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Sexual Offender Registrations

Background

The abduction of 11-year-old Jacob Wetterling in October 1989 prompted the investigation and discovery of several halfway houses in their county, which boarded convicted sex offenders from another county.¹ In response to this Congress passed the 1994 Jacob Wetterling Act, which required all states to create sex offender registries within in three years or lose funding under the Edward Byrne Memorial Program, and currently all 50 states have sex offender registration laws. Convicted sex offenders must register for 10 years after their release date. The Wetterling Act also gave states the option of releasing sex offender information to the public until 1996, when Congress amended the act, requiring that states must disclose information about sex offenders for public safety purposes.² This legislation is now better known as Megan's Law, in memory of Megan Kanka.

The FBI's Crimes Against Children Unit coordinates the development and implementation of the National Sex Offenders Registry. The movement to track sex offenders came about through the Pam Lychner Sexual Offender Tracking and Identification Act of 1996 (Lychner Act) which "requires the Attorney General to establish a national database at the FBI to track the whereabouts and movements of certain sex offenders under Title 42 of the United States Code Section 14072."³ The FBI as well as many individual state governments claims no responsibility for the accuracy of the information based on the fact that the information "has been provided to the Department by the registrant and is based upon the last notification received."⁴ These laws have generated some controversy, but they do provide public safety officials with additional tools to more effectively protect the public from potential repeat sex offenders.⁵

¹ Federal Bureau of Investigation, *FBI Law Enforcement Bulletin, Sex Offender Registration*, <http://www.fbi.gov/publications/leb/2000/jul00leb.pdf> Visited on 04/26/2004

² Federal Bureau of Investigation, *FBI Law Enforcement Bulletin, Sex Offender Registration*, <http://www.fbi.gov/publications/leb/2000/jul00leb.pdf> Visited on 04/26/2004

³ Federal Bureau of Investigation, *Investigative Programs Crimes Against Children National Sex Offender Registry*, <http://www.fbi.gov/hq/cid/cac/registry.htm> Visited on 04/21/2004

⁴ Maryland Department of Public Safety and Correctional Services, *Sex Offender Registry General Information*, <http://www.dpscs.state.md.us/sor/> Visited on 04/21/2004

⁵ Federal Bureau of Investigation, *FBI Law Enforcement Bulletin, Sex Offender Registration*, <http://www.fbi.gov/publications/leb/2000/jul00leb.pdf> Visited on 04/26/2004

Sex offender registries have been an effective way for law enforcement officials to identify, monitor, and track sex offenders. Registries would be more effective in maintaining public safety if this information were made available on the Internet. Public access to this information varies from state to state, state agencies generally have guidelines or administrative rules regarding what information they will release to whom and how they will disseminate it.⁶

Vermont Policy

Vermont currently considers anyone a sexual offender who: “has been convicted in Vermont on or after July 1, 1996. A sex offender convicted in Vermont or another state PRIOR to July 1, 1996, confined under the custody of the Commissioner of Corrections, and released from confinement in Vermont on or after July 1, 1996; a sex offender who was convicted in Vermont or another state PRIOR to July 1, 1996, and is being supervised in the community in Vermont by the Commissioner of Corrections on July 1, 1996; a sex offender who was convicted or released from confinement in another state on or after July 1, 1986 and who established residence in this state on or after July 1, 1996. An individual is considered to have established a residence in Vermont if they remain in the state for more than 10 consecutive days.”⁷

All information on sexual offenders is compiled by the Vermont Department of Public Safety, and the Department of Corrections. They collect information pertaining to the offender’s, “Name; date of birth; general physical description; current address; Social Security number; fingerprints; current photograph; current employment; conviction record, including offense, date of conviction, sentence and any conditions of release or probation”⁸

All offenders must register within ten days of establishing residency in Vermont. They must re-register once a year for at least ten years after they are released from the department of corrections. If they are labeled a sexually violent predator by the court, they must update their information until the court terminates the designation. They must also re-register any time they move within the state. As of February 14th 2004 there were 1,973 registered offenders in Vermont. The compliance rate for these offenders with the Vermont Sex Offender Registry Board is 98 percent.⁹

To Obtain Information on a specific offender or geographic area, Vermonters must, “articulate a specific concern about their safety or the safety of their family. However, the Registry is prohibited from releasing lists of offenders in response to general questions regarding the whereabouts of sex offenders in a particular community. The identity of a victim shall not be released.”¹⁰

Notification Policies

Twenty-nine states and the District of Columbia had publicly accessible Internet sites containing searchable information on individual sex offenders. Eight states reported having a website limited to information regarding sex offender laws and registry requirements and/or restricted to

⁶ Federal Bureau of Investigation, *FBI Law Enforcement Bulletin, Sex Offender Registration*, <http://www.fbi.gov/publications/leb/2000/jul00leb.pdf> Visited on 04/26/2004

⁷ Klass Kids Foundation, *Vermont*. <http://www.klaaskids.org/st-ver.htm> visited on 04/26/2004

⁸ Klass Kids Foundation, *Vermont*. <http://www.klaaskids.org/st-ver.htm> visited on 04/26/2004

⁹ Klass Kids Foundation, *Vermont*. <http://www.klaaskids.org/st-ver.htm> visited on 04/26/2004

¹⁰ State of Vermont, *Sex Offender Registry*. http://www.dps.state.vt.us/cjs/s_registry.htm visited on 04/21/2004

use by law enforcement agencies. Six states were developing a website or are planning to develop one. Seven states reported having no website and provided no further information about whether one was planned.¹¹

Location of state sex offender registries

In 17 states, the State police were responsible for operating and maintaining the registry. The Department of Public Safety (DPS) was responsible in 11 States. The Office of the Attorney general operates the registry in six states, and the Department of Corrections is responsible in three states. In the remaining States some other defined criminal justice agency is responsible for the Sexual Offender Registry.¹²

Table 1 illustrates different dissemination and community notification methods of northeastern states. States have different policies on distribution of sex offender information. In Alabama, when an offender qualifies for community supervision fliers with the offender’s photo are mailed to everyone living within 1,000 ft of his home (in cities), 1,500 ft (in towns), and 2,000 ft (rural areas). Citizens may also view fliers at local law enforcement agencies.¹³

Table 1¹⁴

| Northeastern State: | Dissemination and Community notification methods |
|----------------------|---|
| Massachusetts | There are three procedures by which the general public can access SOR data: (1) by a written request to the Sex Offender Registry Board (SORB) for information on a specific offender; (2) through Community Notification (reserved for high risk offenders only); and (3) through an in-person request at the local police department. |
| Maine | The information in the Maine Registry is based on conviction data and is, therefore, considered a public record. Registry information is available to citizens through a request to a State or local law enforcement agency. Affirmative notification of schools and organizations is the responsibility of the local law enforcement agency where the offender resides. |
| New Hampshire | New Hampshire law permits a local law enforcement agency to notify community organizations where an offender plans to reside only if the offender has been convicted of aggravated sexual assault against a child under the age of 13. A public access list is published monthly by the SOR to local law enforcement of those offenders convicted of certain specified offenses. The local law enforcement agency can disseminate this list to any member of the public that requests it. |

¹¹ U.S. Department of Justice, Bureau of Justice Statistics, *Summary of Sex Offender Registry Dissemination Procedures* <http://www.ojp.usdoj.gov/bjs/pub/pdf/ssor01.pdf> visited on 04/19/2004

¹² U.S. Department of Justice, Bureau of Justice Statistics, *Summary of Sex Offender Registry Dissemination Procedures* <http://www.ojp.usdoj.gov/bjs/pub/pdf/ssor01.pdf> visited on 04/19/2004

¹³ U.S. Department of Justice, Bureau of Justice Statistics, *Summary of Sex Offender Registry Dissemination Procedures* <http://www.ojp.usdoj.gov/bjs/pub/pdf/ssor01.pdf> visited on 04/19/2004

¹⁴ U.S. Department of Justice, Bureau of Justice Statistics, *Summary of Sex Offender Registry Dissemination Procedures* <http://www.ojp.usdoj.gov/bjs/pub/pdf/ssor01.pdf> visited on 04/19/2004

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| New York | The local law enforcement agency has discretion for notification to any "entities with vulnerable populations" concerning offenders at risk levels 2 and 3. The State provides public access, regardless of risk level, through a 900 telephone line (with a fee of \$.50 per call/up to five searches per call) and monthly publishes a sub-directory of level 3 (high risk) offenders that is distributed to local law enforcement agencies, and available to the public in those local law enforcement agency offices. |
| Vermont | As of July 1, 2000, information is available to the public regarding a specific offender if the requester articulates a public safety concern. Requesters may contact the registry in writing or by telephone. |
| Connecticut | There is public access to a registry through a Department of Public Safety. |

Most states have varying degrees to which an offender is classified. Massachusetts does not make sexual registry information available on the Internet. To obtain information pertaining to a specific geographic area, or a particular offender, one must fill out a sexual offender request form. These can be obtained at local police department, after showing identification proving valid residency.¹⁵ The level an offender is classified at dictates whether or not an offender's information is made public. Massachusetts has four different classifications. Level one offenders are considered a low risk because of their likelihood of re-offense is low. Information that would identify a level one offender can only be released to the department of youth and social services, correctional institutions, and various law enforcement agencies. Level two offenders have the same dissemination procedure as level three offenders, but are considered less of a threat by the state than that of level three. Level three offenders are those who have a high likelihood of re-offending, and are considered a high risk to public safety. Information regarding these offenders is always available, through the same means as a level two offender. The final classification is that of sexual violent predators. This is a supplemental label given to those level three offenders who have a mental illness that put them in a higher risk category than that of a level three offender.^{16 17}

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Disclaimer

This report has been prepared by undergraduate students at the University of Vermont under the supervision of Professor Anthony Gierzynski. The material contained in the reports does not reflect official policy of the University of Vermont.

¹⁵ State of Massachusetts, Sexual offender registry board, *Info about Sexual Offenders*, http://www.state.ma.us/sorb/info_aboutSO.htm#written visited on 04/21/2004

¹⁶ State of Massachusetts, Sexual offender, Registry Board, *Definitions of the classifications of sexual offenders in Massachusetts*, <http://www.state.ma.us/sorb/levels.htm> visited on 04/21/2004

¹⁷ Information about classification levels was taken from Massachusetts because their information was easily obtained and provided by the state's board of Public Safety for a reference source for the general public. It is recommended this information only be used as a general guideline of basic classification.