

Law Enforcement Perspective on Sex Offender Registration and Community Notification

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Abstract

This study evaluated sex offender registration and community notification from the perspective of law enforcement officers responsible for its implementation. Open-ended questions were used to conduct three focused group interviews with nineteen officers from nine jurisdictions in a small rural state. The officers were ambivalent about the system of sex offender registration and notification. They considered it an important tool to promote public safety and apprehend criminals, but thought the system itself was seriously flawed. The officers thought budget and staff were inadequate and worried about the potential for developing a false sense of security, but they also believed community notification was useful in preventing and investigating crimes. They recommended that the system be evaluated to see if it has an impact on reporting and offense rates. Policy makers, administrators, and researchers should take the officers' perspectives into account as they allocate increasingly scarce resources, educate the public, and evaluate the impact of the system.

Law Enforcement Perspective on Sex Offender Registration and Community Notification

From 1994 to 1996, the federal government passed three laws mandating sex offender registration and community notification. The Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act of 1994 requires all states to establish a system to register sex offenders. The Wetterling Act, as amended in 1996 (the so-called Megan's Law), requires that the states develop a system to notify the community of the presence of potentially dangerous persons. The Pam Lychner Sexual Offender Tracking and Identification Act of 1996 provides for lifetime registration of recidivists, and each state is responsible for transmitting sex offender data to the FBI's national database of released sex offenders. Although there are many similarities among the state laws, there are significant differences in how states implement their sex offender registration and community notification systems. Law enforcement officers play a significant role in the implementation of the laws in all states. This article gives an overview of how states have interpreted and operationalized the federal mandates. It also describes how Arkansas law enforcement officers perceive sex offender registration and community notification and evaluate its impact.

About 411,000 sex offenders are registered in 50 states and the District of Columbia, ranging from 278 in Washington, D.C., to 95,401 in California (KlaasKids Foundation, 2002). All of the state regulations that govern execution of sex offender registration and com-

munity notification systems address the following: who is required to register, what information is collected, when registration occurs, how long registration is required, how registration is verified, and who has access to the information. Every state requires offenders who have been convicted of sexually assaulting a minor to register, and all but four states have extended this requirement to violent sex offenders, regardless of the age of the victim.

The information collected from offenders ranges from a minimum of basic demographic information only, to a comprehensive record that includes criminal history, vehicle registration, treatment history, and even, in Texas, shoe size. Twenty-two states have a mechanism for completing risk assessments, after which the offender is assigned a level, or tier, depending on how likely he or she is to reoffend and how dangerous a possible reoffense is considered to be. The type of assessment and who completes it vary, depending on the state. The risk level may be assigned by the courts, by local law enforcement, or by specially trained professionals. There are typically three levels or tiers of risk, with Level I being the lowest and Level III being the highest. Some states have a separate category reserved for sexually violent predators.

The most significant differences among state laws are in the area of notification and access. Only nineteen states require direct notification to the community when a sex offender establishes residence in an area. In the states where formal, systematic community notification is not required, it is left to the discretion of local law enforcement to determine who will be notified and when. Notification can be as limited as informing agencies that serve vulnerable populations of the offender's presence and as extensive as informing the public via advertisements in the local media. The assessed level of risk the offender poses usually determines the level of notification required.

Public access varies from complete access to all state offenders' records, to access only to Level or Tier III of offenders' records. Twenty-seven states provide Internet access to their sex offender registries. Access by written request or by telephone is also available in some libraries or police stations. Questions about access to offender information have resulted in a number of challenges to the constitutionality of sex offender registration and community notification laws. Most of the cases have claimed that the laws violate the due process and ex post facto clauses of the Fourteenth Amendment (Aronson, 2002). The majority of these challenges have failed at the state supreme court level; however, Michigan and Connecticut were found to violate the due process clause in that they deny offenders the opportunity for an individualized hearing to determine their current dangerousness. In addition, Alaska's registry was found to violate the ex post facto clause by placing on the state's registry offenders who were convicted prior to the enactment of the state law. Currently, the U.S. Supreme Court is considering the appeals for the Connecticut and Alaska cases. In the meantime, Connecticut's registry is no longer publicly available, and Alaska has limited its registry to offenders convicted after the enactment of the law.

At the heart of the system are the law enforcement officers who monitor registrants and carry out the public notification process. Because registration and notification are instruments of social control, it is important to understand the officers' beliefs and values,

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how they act on those attitudes, and how they communicate their attitudes and concerns to others. The officers are responsible for a relatively new, highly publicized, controversial, and perhaps ineffective program that may affect their relationships within the larger community (Turner, 1996). Understanding how the police address these issues may shed light on the practical problems associated with using formal systems of social control (Soothill & Francis, 1993). Very little, however, is known about law enforcement officers' opinions about these issues. The current study was therefore designed to evaluate sex offender registration and community notification from the perspective of Arkansas law enforcement officers responsible for their implementation. Consistent with the principles of naturalistic evaluation (Guba & Lincoln, 1981), the focus of the investigation was on gathering information to understand this complex social process. The process involved significant stakeholders in order to arrive at an evaluation that was useful, feasible, ethical, and accurate (Milstein & Wetterhall, 1999).

Methods

Focused Group Interviews

Focused group interviews work by tapping into human interaction (Merton, Fiske, & Kendall, 1990). A well-run focus group helps people form and articulate opinions about high-stakes issues, such as using scarce resources to protect the community from sex offenders. They promote appropriate self-disclosure, especially among individuals for whom revealing personal values is difficult. Participants are offered opportunities to discuss, explain, and even disagree, free from judgment or rigid directedness. The focus is on the participants' perspectives, rather than on the investigator's biases (Krueger, 1994).

Participants. In Arkansas, the system of registration was mandated by Act 989 of 1997, the Sexually Violent Predators and Sex and Child Offenders Act. Currently, responsibility for sex offender registration and community notification is shared among the Arkansas Crime Information Center, the Arkansas Department of Correction, the Sex Offender Assessment Committee, and local law enforcement.

The interviews in this study were scheduled in relatively central areas of three regions of the state, and all the officers in jurisdictions within a 50-mile radius of the interview sites were invited to participate. No attempts at randomization were made. Participation was voluntary. The researchers followed the ethical guidelines outlined in the Belmont Report and the regulations outlined in Title 45 CFR Part 46, and the University of Arkansas for Medical Sciences Human Research Advisory Committee approved the study. The data are reported in aggregate form to prevent identification of any officer or jurisdiction and to promote confidentiality.

A total of nineteen individuals from nine jurisdictions participated in three focus groups—58% were female; 84% were white. Ages ranged from 33 to 52 years, with the average age being 43 years. The most common rank was detective; all who indicated a religious preference were Protestant. Almost all the officers had at least some college education. Officers' incomes ranged from \$25,000 to \$35,000 and averaged \$31,000; the officers averaged 16 years of

service, ranging from 10 to 30 years. The findings should be generalized cautiously, given the nonrepresentative nature of the sample.

Areas of inquiry. The officers' perspectives were addressed through open-ended questions designed to determine 1) what they knew about the informal and formal rules that guide sex offender registration and community notification and 2) what their views of the system were. Four questions were introduced in each of the focused group interviews to start the discussion:

- What is the sex offender registry and community notification system?
- What do you think is important about registration and community notification?
- What worries you about it?
- What is the effect of your work with the registry on your relationships in the community?

Probes were generated in response to specific topics addressed in each of the three groups.

Data collection and analysis. As the facilitator asked questions, the participants wrote one- or two-word answers on separate sheets of paper. There was no limit to the number of answers to each question, but a question had to be stated in one- or two-word phrases so that the answers would be visible from a distance. After all the answers had been generated, the

facilitator asked one person to volunteer his or her first answer and to explain it. When everyone in the room understood what was meant by the answer, that answer was taped to a wall. Participants were invited to tape similar answers in a column below the original answer. Participants were free to write additional answers as the discussion continued. When all similar answers were on the wall, the group was asked to begin a new column with a different focus. When all the answers were or-

ganized and any disagreements among statements were clarified or resolved, the group labeled each of the columns with a category name. The investigator then generated narrative statements from each of the categories and asked at least one key informant from each group to check the results. The informants' suggestions for changes in wording or emphasis were included in the final analysis.

Data collection and analysis were conducted simultaneously. The advantage of this method is that participants themselves analyze their answers during data collection by organizing them into categories (Carey, 1995). The result is information that has been organized from diversity of opinion and perspective (Krueger, 1994).

Results

What is the sex offender registry and community notification system?

The law enforcement officers reported that registration and notification were useful tools to help them manage the threat posed by offenders in the community because these methods provide a mechanism for informing officers about high-risk offenders. They also expected that the system would make offenders stop and think, because the offenders would know that law enforcement was watch-

The officers had concerns about legal issues related to their own activities and the activities of the offenders. They worried about civil liabilities and thought they were at considerable legal risk of being sued by offenders for violating their rights.

ing them and could make home visits at any time.

The system was seen as an investigational tool that helped law enforcement narrow the list of potential suspects when an offense took place. Officers said the system made it easier to recognize an offender's pattern of behavior and keep track of his or her whereabouts. The officers hoped that it could be used to prevent further victimization and, when reoffenses did occur, that it would help them return offenders to jail. They knew, however, that because many of the offenders being registered were first-time offenders, the system could not have been used as a preventive device in those situations.

The officers also saw sex offender registration and community notification as a cumbersome, inefficient process and had serious concerns about how the system was being implemented. They felt caught in the middle while forces they could not control used the system as a political football. They thought that the system had been poorly planned and contained ineffective tracking and record-keeping measures that allowed offenders to fall through the cracks when they moved to different jurisdictions.

What do you think is important about registration and community notification?

Focus group participants saw sex offender registration and community notification as an opportunity to protect children. The officers wanted to make parents and children aware of potential dangers so that the children who lived near offenders would be safer. During the focus groups, the officers said that they were concerned about children who were alone in public places, such as the mall. They said they pay close attention to those children and want parents to communicate with their children, watch them carefully, and teach the children to be aware of their surroundings.

What worries you about it?

The officers had concerns about legal issues related to their own activities and the activities of the offenders. They worried about civil liabilities and thought they were at considerable legal risk of being sued by offenders for violating their rights. They felt caught between notifying too much, thereby breaching the offenders' individual civil liberties, and not notifying enough, thus placing the public at risk. The offenders were seen as not complying properly with the laws, but the officers felt limited in their power to enforce compliance because of loopholes in existing laws and regulations. One group briefly discussed the constitutionality of the system, but concluded that constitutional concerns were outweighed by the offenders' threat to the community. They stated that registration was a small price to pay for what the offenders had done.

The officers were concerned about the public's reaction to the system. At times, the public seemed to underreact to the threat posed by dangerous offenders because the registration and notification system made it "somebody else's problem." At other times, the general public seemed to respond to "media hype" with increased fearfulness and paranoia, demanding information that could not be released to them because it was not covered by the Freedom of Information Act. In general, officers believed the public had no idea

of the magnitude of the problem, and they were worried that the system might even reduce public safety by offering a false sense of security.

What is the effect of your work with the registry on your relationships in the community?

Focus group participants answered that involvement with the system meant extra work without adequate supervision, compensation, or reduction in workload. They said that fellow officers often lacked appreciation for those officers responsible for community notification and were unwilling to provide assistance. The respondents thought their responsibilities would be less burdensome if there were reason to believe they really made a difference. They added that it would be worth the trouble if victims saw offenders admitting their guilt.

The officers reported feeling burdened because of the responsibilities they had been assigned. They thought that responsibility for the system had been "dumped" on law enforcement with little planning, guidance, or training. Lack of funding for training, unreliable support from prosecutors, limited time and personnel, and constant interruptions diverted their time and attention from implementing the system effectively. However, their additional responsibilities

for notification had little impact on their personal behavior they said, because they were, by nature, cautious, protective, and dedicated to an ongoing focus on personal and family safety.

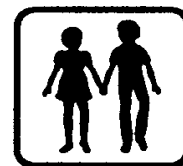
Discussion

The study was designed to evaluate sex offender registration and community notification from the perspective of Arkansas law enforcement officers. Overall, the officers considered sex offender registration

and community notification an evolving and essential component of their mission to maintain public safety. Awareness of offenders' whereabouts and the potential for protecting children were seen as positive, but the additional burden on the officers was considerable. Serious concerns about the quality and accuracy of assessments and the overall effectiveness of the system were discussed at length.

These officers believed that the legislators who created the laws and the state boards that promulgated the regulations did not understand how complicated the process would be. The public's reaction was a particular worry: The officers were afraid that citizens would think that registration solved the problem of sexually dangerous persons and no further vigilance was needed. Conversely, they also thought that the public demanded access to information to which it was not entitled, making it more difficult for the officers to maintain good relations with the community.

The officers offered a number of recommendations for improvement. They thought assessments should be completed accurately and in a timely manner and that in-depth, lifetime treatment should be mandatory for offenders.



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The officers offered a number of recommendations for improvement. They thought assessments should be completed accurately and in a timely manner and that in-depth, lifetime treatment should be mandatory for offenders. Barring this, the officers wanted to keep offenders in prison longer, and some considered the death penalty for child sexual assault to be an appropriate sentence. The officers believed the system could be made better if the categories of sex offenses were better defined and if agencies outside law enforcement, such as the parole and probation agency, had more responsibility. They would like to see if the sex offender registration and community notification system has influenced reporting and offense rates. They suggested that the system could be made more useful in community policing if officers from different jurisdictions were to communicate more freely with one another. Policy makers, administrators, and researchers need to take the officers' perspectives into account as they allocate increasingly scarce resources, educate the public, and evaluate the impact of the system.

Note

This study was funded by a grant from the Arkansas Commission on Child Abuse, Rape, and Domestic Violence and facilitated by the Arkansas Sex Offender Assessment Committee. Additional information about state sex offender registries can be obtained through the Department of Justice website: <http://www.ojp.usdoj.gov/bjs/abstract/ssordp.htm>

References

- Aronson, B. (2002, February 26). A new Supreme Court case will test Alaska's Megan's Laws. *Findlaw's Legal Commentary*. Retrieved September 29, 2002, from <http://writ.findlaw.com/aronson/20020226.html>.
- Carey, M. A. (1995). Comment: Concerns in the analysis of focus group data. *Qualitative Health Research*, 5, 487-495.
- Guba, E. G., & Lincoln, Y. S. (1981). *Effective evaluation: Improving the usefulness of evaluations results through responsive naturalistic approaches*. San Francisco: Jossey-Bass.
- KlaasKids Foundation. (2002). *Megan's Law by state*. Retrieved October 4, 2002, from <http://www.klaaskids.org/pg-legmeg.htm>.
- Krueger, R. A. (1994). *Focus groups: A practical guide for applied research*. Thousand Oaks, CA: Sage.
- Merton, R. K., Fiske, M., & Kendall, P. (1990). *The focused group interview* (2nd ed.). Glencoe, IL: Free Press.
- Milstein, R. L., & Wetterhall, S. (1999). Framework for program evaluation in public health. *Morbidity & Mortality Weekly Report*, 48(RR-11), 1-40.
- Soothill, K., & Francis, B. (1993). Poisoned chalice or just deserts? (the sex offenders act 1997). *Journal of Forensic Psychiatry*, 9(2), 281-293.
- Turner, L. A. S. (1996). Sex offender statutes: Society's need for protection versus an individual's constitutional rights. *Law & Psychology Review*, 20, 263-274.



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