

Registration and Community Notification

► Overview

Within the past few years, the nation has witnessed an unprecedented proliferation of sex offender-specific legislation designed to enhance community safety through increasing accountability and tightening restrictions for the individuals who have committed sex offenses. States have proposed and enacted a number of measures, including the use of electronic monitoring devices, residency restrictions, lifetime supervision, increased penalties and sanctions, and civil commitment for violent and predatory sex offenders. However, the most longstanding and far-reaching trends involving sex offender-specific legislation are the use of registration and community notification. Broadly speaking, registration requires convicted sex offenders to provide identifying information to law enforcement agencies, where it is entered into a central registry as a means of tracking these offenders. Community notification, on the other hand, is the process by which members of the public obtain information about registered sex offenders, either by accessing sex offender registries themselves or through the active dissemination of information by local law enforcement or other state officials.

The widespread adoption of registration and notification laws has been driven primarily by a series of federal proposals that have been ratified during the past decade. While not intended to be an exhaustive review, the key provisions of these laws are highlighted briefly below:

- Enacted in 1994, The Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act essentially required all states to create and maintain registry systems that included specific identifying information about sex offenders who target children and those who commit violent sex crimes. It included provisions pertaining to collecting registry information from sex offenders upon release from incarceration, updating registry information when sex offenders change residences, and conducting routine address verifications.
- When Megan’s Law was passed in 1996, all states were mandated to establish provisions that allow for the release of information about registered sex offenders when necessary for public protection. Although it did not require states to actively notify communities about sex offenders, it did require public access to registry information in order to allow for heightened awareness of sex offenders living in their communities.
- The Pam Lychner Sex Offender Tracking and Identification Act of 1996 required a national database to be established at the Federal Bureau of Investigation. This database, known as the National Sex Offender Registry (NSOR), was designed to ensure registration and address verification for sex offenders residing in states whose registration systems were not yet deemed as minimally sufficient.
- In 1998, The Jacob Wetterling Improvements Act expanded the class of registerable sex offenders to those who had been convicted in federal and military courts. It also required

sex offenders who relocate to another state to register in that state, and required sex offenders to also register in the state in which they work or attend school, if different from their permanent residence. Furthermore, through this amendment, states were mandated to participate in the National Sex Offender Registry program.

- The Campus Sex Crimes Prevention Act was enacted in 2000 and required individuals who are attending, employed by, or working at institutions of higher education (i.e., colleges or universities) to notify those institutions of their registration status, who in turn must forward the information for inclusion in the state's sex offender registration database.
- Most recently, the Adam Walsh Child Protection and Safety Act of 2006 (the Adam Walsh Act) established a more standardized and expanded registration process to be implemented nationwide, including the posting of specific information on states' Web sites as a means of notification. It also requires states to submit an expanded set of data about each sex offender in their jurisdiction to the National Sex Offender Registry and allows law enforcement officials access to the more detailed information. Among multiple other expectations, the Act creates a tiered classification of sex offenders with minimum registration periods, expands registration requirements to include certain juvenile sex offenders, requires that sex offenders register in person, and makes failure to register a felony crime.

Taken together, these and other policies enacted both at the state and federal levels have had, and will continue to have, a significant influence on adult and juvenile sex offender management efforts throughout the country. As interested jurisdictions strive toward establishing evidence-based policies and practices and consider their approaches to registration and notifi-

cation, it will be important to explore the ways in which these legal policies have been implemented within the context of contemporary research and practice. For example, because assessment-driven case management leads to better outcomes, particularly when the intensity of interventions and strategies is commensurate with the assessed level of risk, jurisdictions should consider the implications for the ways in which registration and notification policies are developed and implemented. Finally, as discussed later in this section, the contemporary research and literature about adult and juvenile sex offenders can be instructive for jurisdictions that are considering how to address registration and notification most effectively.

► *Sex Offender Registration*

The overarching goal of creating centralized registries of convicted sex offenders is to enhance public safety through multiple processes. For example, because these registries contain identifying information and offense summary data about sex offenders residing in a particular jurisdiction, the investigation of sex crimes can be facilitated and enhanced. Law enforcement officials and other criminal justice agents can utilize registry data to narrow the focus of investigations, compare forensic evidence, and identify potential suspects with similar crime patterns. In addition, registries are designed to make sex offenders more visible to community members who, when they access or receive information about registered sex offenders living in their communities, may take increased protective steps. Sex offender registration is also believed to play a role in deterrence, as sex offenders are acutely aware of the increased visibility and scrutiny by the criminal justice system and the public at large. Finally, for individuals who have either