I. INTRODUCTION

A. Purpose of Document

This discussion paper is designed to accompany the Model Policy on Registering and Tracking Sex Offenders, established by the IACP National Law Enforcement Policy Center. It provides essential background material and supporting documentation to improve understanding of the developmental philosophy and implementation requirements of the model policy. This material will be of value to law enforcement executives in their efforts to tailor the model to the requirements and circumstances of their communities and their law enforcement agencies.

B. Background

A majority of sex offenders return to communities after conviction or incarceration. According to the National Center for Missing and Exploited Children, as of March 2008, approximately 636,910 sex offenders are registered in the United States, and another 100,000 have absconded or failed to comply with registration requirements. Law enforcement’s sex offender oversight responsibilities have increased in the past two decades as a result of federal and state legislation. Of grave concern to law enforcement officials are those sex offenders no longer under correctional or community supervision but still subject to registration and monitoring oversight. Further, law enforcement officials are deeply concerned about unreported sex offenses and sex offenders yet unknown in the community.

State and federal legislation forms the basis of current law enforcement policies and procedures pertaining to the registration, community notification, and tracking of sex offenders. Passed as part of the 1994 Federal Omnibus Crime Bill, the Jacob Wetterling Crimes Against Children Act of 1994 (Wetterling Act) established the first standards for sex offender registration and required all states to create and maintain a sex offender registry. Since its passage, the Wetterling Act has been amended several times:

Megan’s Law (1996): Provided for the public dissemination of information from states’ sex offender registries. Required state and local law enforcement agencies to release relevant information necessary to protect the public against persons registered under a state registration program.

Pam Lyncher Act (1996): Required the attorney general to establish a national database to help the Federal Bureau of Investigation (FBI) track the location of a certain category of sex offenders. Contained provisions relating to notification of the FBI and state agencies when a mandated sex offender moved to another state.

Jacob Wetterling Improvements Act (1997): Required registered offenders who change their state of residence to register under the new state’s laws. Required registered offenders to register in the states where they worked or went to school if different from state of residence. Directed states to participate in the national sex offender registry and extended sex offender registration requirements to sex offenders convicted in federal or military courts.

Campus Sex Crimes Prevention Act (2000): Required any person who was required to register in a state’s sex offender registry to notify the institution of higher education at which the sex offender worked or was a student of their status as a sex offender; and to notify the same institution if there was any change in their enrollment or employment status. Required that the information collected as a result of
the law be reported promptly to local law enforcement and entered promptly into the appropriate state record systems.¹

New federal legislation, the Adam Walsh Child Protection and Safety Act of 2006 (Walsh Act), seeks to close gaps in previous legislation by promoting consistency across jurisdictions in monitoring and tracking sex offenders. The Sex Offender Registration and Notification Act (SORNA), Title 1 of the Walsh Act, establishes standards for the registration, public notification, and verification of convicted sex offenders, requiring law enforcement to play a major role in monitoring and tracking this population. SORNA provides baseline requirements for sex offender management activities, allowing jurisdictions to implement more stringent requirements if desired.

By establishing policies and procedures surrounding the effective management of sex offenders, law enforcement agencies can work to prevent future victimization and enhance community safety. This concepts paper and the accompanying model policy provide guidance to law enforcement agencies as they assess current policies and procedures and consider making changes to comply with legislative requirements. Additionally, this paper seeks to provide further clarification for procedures listed in the IACP model policy on registering and tracking sex offenders.

II. THE 2006 SEX OFFENDER REGISTRATION AND NOTIFICATION ACT (SORNA)

At the time this paper was published, final guidelines for SORNA had not been issued by Congress. In May 2007, the U.S. attorney general’s office issued proposed guidelines for the Adam Walsh Act to aid jurisdictions with implementation. Public comment was open until August 1, 2007, allowing interested parties to submit commentary on the proposed guidelines. Jurisdictions have until July 2009 to come into compliance with the guidelines; under 42 U.S.C. 3750, jurisdictions that fail to comply are subject to a 10 percent reduction of Byrne Justice Assistance Grant funding. The November 2007 issue the Police Chief includes an article discussing SORNA’s impact on law enforcement agencies.²

A. Tier System

SORNA establishes a three-tier system to determine the frequency of sex offender registration and verification and to decide which entities need notification when sex offenders move into the community. Sex offenders are designated a tier level based on their conviction. Jurisdictions do not have to establish new tier systems for sex offenders to comply with SORNA. However, sex offender convictions must be translated to a corresponding tier to determine the sex offender’s requirements. The tier system has been established to include the following offenses:

Tier 1: A sex offender other than a tier 2 or tier 3 offender whose offenses may include those that do not support a higher classification, such as misdemeanor registration offenses and possession of child pornography.

Tier 2: A sex offender other than a tier 3 sex offender whose offense is punishable by imprisonment for more than one year and includes most felonious sexual abuse or sexual exploitation crimes involving minor victims.

Tier 3: A sex offender whose offense is punishable by imprisonment for more than one year and includes sexual assaults involving sexual acts regardless of the victim’s age, sexual contact offenses against children below the age of 13, nonparental kidnapping of minors, and attempts or conspiracies to commit such offenses.

B. Registration

Offenders convicted of a sexual offense must register their address and other information with local law enforcement. Certain information collected during registration is posted on a public registry. Registration provides law enforcement with the last known address of sex offenders, which is a valuable investigative resource.

SORNA outlines the minimum duration of registration for sex offenders:

• 15 years for tier 1 sex offenders
• 25 years for tier 2 sex offenders
• Lifetime registration for tier 3 sex offenders

SORNA also outlines the information that must be collected from sex offenders during the registration process, including the following:

• Name and aliases (and, if available, names of all immediate family members)
• Internet identifiers and e-mail addresses
• Telephone numbers (fixed location and cellular)
• Social security number
• Address of residence (or where a sex offender can be located during the day or at night), and name and address of work and school (if applicable)
• Immigrant documents (passport or alien identification numbers)
• Date of birth

• Driver’s license or identification card
• Professional licenses
• Current photograph
• Finger and palm prints
• Vehicle information
• Physical description
• Criminal history
• DNA sample
• A link to or citation of the text of registration offense or other sexual offenses

The IACP Model Policy on Registering and Tracking Sex Offenders outlines additional procedures related to registration.

Under SORNA, the registration period may be reduced by five years for those sex offenders who maintain a clean record for 10 years. Additionally, sex offender registration may be terminated for those offenders required to register based on a juvenile adjudication after the sex offender maintains a clean record for 25 years. This process must be coordinated with the state sex offender registry.

C. Dru Sjodin National Sex Offender Public Web Site

The U.S. Department of Justice’s Dru Sjodin National Sex Offender Public Web Site (NSOPW) uses the Internet to search for and display public sex offender data from state and territory registries through a single query. The NSOPW is one tool law enforcement agencies can use to crosscheck address information against their internal registration files. To comply with SORNA requirements, states must ensure that individual state registries have search capabilities compatible with the NSOPW. Additionally, specific information about each sex offender who lives, works, or attends school in a particular jurisdiction must be included on that jurisdiction’s Web site, including the following:

• The name of the sex offender, including all aliases.
• The address of each residence at which the sex offender resides or will reside. If the offender does not have a residence address, information must be included about where the sex offender has a home or habitually lives or frequents. If address information is not available because the offender is non-compliant with registration requirements, this fact must be indicated on the Web site.
• The address of any place where the sex offender is an employee or will be an employee. If the sex offender is employed but does not have a definite work address, other information about where the sex offender works must be included.
• The address of any place where the sex offender is a student or will be a student.
• The license plate number and description of all vehicles owned and operated by the sex offender.
• A physical description and current photograph of the sex offender.
• The text of the sex offense for which the sex offender is registered and any other sex offense for which the sex offender has been convicted.

D. Noncompliance

SORNA makes it a federal felony for those sex offenders who fail to comply with registration requirements, thereby classifying noncompliant sex offenders as felony fugitives. The United States Marshals Service (USMS) was named in the Walsh Act to assist state and local law enforcement agencies with locating and apprehending non-compliant sex offenders. The National Center for Missing and Exploited Children’s Sex Offender Tracking Team supports the USMS efforts as well as those of other federal, state, and local law enforcement agencies by assisting in identifying and locating noncompliant registered sex offenders. The team also works with state sex offender registries in responding to requests to conduct searches, provide lead packages for locating and apprehending fugitive sex offenders, and collect data.3

E. Juveniles

Youths age 14 and older convicted in juvenile court of a crime comparable to aggravated sexual abuse or a more serious offense are subject to sex offender registration and notification. Juveniles convicted as adults for similar crimes are also subject to notification and registration requirements. SORNA mandates that juvenile sex offenders be treated the same as adult sex offenders, requiring registration with local law enforcement upon conviction or release into the community. Additionally, certain information about juvenile sex offenders will be released to the public based on the three-tier system.

III. COMMUNITY NOTIFICATION

Commonly referred to as Megan’s Law, community notification informs the public of the presence of certain convicted sex offenders in the community. Making this information available allows the public to take any safety measures deemed necessary to protect themselves and their families. Megan’s Law gave states the discretion to determine how community notification was conducted, who would receive notification, and the type of information that would be released for certain classes of offenders.

Under SORNA, after a sex offender registers or updates registration information, the information in a registry must be provided to the following entities and individuals:

3 To request assistance, send an e-mail message to sau@ncmec.org.
• Specified national databases
• Law enforcement and supervision agencies
• Any jurisdiction where the offender resides, is an employee or a student, and each jurisdiction from or to which a change of residence, employment, or student status occurs
• Any agency responsible for conducting employment related background checks under section 3 of the National Child Protection Act of 1993
• Each school and public housing agency in the area where the sex offender resides, is an employee, or is a student
• Social service entities responsible for protecting minors in the child welfare system
• Volunteer organizations in which contact with minors or other vulnerable individuals might occur
• Any organization, company, or individual who requests such notification pursuant to procedures established by the jurisdiction

Community notification takes many forms: flyers, press releases, posted information on public Web sites or state registries. As long as the minimum information about sex offenders is included on the jurisdiction’s registry and the required entities and individuals are notified, law enforcement agencies may also conduct additional notification for specific offenders.

IV. COMMUNITY EDUCATION

Citizens are increasingly aware of the presence of registered sex offenders in the community. Law enforcement agencies often receive inquiries from concerned citizens regarding sex offenders living in their community. Some law enforcement agencies supplement notification efforts by conducting community education activities. These functions provide a forum for citizens to ask questions, express concerns, and learn about safety precautions. Community education also allows law enforcement agencies to share information on their efforts, resulting in a more informed public and a stronger partnership between law enforcement and the community. Community education may counter misperceptions and provide suggested actions that citizens can take to keep themselves and their families safe from sexual victimization. Examples of current community education methods include public service announcements (PSAs), community policing activities, Neighborhood Watch meetings, and Parent Teacher Association (PTA) meetings. The Center for Sex Offender Management, a project of the U.S. Department of Justice, offers multiple training curricula, including “Educating the Community about Sexual Assault and the Management of Sex Offenders in the Community.” Each curriculum includes a user guide, presentation content and slides, teaching notes, and participant materials.4

V. VERIFICATION AND INVESTIGATIONS

The Walsh Act expands the number of registerable sex offenses and requires a broader group of sex offenders to register for longer periods of time, many for life. Verifying residential, school, and employment information provided through national and state sex offender registries is a serious task. Sending an officer to verify or confirm a registered sex offender’s address is referred to as a verification or compliance check. Certain states mandate that law enforcement conduct physical address verifications for certain classes of registered sex offenders on a specified timetable (for example, once a year for lower risk levels and as often as four times a year for the highest risk level).

Depending upon the state, the mandated responsibility may lie with a police department, sheriff’s office, or the state police. However, some law enforcement agencies conduct address verification checks even if they are not required to do so by law, because these checks increase offender accountability and provide an additional public safety service. Departments that provide these supplemental address verification checks must be, and commonly are, mindful of the rights of the offender and develop appropriate procedures so as not to harass the individual.

The process for performing address verification checks varies from state to state. Some law enforcement agencies perform face-to-face checks; others conduct checks by mail. Conducting checks allows the agency to collect additional information such as changes in appearance, the offender’s employment and student status, and changes in registered vehicles.

Address verification is an important element in preventing sex offenders from becoming noncompliant with registration requirements. The purpose of verification is to ensure that registration information is current, allowing law enforcement to know of the whereabouts of the sex offenders in their jurisdiction. Verification is also vital to ensuring that information released to the public through sex offender registries is accurate.

Under SORNA, sex offenders must appear in person to update their registration information and have an updated photograph taken no less frequently than:
• annually for tier 1 sex offenders
• every six months for tier 2 sex offenders
• every three months for a tier 3 sex offenders

Sex offenders are required to follow this verification schedule in each jurisdiction where they reside, are employed, or are enrolled in school.

VI. RISK ASSESSMENTS

Research indicates that sex offenders are a heterogeneous group and that different types of sex offenders pose varying degrees of risk of reoffending. Law enforcement agencies may alter tracking or monitoring strategies for sex offenders whom they have deemed a higher risk to the community. Various factors, including the type of crime committed, details of the offense, victim characteristics, and overall criminal history, may cause law enforcement to increase the intensity of supervision for particular offenders.

A risk assessment measures the extent, nature, and seriousness of an offender’s sexual behavior, the degree of risk or threat the offender poses to the community, and the general dangerousness of the offender in any setting. Sex offenders vary in their risk of reoffending, and respond differently to various forms of treatment and supervision. For example, research reveals that low-risk offenders tend to react adversely to high-intensity supervision, indicating that these offenders would be better served with a low-level supervision program. It is important to accurately assess a sex offender’s risk level to allocate resources to those who pose the biggest threat to the community. A risk assessment can be any informal or formal evaluation strategy, which may include the use of a standardized assessment tool or informal interviews with offenders. Formal risk assessment tools are regularly used for sentence enhancement, institutional placement, post-sentence detention, and community notification.

While corrections officials and treatment providers have traditionally been responsible for conducting risk assessments, some law enforcement agencies have themselves begun to collect additional information to supplement investigative files. Sex offenders and sexual deviance may change over time, potentially reducing the credibility of an assessment conducted before the offender’s release from incarceration or a treatment program. In-person verification and interviews with offenders may disclose additional information about an offender that would potentially increase his or her level of risk. Law enforcement agencies that have continued contact with sex offenders after their release into the community are in a unique position to continuously evaluate and update the level of risk these individuals pose to the community.

Risk assessment can be conducted using two methods: Risk prediction is the science of predicting the likelihood of recidivism over a period of time. Risk prediction instruments include empirically based, scientifically validated tools. Results allow agencies to deem certain offenders as a higher risk of recidivism, increasing the level of supervision needed for this group. An example of this method is the Static-99.

Risk management is the process of identifying and responding to changes in sex offender risk. Tasks involved in this process may be completed by law enforcement, community corrections, treatment providers, victim advocates, and other agencies involved in sex offender management. An alert police officer, for instance, might notice children’s toys in the backyard of a registered sex offender who is barred from having contact with minors. Once the officer’s observation is relayed to the appropriate probation or parole officer, police can begin monitoring this offender’s activities more closely.

VII. ELECTRONIC MONITORING TECHNOLOGY AND GPS

In those jurisdictions requiring lifetime supervision of sex offenders using global positioning system (GPS) technology, law enforcement may be responsible for responding to alerts for those offenders no longer on community supervision. In other jurisdictions, law enforcement and community corrections agencies work collectively to respond to GPS alerts and share GPS data. This provides law enforcement with a valuable investigative resource by accurately placing the location of sex offenders in relationship to the scene of a crime.

Law enforcement officers working with other criminal justice agencies to monitor and track sex offenders should understand the type of GPS system used in their jurisdiction. Potential questions for law enforcement to ask may include the following:

- Do GPS units report data using active, passive, or hybrid systems?
- Is the GPS unit one or two pieces?
- How are GPS data received and analyzed (vendor, third party, or internal)?
- What are the expectations for law enforcement to respond to alerts?
- If applicable, does the sex offender have special conditions of supervision?

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5 National Governors Association (NGA), Managing Convicted Sex Offenders in the Community (Washington, D.C.: November 2007).
6 U.S. Department of Justice, Center for Sex Offender Management, Managing Sex Offenders in the Community: A Handbook to Guide Policymakers and Practitioners through a Planning and Implementation Process (Silver Spring, Md.: April 2002).
VIII. OFFICER EDUCATION AND TRAINING

Education and training is essential for law enforcement officers conducting registration, verification, investigations, and notification tasks. Education is critical to prevent confusion surrounding legislation and agency responsibilities. Law enforcement officers completing these tasks should have knowledge of sex offender characteristics so they are prepared when encountering these offenders in the community.

For example, the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) has an eight-hour special investigative course on child abuse, family violence, sexual assault, and sex offender characteristics. The training component on sex offender characteristics addresses pertinent sex offender legislation including procedures for notification and registration, as well as behavioral characteristics and general overview of the sex offender population.7

IX. MULTIAGENCY PARTNERSHIPS AND INFORMATION SHARING

Numerous criminal justice and nonjustice organizations are involved in sex offender management. Law enforcement agencies can forge collaborative efforts and partnerships with other agencies to strengthen investigations, increase sex offender accountability, and help prevent victimization. Collaborating agencies should be in regular contact to share information about certain offenders or sex offender–related policies, procedures, and legislation. By pooling resources and exchanging information, agencies will be better suited to supervise, monitor, and track sex offenders and investigate sex crimes. Law enforcement personnel may consider the following as potential partners:

Prosecutors, defense attorneys, judges, and others who process offenders through the criminal justice system. Many law enforcement agencies work closely with prosecutors to ensure that failure-to-register cases are prosecuted to the fullest extent of the law.

Corrections officials prepare sex offenders for reentry into the community and supervise these offenders once released. Probation and parole officers collect a wealth of information on sex offenders during the supervision process, which may be shared with law enforcement to enhance monitoring efforts. Law enforcement may also work with community corrections officers to serve warrants or conduct joint home visits as an extra layer of protection.

Victim advocates and victim treatment providers offer services and support to victims, and function as the victim’s voice in criminal justice system proceedings.

Treatment providers interact directly with sex offenders and keep records of sex offender participation and progress in treatment. Treatment providers may relay information to law enforcement regarding an offender’s participation in treatment, which may indicate an offender’s likelihood to reoffend. Based on this information, law enforcement may increase monitoring for a specific offender.

Polygraph examiners administer polygraph examinations for sex offenders and analyze results. Polygraph exams are used for three reasons: at the beginning of post-release supervision to compile a complete offender criminal sexual behavior history; during supervision to investigate specific incidents; or during supervision to verify an offender’s compliance with treatment and supervision.8

Additional Resources

The IACP offers the following resources, several available at http://www.theiacp.org/profassist/ReturningOffenders.htm

- Sex Offenders in the Community: Enforcement and Prevention Strategies for Law Enforcement, a publication that includes an overview of the sex offender population, examples of prevention and enforcement strategies from agencies around the United States, and sample address verification forms
- Managing Sex Offenders: Citizens Supporting Law Enforcement, a publication offering examples of how law enforcement agencies are using volunteers to enhance and support their sex offender enforcement and prevention effort
- Framing a Law Enforcement Response: Addressing Community Concerns about Sex Offenders, a brochure identifying questions frequently posed to law enforcement officials, with talking points provided to assist agencies in framing a response.
- Strategically Monitoring Sex Offenders: Accessing Community Corrections Resources to Enhance Law Enforcement Capabilities, a guide highlighting community corrections resources available to law enforcement.

• Tracking Sex Offenders with Electronic Monitoring Technology: Implications and Practical Uses for Law Enforcement, a guide describing the advantages and disadvantages of electronic monitoring technology used to track sex offenders.

• A webcast on the use of risk assessment tools (forthcoming)

• Training for law enforcement agencies (forthcoming)

Acknowledgement

This paper and the accompanying model policy were developed in cooperation with the Managing Sex Offenders and Enhancing Law Enforcement Response, Project #2006-WP-BX-K005 funded by the Bureau of Justice Assistance.

Every effort has been made by the IACP National Law Enforcement Policy Center staff and advisory board to ensure that this document incorporates the most current information and contemporary professional judgment on this issue. However, law enforcement administrators should be cautioned that no “model” policy can meet all the needs of any given law enforcement agency. Each law enforcement agency operates in a unique environment of federal court rulings, state laws, local ordinances, regulations, judicial and administrative decisions and collective bargaining agreements that must be considered. In addition, the formulation of specific agency policies must take into account local political and community perspectives and customs, prerogatives and demands; often divergent law enforcement strategies and philosophies; and the impact of varied agency resource capabilities among other factors.

This project was supported by a grant awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice or the IACP.

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