

Court OKs sex offender registries

Recent U.S. Supreme Court rulings find state sex offender registries constitutional, but implementation poses problems

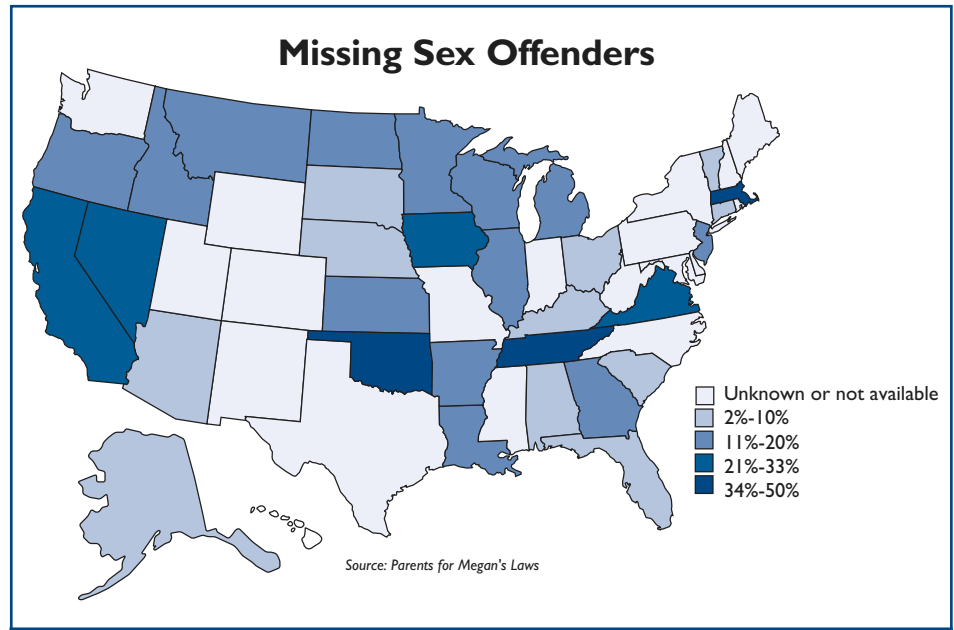
BY CHAD KINSELLA

In two recent rulings that affirmed Megan's Law registries in Connecticut and Alaska, the U.S. Supreme Court ruled that state sex offender registries are constitutional. Despite the rulings, several states are facing a crisis in their sex offender registries.

All 50 states and the District of Columbia require all sex offenders to register with state or local law enforcement officials. Even though these laws exist, states are missing registrations for an estimated 100,000 sex offenders and have no idea where they are or if they have committed other crimes.

Megan's Laws and sex offender registries

Sex offender registries have existed since California started one in 1947. However, many states passed laws mandating sex offender registrations after 1994. That year, 7-year-old Megan Kanka was abducted and murdered in her suburban New Jersey neighborhood by a neighbor who had twice been convicted of sex offenses against young girls. This highly publicized case set off a national trend of creating state sex offender registries through "Megan's Laws."



Each state has a different set of regulations that establish, carry out and monitor sex offender registries. The primary function of these laws is to ensure that citizens can access information about potentially dangerous sex offenders who live in their community in order to keep themselves and their families safe. Individuals convicted of sex offenses who are either released from prison, on parole or on probation must register with either state or local law enforcement officials, giving their address and informing authorities of any changes in address.

Once sex offenders register, states and localities use one or a combination of the following methods to notify citizens of sex offenders in their community:

- media releases;
- flyers distributed through the mail;
- door-to-door flyers;
- public meetings;
- Internet postings.

Through these methods, information

about a sex offender's address, the crime for which they were convicted, physical description, and any other relevant information is made available to the public. Typically, state and local law enforcement officials have the job of confirming the location of and monitoring thousands of sex offenders in communities across the nation.

U. S. Supreme Court rulings and implications

On March 5th, the Supreme Court made two landmark decisions that supported state sex offender registries. It upheld Connecticut's Megan's Law by a vote of 9-to-0 and upheld Alaska's law in a 6-to-3 decision. The Court said that Megan's Laws are important in order to ensure public safety, even though the measures may create significant burdens for sex offenders.

In *Connecticut Department of Public*

Safety v. John Doe, a convicted sex offender challenged the state's sex offender registration law, claiming that by posting his personal information on the Internet, the state had violated his right to due process. He argued that he was never given an individual hearing to disprove the suggestion that he might represent a continued danger to the community.

The Supreme Court disagreed and found that the key factor in being listed in Connecticut's sex offender registry was that an individual had been convicted of committing a sex offense, not that a person posed a future threat to the community.

The second and more contentious case, *Otte v. Doe*, involved two sex offenders in Alaska who sued the state. They claimed that posting their personal information and pictures on the Internet represented a form of extra punishment, since they had served their full prison terms and were released before the law was enacted.

Again, the Supreme Court ruled in favor of sex offender registries.

The court found that Alaska's Megan's Law did not violate constitutional protections and that it is a regulatory effort to account for the location of convicted sex offenders to ensure public safety, not to humiliate the offender.

"Megan's Laws are an important public safety tool because they protect the community from a group of convicted criminals who are extremely likely to reoffend, whether treated or untreated," said Joshua Marquis, a district attorney in Astoria, Oregon and member of the Board of Directors of the National District Attorneys Association. "A person's criminal record is not a secret and if allowing a community to have access to sex offender information saves one child, then the program is worth it."

Critics argued that by posting a sex offender's personal information, address and photograph, sex offender registries are an added punishment. Lawrence Goldman, president of the National Association of Criminal Defense Lawyers told StateLine.org that, "The Court is saying you've done your time, you've done the punishment, you've successfully completed parole and probation, but we brand you with a stigma: sex criminal forever."

These Supreme Court rulings essentially endorse states' Megan's Laws. They clear

the way for state legislatures to potentially expand sex offender mandates and may result in online sex offender registries in the 16 states that do not currently have them.

Despite this latest victory for Megan's Law proponents, legal analysts say that the latest rulings still leave open the possibility for more court challenges to sex offender registries.

Problems facing state sex offender registries

Despite the recent court victories, a survey conducted by Parents for Megan's Law found that state sex offender registries are missing thousands of convicted offenders. Ignoring the risk of felony charges, many sex offenders register false addresses, move and do not inform authorities of their new address, or they simply don't register.

Twenty-three states are missing between 10 percent and 50 percent of their sex offenders and another 17 states have no information about how many offenders have not registered.

State and local law enforcement officials are having difficulties monitoring sex offenders and finding missing offenders because they lack the needed manpower and resources. Many state and local law

agencies face cuts because of fiscal crises in the states, which will further impede their ability to keep track of sex offenders.

The future of state sex offender registries

There have been several suggestions for fixing incomplete sex offender registries, including:

- prosecuting sex offenders who fail to register;
- providing additional resources for state and local police to enable them to register and track sex offenders; and
- implementing the Interstate Compact on Adult Offender Supervision, which 39 states have already adopted, and the Interstate Compact for Juveniles, in order to set up uniform guidelines for how states send and receive information on offenders when they move from state to state.

States will continue to try to find better ways to track sex offenders, and they will have to continue to adjust to court rulings as more challenges to Megan's Laws are presented. ★

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Sex offender recidivism

According to the Center for Sex Offender Management, sex offenders are a highly heterogeneous group, although most are males. They include those who have committed violent sexual assaults on strangers, offenders who have had inappropriate sexual contact with family members, individuals who have molested children, and those who have engaged in a wide range of other inappropriate and criminal sexual behaviors.

Recidivism rates for sex offenders vary greatly for different kinds of sexual offenses. According to a report on sex offender recidivism conducted by the center:

- the recidivism rate for child molesters with male victims ranged between 13 percent and 40 percent;
- the recidivism rate for child molesters with female victims ranged between 10 percent and 29 percent;
- the rate for exhibitionists ranged between 41 percent and 71 percent;
- the rate for incest offenders ranged between 4 percent and 10 percent; and
- the rate for rapists ranged between 7 percent and 35 percent.