Classroom Facilitation

National Clearinghouse on Families and Youth: “Asking: ‘What’s Happened to You?’ A Focus on Trauma-Informed Care”

Communities in Schools, Central Texas: “Trauma Training for Educators”
http://www.ciscentraltexas.org/resources/traumatraining/
STANDARDS

Common Core State Standards for English Language Arts & Literacy in History/Social Studies, Science, and Technical Subjects
(http://www.corestandards.org/assets/CCSSI_ELA%20Standards.pdf)

**SL.9-10.1 & SL.11-12.1**
Initiate and participate effectively in a range of collaborative discussions (one-on-one, in groups and teacher-led) with diverse partners on grade appropriate topics, texts and issues, building on others’ ideas and expressing their own clearly and persuasively.

**SL.9-10.1.a & SL.11-12.1.a**
Come to discussions prepared, having read and researched material under study; explicitly draw on that preparation by referring to evidence from texts and other research on the topic or issue to stimulate a thoughtful, well-reasoned exchange of ideas.

**SL.9-10.2**
Integrate multiple sources of information presented in diverse formats and media (e.g., visually, quantitatively, orally), evaluating the credibility and accuracy of each source.

**SL.11-12.2**
Integrate multiple sources of information presented in diverse formats and media (e.g., visually, quantitatively, orally) in order to make informed decisions and solve problems, evaluating the credibility and accuracy of each source and noting any discrepancies among the data.

**SL.9-10.3**
Evaluate a speaker’s point of view, reasoning and use of evidence and rhetoric, identifying any fallacious reasoning or exaggerated or distorted evidence.

**SL.11-12.3**
Evaluate a speaker’s point of view, reasoning and use of evidence and rhetoric, assessing the stance, premises, links among ideas, word choice, points of emphasis and tone used.

**SL.9-10.4**
Present information, findings and supporting evidence, clearly, concisely and logically such that listeners can follow the line of reasoning and the organization, development, substance and style are appropriate to purpose, audience and task.

**SL.11-12.4**
Present information, findings and supporting evidence, conveying a clear and distinct perspective, such that listeners can follow the line of reasoning, alternative or opposing perspectives are addressed and the organization, development, substance and style are appropriate to purpose, audience and a range of formal and informal tasks.

**SL.9-10.5 & SL.11-12.5**
Make strategic use of digital media (e.g., textual, graphical, audio, visual and interactive elements) in presentations to enhance understanding of findings, reasoning and evidence and to add interest.
Adapt speech to a variety of contexts and tasks, demonstrating a command of formal English when indicated or appropriate.

Write arguments to support claims in an analysis of substantive topics or texts, using valid reasoning and relevant and sufficient evidence.

Use precise language and domain-specific vocabulary to manage the complexity of the topic.

Use precise language, domain-specific vocabulary and techniques such as metaphor, simile and analogy to manage the complexity of the topic.

Produce clear and coherent writing in which the development, organization and style are appropriate to task, purpose and audience.

Content Knowledge: [http://www2.mcrel.org/compendium/](http://www2.mcrel.org/compendium/) a compilation of content standards and benchmarks for K-12 curriculum by McREL (Mid-continent Research for Education and Learning).

Language Arts, Standard 1: Uses the general skills and strategies of the writing process.
Language Arts, Standard 2: Uses the stylistic and rhetorical aspects of writing.
Language Arts, Standard 8: Uses listening and speaking strategies for different purposes.
Language Arts, Standard 9: Uses viewing skills and strategies to understand and interpret visual media.

ABOUT THE AUTHOR
Faith Rogow, Ph.D., is the co-author of The Teacher’s Guide to Media Literacy: Critical Thinking in a Multimedia World (Corwin, 2012) and past president of the National Association for Media Literacy Education. She has written discussion guides and lesson plans for more than 250 independent films.