

# Sexual Offender Registration Program: Identifying Ways to Correct and Enhance This Effort

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## *Abstract*

*Jessica Lunsford, age 9, was kidnapped and killed by a known (registered) Sexual offender in February 2005 in Citrus County Florida. Existing registration requirements for Sexual predator/offenders have been changed since the Lunsford murder. This study focuses on law enforcement agencies and prosecutors throughout the State of Florida when it comes to registration, re-registration, absconding and the prosecution of offenders violating those requirements. This study also describes changes that should be made and suggests that standardization among agencies may keep offenders from falling through the cracks and possibly re-offending.*

## Introduction

With the addition of the Jessica Lunsford Act, many changes have occurred to enhance Law Enforcement's registration and tracking efforts. This study identifies additional efforts and strategies that could also have a positive impact on this program. The issue of Sexual Offenders, especially those who victimize children, has always been an emotionally charged subject in whatever forum it is discussed. These crimes are nearly the most universally feared and condemned offenses by citizens and law enforcement officers alike. Realistically however, we all are aware that the majority of these offenders will eventually be released from incarceration back into our communities.

The subject of released sexual offenders has become a very high profile issue in our society. Specifically, the risk factor associated with re-integrating these individuals into our community. Over the last 10 years legislation has been signed into law creating community notification and sex offender registries, both of which are designed to be readily available, and in some cases, required information for public distribution. The history of sex offender registration began with horrific crimes that occurred in Washington, Minnesota and New Jersey. The response to these crimes became the catalyst for sex offender registration and community notification laws in effect nationwide today. (SEPI Course Manual, 2006).

More recently the terms Sexual Offender and Sexual Predator have become household commonly used words. Nowhere more than Florida has the reality of the presence of sexual offenders/predators surfaced. Fortunately, as a result of the increase in media attention, families are discussing this issue, becoming more vigilant and are educating their children and citizens in the

communities to the dangers our world presents. Unfortunately, the media attention is the result of the murders of such victims as Jessica Lundsford, Carlie Brucia and Sara Lundy.

Being so closely involved in this program, as an Operational Lieutenant, this writer has identified areas of concern from a hands-on point of view.

### Literature/Data Review

We know that there are over 35,000 registered offenders in Florida and over 265,000 sex offenders on community supervision nationwide. An average of 300 new offenders register each month. Even with numbers as high as these, it is reported that 95% of sex offenders are never caught. Two thirds of all sex offenders in prison victimized a child. (SEPI Course Manual, 2006).

With almost 567,000 registered sex offenders in the United States, these offenders pose an enormous challenge for policy makers. They evoke unparalleled fear among constituents. Their offenses are associated with a great risk of psychological harm and most of their victims are children and youth. As policy makers address the issue of sex offenders, they are confronted with some basic realities:

- Most sex offenders are not in prison and those who are tend to serve limited sentences.
- Most sex offenders are largely unknown to people in the community
- Sex offenders have a high risk of re-offending
- While community supervision and oversight is widely recognized as essential, the system for providing such supervision is overwhelmed.

(National Center for Missing & Exploited Children, 2006)

Though all fifty states have some type of registration laws, some states have taken the lead and have enacted very thorough and aggressive legislation. Touted as the toughest new law in the nation, Georgia's law, which took affect July 1st, prohibits sex offenders from living, working or loitering within 1,000 feet of schools, churches, parks, gyms, swimming pools, or any of the state's 150,000 school bus stops. These restrictions place virtually every residential neighborhood off limits to Georgia's more than 10,000 registered sex offenders. (Citrus County Chronicle, 2006).

The Great State of Washington enacted the Washington Megan's Law where any adult or juvenile living, working, carrying on a vocation or going to school in that state who has been found to have committed or has been convicted of any sex offense or kidnapping offense or has been found not guilty by reason of insanity of committing any sex offense or kidnapping offense, must register. What is very innovative about their program is that offenders are classified in three different risk levels. Risk Level I is considered low risk to re-offend. Risk Level II is considered a moderate risk to re-offend. Risk Level III is considered a high risk to re-offend. These risk levels are use to determine the

extent of the public disclosure of relevant and necessary information relating to offenders released from prison or moving into the neighborhood. (sexcriminals.com, 2003).

Alaska recently joined other states in using the Lie detector as a tool to reduce recidivism among sex offenders. In May 2006 the Alaskan State Legislature in the 24th session enacted SB218, an act relating to sex offenders and child kidnappers. This new law was the result of statistical studies about sexual assault and abuse in America and more specifically, in Alaska as well as the growing body of knowledge about the actual number of victims per sex offender and the resistance of sex offenders to rehabilitative treatment.

Sexual assault and abuse in Alaska can be classified as a plague. Alaska has been ranked number one in the nation for 22 of the last 29 years for sexual assault and abuse. In response to these startling numbers, Alaska has responded with a program that uses lie detectors to reduce recidivism rates among sex offenders. Answers given in the lie detector test can help treat offenders as well as hold them accountable to the conditions of their probation. Offenders are asked about their sexual history and therapists learn the offender may have had hundreds of victims instead of the one or two alleged in court. Alaskan Authorities believe that polygraph testing for sex offenders is a significant deterrent for recidivism because the next test and what it reveals is cause enough to avoid illegal activities.

## Methods

The purpose of my research is to determine what is working, what is not working and what can be done to improve the Sexual Offender/Predator Registration effort. The Lunsford Act, which resulted in wide spread changes to the sexual predator/offender laws, was signed by Governor Bush May 2, 2005.

The current 2006 legislative session already introduced bills calling for changes and additions to be made to the hurriedly approved bill. Those proposed changes are a result of trial and error. By examining the different ways we as law enforcement agencies and prosecutors are responding to these new laws, we will be able to standardize our methods and possibly reduce the ability of an offender to re-offend.

The sole purpose of this report is not to point fingers, but to identify problem areas within the current system used to register and verify offenders and predators, and to provide suggestions of how to solve those problems using available resources if possible.

This is an effort to make compliance of these statutory mandates easier to accomplish, even by the smallest of agencies so that the statewide database will be the seamless and effective tool it was designed to be. This report is in no way intended to be critical of the efforts of any agency or their procedures used to enforce the Jessica Lunsford Act. It is meant only to be a tool to help identify problems and to ultimately offer suggestions on how best to correct these

problems, and therefore to better serve the needs of Law Enforcement within the state and to better protect the citizens of the great state of Florida.

The information obtained for this study was largely a result of surveys conducted with a random selection of both large and small Florida Law Enforcement Agencies. The survey instrument was formatted to seek responses to specific questions as well as allowing the respondent to comment on the issue from a more broad perspective by asking, "What are your biggest obstacles?" and "What changes would you like to see made?" No deadline was placed on the return of the instrument. A personal memorandum accompanied each survey from this researcher to the respondent. This memo outlined the purpose of the research and indicated a willingness to share the results of this study with the respondent if an intended interest was related. The survey instrument contained ten questions that required a narrative response.

A literature review provided background information on the offender such as their recidivism rate, how they operate and whom among them we should be watching most. A comparison of other states responses to the problem, such as Alaska proved important as well.

## Results

The following results will contain independent responses submitted from the respondents, along with general paraphrasing from the compiled responses, when the same information was received from a number of agencies. All information contained within this report came directly from the findings of the attached survey, and through the information gathered from those who are charged daily with the enforcement of the Jessica Lunsford Act.

### **1) In my agency we have a dedicated unit working solely on the offender program. The unit consists of a data specialist, a detective and a supervisor. Do you have a sex offender unit? If so, how many are in the unit and what are their assignments?**

The response received to this question runs the gambit from smaller agencies that had no one assigned to this task, to others that let various members of Uniform Patrol and Detective Divisions make contacts as needed, and as the workload allows. Several of these agencies utilize a "Task Force" type approach, with a combination of Uniform, Detectives and Non-Sworn personnel to make physical contacts, and often this occurs on an as needed basis.

Many of the larger Sheriff's Offices utilize a combination of both sworn and non-sworn employees as an assigned team to track these offenders, most often assigned full time to the task with additional personnel assigned as needed.

When non-sworn person(s) are utilized, both by the smaller, as well as by the larger agencies, it is most often as analyst or as a records specialist. Most often with the exception of the initial registration process, all physical contact is made by sworn Officers only.

**2) Other than the two agency visits that the predator/offender is required to make, do you respond to their residences for address verification checks? If so, how often?**

Answers received for this question varied from one agency to another, with a wide range of responses from never to random daily physical checks to include all Offenders and Predators each week if possible. It appears that often this response is relative to the size of the agency, and personnel available or assigned. Many agencies have indicated they have physical contact with the Predator, more often than with Offenders. Most agencies responded that they attempt or actually make contact with all known Offenders and Predators at least quarterly, with many of the respondents reporting that they make contact with their Predators monthly. One mid-size agency reported that their zone officers check on their predators and Offenders up to two six times a month.

**3) What information is gathered during these checks? Do you include data that would assist in an active investigation such as offense information or M.O.?**

Seventy-five percent (75%) of the respondents reported that they gathered only the information needed for the address verification such as name, address, and vehicles at the residence, warrant checks, work address and people living with them. Of the other twenty-five percent (25%), most required the original offense report to be on file and some of them maintained a separate database for MO information to assist in an active investigation. Of the respondents who are doing just what is required for address verification, none offered an explanation as to why they aren't doing more.

**4) What happens to the guy who is never home during random checks but calls in to set an "appointment check"?**

Most of the respondents indicated that an appointment check was not acceptable and multiple visits were made at all hours of the day and night until verification was made. Some agencies use surveillance units to confirm the offender's location by following him/her to see where he/she is staying. This is a very time consuming, labor intensive task that most say does not happen too often. When it does and the offender is never found at home, sworn affidavits from neighbors are used to obtain warrants for absconding. One of the respondents stated that nothing is done to the offender who makes appointments because their State Attorney's Office (SAO) says there is not enough probable cause to make a case. Another respondent followed up by stating that their SAO seems hesitant to charge unless there are mitigating factors due to the charge being a level seven violation requiring over two years of Department of Corrections' time if convicted. His failure to register arrests are no filed if it is a first offense without mitigating circumstances.

**5) Do you keep data on how often each offender moves into, out of or within your jurisdiction?**

This data collection has two main goals. It can be used to identify man-hours used to re-enter data and re-verify information and it can be used as an investigatory tool when a pattern develops. Fifty percent (50%) of the respondents stated that they keep this kind of data and many of them are using it to assist them in forecasting trends and patterns.

**6) All offender/predators must report address changes within 48 hours of the move. How many referrals to the SAO does your agency make a month for this violation? Of those, how many does the SAO pursue and what is their conviction rate?**

Many varied responses to this two-part question were received. The larger agencies reported that as many as 17 referrals for failing to register are made each month. The mid-sized agencies reported that they refer 2 to 8 a month and the smaller agencies reported an average of 1 to 2 a month. The responses relating to the State Attorney Offices pursuing them and their conviction rate also varied considerably. Most respondents reported that their SAO was very aggressive and was very successful in obtaining a conviction for this violation, however one very large agency reported that their SAO would not file this type of case and another large agency reported that it depended on which attorney was assigned the case as to whether or not it was pursued. A mid-sized agency reported that they are not very aggressive when it comes to this violation but instead tries to work with the offender/predator. Conversely, one of the smaller responding agencies reported that their SAO files on all failing to register referrals.

**7) Statutory responsibility lies primarily with FDLE but the sheer numbers of predator/offenders in Florida makes this task difficult. Are there any other proactive measures your agency is taking to fill the gaps? Listed below are ten of the most innovative responses to this issue listed in order of large to small agencies.**

**Large agencies:**

- 1) Feature offenders on crime stoppers and local news programs
- 2) Education through town meetings, school PTA gatherings, etc.
- 3) Random surveillance of offender/predators.

**Mid-size agencies:**

- 4) Deputies constantly conduct random checks of offenders in their zones.
- 5) S.O. Website with up-to-date residence location data as well as a 28-page newsletter with photos and addresses of offenders/predators.
- 6) Partners with Probation Officers assisting in checking for violations.
- 7) Uses other resources such as SROs during summer months for verification checks.
- 8) P.D. had city enact ordinance of 2500 ft residence rule from schools, churches, etc. resulting in few places left in city to reside.

**Small agencies:**

- 9) Very aggressive with violation referrals.
- 10) Provides Email notification to residents who can register on P.D. website.

**8) Are you using any type of electric monitoring devices? If so, what are they and who is monitored?**

Most respondents reported that no electronic monitoring is being done other than what parole/probation does. Two respondents however reported some very proactive monitoring tactics. One very large agency reported that they use GPS as well as Internet video cameras where the offender is unaware of the monitoring. A mid-size agency reported that they use trackers on the vehicles of suspected violators.

**9) What seems to be your biggest obstacles?**

Listed are the top ten responses:

- 1) Keeping the information updated is sometimes difficult with several offenders moving in every week.
- 2) Communication with the DHSMV and their inconsistency in their procedures and incorrect data transmittal.
- 3) The sharing of the new FDLE database with DOC causing errors in the data.
- 4) Breakdowns in communication makes it difficult to keep up with the various in-house and FDLE's databases that are used. Also getting the daily teletypes, which mostly seem to reflect an old address or information.
- 5) Obtaining the conviction paperwork and fingerprints from other states to prove the offender had knowledge of the requirement to register as a sexual offender.
- 6) The information that is being inputted by other governmental agencies in to the FDLE Sex Offender database is often inaccurate. This in turn requires us to spend additional time in research to determine the exact whereabouts of our offenders.
- 7) Dealing with the "homeless" sex offender and proving a case of non-residency when everyone is covering for the offender. The "Transient" designation for sex offenders is a huge impairment when trying to find and make these offenders accountable.
- 8) The SAO, their prosecution and understanding of these laws.
- 9) The agency not dedicating enough manpower and funds to operate the unit with the ability to control all aspects of registration, re-registration, verifications, notifications and investigations.
- 10) Just managing the number of offenders and tracking the data for the crime analysis unit is overwhelming.

**10) What changes would you like to see made?**

Listed again are the top ten responses:

- 1) A statewide ID card that can be issued for offenders to make tracking the address changes easier and could also be used to ID transients, since they do not have a permanent address and move from area to area.

- 2) Training/meetings involving DHSMV, FDLE, DOC and Law Enforcement together at once so everyone can understand what each is responsible for, how they perform their duties, how those duties affect the others in the chain and the problems that occur when one changes/fails to perform their duties.
- 3) When DHSMV changes an address on an offender, not only should the county where the offender is moving to be notified but the county that the offender is moving from should be notified as well.
- 4) Each offender classified due to the severity of his or her crime. Such as the guy who was seventeen (17) with a fifteen (15) year old girlfriend who now is grouped in with serious sex offenders.
- 5) For the State to change the designation regarding consensual sex relationships. Make it so that this type of case is not a lifelong registration.
- 6) State law mandating that all Sheriff's Offices verify addresses at least annually and each jurisdiction understanding and using the laws the same way.
- 7) FDLE utilizing certified mail with all mail outs to offenders otherwise prosecution for failure to respond cannot occur.
- 8) Transient offenders and predators mandated to report in person once a month to the Sheriff's Office in the county where they "reside".
- 9) All SAO'S having a specialized group of ASA'S who prosecute registration violations.
- 10) More manpower!

## Discussion

The focus of this research project was to find ways to enhance Law Enforcement's effort relating to the registration program and the Lunsford act. The surveys that were returned were from the men and women working in a unit or assisting a unit dedicated to the sexual offender program in the State of Florida in both Sheriff's Offices and Police Departments. A lot of positive things are happening out there both innovative and proactive. Most agencies have a dedicated unit assigned to the sexual offender program. The size of the unit is a reflection of the size of the agency.

The obvious consensus among those agencies responding was that the offender should be checked quarterly and the predator monthly. When fewer visits were reported, manpower and budget were the main reasons. Random checks are by far the best way to conduct residence verifications. Additionally, Surveillance details and tracking hardware are innovative ways of keeping track of those that present a greater risk of re-offending.

With only twenty-five percent of the respondents reporting that they have a data base that provides report and M.O. information, this is one of the weakest areas. What the offender did to get him or her registered and his or her M.O. has been identified as a very important tool during an active investigation. One of the most important things we all must be doing to increase the solve-ability of these crimes is to increase our knowledge of the predators and offenders that we are charged to protect the public from.

With most of the respondents indicating that they do not allow a registered Offender or Predator to make an appointment check, some very creative suggestions for combating this problem was offered. The most widely used tactic was of course to attempt to contact them at all hours of the night or to conduct surveillance on their home. Both of these options are very labor intensive and time consuming. The most innovative approach reported was placing a tracking device on the offender's/predator's vehicle. The data collected would show if the offender was living where he was registered.

Very few agencies reported that they were actively keeping data on the frequency and location of moves the offender/predator in and out of and within their jurisdictions. The goal in the capturing of this information is two fold. One, the data can be very useful when justifying the need for additional manpower/resources and two, the frequency of moves and the lack of a stable environment is an indicator that closer observation may be warranted.

Prosecution of the violations for failing to register, absconding and any other act, which violates the requirements of the Lunsford Act, should be pursued with the same vigor and aggressiveness statewide. The Prosecutors within the different districts in Florida are not on the same page according to the survey respondents. The ones that indicated problems offered that training and specialization was needed relating that the Attorneys who were not pursuing the violations either do not have the knowledge or they deal with this type of violation too infrequently to be confident in the Probable Cause that is presented to them. Training is the number one recommended cure for this problem.

Manpower and bigger budgets can cure most problems but we all know that we must look for other ways to address the problems we face. One of the best ideas reported was one that addresses the classification of the offender. The predator is well defined and this classification justifies additional attention. The offender classification on the other hand is very broad, from the guy who had sex with an under-aged girlfriend to whom he is now married to and has children with, to the guy who has multiple victims and several convictions.

Washington's Megan's Law Legislation is on the right track in this area in that they have incorporated three classifications of sex offenders. Risk Level One, two and three. Risk Level One classification is for offenders who are at a low risk to re-offend. Risk Level Two classification is for offenders who are at a moderate risk to re-offend. Risk Level Three classification is for offenders who are at the highest risk of re-offending.

This risk level classification system could be used in Florida to determine which offenders may need to register only once a year with no verification checks required (level one), which offenders would register bi-annually with no verification checks (risk level two), and which offenders would be required to register bi-annually and would have verification checks done quarterly (risk level three). By splitting the offenders into the three levels, we could realize a reduction in man-hours required to perform these verification checks, as fewer offenders would be checked quarterly.

Another opportunity for Florida discovered during this research project is the innovative use of the polygraph test being used in states such as Alaska. In

Alaska the polygraph test is being used during the predator/offender's probationary period. By comparing tests given when the predator/offender is released from prison, to tests done at random, the fear of disclosure has reduced the recidivism rate in that state. Mandating polygraph testing of all registered predators and offenders at predetermined intervals for life could reduce the recidivism rate as well as reduce the number of victims in the state of Florida.

This innovative program as well as all the great ideas and procedures that were brought to light during this study, should be researched further to determine applicability in a State wide effort.

Lieutenant Steve Vitt has been in law enforcement since 1985, working the majority of his career with the Citrus County Sheriff's Office. He is a shift commander as a Lieutenant in patrol where he worked his way up through the ranks. He has been a crime scene technician, a field training officer, a corporal and a sergeant. He has supervised the reserve deputy program and the volunteer mounted unit.

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