



# STRANGER DANGER

## Sex offender registration and community notification in the USA

Bill Hebenton and  
Terry Thomas

The often held belief that sex crimes are somehow 'different' to other forms of crime has found a new expression in the USA. Sex Offender Registration schemes now exist in the vast majority of States and some States have also started so-called Community Notification Schemes. A recent research visit to the USA enabled us to look at US arrangements for managing sex offenders in the community.

The premise of Sex Offender Registration is, that the police hold a register of details of all convicted sex offenders who have left prison and are living in their catchment area. The onus is on the offender to keep the register up to date by notifying any changes of address or changes of any significant circumstances. Failure to do so constitutes a crime in itself, and periods of registration vary from ten years to life.

At any one time the police should be able to locate with some precision the known sex offenders living in their area. This in turn is said to aid investigation of new sex crimes, act as a deterrent to those on the register, and assist other agencies offering treatment programmes. The argument goes that if a sex offender poses a perceived 'threat' to a community, then the first step to assessing and managing that risk or threat is identifying where it actually lies.

Critics will point out that as an aid to policing it has its limitations. An offender may simply get on a train and commit offences 50 miles away to avoid detection. A person not registered may commit a crime and the police waste hours checking the register while the real trail 'goes cold'. At worst, registers will only serve to help 'round up the usual suspects' who will be continually harassed and not allowed to live a normal life.

### Register or notify?

In the USA Sex Offender Registration appears to be no longer controversial and has been adopted by over 40 States; and with the passage of the Violent



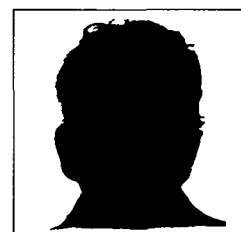
WXXXXXX COUNTY SHERIFF  
DETECTIVE DIVISION - SEX OFFENDER INVESTIGATIONS  
3XX GXXXX AX., BXXXXXXXXX, WX 9XXXXX  
(2XX) 6XX 6XXX (2XX) 3XX 5XXX

## SEX OFFENDER ALERT

Nxxxxxxx Cxxxx Axxxxxxx

Age 30/6'00"/170 lbs  
Brown Hair, Brown Eyes

ADDRESS:  
1XXX Lxxxxxxx Sx.  
Bxxxxxxxx, Wx



The Wxxxxxx county Sheriff's Office is providing this bulletin to inform you of a Level III Registered Sex Offender living within Wxxxxxx Cxxxxx. This bulletin is not meant to shock or alarm, but rather to provide relevant information regarding this offender, his criminal history and his potential threat to the community.

In 1981 Axxxxxxx was arrested and charged with First Degree Statutory Rape. He later pled guilty to a reduced charge of Indecent Liberties. A woman living in the community with Axxxxxxx was in need of a baby-sitter for her two boys ages four and five. She offered to pay Axxxxxxx to baby-sit her children. Axxxxxxx accepted the job, as he was unemployed. Axxxxxxx had sexual contact with the boys on four occasions while in the trusted position of baby-sitter. He threatened that he would hit the boys if they told their mother.

After being arrested and charged, Axxxxxxx was released back to the community to await trial. While on release he returned to baby-sitting. While in the position of baby-sitter the following incidents occurred. 1) He attempted to fondle a twelve year old boy. 2) He had sexual contact with a three year old. 3) He contacted one of his past victims and had sexual contact with him. 4) He molested a nine year old boy.

After his conviction Axxxxxxx was sent to the Sex Offender Program for a 90 day observation period where he was declared a Sexual Psychopath. He was accepted into the Sex Offender Program where he participated minimally. He continually stated his desire to be removed from the program and be sent to prison. Axxxxxxx was terminated from the program and sent to prison where he served six years of a ten year sentence. When released Axxxxxxx violated his parole by having several contacts with minors and living with a woman who had minor children.

Axxxxxxx was recently convicted by jury of Rape Of A Child and Child Molestation. Axxxxxxx is currently in jail being held without bail while he awaits sentencing. Axxxxxxx is considered a high risk to reoffend. He has refused any sexual deviancy treatment, and therefore, poses a high risk to the community due to his continued deviant sexual orientation towards young children. Inquiries regarding this bulletin may be directed to:

Detective Jxxx Bxxxxxxxx



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Crime Control and Law Enforcement Act 1994, federal government now requires all states to have registries in place by the end of 1997. Charges that it was degrading to the former offender were lost under the need to protect the public. More debateable has been the rise of Community Notification schemes.

Some sex offender registration schemes have been accessible to the public in certain circumstances. Now five States have gone a step further to pro-actively notify the public when a sex offender has come to live in their area.

Community notification exists in Louisiana, Alaska, Tennessee, Washington and New Jersey. Other States are looking on with interest. Notification entails letting people in a given locality know the whereabouts and details of sex offenders living near them. This is carried out by means of a 'flyer' through the letterbox with an offender's photograph and address, or sometimes through the local press or television channels.

## Levels of risk

In Washington State the police categorise sex offenders into three bands. Level One implies a low risk. Level Three a high risk. The police decision is based on their own knowledge of the case, end of sentence review reports and reports from Community Correction Officers and any other person with a knowledge of the offender. On average 75% of offenders are classed as Level 1.

**The implicit message is that the professional is not to be trusted, and client confidentiality and professional 'wisdom' is up for grabs when it comes to public protection.**

All Levels can be notified to the community but it is the Level 3 offender who attracts most attention. He may also be the subject of a public meeting convened by the police. Although these meetings may initially be hostile to the newcomer, the police report that, if carefully handled, they can raise awareness of sex offending and be quite fruitful. The message is also put over, that sex offenders have always been in

our midst, and that notification is almost a means of 're-inventing' the small community where everyone knew each other anyway; a form of identification lost in our mobile and increasingly fragmented urban society.

Vigilantism has taken place, but not to the extent that might have been feared. The public are warned against it by the police and told that it could lead to withdrawal of notifications altogether.

Lawyers, and the American Civil Liberties Union have argued that notification is an invasion of privacy and a 'cruel and unusual' form of punishment which is therefore unconstitutional. While the matter has not yet been tested at Supreme Court level, at state level both arguments have been lost in favour of the protection of society argument and the argument that notification is a form of civil 'regulation' rather than punishment.

## "If you know where these people are - we want to know"

We are of the view from our research interviews, that it would be too simplistic to consider the 'rise and rise' of registration as just an outcome of misdirected victim advocacy groups and politicians waiting to be re-elected. Instead it can be more profitably seen as a complex amalgam of cultural beliefs that, for example, exclusion and stigma 'work', and the search for what republican criminologists might call 'dominion' (e.g. Braithwaite, 1989). Although here quite clearly reintegration (as envisaged by republicans) is displaced by yet more potent cultural beliefs.

In the UK our criminal justice professionals have not yet been challenged for 'dominion'. We trust them to assess and manage the risk posed by 'dangerous' people. If they get it wrong - as they sometimes do - we may have an inquiry or even call for heads to roll, but we do not seek to change the system.

In the USA there appears to be no such deference. "If you know where these people are - we want to know!" The implicit message is that the professional is *not* to be trusted, and client confidentiality and professional 'wisdom' is up for grabs when it comes to public protection.



David Kidd-Hewitt

If Sex Offender Registration and Notification constitutes a form of 'risk management' it also opens up the question not only of the ethical limits of *community-based* management strategies, but also the structure and form of community involvement. What is and is not acceptable penal content in this area (see also Heberton and Thomas, 1996) is now the subject of heated legal, professional and community debate.

The UK Home Office published its Consultative Document 'Sentencing and Supervision of Sex Offenders' (Cm.3304) in June 1996. In putting out the proposals, Home Secretary Michael Howard said:

"The Government believes that we need to strengthen the arrangements for supervising convicted sex offenders after they are released from custody. This will provide greater protection for the public."

(Home Office, 1996)

The proposals included a Sex Offender Register. Community Notification is not considered as an option - yet.

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*The authors are grateful to the British Academy for financial support to the project 'Sexual Offenders and Community Protection'.*

## References:

- Braithwaite, J (1989) *Crime, Shame and Reintegration* Cambridge: Cambridge University Press
- Heberton, B and Thomas T (1996) 'Tracking Sex Offenders', *Howard Journal of Criminal Justice*, 35 (2): 97-112
- Home Office (1996) 'Greater protection from sex offenders' (Press Release, 17 June, ref.no. 174/96)