



Sex Offender Registries and Notification Programs

Polls indicate that the public is deeply concerned about the perceived danger posed by individuals convicted of sexual offenses, viewing it as a significant priority for legislators and law enforcement. Since adoption of “Megan’s Law” in New Jersey in 1994, sex offender registries and public notification systems have been the primary method nationwide for addressing this concern.

“Megan’s Law” and the Federal Jacob Wetterling Act

Although a handful of states had public notification laws on the books prior to 1994, the highly publicized murder that year of young Megan Kanka by a neighbor previously convicted of violent sexual offenses sparked widespread legislative response. Most notably, Congress enacted the Jacob Wetterling Act, named for another young victim of a violent sexual assault. The Wetterling Act created strong financial incentives for each of the states to enact sex offender registration programs, and to make information on released offenders available to the public. Over the next few years, registration and notification statutes were adopted nationwide. Collectively, these statutes have become known as “Megan’s Laws.”

Registration in Alaska

Alaska’s version of Megan’s Law was enacted in 1994. It was, at the time of its adoption, one of the most rigorous in the country; it was also one of the earliest to require Internet posting of personal information about offenders.

As of May, 2009 there were 2,509 individuals listed on Alaska’s registry of sex offenders and child kidnappers. A total of 2,332 are registered as sex offenders. Of these, 925 show an employment address and 43 show school addresses. There are 1,094 registrants in Anchorage, 125 in Fairbanks, and 103 in Juneau.

Legislative Trends

Congress has responded to public demands for increased control over those convicted of sexual offenses by imposing more stringent registration requirements on the states. In 2006, Congress passed the Adam Walsh Child Protection and Safety Act which mandated that the states meet increased requirements for offender registries or face loss of federal law enforcement (Byrne grant) funding. Key provisions of the act included broadening the classes of sex offenses for which registration is required and extending the registration requirement to juvenile offenses; requiring covered offenders to consistently remain registered in any jurisdiction in which they live, work, or attend school; expanding the scope of registration information required; imposing a national requirement for periodic in-person appearances by registrants; standardizing the required duration of registration; and widening the availability of information concerning

registrants available to the public through required Internet posting. The deadline set for implementation by the states is July 27 of this year (2009).

Consistent with the trend toward tighter control over released offenders, the Alaska legislature recently expanded the scope of Alaska's registry. Effective January 1, 2009, in addition to the preexisting requirements, registrants must report each email address, instant messaging address, and any other Internet communication identifiers they use. They have one business day from the day of establishment of or changes to any such address to submit their information; failure to so report is a class A misdemeanor.

Recent Research Findings Relevant to Offender Registration and Public Notification

- The majority of sex offenders do not reoffend, and when they do commit another crime it is not usually a sexual offense or crime of violence.
- Existing assessment models have proven effective in predicting which offenders are most at risk of re-offending, allowing corrections officials to identify low risk offenders.
- Treatment of individuals convicted of sexual offenses can be effective in reducing the risk of reoffending. New studies show that offenders may learn to change dysfunctional thought patterns, understand factors that may put them at risk for reoffending, and develop constructive responses to individual risk factors. Medications have also proven effective for certain offenders.
- The risk that a released offender will reoffend may be increased by instability in the offender's work or personal life as he or she reenters the community. Factors identified as contributing to instability include perceived ostracism, falling victim to hostile acts by neighbors or strangers, family disruption, and difficulty finding or maintaining employment.
- Juveniles convicted of sexual offenses are unlikely to commit another sexual offense. They are also extraordinarily amenable to treatment.
- Sex offender registries have a markedly negative effect on juvenile offenders' ability to transition successfully to adulthood in areas of education, employment, and housing. Harassment resulting from public notification systems has caused juvenile offenders to drop out of school and has damaged social networks, exacerbating preexisting problems in social development.
- Offenders report that inflexible lifetime registration and public notification requirements are a disincentive for seeking or participating in treatment programs.
- A study released in 2008 of Megan's Law in New Jersey showed that sex offender registration and notification was of limited effect in promoting public safety. Results

showed registration and notification had no demonstrable effect in reducing arrests for first time sexual offenses, re-arrests for sexual offenses, or re-arrests for any new offenses. In addition, registry and notification had no impact on the type of sexual re-offense or the number of sexual offense victims. These conclusions are consistent with research from other states. The authors of the New Jersey study further concluded that the growing costs of sex offender registration and notification systems may be unjustifiable given the demonstrable lack of community benefit.

- A study published in 2009 of the impact of South Carolina's Megan's Law on the risk of juvenile sexual recidivism found no evidence in support of deterrent effect on repeat sexual offenses. It did find, however, that registered youth were at increased risk of being charged with other offenses, suggesting a potential "surveillance" effect that contributes to the deleterious consequences of registration and notification on young offenders.

Policy Implications

- Public notification systems negatively affect the stability and social reintegration of offenders in ways that the offender registration databases by themselves do not; lawmakers and law enforcement officials should take care to distinguish between the two systems in adopting and implementing legislation affecting this population.
- The limited utility of public notification systems, balanced against the barrier such systems pose to community reentry, the concomitant social and financial hardship on offenders' families, and evidence that the stigma and resulting emotional instability caused by publication may actually make released offenders more dangerous rather than less, suggests that the current trend toward increasing the reach of these systems is counter-productive. Lawmakers should consider amending their public notification systems to provide incentives for offenders to seek treatment and promote the successful reintegration of sexual offenders into their families and the community.
- Juveniles, whose life chances are disproportionately impaired by public notification systems and who readily respond to treatment, should not be subject to the same long term or lifetime public notification requirements as adult offenders; lawmakers should focus on amending the public notification systems to address the special needs of juveniles and promote their transition to a socially healthy and productive adulthood.

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