

# Center For Sex Offender Management

## Sex Offender Registration: Policy Overview and Comprehensive Practices

October 1999

### INTRODUCTION

Highly publicized sex crimes committed by repeat offenders in recent years have prompted state legislatures to ratify laws that increase social controls on these offenders. State and federal laws have been enacted that require released sex offenders to register with law enforcement or other state agencies. Registration laws require offenders to supply their addresses and other identifying information to a state agency or law enforcement. These laws have been enacted in every state.

In the United States, offender registration was first used in the 1930s. These early ordinances focused on repeat criminal offenders as well as sex offenders. They operated as a means to drive out persons who were undesirable.<sup>1</sup> Current registration statutes make sex offenders more visible to law enforcement and the public, with the intent of increasing public safety. The first of these current sex offender registration statutes was enacted in California in 1947.

This document compares state registration statutes and identifies promising and comprehensive practices in use throughout the country.

### BACKGROUND

In 1994, Congress passed the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (Title XVII of the Violent Crime Control and Law Enforcement Act of 1994).<sup>2</sup> The Act requires states to create registries of offenders convicted of sexually violent offenses or crimes against children and to establish heightened registration requirements for highly dangerous sex offenders. It further requires offenders to verify their addresses annually for a period of 10 years and requires sexually violent predators to verify addresses on a quarterly basis

<sup>1</sup> Lieb, R., Quinsey, V., and Berliner, L. (1998). *Sexual Predators and Social Policy*. In M. Tonry (Ed.) *Crime and Justice*, University of Chicago, IL.

<sup>2</sup> 42 U.S.C.A. § 14071.

for life. States that do not establish registration programs, in compliance with the Act's provisions, are subject to a 10 percent reduction of Byrne formula grant funding.<sup>3</sup> Any such funds will be reallocated to states that are in compliance.<sup>4</sup>

The vast majority of states have enacted sex offender registration laws within the last 15 years. Since 1991, 38 of the 50 states (and the District of Columbia) have passed laws. Many amendments have passed since 1994 to bring state legislation into compliance with federal law.

This document does not describe states' efforts to comply with the Wetterling Act; rather, it describes states' current registration practices. State legislation concerning sex offenders has been highly active in recent years, with some state legislatures amending their laws annually in an attempt to meet requirements of the Wetterling Act. Therefore, information contained in this document was current at the time of printing.

### GOALS OF REGISTRATION

Sex offender registration statutes are promoted as a means of:

- deterring offenders from committing future crimes;
- providing law enforcement with an additional investigative tool; and
- increasing public protection.

Alabama's registration statute describes the reasoning behind these goals:

*"The Legislature further finds that law enforcement agencies' efforts to protect their communities, conduct investigations, and quickly*

<sup>3</sup> The Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, 42 U.S.C. § 3750.

<sup>4</sup> The Office of Justice Programs, U.S. Department of Justice, is monitoring states' efforts to comply with the Wetterling Act.

*Established in June 1997, CSOM's goal is to enhance public safety by preventing further victimization through improving the management of adult and juvenile sex offenders who are in the community. A collaborative effort of the Office of Justice Programs, the National Institute of Corrections, and the State Justice Institute, CSOM is administered by the Center for Effective Public Policy and the American Probation and Parole Association.*

*apprehend criminal sex offenders are impaired by the lack of information about criminal sex offenders who live within their jurisdiction and that the lack of information shared with the public may result in the failure of the criminal justice system to identify, investigate, apprehend, and prosecute criminal sex offenders.”<sup>5</sup>*

### ***Deterring Offenders from Committing Future Crimes.***

Sex offender registries identify released sex offenders living in a specific area and summarize their offense histories. Law enforcement officials can monitor these offenders, requiring them to update their addresses if they move, or their names if they are changed. Registries also contain information on patterns of offending behavior, which can assist criminal justice agents with identifying “risky” situations (e.g., a child molester working in a daycare center or residing near children). Police officers in Illinois utilize the registry during routine traffic stops. In addition to conducting a criminal history check on drivers, officers will find out whether drivers are registered sex offenders and if they must comply with any specific release conditions (e.g., staying at least 1,000 feet from schools or daycare centers).

***Providing Law Enforcement with an Additional Investigative Tool.*** Registration can be used to assist in investigations. The detailed information that law enforcement receives on sex offenders can potentially identify likely suspects with similar crime patterns for unsolved sex offenses.

***Increasing Public Protection.*** Citizens are afforded assistance in protecting themselves from convicted sex offenders through public access to registries and active dissemination of registration information by criminal justice officials. Community notification policies grew out of this goal.<sup>6</sup> All 50 states, and the District of Columbia, have enacted some type of community notification, commonly referred to as Megan’s Law.<sup>7</sup>

## **FEDERAL REQUIREMENTS**

The original compliance deadline for the Jacob Wetterling Act was September 1997; a two-year extension was granted to states making good faith

efforts to achieve compliance. States granted this extension had until September 12, 1999, to comply with the original features of the Act. States were not allocated any additional federal funding to achieve these efforts—and risked losing crime control funds if found not in compliance.<sup>8</sup>

The Wetterling Act has been amended three times: Megan’s Law, 1996 (requiring community notification); the Pam Lychner Sexual Offender Tracking and Identification Act of 1996 (heightening registration requirements for repeat and aggravated offenders); and section 115 of the General Provisions of Title I of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (CJSA) (amending sexually violent predator provisions and adding registration of federal and military sex offenders, and sex offenders who are non-resident students or workers). Guidelines have been issued to assist states with complying with the Act and its amendments.<sup>9</sup>

### ***Wetterling Act***

The original requirements of the Wetterling Act created several conditions, including: registering offenders for at least 10 years; acquiring registration information from offenders when they are released and informing them of registration obligations in jurisdictions where they intend to reside; requiring registrants to update address information when they move; verifying registered addresses periodically; and releasing registration information as necessary for public safety.

### ***Megan’s Law***

Megan’s Law amended the Wetterling Act in May 1996 by requiring that “the state or any agency authorized by the state shall release relevant information as necessary to protect the public” concerning a specific sex offender. Megan’s Law allows states discretion in determining if disclosure of information is necessary for public protection. It also allows states discretion in specifying standards and procedures for making these determinations. States are permitted to make judgments concerning the threat an offender may pose to the public and to release information for all offenders or only those convicted of specific offenses. When releasing information, states may choose to proactively notify communities (through mailings, media releases, or community meetings) or make the information accessible to the public

<sup>5</sup> Alabama Enacted Laws, 1998 General Session: Act 98-489.

<sup>6</sup> For more information on community notification policies, see: Center for Sex Offender Management (1997). *An Overview of Sex Offender Community Notification Practices: Policy Implications and Promising Approaches*. Silver Spring, MD.

<sup>7</sup> At the time of this printing, Pennsylvania’s Megan’s Law was enjoined due to a June 30, 1999 Pennsylvania Supreme Court decision (*Commonwealth of Pennsylvania v. D.F. Williams*).

<sup>8</sup> Regardless of their compliance status, the Bureau of Justice Statistics is assisting states with establishing appropriate interfaces with the FBI’s National Sex Offender Registry.

<sup>9</sup> U.S. Department of Justice (January 5, 1999). *Megan’s Law; Final Guidelines for the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, as Amended*. Federal Register, vol. 64 (2), pp. 572-587.

upon request. Megan's Law carries the same compliance deadline and consequences as the original Jacob Wetterling Act.

### ***The Pam Lychner Act***

The Pam Lychner Act's amendments to the Wetterling Act created new requirements for state registration programs, including a requirement that offenders convicted of an aggravated sex offense<sup>10</sup> or multiple registerable offenses be subject to lifetime registration. The timeframe for compliance with the Lychner Act is October 2, 1999, subject to a possible extension of two years.

### ***1998 Amendments***

The 1998 CJSA amendments allow states greater discretion with original components of the Wetterling Act, such as procedures to be used to conduct periodic verification of registrants' addresses (the Wetterling Act originally required that a specific verification procedure be used). New requirements of the CJSA amendments require sex offenders who work or attend school in another state to register in those states (as well as their state of residence). These amendments also require federal and military sex offenders to register in their state of residence. The timeframe for compliance with new requirements under the CJSA amendments is November 25, 2000, subject to a possible two-year extension.

### ***National Sex Offender Registry***

The 1998 amendments require states to participate in the National Sex Offender Registry (NSOR), with the same timeframe for compliance as other CJSA amendments. Participation in the NSOR is necessary to establish that a state has a "minimally sufficient" sex offender registration program (as defined by the Pam Lychner Act). For states without a "minimally sufficient" program, the FBI will assume responsibility for registering sex offenders.

The FBI has modified the National Crime Information Center (NCIC) to create a new crime information system, "NCIC 2000." This system, which began operations on July 11, 1999, includes a Convicted Sexual Offender Registry File that will serve as the permanent National Sex Offender Registry.

In 1998, the Bureau of Justice Statistics (BJS) began administering the NSOR Assistance Program. The program assists states in meeting federal requirements and ensures that:

- state registries identify, collect, and properly disseminate relevant information that is consistent, accurate, complete, and up to date; and
- states establish appropriate interfaces with the FBI's national system so that state registry information can be tracked between jurisdictions.

## **REGISTRATION PROCESS**

### ***Initial Registration: Timeframes and Responsible Agencies***

Sex offenders must typically register prior to or upon release from confinement and/or when sentenced to community supervision. Typically, the Department of Corrections or sentencing court will register the offender upon release or sentence to probation and alert the offender of the requirement to register locally.

The local registering agency is usually the county sheriff's office or local police department in the jurisdiction where the offender resides. It is not uncommon for multiple agencies to be involved with registration, particularly as the offender moves through various stages of the criminal justice process. For example, when an offender in Oregon is released to parole or probation, the Department of Corrections supervisor who discharges, paroles, or releases the offender obtains the initial registration information. The community supervision officer is then required to maintain registration information for the duration of supervision. When community supervision ends, law enforcement is responsible for updating the offender's registration information.

### ***Interstate Registration Requirements***

Most states' registration laws apply to offenders convicted in another state as well. The Wetterling Act requires offenders moving, working, or attending school in another state to register with law enforcement in the new state. This typically occurs within 10 days of establishing residency, employment or school enrollment.

### ***Information Collected***

Information maintained in the registry varies by state, but at a minimum includes the offender's name, address, and a law enforcement identification number. Thirty-nine states also obtain a photograph of the offender as part of the registration requirement (other states may retrieve photos through arrest records). Some states collect very detailed information, such as employment information, residence history, and

---

<sup>10</sup> Aggravated offense includes: engaging in sexual acts involving penetration with victims of any age through the use of force or the threat of serious violence, and engaging in sexual acts involving penetration with victims below the age of 12.

vehicle registration numbers. At least 13 states collect blood samples for DNA analysis.<sup>11</sup>

### ***Duration of Requirement***

In all states, sex offenders are required to register for at least 10 years. Forty states require lifetime registration for some sex offenders; a small number of states register all sex offenders for life. The Wetterling Act stipulates that states should not include provisions for these offenders to petition the sentencing court for relief of their registration obligation. However, some states do allow "lifetime registration" offenders to petition the court to end the registration requirement (usually following an initial 10-year period of registration).

Some states vary the length of the registration requirement according to the seriousness of the offense or the number of convictions. For example, in Washington State, length of registration is based on felony class: life if a Class A felony; 15 years if a Class B felony; and 10 years if a Class C felony. In Minnesota, registration ends at 10 years or upon completion of probation or parole, whichever is longer.

Under the Wetterling Act, offenders convicted of crimes against children or sexually violent offenses are required to register for 10 years following release or placement on supervision. Sexually violent predators, aggravated and recidivist sex offenders are required to register for life.

### ***Verification of Address***

Addresses must be updated for the registry to maintain its usefulness for law enforcement and the public. Generally, keeping address information current is the responsibility of the offender; most states allow the offender 10 days for change of address notification.

***In Spokane, Washington the local police department and county sheriff's deputies coordinate community notification efforts and monitor registration. Police regularly verify registered offenders' addresses (moderate and high-risk offenders receive monthly, in-person checks; lower risk offenders receive an annual registered letter). If the offender is not at that address, the level of risk may be increased and the offender may be prosecuted for failing to register (as either a felony or gross misdemeanor).***

<sup>11</sup> Alabama, Arizona, California, Florida, Hawaii, Illinois, Kansas, Michigan, Minnesota, Mississippi, Oklahoma and Wisconsin.

The Wetterling Act requires states to periodically verify a registered offender's address; annually for an offender convicted of an offense against a child or a sexually violent offense, and every 90 days for a sexually violent predator. To do this, law enforcement agencies typically send a non-forwardable verification form to the offender's last-reported address. The offender is required to return this form, by mail or in person, within 10 days of receipt. In Delaware, sex offenders are required to report to the Department of Motor Vehicles annually to update their driver's licenses (and consequently, their registration information). Delaware driver's licenses display a symbol that indicates whether an individual is a registered sex offender.

Thirty-three states require sex offenders to update and/or verify their addresses annually and 22 states require sexually violent predators to update their address information quarterly with law enforcement.

### ***Compliance and Penalties***

Sex offenders who attempt to avoid registration requirements can be detained and their cases potentially prosecuted. The penalty for failure to register ranges from a misdemeanor to a felony. For offenders released on supervision, noncompliance is frequently punished by revocation of parole or probation. California, Delaware, North Dakota, South Carolina, Tennessee and Utah can impose a confinement term of at least 90 days for noncompliance. Other states can impose confinement terms ranging from one to five years and/or a fine of up to \$5,000. Eighteen states increase the severity of the penalty for repeat failures to register.<sup>12</sup> California, Mississippi, Nebraska, Oregon and Washington vary the severity of the penalty according to the severity of the conviction offense.

### ***Terminating Registration Requirement***

Generally, the registration requirement terminates when one of the following occurs: 1) the required time period passes; 2) a court order is issued; or 3) the offender expires. Records are made inactive for those offenders who have completed their term of registration. Offenders who petition the court to end their registration requirement may be granted relief of that duty only if they are found to no longer endanger public safety (but not before the initial 10 year requirement, as stated in the Wetterling Act).<sup>13</sup> Generally, if an individual's

<sup>12</sup> Alabama, California, Colorado, Georgia, Illinois, Iowa, Louisiana, Maine, Massachusetts, Minnesota, New York, North Carolina, South Carolina, South Dakota, Tennessee, Texas, Vermont and Wyoming.

<sup>13</sup> Typically, before relieving the requirement, the court must determine that the sex offender has shown a reasonable

conviction or delinquency adjudication is set aside or vacated, they may request to be removed from the registry. In these instances, the registering agency must remove all information from the registry concerning that individual.

## WHICH SEX OFFENDERS ARE REQUIRED TO REGISTER?

In order to comply with federal guidelines, states must register individuals convicted of a criminal offense against a victim who is a minor and those convicted of a sexually violent offense or a comparable range of offenses.<sup>14</sup>

### ***Criminal Offense Against a Victim who is a Minor***

A “minor” is defined as a person below the age of 18. The specific definitions of “criminal offense against a victim who is a minor” are as follows:

- kidnapping of a minor (except by a parent) and false imprisonment of a minor (except by a parent);
- criminal sexual conduct toward a minor;
- solicitation of a minor to engage in sexual conduct;
- using a minor in a sexual performance;
- solicitation of a minor to practice prostitution; and
- any conduct that by its nature is a sexual offense against a minor.

### ***Sexually Violent Offense***

A sexually violent offense is defined as any criminal offense that consists of aggravated sexual abuse or sexual abuse, or an offense that has as its elements engaging in physical contact with another person with intent to commit such an offense. The sexually violent offense definition also includes convictions for criminal conduct that would violate the federal “aggravated sexual abuse” and “sexual abuse” offenses if prosecuted federally.

### ***Retroactive Application***

Most states require registration for some or all sex offenders convicted prior to the statute’s enactment.<sup>15</sup> Many apply this retroactive requirement only to offenders who are incarcerated or under supervision at the time of the law’s

enactment.<sup>16</sup> The remaining states require only those offenders convicted after the statute’s effective date to register.

### ***Juvenile Sex Offenders***

Federal guidelines for compliance with the Jacob Wetterling Act do not require states to register juvenile sex offenders; however, nothing prevents states from doing so. Juveniles prosecuted and convicted as adults are required to register under the Wetterling Act.

Currently, at least 27 states require some or all juvenile sex offenders to register:

Alabama	Kansas	North Carolina
Arizona	Kentucky	Oregon
California	Louisiana	Rhode Island
Colorado	Massachusetts	South Carolina
Delaware	Michigan	South Dakota (age 15 or older)
Florida	Minnesota	Texas
Idaho	Mississippi (If twice adjudicated)	Virginia
Indiana	Montana	Washington
Iowa	New Jersey	Wisconsin

In some states, juvenile sex offenders are subjected to the same registration requirements as adults. In others, juveniles register until they become adults (e.g., 18 or 21). Once a juvenile comes of age, the court may require continued registration as an adult sex offender.

***Idaho maintains a separate juvenile sex offender registry (Idaho Statutes (1998), Title 18, Chapter 84). This registry is open to public inspection, and it is shared with the superintendent of public instruction who then notifies public and private schools regarding the enrollment of any registered juvenile sex offenders.***

***In Idaho, juveniles are required to register annually until they are 21, at which time a prosecutor can file a petition to have the youth transferred to the adult registry. If no petition is filed, the juvenile is deleted from the registry.***

---

likelihood that registration is no longer necessary and waiver of the registration requirement is appropriate.

<sup>14</sup> U.S. Department of Justice (Federal Register, January 5, 1999).

<sup>15</sup> Alabama, Alaska, Arizona, California, Florida, Hawaii, Iowa, Maryland, Minnesota, Mississippi, Missouri, Montana, Nevada, New Jersey, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Utah, Vermont, West Virginia and Wyoming.

---

<sup>16</sup> Arkansas, Colorado, Georgia, Idaho, Illinois, Kentucky, Louisiana, Massachusetts, Michigan, Nebraska, New Hampshire, New York, North Dakota, Tennessee, Virginia, Washington and Wisconsin.

## **LAW ENFORCEMENT AND STATE OFFICIAL'S ROLE IN REGISTRATION**

Duties for prison officials, or other responsible state officials, for offenders who are released from prison, or who are placed on any form of post-conviction supervised release (parole, supervised release or probation) include the following.

- Informing the offender of the duty to register and obtaining the data (e.g., address information) required for registration.
- Informing the offender of the duty to give written notice of a new address promptly to the designated state law enforcement agency upon change of address.
- Informing the offender that if moving to another state, the registration agency in the state the offender is leaving must be informed, and of the duty to register the new address with the designated law enforcement agency in the new state (typically within 10 to 14 days, depending on state requirements).
- Obtaining fingerprints and a photograph of the offender.
- Requiring the offender to read and sign a form stating that these requirements have been explained.
- Obtaining additional information including name, identifying factors, anticipated future residence and offense history (for sexually violent predators, documentation of any treatment received for mental abnormality or personality disorder is also required).
- Forwarding the registration information to the designated state law enforcement agency (typically within three to 14 days, depending on state requirements) after receipt of the information.
- After receiving the registration information, the designated state criminal justice agency immediately enters the information into the central registry and notifies local law enforcement in the jurisdiction where the offender expects to reside.
- The state criminal justice agency also transmits the offender's registration information, including conviction data and fingerprints, to the FBI.

## **SEX OFFENDER REGISTRATION DATABASES**

In most states, a central registry is maintained by a state criminal justice agency (e.g., State Patrol or

Department of Public Safety). It is typically the duty of local law enforcement to forward address verification and changes of registration information to the central registry. Central registries contain information on all registered sex offenders residing within a state.

Several state registries are available to the public, as part of the state's community notification program, through toll-free and pay phone lines, and CD-ROMs. California, Florida, New York, Oregon, Tennessee and Wisconsin all operate "800" or "900" telephone lines for public access. The California Department of Justice maintains a 900 number for members of the public to inquire about specific individuals (at \$10 per call). The 900 number has fielded over 42,000 requests with approximately 1,400 positive identifications of sex offenders in the four years since its implementation. The California Department of Justice also distributes CD-ROMs to all local law enforcement agencies for the public to view.

A number of states also make their sex offender registries available to the public on the Internet. Today, approximately 15 states operate sex offender registry Web sites<sup>17</sup> (there are also numerous county and city law enforcement registries available online). The majority of these Internet Web sites have been implemented over the past two years. The first states to launch these sites were Alaska, Florida, Indiana and Kansas. Arizona, Iowa, Maryland and Wyoming legislatures recently passed bills enacting Internet registries (which have yet to be launched). While these sites are sponsored by public agencies, a number of agencies and private citizens also post Internet lists of registered sex offenders. In these instances, individuals have obtained registration lists from law enforcement and posted them without law enforcement's endorsement.

## **REGISTRATION CHALLENGES**

Implementing a sex offender registration program can be a difficult process. Criminal justice agencies throughout the country are dealing with a variety of challenges inherent to these efforts. Among these challenges are building a comprehensive registry, maintaining accurate information, transferring information to other jurisdictions, and generating the necessary resources to manage these programs. In addition, the following issues pose unique challenges.

---

<sup>17</sup> Alabama, Alaska, Connecticut, Delaware, Florida, Georgia, Indiana, Kansas, Michigan, North Carolina, South Carolina, Texas, Utah, Virginia and West Virginia.

### ***Retroactive Application***

Retroactively applying registration laws is one way for states to build comprehensive registries; however, retroactive application is not required by the Wetterling Act. This practice includes registering some or all convicted sex offenders prior to the statute's enactment. This broad application can prove to be difficult in terms of locating all sex offenders in the state who are required to register, particularly for those offenders not presently on probation or parole. The retroactive provision of registration laws has been challenged in several states, under *ex post facto*, due process, and additional punishment prohibitions of the Constitution.<sup>18</sup> Though state laws have predominately withstood these challenges, some states have had to alter their law's retroactivity (e.g., Alaska and Kansas) as a result of successful legal challenges. States that do not apply their statutes retroactively avoid these challenges. However, it may take years for these states to develop comprehensive registries.

### ***Accuracy of Information***

Maintaining accurate information on registered sex offenders can be a difficult task. Sex offenders thrive on secrecy; keeping track of addresses and identifying information is essential in monitoring their activities. In 1996, some states reported that 45 percent of all sex offenders had inaccurate or missing registration information.<sup>19</sup> More recently, Connecticut State Police reported that as much as 50 percent of their state registration information was missing or inaccurate.<sup>20</sup> Every state is grappling with accuracy problems; unless all sex offenders comply with registration obligations, there is no way to ensure 100 percent accuracy of registries.

### ***Others Areas of Concern***

- Some registerable sex crimes in one state may be different than those in another. This makes it difficult for law enforcement to know which offenders must register when they relocate to another state.
- The process of de-registering offenders when they move out of state is often not completed, resulting in out-of-date and inaccurate registries.
- Many Native American reservations do not have a central contact point to receive and

disseminate criminal records. Thus, it is difficult to alert all relevant and necessary parties to the presence of a registered sex offender on a reservation.

- Registration can be a very resource intensive and time-consuming undertaking. Many jurisdictions do not have the required staff to handle the increased workload created by registration. States are required to create sex offender registration laws by federal directive; however, no federal funds have been designated to support states in these efforts.<sup>21</sup> Thus, states must look to their own funding sources to develop their registration systems, if they wish to continue to receive full Byrne Grant funding.

## **PROMISING APPROACHES TO SEX OFFENDER REGISTRATION**

Sex offender registration remains a field fraught with complexities for the criminal justice system. However, promising practices are emerging across the country that effectively address many of these challenges.

### ***Collaboration Among Criminal Justice System Agencies***

Compliance with registration requirements—indeed, effective registration itself—requires criminal justice agencies to work together in a new arena. Sex offender registration has the potential to be most effective in those jurisdictions where collaboration and coordination exists among the sentencing court, corrections department, state and local law enforcement, and probation and parole. Strong working relationships will draw these agencies together to ensure that the identification of registerable offenders, and the collection and upkeep of information, is thorough and coordinated.

Those individuals and agencies that are charged with the responsibility for registration will ideally work in concert with others in the community (e.g., treatment providers) who are active in the monitoring of those sex offenders under supervision. Many jurisdictions have in place, or are establishing, sex offender management teams. These teams work closely together on the management of specific cases under correctional supervision. Close communication between those managing registration, those engaged in broad policy analysis and development, and those

---

<sup>18</sup> The retroactively applied registration laws in Alaska, Iowa, Kansas, Louisiana, New York, New Jersey, Oregon, Texas, and Washington have all been challenged.

<sup>19</sup> Matson, S. and Lieb, R. (1996). *Sex Offender Registration: A Review of State Laws*. Washington State Institute for Public Policy, Olympia, WA.

<sup>20</sup> *Improve Tracking of Offenders*. The Hartford Courant, Connecticut, March 19, 1999.

---

<sup>21</sup> As mentioned previously, the Bureau of Justice Statistics is assisting states with their systems to transmit information to the National Sex Offender Registry.

conducting the day-to-day monitoring of offenders, will help avoid duplication of effort and eliminate potential “cracks” in the system.

### ***Policy Driven Registration Practices***

States should develop written policies and practices that guide the management of sex offenders throughout the system—from investigation to adjudication to supervision to release from registration requirements. States should provide training to all relevant agencies on these policies to ensure consistent practice and information dissemination. In some states, local jurisdictions developed these policies—which were eventually adopted throughout the state, creating a uniform system of registering sex offenders.

### ***Centralized, State Operated Registry***

Sex offender registration information is best maintained in a centralized, state operated registry, which provides for access by all local criminal justice officials. This process creates an exchange of information between local law enforcement agencies and the state agency responsible for maintaining the registry. Also, in order to comply with the Jacob Wetterling Act, states must operate a centralized, computerized registry, which is electronically transferable to the FBI’s National Sex Offender Registry.

### ***Intrastate Movement of Offenders***

When an offender moves to a new county or city within a state, registration information should be provided to the law enforcement agency in that county or city before the offender arrives. This gives local law enforcement the opportunity to proactively notify the community and victims of the offender’s presence, if necessary.

### ***Interstate Travel of Offenders***

Offenders who move from one state to another pose particular challenges to the registration system. To address this, procedures should be in place to guarantee the transmission and exchange of registration information between states and to tribal reservations. Currently, the National Institute of Corrections’ Community Corrections Division is coordinating a national initiative to update the Interstate Compact for the Supervision of Parolees and Probationers to create more comprehensive guidelines for the transfer of offenders on parole or probation between states.<sup>22</sup> In addition, the FBI’s National Sex Offender Registry will assist states in tracking offenders as they move from state to

---

<sup>22</sup> For further information on efforts to amend the Interstate Compact, contact the National Institute of Corrections Information Center, Community Corrections Division, 320 First Street, NW - Room 5007, Washington, DC 20534, or visit their website: [www.nicic.org/inst/compact2000.htm](http://www.nicic.org/inst/compact2000.htm).

state by providing criminal justice officials ready access to a list of all registered sex offenders in the United States.

### ***Information Collected***

Criminal justice agencies should build and maintain files on registered sex offenders. As a part of the registration process, many jurisdictions collect additional identifying information from the offender, such as fingerprints, DNA samples, HIV status and handwriting samples. This information can be useful in linking an offender to future crimes. States are also encouraged to participate in the FBI’s Combined DNA Index System (CODIS). CODIS is a computer technology that can assist federal, state and local crime laboratories in solving violent crimes by comparing DNA found at crime scenes with DNA from convicted offenders. The FBI provides CODIS software, together with installation, training and user support, free of charge to any state and local law enforcement laboratory performing DNA analysis.<sup>23</sup>

### ***Ensuring Compliance of Offenders with Registration Requirements***

States should be aware that some sex offenders try to avoid their registration obligation (e.g., by changing their names or by moving frequently). To combat this, some states require registrants to appear in person periodically at local law enforcement agencies to verify their address (and for such purposes as photographing and fingerprinting). Community supervision officers can assist law enforcement by verifying offender addresses for those under correctional supervision. In turn, law enforcement can assist supervision officers by providing additional monitoring and surveillance. These procedures effectively verify registrants’ location and impress upon offenders that they are under observation by the authorities.

### ***Community Education***

Registration laws present criminal justice officials with the opportunity to educate the community regarding sexual offending behavior. As part of public service meetings—or community notification—law enforcement, probation and parole officers, victim advocates and others working with sex offenders can present communities with valuable information on how to protect their families and themselves from potential victimization. In addition, information can be presented that will help citizens:

- recognize the importance and need to manage sex offenders in the community;

---

<sup>23</sup> For further information, contact the Federal Bureau of Investigation, attention: CODIS, Room 3640, 935 Pennsylvania Avenue NW, Washington, DC 20535.

- realize that there may be additional sex offenders living in the community who have not yet been caught;
- differentiate between common myths and facts regarding sex offenders and their victims;
- utilize information that is available in their community regarding its approach to managing sex offenders; and
- identify and verbalize their fears and perceptions about sex offenders in the community.

## CONCLUSION

Sex offender registration laws are now commonplace throughout the United States. Under federal requirements, states had until September 12, 1999, to comply with the Wetterling Act.

The goals of registration laws include increasing public safety, deterring offenders from committing future crimes, and providing law enforcement with additional investigative powers. In order to achieve these goals, states have developed a number of promising approaches to sex offender registration. These include: the development of written policy and procedures, detailing the registration process; the collection of thorough information on registered sex offenders; ready access to this information by all law enforcement officers; and the development of systems to effectively and efficiently transfer registration information within and across state lines so that offenders cannot escape registration obligations. The most comprehensive approaches to sex offender registration involve the collaboration and coordination of efforts among all of the agencies involved in the process for the purpose of preventing further sexual victimization.

## ACKNOWLEDGMENTS

Scott Matson, Research Associate, Center for Sex Offender Management, was the principal author of this article. Edited by Madeline M. Carter, Project Director, Center for Sex Offender Management.

The Center for Sex Offender Management would like to thank Roxanne Lieb, Director, Washington State Institute for Public Policy, for her insight and contributions to this article. Donna Feinberg, Attorney Advisor for the Office of the General Counsel, Office of Justice Programs provided comments.

## RESOURCES

Adams, D. (1999). *Summary of State Sex Offender Registries Dissemination and Procedures: Update 1999*. U.S. Department of Justice, Bureau of Justice Statistics (NCJ 177620).

Matson, S. and Lieb, R. (1996). *Sex Offender Registration: A Review of State laws*. Washington State Institute for Public Policy, Olympia, WA.

The National Center for Missing and Exploited Children (1998). *A Model State Sex Offender Policy*. Arlington, Virginia.

U.S. Department of Justice (1999). *Megan's Law; Final Guidelines for the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, as Amended*. Federal Register, vol. 64 (2), pp. 572-587.

## CONTACT INFORMATION

Center for Sex Offender Management  
8403 Colesville Road, Suite 720  
Silver Spring, MD 20910  
Phone: (301) 589-9383  
Fax: (301) 589-3505  
askcsom@csom.org  
www.csom.org

*This project was supported by Grant No. 97-WT-VX-K007, awarded by the Office of Justice Programs, U.S. Department of Justice. Points of view in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.*