

**The Bill Blackwood
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**Sex Offender Registration/Notification
And How It Benefits The Community**

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ABSTRACT

Sex offender registration and notification laws have proven to be a controversial issue among politicians and activists alike, either for or against stricter laws regarding convicted sex offenders living in communities throughout the country. In recent decades, there has been a push for stricter registration and notification laws that are geared towards public safety and awareness. Most require that a convicted sex offender, upon being released into the community, provide personal information so that they can be monitored and members of the community they live in can be made aware of their presence.

It is obvious that there is a tremendous problem involving sexual violence in the United States today, and it is apparent that sex offender notification laws are needed. This position paper will assert the fact that the information gathered and released to the public because of sex offender notification laws will go a long way toward protecting the citizens they are designed to protect. The author utilizes numerous information outlets such as Internet sites, news outlets, and published research papers to address both sides of the issue.

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INTRODUCTION

Consider the following: On March 22, 2011, emergency services in Parsons, Kansas were dispatched to a 911 call for an unresponsive 19-month old toddler. A short time later, at the hospital, the toddler was pronounced dead and a convicted sex offender was suspected of causing his death. Mark Anthony Baker, the boyfriend to the mother of the toddler was eventually charged with murder, child abuse, and aggravated sodomy. Authorities suspected that Baker murdered the toddler after sexually assaulting him (Potter, 2011). According to the Texas Department of Public Safety Sex Offender Registry (2011), in 2001, in Kansas, Baker, as a juvenile, was convicted of two counts of Aggravated Indecent Liberties with a Child, a fact that was never known by relatives of the toddler. Baker, at one time, lived in Texas and despite the fact that he was required to register as a sex offender in Texas, he was not required to register in Kansas because his offense was committed as a juvenile (Potter, 2011).

Tragedies like the one mentioned above take place every day throughout the United States. Media outlets are riddled with story after story of incidents of sexual violence. Some of these tragedies are used as motivation by government officials to pass laws that are meant to keep track of and notify communities of convicted sex offenders in the free world. The Adam Walsh Child and Safety Act (AWA), Megan's Law, and the Jacob Wetterling Act are some examples. Undoubtedly, tragedies like those mentioned above are averted due to current sex offender registration and notification laws.

According to the National Center for Missing and Exploited Children (2012), there are currently more than 700 thousand registered sex offenders in the United States.

Sex offender registration and notification laws are a hot button issue among politicians and activists alike, either for or against stricter sex offender laws. One can make the argument that if family members of the slain toddler in Kansas were able to find Baker on the Kansas Sex Offender Registry, a senseless and tragic death might have never occurred.

The most recent of these laws, the AWA was signed into law on July 27, 2006. With the new law, "The Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking," otherwise known as SMART, was created and tasked with setting the national standards for the Sex Offender Registration and Notification Act (SORNA), which is Title One of the AWA. SORNA sets guidelines and minimum standards to be followed by agencies throughout the country and are tasked with sex offender compliance programs and their notification responsibilities to the public (Office of Justice Programs, n.d.). Not all states are in compliance with the AWA today and some states, like Texas, intend to never comply with the AWA due to monetary issues. However, every state in the nation does have some sort of sex offender registration law on the books, and 37 states have sex offender registries that can be accessed on the internet (Megan Nicole Kanka Foundation, n.d.a)

As long as sex offender notification laws have been in force, there has been opposition to their existence. The passing of the AWA has added fuel to the fire and many arguments for and against sex offender notification laws have surfaced over the years. The intent of this position paper is to address the importance of the AWA and other individual state sex offender notification laws and to reassert that the information that is provided to the public by these agencies is conducive to the safety of the public.

This position paper will highlight some of the arguments on both sides of it, and it is the author's desire that it will prove that the information gathered and released to the public because of these laws will go a long way toward protecting the citizens they are designed to protect.

Due to the many differences between state laws throughout the country, requirements designating exactly who has to register and who is subject to community notification vary. It is the contention of the author of this position paper that all convicted sex offenders should be required to register as sex offenders and fall subject to community notification because the information obtained during the registration process, such as addresses, internet user names, email address, pictures, and other identifying information, is a benefit to the community and law enforcement alike. Information expressed in this position paper can be used to assist federal and state lawmakers, law enforcement officials, and proponents of sex offender registration and notification laws with information by providing insight to the importance of such laws.

POSITION

Knowledge is power, and sex offender notification laws allow citizens that are in tune with their communities to use registration information provided to them as empowerment to keep their families safe. An excerpt from the Megan Nicole Kanka Foundation (n.d. b) Mission Statement sums it up in a six word sentence, "Megan could have been anyone's child" (p. 1). Such a statement represents a stark reminder that it is not only a parent's responsibility to ensure the safety of their children, but communities share in the responsibility as well.

Sex offender notification laws and the information they provide, in some cases, can be the difference between being safe or becoming a victim. Local schools, child related businesses, and community organizations are provided vital information from these registries that will undoubtedly go into their emergency contingency planning and give them added tools used to keep children safe.

Knowledge is indeed power. In the case of Mark Anthony Baker and the toddler he is suspected of sexually assaulting and murdering, such information could have prevented the tragedy from ever occurring. If the state of Kansas, like Texas, would have made it a requirement that Baker register as a sex offender, the toddler's family might have gained the knowledge that could have empowered them to protect the toddler and ensure that that he was never left alone with Baker. The fact that Baker was a juvenile when he committed his offense should not have excluded him from having to register. The grandfather of the slain toddler indicated as much in an interview with Tim Potter of The Wichita Eagle: "A sex offender is a sex offender. Those type of laws, juvenile or not, they need to be changed so people can be aware. That's the only protection we've got. That's the only protection the children have too" (Potter, 2011, para 8). If a dangerous sex offender moves into a neighborhood, every citizen has the right to know.

Another benefit of sex offender registration is that it is not only beneficial to the public, but it assists law enforcement in solving crimes as well. Information provided by sex offenders to the agencies tasked with obtaining it can potentially be used to identify suspects for crimes that have been committed in their communities. In many cases, real time information, including photographs, are available on a computer screen at the

click of a mouse. Often times, this saves valuable time that can be crucial to the successful outcome of an investigation.

As was mentioned before, states throughout the country vary when it comes to the type of registration information that is obtained and what can be released to the public. However, in most cases, convicted sex offenders can be required to provide identifiers such as names, aliases, driver license numbers or identification numbers, birth dates, physical descriptions, finger and palm prints, DNA and photographs. Some states might also require that the sex offender provide information like internet addresses and internet identifiers, telephone numbers, residence addresses, employer names and addresses, professional licenses, school information and vehicle information (Office of Justice Programs, n.d). Some of the information mentioned above may only be available to law enforcement and not intended to be released to the public. However, this information provides a treasure trove of details about local sex offenders that can be used by law enforcement when investigating crimes in their areas.

Unfortunately, with technology and the Internet comes new and easier ways for child predators to victimize children. It is no secret that child predators are aware of these improved chances to find an easy target to victimize. With that in mind, they tend to frequent social networking sites that are known sites where children and teenagers frequent. According to the National Center for Missing and Exploited Children (n.d.), approximately one in 25 children ages 10 to 17 received an online sexual solicitation where the solicitor tried to make offline contact. Some of these predators happen to be convicted sex offenders on parole or have other supervision requirements that forbid Internet use. Fortunately, some are required to register as sex offenders. Some social

networking sites are able to compare potential members against a known list of registered sex offenders by using information obtained at the time of their registration. Once a match is made, authorities are notified and an investigation is initiated, thus making the Internet safer for children and teenagers alike.

One example of how sex offender registration information can be used to track down potential predators on the Internet occurred in Texas. In 2007, the Texas Attorney General's Office announced that it had wrapped up what it described as "the nation's first large-scale crackdown on registered sex offenders using the popular networking site, MySpace.com" (Attorney General of Texas, 2007, para. 1). Furthermore, the Texas Attorney General's Office announced that during the crackdown they "arrested seven previously convicted sex offenders with online profiles after MySpace.com released offenders' subscriber information at the demand of attorneys general across the country" (Attorney General of Texas, 2007, para 1).

COUNTER POSITION

In many instances, those that disagree with sex offender registration laws are those that, ironically, are on the list. In other words, they are convicted sex offenders who disagree with sex offender registration requirements. Among the complaints is the belief that sex offenders who have been convicted of lesser sex offenses such as non-violent offenses should not have to register because there is no way to distinguish between them and those that have been convicted and are required to register for violent offenses.

The Adam Walsh Child Protection and Safety Act (AWA), proposes a system that does distinguish between the two. Under AWA guidelines, registered sex offenders will

be distinguished between “three tiers of sex offenders” (American Prosecutors Research Institute, 2007, p. 1). Tier one sex offenders consist of those who have been convicted of what AWA considers the least serious sex offenses and have to register for 15 years and check in annually. Tier two sex offenders will have to register for 25 years and will have to check in every six months. It consists of those who have been convicted of crimes involving minors and also those who were previously convicted of a tier one offense and then convicted a second time for a felony. Tier three sex offenders are required to register for life and check in every three months, and this tier consists of those who have been convicted of violent sexual offenses and more than two felony sex offenses (American Prosecutors Research Institute, 2007). Some states use a method that categorizes sex offenders by risk level to the public, and yet others categorize them by a determined risk level of reoffending.

Another popular concern is that sex offender registration laws do nothing to prevent future sexual assault crimes from occurring. They often point to the fact that most sexual assault victims are assaulted by someone they know like a relative or an acquaintance not the stranger down the street. Therefore, sex offender registries do a disservice to communities by making citizens paranoid that a stranger will sexually assault them.

As Plato once said, “A good decision is based on knowledge and not on numbers.” There is no way to predict who around the community will commit a sex crime, and there is no way anyone, let alone law enforcement, can predict when the next sex crime will occur. However, there are ways that someone wishing to do so can arm themselves with knowledge that can be used to reduce the chances of one being a

victim of a sexual crime. The AWA and other individual state sex offender registration laws provide citizens the opportunity to gain that knowledge. Citizens can obtain this knowledge via the internet and be informed of real time information regarding sex offenders living in their neighborhoods who could potentially victimize their families. Sex offender information provided by local agencies is what will provide community members with the knowledge they need to make an informed decision on how to protect their families.

A third counter position involves the complaint that sex offender registries are unfair because they put the offenders in the spotlight and open them up to harassment by those in the community who do not want them there. Offenders claim that registries subject them to possible violence and hardships. Furthermore, they claim being listed on these registries causes them to have to live in fear for their safety and the safety of their families.

The law enforcement agencies that maintain sex offender registries throughout the country make it a point to educate the community on the reasons for a sex offender moving into their community. Some law enforcement agencies host public meetings or have officials attend other community-based meetings to get the word out about how the sex offender registries work, their intended purpose, and to answer questions regarding any fears community members might have. Law enforcement representatives use these opportunities to stress that the only reason these notifications are made public is to empower community members with the knowledge they need to protect their families. Members of the community are also made aware that they are subject to harassment laws and any other laws they might break.

CONCLUSION

It is obvious that there is a tremendous problem involving sexual violence in the United States today. According to the U.S. Department of Justice (n.d.), “approximately 1.8 million teens in the United States have been the victims of sexual assault” (p.1). All one has to do these days is tune into the local evening news, and there is a pretty good chance that there will be a story documenting such. In 2010, Texas alone was estimated to have around 63,694 convicted sex offenders living in the state (National Center for Missing and Exploited Children, 2012). There is no doubt that sex offender registries are necessary.

When a convicted sex offender is required to register, he or she is, in a sense, put on notice and no doubt aware that they will not be able to victimize anyone without suspicion being brought upon them. Those in the community are, in turn, empowered by the information in the registry, and they are able to make informed decisions about their safety. Convicted sex offenders are required to provide a treasure trove of information and identifiers that can also be used to aid investigators when investigating crimes committed in the community. The same information that aids investigators when investigating crimes can also be used to assist law enforcement and social networking site administrators with identifying registered sex offenders who attempt to join social networking sites where children and teenagers frequent.

Sex offender notification has been shown to work. Consider the following: In December of 2011, a Georgia man identified as a convicted child sex offender was arrested after it was discovered that he had been giving piano lessons to children. In 2009, Robert H. Green pled guilty to child molestation, aggravated sexual battery, and

providing alcohol to a minor. The mother of one of his students became suspicious after Green began sending her 15-year-old daughter text messages and offering to take her on unsupervised trips. She decided to check the sex offender registry and discovered that Green is a convicted child sex offender. He was also on probation at the time for his conviction and was not supposed to be around children. She promptly reported Green to the police (Tinuoye, 2011). The above-mentioned story is a testament to how sex offender notification is supposed to work. Additionally, it is evidence that sex offender registration and notification programs throughout the country are a great benefit to the community members they are designed to protect.

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