

Recommendations for Improving the Sex Offender Registry and Increasing Community  
Awareness

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Recommendations for Improving the Sex Offender Registry and Increasing Community  
Awareness

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## **Abstract**

### **Recommendations for Improving the Sex Offender Registry and Increasing Community Awareness**

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Under the Supervision of Dr. Mike Klemp – North

## **Statement of the Problem**

Throughout the United States there has been a concern among the public and Criminal Justice System about tracking convicted sex offenders. As a result of this concern grew the creation of the sex offender registry. However, even with its good intentions the registry has its flaws. Sex offenders and their families can face increasing challenges while being on the registry. These challenges include but are not limited to retaliation, vandalism, harassment and difficulty finding jobs or housing. Community members in some cases also have a false sense of security and a grave misunderstanding of the registry and how it works. In many cases anyone on the registry is believed by the community to be dangerous and all the same. However, people are placed on the registry for numerous reasons and in some cases offenders do not pose a risk of reoffending or being dangerous. Research shows that with some adjustment and changes the sex offender registry could become more beneficial.

## **Methods of Approach**

Secondary analysis will be the primary research method used in this research paper. By using secondary sources such as literature and research from academic journals, professional organizations, government agencies as well as local sheriff's department; a detailed recommendation will be made for possible alternatives or updates to the sex offender registry.

This research paper will evaluate the research and the theoretical approach to the laws and systems that are currently in place. This includes the Sex offender registry, Megan's law, and The Jacob Wetterling Act. These secondary sources will include literature and research from scholarly and peer-reviewed academic journals, governmental agency websites and other professional organizations.

A majority of this information will be found in the University of Platteville Karrmann Electronic Library. Governmental websites such as FBI, OJJDP, NCJRS and BJS will also be used in this research. Using secondary data provides the opportunity to benefit from first-rate professionals in the field. The research as well as firsthand accounts of sex offenders will be used to provide an extensive review of the current system and possible guidelines to improve or update the program that is currently in place.

### **Results of the Research**

The practices of conducting risk assessments on released sex offenders, updates to notification requirements and increasing community education could show a great benefit to reducing recidivism and increasing awareness to families of true dangers to their children; for example many parents still teach all about stranger danger, however that is not the biggest risk their children face. The theoretical framework that is shown in this research shows support for new practices in regards to the sex offender registry.

A significant and unexpected result of this study was learning that there is a severe disconnect on previous research in regards to recidivism of sex offenders. Previous research appears to have very different and in some cases conflicting information in regards to the

likelihood of a sex offender to reoffend. It is recommended that future research examine the recidivism rate more closely as well as the effectiveness of these recommendations further.

Movies other forms of media and even social media show sex offenders as dangerous violent rapists that prey on children. Communities need to see and understand better that not all offenders on the registry pose a threat to their children. Some research has also shown that they do not even have a high risk to reoffend. Providing more education to the community in regards to dangers to their children may be a more effective approach to community safety. Parents should know how to talk with their children and what warning signs to look for in their children.

Sex offender residency restrictions can also create a false sense of security and can have many negative consequences for known sex offenders. Residency restrictions create difficult situations. For one example, it makes it difficult for offenders to find safe, affordable and appropriate housing. When offenders do find housing it might be a further distance to their jobs and treatment opportunities'. This additional distance can put financial stress on the offenders. The housing that they find may be more expensive or the distance from housing to work could create higher gas expense for community which is an added expense. Offenders may also experience a lack of social support, increase homelessness and other difficulties. Transitioning back to society can be a difficult process adding these additional challenges can make it difficult for offenders to have stability which can create a higher likelihood of reoffending.

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## **I. Introduction**

### **Statement of the problem**

Over the past two decades in the United States there has been a growing concern among the public, and within the criminal justice system, regarding the tracking of convicted sex offenders. In response to this concern, a national registry of convicted sex offenders was created. The goal of these registries was to increase safety by giving people the addresses of convicted sex offenders in their community. It was also believed to provide the public the opportunity to take measures needed to protect themselves and to keep their families safe from sex offenders in their neighborhoods.

Registries were also created as a tool to law enforcement agencies. The thought was that registries would help narrow the focus of investigations. They would allow law enforcement an opportunity to identify potential suspects by comparing and searching for similar patterns and matching DNA evidence when available (Center for Sex Offender Management, 2008). These registries however did not come without their own challenges. The most significant challenge in maintaining a registry is gathering accurate information on the whereabouts of convicted sex offenders. These registries must keep the most up to date information available.

In addition to the sex offender registry additional methods of sex offender management were implemented. By 2008 roughly 30 states had added residency restrictions to their legislation (Association for the Treatment of Sex Abusers, 2008). These restrictions made it so that convicted sex offenders could not reside in certain areas. These boundaries could vary by state but most commonly they included limiting sex offenders from residing near parks, day cares, schools, and anywhere that was primarily devoted to children. The believed goal of these restrictions was to limit a sex offender's access to children. Although the goal had good

intentions and had a great deal of support from the public there was not enough research about its effectiveness.

It was estimated that there were 234,000 offenders convicted of rape or sexual assault under the control of the corrections system in 1994, with over half of those offenders being supervised in the community (International Association of Chiefs of Police [IACP], 2007). These offenders that were under direct supervision maintained up to date registration requirements. Then in 2007 the National Center for Missing and Exploited Children estimate that there were 602,000 registered sex offenders (IACP, 2007). Even with assuming that again over half of them are under direct supervision, the National Center for Missing and Exploited Children estimates there are as many as 100,000 offenders that are required to register but are non-compliant with the registration requirements in their respective states (National Center for Missing & Exploited Children, 2007a).

In 2006 the Adam Walsh Child Protection and Safety Act made it the requirement of each individual State to follow and keep up to date on specific registration requirements for each sex offender on the registry in their state. If a state does not comply they could receive a punishment in the form of a reduction to the funding for law enforcement (U.S. Department of Justice, 2008). The law created federal criteria for tracking sex offenders however what it did not specify was how the information is supposed to be verified. Many States reached out for assistance from local law enforcement. It was put on them to track sex offenders, keep the registry information updated and verify all provided information is accurate.

## **Purpose of the Study**

The purpose of this research is to evaluate explore and compile previous studies on the Sex Offender Registry and the laws associated with it. After discussing a history and background of the sex offender registry the research will provide an evaluation of the current system including its positive contributions as well as any unintended negative consequences that it has had.

Although there is an importance to protecting our children and other members in the community it's also important to find an approach that does not make it impossible for sex offenders to reintegrate into society or cause additional punishments to offenders and their families after they have already served their time.

In addition the intent of this paper is to also evaluate the research and theoretical approach to the laws that are in place. Although these laws had the best intentions for safety they may actually be leading to different results that are counterproductive to the goals of recidivism, and community safety. The research will also review and identify evidence-based methods that could prove more successful to these goals. Suggested components of change will be provided that have been shown to be more cost effective and more successful at dropping recidivism while also increasing the safety of our children and our community.

## **Significance of the Study**

With over 500,000 sex offenders and growing in the United States (SMART, 2016) many of those offenders that are subject to registry requirements have actually not been arrested since their initial conviction. The research will argue that these individuals have had heavy penalties and restrictions to their liberties already and now the sex offender registry has added to that list. While managing sex offenders with the sex offender registry is a noble goal it strongly affects and causes added trouble and punishment to convicted sex offenders during a time when they are

already struggling to make a living and leave their past behind them. It can be argued that the sex offender registry goes against the rights of a targeted population. This research will provide guidelines to address this issue while still keeping the goal of safety and a reduction of recidivism in mind.

This research paper will also argue that there should be less focus on stranger danger and a larger focus on true risks vs. myths about sex offenders and the registry. Although discussing stranger danger can help a community feel safe it is not the greatest way to actually keep families and children safe. Teaching parents how to talk with their children and allow children to feel safe and comfortable talking with their parents about people that make them feel uncomfortable can help.

It is important to find a balance between keeping people safe and also giving sex offenders the best resources to reintegrate back into society without too many added factors making it impossible for sex offenders to succeed and live their lives. Some sex offenders experience judgment, harassment, and difficulty finding jobs and housing, and so many other issues. Many times their families and children experience similar harassment and a lack of safety due to community response to the sex offender registry (J. Miller, Personal Communication, June 15<sup>th</sup>, 2021).

## **II. Literature Review**

The following section will review relevant literature that pertains to sex offenses as well as the sex offender registration. The basic nature of sex offenses as well as the recidivism rate of sex offenders will be studied in order to provide a background for the importance and the reason behind the development of sex offender management programs such as the sex offender registry.

To follow will be a review on current legislation and the current compliance with national and

state legislation. Lastly some unintended negative consequences will be explored in order to evaluate any necessary changes that may need to be made to current sex offender management legislation and registry programs.

### **Nature of Sex Offenses**

Law and Order SVU has been the most watched show of Thursday nights. Millions of people have heard the intro and can probably repeat it verbatim. “In the Criminal Justice system sexually based offenses are considered especially heinous. In New York City, the dedicated detectives who investigate these vicious felonies are members of an elite squad known as the Special Victims Unit. These are their stories.” The writers of this show do pull inspiration from real-life events and national news stories however they change the details substantially in order to create original scripts that deviate from real life. Arguments could be made about the accuracy of this show; however what can’t be argued is the truth behind that first statement. Sexually based offenses are especially heinous.

Victims of sexual offenses suffer more psychological and emotional trauma than victims of other crimes such as property crimes or physical assaults. Victims of sex offenses have been violated in an unthinkable way; these offenses damage the victim in very personal and sometimes invisible ways (Petrunik, 2003). In some cases these offenses are even perpetrated against a child, which society typically views these offenders as the lowest of the low. When a sexual offense is perpetrated against a child it destroys their innocence and can change their entire life. Sexual based offenses lead to a lifetime of issues for all victims.

One famous and well known case of sexual assault is the case of Brock Turner. Brock Turner raped a passed out female behind a dumpster. In order to plead his case Brock Turner’s

father submitted a letter to the judge. In this letter in regards to his son he stated “His life will never be the one that he dreamed about and worked so hard to achieve. That is a steep price to pay for 20 minutes of action out of his 20 plus years of life.” (Xu, 2016). The truth however is that to a victim it is not only 20 minutes of action. These crimes have an enormous effect on the victims and will likely affect every aspect of their life from that moment on.

The Joyful Heart Foundation (2019) lists some of these effects that a victim may experience in the aftermath of a sexual assault or rape. There can be physical effects including but not limited to bruising, bleeding, pregnancy, sexually transmitted diseases, broken bones and soreness. Sexually based offenses are not limited to physical injury or effects. Many effects however are not visible such as mental and emotional effects. Some mental effects include PTSD, depression, suicidal thoughts and dissociation. Emotional effects include; changes in trusting others, anger, shock, numbness, fear, self - blame, and helplessness. Some of these effects are visible but others are not.

### **Sex Offender Recidivism**

Sex offenses have been a crime of public concern and stress and rightfully so. According to the Center for Sex Offender Management (2008), of the roughly 1.5 million individuals incarcerated in state and federal prisons across the United States approximately 150,000 are imprisoned for a sex crime. There is valid reason that sex offenses are a public concern. Many people fear for their safety and the safety of their families. The public fears sex offenders and the likelihood that they will reoffend. In some cases people will check the sex offender registries while purchasing a home or going places with their children. There is a lot of anxiety and stress when someone learns of a sex offender nearby. Some of which may be valid.

Throughout society it is believed that individuals on the sex offender registry are the most dangerous of criminals and most likely to reoffend. However the truth according to the U.S. Office of Justice Programs, Bureau of Justice Statistics (2003) is that sex offenders have some of the lowest recidivism rates when in comparison to other criminals. It is also reported that some of the most dangerous sex crimes, which often times involve rape and murder, actually account for less than three percent of known sexual offenses throughout the United States as well.

The measurement of recidivism rates can present some trouble. This is because the criminal justice system has to use official arrest data in order to calculate the recidivism rates. But the truth is it's hard to monitor. When relying on measuring recidivism through data provided by the criminal justice system it potentially leaves out offenses that should otherwise be included. Some of these offenses include any sexual offense that is not reported as well any offense that does not result in an arrest. When looking at sex offenses this can be particularly troubling because they can be some of the most underreported crimes.

In America every 73 seconds someone is sexually assaulted (RAINN). However, out of every 1,000 sexual assaults only 10 are reported to the police. That means 2 out of every 3 go unreported. Additionally out of those 1000 sexual assaults 975 perpetrators will walk free. Only 50 of them will result in an arrest (RAINN). Based on these statistics measuring recidivism is extremely difficult. Due to the limitations of gathering data from official arrest records it is not surprising to see that studies on recidivism among convicted sex offenders can show varying results.

The Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) has reported that of the over 500,000 sex offenders in the United States

many of those offenders that are subject to registry requirements have actually not been arrested since their initial conviction. However, as previously stated recidivism is extremely difficult to measure and studies seem to vary. A study by Craig, Browne, Beech, and Stringer (2006) looked into 153 offenders (85 of which were convicted of sexual offenses). After 2 years they found a recidivism rate of 7.1% amongst the offenders followed. Subsequently a few years later 10 years after being released they found a 17.6% rate of recidivism. Another study examined data that was provided by The Bureau of Justice Statics. The participants were male sex offenders that were released from prison in 1994. During the first 3 years after being released 5.3% of the original 9,691 sex offenders studied were convicted of a new sex offense. Further information was not reported after the initial 3 years (U.S. Department of Justice, 2007). These studies show a few important pieces of information to remember. First, the length of time used when following up on recidivism rate is important. Measuring recidivism has shown that studies with longer follow up times tend to see an increase in recidivism rates (SMART, 2017). Secondly, these studies also demonstrate how much variation can be found in studies. Studying recidivism has not always provided consistent results.

Recidivism rates can vary from study to study for a few reasons. First, recidivism rates are not always measured the same way with each study; therefore they may see different results. Another reason these rates may vary is because some studies use different definitions for recidivism. For example, some studies may use rearrests vs. reconviction. Another important difference is the type of offenders that are included in the study. Many offenses could potentially fall under the category of sex offenses. For example are the studies using rapists vs. child molesters or are they broadening the category to include others (SMART, 2017). These factors can lead to very different and in some cases conflicting data.



## **Legislation and Sex Offender Registration**

Throughout history some sex offenses have been particularly painful to learn about and have caused societal cries for help and legislation. Sex offender registration laws were created in order to prevent these offenses from happening again. Following will be a brief review and history of the horrific incidences that have led to the legislation that is currently in place. Many of these offenses were perpetrated against children and can create many emotional responses. Due to these emotional responses the outcries of the public have led to significant changes in legislation.

Jacob Wetterling was an 11 year old boy from Minnesota. He was kidnapped and held at gunpoint in his hometown. In 1989 when this occurred, Minnesota did not have anything in place to help the police department in their investigation when it came to tracking previous sex offenders (International Association of Chiefs of Police [IACP], 2006). Jacob's disappearance remained a mystery until 2016 when human bones were discovered and identified as Jacobs. In the months following the disappearance Jacob's family and other citizens created the Jacob Wetterling Foundation. This was an advocacy group formed for the safety and protection of children. In 1994 the first law was passed to create a registry of sex offenders; it was called the Jacob Wetterling Act. The Jacob Wetterling Foundation was fundamental in the passage of this legislation (IACP, 2006). There have been changes and additions to this legislation, but it was the foundation of current Sex offender legislation and registry requirements.

The next significant moment in the creation of current legislation took place in 1994. Megan Kanka was living with her parents in New Jersey. It was a small quiet neighborhood that was believed to be safe. A neighbor invited Megan into his home to play with his new puppy.

Megan agreed and was then raped and murdered. Unknown to the neighborhood this neighbor had a dark past. He had previously been arrested and charged with aggravated assault and attempted sexual assault of a child. He served his time and was released, but communities were not notified of these charges. Again the family and public banded together and their uproar helped push along an amendment to the Wetterling Act (Megan Nicole Kanka Foundation, 2009). This amendment mandated that notification be provided anytime a sex offender is released into the community or moves into a new community.

Another important moment in the formation of current legislation was the abduction of Jessica Lunsford. She was a 9 year old girl that was abducted from her home in 2005 by a convicted sex offender. It was learned later that the offender who kidnapped her took her to a nearby residence. He kept her in his bed overnight where he sexually assaulted her multiple times. She was then kept in a closet for three days before burying her alive. Because of this Jessica's father fought for new legislation that would increase the monitoring of released sex offenders. (Jessica Lunsford, 2009).

The last story is the foundation for the Adam Walsh Protection and Safety Act of 2006. . This Act was named after Adam Walsh, who was a 6 year old boy that was shopping with his mom when he was kidnapped and murdered. This incident went on to create the most significant piece of legislation when it comes to sex offender management since the creation of the original Wetterling Act. Adam's parents created the National Center for Missing and Exploited Children. The aftermath of the Adam Walsh's kidnapping also led to the development and the passing of the Adam Walsh Act. This legislation requires sex offenders to be categorized into one of three tiers. Their placement in these tiers is based on the crime that they committed and typically the

level of violence and the likelihood of reoffending. Offenders in tier three are the most serious and have different reporting requirements than tier two and tier one offenders (IACP, 2006).

These moments and others throughout history have helped shape where our legislation is today. Heart break, fear and community uproar can create the push that is needed to lead to change. These children, their families and neighbors experienced trauma that no person should have to experience. They took that trauma and tried to create a system that could prevent any parent from experiencing something similar.

### **Compliance with Registry Requirements**

In order to maintain compliance with the registry a sex offender must follow the requirements established by their state of residence. However, not all sex offenders remain compliant with their state or the national requirements. Some sex offenders that do not report address changes or do not update information then have unknown whereabouts and pose a problem to the justice system. Determining state or even national compliance rates can also present a challenge. In some cases sex offenders have been able to move from state to state without notice or without being detected. There are also situations in which sex offenders miss their check in or fail to report a new address.

If a sex offender fails to comply they can face additional punishments. Pursuant to 18 U.S.C. 2250(a), anyone that is required to register as a sex offender and fails to comply can face a fine and a maximum of 10 years in prison. Additionally if a convicted sex offender commits a violent crime and also knowingly fails to register or update his registration, then they could be sentenced to up to 30 years in prison along with additional fines (Sample, 2019).

## **Unintended Negative Consequences**

It is important to keep communities, and children safe. However, the sex offender registry may not be as successful as it was intended. Recently shared on a social media post from a community member in Dubuque, IA was a screen shot of local men's pictures and their names and addresses taken from the sex offender registry. The caption with the post reads, "Wth? Parents watch your children closely some of these are right in your own backyard or next door!! This is scary". A system created to keep children and communities safe is leading to potential risks and threats against the sex offender on the registry. Many parents began worrying and being fearful for their children. Many comments were made about going to their homes and scaring them away. Some members of a community may use this information to bully, vandalize or injure someone that they see on the registry. Another unintended problem with this is that the community members reading these names are not provided with any information as to why someone is on the registry. Similarly, now that people know these names they feel like as long as their children avoid these individuals they are safe from harm. Not even thinking about the friends and family members that could also be a threat. It's important to change the narratives that are being taught to children. No longer should stranger danger be the only lesson children and parents are following.

Many communities have a false sense of safety and incorrect understanding of how the sex offender registry works. The myth that strangers are the greatest risk might actually be creating unjustified feelings of safety (SMART). With only seven percent of sex crimes reported in the U.S. involving stranger assault (Sample 2006) it is important to educate the community on grooming methods used by perpetrators, how to talk to their children and other things to look out for.

Fletcher Duddy a previous director of the special hearings unit in a Public Defenders office, posed that the sex offender registry could strongly dilute the system if thousands of people are placed on the registry for various reasons. It makes it more difficult for the public to determine what offenders pose a serious risk and who doesn't. Duddy also states, "The intent of Megan's Law is good and laudable. Reducing sexual-offense recidivism is a noble goal. But in reality, the law doesn't do that. Making sex offenders pariahs in modern-day society, making it impossible for them to find work or a place to live, actually increases their likelihood of recidivism" (Associated Press. 2014).

## **Conclusion**

There is no argument that keeping families and children safe is a very important task. However, there are still many questions and concerns that need to be addressed regarding if the Sex Offender registry is the best option to do this. Sexual offenses are horrific crimes and stopping or reducing them should be of grave concern. However, not enough research has addressed the effectiveness or the benefits compared to the potential consequences.

## **III. Program Evaluation: Current Sex Offender Registration and Laws**

### **SORNA Guidelines**

The United States Department of Justice published the National Guidelines for Sex Offender Registration and Notification in 2008. The Sex Offender Registration and Notification Act (SORNA) is Title I of the Adam Walsh Child Protection and Safety Act (SMART, 2017). SORNA mandated the following changes (IACP, 2006):

1. The creation of a standardized national sex offender registry to be available to law enforcement
2. It required in person registration in states where offenders live, work, and attend school
3. It made failing to register a felony offense
4. Also, expanded registration requirements to include juveniles convicted of certain sex offenses

One big impact that SORNA has had was that it made these requirements retroactive. This means that offenders that were convicted prior to registration requirements being enforced were now held to the same registration requirements. In 2003 the SORNA guidelines were argued to be problematic. However, the U.S Supreme Court stated that it did not create a problem because the registration requirements were not intended to be punishment but instead were designed for public safety concerns (U.S. Department of Justice, 2008).

SORNA guidelines require that an offender registers in the State of conviction, residence, employment, and school. Typically the prison handles registration in the state of conviction when the offender is released, or in the case where prison time is not required a probation officer assigned to the offender can report the needed information. When it comes to where the offender resides, works or attends school the offender is required to register with local law enforcement agencies. All registration must happen within three business days of establishing residency, employment or beginning school. In some cases an offender may reside, work, and attend school in different states, therefore they would need to maintain residency requirements in multiple states at one time.

Sex offenders are required to provide certain pieces of information as part of their registry requirements under SORNA. This information is collected by the local agency that is responsible for updating the registry, this can vary. SORNA requires that offenders provide at minimum; basic information including their name, date of birth, address, phone numbers, SSN, employer information, vehicle information, driver's license number, physical description, and a photograph. In addition to basic information it also requires an in-depth criminal history, finger prints, and DNA. Any information that may change over time is required to be updated regularly (U.S. Department of Justice, 2012).

### **State Case Studies**

SORNA requires states meet the minimum requirements that they have set in place. Although States are required to meet these basic requirements they are not prohibited from implementing more strict requirements within their state. Therefore, while reviewing different States there will be clear differences in how states have implemented the SORNA guidelines described above.

#### Iowa

In 2002 Iowa became one of the first states with harsh residency restrictions. Convicted sex offenders were restricted from living within 2,000 feet of any schools, parks or daycare facilities. However, after this went into effect Iowa began to see some surprising and unintended consequences. In 2002 when the state mandated these restrictions they were seeing roughly 80 to 90 registered sex offenders that did not have an address on file or were not updating registry requirements. The location of these offenders was unknown to law enforcement. A few years later in 2008 this number increased. In 2008 they were seeing 300 to 400 sex offenders whose

whereabouts were unknown and that were failing to comply with basic registry requirements (Sex Offender Management Policy National Legislative Briefing, 2008).

A registered sex offender living in Dubuque, IA felt that his experience was different. Shortly after moving to Dubuque IA and registering with the local sheriff department he stated that cases were looked at on an individual basis. Due to him being classified as Tier 1 he was not seen as a threat. This meant that he did not experience any of these stringent residency restrictions. While living in multiple different states he felt that Iowa has been the easiest to register with and the only place to treat him as an individual (J. Miller, Personal Communication, June 15<sup>th</sup>, 2021).

### Wisconsin

In the state of Wisconsin information can be found on the WI Statute 301.45 detailing specific circumstances that require registration. Some of these individuals include; any sex offender that is required to register with another state, sex offenders convicted in a military, tribal, or federal court, any juvenile who is on supervision and enters Wisconsin under the Interstate Compact Agreement.

Wisconsin requires registrants to maintain an updated photograph with the Sex Offender Registry. Photographs are typically updated every two years and a sex offender will receive notice in the mail with the date and time of your photo appointment. If there are any significant changes in appearance prior to the scheduled photograph the offender is required to request a new photo. As part of the registration requirements there is a mandatory annual fee of 100 dollars in order to help offset the cost of the registry. This bill will continue to come every year for the entire length of the registry requirements.



Wisconsin Statute 301.45 has two main categories for sex offenders on the registry. They can be required to register for 15 years or for their lifetime depending on the conviction. All cases are reviewed periodically throughout that time frame. The registration time frame begins at the time of conviction and can be adjusted as needed. In any cases that require less than a lifetime of registration the end date will be calculated. On that date all of the offender's information will be removed from public websites and they will no longer be required to report or update the registry.

Some offenders choose to not comply, provide false or misleading information, or in some cases miss required registration dates. Similarly to other states failing to report or falsifying information can lead to criminal prosecution. The penalty for noncompliance can be up to a \$10,000 fine and/or up to 6 years in prison, or both. WI Statute 301.45(6)(a)(2)

### Illinois

In Illinois all convicted sex offenders are required to register with the chief of police or the sheriff of the county in which they live. If a sex offender is to reside somewhere for 3 or more days they are required to report that residence even if it is only temporary. Registration in the state of Illinois consists of a signed statement from the sex offender. They will also have a current photograph taken and updated annually (Illinois Penal Code 730 ILCS 150/8).

In any cases where a minor is involved the offender is also required to sign a statement confirming that they will follow any residence requirements. This includes that they may not reside within 500 feet of a school, playground, park, daycare or any place that is targeted towards minors (Illinois Penal Code 730 ILCS 150/8). The law enforcement agency responsible for the sex offender registry will forward any information on to the State Police and enter the

information into the Law Enforcement Agencies Data System (Illinois Penal Code 730 ILCS 150/8).

### Indiana

The Indiana sex offender registry is maintained by local law enforcement. Sex offenders in Indiana are required to be on the registry for anywhere between 10 years and their lifetime. If an offender is visiting the state they are required to register within three days. Visiting the state of Indiana consists of anyone visiting for a period of 7 days in a 180 – day period. In the case of traveling for work anytime a sex offender is working in Indiana for 7 consecutive days or 14 aggregated days/year they are required to notify law enforcement (Ind. Code S 11-8-8-7).

There are some factors that may change how often a sex offender is required to register with law enforcement. Homelessness for example can be a particularly difficult problem to have and can cause complication when it comes to the registry. Indiana laws specify that transients or people in transitional housing that are also required to register must register with law enforcement every 7 days. Another factor that can change reporting time frames is the level of violence involved in the conviction. More violent offenders are required to register every 90 days with law enforcement (Ind. Code S 11-8-8-14).

## **IV. Theoretical Framework**

In order to better understand sexual offenses researches have tried to answer one of the biggest questions in criminal justice; why do people engage in criminal behavior. The belief is that once it is understood what causes criminal behaviors they can better reduce it. There are several theories that could be applied to sex offenders. Exploring these theories and how they relate to

sex offenders could provide insight into; the best treatment methods for sex offenders and the best registration for sex offender management.

### **Social Disorganization Theory**

Sex offenders are considered the most socially hated of all criminals. Because of this when it comes to policy and political perspectives there is a tendency to focus on restrictive policies with a corrective and in some cases disciplined nature towards them. Current legislation often demonstrates a “not in my neighborhood” attitude towards residents that are on the registry. This attitude by decision makers has led to heavy restrictions on the housing requirements of sex offenders and this can have a negative effect on reintegration for many released sex offenders.

Social Disorganization Theory suggests that a person’s residence is more significant than a person’s characteristics or family biology. This would mean that sex offenders face a particularly difficult challenge. In many cases they may not be allowed to live in neighbors that could be a positive influence on their reintegration into society. In order to reduce recidivism in sex offenders releasing them into a neighborhood that is believed to be good would be ideal; however in many cases the neighborhoods or communities they are able to find housing in are more socially disorganized and unstructured neighborhoods that could encourage criminal behavior. (Mustaine et al. 2006). This could then lead to a higher recidivism rate.

### **Labeling Theory**

A second theory that could be applied to sex offenders is Labeling Theory. In 1938 Frank Tannenbaum developed the labeling theory. Tannenbaum tried to provide a general theoretical explanation for the negative effect of assigning a specific behavioral label to individuals based upon their presumed socially deviant behaviors. He theorized that once a person was negatively

associated with a label, a person would likely internalize that label and continue the deviant behavior because of their perception that they are what society had defined them to be (Bernard, Snipes, & Gerould, 2016).

The Labeling theory claimed that deviance is a consequence of social reaction to societal labels. Some labels, such as “sex offender” and being on the registry, are placed on individuals and can create some strong negative social reactions. Such labels can mark an individual as not only a criminal but also inferior, immoral, dangerous and evil. The individual is then separated from society and stigmatized by many members of society and the communities in which they live. Stigmatization can often time result in the following transformation of social status. They can go from a member of the community to someone that is below the rest of society. This status change is often permanent and leads to the notion that the deviant subject is an outsider.

Although the danger of labeling offenders has been recognized and research shows that this happens, the criminal justice system has continued to stigmatize offenders under the pretext of community safety. (Davis, 1972)

### **Rational Choice Theory**

The Rational Choice Theory assumes that crime is a personal choice; a choice that is based on someone’s own decision-making process. This would mean that individuals are then responsible for their own choices. That makes offenders to blame for their acts of crime. In terms of offending, rational choice argues that offenders consider the potential pros and cons associated with committing an offence and then makes the choice based on their personal evaluation. Prior to offending the individual weighs certain factors such as; the chances of getting caught, the severity of the punishment if caught and what could be gained by perpetrating the act they are

considering. This means that if someone does not believe the pros outweigh the cons they would chose not to commit the crime.

Rational choice looks at the opportunity as well as personal and situational variables. Personal variables could include entertainment, revenge, or even a need for money. For example, will engaging in the crime result in a financial payoff or is the crime itself considered entertaining to the offender. Situational factors would also be taken into consideration. These factors include; the vulnerability for the target and the risk of being caught. Research shows that criminals can be selective when choosing a target. They would try to choose victims that appear to be easier targets and have a lack of means to protect themselves; in many cases this may include children (children.gov.on.ca, 2016). Would be offenders take the time to evaluate a situation and take advantage of situations that appear to be worth the risk.

This theory could easily be applied to sexual offenses. If someone has urges or is entertained by assaulting someone they would go through a decision making process before attempting the crime. Personal factors would include their desire or entertainment of attacking or assaulting someone. Situational factors would include if they found target that was alone, vulnerable and had very little risk of being seen or caught. If all of these factors were met the situation could be worth the risk and therefore the crime would be worth it. In the case of sex offenders this is not always a spontaneous act. Therefore the evaluation process may take longer.

## **Conclusion**

Throughout the years researchers and professionals in the field of criminal justice have tried to better understand why crime occurs. However, not one theory has ever fully explained or answered all of the questions that exist. There is no perfect theory that fully encompasses the issues that the criminal justice system faces. However, by better reviewing and understanding the theories that already have been developed the hope is that one day a system can be in place that not only keeps community members safe but does not cause additional punishment or hardships to sex offenders that have served their time and are trying to better themselves.

## **V. Recommendations**

After reviewing the nature of sex offenses and the horrific history that has led to current legislation it is clear that the sex offender registration was created with the best of intentions. However, research has demonstrated that residency restrictions have been an ineffective approach to sex offender management. Recidivism rates do not show that the registry is effective as it is now; part of this issue is that recidivism rates are too difficult to measure. The sex offender registry has also not increased public safety or prevented sexual based offenses from happening. Children are not any safer especially when they are more at risk of being assaulted by family members or people that they know.

The sex offender residency restrictions also create additional issues for offenders. When a sex offender is listed on the registry it can actually cause so many issues that it may create a higher risk of reoffending. If an offender cannot find employment, safe housing or community support they may end up reoffending. In order to lessen the adverse effects that the sex offender residency restrictions can create, recommendations have been made for more effective

management of sex offenders. Included in these suggestions are tips on release planning to better allow the offender to successfully integrate back into society.

## **Risk Assessment**

With sex offender registries growing it is becoming more and more difficult for law enforcement and corrections to monitor it closely. It can also be very taxing for law enforcement and community members to tell the difference between dangerous sex offenders and non-violent low risk offenders. Many different types of offenses can cause someone to register as sex offender. In some states public urination and consensual sex between teenagers can result in someone registering as a sex offender (SMART, n.d.). In some cases a low risk public urination offender may be treated by a community as a dangerous sex offender due to a label.

Certain factors have been identified by researchers as being associated with a higher risk of recidivism among sex offenders. By using these factors researchers have developed risk assessment tools that can sort offenders into risk categories (Neito & Jung, 2006). Once offenders are classified into a risk category sex offender management programs can supervise sex offenders based on whether they are at a higher risk of offending. Applying more restrictions to offenders that are actually a danger to communities and at a high risk of reoffending can finally be done using a risk assessment tool (Levenson, 2005). Law enforcement resources can be used where they are needed and better allow low risk offenders to integrate into society; allowing them to find housing, find stability, employment, and possibly face less backlash and harassment from community members.

James Miller a sex offender living in Dubuque IA felt that the Dubuque County Sheriff's office used a risk assessment tool and for the first time he felt as though he was treated as an

individual and not a “dangerous child rapist”. In other states James has felt as though anyone on the registry is viewed the same. For the first time he felt like his future was different and he had a chance at making a life for himself. He didn’t have to worry about residency requirements and he was no longer required to register for his entire lifetime (J. Miller, Personal Communication, June 15<sup>th</sup>, 2021).

### **Limited Public Access to Registries**

There is an all too common misconception in communities that anyone on the registry is a violent and dangerous criminal. When determining who in the community should be notified many factors should be taken into consideration. Factors should include why the offender is on the registry, the community they are moving to, the risk of reoffending and other factors. One very important aspect to discuss and evaluate is whether the information will benefit the safety of the person being notified or their children. In some states posters are used to notify communities of a sex offender moving into their neighborhood. Engaging in this form of notification can lead to issues for the person on the registry. Posting information around communities can lead to public shaming, harassment and many issues for the offender and even their families. Offenders may have spouses or children of their own that can be greatly affected.

In a case where a community needs to be notified other methods could be used. If it is decided that a community should be notified working with local agencies and advocates could be used to notify the community in small town meetings or on a more individual basis (HRW, 2007). Using violence prevention specialists, local law enforcement and sex offender treatment agencies can allow the community to be notified in a way that benefits everyone involved as well as allowing the registered sex offender an opportunity to reintegrate to society safely.



## **Increase Community Education**

A few common myths are widely believed by people throughout the United States. Before sex offender management can be changed communities need to be better educated about the sex offender registry, the people on the registry and the dangers truly facing their children. While working with violence prevention specialists it could be a great opportunity to create awareness campaigns and town meeting that highlight some of these common myths, likely dangers facing children, grooming behaviors used by predators, symptoms of sexual abuse and so much more.

One of the most believed myths is that sex offenses are committed by strangers. Many parents teach their children the common phrase, “stranger danger”. However, the Bureau of Justice Statics (2000) states that 86 percent of sexual assaults reported are committed by someone known by the victim. That is a far cry from strangers being the biggest risk to children. Sex offenders typically establish contact with their intended victim through a relationship with another adult. One example would be an offender getting romantically involved with a single mother in order to gain a relationship with their child. Other opportunities to gain relationship with children include babysitting or family ties (Minnesota Department of Corrections, 2007). It’s important to watch for strangers as well as warning signs with your children and other adults in their lives.

A second myth is that only males are on the registry and commit sexual offenses. It’s much more common to hear about men on the registry or men in the news for committing sexual based crimes; however it is not impossible for women to also commit these crimes. In fact in 2014 the New York State Division of Criminal Justice Services reported about 2 percent of

people required to register with the New York's Sex Offender Registry were female (New York State, 2021). Although it is more common for men to be offenders it is not impossible to see women as offenders.

A third myth is that sex offenders always spontaneously attach when they see a target that is vulnerable. Research shows that many offenders spend years grooming a target and even positioning themselves in a place of trust with the targets family and the community. Grooming is the process used by offenders that can involve building a relationship with a child and the adults in the child's life. It's a way to gain alone time with the target. In some cases the offender may also use this time to threaten the child or gain a position of authority in hopes that the child will not report them. Also at times the adult may explain it as a normal part of relationships and act like there is nothing wrong with the sexual acts. Offenders often select their targets carefully, finding children who are seeking adult attention. Often there is a period before the offender engages in any inappropriate behavior (Lanning, 2010).

## **Conclusion**

Keeping our community safe is a top priority however the best way to do that is not always an easy answer. As previously mentioned a few practices that could help would include limiting community notification, community education, and redirecting or changing the previously taught stranger danger method. Teaching parents' signs and symptoms of child abuse, common grooming techniques and even communication tips for when talking with your children are so important to keeping children safe. It's important that not only parents are aware but that children know what behaviors or activities are ok and that it is ok to come forward when

they are uncomfortable. It is possible to keep communities aware, safe and educated without imposing on the rights and safety of the previously convicted sex offender and their families.

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