

**The Bill Blackwood  
Law Enforcement Management Institute of Texas**

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**The Need for Tracking and Monitoring  
Registered Sex Offenders**

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**An Administrative Research Paper  
Submitted in Partial Fulfillment  
Of the Requirements for Graduation from the  
Leadership Command College**

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**by  
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Humble, Texas  
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## **ABSTRACT**

The devastating trauma that a sexual assault victim has to live with is one of many compelling factors of critical importance of effectively managing sex offenders on parole or probation. The accelerating increase of convicted sex offenders, the number has more than tripled in the last decade, further heightens the need for effective supervision and management practices. With a high recidivism rate and no cure in sight for this problem, it becomes imperative for police agencies to have a proactive procedure in place to do all they can to supervise and manage these offenders.

A survey of 35 agencies on the tracking and monitoring of registered sex offenders, by police agencies, indicates that regardless of the size of department, approximately one fourth (9/35) of the departments do very little to track and monitor these offenders. Approximately one half (17/35) of the departments have moderate procedures in place, and approximately one fourth (9/35) of the departments have proactive procedures in place. It appears that some departments do not have the manpower or perhaps the understanding of the laws to effectively supervise and manage these offenders. Police agencies need to become educated and seek out and develop inexpensive procedures to better manage these offenders.

In conclusion, if law enforcement is to provide a safer environment for the citizens of our communities, it becomes necessary to be aggressive and proactive when supervising and managing the registered sex offenders within our communities. We can do only what is required of us by law, or we can put in that extra effort that may save one of our citizens from becoming the next victim of one of these sexual predators.

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## INTRODUCTION

This paper will address the need for a proactive procedure by the Humble Police Department to track and monitor the registered sex offenders in the City of Humble. The Humble Police Department does not currently have a written policy or procedure that addresses this issue. However, the department does keep records, notify the school district and notifies the public by having the information printed in the local newspaper on the sex offenders that have registered with the department. In the past, the department has done little to track or monitor them. This research project has two questions that will be addressed: Does the Humble Police Department have a need to track and monitor registered sex offenders? And, if needed what procedure can the department utilize to best accomplish this goal?

A review and analysis of need for sex offenders to register with police agencies will be discussed. The procedures of other police agencies to track and monitor their registered sex offenders will also be covered in this paper to assist in establishing a proactive procedure for the Humble Police Department, if one is found to be needed. This type of procedure could possibly help to insure that the registered sex offenders within the City of Humble are properly monitored and hopefully will not re-offend.

It is hypothesized that there is a strong need to track and monitor the registered sex offenders in the Humble community. It is also hypothesized that the Humble Police Department should establish a proactive procedure to track and monitor these offenders. This could potentially save the life of a child or adult who is living in the community. There have been cases where sex offenders abducted children and had law enforcement known where these offenders were located in the community, they could have reacted sooner resulting in a more positive conclusion.

The first Texas Sex Offender Registration Law was passed in 1991 and became effective on September 1, 1991. The law was subsequently revised in 1993, 1995, 1997, 1999 and 2001. According to Kepple (as cited in the Texas District and County Attorneys Association 2001-2003 Legislative Update, 2001), the legislature required registered sex offenders to submit a blood sample or other specimen to the Texas Department of Public Safety for the purpose of creating a DNA record.

Law enforcement as well as the citizens of any community can benefit from this research by both of them knowing where sex offenders are living and working in the community. The registered sex offender also knows that he or she is being monitored and may be less likely to re-offend. It is believed that there is nothing that could destroy a police department's credibility faster than loosing a child to one of many sex offenders that live and work in the community, knowing that little was done to track and monitor their whereabouts.

## **REVIEW OF LITERATURE**

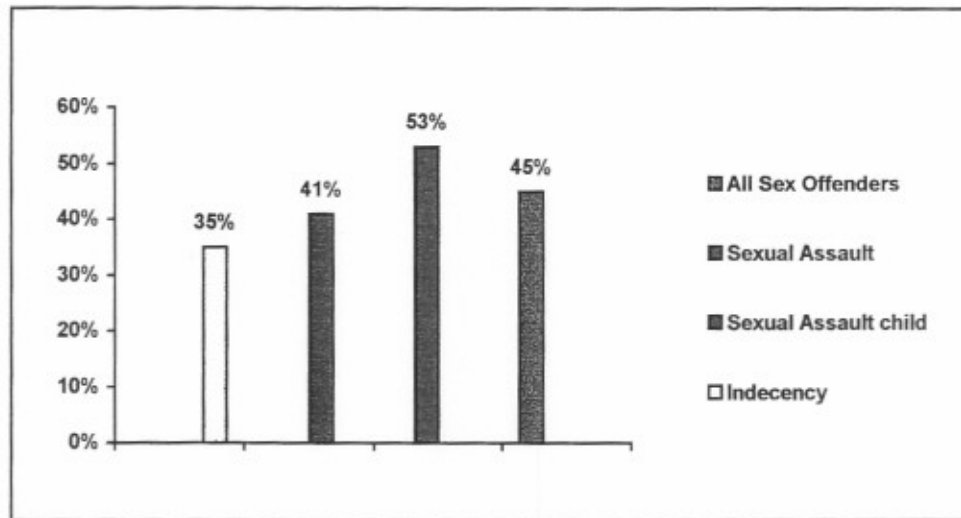
There are many misconceptions or myths about sex offenders. Many people believe that sex offenders are poor, uneducated and unknown to their victims. This is not the case, according to the St. Clair County, Illinois Sheriff's Department (2000) in over 80% of all sex crimes, the suspect is known by the victim. Sex offenders come from all walks of life and from all socio-economic backgrounds. They can be rich or poor, from any race, employed or unemployed, male or female, educated or uneducated, religious or non-religious. They are usually non-violent and have very few problems with law enforcement. Sex crimes flourish in secrecy. Sex offenders have secretive and manipulative lifestyles but otherwise are highly functioning people. They have good social skills which enables them to gain the confidence and trust they need from

not only the children but the parents as well. They use their social skills to commit their crimes. They may seek employment or volunteer with programs involving children of the age of their preference. They may seek out mothers or single parent families for the sole purpose of victimizing their children. They will offer them food and money, anything to be helpful and to put them in a position to gain their confidence and trust. Ski (1998) found that statistics indicate the average child molester victimizes an average of 117 children. Most of these victims do not report the crime for various reasons. This results in many of these offenders never being brought to justice and sexual abuse remains a big secret.

Joe Mahoney, spokesman for the New York Attorney General's Office told reporters for the Gannett Suburban Paper that there are people out there who spend time thinking of ways to get their hands on small children. Mahoney made this statement after learning that a 63-year-old pedophile named Velders, who was classified as a sexual violent predator, was accused of sodomizing a five-year-old child after failing to register under New York State's Megan's Law (Ski, 1998). U.S. Attorney Janet Reno stated that studies show that there is at least a 40% recidivism rate among child sex offenders (St. Clair County Sheriff's Department, 2000).

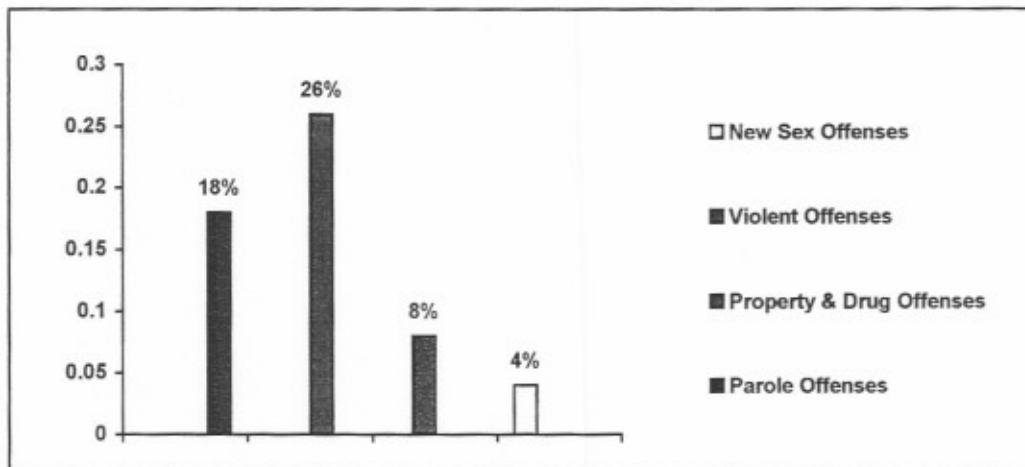
Past research found that the overall recidivism rate of a sample of 722 sex offenders released from prison in 1992 was 45% as represented in Figure 1 (Eisenberg, 1997). This rate was lower than that of other violent offenders who's recidivism rate was 47%. The Texas Department of Public Safety arrest records show that most sex offenders re-arrested after release are not re-arrested for a sex offense. Fifty-Six percent of sex offenders were re-arrested in the 3-year follow up. Of the 56% of sex offenders re-arrested, 4% were re-arrested for sex offenses, 8% for violent offenses, 26% for property or drug offenses, and 18% for parole violations as represented in Figure 2. Most of those re-arrested, (79%) are re-incarcerated. The sex offenders

who are less likely to recidivate are older, married, employed, and more educated. Most were first offenders that were arrested for victimizing family members in their own home.



**Figure 1.** Percent of sex offenders returned to prison within 3 years of release by offense type.

From "Recidivism of sex offenders: Factors to consider in release decisions," by  
The Criminal Justice Policy Council, 1997, p.3.



**Figure 2.** Percent of sex offenders re-arrested by offense type of the 56%.

From "Recidivism of sex offenders: Factors to consider in release decisions," by  
The Criminal Justice Policy Council, 1997, p. 5.

The New Jersey Law Network (2000) states that recidivism poses a danger by sex offenders as well as offenders who commit other predatory acts against people. It requires a system of registration that will assist law enforcement officials to identify and alert the public when necessary for public safety. Such a system will provide law enforcement with additional information critical to preventing and resolving incidents involving sexual abuse and missing persons. A fully operational registration and public notification system can help to warn unsuspected parents of a sexual predator living in their area so that they can safeguard their children.

The passage of sex offender registration laws had three distinct periods. From 1944-1967, there was light activity, from 1985-1990, there was intense activity. The majority of laws, however, were enacted during the most recent period of 1994-1996 when 26 states passed registration laws (Lieb & Matson, 1996).

“The initial Texas Sex Offender Registration Law was created and passed during the 1991 (72nd) Regular Texas Legislative Session and became effective on September 1, 1991. The law was subsequently revised in both the 1993 (73rd) and 1995 (74th) legislative sessions (Texas Department of Public Safety, 1996). In addition, during the 74th Session, the legislature required community notification of sex offenders convicted or adjudicated after September 1, 1995 of a sexual act against a child under the age of 17 (Texas Penal Code)” (Paboojian, 1997, p.1). The 1997, 1999 and 2001 Regular Sessions of the Texas Legislature again amended the law. The latest amendment came during the 2001 (77<sup>th</sup>) Regular Texas Legislative Session, the legislature now requires registered sex offenders to submit a blood sample or other specimen to the Texas Department of Public Safety for the purpose of creating a DNA record (Texas District and County Attorneys Association 2001-2003 Legislative Update) (Kepple, 2001, p.23).



In 1992 Patricia Wetterling convinced the Minnesota Legislature to pass their first law to require convicted sex offenders to register with local law enforcement after being released from prison. Jacob Wetterling was abducted near his home in St. Joseph, Minnesota in 1989 and has never been recovered. Jacob's mother, Patricia Wetterling started the Jacob Wetterling Foundation to educate parents and children so that children are not molested or exploited and to continue the search for her son Jacob (Daily Points of Light Foundation, 2000). The New Jersey State Legislature passed the first Megan's Law on October 31, 1994. This law was named after Megan Kanka, a seven-year-old girl who was attacked, sodomized and brutally killed by Jesse K. Timmendequas on July 29, 1994 (St. Clair County Sheriff's Department, 2000).

According to Zambito (1997) Jesse Timmendequas was a convicted sex offender who moved in with two other convicted sex offenders across the street from the Kanka family. Timmendequas lured Megan into his home by telling her he would show her his puppy. Once inside, he raped her and then strangled her with a leather belt. He then stuffed her body into a toy box and loaded it into his truck. He then drove to the nearby Mercer County Park and dumped the body in the weeds. He later confessed and led police to her body after a massive search for Megan had failed. Timmendequas was later convicted for the rape and murder of Megan Kanka. Megan's family helped guide the nation to adopt legislation to protect other children from those who would harm them.

Megan's Law is a collection of statutes that were passed in 1994. The registration and community notification law requires certain sex offenders to register with law enforcement and requires notification of the registrant's presence in the community (New Jersey Apartment Association, 2000). The Jacob Wetterling Crimes Against Children and Sexually Violent Offenders Registration Act was part of the federal crime bill approved by congress in August

1994. The Act encouraged states to create registries of offenders convicted of crimes against children or sexually violent offenders. The act also addressed "Megan's Law," encouraging states to include notification in their states. States were given three years to comply or they would face a ten percent reduction in their federal crime control grant (Lieb & Matson, 1996).

According to the St. Clair County Sheriff's Department (2000) on May 17, 1996, President Clinton signed a federal "Megan's Law" which was overwhelmingly endorsed by a congressional vote of 418-0. This federal version requires states not only to notify local law enforcement when a convicted sex offender moves into the community, but also make this information available to that community.

There has been several challenges and debates of the registration and notification laws since they were passed. Some challenge their constitutionality of being cruel and unusual punishment violating the offender's rights. Others say it encourages citizen vigilantism (Lieb & Matson, 1996). Glassman (1998) found that former sex offenders have paid their debt to society and Megan's Law causes the offender to become a target of harassment, ostracism and in some cases vigilantism. In California, after residents were notified of the release of a former sex offender, they firebombed his car. In New Jersey, after residents were notified a mob of 250 severely beat an innocent bystander who was mistaken to be the former sex offender. It was further stated that Megan's Law does little to prevent offenders from repeating their crime. Parents should keep their doors locked at night, teach their children not to talk to strangers, and to travel in groups along well lit streets.

Hilary Chiz, Executive Director of the ACLU of West Virginia, stated that offenders have the right to privacy, and that Megan's Law may cause some people to become alarmed and harass the offenders to the point they push them out of their neighborhoods (ACLU News wire,

1998). Elizabeth Schroeder, Associate Director of the ACLU of Southern California, stated that public notification poses a danger to innocent people and encourages vigilantism. She said that an offender in Santa Rosa, California was apparently so mortified at having his name publicized, that he hanged himself. Most of the arguments for sex offender registration and public notification are based upon data showing that most sex offenders recommit crimes within 25 years of their release and it is necessary to provide the security of the community. According to Matson and Lieb (1996) a sex offender registry becomes a tool to assist law enforcement in their investigations to solve crimes or ideally to prevent them. It establishes legal grounds to hold known offenders who do not comply with registration and are later found in suspicious circumstances. It also deters sex offenders from committing new offenses by its psychological effect. The offender knows he is being monitored so he may not re-offend.

On February 28, 1995, one of the first tests of New Jersey's law came when U.S. District Judge Nicholas H. Politan ruled that the community notification provision of Megan's Law was unconstitutional. Judge Politan ruled that a notification requirement amounts to a second form of punishment, a punishment the offender had not been sentenced to. However, Judge Politan upheld the New Jersey requirement to register with local authorities where they reside. The New Jersey Supreme Court later upheld the law, as did the U.S. Supreme Court in 1998 (St. Clair County Sheriff's Department, 2000). Legal challenges to registration and notification laws have resulted in decisions upholding their constitutionality. The courts have found that it is not cruel and unusual punishment and does not impose extra punishment (Lieb & Matson, 1996).

English, Jones, and Pullen (as cited in the National Institute of Justice, 1997) found that of the sex offenders in state prisons during 1991, about two-thirds of them committed crimes against children under 18, with 58% of victims being under the age of 13. Less than 10% of the

inmates reported that their victims had been strangers to them. State prisons held 20,500 sex offenders in 1980; 75,900 in 1992; 81,100 in 1993; and 88,100 in 1994. The majority will return to the community. The accelerating number of sex offenders in the criminal justice system, further heightens the need for effective sex offender supervision and management practices. Clinical practice and research indicate that adult sex offenders should be managed, supervised and treated different from other criminals. The model process for managing sex offenders by the nation's probation and parole agencies is to contain offenders in a triangle of supervision: treatment to teach sex offenders to develop internal control over deviant thoughts; supervision and surveillance to control offender's external behaviors; and polygraph examinations to help design, and to monitor conformance to, treatment plans and supervision conditions (English et al., 1997). It is said that there is no more of a "cure" for sex offenders than there is for epilepsy or high blood pressure. However, a use of a variety of interventions can help manage these disorders. A therapist can, in many cases, teach offenders self-management by developing skills for avoiding high-risk situations through treatment that focuses on recognizing and managing deviant sexual behavior and offender's thoughts and attitudes that promote it (English et al., 1997).

A supervision and surveillance plan's top priority is to eliminate opportunities for re-offending. It also protects victims and the general public. Surveillance can also help determine compliance with conditions by monitoring the offender's activities (English et al., 1997). Buell, and Cumming (1997) found that two basic polygraph techniques could be used with sex offenders. The first is a discovery or disclosure test administered once the offender has been in treatment for three to six months. The second technique is the maintenance polygraph, administered every six months to check on supervision and treatment compliance. It also has a

deterrent value as offenders may be more reluctant to re-offend knowing that the polygraph will be administered on a regular basis (Abrams, 1989; Abrams and Ogard, 1986).

Kercher (1998) also found the supervision of sex offenders differs from supervision of other types of offenders in several ways. The amount and kind of information needed to supervise a sex offender is much greater than what is needed to supervise a non-sex offender. You need to know the facts of the crime as well as the deviant behavior of the sex offender. These facts are critical for supervising the sex offender, because denial is almost universally present with the sex offender. You can expect denial of past and present sexual deviance and denial of deviant arousal fantasies. Therefore, as much information as possible should be gathered. Actions must be taken to limit contact with past victims as well as potential victims. This can be accomplished by regular visits with the probation/parole officers as well as therapy sessions. Home visits are very important in sex offender cases. The supervising officer making a home visit should be observant to the offender's personal belongings that might be used to seduce potential victims. He should also look for pornography, photography equipment and photos of children.

The Fremont Police Department (California) developed a Sex Offender Map Program. The custom maps show the location of sex offenders living within a one-mile radius of each school in their city. The schools handle the distribution, which can be accomplished by having students take the maps home with them. Along with the map is a cover letter that gives instructions to the parents. The police department also has a database that the public can access and search for offenders by name or zip code. The available information includes names and photographs of offenders, but does not disclose their addresses (International Association of Chiefs of Police, 1999). Eisenberg (1998) reports there were 18,001 sex offenders registered in

Texas as of August 31, 1997. There were 3,066 registered sex offenders in Harris County alone. Over 70% of these offenders committed their offenses against children.

## **METHODOLOGY**

Does the Humble Police Department have a need to track and monitor registered sex offenders? And, if needed what procedure can the department utilize to best accomplish this goal? This research project establishes answers to both questions. It is hypothesized that there is a need to track and monitor the registered sex offenders in the Humble community. It is also hypothesized that the Humble Police Department should establish a proactive procedure to track and monitor these offenders for the safety of our citizens.

In researching this project, information was obtained from books, articles, web sites, established procedures, current and past laws, and a survey that was conducted of 35 police agencies within the state of Texas. All 35 agencies surveyed responded to the questionnaire. The survey results reflect a varying range in department size from 8 officers to 1,000+ officers. The geographical area of the agencies surveyed covers the north, south, east and west boundaries of Texas. The survey also indicates which departments track and monitor their registered sex offenders, which departments have established policies or procedures for tracking and monitoring the sex offenders, a brief summary of the department's procedure for tracking and monitoring the sex offenders, and which departments have a special unit for tracking and monitoring these offenders.

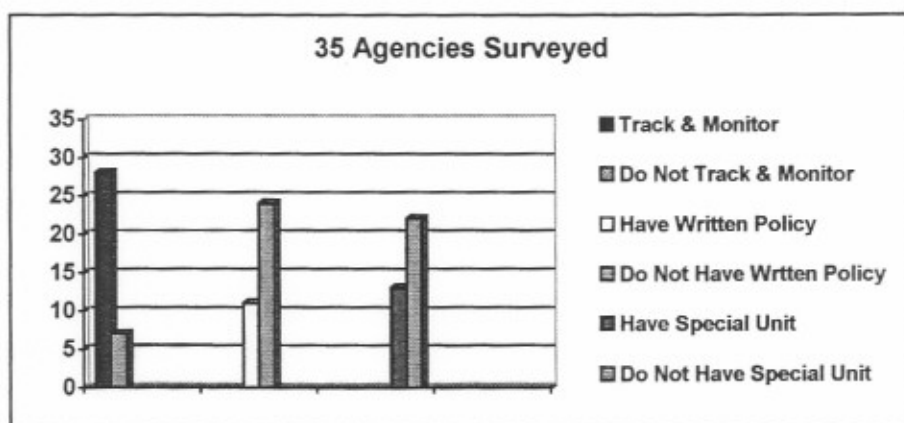
The information was analyzed and separated into different categories such as, the history of sex offenders, the history of sex offender registration and public notification laws in other states as well as in Texas, and methods of treatment and supervision of sex offenders. This

information along with the survey information will be utilized to further the development of a proactive procedure for the Humble Police Department to track and monitor the registered sex offenders in the City of Humble.

## FINDINGS

Regardless of the size of a department or the number of officers employed by a department, research indicates that most of the departments surveyed track and monitor the registered sex offenders within their jurisdiction to some extent. Only a few of the departments have a written policy or procedure to follow, and few have a specialized unit that manages these offenders. Some of the departments only do what is required by law and nothing more. The procedures used by the departments that do track and monitor the offenders vary from a reactive to a proactive approach.

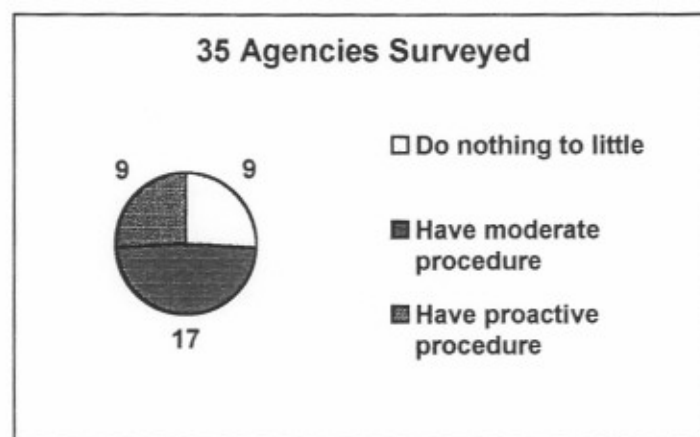
Of the 35 police agencies surveyed, 28 do something to track and monitor the registered sex offenders in their jurisdiction. Eleven of the agencies have a written policy or procedure for tracking and monitoring the offenders, and thirteen of the agencies have assigned this duty to specific personnel or to a specialized unit to perform this task as represented in Figure 3.



**Figure 3.** Agency monitoring of sex offenders in jurisdiction.



Nine of the agencies do little to nothing with the registered sex offenders in their jurisdiction. Seven of the nine agencies have some other agency manage their offenders, and two of the nine just keep the information in a database. Seventeen of the agencies have moderate procedures in place for managing their offenders. Eight of the seventeen agencies have a reactive approach, while nine of the seventeen agencies conduct compliance checks at least once a year on all of the registered offenders in their jurisdiction. Nine of the agencies have a proactive approach in place where as two of the nine agencies conduct compliance checks more than once a year and seven of the nine agencies have fairly aggressive procedures for tracking and monitoring their offenders as represented in Figure 4.



**Figure 4.** Agency actions in monitoring sex offenders.

Several of the agencies surveyed do little to nothing to track and monitor the registered sex offenders in their jurisdiction other than keep records. Others turn the full responsibility for the management of the registered sex offenders over to another local agency. Several of the school or campus police agencies that were surveyed keep information in a database and react only when they have been notified of a specific problem. They then closely monitor the offender



and when violations are found, charges are filed. Others send out notification to the campus but do no compliance checks. The remaining school or campus police agencies surveyed turn it all over to the local police agency.

Several of the other police agencies conduct compliance checks on all offenders registered in their jurisdiction every month while others only do so once a year. Most of these agencies produce a computer generated list of the offenders in their jurisdiction and then assign it to a special unit or to the patrol officers and they intern conduct home or work checks and verify the offender's information to be correct and up to date. If violations are found, either new charges are filed or the information is given to the parole or probation department.

One of the agencies surveyed utilizes a "Sex Offender Registration Requirement Form" that they have the offender sign so that later there is no mistake that the offender understands all of the requirements he has to fulfill. One of the larger agencies surveyed has a specialized unit who's only purpose is see that the registered sex offenders within their jurisdiction stay in compliance with all of the conditions of their parole or probation. They provide intense supervision, surveillance and investigation of these offenders.

## **CONCLUSION**

This research specifically examined the need for a proactive procedure by the Humble Police Department to track and monitor the registered sex offenders in the City of Humble. The Humble Police Department does not currently have a written policy or procedure that addresses this issue. However, the department does keep records, notify the school district and notifies the public by having the information printed in the local newspaper on the sex offenders that have registered with the department. In the past, the department has done little to track or monitor

them. This research project addressed two questions: Does the Humble Police Department have a need to track and monitor registered sex offenders? And, if needed what procedure can the department utilize to best accomplish this goal?

It was hypothesized that there is a strong need to track and monitor the registered sex offenders in the Humble community. It is also hypothesized that the Humble Police Department should establish a proactive procedure to track and monitor these offenders. This could potentially save the life of a child or adult who is living in the community. There have been cases where sex offenders abducted children and had law enforcement known where these offenders were located in the community, they could have reacted sooner resulting in a more positive conclusion.

Research reveals that sex offenders know no boundaries and the average child molester victimizes an average of 117 children of which most go unreported, therefore these offenders are never brought to justice. Research also reveals that the overall recidivism rate of sex offenders is high and this poses a danger to the public. The sex offender registration and public notification laws have withstood the legal challenges arguing its constitutionality of being cruel and unusual punishment. It is said that there is no more of a "cure" for sex offenders than there is for epilepsy or high blood pressure. With this in mind, it requires a system of registration and public notification for public safety. A fully operational system can help to warn the unsuspected public of a sexual predator living in their area.

The survey conducted indicates that there are agencies that are doing nothing to very little to track and monitor the registered sex offenders in their communities, and there are agencies that have a moderate to proactive procedure in place. This research does support the need for the Humble Police Department to track and monitor the registered sex offenders in our

community as well as support the need to develop a procedure that would best accomplish this goal. The research was somewhat hindered due to the registration and notification laws being fairly new. The Texas laws have been amended several times and are somewhat hard to read and understand, therefore confusing the agencies on how and what they are to do.

It is recommended that the Humble Police Department implement a proactive procedure to track and monitor the registered sex offenders in our community. This assignment should be placed with the Criminal Investigations Division (CID). This procedure should be one that utilizes supervision as well as surveillance to closely monitor these offenders. A database should be developed that will contain all necessary information of each sex offender and will alert CID when an update is due on an individual offender. Some type of mapping system should be in place so that each offender can be located at any given time. CID should conduct home checks or compliance checks on a monthly basis. The offender should sign a "Sex Offender Registration Requirements Form" to indicate they understand all of the requirements they have to abide by. Each compliance check should consist of verifying the offender's registration requirement, place of residence, place of employment, vehicle information, health status, and travel. Periodically, CID should conduct surveillance on the offenders for possible violations of their parole or probation or to detect any new offense. If any violations are detected, charges should be filed and the parole or probation department should be notified.

In conclusion, it is important that the Humble Police Department strongly consider this recommendation in order to provide a safer environment for our community. Other police agencies and communities can benefit as well from this research, by developing or improving their procedures to track and monitor the registered sex offenders in their community.

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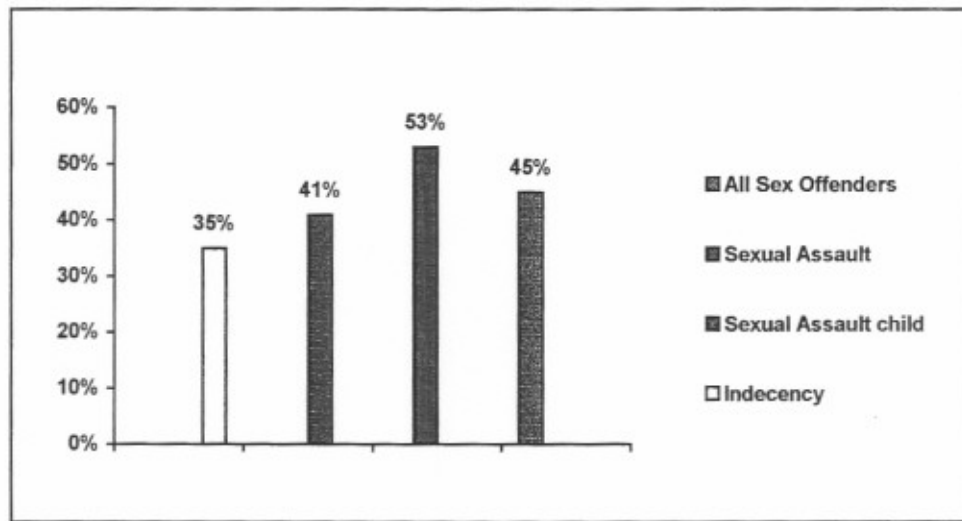
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## APPENDIX 1

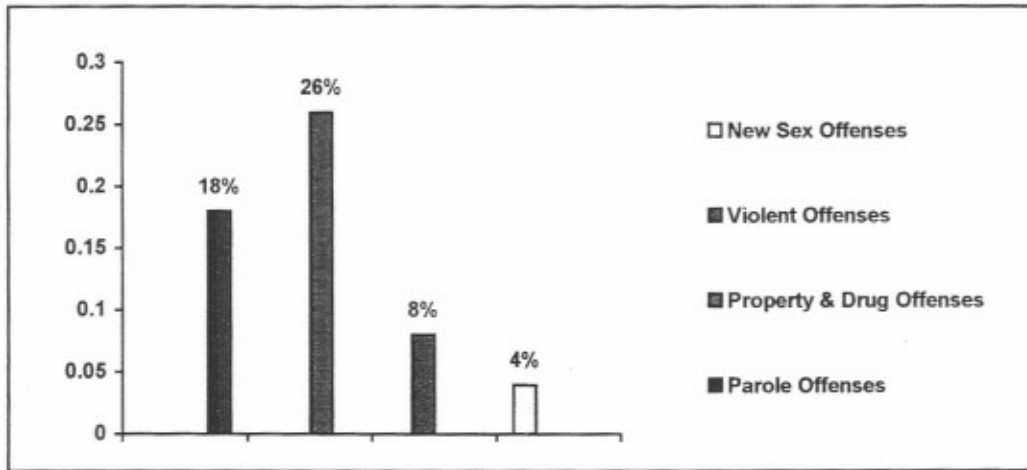


**Figure 1.** Percent of sex offenders returned to prison within 3 years of release by offense type.

From "Recidivism of sex offenders: Factors to consider in release decisions," by

The Criminal/Justice Policy Council, 1997, p.3.

## APPENDIX 2

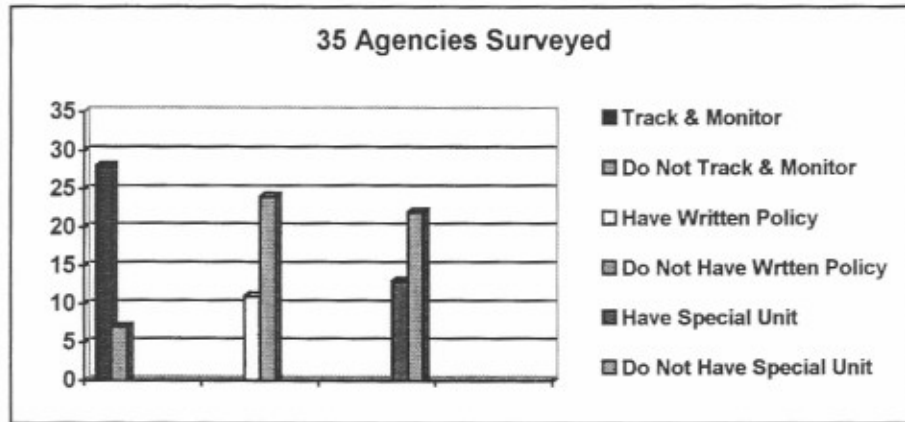


**Figure 2.** Percent of sex offenders re-arrested by offense type of the 56%.

From "Recidivism of sex offenders: Factors to consider in release decisions," by

The Criminal Justice Policy Council, 1997, p. 5.

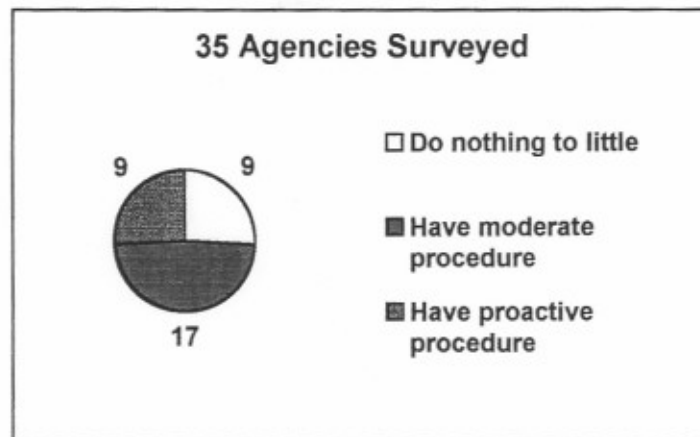
### APPENDIX 3



**Figure 3.** Agency monitoring of sex offenders in jurisdiction.



#### APPENDIX 4



**Figure 4.** Agency actions in monitoring sex offenders.

## APPENDIX 5

### SURVEY TRACKING & MONITORING REGISTERED SEX OFFENDERS

YOUR NAME: \_\_\_\_\_

AGENCY: \_\_\_\_\_

NUMBER OF SWORN OFFICERS: \_\_\_\_\_

CONTACT PERSON: \_\_\_\_\_ PHONE: \_\_\_\_\_

FROM: DETECTIVE G.W. HOWARD  
HUMBLE POLICE DEPARTMENT

THANKS FOR YOUR HELP

1.) Does your department track and monitor the registered sex offenders in your jurisdiction?

Yes      No

2.) Does your department have a written policy or procedure for tracking and monitoring these registered sex offenders?

Yes      No

3.) Does your department have a special unit that tracks and monitors these offenders?

Yes      No

4.) If your department has a policy/procedure, what can you tell me about it and it's operation? (Indicate above, who I may contact for a copy of policy/procedure.)

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