

# Megan's Law: Does it protect children? (2)

An updated review of evidence on the impact of community notification  
as legislated for by Megan's Law in the United States

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## Foreword

The NSPCC's purpose is to end cruelty to children. Children have a right to be protected from all forms of abuse whether within the home or from someone unknown to the child.

Recent public debate has focused on the risks posed by sex offenders to children. The NSPCC believes Government is right to tackle this and is publishing "Megan's Law: Does it protect children?" as a contribution to this important debate. There is no solid evidence that supports the introduction of Megan's Law into the UK.

The NSPCC report shows that there is not one Megan's law but many different variations of community notification. Although the law is popular with parents, there is no evidence that open access to sex offender registers actually enhances child safety. There is no evidence that Megan's Law reduces reoffending. However, there is some evidence that it may have unintended negative consequences for children.

The NSPCC supports the view that when the police are aware that an offender poses a risk to the public they or the Multi Agency Public Protection Arrangements (MAPPA) should be responsible for informing individuals and the community, as they see fit on a case by case basis. But two things are clear. First, the success, or lack of success, of these arrangements is either not established or, if it has been, has not been well communicated. Secondly, there is significant public concern about arrangements for protecting children from sex offenders in the community.

The NSPCC considers that in the UK there is a danger that public debate is focusing on a small number of high-risk offenders and excluding the many 'medium-risk' offenders who also pose a significant risk to children.

The NSPCC believes that the current system of monitoring and sharing information about sex offenders under the MAPPA needs to be strengthened. Recent reports suggest that the MAPPAs are overstretched and under resourced. We are concerned that risk assessments are not being consistently carried out, that there are not enough sex offender treatment programmes available, and that multi-agency arrangements are not working consistently.

Measures taken to enhance community safety through the management of registered sex offenders are only one part of keeping children safe. In order for the sexual abuse of children to be addressed effectively, a broad approach is required to ensure that children are supported to talk about abuse, that adults act to stop abuse taking place and that potential abusers themselves are provided with help before they abuse.

**Mary Marsh**

NSPCC Director and Chief Executive  
November 2006

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## Acronyms

ACLU	American Civil Liberties Union
BCIA	Bureau of Criminal Investigation and Analysis
CEO	Chief Executive Officer
CSOM	Center for Sex Offender Management
DOC	Department of Corrections
DOJ	Department of Justice
DPS	Department of Public Safety
ESRC	End of Sentence Review Committee
FBI	Federal Bureau of Investigation
HMIP	Her Majesty's Inspectorate of Probation
MnSOST	Minnesota Sex Offender Screening Tool
NCIA	National Center on Institutions and Alternatives
NCIC	National Crime Information Centre
NCJA	National Criminal Justice Association
NSPCC	National Society for the Prevention of Cruelty to Children
PSI	Pre-Sentence Investigation
RRASOR	Rapid Risk Assessment for Sexual Offence Recidivism
SBN	Special Bulletin Notifications
SORN	Sex Offender Registration and Notification
UK	United Kingdom
US	United States of America
WSIPP	Washington State Institute for Public Policy

## **Executive summary**

This paper evaluates the effectiveness of Megan's Law in the United States. It updates a previous study, *Megan's Law: Does it protect children?*, published by the NSPCC in 2001. The paper is intended to help policy-makers in the UK develop an informed policy position on the subject of public access to information about convicted sex offenders.

The NSPCC's purpose is to end cruelty to children. It therefore wishes to help ensure the creation of the best possible child protection system. This paper examines evidence about the outcomes and impact of Megan's Law, to discover if there are any lessons which can be applied to the UK.

### **The history and details of Megan's Law in the US**

Megan's Law is an amendment to a series of laws passed in the United States that aimed to protect children from sex offenders. The law introduced compulsory "community notification" by providing public access to information about convicted sex offenders. Its main aim is to promote public and community safety by increasing awareness of sex offenders thought to be at high risk of reoffending.

Megan's Law was not evidence-based legislation, but was adopted in response to a series of high profile crimes against children (Farkas and Stichman, 2002). After the abduction of eleven-year-old Jacob Wetterling from his home in Minnesota, in 1994 the Jacob Wetterling Crimes against Children and Sexually Violent Offender Registration Act mandated the compulsory registration of convicted sex offenders. In 1996 following the abduction and murder of seven-year-old Megan Kanka in New Jersey, this act was amended, and all states were ordered to publicise information about offenders listed on the registry.

All 50 states and the District of Colombia have enacted legislation to authorise the release of sex offender information to members of the public. As individual state legislatures have adapted the federal mandate to suit local systems, differences in implementation mean there is still no consistent version of Megan's Law across the United States. Despite the fact that all states now use sex offender registry websites to notify the public, there remain variations in:

- the use of risk assessment procedures
- the methods of disclosure used
- which offenders are subject to online disclosure
- time periods of offender registration and between re-registrations
- type of information published
- time and money allocated across individual states to enforce laws
- penalties and law enforcement responses in cases of non-compliance.

The report includes case studies of California, Washington State, Minnesota, Louisiana and Vermont. These states were selected to demonstrate a variety of implementation methods and to represent the country geographically.

## **Evidence about the impact of Megan's Law in the US**

Most states have very little evidence on the actual impact of community notification on their jurisdiction. Most of the understood benefits of the laws are based on assumptions about the nature of sexual offending and the behaviour of parents and community members. Such assumptions are rarely supported through research, but continue to legitimise the law for law enforcement workers and members of the public.

## **Areas where additional research is needed**

- There is currently no empirical evidence that community notification has had a positive impact on offender recidivism rates.
- There are methodological barriers to proving or disproving any correlation between community notification and offending.
- There is no evidence that community notification has resulted in fewer assaults by strangers on children.
- There is no evidence that sex offenders use public information sources to form networks.
- There is currently very little monitoring of vigilantism against offenders. Although there are few known incidents of harassment, it is likely that these crimes are under-reported and under-recorded.

## **Findings based on the research**

- Fears remain about the potential for offenders to “go underground”. Offender compliance levels vary across states, but are usually higher in dense urban areas.
- Methods used to locate offenders who have gone underground are often inadequate. In many cases where a warrant has been issued, states rely on offender traffic violations or “sweeps” where they attempt to locate missing offenders. Both methods have limited results.

- By focusing on a small number of known offenders, the system may detract attention from more common crimes such as intra-familial abuse, leaving parents and children vulnerable to abuse from people known to them.
- There are conflicting reports about the extent to which members of the community will take measures to protect family members, and increase the surveillance of known sex offenders.
- There is some evidence that victims of intra-familial abuse may be deterred from reporting crimes because of fears related to community notification.
- Surveys suggest that, at a general level, community notification is popular with respondents. However, there is academic evidence to suggest that some parents may develop a false sense of fear of offenders in the community, as the laws exaggerate the true level of offender recidivism.
- Practitioners speak of the success of Megan's Law in terms of increased use of risk assessments, better information-sharing and additional funding for treatment and surveillance. However, these practices are distinct from the community notification element for which there are no evidenced benefits.
- Rules around offender residency, registration and notification are being tightened across all the states in response to perceived loopholes and high-profile sex attacks on children.
- The financial cost of implementing community notification is high.

## **Report recommendations**

### **Application to the UK**

At present, when the police are aware that an offender poses a risk to the public, they or the Multi-Agency Public Protection Arrangements (MAPPAs) are responsible for informing individuals and the community on a case by case basis.<sup>1</sup> The report finds that there is no evidence to justify a wholesale change to the UK's current systems of disclosure, although the following measures are required:

### **Public awareness of existing arrangements**

At present many people are unaware that a system of discretionary disclosure exists in the UK. In order for the current system of notification to continue, information about child protection procedures need to be improved, and there should be greater public understanding of the current methods of disclosure used.

### **Public education**

The report shows that there is a danger of the debate around sex offenders becoming too narrow if policy-makers mainly focus on a small group of high-risk offenders. There therefore needs to be more public education to raise awareness that most sexual abuse is perpetrated by someone known to the child. Children also need to be educated about abuse and offered ways to share their concerns with somebody who is able to help.

### **Treatment for children who display sexually harmful behaviour**

A large percentage of sexual assaults are perpetrated by young people and individual states in the US respond to this in different ways. In the UK young people should not be made subject to public notification, but should instead be given access to additional treatment programmes. We believe that every local authority should have in place a multi-agency assessment framework and access to any treatment services that are needed. There should be a full, welfare-based assessment of every child who displays sexually harmful behaviour. This should identify appropriate next steps to address their needs, and safeguard others from the risks they may pose.

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<sup>1</sup> MAPPAS are in place in Wales and were introduced in Scotland from April 2006. In Northern Ireland, MASRAM (Multi Agency Sex Offender Risk Assessment and Management meetings) involve the Police, the Probation Service, Prisons and Social Services in the management of sex offenders.

### **Treatment for those outside the criminal justice system**

Most perpetrators, or individuals with a sexual interest in children, are not in contact with the criminal justice system. Treatment is also needed for these people to help them desist from harmful sexual behaviours.

### **Implications for policy**

There is currently insufficient proof that the community notification practices of Megan's Law makes children safer. Registration and notification alone cannot solve the problem of child sexual abuse. Policy-makers should ensure that sex offender management policies are based on objective evidence of what makes children safer and not on popular responses to high-profile sex crimes such as Megan's Law, however tempting it is.

## **Other NSPCC recommendations**

### **Review of existing arrangements**

The NSPCC would like the UK Government to examine a range of measures which protect children, rather than focusing primarily on the issue of disclosure.

### **Adult offender treatment programmes**

The Home Office must ensure that treatment is available for offenders both in prison and in the community. In addition, there is a role for residential treatment for very high-risk offenders. The only residential treatment centre for adult sex offenders, the Wolvercote Clinic, was closed in July 2002. The NSPCC recommends that the Home Office establish a network of residential treatment centres for high-risk offenders.

### **Resourcing of existing sex offender management arrangements**

MAPPAs are an important framework for the management of offenders in the community. However, recent reports from the MAPPAs reveal problems with an inconsistent use of risk assessment and heavy caseloads (HMIP, 2006). The NSPCC believes it is essential that MAPPAs are adequately resourced and supported so that they can reduce the risk to children from offenders in the community. Risk assessments must be consistent and caseloads must be a manageable size.

### **Inter-agency working**

Agencies must work together in order to properly manage the risk that sex offenders pose. Evidence suggests that this is currently inconsistent between areas. It is important that agencies work closely with the MAPPAs, and that child protection experts on Local Safeguarding Children Boards are also represented on MAPPAs, and are able to develop a joined-up response.

### **Sex offender accommodation**

The NSPCC believes that high-risk offenders should be housed in a way that minimises the risks they pose to children. The Home Office must ensure that all high-risk sex offenders are accommodated in suitable hostels which offer an appropriate level of supervision and contact with staff.

### **Therapeutic services for children**

There should be greater support for children who have been the victims of sexual abuse. The NSPCC recommends that the UK Government ensure that every child who experiences abuse is expertly assessed and is given the therapeutic services they need. A fully funded delivery plan must be developed at national and local levels to achieve this.

## **Part 1 The history and implementation of Megan's Law**

### **1. Introduction**

#### **1.1 Report structure**

Part 1 briefly outlines the context of the debates about community notification in the UK, the research questions in this report and the project methodology. It then discusses the key elements of the implementation of Megan's Law in the United States. Case studies from five states are then presented to illustrate the differences in the law's implementation across the country. Part 2 of the report presents the key findings and analysis of the outcomes of community notification.

#### **1.2 Background to the study**

In 2001 the NSPCC published *Megan's Law: Does it protect children?* This report examined the effectiveness of community notification in the United States. It was intended to help the NSPCC and other policy-makers in the United Kingdom develop an informed policy position on the issue of public access to information about sex offenders.

At the time the original report was written, community notification was still a relatively new practice in the US. This study updates the original NSPCC report, taking account of new research and evaluation reports. It also outlines changes to the methods of disclosure, and considers other evidence which has emerged in the five years since the publication of the 2001 report.

#### **1.3 Definition of Megan's Law**

Megan's Law is an amendment to a series of laws passed in the United States, which aimed to protect children from sex offenders. The law introduced compulsory "community notification" by providing public access to information about convicted sex offenders. This was an extension of the Jacob Wetterling Crimes against Children and Sexually Violent Offender Registration Act, which established a national sex offender registry in 1994. Although offender registration is linked to community notification, registration is not part of Megan's Law itself, and these two elements should be considered as distinct.

## 1.4 UK context for the debate

Following the abduction and murder of Sarah Payne by a convicted sex offender in July 2000, members of the public, the media and policy-makers began to debate appropriate responses to sex offenders released back into the community following imprisonment. The campaign for "Sarah's Law", supported by the *News of the World* newspaper, advocates controlled access to information about sex offenders for parents and those working with children. The recent case of Craig Sweeney in Wales, among others, has reignited debates around sex offender management and access to information about the location of sex offenders, both within institutional settings and in the community.

## 1.5 Current situation

At present a limited system of community notification is used in the UK.<sup>2</sup> The police and probation services operating within Multi-Agency Public Protection Arrangements<sup>3</sup> (MAPPAs) have the discretion to share information about convicted sex offenders on a "need to know" basis. This can involve the direct notification of neighbours, previous victims or children's organisations such as schools and community centres, located near to where they live.

The Home Office is currently undertaking an in-depth review of sex offender management and Megan's Law. In July 2006 Gerry Sutcliffe, Under-Secretary of State for Criminal Justice and Offender Management, visited New Jersey to learn about the implementation of notification laws in the United States (Carvel, 2006).

## 1.6 Research questions

This study focuses on the following issues and debates:

- Is there any evidence that community notification makes children safer?
- What impact does community notification have on the management of sex offenders who offend against children?
- What impact does community notification have upon the behaviour of parents, carers, children and young people and community members?
- What impact does community notification have on the behaviour of convicted sex offenders who offend against children?
- What are the main legal, practical and ethical objections to community notification?

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<sup>2</sup> The North Wales Judgement, *R. v Chief Constable* (1997). As a result of a judicial review, the police gained permission to disclose the presence of identified sex offenders to relevant members of the community.

<sup>3</sup> The Criminal Justice and Court Services Act September 2000 placed a statutory duty on the police and the probation service to assess and manage the risks posed by sex offenders.

## **1.7 Research methodology**

The study examines and evaluates evidence gathered from:

- academic research literature since 2001
- media reports since 2001
- telephone interviews with US practitioners from five states
- official figures on recidivism and crime rates
- compliance figures across states
- the Megan's Law websites of individual states.

## 2. Megan's Law: the current context in the US

### 2.1 Legislation

Several pieces of federal legislation were put into effect in the 1990s after a series of high-profile crimes against children. After the abduction of eleven-year-old Jacob Wetterling from his home in Minnesota, Congress passed the Jacob Wetterling Crimes against Children and Sexually Violent Offender Registration Act in 1994. This act mandated the compulsory registration of convicted sex offenders. In 1996, following the abduction and murder of seven-year-old Megan Kanka in New Jersey, all states were ordered to publicise information about convicted sex offenders.

### 2.2 Implementation methods

As individual state legislatures adapted the federal mandate to suit local systems, differences in implementation meant that there was no consistent version of Megan's Law across the United States. When community notification was first introduced, there was a wide variation in the methods of disclosure used and the extent to which information requests were controlled and monitored (Lovell, 2001).

Since the NSPCC's initial research, the methods used by states to share offender information have become more similar. In 2001, for example, only 26 states had searchable online sex offender registries<sup>4</sup> (Lovell, 2001). However, now all 50 states publish some information online, after rules about information-sharing were amended at federal level.<sup>5</sup> This does not mean that there has been a universal move to uncontrolled disclosure of information, however. Many states restrict which offender records can be browsed online and can differ in the types of information which are included on the sex offender registry website.

States differ in the other methods used to publicise sex offender information. Some states use a system of "controlled disclosure" and limit public access to disclosed information. For example, this can involve "direct notification", where law enforcement representatives pay visits to interested parties such as previous victims, neighbours or local children's organisations.

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<sup>4</sup> Indiana introduced the first publicly available online sex offender registry after 'Zachary's Law' in 1994.

<sup>5</sup> A US Supreme Court decision in 2003 ruled that states could publish names, pictures and other relevant information without conducting a fresh offender risk assessment. Individual state websites have also been linked through the National Sex Offender Public Registry website, provided by the Department of Justice.

Information can also be held at law enforcement offices with the intention that it is used only by citizens who can prove they have a genuine safety concern. Community meetings are also used to disseminate information to those who live near to released offenders. Other states prefer a system of “uncontrolled disclosure” and do not limit who can browse and access sex offender information. Methods include the use of unmonitored websites and the use of flyers, posters or advertisements in the press.

### **2.3 Risk assessment**

Differences remain in the methods used by states to determine which offenders are subject to registration and community notification. Some states use scientific risk assessments, such as the Static99<sup>6</sup>, to assign a notification level. Others refer to a list of “enumerated offences” and designate risk depending on the nature of the crime committed. States using this approach often have differing opinions about which crimes constitute serious sexual offences (see Louisiana case study, below). Overall, states remain divided on whether an “offender-based” or an “offence-based” approach is most effective.

### **2.4 Registration rules**

Although registration and notification are separate elements of the sex offender laws, the length and accuracy of notification depends on registration requirements being met successfully. Where an offender fails to comply with registration, notification becomes less effective, as the location of the offender cannot be reliably known. States often have different rules about which offenders are required to register, the length of the registration period and the frequency of re-registration required. This can be affected by variations in the time and money allocated. Compliance levels vary across states, though these tend to be higher in dense, urban areas. Penalties for non-compliance also vary across states.

In the last five years the regulation of convicted sex offenders has tightened in the United States. This has occurred in response to perceived loopholes in current legislation or following high-profile attacks on children<sup>7</sup> (Schwaneberg, 2006). This can involve changes to rules governing which offenders are subject to notification or the frequency of offender re-registration<sup>8</sup> (Interview with Barry Matheny, Louisiana Department of Public Safety and Corrections). In many states the “civil commitment” of high-risk offenders is also being

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<sup>6</sup> The Static99 is a measure of long-term risk potential. It examines factors such as the nature of prior and current sexual offences and the personal characteristics of the offender.

<sup>7</sup> There was a recent example of this in October 2006, when a court in New Jersey ruled that children who display sexually harmful behaviour must be registered as sex offenders even where their actions are not sexually motivated.

<sup>8</sup> These amendments can occur fairly frequently, as demonstrated by the state of Louisiana, which passed 14 sex offender laws in the last legislative session alone.

introduced. Where offenders are legally determined to be “sexually violent predators” in a separate court trial, they can be incarcerated in a treatment centre following their release from state correctional facilities. This is applied to offenders who have a diagnosable disorder or compulsion to commit sexual crimes.

## **2.5 Young people who display sexually harmful behaviour**

Many states have different rules governing the most appropriate way to deal with young people who display sexually harmful behaviour. There is a divide between states that require young people to register but do not feel it is ethical to subject them to public notification, and states which treat young people in the same way as adult sex offenders. Freeman-Longo claims: “With tougher laws, laws waiving youth to adult courts, the public sentiment toward all sex offenders, and the general failure to separate different types of sex offender by age and risk, juveniles are now subject to sex offender registration and public notification in a growing number of states” (Freeman-Longo, 2000). Notification may hinder rehabilitation by exposing young people to ongoing social stigma (Hiller, 1998). Where schools are notified of previous offences, the ostracism that may follow can have a negative impact on a young person’s education and future life chances (Lowe, 1997).

The following case studies have been included to demonstrate the various ways Megan's Law is implemented across the United States. Their impact is addressed in the "Key Findings and Analysis" in this report.

### **3. Case study one: California**

#### **3.1 California Megan's Law implementation in 2001**

The state of California was the first to introduce a sex offender register in 1947 and enacted Megan's Law in September 1996. At the time of the original NSPCC report, offenders were divided into three categories depending on risk (high, serious or other), based on the nature of the crime committed. This classification affected the level of disclosure, with low-risk offenders not being subject to community notification.

Registration and notification was for life and could only be annulled with a pardon from the Governor of California. Offenders registered annually within five days of their birthday, and were obliged to notify law enforcement agencies of any changes in circumstances within five days. Failure to comply with registration requirements was a felony.<sup>9</sup>

Law enforcement agencies used several notification methods and operated a system of controlled disclosure. They used a chargeable "900" phone line to field public enquiries about potential sex offenders. Callers had to provide specific information about individuals causing concern and could gain access to offence histories. A sub-directory on CD ROM was also available at police and sheriff's offices, containing details of higher-risk offenders. Members of the public could browse this information but were forbidden from sharing it further. In addition to these methods, police could also engage in "active notification", warning members of the public about the presence of sex offenders via door-to-door visits, distributing flyers, and through the local news media.

Wherever information was disclosed, members of the public had to prove they had a strong justification for wanting access to offender records, and had to provide proof of identification. All requests were subject to monitoring to deter vigilantism or harassment towards offenders, and to provide likely suspects if any such behaviour had taken place.

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<sup>9</sup> In many common law systems, a "felony" is a serious crime. In the US legal system, felonies carry a higher penalty than "misdemeanour" offences, which are less serious crimes.

## **3.2 Recent changes to Megan's Law implementation in California**

### **3.2.1 Registration rules**

In California offenders are still subject to lifetime registration and notification. However, rules around re-registration have been strengthened. Now “sexually violent predators” must register every 90 days, whilst “transients”, such as offenders without permanent accommodation, must present themselves every 30 days. Offenders are required to re-register annually and report a change in personal circumstances within five days.

### **3.2.2 Response to non-compliance**

Non-compliance with registration is an offence. If an offender fails to comply, an arrest warrant is issued with a view to returning the offender to jail. Warrants are entered into a state-wide database so that the offender can be identified if they have any contact with law enforcement officials, for example after traffic violations. The effectiveness of this is questionable however, as currently 20-30 per cent of offenders on the California sex offender registry are non-compliant (Interview with Jane Blissert, Los Angeles County District Attorney's Office).

### **3.2.3 Risk assessment**

The level of danger posed by an offender is not decided by a risk assessment, but is determined instead with reference to a list of enumerated offences which are contained within the Californian penal code. Three categories of offender are assigned (high, medium or low) and this is used to decide the level of notification which is required.

### **3.2.4 Community notification methods used**

The Department of Justice now uses a searchable public website to publish sex offender information.<sup>10</sup> Information on the site is available to anyone with internet access and is not subject to monitoring. The decision to publish information online was an attempt to increase the accessibility of information for members of the public and respond to people who may have been reluctant to have contact with the police (Interview with Jane Blissert, Los Angeles County District Attorney's Office). Members of the public can browse the site by county or can input more specific information such as an offender's name or zip code.

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<sup>10</sup>In 2004 Assembly Bill 488 (Nicole Parra), sponsored by the Attorney General, allowed online information to be posted for the first time.

The level of offender notification varies depending on the seriousness of the offence committed. High- and medium-risk offenders have their information published online. The website is tiered to include more detailed information about the most serious offenders. In addition to this, around 25 per cent (approximately 22,000 offenders) can apply to be exempt from notification requirements.<sup>11</sup> Information about offenders who are not subject to online notification can be accessed through police or sheriff stations. This information is available to citizens aged over 18 who can produce a valid driver's licence or personal identification, who are not currently listed on the sex offender register.

In addition to information presented online, law enforcement agencies also use a variety of other notification methods. These include distributing flyers, publishing adverts and direct notification to members of the public. Wide variation exists, however, as each jurisdiction has the discretion to design methods of notification. As each county has several cities and these all have their own police agencies<sup>12</sup> (Interview with Jane Blissett, Los Angeles County District Attorney's Office), there is inevitably a range of different practices used. California uses other methods to control and monitor sex offenders. For example, DNA samples and fingerprints are taken from all offenders, and a system of civil commitment for the most dangerous offenders is being used.

### **3.2.5 Young people**

Young people who have displayed sexually harmful behaviour can be required to register under the state of California's rules. However, registrants whose offences were adjudicated in a juvenile court will not be subject to community notification online. Local law enforcement workers can directly inform selected members of the public about prior offences if they are thought to be at particular risk. Young people may be subject to lifetime registration depending on the severity of the crime committed. However, offenders who are exempt from online community notification can apply for a "certificate of rehabilitation" seven to ten years after custody or parole which may end the duty to register (Outlined on California Department of Justice website [www.meganslaw.ca.gov](http://www.meganslaw.ca.gov)).

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<sup>11</sup> Offenders can apply for exemption if they have committed less serious crimes. These are outlined in the California Penal code and include sexual battery by restraint, misdemeanour child molestation, crimes which did not include penetration or where the offender has successfully completed probation.

<sup>12</sup> Los Angeles, for example, has 50 Police agencies.

## 4. Case study two: Washington State

The original NSPCC report did not include a case study of Washington State. However, Washington State is of particular interest as it was the first to enact a sex offender notification and registration law in 1990. In addition, it is the only jurisdiction which conducts detailed monitoring and evaluation of community notification outcomes through the Washington State Institute for Public Policy.

### 4.1 Risk assessment

An End of Sentence Review Committee (ESRC) meets to assign levels of community notification. A “notification considerations score” is agreed by taking the following things into account:

- whether the victim was physically or mentally impaired
- whether the offence was predatory and involved an abuse of trust
- whether “sexual deviancy” continued throughout incarceration
- scores from a Rapid Risk Assessment for Sexual Offence Recidivism (RRASOR) actuarial tool.

This is combined with a risk assessment to assign a level from one (lowest risk) to three (highest risk).<sup>13</sup> These assessments are also used to determine which offenders should be liable to civil commitment as sexually violent predators (Barnoski, 2005). Such decisions are made at a multi-jurisdictional level, although local agencies can amend decisions in line with devolved controls.

### 4.2 Community notification methods used

In 2002 a state-wide registered sex offender website was created to publicise information about level three offenders. Information about level two offenders was also posted online in 2003 (Lieb, 2006). Only offenders who are assigned levels two or three are subject to online community notification. In order to access offender information, users must input specific information such as the zip code of the area involved to find out about offenders living nearby. It is not possible to browse the site, and website activity is monitored.

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<sup>13</sup> Risk assessments are based on the 1995 version of the Minnesota Sex Offender Screening Tool (MnSOST). This is an actuarial instrument with which analyses sexual and non-sexual offence history, substance abuse history and treatment compliance.

Local law enforcement agencies have the discretion to decide which other methods of notification are appropriate in each case. Common methods used include distributing flyers or carrying out direct notification to schools and libraries for level two and three offenders. Community meetings are now used less frequently. The most common notification method involves publishing notices in the local press (Interview with Roxanne Lieb, Washington State Institute for Public Policy). Law enforcement agencies can also share information about level one offenders, and can pass this information to previous victims.

Washington State also uses a variety of other methods to manage sex offenders, such as civil commitment schemes for sexually violent predators. As in many other states, residency restrictions are also placed on convicted sex offenders, forbidding them from living within 800 ft of a school.

### **4.3 Registration rules**

Offenders who commit certain enumerated offences become subject to registration. The length of registration assigned depends on the nature of the crimes. There are three categories of offence. For the most serious crimes (Class A felonies) offenders must register indefinitely, and apply to the superior court in the state they were convicted if they want to reduce this requirement. Less serious crimes (Class B felonies) carry a 15-year registration period. There is a minimum registration period of 10 years following release for less serious offences (Class C felonies). Offenders who are moving into or returning to the state must register within 30 days of establishing residence. Offenders who wish to leave the state must notify law enforcement agencies 14 days before moving and register in the new state within 24 hours (stated on the Washington State online sex offender registry <http://ml.waspc.org>).

As in many states, the degree of sex offender regulation from the state has gradually been increasing. Rules are amended fairly regularly to lengthen registration times, make re-registration more frequent and increase the types of offender subject to registration and notification requirements (Interview with Roxanne Lieb, Washington State Institute for Public Policy).

### **4.4 Responses to non-compliance**

Failure to meet registration requirements is a Class C felony, where the individual was convicted of a felony sex offence. Where an offender has not registered, they are liable for re-arrest and imprisonment.

## 4.5 Young people

The same sex offender laws apply to both adults and young people. Young people who live, work or go to school in Washington State who have been convicted of sexual offences are required to register. Juvenile offenders are dealt with separately by the Department of Social and Health Services, Juvenile Rehabilitation Administration. Through this, young people are eligible for civil commitment if they are judged to be a sexually violent predator. For the purpose of community notification they are assigned a risk level classification. The level of notification is based on the risk level assigned. Notification includes disclosure on public websites.

Under a new bill passed in September 2006, anyone who is required to register must provide the local county Sheriff with the name and address of the public or private school (elementary, middle or high school) they attend or hope to attend. After this has occurred, the Sheriff passes this information on to the school involved. When the school Principal<sup>14</sup> receives notice that a student who is registered as a level two or three sex offender will be attending, the school will disclose the information to all teachers of the student, and those whom the Principal determines will supervise the student or need to know for security purposes. If the student is a level one sex offender the Principal may disclose the information only to personnel who need to know for security purposes (Washington State online registry <http://ml.waspc.org/Registration.aspx>). Offenders are not allowed to register at the same educational establishment of the young people they have abused or their relatives.

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<sup>14</sup> American equivalent of a Head Teacher

## **5. Case study three: Minnesota**

### **5.1 Minnesota Megan's Law implementation in 2001**

In Minnesota levels of notification and length of registration were set according to a risk assessment. A five-person committee was used to assign offenders with risk levels from one (less serious) to three (most serious). This End of Confinement Review Committee took place 90 days prior to release and comprised prison workers, law enforcement officers, treatment professionals, case workers and a victim services specialist. Registration and notification was for ten years, or the length of parole or probation, if longer. Certain categories of offender were made subject to lifetime registration in 2000. An offender was obliged to register five days prior to changing their address, five days prior to entering the state if they were on supervised release/probation or within five days of entering the state if they were no longer subject to supervision.

The type of notification used depended on the level of risk assigned. Information about level one offenders was given to victims and witnesses and local police. Information about level two offenders was given to organisations that were potentially at risk according to analysis of the offender's past behaviour. Level three offenders were the subject of community notification meetings and public notification online.

The state of Minnesota favoured a system of community meetings to disseminate information about sex offenders. The meetings provided general information and literature about sex offenders resident in the local area and aimed to increase awareness about the nature of abuse and give general safety advice. Members of the public could also browse a website containing details of level three offenders from August 2000.

### **5.2 Recent changes to Megan's Law implementation in Minnesota**

#### **5.2.1 Registration rules**

Sex offender management policies have not changed a great deal in the last five years. Offenders are still subject to registration and notification for ten years. This can be extended in cases of recidivism or non-compliance. Recidivists can have this requirement extended to life, while those failing to register can have five years added. Every year offenders are in the community, they must send back a verification form and notify any change in personal circumstances.

## **5.2.2 Response to non-compliance**

Penalties for non-compliance have recently been increased from a misdemeanour to a felony crime. When an offender fails to register, a warrant is issued for their arrest. If the offender is apprehended, they will be re-imprisoned for around one year for a first violation and two years for a second violation.

## **5.2.3 Risk assessment**

When an offender is released from prison, the Department of Corrections uses an actuarial instrument to assign a risk level from one to three. After a psychologist's report, an End of Confinement Review Committee comprising a prison warden or hospital Chief Executive Officer (CEO), local law enforcement, local victim support and a case manager, meets to discuss each case. Offenders can attend these hearings with legal counsel and can appeal against a level two or three classification to an administrative law judge.

## **5.2.4 Community notification methods used**

Law enforcement agencies in Minnesota still favour community meetings to share information about level three offenders, who are moving into communities. Meetings are conducted by local law enforcement agencies or a representative from the Department of Corrections. The meetings explain the purpose of community notification and the process by which risk levels are assigned. Specific information about the offender is then shared. There is a strong focus on general safety issues, as parents are educated about the characteristics of predatory sex offenders, possible behavioural indicators of child sexual abuse and the vital need to communicate openly with children. The meetings include warnings about the potential threat of intra-familial abuse, and attempt to raise parents' awareness that the majority of sexual offending occurs in families.

Notification on a public website still occurs. Through the website, members of the public can browse information about the most serious offenders (level three). Information about other offenders is available online by entering specific offender information, such as their name, date of birth or offender identification number. Website users must therefore achieve a "hit" to gain information on level one and two offenders.

The scope of the notification is still related to the level of threat assigned after risk assessment. Law enforcement agencies share information about level one offenders but they are not subject to broader community notification. Information about level two offenders is made available on a need-to-know basis, while level three offenders are discussed in public meetings and listed online.

### **5.2.5 Young people**

Young people convicted of sexual crimes are included on the sex offender register in the state of Minnesota. The vast majority of juvenile sex offenders are considered as "adjudicated delinquent", and so are not made subject to community notification. However, when young people have committed very serious crimes, they can be certified as "adults", and notification rules can be applied (written communication with Mark Bliven, Minnesota Department of Corrections).

## **6. Case study four: Louisiana**

### **6.1 Louisiana Megan's Law implementation in 2001**

Offenders were divided into three categories based upon the nature of the crimes committed: "sex offenders"; "sex offender and child predators" (each registers for 10 years) and "sexually violent predators" (lifetime registration). Recidivists were also subject to lifetime registration. Offenders had to register within 21 days of release, within ten days of entering the state and within ten days of changing address. Offenders had to request permission to leave the state and this was rarely granted (Lovell, 2001).

At the time of the previous study, the state of Louisiana had the policy of making "sexually violent offenders" carry out notification themselves and take responsibility for any expenses incurred. Local law enforcement would obtain a city directory and give this to offenders, who would fill out information on postcards and send these back to probation and parole to be disseminated. They were also ordered to publish a notice within an official journal over two days to notify the community of their presence. Judges had the authority to order that sexually violent predators wear clothing to identify themselves or display identifying bumper stickers on their cars.

Several methods were used to disseminate sex offender information. Louisiana used a registry website which was available to all internet users and was not subject to monitoring. In addition to this, members of the public could make specific enquiries of law enforcement agencies. Where an offender was due to be released, the local Police Chief would be notified and could inform previous victims and those who had testified against the offender.

### **6.2 Recent changes to Megan's Law implementation in Louisiana**

#### **6.2.1 Community notification methods used**

Louisiana continues to conduct notification partly through a public website. There are around 2,000 offenders under supervision, but 7,000 are on the sex offender website (Interview with Barry Matheny, Louisiana Department of Public Safety and Corrections). Searches are available online and are not monitored. Offenders must keep their profiles up to date and notify authorities of any change of address within 10 days. There is annual verification of offender's personal details with the use of a non forwardable verification of address form. Offenders must complete and return this within 10 days or face prosecution.

Offenders are still partly responsible for the notification process. Disclosure of offender information is disseminated through postcards. These are sent out to every residence and organisation near where the offender lives: within three-tenths of a mile if the offender lives in an urban area or within one mile if the offender lives in a rural area. Since the last report was written, this is now carried out by a private company which co-ordinates the mailings. Although offenders now have less direct involvement with this process, they are still expected to meet the costs of this in full. Offenders must also pay a registration fee with the Sheriff or police department and meet the costs of two advertisements which identify themselves in the local press. Offenders can be asked to pay upwards of \$400 to fund this process (Interview with Barry Matheny, Louisiana Department of Public Safety and Corrections). There is still active notification from the police of schools and parks nearby.

The parole board can impose additional conditions on sex offenders and this can include ordering sex offenders to display a sign in their yard which identifies them as a sex offender during their period of supervision. There is still a system of active notification when an offender moves into a new community. Local police agencies have the discretion to conduct door-to-door visits to schools, neighbours and parks.

Law enforcement workers are clear that their role is enforcement and supervision, and the responsibility should be on parents to use the information to protect, and to encourage greater openness with their children (Interview with Barry Matheny, Louisiana Department of Public Safety and Corrections). This therefore differs from the Minnesota State approach, which actively uses community meetings.

### **6.2.2 Risk assessment**

The state of Louisiana still does not use a risk assessment to determine the level of registration and community notification. Instead it uses a list of enumerated sex offences and based on this offenders are divided into three categories (sex offenders, sexually violent predators and child predators). All offenders are subject to the same level of registration and notification.

Many practitioners feel that some crimes included in this list are inappropriate. For example, perpetrators of "carnal knowledge of a juvenile", are often young men convicted after "statutory" consensual sex with a girlfriend under 17.<sup>15</sup> These classifications mean these individuals are subject to the same stipulations and stigma as people who have committed serious sexual crimes such as rape (Interview with Barry Matheny, Louisiana Department of Public Safety and Corrections). Prostitutes are also required to register as sex offenders. The state is currently working on introducing some form of assessment tool to make the distinctions between offenders more clear.

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<sup>15</sup> In California, statutory rape (sexual activity between the ages of 14-18) is not included in any of these categories.

### **6.2.3 Registration rules**

Registration is for a minimum of 10 years. Repeat offenders or offenders convicted of an aggravated assault must register for life. Offenders must re-register their presence every year or shortly after moving to a new jurisdiction. As with many other states, there are now more thorough residence restrictions (Levenson and Cotter, 2005a), with sex offenders being banned from living within 1,000 ft of places where children are likely to spend time.

### **6.2.4 Responses to non-compliance**

Offenders who are not in compliance with registration requirements are issued with a warrant and have their details published on the National Crime Information Centre (NCIC) website. The state then relies on the possibility that the offender will have contact with law enforcement, for example, after a traffic violation, so they may be arrested and reimprisoned. There are also occasional attempts to "round up" offenders by the state police and the US Marshall's Office. The first failure to register is punished with a fine of up to \$1,000 and two years imprisonment with hard labour. Upon a second or subsequent conviction, offenders can be fined \$3,000 and imprisoned with hard labour for between five and twenty years (stated on the Louisiana Sex Offender Registry website <http://lasocpr1.lsp.org>).

All states are concerned about the potential for unmonitored intra and inter state movement by offenders, but recent events in Louisiana have brought this issue to the fore. In 2005 emergency measures were put in place when Hurricanes Katrina and Rita caused devastation across the state, causing a huge displacement of people, including sex offenders. Law enforcement officials responded by issuing offenders with an additional identity card which included the contact details of supervisory authorities and a list of previous offences. This was to be presented at shelters and given to law enforcement workers in the new state. In a law passed during the most recent legislative session, all sex offenders will now have their driver's licence marked with a "sex offender" stamp. If the individual comes into contact with the law, their status will immediately become apparent (Interview with Barry Matheny, Louisiana Department of Public Safety and Corrections).

### **6.2.5 Young people**

Any young person who has pleaded guilty or has been convicted of a sex offence as provided for in Children's Code Article 857 (for the offences of aggravated rape, forcible rape where the victim is at least two years younger than the perpetrator, and aggravated oral sexual battery) must register with the Sheriff of the parish in which they reside and with the Chief of Police. Young people are not be required to comply with the full notification requirements, except for the notice to the Louisiana Bureau of Criminal Identification and Information, which manages the Sex Offender Registry (Written communication with Barry Matheny, Louisiana Department of Public Safety and Corrections).

## 7. Case study five: Vermont

### 7.1 Vermont Megan's Law implementation in 2001

At the time of the last report, notification was conducted with the use of phone lines. Members of the public were required to express specific concerns about their own safety or the safety of others before they were given access to information. Individuals who accessed information were subject to rigorous monitoring procedures and recording of personal details. No risk assessment occurred before making offenders subject to registration and community notification.

### 7.2 Recent changes to Megan's Law implementation in Vermont

#### 7.2.1 Community notification methods used

Vermont has amended its notification procedures, despite misgivings from the Vermont Legislative Council. A study report from the Council in 2005 revealed there were misgivings about a move towards uncontrolled disclosure. The report stated: "there is insufficient evidence to determine whether posting information about registered sex offenders on the internet is a valuable and effective public safety tool" (Vermont Legislative Council, 2005). However, due to intense public demand and a federal mandate, the state was pressured into publishing the information online.

Two levels of notification have been introduced to limit the number of offenders who are subject to uncontrolled disclosure. At present only 282 out of 24,000 registered offenders are listed on the public website (Interview with Max Schuleter, Vermont Department of Public Safety). These will either be "sexual predators";<sup>16</sup> offenders convicted of certain crimes;<sup>17</sup> offenders with an outstanding warrant; offenders deemed to be high risk by the Department of Corrections; or offenders who have refused to comply with treatment programmes. Members of the public do not have to prove they have a public safety concern to access information about these offenders, who are said to have a "heightened notification level" (described on the Vermont Criminal Information website [www.dps.state.vt.us](http://www.dps.state.vt.us)). By limiting the number of offenders who are subject to uncontrolled disclosure, the state hopes to make it easier for members of the public to identify the individuals who pose the most significant risk, and to support offender treatment and reintegration into society. Members of the public can search by the offender's last name or can browse the records by geographical area. The site does not give the offender's full address but will disclose their city of residence.

<sup>16</sup> "Sexual predators" are defined through an independent court proceeding which decides that the offender has a certain degree of compulsion to commit sexual crimes. This is carried out by a committee which reviews scores using actuarial instruments such as RRASOR and Static99 tests. It is conducted when a post conviction hearing is initiated by the State Prosecutor.

<sup>17</sup> These are: aggravated sexual assault; kidnapping and sexual assault of a child; or sex with a vulnerable adult.

Information about the other registrants can be accessed through local law enforcement offices. To access the information, members of the public must be willing to submit their personal details and be able to state that they have a public safety concern. Checks are then carried out, including the electronic verification of the applicant's licence plate number. This is to provide a paper trail and guard against vigilantism. There is a list of offences which determines who should register.

Local law enforcement agencies can also carry out direct notification at their discretion. This is often informed by the outcome of an offender risk assessment. This may involve paying visits to members of the public who are likely to encounter the offender or local organisations which may feasibly be at risk. Agencies are also encouraged to make presentations to community groups where necessary (Interview with Max Schuleter, Vermont Department of Public Safety). Through these meetings the nature of notification and sexual offending can be explained more fully.

### **7.2.2 Registration rules**

Offenders must verify their personal details annually by responding to a first class letter, which cannot be forwarded, within 10 days of receipt. They must notify their probation officer within 24 hours (or three days if no longer under supervision) of a change of address, employment or after enrolment in any post secondary educational institution (listed on the Vermont Criminal Information website [www.dps.state.vt.us](http://www.dps.state.vt.us)). During the last period of re-registration, 97 per cent of offenders were found to be in compliance (Interview with Max Schuleter, Vermont Department of Public Safety). Offenders must comply with registration requirements for 10 years after discharge from supervision. There is a lifetime registration requirement for more serious offenders.

### **7.2.3 Responses to non-compliance**

Where an offender is not complying, a warrant is issued and placed on a state-wide database. The state then relies on traffic violations to locate and arrest offenders who are missing. The first violation of compliance rules is a misdemeanour and may be punished by a prison sentence up to two years and a fine of up to \$1,000. A second violation is a felony and can be punished with a prison sentence up to three years and a fine of up to \$5,000.

### **7.2.4 Risk assessment**

Every offender is subject to a risk assessment. This is used to inform the level of notification used and the treatment required. When an offender is convicted of a sexual offence and incarcerated, a Pre-Sentence Investigation (PSI) divides offenders into three categories of risk. Offenders who are low risk receive treatment in the community after their release. Moderate-risk

offenders must successfully complete treatment in prison before they are released, while high-risk offenders must successfully complete a violent offender programme in prison before they are released, and then undergo post-incarceration treatment with regular polygraph tests. All offenders receive community-based treatment on their release and 85 per cent successfully complete this course.

### **7.2.5 Young people**

Juveniles who are prosecuted in a juvenile court are not subject to the sex offender registration requirements. However, if a juvenile is prosecuted in district court<sup>18</sup> they are subject to the notification and registration requirements, except that information regarding a registrant cannot be posted to the website until they reach the age of 18 (Written communication Max Schuleter, Vermont Department of Public Safety). No information will be posted if the basis for the offence was only because of the victim's age. For example, if the victim's age was within 38 months of the offender's age the act will not be defined as criminal for purposes of the registry (Vermont Sex Offender Registry website [www.dps.state.vt.us/cjs/s\\_registry.htm](http://www.dps.state.vt.us/cjs/s_registry.htm)).

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<sup>18</sup> An adult court

## Part 2 Key findings and analysis

### 8. Protecting children

#### 8.1 Impact on offender recidivism rates

Megan's Law is not an evidence-based policy, but rather a reaction to a series of high-profile crimes against children. Since its implementation, there has been little detailed monitoring and evaluation to ascertain its effectiveness. There is currently little empirical evaluation to support any assumptions that exist about its impact on offender recidivism rates.

The Washington State Institute for Public Policy has conducted studies into the relationship between community notification schemes and offender recidivism rates. In a recent study the authors suggested that community notification laws may be partly responsible for a reduction in new offences by sex offenders from seven per cent to two per cent (Barnoski, 2005). However, in the same study the authors admit that there are methodological barriers to demonstrating a correlation between Megan's Law and reduced recidivism rates.

It is not possible to isolate the effects of notification from other factors which may have an impact on recidivism rates. For example, it is impossible clearly to discern the effect of the law from cohort effects such as increased public awareness of sexual offending, increased safety measures including background checking, stricter sentencing guidelines and the increase in civil commitment schemes.

Due to the nature of abuse, many cases go unreported or unrecorded and the level of prosecution is low. Reconviction rates therefore do not offer an accurate measure of true reoffence rates. Rates of recidivism will vary widely depending on whether figures are based on reported incidents, offender charges or convictions.

Some researchers claim that the actual rate of recidivism is much lower than it is currently held to be (Lotke, 1997; Hanson et al., 2003). Lisa Sample and Timothy Bray conducted empirical research into the assumption that sex offenders are more likely to reoffend than other types of offenders (Sample and Bray, 2003; Sample and Bray, 2006). They found no evidence that this was the case. Where recidivism rates are lower than generally expected, the base rate will be low and it can be difficult to prove a statistically significant reduction has occurred. If recidivism rates are low, then the potential for offender desistance is high. Community notification may be counter-productive for these groups therefore.

In addition to this, practitioners such as Finklehor and Jones have identified an underlying change in the amount of sex offending captured in official statistics (Finklehor and Jones, 2004). These ongoing methodological debates about baseline measures make it impossible to evaluate statistical changes.

## **8.2 Impact on the number of assaults against children**

The methodological barriers outlined above can also prevent researchers from finding a robust correlation between reductions in assault levels and community notification. In addition to this, it is not possible to ascertain levels of prevention, as this would require researchers to identify and record every case of offender desistance. In a practical sense also, measuring the prevention of attacks from *strangers* on children is made more difficult by the fact that official statistics do not record the relationship between the offender and the victim (Interview with Roxanne Lieb, Washington State Institute for Public Policy).

There is still insufficient evidence that Megan's Law reduces the number of assaults by strangers against children. Practitioner evidence challenges the idea that Megan's Law alone is sufficiently effective as a preventative tool. For example, last year there were 585 sex offender convictions in Minnesota and, of these, 90 per cent did not have a previous conviction (Interview with Mark Bliven and Bill Donnay, Minnesota Department of Corrections). Petrosino and Petrosino evaluated the potential of notification to prevent subsequent sex offences by strangers on children. They used secondary data on 136 offenders incarcerated in Massachusetts. They found that proactive police warnings could only have prevented six out of the 136 crimes (Petrosino and Petrosino, 1999). These cases suggest that focusing resources on a small number of known offenders may not be the best way to reduce offences overall.

## **8.3 Reporting levels of intra-familial abuse**

Concerns have been expressed that victims of intra-familial abuse may be deterred from speaking out because of community notification guidelines (Freeman-Longo cited in Lane Council of Governments report, 2003, p. 13). Victims of this sort of abuse may be reluctant to report their family member as an offender to the rest of the community as they may not want to put their relative at risk of retribution and exposure. They may also be concerned that they may inadvertently expose their own identity as a victim. Non-offending family members may be subject to the same stigma and ostracism as the offender and may also become the victims of vigilantism. This may have lasting negative effects on the children living within such families.

Although there is no published research to prove the link between notification and reduced reporting of intra-familial abuse, there is some strong evidence to demonstrate this link. When the Stop it Now! organisation launched its pilot site in Vermont in the summer of 1996, almost 60 per cent of the calls received were from sexual abusers or those at risk of abuse. When news of Megan's Law emerged in the Vermont press, the number of phone calls from these groups fell to zero. In subsequent years these groups have comprised only 12-16 per cent of calls (Written communication from Deborah Donovan Rice, Stop it Now! Vermont).

The Stop it Now! organisation describes the problem in the following way:

“The spectre of notification, the accompanying shame, the potential vigilante response from the community, the inability to restore life to some level of normalcy post-release, the potential for the humiliation of other family members besides the abuser him/herself are all deterrents in a very direct way.” (Written communication from Deborah Donovan Rice, Stop it Now! Vermont)

## **9. Use of disclosed information by parents and community members**

### **9.1 Protective behaviour**

There are conflicting reports about the extent to which members of the community take measures to protect family members, and increase the surveillance of known sex offenders. For example, in 2004 Beck and Travis compared the reactions of individuals who had been informed of the presence of an offender and those who had not been directly notified. They claim: "notified respondents were significantly more likely to engage in precautionary actions to protect themselves from victimisation" (Beck and Travis, 2004). However, as Roxanne Lieb argues, it may be the case that an increase in protective behaviours could have occurred without the introduction of community notification, due to increasing levels of public awareness overall (Interview with Roxanne Lieb, Washington State Institute for Public Policy). Also, a recent Gallup poll revealed that sex offender registries are currently under-utilised by members of the public, with fewer than one in four Americans (23 per cent) having ever researched their neighbourhood for convicted sex offenders (Today/Gallup Poll June 2005, [www.galluppoll.com](http://www.galluppoll.com)). This poll suggests that Megan's Law may not be as universally valued as previously thought.

### **9.2 Vigilantism, harassment and blackmail**

There is currently very little monitoring of vigilantism against offenders subject to community notification. Matson and Lieb conducted a survey of law enforcement officers in Washington in 1996, and found 33 reported acts of harassment against offenders since the law's introduction in 1990, meaning there were reported incidents in less than four per cent of all notifications (Lieb and Matson, 1996). Although all the practitioners interviewed stressed a low number of reported incidents, it is likely that incidences of harassment are under-reported and under-recorded (Interview with Roxanne Lieb, Washington State Institute for Public Policy). Where the prevailing attitude towards sex offenders is perceived to be negative, individuals may feel that law enforcement agencies and community members will fail to take action in response to any incidents. Given the timescale of this research, no interviews with offenders or their families were carried out to confirm whether this is the case.

There is some anecdotal evidence and also press reports detailing vigilantism towards offenders, though this is not systematically collated or monitored (NCIA Research Volunteers, 1996; cases outlined in Freeman-Longo, 2000). Examples include the case of Canadian Stephen Marshall in 2006, who shot dead two American offenders whose names and addresses he had found on online sex offender registers (Rees, 2006). Although serious cases like this are rare, it is likely that the majority of vigilantism is low-level harassment that goes unreported.

There have been cases where non-offending family members have been endangered by vigilantism. For example, the family home of Joseph Gallardo, a convicted child rapist, was burned down in Washington State in 1993 (*New York Times*, August 15 1993). Where local people have incorrect information about the location of sex offenders, innocent people can become victims of harassment (Rosenberg, 2002). Landlords can also become the subject of harassment if they make properties available to known sex offenders (Freeman-Longo, 2000 p. 9; Interview with Mark Bliven and Bill Donnay, Minnesota Department of Corrections).

In 2005 Levenson and Cotter carried out research with 183 convicted male sex offenders from Florida. Out of the men surveyed, a third claimed to have experienced "dire events", such as the loss of a house, harassment and damage to their property, though only five per cent claimed they had been physically assaulted as a result of notification (Levenson and Cotter, 2005b).

In 2000 when the *News of the World* ran its "naming and shaming" campaign, there were several incidences of vigilantism in the UK. Residents of the Paulgrove Estate in Portsmouth attacked several individuals on the slightest provocation (Evans, 2003). During these riots, five families unconnected to sex offenders were forced to flee, one policeman was injured and two men alleged to be sex offenders committed suicide. As a result, some practitioners believe the likelihood for vigilantism is greater in the United Kingdom than in the United States (Interview with Roxanne Lieb, Washington State Institute for Public Policy; Coleman, 2006).

When access to offender information was made possible via an uncontrolled online facility, there were concerns that this would lead to an increase in vigilantism. To guard against this, all state sex offender registry websites contain a disclaimer warning that the information is not to be used for illegal purposes. For example, the Louisiana Public Sex Offender Registry website states: "Any person who uses information contained in or accessed through this Website to threaten, intimidate, or harass any individual, including registrants or family members, or who otherwise misuses this information, may be subject to criminal prosecution or civil liability" (see <http://lasocpr1.lsp.org/Disclaimer.aspx>). In reality this may prove ineffective and difficult to enforce.

### 9.3 False sense of fear, false sense of security

All of the practitioners interviewed to inform this report claimed that Megan's Law is extremely popular with parents and members of the public. For example, the Vermont State Legislature was obliged to introduce community notification after sustained pressure from members of the public, despite their misgivings about the effectiveness of the schemes (Vermont Legislative Council, 2005; Interview with Max Schuleter, Vermont Department of Public Safety). Also, a study by the Washington State Institute for Public Policy found almost universal awareness and approval of community notification laws (Phillips, 1998). Although these measures of approval could be used to argue for the introduction of the laws, others fear that Megan's Law is "feel good" legislation, in that it makes parents feel safer without actually delivering tangible safety benefits (Interview with Max Schuleter, Vermont Department of Public Safety).

A major concern with a system of sex offender notification is that it will create a false sense of security for parents and community members. Assault by strangers accounts for a very small percentage of cases of child sexual abuse. This figure is estimated at five per cent (Philpott, 2002). By focusing on a small number of offenders, the system detracts from far more common crimes such as intra-familial abuse (Interview with Max Schuleter, Vermont Department of Public Safety). Also, due to the low level of reporting and conviction of sexual crimes, the registry will not even contain information about all the strangers who pose a threat to children.

At the opposite end of the scale, there is limited evidence that some parents and community members may suffer unwarranted levels of fear as a result of the publicity around Megan's Law. Zevitz carried out a study into sex offender community notification and its impact on neighbourhood life. Information was gathered from 147 households and community enterprises in Wisconsin, within a four-block radius of where notification of the placement of a notorious sex offender had occurred (Zevitz, 2004). He recorded parents' reactions to notification immediately after notification, and then followed this up a few months later, finding the following:

- 35 per cent claimed they were fearful and anxious (27 per cent in later survey)
- 26 per cent felt angry (reduced to 14 per cent in later survey)
- 19 per cent were indifferent/not worried (21 per cent in later survey)
- 7 per cent of parents felt powerless (increased to 20 per cent in later survey)
- 4 per cent resolved to remove the offender from the area.

Zevitz argues: "Notification ... unintentionally resulted in inciting fear among the general public and undermining people's trust in the security of their immediate surroundings" (Zevitz, 2003, p. 58). Caputo and Brodsky claim that community notification can cause undue stress for parents unless it is accompanied by advice on how to use the information to enhance safety (Caputo and Brodsky, 2003).

## 10. Impact on the management and behaviour of sex offenders

### 10.1 Inter- and intra-state movement

A worrying outcome of community notification laws is the potential for perpetrators to “go underground” and resort to inter- and intra-state movement in order to gain easier access to children in communities where they are not known. The level of offender compliance varies across and within states. For example, it is estimated that around one quarter of sex offenders in California are currently “missing” as they have not complied with notification requirements (Lotke, 1997). However, it is the case that this figure is likely to be much less in rural counties where there is a smaller population, with fewer offenders assigned to each officer. In densely populated urban areas, where it is less easy to supervise offenders, this figure is likely to be higher (Interview with Jane Blissert, Los Angeles County District Attorney’s Office). Predatory offenders may therefore decide to move to inner-city areas where law enforcement agencies lack the time and resources to supervise and enforce community notification. Moving to denser areas makes them less safe in some respects.

One practitioner stated, “It is possible that a sex offender could be convicted of a crime in California requiring lifetime registration; move to another state; and in the new state, either not be required to register at all (some states require registration for more crimes than others) or be subject to registration for a shorter duration” (Written communication with Janet Neeley, Deputy Attorney General, California Department of Justice). This could affect intra-state movement as offenders attempt to avoid registration and notification, or move to an area where regulation and surveillance is less stringent.

Accurately determining compliance is labour intensive and requires significant investigative resources which states do not necessarily have (Lane Council of Governments report, 2003 p. 15). This presents challenges for increasing and ascertaining levels of compliance. For this reason, most states are now increasing penalties for non-compliance to achieve a deterrent effect.

There are also fears that offenders may choose to abscond in order to escape increasingly stringent rules around registration, notification and residency. As one practitioner claimed, “the fear is that you may end up passing so many laws and making it so restrictive that you force individuals to go underground” (Interview with Barry Matheny, Louisiana Department of Public Safety and Corrections). Lotke argues, “sex offenders may be driven away from the monitoring system designed to keep them, and their community, safe” (*Community Care Magazine*, 6-12 July, 2006).

Methods used to locate offenders who have gone underground are often inadequate. In many cases where a warrant has been issued, states rely on offender traffic violations to locate individuals who have chosen not to comply with registration requirements (Interview with Jane Blissert, Los Angeles County District Attorney's Office). Law enforcement agencies can carry out "warrant sweeps", but these generally have a low success rate (Interview with Max Schuleter, Vermont Department of Public Safety).

## **10.2 The potential for networking**

There are increasing concerns that sex offenders may use the readily available online information to establish networks to target children and young people (Lovell, 2001). Initially, states favoured a system of controlled disclosure, as this prevented convicted sex offenders from gaining access to the information distributed through phone lines and sheriff's offices. Now that most states do not regulate access to offender information, concerns about this have grown. However, there is still no apparent evidence from interviews with practitioners that such networks have been formed.

## **10.3 Changes to offending**

When there is a system of community notification and offenders risk being subject to public disclosure, they may be more anxious to ensure that details of their crimes against children never emerge. There are fears that offenders may more frequently resort to violence or physical coercion to ensure the silence of their victims. At its most extreme this could increase the risk of children being murdered. Some practitioners fear that this may be an unintended outcome of tighter regulation and tougher sentencing (Interview with Barry Matheny, Louisiana Department of Public Safety and Corrections).

## **10.4 Impact on offender treatment and supervision**

Community notification can destabilise relationships between offenders and supervising authorities (Freeman-Longo, 2000; Longo, 2006). Offenders may be reluctant to attend treatment sessions where lifetime registration requirements make it difficult for them to move on from their prior offences (Lane Council of Governments report, 2003 p. 16). As failure to complete treatment programmes is a reliable and robust predictor of recidivism, this will not have a positive impact on the safety of children. Covert surveillance also becomes more difficult if an offender attempts to conceal their identity by relocating or making changes to his or her appearance.

It is not possible to say whether there are therapeutic benefits to be gained from community notification. On one hand, some argue that notification forces offenders to take responsibility for their actions. In turn, they may then acknowledge the harm caused and be honest with those around them (Lotke, 1997). As Elbogen argues, "Community notification might increase offenders"

awareness of their risk, facilitating collaborative assessment-based treatment planning and increased treatment compliance” (Elbogen et al. cited in Levenson and Cotter, 2005b). On the other hand, critics of Megan's Law argue that publishing information about convicted sex offenders shifts the emphasis on to members of the community to protect themselves, and so moves responsibility away from the offender, making them less likely to desist from harmful behaviours (Lotke, 1997).

Law enforcement must now balance offender monitoring with the investigation of new crimes. Some feel that this balancing act has led to disproportionate spending on Megan's Law (Interview with Roxanne Lieb, Washington State Institute for Public Policy). It could be argued that in making convicted sex offenders known, the police are placed under greater pressure to monitor and track known individuals. This greater emphasis on convicted offenders may mean that more resources are targeted on these groups, rather than invested in being vigilant about unknown perpetrators, who are more prevalent in communities.

Many of the practitioners interviewed claimed that Megan's Law has been a success due to the increased use of risk assessments, better information-sharing and the additional funding allocated for offender supervision, treatment and surveillance. These features are, however, distinct from the community notification element, which is the focus of this report.

### **10.5 Sex offender reintegration into the community**

One aim of Megan's Law is to reduce the opportunity for offenders to gain access to victims through being subject to community surveillance. There is some academic evidence that this may occur. For example, Levenson and Cotter carried out surveys with 183 convicted sex offenders in Florida. They claim: “About one third of participants reported an increased willingness to manage the risk because of neighbourhood vigilance, and most were motivated to prevent reoffence to prove themselves to others” (Levenson and Cotter, 2005b). However, others argue that community notification rules can be counterproductive, as offenders struggle to become reintegrated into a community after confinement due to increased scrutiny (Written communication from Deborah Donovan Rice, Stop it Now! Vermont).

If an offender is well integrated into a community and has access to housing, employment and social relationships then they are less likely to reoffend. The impact on the offender of community notification can therefore exacerbate risk factors or “stressors” (Edwards and Hensley, 2001) and ironically, may make the offender a greater danger to children and young people. When isolation is increased, offenders may resort to offending as a coping mechanism.

Some offenders have claimed that being placed under stress makes them more likely to reoffend. In Levenson's study 71 per cent of offenders claimed that notification interfered with their recovery by causing them to feel stress. He claimed, "feeling alone, isolated, ashamed, embarrassed, hopeless or fearful may threaten a sex offender's reintegration and recovery and may even trigger some sex offenders to relapse" (cited in Edwards and Hensley, 2001).

Problems with case management often arise from Megan's Law and can impact on reoffence rates. Officers can struggle to find suitable housing for offenders and may have to arrange for them to move at short notice. This is exacerbated by a high case load of often 25 offenders per worker (Zevitz and Farkas, 2000; Palermo, 2005). Proximity rules can also exacerbate housing problems and force offenders to move to rural areas or cluster in high-crime neighbourhoods (Levenson and Cotter, 2005a). The introduction of rules such as this is more common as systems of regulation become more stringent. Where offenders are made to live in more remote locations or further from responsibilities such as families or employment, lack of transportation can be another barrier to inclusion if the new residence is not on a bus line or the offender does not own personal transport (Interview with Mark Bliven and Bill Donnay, Minnesota Department of Corrections).

Some states attempt to guard against discrimination and poor reintegration by setting firm rules about the ways the disclosed information can be used in relation to the sex offender. For example, the California State website claims:

"It is [also] prohibited to use any information that is disclosed pursuant to this Internet Web site for a purpose relating to health insurance, insurance, loans, credit, employment, education, scholarships, fellowships, housing, accommodations, or benefits, privileges, or services provided by any business. Misuse of the information may make the user liable for money damages or an injunction against the misuse." (California Megan's Law website [www.meganslaw.ca.gov](http://www.meganslaw.ca.gov))

However, it may be difficult to prove that a convicted offender has been discriminated against as a result of information published through community notification. This will also be the case when potential employers or landlords cite other reasons for rejecting applications from known sex offenders. Recent research by Tewksbury supports this. He examined the "collateral consequences" of community notification for 121 registered sex offenders in Kentucky and found that a large number suffered negative experiences arising from public knowledge of their offences. He claims, "more than one third of registrants report losing a job, losing or being denied a place to live, being treated rudely in public, losing at least one friend, and being personally harassed due to their registration as a sex offender" (Tewksbury, 2005 p. 78).

Counterproductive effects are limited where information about offenders is controlled. In Vermont only offenders who are high-risk or are causing concern are exposed to the community and so the majority do not suffer adverse effects (Interview with Max Schuleter, Vermont Department of Public Safety). This does not solve the problem that high-risk offenders may still be able to go underground, and this is more likely where there is social pressure and scrutiny as a result of community notification.

Several recent studies have been carried out to evaluate community notification laws from the perspective of law enforcement agencies. Lawson and Savell carried out focus group interviews with officials from Arkansas (Lawson and Savell, 2003). Many officers felt that registration and disclosure were useful tools as they allowed for better information sharing and suspect tracking. They claimed, however, that the processes used could be cumbersome and inefficient and can be impeded by poor tracking and record keeping. Resource concerns included extra workload, the need for additional training and guidance, and the need to balance this work with other aspects of law enforcement.

## 11. Legal, practical and ethical issues

### 11.1 *Ex post facto* challenges

Registered offenders feel that community notification means that they are punished twice for their offences: once by the criminal justice system and once by their neighbours. In Alaska offenders brought proceedings claiming that the retroactive inclusion of offenders sentenced before the law came into effect represented *ex post facto* punishment<sup>19</sup> (*Smith v Doe, 2003*). The two offenders involved had served their sentences and completed treatment programmes, and wished to move on with their lives. Crucially, the courts ruled that disclosure of sex offender information is civil and not criminal in nature (Scott and Gerbasi, 2003) meaning the rules governing *ex post facto* punishment cannot be violated. Strengthening notification rules merely adds, therefore, to parole and supervision requirements. Despite this ruling, many offenders dispute the idea that notification is regulatory and non-punitive (Teichman, 2005; McAlinden, 2005). They claim that it satisfies a punitive impulse through collective condemnation of an offence. However, the *Smith v Doe* ruling will limit the success of future legal challenges concerning community notification laws.<sup>20</sup>

### 11.2 Due process challenges

*Connecticut Department of Public Safety v Doe, 2002* claimed that there was a violation of due process, as offenders were denied the opportunity for a hearing to determine their current dangerousness. The 14<sup>th</sup> Amendment of the US constitution states that: "states shall not deprive citizens of life, liberty or property without due process of law" (Scott and Gerbasi, 2003). As Connecticut did not operate a system of risk assessment, the defendant felt that a single classification of all offenders created the public perception that all listed offenders were dangerous. The offender had previously been convicted of a sexual offence and wanted a hearing on his current dangerousness. The US Supreme Court rejected these cases claiming that a disclaimer on the website clearly stated that a risk assessment had not taken place and this was not the case. They also claimed that due process had already been granted through the initial trial and conviction of the offender. There are fears that this ruling may deter states from implementing risk-assessment based systems, at least where a disclaimer accompanies notification (Logan, 2003a).

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<sup>19</sup> A law that retroactively changes the legal consequences of acts that existed prior to the enactment of a law.

<sup>20</sup> Objection on the grounds of substantive due process is the only possible legal challenge remaining.

### **11.3 Young people who display sexually harmful behaviour**

There are also concerns about young people who display sexually harmful behaviour being subject to registration and community notification. In states where registration is for life, young people will continue to feel the effects of Megan's Law throughout their lives. However, when prosecutors modify their charging decisions to avoid subjecting young people to registration and notification, these offenders may be deprived of access to treatment programmes (Logan, 2003b). This is a significant problem, as it is believed that as many as 50 to 60 per cent of all sexual offences are carried out by young people under the age of 18 (Interview with Mark Bliven and Bill Donnay, Minnesota Department of Corrections). In the UK approximately 25 per cent of sexual offences are carried out by young people in this age group (NOTA News, Issue 37, 2001).

### **11.4 Offender civil liberties**

Critics of Megan's Law argue that it undermines the offender's civil liberties. Through notification, they lose their right to live in privacy, as they are placed under scrutiny from the wider community.

The Louisiana State website states that:

“Persons found to have committed a sex offence or crime against a victim who is a minor have a reduced expectation of privacy because of the public's interest in public safety and in the effective operation of government.” (Outlined on Louisiana State Police website [www.lasocpr1.lsp.org](http://www.lasocpr1.lsp.org))

It is therefore widely asserted and believed that the rights of children and the goal of public protection are more important than the civil liberties of sex offenders. In contrast, the state of Vermont has developed risk assessment tools to limit the numbers of people subject to disclosure so that their treatment and reintegration is not undermined by the process. This is premised on the belief that, for most offenders, reoffending is not inevitable and successful treatment is possible (Interview with Max Schuleter, Vermont Department of Public Safety; Sample and Bray, 2006).

### **11.5 Consistency and quality of published information**

The quality of the information which is shared will have a significant impact on the effectiveness of community notification. Online information, for example, varies widely between and across states. Where there are resource shortages, the temptation can be to give summarised or incomplete information to the detriment of public knowledge and understanding of crimes (Interview with Barry Matheny, Louisiana Department of Public Safety and Corrections). Most sites do not provide a definition of crimes even where the descriptions provided are fairly ambiguous, such as “performing sexually

immoral acts” (Louisiana Sex Offender Registry website, <http://lasocpr1.lsp.org>). Further, the crimes listed are often abbreviated to save space and this can also cause confusion, as with: “Contrib Delinq Of A Minor” on the Louisiana website. Other states give more detailed information which explains both the crimes committed and the circumstances surrounding the crimes:

*“Offender has a history of sexual contact with minor males (ranging in age from 12-15). The contact includes fondling and penetration. Compliance has been gained through grooming, and providing alcohol to one victim. The offender was known to the victims.”*  
(Minnesota Online Sex Offender Registry)

Most sites do not give the date of the offences committed, the offender’s age at conviction and whether they have complied successfully with treatment programmes.

Several pieces of academic research have been carried out to assess the accuracy of published information. Levenson and Cotter, in their study of 183 convicted sex offenders in Florida, found that over half the men interviewed claimed that the information posted about them on online registers was incorrect (Levenson and Cotter, 2005b). Also, in 2002, Tewksbury examined the accuracy of an internet-based sex offender registry in Kentucky. He found that over than 25 per cent of 537 entries could have potentially been incorrect addresses. Also, fewer than 50 per cent included a photograph of the offender (Tewksbury, 2002).

## **11.6 Mistaken identity**

Where published information is inconsistent or incomplete, there is a high probability that mistaken identity may occur as a result of community notification. This can lead to the victimisation of innocent families. This is more likely when the photos provided are out of date or the offenders have changed their appearance. In a study of over 200 registered sex offenders in Kentucky, Tewksbury argues: “Based on self reports from registered sex offenders, approximately a third believe they have never been recognised as a sex offender” (Tewksbury, 2006). This can be made worse if unofficial websites are created, or where states do not update sites regularly, leading to inaccuracies (Lane Council of Governments report, 2003 p. 15).

Some states will only publish incomplete information. The state of Vermont, for example, will not publish the full address of offenders through any of their notification methods. There are several reasons for this: the need to protect the privacy of the offender to allow them to complete treatment programmes and societal reintegration; prevention of vigilantism or harassment of named offenders and avoiding the lasting stigma on a certain address or street (Interview with Max Schuleter, Vermont Department of Public Safety).

However, this can be problematic if members of the public wrongly speculate the location of a sex offender. There have been cases where this has led to the harassment of innocent people (Case discussed with Mark Bliven and Bill Donnay, Minnesota Department of Corrections).

### **11.7 Resource implications**

States do not receive additional funding to implement Megan's Law but will face a penalty of around 20 per cent of federal grant money if they do not comply with it. For example, in Vermont, where there is two million dollars of federal grant money in 2006, this could result in a loss of \$200,000 (Interview with Max Schuleter, Vermont Department of Public Safety). The cost of introducing and maintaining a system of community notification is indisputably high, however. As Logan argues, "millions of dollars are required to operate the systems in a manner likely to achieve any success" (Logan, 2003a). Spending levels vary across states in accordance with population density and the geographic size of the area covered. For this reason, it is difficult to establish an accurate figure for the cost of operating Megan's Law. However, California Attorney Bill Lockyer recently estimated that to run an adequate system of registration and notification in the state would cost around \$15 to \$20 million dollars per year (Bonilla and Woodson, 2003). In the UK the cost of establishing a sex offender register has already cost around £100 million, without the implementation of the type of notification procedures used in the United States (Rees, 2006).

A system of community notification and registration has significant resource implications for local law enforcement agencies. Already overstretched agencies have to spend a great deal of time finding suitable housing for offenders, dealing with community concerns and conducting home visits (Zevitz and Farkas, 2000). This may leave little time for surveillance and treatment work.

Several practical mechanisms must be in place for an effective system of community notification and these have associated costs. These include setting up and maintaining a public website, the cost of advertisements and carrying out pre-release risk assessments. Defending a state's system of disclosure can be expensive if legal challenges are brought against it, and defendants who fear registration may contest allegations more often. This may place a greater burden on the justice system (Logan, 2003b).

## 12. Conclusion and recommendations

### Evidence about the impact of Megan's Law in the US

Most states have very little evidence on the actual impact of community notification on their jurisdiction. Most of the understood benefits of the laws are based on assumptions about the nature of sexual offending and the behaviour of parents and community members. Such assumptions are rarely supported through research, but continue to legitimise the law for law enforcement workers and members of the public.

### Areas where additional research is needed:

- There is currently no empirical evidence that community notification has had a positive impact on offender recidivism rates.
- There are methodological barriers to proving or disproving any correlation between community notification and offending.
- There is no evidence that community notification has resulted in fewer assaults by strangers on children.
- There is no evidence that sex offenders use public information sources to form networks.
- There is currently very little monitoring of vigilantism against offenders. Although there are few known incidents of harassment, it is likely that these crimes are under-reported and under-recorded.

### Findings based on the research:

- Fears remain about the potential for offenders to "go underground". Offender compliance levels vary across states, but are usually higher in dense urban areas.
- Methods used to locate offenders who have gone underground are often inadequate. In many cases where a warrant has been issued, states rely on offender traffic violations or "sweeps" where they attempt to locate missing offenders. Both methods have limited results.

- By focusing on a small number of known offenders, the system may detract attention from more common crimes such as intra-familial abuse, leaving parents and children vulnerable to abuse from people known to them.
- There are conflicting reports about the extent to which members of the community will take measures to protect family members, and increase the surveillance of known sex offenders.
- There is some evidence that victims of intra-familial abuse may be deterred from reporting crimes because of fears related to community notification.
- Surveys suggest that, at a general level, community notification is popular with respondents. However, there is academic evidence to suggest that some parents may develop a false sense of fear of offenders in the community, as the laws exaggerate the true level of offender recidivism.
- Practitioners speak of the success of Megan's Law in terms of increased use of risk assessments, better information-sharing and additional funding for treatment and surveillance. However, these practices are distinct from the community notification element for which there are no evidenced benefits.
- Rules around offender residency, registration and notification are being tightened across all the states in response to perceived loopholes and high-profile sex attacks on children.
- The financial cost of implementing community notification is high.

## Report recommendations

### Application to the UK

At present, when the police are aware that an offender poses a risk to the public, they or the Multi-Agency Public Protection Arrangements (MAPPAs) are responsible for informing individuals and the community on a case by case basis.<sup>21</sup> The report finds that there is no evidence to justify a wholesale change to the UK's current systems of disclosure, although the following measures are required:

### Public awareness of existing arrangements

At present many people are unaware that a system of discretionary disclosure exists in the UK. In order for the current system of notification to continue, information about child protection procedures need to be improved, and there should be greater public understanding of the current methods of disclosure used.

### Public education

The report shows that there is a danger of the debate around sex offenders becoming too narrow if policy-makers mainly focus on a small group of high-risk offenders. There therefore needs to be more public education to raise awareness that most sexual abuse is perpetrated by someone known to the child. Children also need to be educated about abuse and offered ways to share their concerns with somebody who is able to help.

### Treatment for children who display sexually harmful behaviour

A large percentage of sexual assaults are perpetrated by young people and individual states in the US respond to this in different ways. In the UK young people should not be made subject to public notification, but should instead be given access to additional treatment programmes. We believe that every local authority should have in place a multi-agency assessment framework and access to any treatment services that are needed. There should be a full, welfare-based assessment of every child who displays sexually harmful behaviour. This should identify appropriate next steps to address their needs, and safeguard others from the risks they may pose.

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<sup>21</sup> MAPPAS are in place in Wales and were introduced in Scotland from April 2006. In Northern Ireland, MASRAM (Multi Agency Sex Offender Risk Assessment and Management meetings) involve the Police, the Probation Service, Prisons and Social Services in the management of sex offenders.

### **Treatment for those outside the criminal justice system**

Most perpetrators, or individuals with a sexual interest in children, are not in contact with the criminal justice system. Treatment is also needed for these people to help them desist from harmful sexual behaviours.

### **Implications for policy**

There is currently insufficient proof that the community notification practices of Megan's Law makes children safer. Registration and notification alone cannot solve the problem of child sexual abuse. Policy-makers should ensure that sex offender management policies are based on objective evidence of what makes children safer and not on popular responses to high-profile sex crimes such as Megan's Law, however tempting it is.

## **Other NSPCC recommendations**

### **Review of existing arrangements**

The NSPCC would like the UK Government to examine a range of measures which protect children, rather than focusing primarily on the issue of disclosure.

### **Adult offender treatment programmes**

The Home Office must ensure that treatment is available for offenders both in prison and in the community. In addition, there is a role for residential treatment for very high-risk offenders. The only residential treatment centre for adult sex offenders, the Wolvercote Clinic, was closed in July 2002. The NSPCC recommends that the Home Office establish a network of residential treatment centres for high-risk offenders.

### **Resourcing of existing sex offender management arrangements**

MAPPAs are an important framework for the management of offenders in the community. However, recent reports from the MAPPAs reveal problems with an inconsistent use of risk assessment and heavy caseloads (HMIC, 2006). The NSPCC believes it is essential that MAPPAs are adequately resourced and supported so that they can reduce the risk to children from offenders in the community. Risk assessments must be consistent and caseloads must be a manageable size.

### **Inter-agency working**

Agencies must work together in order to properly manage the risk that sex offenders pose. Evidence suggests that this is currently inconsistent between areas. It is important that agencies work closely with the MAPPAs, and that child protection experts on Local Safeguarding Children Boards are also represented on MAPPAs, and are able to develop a joined-up response.

### **Sex offender accommodation**

The NSPCC believes that high-risk offenders should be housed in a way that minimises the risks they pose to children. The Home Office must ensure that all high-risk sex offenders are accommodated in suitable hostels which offer an appropriate level of supervision and contact with staff.

### **Therapeutic services for children**

There should be greater support for children who have been the victims of sexual abuse. The NSPCC recommends that the UK Government ensure that every child who experiences abuse is expertly assessed and is given the therapeutic services they need. A fully funded delivery plan must be developed at national and local levels to achieve this.

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## Online information

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[www.ojp.usdoj.gov](http://www.ojp.usdoj.gov)

California Department of Justice  
[www.meganslaw.ca.gov](http://www.meganslaw.ca.gov)

California Office of the Attorney General  
[www.ag.ca.gov](http://www.ag.ca.gov)

Child Safe Network  
<https://chilsafenetWORK.org>

Gallup Organisation  
[www.galluppoll.com](http://www.galluppoll.com)

Guide to the National Sex Offender Registry  
[www.nsor.net/index.htm](http://www.nsor.net/index.htm)

Louisiana State Police Sex Offender Registry  
<http://lasocpr1.lsp.org>

Minnesota Department of Corrections Sex Offender Registry  
[www.doc.state.mn.us](http://www.doc.state.mn.us)

National Sex Offender Public Registry  
[www.nsopr.gov](http://www.nsopr.gov)

New Jersey Sex Offender Registry  
[www.state.nj.us/njsp/info/reg\\_sexoffend.html](http://www.state.nj.us/njsp/info/reg_sexoffend.html)

Oregon Sex Offender Registry  
[www.sexoffenders.oregon.gov](http://www.sexoffenders.oregon.gov)

Parents for Megan's Law  
[www.parentsformeganslaw.com](http://www.parentsformeganslaw.com)

Sex Offender community notification in St Paul  
[www.stpaul.gov/depts/police/sexoff.html](http://www.stpaul.gov/depts/police/sexoff.html)

US Child Safe Network  
[www.chilsafenetWORK.org](http://www.chilsafenetWORK.org)

US National Alert Registry  
[www.offenderreport.com](http://www.offenderreport.com)

Vermont Criminal Information Center  
[www.dps.state.vt.us](http://www.dps.state.vt.us)

Washington State Sex Offender Information Centre  
[www.waspc.org](http://www.waspc.org)

Wisconsin Sex Offender Registry  
[www.wi-doc.com/offender.htm](http://www.wi-doc.com/offender.htm)

## Appendix

### Details of practitioner interviews

A series of qualitative interviews were conducted to inform the research. These interviews took the form of a semi-structured telephone interview.

The practitioners included were:

Jane Blissert	Head Deputy Sex Crimes Division Los Angeles County District Attorney's Office 8 <sup>th</sup> September, 2006
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Mark Bliven	Risk Assessment Co-ordinator Community Notification Unit Minnesota Department of Corrections 31 <sup>st</sup> August, 2006
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Bill Donnay	Director Community Notification Unit Minnesota Department of Corrections 31 <sup>st</sup> August, 2006
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Deborah Donovan-Rice	Director Public Policy Stop it Now! Vermont (Written response given to questions)
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Roxanne Lieb	Director Washington State Institute for Public Policy 29 <sup>th</sup> August, 2006
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Barry Matheny	Probation and Parole Programme Manager Louisiana Department of Public Safety and Corrections 30 <sup>th</sup> August, 2006
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Max Schuleter	Director Vermont Crime Information Center Vermont Department of Public Safety 1 <sup>st</sup> September, 2006
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**Table 1: Differences between risk assessment methods across states**

Name of State	Details of risk assessment
<b>California</b>	Risk assessment does not currently occur except in the case of sexually violent offenders. All offenders who have committed specified sex crimes must register with local law enforcement agencies. Offenders who have committed certain offences may apply for exclusion from notification.
<b>Washington State</b>	An End of Sentence Review Committee assigns a level of risk from one to three to set levels of disclosure and identify offenders for civil commitment as sexually violent predators. State-wide assessment occurs but local law agencies have discretion to amend any multi-jurisdictional decisions reached.
<b>Minnesota</b>	After a psychologist's report a committee convenes to assign a risk level from one to three to each offender. The committee comprises the prison warden or hospital CEO, local law enforcement, local victim support and a case manager. Offenders can attend these hearings with legal counsel and can appeal against a level 2 or 3 classification to an administrative law judge.
<b>Louisiana</b>	No risk assessment takes place. A list of "enumerated offences" is used to decide which offenders are subject to registration and community notification.
<b>Vermont</b>	When an offender is convicted of a sexual offence and incarcerated, a Pre-Sentence Investigation (PSI) is carried out to ascribe risk levels to each offender. This psychosexual evaluation divides offenders into three categories of risk.

**Table 2: Summary of changes to notification methods since 2001 study**

Name of State	Notification method(s) used in 2001	Notification method(s) used in 2006
<b>California</b>	<ul style="list-style-type: none"> <li>• “900” phone line number</li> <li>• CD-ROMs in Law Enforcement Offices</li> <li>• Mail and fax requests</li> <li>• Active notification</li> </ul>	<ul style="list-style-type: none"> <li>• Public website (info about high- and medium-risk offenders)</li> <li>• Information through law enforcement about low-risk offenders</li> <li>• Active notification</li> </ul>
<b>Washington State</b>	N/A	<ul style="list-style-type: none"> <li>• Public website</li> <li>• Local press announcements</li> <li>• Public meetings</li> </ul>
<b>Minnesota</b>	<ul style="list-style-type: none"> <li>• Tiered active notification</li> <li>• Community meetings</li> </ul>	<ul style="list-style-type: none"> <li>• Tiered active notification</li> <li>• Community meetings</li> <li>• Public website</li> </ul>
<b>Louisiana</b>	<ul style="list-style-type: none"> <li>• Public website</li> <li>• Active notification</li> <li>• Offender organises and pays for flyers and advertisements</li> </ul>	<ul style="list-style-type: none"> <li>• Public website</li> <li>• Offender meets the cost of flyers and advertisements</li> </ul>
<b>Vermont</b>	<ul style="list-style-type: none"> <li>• Telephone lines</li> <li>• Information held at local law enforcement offices</li> </ul>	<ul style="list-style-type: none"> <li>• Public website</li> <li>• Community meetings</li> </ul>





## DON'T KEEP IT TO YOURSELF

The NSPCC Child Protection Helpline is a free 24-hour service that provides counselling, information and advice to anyone concerned about a child at risk of abuse.

Please call us any time on 0808 800 5000

Or textphone for people who are deaf or hard of hearing on 0800 056 0566

Or email [help@nspcc.org.uk](mailto:help@nspcc.org.uk)

Alternatively call:

NSPCC Asian Child Protection Helpline (Mon-Fri 11am-7pm) 0800 096 7719

NSPCC Cymru/Wales Child Protection Helpline (Mon-Fri 10am-6pm) 0808 100 2524

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