

Center for Sex Offender Management

A Project of the Office of Justice Programs, U.S. Department of Justice

Community Notification and Education

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Introduction

Over the past decade, the nation has focused increasing attention on the risk that sex offenders pose to the safety of communities. Legislation to address this issue has proliferated as a result, including sex offender registries, community notification laws, and directives related to the supervision and treatment of known sex offenders.

The term "community notification" refers to the dissemination of identifying information to citizens and community organizations about convicted sex offenders who are released into the community. These laws are distinct from sex offender registration laws, which require convicted sex offenders who are living in the community to notify police officials of their place of residence.

Notification has grown from an idea of one police chief in Washington State to a phenomenon that has received overwhelming public support. This support can be attributed to the fact that sex offenders reside in most communities and that notification is intended to protect vulnerable populations, particularly children.

Many differences exist among the states, and within states, in how they notify communities. The fact that there is little research on community notification makes it difficult to determine which approach is most effective, or if notification is effective at all. However, some states have adopted promising approaches to notification that involve community education and the strategic use of resources.

This paper examines the differences in state laws regarding notification and explores some innovative approaches to community notification and education in place across the United States. It is important to remember that these laws apply

only to known sex offenders who have been apprehended and processed by the criminal justice system. These offenders account for only a small portion of sex offenders in any community.

Background

In order to understand the significant support for community notification laws, it is important to examine the history of these laws in the United States. Horrific events in Washington, Minnesota, and New Jersey were the impetus for the creation of notification and registration laws for sex offenders. These new statutes provided guidance for the rest of the country as new states enacted their own registration and notification legislation.

Washington State

In Washington State, a series of highly publicized sex crimes occurred during a very short period of time. In May 1987, Earl K. Shriner, a man with a long criminal record, completed a ten-year sentence in Washington for kidnapping and assaulting two teenage girls. Two years after his release, he raped and strangled a seven-year-old boy, severed his penis, and left him in the woods to die. In 1989, Gene Raymond Kane kidnapped and murdered a young Seattle businesswoman. He was on work release after serving a 13-year sentence for attacking two women. In another incident in 1989, Wesley Allen Dodd was apprehended during an attempted abduction of a six-year-old boy from a movie theater in southwest Washington. Following an investigation, Dodd confessed to the killings of two young boys who had been riding their bikes in a park, and the kidnapping and murder of a four-year-old boy he found playing in a schoolyard.

In July 1989, Mountlake Terrace Chief of Police

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, the State Justice Institute, and the American Probation and Parole Association, CSOM is administered by the Center for Effective Public Policy.

Washington State's community notification law applies to adult and juvenile sex offenders, regardless of conviction date. Notification is dependent upon the level of risk an offender poses to public safety. An end-of-sentence review committee was established to assess, on a case-by-case basis, the public risk posed by sex offenders who are preparing for their release from confinement or are accepted from another state under the Interstate Compact. All sex offenders are classified into tiers of risk for the purposes of public notification. A model policy was developed for law enforcement agencies to follow when disclosing information about sex offenders to the public:

- Tier I* Low risk: Notice is made to law enforcement agencies who may disclose information, upon request, to any individual community member who resides near an offender.
- Tier II* Moderate risk: In addition to the above, information may also be disclosed to schools, child day care centers, family day care providers, businesses, and organizations that serve primarily children, women, or vulnerable adults, and neighborhood groups.
- Tier III* High risk: In addition to the above, information may also be disclosed to the public at large.

John Turner learned of the imminent release to his community of a person who, while in prison, had documented plans to sexually molest school children. Because he did not want a repeat of the Shriner case, Chief Turner weighed the potential for harm against the offender's right to privacy and decided to notify the community. This was the first instance of community notification in Washington and was widely publicized throughout the state.

In response to significant public outcry from these crimes and increased attention on the need to better protect communities, Governor Booth Gardner appointed a task force to recommend changes to the state laws. The task force held public hearings throughout the state and considered numerous ways to strengthen the state's statutes concerning sex offenses. The task force's recommendations became an omnibus bill enacted by the 1990 Legislature, outlining sweeping changes in the penalties for sex offenses, including civil commitment, registration, and community notification (Lieb, 1996).

Minnesota

In October 1989, a masked man abducted 11-year-old Jacob Wetterling at gunpoint near his home in St. Joseph, Minnesota. Neighbors, friends, and strangers rallied to the Wetterling family's aid and worked diligently to search the area and distribute flyers across the country. That outpouring of support led to the

establishment of a nonprofit foundation in Jacob's name to focus national attention on missing children and their families. Jacob remains missing to this day.

In 1991, the Jacob Wetterling Foundation recommended a legislative initiative that resulted in the passage of Minnesota's sex offender registration act. Prior to this act, law enforcement agencies lacked resources to identify known sex offenders residing in the state, which could assist in the investigation of these types of crimes. The Wetterling Foundation also worked to have this initiative passed on the federal level. In 1994, Congress enacted the Jacob Wetterling Crimes Against Children and Sex Offender Registration Act. The Act mandated that each state create a program to register sex offenders and authorized discretionary community notification.

Like Washington State, **Minnesota's** community notification process is dependent upon the offender's assessed level of risk to reoffend:

- Low risk: Information is maintained within law enforcement agencies and is provided to victims;
- Moderate risk: In addition to the above, law enforcement agencies may disclose information to agencies and groups that the offender is likely to encounter; and
- High risk: In addition to the above, law enforcement agencies may disclose information to members of the community whom the offender is likely to encounter.

End-of-confinement review committees assess the public risk posed by sex offenders on a case-by-case basis and are utilized at each state correctional facility and each state treatment facility where sex offenders are confined.

A model policy was developed to address and recommend the contents and form of community notification, methods of distributing community notification, methods of educating community residents at public meetings on how they can use the information to enhance their safety, and procedures for educating sex offenders on the nature and scope of the notification process.

New Jersey

Seven-year-old Megan Kanka was raped and murdered in 1994 by Jesse Timmendequas, a twice convicted child molester who lived on her block in Hamilton, New Jersey. Megan's parents believe that if they had known that a pedophile lived nearby, this heinous crime would never have happened. Megan's death gave new momentum to the concept of community notification—that residents should be warned when a sex offender moves into their neighborhood.

New Jersey's community notification law is similar to Minnesota and Washington laws, in that the notification process is dependent upon the degree of risk an offender presents to the community:

- Low risk: Notice is provided only to the victim and law enforcement agencies likely to encounter the offender;
- Moderate risk: In addition to the above, notice is given to community organizations including schools, and religious and youth organizations; and
- High risk: In addition to the above, the community members who are most likely to encounter the offender are notified.

County prosecutors, together with law enforcement officials, assess the risk of reoffense by each released sex offender and determine the appropriate means of notification. Some methods of notification include community meetings, speeches in schools and religious congregations, and door-to-door visits in the community.

In November 2000, voters in New Jersey approved a measure to amend the state constitution to allow sex offender registration information to be posted on the Internet. Previously, the New Jersey Supreme Court had ruled that broad release of this information violated offenders' privacy rights.

Residents of Megan's community held rallies and signed petitions in support of community notification. Megan's parents served as leaders to the cause, beginning a very public campaign to protect children. In 1995, this campaign led to the enactment of community notification legislation in New Jersey, known as "Megan's Law." New Jersey politicians helped carry the issue to a national level. President Clinton signed the Megan's Law amendment in May 1996, changing the discretionary language in the Jacob Wetterling Act regarding community notification to a requirement.

Federal Requirements

Congress passed the Jacob Wetterling Act (Title XVII of the Violent Crime Control and Law Enforcement Act of 1994), requiring states to create registries of offenders convicted of sexually violent offenses or crimes against children and to establish more rigorous registration requirements for highly dangerous sex offenders. While states did not receive any additional federal funding to fulfill many of the Act's requirements, they are penalized if found not in compliance.¹ The U.S. Department of Justice issued guidelines (January 5, 1999) to

¹ States had until September 12, 1999, to comply with the original features of the Jacob Wetterling Act. States found not in compliance are penalized 10 percent of their Byrne Grant funds.

assist states with complying with the Act and its amendments.

The Wetterling Act has been amended three times, by the following:

- Megan's Law was added in 1996, requiring community notification;
- The Pam Lychner Sexual Offender Tracking and Identification Act was added in 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 (CJSA) was added in 1998, increasing sexually violent predator requirements and requiring the registration of federal, military, and non-resident students and workers.

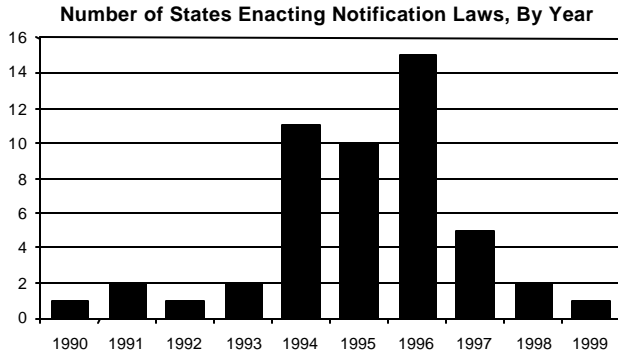
In addition, the 1998 CJSA amendments require states to participate in the National Sex Offender Registry (NSOR). The NSOR will interface with state registries to identify, collect, and properly disseminate relevant information that is consistent, accurate, complete, and up-to-date. The NSOR was established so that state registry information could be tracked between jurisdictions. The NSOR was launched in July 1999, as part of the National Crime Information Center (NCIC 2000).²

State Variations

The principal objective of community notification is to ensure that members of the public can obtain information that can help them protect themselves and their families from dangerous sex offenders residing in their community. Federal guidelines allow states discretion in determining the approaches they will take to notification. These guidelines state that "The designated state law enforcement agency... shall release relevant information that is necessary to protect the public concerning a specific person required to register." All 50 states have enacted sex offender community notification legislation. The following chart shows the growth in states enacting

² The FBI established NCIC 2000 to provide a nationwide information network database of criminal justice information to law enforcement agencies, improving positive identification, data quality, access to external databases, usage statistics, and flexible searches.

notification laws—the majority of activity occurred between 1994 and 1996.



Variations in state community notification laws occur in the following areas:

- the procedures or guidelines for agencies to follow when performing a notification;
- the categories of offenders who are subject to notification;
- the scope, form, and content of notification; and
- the designation of an agency to perform notifications.

State community notification laws can be divided into three categories, organized by the extent of notification: broad community notification; notification to those at risk; and passive notification (Matson and Lieb 1997).

Broad Community Notification

In states utilizing broad notification, criminal justice officials actively and widely release information about sex offenders to the public. Currently, 20 states provide this type of notification. The process for determining which offenders should be subject to notification differs from state to state. Some state statutes define this population. In other states, officials conduct risk assessments to make this determination. Still others rely on local law enforcement discretion.

Notification to Those at Risk

States that utilize a more limited type of notification release information based on the need to protect an individual or vulnerable population from a specific sex offender. Currently, 13 states provide this type of notification. As with states in the broad community notification category, the process for determining which offenders are subject to notification differs from state to state. Organizations typically notified are child care

facilities, religious organizations, public and private schools, and other entities that provide services to children or vulnerable populations.

Passive Notification

States that utilize passive notification require citizens or community organizations to actively seek out sex offender information themselves. Currently, 17 states allow such access. In most of these states, this information is available at local law enforcement offices or through a central state agency (typically managed by state police or department of public safety). While most are open for public inspection, others are open only to citizens at risk from a specific offender (generally determined by proximity to an offender's residence).

Identifying Offenders for Notification

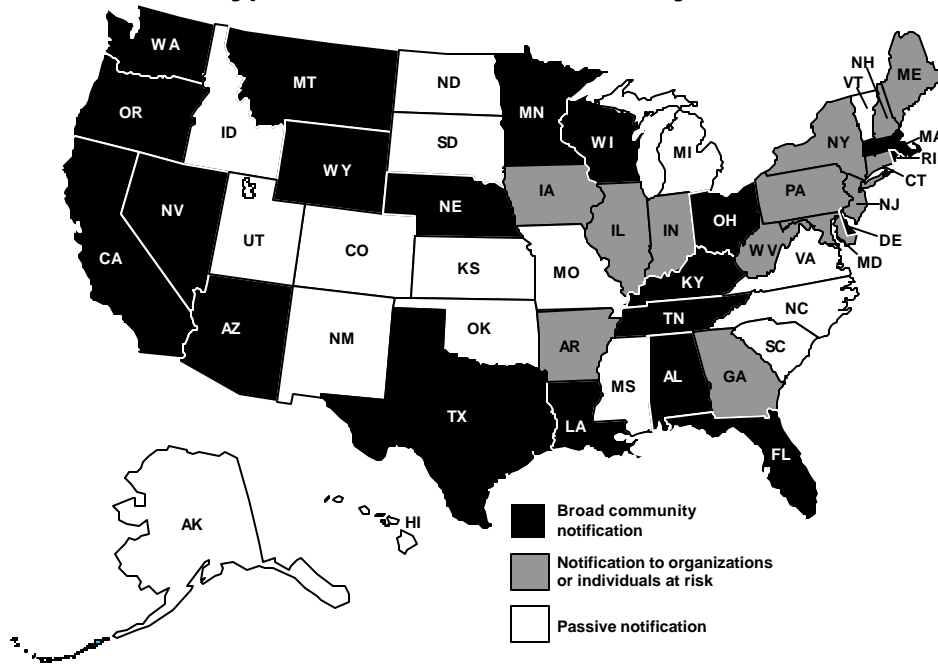
The process by which an offender is selected for community notification also varies from state to state. In many states, legislation mandates notification for offenders convicted of specific sex offenses. In others, discretion is granted to the notifying authority. Some states conduct risk assessment on offenders before determining if notification is warranted.

Statutory Determination. The majority of states' notification laws define the population of offenders that are subject to community notification as those convicted of a sexually violent offense or a sexual offense against a victim who is a minor. These states typically do not distinguish between high- and low-risk offenders.

Law Enforcement Discretion. In some states, local law enforcement agencies make the final decision on notification. Generally, law enforcement officials have broad discretion in making this decision.

Risk Assessment. Several states assess the risk of individual offenders before notification. At least 12 states use risk assessment instruments and an additional six states enlist committees for the purpose of assessing an offender's level of notification. The most common risk assessment tools used in these states are the Oregon Sex Offender Assessment Scale, the Minnesota Sex

Type of Notification Provided by States



Offender Screening Tool-Revised (MnSOST-R), the Rapid Risk Assessment for Sex Offense Recidivism (RRASOR), and the Static-99. Other states have developed their own risk assessment instruments. These instruments categorize offenders according to their similarities and differences from offenders known to have committed new sexual offenses.

California, Colorado, Illinois, Michigan, Minnesota, North Carolina, and Vermont prohibit the release of this information to the public. The remaining states authorize notification in some or all instances, or are silent on the matter.

Juveniles

Under federal guidelines, states are not required to register or conduct notification on juveniles who are adjudicated delinquent for a sex crime. However, states have the option to require registration and notification for these youth.

Juveniles adjudicated or convicted of a sex offense are required to register in 28 states:

Arizona	Mississippi (<i>if twice adjudicated</i>)
Arkansas	Montana
California	New Jersey
Colorado	Nevada
Delaware	North Carolina
Idaho	Oregon
Illinois	Rhode Island
Indiana (<i>age 14 or older</i>)	South Carolina
Iowa	South Dakota (<i>age 15 or older</i>)
Kentucky	Texas
Louisiana	Vermont
Massachusetts	Virginia
Michigan	Washington
Minnesota	Wisconsin

Methods of Notification

When it is determined necessary to release information to the public about a sex offender, various methods of dissemination are used. However, most states use one or more of the following practices: media release, door-to-door flyers, mailed flyers, or Internet distribution. Several states also utilize other methods. For example, in Louisiana, the offender is required to place an ad in a local newspaper and mail the notification to neighbors and the superintendent of the school district in which he or she intends to reside. In Texas, judges can order the posting of signs on an offender's home, warning neighbors that a sex offender resides within. California, Florida, New York, and Wisconsin maintain "800" or "900" telephone lines that the public may call to inquire whether individuals are registered sex offenders. In California, a CD-ROM containing a list of all registered sex offenders is available for public viewing throughout the state at local law enforcement offices.

Advantages and Disadvantages of Notification Methods

	ADVANTAGES	DISADVANTAGES
Media Release	<ul style="list-style-type: none"> Reaches the broadest possible audience in the least amount of time; is more cost effective than notifying communities one household at a time. 	<ul style="list-style-type: none"> Unable to assure that all vulnerable citizens have been reached. Unable to respond immediately to citizen questions about the situation or the law. Media potentially will not print the information as requested. Depending on the volume, the significance of each notification to the public may be lost.
Door-to-Door Distribution	<ul style="list-style-type: none"> Allows law enforcement to personally address concerns the public may have about a sex offender. Shows the community that law enforcement cares enough to take the time to warn them. 	<ul style="list-style-type: none"> Only notifies a small group of people. For example, the sex offender may work in a different community than was notified. More time consuming and expensive (in terms of staff hours) than a media release.
Mailed or Posted Flyers	<ul style="list-style-type: none"> More time efficient and less costly in terms of staff hours, when compared to door-to-door visits. Reaches all targeted community members. 	<ul style="list-style-type: none"> Not able to personally address citizens' concerns. No opportunity to educate the public.
Registration Lists	<ul style="list-style-type: none"> Cost effective; less resource intensive. 	<ul style="list-style-type: none"> Relies on citizens to actively seek out information—not everyone who is vulnerable will inquire. Generally, these lists do not distinguish between high- and low-risk offenders.
Internet Access	<ul style="list-style-type: none"> Registries posted on the Web are easily accessible by members of the public who have Internet access, making this an effective dissemination tool for law enforcement. After initial startup costs, this is an inexpensive way to comply with federal requirements. 	<ul style="list-style-type: none"> Impersonal—not able to answer questions or inform citizens of the appropriate use of such information. Inability to limit who accesses the information over the Internet. Misidentification—there can be problems encountering offenders with the same name when searching. Addresses and other information on registered sex offenders is frequently outdated and inaccurate. Information is broadly disseminated and may go beyond the scope of the intended audience. Generally, these lists do not distinguish between high- and low-risk offenders.
Community Meetings	<ul style="list-style-type: none"> Gives community members concrete information about the offender and provides opportunity for community education. In this forum, presenters counter misinformation, quell fears, discourage vigilantism, and offer actions that citizens can take to enhance their safety. Provides opportunities for supervision officers, treatment providers, law enforcement officials, victim advocates, and others to work together to present information to the community. 	<ul style="list-style-type: none"> If not properly conducted, a “mob mentality” may emerge; presenters should be trained and a curriculum must be in place prior to conducting these meetings. Unable to assure that all vulnerable citizens will attend or be reached.

Community Meetings

Several jurisdictions' approaches to notification include community meetings designed to provide information about the offender, sex offenders in general, and community protection. In some cases, these meetings also serve to introduce the offender personally. Meetings are held regarding specific offenders or the topic can be addressed as part of a community crime prevention meeting.

Legal Issues

The central constitutional challenge to community notification statutes questions whether the burden imposed by the law constitutes punishment of the offender. Notification laws have been challenged in nearly every state. Courts have generally found that notification laws are constitutional and that their principal purpose is regulatory in nature and not punitive. Courts have further stated that the primary concern of

these statutes is protecting the public. Thus far, no challenges have overturned the law completely, but some have forced legislatures to refine or modify statutes. Portions of notification laws, such as procedural mechanisms (due process) and retroactive application, are most susceptible to challenges in state and federal courts.

The most common and successful due process challenge is procedural due process. This challenge has occurred mainly in states that classify offenders according to the level of risk they pose to communities. This argument centers on whether an offender is allowed a hearing to challenge a risk classification. This challenge succeeded in Massachusetts, New Jersey, and New York, forcing the legislatures to revamp their statutes so that every offender has the right to a hearing.

The Massachusetts Supreme Court recently found that provisions of the state's community notification law violated constitutional due process. Massachusetts uses a three-tier notification system, under which the state's Sex Offender Registry Board classifies an offender into one of three risk levels.

The State Supreme Court upheld the law; however, it found the risk level classification system unconstitutional.³ The court made recommendations to alter the law to satisfy constitutional due process:

"...the appropriateness of an offender's risk classification must be proved by a preponderance of the evidence, and that the [Sex Offender Registry] board must make specific, written, detailed, and individualized findings to support the appropriateness of each offender's risk classification. Offenders may appeal to the Superior Court for review of the board's decision..."

At least 10 states allow offenders to contest decisions subjecting them to notification.⁴ In these instances, an offender can petition a court for a hearing or seek administrative review of the decision. At the court hearing, the offender has the right to be present, give testimony, call and

³ *Doe v. Sex Offender Registry Board*, Mass. SJC-07608 (July 24, 1998).

⁴ Florida, Louisiana, Massachusetts, Minnesota, Nevada, New Jersey, New York, Pennsylvania, Texas, and West Virginia.

cross-examine witnesses, and be represented by counsel.

In July 1995, the New Jersey Supreme Court upheld the state's notification statute, determining it to be constitutional as long as sex offenders facing notification had a chance to exercise their right to contest the decision in court:

"...those subject to the statute are entitled to the protection of procedures designed to assure that the risk of reoffense and the extent of notification are fairly evaluated before Tier II or Tier III notification is implemented. We have concluded that judicial review through summary proceeding should be available prior to notification if sought by any person covered by the law."⁵

The retroactive provisions of New Jersey, New York, and Washington notification laws have been upheld by the United States Court of Appeals. The issue of community notification of sex offenders has not been heard by the United States Supreme Court.

Are Notification Laws Effective?

Community notification laws are based on the presumption that alerting citizens about a sex offender living in their neighborhood will help prevent further cases of sexual assault. While it may not be feasible to learn the number of crimes prevented by these laws, the impact of notification practices should be evaluated to the extent possible. For example, information can be gathered about the influence of community notification on community perceptions, behaviors, criminal justice practices, and offender behavior.

Currently, research is lacking on the relationship between community notification and reduced recidivism or increased community safety. There are few studies on the effectiveness of community notification laws (as there are few studies on the effectiveness of most laws). Most of this research has been conducted in Washington State, where researchers have studied offender recidivism after community notification and measured the public's response to the law.

⁵ *Doe v. Poritz*, 662 A.2d 367 (NJ 1995).

The Washington State Recidivism Study

In 1995, the Washington State Institute for Public Policy conducted a study on the state's community notification law (Schram and Milloy, 1995). The study examined how Washington State implemented community notification, who was affected by it, and its impact on recidivism (as measured by rearrest) among sex offenders subjected to the law. The study provides a descriptive portrait of the offenders who were subjects of the highest level (Level III) of community notification during the first three years after implementation. Researchers found that adult sex offenders targeted for notification usually had extensive sexual or violent offense histories. Most had two or more prior convictions for offenses that typically involved the molestation or rape of female children they knew. Most of the offenders also had prior convictions for nonsexual offenses.

The study also provides a comparison of the recidivism patterns of adult sex offenders who were subjects of Level III notification with those of similar sex offenders who were released prior to the implementation of the law, and who therefore, were not subject to notification. Researchers found that at the end of 54 months at risk, the notification group had a slightly lower estimated rate of sexual recidivism (19 percent) than the comparison group (22 percent). This difference was not statistically significant. Although there were no significant differences in overall levels of general recidivism, the timing of reoffending was different for the notification and comparison groups. Offenders who were subjected to community notification were arrested for new crimes much more quickly than comparable offenders who were released without notification.

The Washington Public Opinion Poll

As part of Washington State's evaluation of the Community Protection Act, a telephone survey was conducted soliciting public opinion among Washington State adults about the state's community notification law. Over the summer of 1997, approximately 400 residents from both rural and urban regions of eastern and western Washington State were surveyed (Phillips, 1998).

The results of the survey indicated an overwhelming majority of respondents were familiar with the law and believed it was very important. Nearly 75 percent of the respondents reported they learned more about sex offenses

and how sex offenders operate because of community notification. More than 60 percent agreed that community notification makes released sex offenders more law abiding than they would be if no one in the community knew their background. The vast majority of respondents indicated they were more safety conscious and had a heightened awareness of their surroundings as a result of community notification.

Innovative Approaches

Community notification is relatively new and states are still refining how best to put it into practice. However, those approaches that involve the community appear to offer the greatest promise. The following section describes innovative approaches to community notification in place in Connecticut, Oregon, and Washington, and specific jurisdictions in Arizona and Florida.

Arizona

Arizona enacted its notification law in 1996. In Mesa, since the inception of the law, 493 sex offenders (out of approximately 1,500 registered) have been identified as moderate or high risk and subject to community notification. The Mesa Police Department surveyed communities to find out how they would like to be notified about sex offenders residing in their neighborhoods. Door-to-door notification is the preferred method; five detectives are assigned to conduct these notifications. Because of the overwhelming workload that notification presents, community action grant officers and bicycle officers (funded through community policing grants) are enlisted to assist in the notification process. In addition, neighborhood block watch captains, volunteers, probation officers, and treatment providers aid in these efforts. During these door-to-door notifications, citizen reactions are documented. If a citizen indicates any intention of harming or harassing an offender, they are subsequently visited by one of the Mesa Police Department detectives and warned that vigilante activity will be prosecuted.

In Mesa, community meetings are also held. At these meetings, law enforcement and other presenters (i.e., probation officers and treatment providers) educate the public and media about sexual assault statistics and facts, and offer guidance on protection from sexual assault. They

also encourage citizens to watch for inappropriate behavior by the offenders and to report any suspicious activity to the police department hotline.

Connecticut

In Connecticut, a team of individuals that includes probation and parole officials, law enforcement, victim advocates, and sex offender treatment providers have developed a multi-disciplinary approach to community education and notification. Team members view community education as an integral part of notification and have developed a comprehensive, collaborative model, which incorporates information from the various team members. Recently, the Judicial Branch, in collaboration with team members, developed a supplemental video to enhance education information provided to communities through notification.

In Connecticut, victim advocates assist probation and parole officers (as well as other team members) in conducting community notification, through door-to-door visits or community meetings. Advocates help shift the focus of notification laws from merely informing the public about known offenders in their neighborhoods to preventing future sexual victimization. Advocate involvement in the notification process creates the opportunity to educate citizens about sexual assault and offer help to victims.

Florida

The Tampa Police Department recently developed the Sexual Predator Identification and Notification Program (SPIN). SPIN is a proactive, comprehensive community policing initiative that addresses the issue of sex offenders released from incarceration back into communities. In addition to carrying out the minimal requirements of community notification, the SPIN Program enlists the community policing officer assigned to the area to contact sex offenders on a monthly basis. These contacts serve multiple purposes. Officers ensure that the offender lives at the address listed in the state database and verifies the offender's compliance with state laws, which mandate that the offender maintain a valid, updated license and accurate registration information. Additionally, community oriented police officers work daily with probation officers to monitor offenders and ensure that they are complying with conditions of probation.

The SPIN coordinator meets regularly with community members and gives presentations to explain all aspects of the program, legal issues, and the rights of both citizens and offenders.

Oregon

Trained parole and probation officers in Oregon use the Sex Offender Assessment Scale, developed in the state, to determine whether an offender exhibits predatory characteristics and should be subject to notification. Supervising probation or parole officers develop an individualized notification plan based on the offender's criminal behavior and the make-up of the community. Typically, neighborhoods are notified through door-to-door delivery of flyers with descriptive information about the offender. A 1996 amendment to the statute permits law enforcement agencies to conduct lifetime notification for predatory sex offenders not under supervision.

In Oregon, notification is used as a management tool—when an offender is doing poorly in treatment or not complying with conditions of his or her supervision, officials may decide that the offender poses a risk to the community and should be subject to notification.

When issuing a notification, probation officers leave flyers at a residence only if an adult is in the home. This practice allows officers the opportunity to address citizen questions or concerns about the offender. If an adult is not present, officers either leave their business cards or leave a flyer with a neighbor. Following door-to-door community visits, flyers are also mailed to the media, school districts, and other law enforcement agencies.

Washington State

In Washington State, local community meetings are either convened regarding a specific offender or to discuss broader issues of sexual assault; sex offender management may be addressed as part of an overall crime prevention meeting.

Community meetings that focus on specific sex offenders are presented by law enforcement, Department of Corrections staff, and others (including legal advisors, juvenile justice officers, representatives from the prosecutor's office, representatives from crime prevention units, school officials, mental health providers, victim advocates, and community leaders). They

provide educational information as well as facts about offenders who are the subjects of the meetings.

Generally, a predetermined agenda is followed that sets the ground rules and expectations of the meeting. The notification law is first described, followed by a presentation on what is known about sex offenders and safety related issues. Finally, information on the specific offender is presented (such as where they live, what they were convicted of, victim characteristics, and other identifiers) and questions are answered.

Unintended Consequences

Despite the legislative purpose of community notification to enhance public safety, notification can have negative effects on the criminal justice system, the community, victims, and offenders (Freeman-Longo, 2000).

Potential for Vigilantism

The potential for citizens to harass offenders following notification has been a concern since community notification laws were first passed. Anecdotal incidents of vigilantism or harassment have been reported in almost every state in the country. Fortunately, few have been violent in nature. Instead, most of these incidents have involved verbal threats and/or attempts to force the offender to move from the community. The fact that violent incidents are relatively rare may seem surprising given the media attention to these events. At least four states have tracked incidents of harassment: New Jersey, Oregon, Washington, and Wisconsin.

In New Jersey, 135 community notifications produced one instance of physical assault reported to the authorities and four reports of threats, harassment, or other offensive, non-violent actions.⁶ In July 1998, an individual reacting to a flyer distributed by police shot at the house of a recently paroled rapist.

In Oregon, less than 10 percent of those offenders subject to notifications experienced some form of harassment (from November 1993 to January 1995). These incidents included

name-calling, graffiti, and minor property vandalism. Two extreme cases of harassment were reported; the first involved a sex offender being threatened at gun-point and the second included threats of arson to an offender's residence (Oregon Department of Corrections, 1995).

In Washington State, harassment incidents follow less than 4 percent of notifications (from 1990 to 1996).⁷ The most serious incident resulted in arson of an offender's intended residence. Two cases resulted in minor property damage, and in two others, offenders were physically assaulted (Matson and Lieb, 1996). In July 1998, neighbors in a trailer park burned down a vacant mobile home days before a sex offender was scheduled to move into it. Last year, a man was imprisoned for threatening a sex offender at gun-point who had recently been released from civil commitment.

In Wisconsin, 23 percent of law enforcement agencies reported incidents of harassment of sex offenders since the law took effect in 1997. Most of these incidents were deemed minor, involving insults and verbal taunts, and offenders being denied housing (Zevitz and Farkas, 1999).

Name and Shame in the United Kingdom

As evidenced by the "For Sarah Campaign," named for eight-year-old Sarah Payne who was murdered in the UK in July 2000, the public and media can take matters of notification into their own hands. A "name and shame" campaign by a local newspaper sought to identify more than 100,000 suspected pedophiles in the UK, because the public did not have access to sex offender information. This campaign caused alleged offenders to flee their homes to avoid persecution and has led to mob riots, physical assaults, property damage, misidentifications, and a suicide that is believed to be related to the campaign (Born, 2000, News of the World, 2000).

Compliance with Registration Requirements

In addition to vigilantism and harassment, compliance with registration requirements is a problem in every state. Some would argue that notification causes sex offenders to abscond in order to avoid additional stigmatization. Some states report that the whereabouts of as many as 50 percent of registered sex offenders are not known. It is probably safe to assume that no state has a 100 percent compliance rate in registering sex offenders. Providing communities

⁶ This information was collected from November 1994 through May 1996, in preparation for a court case (*E.B. v. Verniero*, 1997).

⁷ This data is from a survey of law enforcement, in which respondents were asked to recall incidents that they knew about and reported.

with exact addresses of offenders whose whereabouts are in fact unknown can cause undue harm to individuals who occupy a sex offender's prior residence.

Because registration requirements generally last 10 years to life, many registered offenders are not under community supervision (i.e., probation or parole). In these instances, conforming with registration requirements is dependent on the offenders' choice to remain in compliance or the degree to which law enforcement tracks and/or verifies offenders' whereabouts. Failure to comply, which may result in inaccurate offender addresses, jeopardizes the effectiveness of broad notification strategies. All states impose penalties on offenders who fail to keep their registration information current. Some impose felony sentences; others impose monetary penalties for noncompliance.

Offenders Not Able to Find Housing

Some communities have reported that certain property owners are not renting to sex offenders because of pressure from other tenants or neighbors. In a few metropolitan areas, sex offenders who cannot find residences are housed in local motels (by their parole or probation officer) and even returned to prison until they can find adequate housing. In Waukesha County, Wisconsin, two offenders chose to return voluntarily to prison because they could not find housing following their notifications. In some jurisdictions, sex offenders reside in shelters, temporary housing, or on the streets. There have been instances of neighborhoods joining together to keep registered offenders out of their community. Recently, in Lake Oswego, Oregon, a group of residents pooled funds to send a registered sex offender to college in order to remove him from their neighborhood.

Because offenders are not able to find housing, they may be ineligible for early release and thus, "max-out" their sentence (early release decisions generally are based upon an approved plan, which includes approved residency). This means that some of the highest risk offenders are released into the community with no court ordered supervision or treatment to help them control their offending behavior.

Victim Identification

There have been instances around the country of victims' identities revealed as a result of

community notification. The potential is highest when victims are related to or known to offenders. Furthermore, when officials conduct notification in neighborhoods where the offender's victim resides, they may inadvertently traumatize the victim in the process.

Internet Concerns

In an effort to comply with federal guidelines efficiently and economically and to release vital information about offenders to the public, many states have adopted the use of Internet websites to post sex offender registration information. However, posting sex offender registries on the Internet raises several concerns. These include the accuracy of the information provided, the potential unintended identification of the victim, and privacy concerns of the offender. There are several other key issues to consider in the use of Internet websites, including the following:

- States that list registered sex offenders on websites rely on citizens to proactively seek this information. If the goal of making such lists available to the public is to protect the citizenry, these methods must be employed with the knowledge that not everyone who is vulnerable will inquire through an Internet registry.
- Citizens who learn of sex offenders in their community via the Internet are not always provided with support or education when receiving this information. Many professionals in the field contend that citizens are ill equipped to respond to this information absent additional education on the risks of sexual offending and how one might better protect oneself and one's family.
- Internet registries do not require a demonstration of a "need to know" when an individual accesses the information they provide. Several states have elected to use alternative methods of access that contain a "need to know" checkpoint to ensure that the information obtained is used for the purposes for which it is intended (such as a parent checking to see if a neighbor is a registered sex offender).
- Anecdotal reports from around the country have described incidents where offender information on a website has been outdated or incorrect, thus subjecting innocent citizens to stigma or harassment.

Reducing Unintended Consequences

The negative and often unintended consequences of community notification can be harmful to communities and to sex offenders' efforts to reintegrate into society. Different programs throughout the country have made efforts to reduce these effects. These efforts involve education of citizens and explanation of laws, identification of offender risk, caution around exact address release, planning and foresight, cooperation with media, and involvement of victim advocates.

Education

The opportunity to educate the public may be the most powerful aspect of recent community notification efforts. Education should focus on: the fact that victimization data indicate that most sex offenders remain undetected in the community, that most people are victimized by someone they know, and that known sex offenders are often under the supervision of the criminal justice system; the steps that the criminal justice system can and cannot take to control these offenders; and methods to protect oneself and one's family from sexual victimization.

Risk Assessment

Community notification may best be reserved for those offenders at greatest risk to reoffend. Recidivism data suggest that not all sex offenders reoffend and alerting the public of their crimes may be detrimental to offenders' progress in treatment and community reintegration. Sex offenders are not a homogenous group; reoffense rates vary among different types of sex offenders and are related to specific characteristics of the offender and the offense. Several states assess the risk of individual offenders and only release information to the public about higher risk offenders.

Ongoing Notification

Community notification usually takes place upon an offender's release from incarceration. However, notice should also take place when an offender is found in noncompliance with supervision conditions or registration requirements, or when an offender absconds from his or her jurisdiction. Some states use notification as a management tool under these circumstances, alerting the public when an offender is of greater risk. This serves two

purposes; it informs communities of dangerous behaviors by particular offenders and it helps keep sex offenders in compliance through the threat of public exposure.

Vigilante Warnings

Some states post warnings on their Internet websites, indicating that the purpose of the list is to help protect the public from potential danger posed by individuals who have committed sex offenses. These statements also reflect that any actions taken against any person on the list, including vandalism of property, verbal or written threats of harm, or physical assault against an individual on this list, their family, or employer, may result in arrest and prosecution. The public should be further notified that ostracizing or harassing sex offenders can stand in the way of their successful reintegration into the community.

Accuracy of Information

Offender registration information must be updated regularly to maintain accuracy. States have a responsibility to ensure that the information is as accurate and up to date as possible. At a minimum, offenders who are out of compliance with registration requirements should not have their addresses posted on websites or given as part of notification, as this information is more than likely inaccurate. In addition, regular record updates ensure that other information, such as the offender's physical appearance, is kept current.

Planning

In planning for community notification, corrections and law enforcement officials should identify individuals who may be negatively affected and develop strategies to reduce these potential impacts, without interfering with the notification. Notifying family members, victims, landlords, and employers before conducting a notification allows these individuals time to prepare for the disclosure. Every effort should be made to protect the privacy of any victims of sex offenders subject to community notification. It is vital that no direct or indirect identifying information regarding the sex offenders' victims be released as a part of the notification process.

Victim Advocacy

Victim advocates (both community-based and governmental) can play an important role in the development of a successful community notification program. States that use review

committees to assess an offender's risk of reoffense often enlist the help of victim advocates. In many instances, legislation requires their participation in the development of the classification procedures or in the actual risk assessment. Some states that conduct community meetings use victim advocates to help educate audiences about the nature of sex crimes and teach parents how to protect themselves and their children from sex offenders. In addition, victim advocates can be helpful in strategizing with corrections and law enforcement officials regarding who should be notified and how, as well as assisting in the notification itself. Victim advocacy groups, such as the National Center for Missing and Exploited Children, the National Center for Victims of Crime, and many local sexual assault advocacy programs, develop and provide educational materials that teach parents how to protect their children and themselves.

Media Support

Agencies charged with protecting the public from sex offenders (i.e., probation, parole, law enforcement, and treatment providers) should enlist the support of the news media in their community protection efforts. These agencies should provide the media with general information about sex offender management practices and resources for victims. If this is accomplished, the media can be a positive resource in the notification process.

Educating Communities

For the benefits of community notification to be realized to the greatest extent possible, notification should be used as an opportunity to educate the public. Notification should be accompanied with community discussions about the nature and extent of sexual offending, what is known about sex offenders, sex offenders' rights, and actions that citizens can take to protect themselves and their families. Communities also need to be educated about the role notification plays in sex offender management.

What is the Extent of Sexual Offending?

Those people who commit sexual assaults, whether convicted for these offenses or not, live in our communities. Data suggests that there are many more sexual abusers in the community than those who have been identified by the court system (or are subject to community notification

or placed on Internet registries). A 1992 study estimated that only 12 percent of rapes were reported (Kilpatrick, Edmunds, and Seymour, 1992). The National Crime Victimization Surveys conducted in 1994, 1995, and 1998 indicate that only 32 percent of sexual assaults against persons 12 or older were reported to law enforcement. As of April 1998, there were approximately 280,000 registered sex offenders in the United States (Baldau, 1999). This number may only represent a fraction of those who commit sexual assault.

Who Commits Sexual Offenses?

Most sexual assaults are committed by someone known to the victim or the victim's family, regardless of whether the victim is a child or an adult. Statistics indicate that the majority of women who have been raped know their assailant. A 1998 National Violence Against Women Survey revealed that among those women who reported being raped, 76 percent were victimized by a current or former husband, live-in partner, or date (Tjaden and Thoennes, 1998). Also, a Bureau of Justice Statistics study found that nearly 9 out of 10 rape or sexual assault victimizations involved a single offender with whom the victim had a prior relationship as a family member, intimate, or acquaintance (Greenfeld, 1997). Approximately 60 percent of boys and 80 percent of girls who are sexually victimized are abused by someone known to the child or the child's family (Lieb, Quinsey, and Berliner, 1998). Relatives, friends, baby-sitters, persons in positions of authority over the child, or persons who supervise children are more likely than strangers to commit a sexual assault.

What are the Rights of Sex Offenders?

The public must accept that sex offenders will and do live in our communities. It is not feasible for every community to incarcerate all sex offenders for life. Citizens should be encouraged to refrain from ostracizing sex offenders or their families.

Citizens should use available channels for expressing concerns. If community members have a concern about a particular sex offender, this information should be brought to the attention of the offender's probation or parole officer immediately. If there is not a satisfactory response, citizens should call the officer's supervisor. Attempts by citizens to confront, harass, or shame a sex offender into compliance

can have unintended, negative consequences. Concerns should always be addressed through the official criminal justice system.

Communities can help by supporting sex offenders' attempts to reintegrate into society. Assuring stable housing and employment for these offenders can promote safety in the long run.

How Can Citizens Protect Themselves?

In order for citizens to most effectively protect themselves, it is important that they clearly understand who is at risk and how best they can be protected. Citizens should be encouraged to educate themselves and loved ones about the dangers of sexual assault and in particular about child sexual assault. (Organizations such as the National Center for Missing and Exploited Children and local sexual assault victim advocacy programs provide free information on sexual assault protection.)

Knowing My 8 Rules for Safety

National Center for Missing and Exploited Children*

1. I always check first with my parents or the person in charge before I go anywhere or get into a car, even with someone I know.
2. I always check first with my parents or a trusted adult before I accept anything from anyone, even from someone I know.
3. I always take a friend with me when I go places or play outside.
4. I know my name, address, telephone number, and my parents' names.
5. I say no if someone tries to touch me or treat me in a way that makes me feel scared, uncomfortable, or confused.
6. I know that I can tell my parents or a trusted adult if I feel scared, uncomfortable, or confused.
7. It's OK to say no, and I know that there will always be someone who can help me.
8. I am strong, smart, and have the right to be safe.

*A sample of the public information resources currently available.

Citizens must understand that safely supervising sex offenders in communities is a complex task. The strategies that are emerging as promising for preventing individual offenders from reoffending involve the establishment of numerous controls and safety mechanisms. Unfortunately, there is no simple solution that will end sexual assault.

Why Do We Need to Talk About Managing Sex Offenders in Communities?

Given that some portion of sex offenders are under correctional supervision in the community, it is prudent that citizens are educated about

what effective supervision entails and the need to allocate appropriate supervision and treatment resources to the management of these individuals. Communities must also realize the importance of supporting offenders' attempts to reintegrate into society and become more productive citizens. Their successful reintegration can also help provide much needed financial and emotional resources to offenders' families (which may include primary victims).

Conclusion

Community notification laws have been in effect for more than 10 years. Surprisingly, little research has been conducted on the impact of these laws. Perhaps this dearth of research is due to the tremendous variation among the states, and even within states, in how these statutes have been implemented. Regardless of what research does (or does not) tell us, notification has tremendous support from the public and appears to be gaining momentum, as evidenced by the rapid increase in states posting registration lists on the Internet.

An increased awareness of sexual assault and how to prevent it may well be the best possible outcome of community notification. Efforts to increase public safety through notification can be furthered by using the opportunity to educate the public about ways they can help protect themselves. Even if community notification does not reduce the prevalence of sexual assault in our society or the recidivism rates of those subjected to notification, citizens can still benefit from these laws through the opportunity for education and awareness they offer.

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