

THE UNINTENDED CONSEQUENCES OF MEGAN'S LAW FOR CITIZENS, LAW  
ENFORCEMENT, AND OFFENDERS: AN EMPIRICAL ANALYSIS

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by

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Mary G. Wilson

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## **CHAPTER 1**

### **The Unintended Consequences of Megan's Law**

#### **1.1 Introduction**

In March 2005, Jessica Lunsford, a 9-year-old Florida resident, was reported missing (Stacy, 2005). In the 10 days following her disappearance, law enforcement officials began to focus on a registered sex offender, John Couey. Despite listing one address with Florida officials, Couey was in fact living at a different address near Jessica's home. Eventually her body was recovered and Couey arrested for her rape and murder (Stacy, 2005). The sex offender registration law in Florida is very similar to those in the other 49 states, which are known as Megan's laws. However, the law did not prevent Couey's recidivism. Further, the law neither protected Jessica from harm, nor appeared to reduce citizens' fear and concern about crime; all of which are the official goals of Megan's law. Florida officials were unaware that Couey was not complying with the registration law. In the aftermath of Jessica's rape and murder, Florida lawmakers strengthened the state's sex offense statutes (Levenson and D'Amora, 2007; and Stacy, 2005).

Unclear, however, is whether additional amendments to Megan's law would have prevented the tragic death of Jessica. Couey was living with family members in a rural area of Florida (Stacy, 2005). The citizens in Jessica's community were unaware of Couey's presence. Furthermore, the rural setting provided him with isolation, anonymity and the privacy necessary to carry out the victimization (Menard and Ruback, 2003; and

Stacy, 2005). Florida law enforcement officials were also unable to apprehend him prior to Jessica's death for violating the registration law (Stacy, 2005). In all likelihood, they did not know his whereabouts, were not actively looking for him or were unaware that Couey had listed one address but was residing elsewhere (Campbell, 1995; Gaines, 2006; Human Rights Watch (HRW), 2007; Petrosino and Petrosino, 1999; Prentky, 1996; and Stacy, 2005). Couey was not compliant with Florida's sex registration law (Stacy, 2005). He was able to commit a new sex offense and a homicide in spite of Megan's law. The law did not act as a specific deterrent, did not prevent victimization, and did not allay citizen's concerns about sex offenders.

Policies to protect children can be traced "through the bone structure, tools and other indicia of lineage, such as the language of the law, organizational and structural characteristics" (Harris, 1996, p. 196). Jessica's death, while tragic, was not the first case to galvanize decision makers into constructing public policy. It is nevertheless another tragic example of the limits of policy. Policies and laws are not invisible "force shields." Laws are only as effective as persons willing to adhere to, comply with and obey them. In the early part of the 1990s there were several high-profile crimes involving children that led to specific federal legislation. Three children under the age of 13 were kidnapped, sexually assaulted and murdered by convicted sex offenders (Bedarf, 1995; Chambers, 1995; Finn, 1997; Freeman-Longo, 1996; Levenson and D'Amora, 2007; Petrosino and Petrosino, 1999; Rudin, 1996; Selvog, 2001; Small, 1999; United States Department of Justice, 1998; Windelsham, 1998; and Woodward, 2001). Similar to the Lunsford case, the offenders in these cases lived in the same communities or in nearby neighborhoods of

the victims and their families. The communities had no prior knowledge of the offender's presence and were not notified by criminal justice officials. Grass-roots groups of parents demanded notification when a convicted sex offender moved into a neighborhood (Levenson and D'Amora, 2007; and Zevitz and Farkas, 2000a). In response, the federal and state governments developed and enacted a series of laws to protect and alert the public. The statutes are known as Megan's law, named after the victim of a highly publicized child sex offense and homicide.

## **1.2 Legislative History**

Thomas (2003) traces the registering of sex offenders in the U.S. beginning as early as the 1940s and 1950s (p. 218). Generally most convicted felons have a statutory obligation to register with local law enforcement as a condition of parole or probation (Thomas, 2003). California is credited with first registering sex offenders in 1947 (Thomas, 2003; and Websdale, 1996). The first step toward moving citizens to aid law enforcement in preventing sex crimes and monitoring offenders can be found in a statement by J. Edgar Hoover, former director of the Federal Bureau of Investigation. He asserted in 1937 that "little could be done to prevent sex crimes without the aid of citizens and institutions" (Dennon, 1998, p. 1340). The state of Washington, in 1990, was one of the first states in the nation to implement a sexually violent predator law requiring community notification (Freeman-Longo, 1996; Thomas, 2003; and Websdale, 1996).

But the more recent furor over sex offenders has gone beyond traditional registration. Historically, sexual psychopath laws tended to wax and wane (Denno, 1998). Many of the early statutes began in the 1930s and continued until the 1970s. However,

from the 1970s to the early 1990s, these statutes were summarily repealed as the justice system favored more treatment or therapeutic approaches to deal with sex offenders (Denno, 1998). The latter part of the 20<sup>th</sup> century observed a resurgence in sex offender statutes; now reclassified as community notification laws. “Megan’s law was born out of human tragedy and the huge wave of emotion that followed demanded that something must be done” to protect children (Pawson, 2002, p. 8). The new policies, unlike previous legislation, offered community-wide notification, increased monitoring and full disclosure of offenders’ personal information to the public (Elbogen et al., 2003; SORN, 2006; and Zevitz and Farkas, 2000b). Megan’s law is designed to address more fully the social problem of sex offenders. The law aims to fulfill Hoover’s goal of citizens and institutions working in tandem to prevent sex crimes. However, given its more punitive sentiments, the law undermines effective treatment efforts and creates other unintended consequences, including the heightening of fear and concern among citizens about sex offenders. In the process, the supposed deterrent effect of the law is unfulfilled. In addition, the law places burdens and underfunded mandates on law enforcement and does nothing to promote effective sex offender treatment to reduce recidivism.

Officially, sex offender registration and notification began in 1994 with the passage of the Jacob Wetterling Act, a federal act passed into legislation by the U.S. Congress. The Act requires convicted sex offenders to register their addresses with local law enforcement agencies (Federal Register, 1999). However, the Act did not include notification to the community. There are a many reasons for registering sex offenders, including:



Sex offenders pose a high risk of re-offending after release from custody (prison); protecting the public from sex offenders is a primary governmental interest; the privacy interests of persons convicted of sex offenses are less important than the government's interest in public safety; and release of certain information about sex offenders to public agencies and the general public will assist in protecting public safety (<http://www.klasskids.org/pg-legmeg.htm>).

Subsequently, the Wetterling Act was amended in 1996 in the aftermath of the kidnapping, rape and murder of 7-year old Megan Kanka in July 1994 in New Jersey (Levi, 2000; and H.R. 2137). Citizens were outraged and “gathered in local parks, signed over 1,500 petitions, demanding action” (Gaines, 2006, p. 251). In response to this public outrage, the New Jersey Legislature passed the legislation within days of Megan's murder (p. 251). The federal version of Megan's law, enacted in 1996, requires that all U.S. law enforcement agencies notify communities when a convicted sex offender moves into the area. Specifically, community notification laws were established to “assist law enforcement in investigation; create legal grounds to hold known offenders; deter sex offenders from committing new offenses; and offer citizens information they can use to protect children from victimization” (<http://www.klasskids.org/pg-legmeg.htm>). Similarly, a national sex offender registry or database was established with the passage of the Pam Lychner Act in 1996 by Congress. Currently, every state has some form of sex offender registry (SOR) or database that is available to the public. Local and state law enforcement agencies are required to submit information on newly registered sex offenders and update older files in order to protect the public (<http://www.ojp.usdoj.gov/smart/legislation.htm>).

Since the original passage of the Federal Act in 1996, Megan's law has been expanded on several occasions by Congress. Specifically, the Child Protection and

Sexual Predator Punishment Act of 1998 under Title 19 of the United States Code was amended “to protect children from sexual abuse and exploitation” (H.R. 3494a; and H.R. 3494b, Bill Tracking Report). In addition, “Dru’s Legislation,” created a publicly accessible national sex offender registry the National Center for Victims of Crime, 2004). The zeal to expand federal legislation to control registered sex offenders has increased tremendously (OVC, 2005). Numerous bills were introduced in Congress in 2005 to address the problem of sex offenders and ranged from increased monitoring, increased penalties for crimes against children, prohibitions on applying Medicare and Medicaid payments to persons convicted of a sex offense and grant monies to improve state-level sex offender registries (OVC, 2005, E-news update). More recently, the Adam Walsh Child (AWA) Protection and Safety Act was enacted in 2006 to unify all state-level sex offender registration under a three-tier system, identify who must register, and establish uniform terms of registration requirements and length of registration (<http://www.ojp.usdoj.gov/smart/legislation.htm>). States were required to implement that Act by 2009 or risk financial penalties from the Federal Government. The AWA is estimated to cost states millions of dollars to implement and maintain (Tofte, 2008).

### **1.3 State-Level Legislation**

State-level enactments developed quite similar reasoning to what was found in the Wetterling Act. Ohio Revised Code Section 2950.02 is Ohio’s version of Megan’s law. Specifically, the goal of the Ohio legislation is to protect the public with:

Adequate notice and information about (sex) offenders and delinquent children; members of the public and communities can develop constructive plans to prepare themselves and their children for the (release of offender). This allows members

of the public and communities to meet with members of law enforcement agencies to prepare and obtain information about the rights and responsibilities of the public and the communities and to provide education and counseling to their children. Sex offenders and offenders pose a risk of engaging in further sexually abusive behavior even after being released from imprisonment. Protection of members of the public from sex offenders is a paramount governmental interest. The penal, juvenile, and mental health components of the justice system of this state are largely hidden from public view, and a lack of information from any component may result in the failure of the system to satisfy this paramount governmental interest of public safety. Overly restrictive confidentiality and liability laws governing the release of information about sex offenders have reduced the willingness to release information that could be appropriately released under the public disclosure laws and have increased risks of public safety. A person who is found to be a sex offender or to have committed a child-victim oriented offense has a reduced expectation of privacy because of the public's interest in public safety and in the effective operation of government. The release of information about sex offenders to public agencies and the general public will further the governmental interests of public safety and public scrutiny of the criminal, juvenile, and mental health systems as long as the information released is rationally related to the furtherance of those goals. It is the general assembly's intent to protect the safety and general welfare of the people of this state and that the exchange or release of that information is not punitive (Bender and Company, 2006).

Similar statutes exist throughout the nation. The Wisconsin Legislature expanded Act 440 (Megan's law). The Wisconsin Department of Corrections and law enforcement agencies are designated to carry-out the implementation of the law (1995 Wis. Act 440). Procedurally, law enforcement agencies in Wisconsin are directly alerted by the State Department of Corrections with appropriate information when a high-risk offender is released into the community. The role of law enforcement agencies is to notify the communities of the offender's presence and provide guidance of Megan's law to citizens. The rationale is that fully informed communities are then in a better position to take preventative precautions. Similarly, the Virginia statutory language expressly articulates the full intent of Megan's law, "to assist the efforts of law-enforcement agencies, to

protect their communities from repeat sex offenders and to protect children from becoming victims of criminal offenders” (Selvog, 2001, p. 8). In another example, the Alaska Legislature reasoned that “sex offenders present a high risk of re-offending after release from custody; protecting the public from sex offenders is a primary government interest; the privacy interests of persons convicted of sex offenses are less important to the government interest in public safety” (Pawson, 2002, p. 7).

Arguably Megan’s law might be considered a reasoned response to a real threat (Goode, 1994). Deviants, known and unknown, have always populated society (Edwards and Hensley, 2001). There are currently more than 600,000 registered sex offenders in the United States ([www.nsop.gov](http://www.nsop.gov)). Roughly 24,000 sex offenders are released from state prisons each year (Farkas and Zevitz, 2000). As required by Federal law, all 50 states now offer information on registered sex offenders in publicly accessible web sites (Fitch, 2000). The information by law is to be updated on a regular basis as new offenders are added to the web sites (Fitch, 2000). The sheer magnitude of this population of offenders will present enormous challenges to the justice system. Three domains, comprised of citizens, law enforcement and offenders, face the direct impact of such morality policies (Bedarf, 1995; Campbell, 1995; Chambers, 1995; Finn, 1997; Freeman-Longo, 1996; Gaines, 2006; Petrosino and Petrosino, 1999; Rudin, 1996; Selvog, 2001; Small, 1999; United States Department of Justice, 1998; Windelsham, 1998; and Woodward, 2001).

#### **1.4 Issues in Megan’s Law and Propositions**

Unintended consequences of Megan’s law arise for each of these groups: 1) Fear of crime and concern about crime are heightened for citizens as they receive information

about sex offenders; 2) Law enforcement confronts added burdens as it struggles to meet long-term, underfunded mandates of Megan's law, which takes resources and time away from other law enforcement activities; 3) Offenders' reintegration is undermined as the law further isolates sex offenders from the community and undercuts effective treatment.

A number of authors contend that Megan's law was developed to quell community uproar over sex offenders (Bedarf, 1995; Chambers, 1995; Finn, 1997; Freeman-Longo, 1996; Petrosino and Petrosino, 1999; Rudin, 1996; Selvog, 2001; Small, 1999; United States Department of Justice, 1998; Windelsham, 1998; and Woodward, 2001). In the zeal to do something about sex offenders, Federal legislation was drafted and implemented very quickly without much thought as to the long-term impact on citizens, law enforcement and offenders (Kingdon, 1995; Kruttschnitt, et al., 2000; Selvog, 2001; and Windelsham, 1998). The punctuated equilibrium induced a "Downsian Wave" or wave of enthusiasm as legislators "became convinced of the value of," Megan's law (Baumgartner and Jones, 1993, p. 5). The enthusiasm for the policy has maintained a fairly consistent level since the passage of Megan's law. The subsequent legislation that followed appears to reinforce the legitimate and historic role of government in the protecting children from harm (Baumgartner and Jones, 1993). It is also possible that the enthusiasm may have affected the quality of the policy. Perhaps if the policy had been created in a more incremental manner then any shortcomings might have been eliminated or, at the very least, addressed sooner rather than later. It remains to be seen whether the new policy will effectively address the sex offender problem.

Arguably within the scope of the sex offender problem is community safety. Megan's law presumes that communities are better protected and fear of victimization is reduced through the provision of target-specific information (Levi, 2000). Prior studies have indicated that citizens are very fearful for the safety of their children (Beck and Travis, 2004; Caputo and Brodsky, 2003; and Zevitz, 2004). An informed citizenry might experience less fear because they are now protected by having specific information on the registered sex offenders who are residing in the community (Levi, 2000). Unfortunately there are very few studies addressing the issue of fear of victimization and Megan's law. The general fear of crime literature might provide insightful analysis of citizen responses and behavioral reactions to the notification laws. As the American public is now part of a proactive strategy to prevent sexual victimization it would be useful to know how citizens are interpreting and experiencing their new found role (Levenson and Cotter, 2005; Levi, 2000; Parkinson et al., 2004; and Tewksbury, 2005).

In fact, the three pertinent stakeholders are inextricably linked to each other. One stakeholder is in need of protecting (citizens) by way of a second stakeholder (law enforcement) from a third stakeholder (offenders). Law enforcement expects to benefit from Megan's law as citizens begin to provide target-specific information to aid law enforcement in the monitoring and controlling of offenders. Citizens are encouraged to contact law enforcement officials to report offenders who are not registering, providing false or inaccurate addresses or are not in compliance with the provisions of the law (Rinear, 2003; Summit County Sheriff's Office, 2006; and Levi, 2000). Now more than

at any time in the past, citizens are expected to be directly involved in crime prevention efforts (Levi, 2000).

Megan's law has set into motion a process of informal and formal social control to enforce public policy (Kruttschnitt, et al., 2000). By statute, citizens and law enforcement are working in tandem to control the sex offender problem. There is clearly a level of reciprocity between citizens and law enforcement. The presumed benefit enjoyed by two of the stakeholders does not extend to the third stakeholder. The policy arrangement limits the expectation of privacy as evidenced by both state and federal statutes (Pawson, 2002; Selvog, 2001; and 1995 Wis. Act 440). And given reduced funding for offender treatment, generally, sex offenders become more isolated and less likely to receive effective treatment. In fact, Megan's law policies do not include provisions for treatment or counseling services or assistance to successfully comply with the new law (Pawson, 2002; Selvog, 2001; and 1995 Wis. Act 440).

The need for public order and safety supersede any privacy protection inherent in the U.S. Constitution. It is certainly debatable whether the safety needs of many citizens and, in particular, children far outweigh the privacy needs of a few registered sex offenders. The expansion of the law and order model represents "a profound shift taking place in state power" (Platt, 1994, p. 5; and Chambliss, 1999). It remains unclear whether these new policies effectively address the sex offender problem, and they create "unintended consequences" for citizens, law enforcement and sex offenders (Kingdon, 1995). "Decisions about what to do with sex offenders have been made without the benefit of theoretical insights or sound empirical evaluations" (Kruttschnitt et al., 2000, p.

66). In fact, most of the research in the area of Megan's law has been conducted post-implementation.

The current project seeks to evaluate three propositions as they relate to the three stakeholders present in Megan's law.

Proposition 1: Citizens experience heightened concern about crime upon receiving information on registered sex offenders.

Proposition 2: Law enforcement agencies charged with implementing Megan's law observe benefits and burdens in the performance of their duties.

Proposition 3: Provisions of Megan's law further isolate sex offenders and make them less likely to comply with provisions of the law and less likely to reintegrate into the community.

## **1.5 Data and Methodology**

The current study incorporates both survey data and official data. Unfortunately, data concerning citizens and law enforcement are scarce. One of the few datasets that tap into effects of Megan's law on citizens and law enforcement was conducted in Wisconsin, which has a Megan's law similar to those found in other states. The survey data encompasses two stakeholders: citizens and law enforcement from the State of Wisconsin. The use of surveys is consistent with prior research approaches. The survey was conducted in 1998 and made available for public use through ICPSR at the University of Michigan. The original authors surveyed citizens who attended a meeting on registered sex offenders. The dataset contains numerous variables to measure citizen reaction and behavioral responses to notification and the law as well as attitudinal



information. However, the citizen portion of the dataset is limited since it does not contain demographic variables. Law enforcement agencies were also surveyed in Wisconsin about Megan's law. The law enforcement dataset contains variables relating to agency type, jurisdiction, service population size, quality and type of contact with citizens, the news media and registered sex offenders. Questions are asked of law enforcement agencies about the impact of Megan's law on their departments and law enforcement activities. The ICPSR data will be evaluated using multivariate logistic and linear regression models. The goal of these analyses is to understand the effects of Megan's law on citizens and law enforcement.

To explore the effects of Megan's law on offenders, official data were provided by the Ohio Department of Rehabilitation and Correction (ODRC) at the request of the author. The information contained in the dataset is collected and maintained as part of the routine activities of the ODRC. The information is publicly available to researchers and students. The ODRC dataset is comprised of registered sex offenders incarcerated for violating the Ohio SORN (Sex Offender Registration and Notification) law from 1998-2006. There are numerous demographic, offense and sentence-related, and sex offender registration variables within the dataset. In reporting the results, multivariate analyses using logistic and linear regression will be conducted.

The impact of Megan's law is worthy of study. New policies must be examined to determine how well they are working and what, if any, problems or issues arising from the policy on the groups most affected need to be addressed. By examining this policy, we enhance the field of knowledge and inform the public perception of the justice system.

With this information, new policies can be altered if they are not effective and future policies can be better developed to serve all members of the community. Megan's law has been in effect for 13 years. Jenkins-Smith and Sabatier (1993) assert that evaluation of a new policy should occur after a decade from implementation. Granted the look back period allows researchers to take the long-view and provides for a thorough examination of how well the policy has worked in practice. Policies have however been evaluated in much shorter and longer periods of time than a decade. Thus, evaluating policies over the short term yields immediate information on the initial impacts of the policy and those affected by it. Evaluating policies over the long term helps identify how successful the policy had been given the change of time. Furthermore, policy evaluation presents a unique opportunity to explore the relationship between formulation or the inherent underlying themes and outcome of such policies.

## **1.6 Dissertation Organization**

The next six chapters of the dissertation will explore the available literature on the three stakeholders of Megan's law: citizens, law enforcement and offenders, and will provide statistical analyses on data related to each stakeholder. While these three stakeholders did not formally participate in the creation of Megan's law, they nonetheless have played a pivotal role in the functioning of this policy. The literature review is divided into three sections. The methodology for each stakeholder will be addressed within the pertinent section. In each section, specific hypotheses have been tailored to address the impact of Megan's law.

Chapter Two will consider whether Megan's law reduces citizens' level of concern over registered sex offenders. Citizens must view the message and the messenger as important and legitimate in order to apply the information in a useful and lawful manner. Chapter Three presents the problem to be studied and the findings on citizens' concern about crime. Chapter Four explores the challenges faced by law enforcement agencies to implement and enforce the policy. Law enforcement must balance the needs of all members of the community, citizens, victims and offenders. The effect of Megan's law on law enforcement is examined in this section. Chapter Five presents the problem to be studied and the findings on the relationship between law enforcement and Megan's law. Chapter Six evaluates compliance issues among offenders incarcerated for violating the Ohio SORN law. Registered sex offenders face considerable consequences for non-compliance. Chapter Seven presents the problem to be studied and the findings on the relationship between Ohio SORN and SORN violators. Chapter Eight then discusses the overall findings of the research. Chapter Nine concludes the study and offers future policy and research recommendations on Megan's law.

## **CHAPTER 2**

### **The Effects of Megan's Law on Citizens: A Review of the Literature**

Public safety might be increased and future sex offending and victimization decreased through the use of notification laws (Petrosino and Petrosino, 1999). A number of factors determine how effective the notification law is in addressing these issues. It is therefore imperative to understand how citizens react to information about crime and crime prevention (Selvog, 2001). Community notification laws serve the dual purpose of educating the public about and raising awareness of sex offenders. Arguably, an informed citizenry can then take preventive, lawful steps to protect themselves and their families (Pawson, 2002). Community notification, however, may unintentionally enhance public fear and concern about crime. This chapter reviews research on fear of crime and concern about crime among citizens. The literature builds toward hypotheses concerning the impact of Megan's law on citizens.

#### **2.1 Definitions**

Garofalo (1981) asserts that fear of crime is individually based. A person's own perception of the crime influences his or her level of fear and response when confronted by that fear. Curiously, one wonders whether the law may inadvertently act as a catalyst or a trigger inducing or generating a fear reaction in citizens. Megan's law may have tapped into an existing fear previously dormant but now a matter of public discourse owing to the notification process. In contrast, Lavrakas et al., (1983) distinguished

between fear of crime and concern of crime. Fear of crime refers to “a person’s anxiety over his or her vulnerability of becoming a crime victim” (p. 465; Beck and Travis, 2004; Caputo and Brodsky, 2003; and Warr and Stafford, 2001). However, concern about crime is related to a “person’s opinion about the severity of the crime problem” in a particular geographic area (p. 465). [A person] who is in fear of crime is more likely to modify [their] behavior while a person who is concerned about crime will actively seek preventative measures (Caputo and Brodsky, 2003). There are a number of preventative measures that might be taken including: buying a dog, installing a security system, purchasing a firearm, or taking self-defense classes. Fear, on the other hand, may result in emotional or physical paralysis. As a result, the individual might be prevented from formulating or implementing a reasoned response or effective coping strategy (Caputo and Brodsky, 2003). These distinctions are important because there are significant differences between fear and concern. Albeit one may argue that fear is an elevated manifestation of concern. Fear is also a common or typical reaction to a perceived threat and/or risk (Doerner and Lab, 2005; and Warr and Stafford, 2001).

Ferraro (1996) reported that research on fear of crime began in the 1970s using General Social Survey (GSS) and National Crime Victim Survey (NCVS) datasets (p. 668). Both of these datasets used the common question of whether a person is more fearful to walk around their neighborhood or within two miles of their neighborhood at night (p. 668). The fear question is somewhat general and vague and does not specifically identify fear of a specific type of crime or victimization (p. 668). Moreover, the question

implies a foreshadowing of a potential harm or victimization to occur in the mind of the respondent.

According to Ferraro (1996), fear is an “emotional response of dread or anxiety to crime or symbols that a person associates with crime” (Doerner and Lab, 2008, p. 291). Megan’s law creates a label that symbolizes a threat or a danger to be aware of and may serve as a warning sign to the community that an individual is to be feared or treated with caution. “Fear is an affective response quite distinct from judgments of victimization risk” and “perceived risk has a potential influence on fear” (Ferraro, 1996, p. 668). Perception arises from “signs of crime” in an individual’s environment including news media reports, physical evidence such as graffiti and vandalism, broken windows or derelict vehicles, police or EMS sirens (p. 668). Arguably a registered sex offender is one symbol of crime. It is unclear whether a fear-induced perception can accurately predict risk. From the signs of crime and emotional responses, individuals develop ways to reduce their perceived risk of victimization.

Ferraro (1996) speculated that behavior modifications might include not going out alone at night, traveling with groups, or avoiding certain high crime areas (p. 669). Behavior modification may actually reinforce a person’s fear of crime (p. 669). Fear of crime does not guarantee that individuals will do something to alleviate that fear. Many citizens are apathetic about having a role in preventing crime or ameliorating their own fears (p. 669). Curiously, Ferraro (1995), in Doerner and Lab (2008), suggests that rather than identifying actual fear, respondents may be applying a “value judgment or a person’s general knowledge than any real emotional reaction to crime” (Doerner and Lab, 2008, p.

291). The source of the value judgment may be shaped by interactions with non-official sources such as family, friends and co-workers as well as news media. Persons may form value judgments based their understanding or misunderstanding of who is likely to become a victim of crime, the circumstances of the crime, location and activities and lifestyle of the crime victim prior to the victimizing event. It is possible that a person's value judgment may just be a way of projecting self-fear onto another without admitting to that fear.

Schafer et al., (2006) examined fear of crime between men and women. The authors conducted a telephone survey in a large, metropolitan area (n=2,058) (p. 289). Official data from police reports of violent crime were used to supplement the survey. The authors measured fear of crime in the neighborhood, perceptions of safety and fear of personal victimization (p. 286). In addition, the authors endorsed the use of "worry" as a dependent variable and "an adequate reflection of fear" (Schafer et al., 2006, p. 296). In the survey respondents were asked "to report their level of worry" (Schafer et al., 2006, p. 296).

The authors assert that women with children may be more fearful of crime and must protect themselves and their children. Fear of crime was theorized to be a reflection of the situation within the neighborhood. Neighborhoods were characterized as orderly or disorderly. The presence of crime in the area, "lifestyle' choices, vicarious or indirect information, via friends, neighbors, word of mouth, on crime may alarm or heighten fear (p. 288; and Hindelang et al., 1978). The authors found that "women were more fearful than men" (Schafer et al., 2006, p. 289). Income mediated this finding as males with less

income were more fearful of crime than similarly situated females (p. 293). Older, non-white males were more fearful in neighborhoods and felt less safe (p. 292). Neighborhood perception was statistically significant for fear of crime. Respondents who perceived their neighborhood as a high crime place (unsafe) were more fearful than respondents who viewed their neighborhood as a low crime place (safe) (p. 292). Education mediated fear of crime for women (p. 292). Women with more education were more fearful than women with less education. Curiously, attending a community meeting on fear of crime was not related to fear of crime even among women with children (p.292). Unlike Beck and Travis (2004) and Caputo and Brodsky (2003), fear of sexual assault, rape or sexual violence was not related to fear of crime among men and women (p. 292). Schafer et al., (2006) assert that neighborhood perception provides an actuarial link to fear of crime.

This section of the paper will use concern about crime because the variable fear of crime is not available in the dataset used in the current study. Future research in this area should ideally use the variable fear of victimization as described by Beck and Travis (2004) and Warr and Stafford (2001) as a more precise approximation of a type of fear. In addition, Ferraro (1995) suggests that “worry about being victimized” might be a better, direct measure of the “emotional” aspect of crime (p. 291; Doerner and Lab, 2008; and Schafer et al., 2006). Granted this study is not examining fear of crime, nevertheless it is important to explore the literature on general fear of crime. The literature might provide some useful insight into concern about crime in this study and enhance the understanding of how citizens’ respond or react to different types of crime.



## **2.2 General Fear of Crime**

Kuttschreuter and Wiegman (1997) conducted a study of fear of crime and burglary in England. The authors posited that knowledge will reduce the fear of crime. Specifically, accurate information about the extent of crime and prevention techniques will lessen the fear of crime. Residents empowered with information can then make better, informed judgments on the extent of crime in relation to actual risk to themselves and their community. The new knowledge will effectively alter the level of fear to reflect a more realistic viewpoint (p. 47).

The authors conducted a series of meetings (n=33) in 1988 in England. The meetings were held in neighborhoods in residential communities. Information on the meetings was announced via fliers, mailings and “hand-outs” (p. 50). The meetings were used to inform residents of the crime of burglary and offer prevention tips. Law enforcement officers presented the information along with referrals for counseling and compensation programs for victims of burglary (p. 51). A quasi-experimental design using a control and an experimental group was implemented. The residents completed a pre-test and post-test questionnaire.

Kuttschreuter and Wiegman (1997) using bivariate analysis found a significant relationship between fear of crime and burglary when controlling for education (p. 52). The level of the respondent’s education was significantly related to their fear for the crime of burglary. The respondents’ with more education were less fearful of the crime of burglary. In contrast, the respondents’ with less education were more fearful of the crime of burglary. In addition to education, four other variables were found to be statistically

significant. The authors found a relationship between the four variables and the dependent variable fear of crime. The four independent variables were: resident's level of attendance at the meetings, knowledge of the crime of burglary, "outcome expectation," and whether citizens expected to use the information to prevent crime (pp. 55-57). The remaining 16 variables were not significantly related to fear of crime (p. 52).

The authors found that meetings held with community members regarding burglaries in their area were beneficial in terms of prevention efforts and making the public aware of crime (p. 45). But the increased knowledge of burglary did not affect fear of crime (p. 57). Also exposure to the news media did not decrease fear of crime. The authors speculated that the benefits of crime information may be contingent upon the particular disposition of the resident (Surette, 1992). This study may not be generalizable to the United States because of the variation in the population and definition of burglary may mitigate the findings. Also this study did not include sex offenses but did offer some interesting variables that should be considered in research on other offenses including sex offenses such as resident's level of attendance at the meetings, knowledge of specific crimes, "outcome expectation," and whether citizens expected to use the information to prevent crime (pp. 55-57).

In another study on concern of crime, Lavrakas, Rosenbaum, and Kaminski (1983) contend that citizens have limited specific information on crime from law enforcement officials. The main source of information is news media centered statistics and sensationalistic crime stories (p. 463). The authors argue that government wants to control the dissemination of information to the public. It is very much a patriarchal

position. Government has a compelling interest in protecting the welfare and safety of all citizens especially the most vulnerable such as children. Megan's law is a very specific law aimed at protecting children from sex offenders.

In order to accomplish the aim of protecting children from sex offenders a paradigmatic shift has occurred under the guise of prevention of crime. Under Megan's law the scope and reach of government is expanded. The scope of the problem is presented as community safety. Communities are portrayed as being protected through the provision of target-specific information (Levi, 2000). Citizens are now better informed, and thus protected, by having specific information on the registered sex offender residing in the community (Levi, 2000). The public represents a new front of proactive strategies to prevent victimization of children (Levenson and Cotter, 2005; Levi, 2000; Parkinson, et al., 2004; and Tewksbury, 2005). However, the effort may have little effect on preventing sex offenses, but it may have an enormous effect in expanding the reach of the state, a phenomenon that has been taking place with the growth of the law and order model.

The expansion of the law and order model represents "a profound shift taking place in state power" (Platt, 1994, p. 5; and Chambliss, 1999). Citizens are now more than at any time in the past, directly involved in crime prevention efforts. Megan's law permits direct citizen involvement in the monitoring of registered sex offenders. Specifically, citizens are encouraged to contact law enforcement officials to report offenders who are not registering, providing false or inaccurate addresses or are not in compliance with the provisions of the law (SORN Pamphlet, 2006; and Levi, 2000). In

the past, the primary reason for withholding specific information has been the “concern that exposing citizens to detailed information about crime in their neighborhoods will generate excessive fear” (Lavrakas et al., 1983, p. 464).

Megan’s law however, has put an end to such notions by requiring law enforcement to release specific information on convicted sex offenders. Lavrakas et al., (1983) support the release of specific information citing that crime preventative measures cannot be the sole function of law enforcement. Citizens are an integral part of the crime equation (p. 464). More importantly, the information needs to be specific in order for residents to mobilize and engage in active crime prevention efforts. The authors, however, do not specify or outline a course of action to prevent crime.

Lavrakas et al., (1983) examined the impact of a newsletter to inform citizens about the level of crime in their communities. The study took place in Evanston, Illinois in 1981 three months after the newsletter had been sent out by local law enforcement (n=574) (p. 465). Two versions of 1500 newsletters were sent to 500 households in three city areas. A quasi-experimental design was used to determine how citizens reacted to crime information. Some residents received the letter with specific crime listings and other residents received a general crime letter without the specific listings (p. 466). A control group did not receive any information. The authors found that none of the three groups showed any difference in reaction to crime on a personal level i.e. that they feared personal victimization (p. 469). However, residents who had received the specific newsletter reported an increased concern about crime. The receipt of the newsletter or

notification was statistically significant. It is possible that information released to the public may increase concern about crime.

This finding is perhaps a reflection of the absence of risk or perception that seriousness or risk is low (Warr and Stafford, 2001). Concerned citizens were also likely to be more motivated toward lawful prevention efforts than those citizens motivated by fear (p. 469). It is speculated that individuals motivated by fear that is fueled by adrenalin, vis-à-vis the flight or fight response, may be more likely to respond in an unlawful manner. Whereas, concerned citizens may take a more reticent, incremental approach that is less emotionally-charged to a similar situation.

Nevertheless, in this study residents receiving the specific newsletter reported to have done “something” in response to the information (p. 470). The authors did not further probe the respondents as to what the “something” was or what form it took. It is possible that the group of respondents who reported having done “something” was perhaps higher than the group of respondents who did not do “something.” The “something” remains unclear and was not identified in the article. In addition, citizens reported favorable responses to the newsletter and preferred to receive future letters (p. 471). Clearly, Megan’s law may be an effective method of informing citizens about sex offenders in their midst. But what steps citizens take are never specified. This study did include sex offenses (e.g., rape) in the newsletter. The authors conducted bivariate analyses but did not conduct multivariate analyses. Also the sample size may not be generalizable to the larger U.S. population and demographic data were not collected.

Another study by Greenberg, Rohe and Williams (1982) explored the presence of informal social control in high crime and low crime areas in relation to perceptions of fear of crime and risk (p. 91). The authors evaluated three Georgia neighborhoods using official crime data, a household survey, site visits and individual interviews with local leaders. The authors produced correlation matrices and some bivariate analyses. Residents reported that the “news media was the most important source of information on crime” (Greenberg et al., 1982, p. 91). An individual’s perception of crime levels appears to be connected to proximity. Crime appears to be less present near a person’s residence and greater the further one gets away from the home (p. 95). Zevitz (2004) had similar findings among urban Wisconsin residents. This belief is buttressed by another belief that any type of crime in the neighborhood is committed by “outsiders” or “strangers” (p. 95). This finding is also consistent among rural residents’ perceptions of crime (Ward, 1982).

The authors were unable to support a relationship between fear of crime and perception of social control. However, they did speculate that fear of crime and concern about crime might be related to avoidance behaviors but not in how citizens “adopted protective behaviors” (p. 99). Some citizens may be motivated to take precautions to avoid victimization while other citizens are less inclined to take self-protective measures (p. 114). It is difficult to generalize how individuals will respond to receiving the same information. Arguably there are limitless factors that might influence individual perceptions of crime seriousness, actual risk and fear or concern of crime (p. 115; Beck and Travis, 2004; Caputo and Brodsky, 2003; Warr and Stafford, 2001; and Zevitz, 2004). The authors identified a correlation between fear of and worry about crime (p. 99).

Fear and worry are a function of the perceived level of social control in the community or might be a by-product of information received from news media outlets (pp. 107-13). This study was conducted prior to the implementation of Megan's law, so it only concerns reactions to crime in general.

Another study by Garofalo (1981) contends that fear of crime must be generated by some indicia present in the environment that causes a person to believe that she will be physically harmed (p. 840). Subsequent studies found that citizens were very fearful of sexual assault, a specific form of physical harm (Beck and Travis, 2004; Caputo and Brodsky, 2003; Ward and Stafford, 2001; and Zevitz, 2004). The author distinguishes fear of crime by type: physical harm and property loss. Not surprisingly, the potential for physical harm generates a far greater reaction than the potential loss of property. Again, this is consistent with subsequent research findings (Beck and Travis, 2004; Caputo and Brodsky, 2003; Ward and Stafford, 2001; and Zevitz, 2004). Fear was further sub-categorized into "actual fear that is triggered by some cue" in the environment (p. 841). Arguably the "cue" might be receiving notification on a registered sex offender. Perhaps merely discussing fear of crime and/or receiving information on crime might cause a reaction in the respondent. In contrast, "anticipated fear" may be based on prior victimization and/or the idea of experiencing future victimization (p. 841).

These distinctions are important because Megan's law is designed as a prevention tool. The law might generate reactions based on type of crime (physical harm vs. loss of property) and type of fear (actual vs. anticipated). Garofalo (1981) contends that information about crime may affect an individual's response to crime. Similar to Fitch

(2006), Kuttschreuter and Wiegman (1997), Phillips (1998) and Surette (1992), Garofalo (1981) found that respondents obtain information on crime from a variety of sources including: respondent's "direct experiences," the news media, and information from third parties such as friends and family (p. 844). However, the author did not specifically identify law enforcement as an information source, which is the case under Megan's law. In addition to information sources, the author reported that an individual's level of fear is affected by several factors: awareness of crime, ability to resist victimization, whether they are a target for victimization and how they are likely to react to crime (p. 845). These factors, combined with information on crime, affect fear of crime.

Garofalo (1981) identified a number of citizen responses to fear of crime. He found that "information seeking" (e.g., respondent knew where to obtain crime information) and awareness of crime were typical responses to fear of crime (p. 847). As a result, exposure to more specific information may heighten fear responses or deflate previously held fear beliefs owing to a lack of awareness on the extent of crime or the amount of information on crime in the area (p. 851; and Kuttschreuter and Wiegman, 1997). Garofalo (1981) urged the development of policies that seek to increase prevention efforts without increasing fear of crime (p. 857). The author conducted a literature review on fear of crime. His study is primarily descriptive. Nevertheless, the author claims that the quality of crime information, coupled with the respondent's own experiences, may effectively reduce fear of crime.

Lastly, Ferraro and LaGrange (1987) specifically explored fear of crime. The emotion, "fear, involves a series of complex changes in bodily functioning that alerts an



individual to potential danger” (Ferraro and LaGrange, 1987, p. 72; and Surette, 1992). When an individual is confronted by a situation that is potentially life-threatening, including violent crime, the body responds by increases in adrenalin, heart-rate and pulse (Doerner and Lab, 2005). The “flight or fight” response is a common reaction to persons in life-threatening, highly stressful or emotionally charged situations (Doerner and Lab, 2005).

Fear is a complex variable to measure because it is often a “negative emotional reaction to crime or symbols of crime” (Ferraro and LaGrange, 1987, p. 75; and Ferraro, 1996). As a result, the measurement or perception may be subjective. In contrast, concern about crime is more of a value judgment of a situation real or imagined (p. 73). The authors reported that sexual assault is among the more feared types of crime.

Subsequent research supports this finding (Beck and Travis, 2004; Caputo and Brodsky, 2003; Ward and Stafford, 2001; and Zevitz, 2004). Ferraro and LaGrange (1987) conducted a descriptive study and reviewed prior literature. The authors assert that most research on fear of and concern about crime is limited because of definitional problems and weak correlations between the dependent variable fear of crime and the independent variables. The authors contend that the measured fear actually reflects a value or a judgment about crime and is not a true fear response or indicator of fear from the respondent (p. 81). Selvog (2001) reported that the reaction to and possibly fear of sex offenders is out of proportion to the actual threat imposed by such offenders. Arguably the level of fear of or concern about sex offenders far exceeds any real threat. A

number of official sources have documented the apparent decline in rape, sexual assault and child sexual abuse.

### **2.3 Data on the Decline of Rape and Sexual Assault Reports**

The FBI reported that the number of forcible rapes in the United States decreased by two percent from 2005 to 2006 (FBI, 2006). When 2006 data is compared to 2002 and 1997 data, the number of forcible rapes declined 2.9 percent and 3.8 percent respectively (FBI, 2006). The rate of forcible rape was 60.9 offenses per 100,000 female inhabitants in 2006 (FBI, 2006). “National victimization studies show that rape and sexual assault rates,” decreased by 68 percent from 1993 through 2003 (Office of Criminal Justice Services, 2006, p. 20). Uniform Crime Reports (UCR) in 2001 projected a rate of 32 per 100,000 citizens and a rate of 62 per 100,000 females including rape and attempted rape (Siegel, 2004). The highest rate ever recorded was 84 per 100,000 women in 1992 (Siegel, 2004).

In addition, Catalano (2006), in Doerner and Lab (2008), reported a decrease in rape and sexual assault in 2005 (p. 148). “The rate of rape and attempted rape were 20 and 30 per 100,000 persons” in 2005 (Doerner and Lab, 2008, p. 148). Forcible rape in Wisconsin was listed at 20.4 offenses per 100,000 residents (FBI, 2006). There were a little over a thousand rapes reported to Wisconsin law enforcement in 2006 (FBI, 2006). In contrast, forcible rape in Ohio was listed at 39.6 offenses per 100,000 residents (FBI, 2006). During the same period, there were approximately 4,500 rapes reported to law enforcement agencies in Ohio (FBI, 2006). In both states, metropolitan areas had the

highest level of reporting of forcible rape than non-metropolitan and rural areas (FBI, 2006).

While declines in reports of adult sexual assault have occurred, the reporting of child sexual abuse and assault has varied considerably over the years (Crosson-Tower, 1999). There were over 128,000 reported incidences of child sexual abuse in the U.S. in 1992 and another 152,000 reported cases in 1993 (p. 123). The United States Department of Justice (1994) estimated that 17,000 children under the age of 12 were raped in 1992. More recent data on child sexual abuse indicates that roughly 89,000 cases were reported in 2002, 90,000 in 2003 and 87,000 in 2004 (most recent data available) (Child Welfare League, Fact Sheet 2005, 2006 and 2007). Overall “the victimization rate of children in 2004 was 11.9 per 1,000, representing a decrease of four percent” from the preceding year (CWL, Fact Sheet 2007). The variation among the reported numbers of child sexual abuse is explained by a lack of uniformity among official reporting agencies (e.g. child protective services, hospitals, counseling agencies and law enforcement) (Crosson-Tower, 1999).

In spite of the large numbers of child victimizations each year, the vast majority of these cases, almost 90 percent, were not prosecuted (Champion, 1988). The lack of prosecution is a reflection of a number of factors including victim non-disclosures, lack of parental support especially if the sexual abuse involved a family member, death of the suspect, expiration of statutory time limitations and a lack of evidence to support an allegation of sexual abuse (p. 53). Clearly, then, only a small percentage of perpetrators are ever caught; much less prosecuted, convicted and required to register as a sex

offender. Sex offender registration laws “fail to protect children adequately” (Steinbock, 1995, p. 5). Furthermore, Steinbock (1995) asserts policy makers do not recognize that “most child molestation is perpetrated by family members and friends, not by strangers” (p. 5). It is often “easier to express outrage over public events (stranger on stranger crime) than private actions” within the home (intra-familial child sexual abuse) (Websdale, 1996, p. 165). Nevertheless, the fear of stranger-danger persists among the female population.

## **2.4 Fear of Rape and Sexual Assault**

The apparent decline in the number of forcible rapes and sexual assaults in the United States has not reduced the level of fear of such crimes. Females report more fear of sex offenses than of other crimes. Several authors have examined the relationship between perception of threat and fear of sexual assault among females (Ferraro, 1996; Kaysen, et al., 2005; Maxfield, 1984; Schafer et al., 2006; and Siegel et al., 1990). Maxfield (1984) explored fear of crime in the San Francisco neighborhoods. He conducted telephone surveys and field observations (n=744). The author used ANOVA and multivariate regression (p. 237). Maxfield (1984) asserts that fear induces a cognitive reaction in crime victims as well as non-direct victims such as neighbors, co-workers, family and friends (p. 233). Non-direct persons learn of crime via personal communications rather than the news media or “other less personal sources of information” (Maxfield, 1984, p. 235). The source of information may have a direct bearing on fear. Arguably learning that a friend has been a victim of violence may have more significance than hearing a news story about an unknown victim. The former likely

generates a more meaningful assessment of risk owing to the emotional attachment to the victim, while the latter may generate sympathy, it may not hold the same power to produce fear.

Maxfield (1984) contends that fear of crime is likely independent of the actual crime (p. 234). He found that urban neighborhoods were more fearful than suburban neighborhoods (238). Urban residents were aware of and viewed the crime problem as serious (p. 238). Two variables were significant predictors of fear of crime: gender (females) and age (varied among the three neighborhoods) (p. 241). Robbery was the most feared crime but women were more fearful of sexual assault (p. 247). The “higher fear levels among women is a reflection of their vulnerability to sexual assault” (Maxfield, 1984, p. 247). The author noted that residents living in “high crime areas” tended to have corresponding levels of fear of crime (p. 245).

Siegel et al., (1990) examined the reactions and responses of sexual assault victims. The authors conducted self-report surveys with men and women receiving counseling services from a community social service agency (n=142) (pp. 233-234). Using linear and logistic regression, the authors found that the most common reaction to sexual assault is fear and assorted mental and physical health problems (p. 230). Men are less likely than women to report fearfulness (p. 236). Women respondents may have perceived themselves as more vulnerable owing to physical size, strength and social role (p. 242). Curiously, a quarter of all respondents reported experiencing fear one year after the sexual assault (p. 237). The authors speculated that “fear is persistent over time” among survivors of sexual assault (Siegel et al., 1990, pp. 240). In addition, respondents

who had been physically harmed during the sexual assault reported more fear and anxiety than respondents who were not harmed (p. 239). Respondents who faced a “stranger” rather than an “acquaintance” attacker experienced more fear and anxiety (p. 239).

Ferraro (1996) examined how the fear of sexual assault is related to fear of other crimes of violence including murder, robbery, burglary and assault (p. 674). He conducted a telephone survey of U.S. residents (n=1000) and used official data from the FBI Uniform Crime Reports (UCR) (p. 667). Rape is “a unique form of victimization to women” (Ferraro, 1996, p. 669). “Younger women have the highest rate of rape” according to the author (Ferraro, 1996, p. 669). Using OLS and factor analysis, age was a significant predictor of fear of sexual assault. Women between the ages of 18-24 had the highest level of fear; whereas, women over the age of 35 had the least amount of fear (p. 681). Location and type of area were significant predictors of fear of sexual assault. Respondents living in the North East and urban areas tended to be more fearful of sexual assault than their counterparts in rural or suburban areas (p. 681).

The author found that women are significantly more likely than men to be fearful of all crime types (p. 675). Women were also more likely than men to be fearful of sexual assault and murder but “perceived their risk of rape to be lower” than their fear of sexual assault (Ferraro, 1996, p. 675). The author speculated that fear of sexual assault is related to the “high profile” nature of the crime (p. 676). Crimes of violence and personal crimes tend to attract a good deal of news media coverage (p. 676). As a result, women may experience increased fear of sexual assault (p. 676). The women in this study “believed that on average at least 25 percent of rape victims were killed during the commission of a

rape however, the actual figure is three percent” (Ferraro, 1996, p. 680). Prior victimization was not a statistically significant predictor of fear of sexual assault. However, “indirect victimization” predicted level of fear of sexual assault among friends, family members, neighbors or co-workers of the victim (p. 684). Presumably hearing of a violent attack on a loved one, friend or colleague is sufficient to trigger a fear response in women (p. 687).

Unlike Ferraro (1996), Kaysen et al., (2005) in their examination of peritraumatic responses among female victims of rape found that prior victimization predicted fear (pp. 1525-1526). The authors conducted individual interviews with female victims of rape, robbery and assault (n=318). The majority of respondents reported “peritraumatic perceptions of threat of serious harm or death” (Kaysen et al., 2005, p. 1517). These perceptions were better predictors of post-trauma reactions including fear than legal variables such as use of a weapon, injury to the victim or crime type (p. 1518). Using chi-square and multivariate analyses the authors did not find a statistically significant relationship between demographic variables, marital status, education and type of victimization (e.g. rape, robbery or assault) (p. 1522). Similarly, at the bivariate level there was no observed relationship between the three crime groups and responses to trauma (p. 1524). However, “rape victims were significantly more likely than robbery and assault victims to report fear” (Kaysen et al., 2005, pp. 1524). Furthermore, “rape victims were more apt to describe emotions that reflect fear than victims of robbery and assault” (Kaysen et al., 2005, p. 1528). Interestingly enough, rape victims’ level of fear remained strong prior to the event (rape) even when the actuarial risk was remote or

unlikely to occur (p. 1529). Skogan and Maxfield (1981), in Doerner and Lab (2008), “note that while almost half of all Americans fear crime, official records show only about six percent of the population become actual crime victims” (Doerner and Lab, 2008, p. 290).

## **2.5 Fear of Crime and Victimization**

Beck and Travis (2004) examined the relationship between fear of victimization and sex offender notification at the individual level (self) and fear of victimization for household members (altruistic fear) (p. 455). The authors conducted a mail survey among notified (n=231) and non-notified citizens (n=139) living in Hamilton County Ohio (pp. 457-58). The authors preferred the term fear of victimization over the more broad or generic term fear of crime (pp. 456-57). Fear of victimization is more crime specific and in this article is specific to sexual assault. Beck and Travis (2004) conducted bivariate analyses and multivariate analyses using OLS to examine the relationship between fear of victimization and eight demographic and victimization-related variables (p. 460).

Using a t-test the authors compared differences between type of offense and altruistic fear. A statistically significant relationship emerged between fear of sexual assault and altruistic fear (pp. 460-61). In contrast, at the multivariate level the variables, notification, female residents and less education were strong predictors of fear of victimization (self) (p. 460). The authors then regressed altruistic fear on the eight independent variables. Again, gender remained a consistent predictor of fear. The independent variable age, in particular younger residents, was a predictor of altruistic fear but not self fear. However, unlike self fear, notification was not a predictor of altruistic



fear, which measures the fear of victimization for household members (e.g., children, other adults in the household) (p. 460).

The authors raised a number of issues with these findings. There is no strong evidence of a relationship between notification and fear. Prior literature and analysis has not directly measured fear but has tended to focus on a more generalized concern about crime (p. 456). The focus of Megan's law is the protection of children; not necessarily adults. It is not surprising then that adults would express more altruistic fear for the safety of household members, especially children, than self fear. The term altruistic fear was limited to persons within the respondent's own household. The term did not include children and adults outside of the respondent's home. Megan's law is designed to have a much broader impact and thus variables must attempt to incorporate a wider pool of potential victims. In future studies the term altruistic fear should be broadened to include not only household members but community members or unknown persons or children.

Similarly, Zevitz (2004) examined reactions among citizens in one Wisconsin neighborhood once a registered sex offender had been released into the community. An exploratory study without benefit of quantitative analysis, the author surveyed and interviewed a variety of local residents and businesses in an urban setting. Field observations of the neighborhood explored the "neighborhood effect" on fear of crime and citizen response to community notification (p. 205). The author asserts that urban areas have become the new "dumping ground" for registered sex offenders placed on probation or parole (p. 219). Urban areas are often economically disadvantaged, contain dense populations, maintain larger police departments and are less politically able to

resist the placement of registered sex offenders (p. 219). Registered sex offenders may find anonymity and less monitoring in urban settings as well as better transportation options to access parole or probation offices, employment bureaus and social services (Fitch, 2006).

Unlike Beck and Travis (2004), Zevitz (2004) defined fear as the “attitudinal and behavioral reactions” of citizens once a registered sex offender is placed into the neighborhood (p.205). Fear of crime may reduce the perception of positive social involvement felt by residents (p. 205). The author speculated that in highly integrated neighborhoods community solidarity may increase post-notification as residents work to either remove the offender or address the issue in other more meaningful ways (p. 206). However, in less integrated neighborhoods (where registered sex offenders are more likely to reside) fear of crime may increase, community involvement may lessen and a reduction in social control may occur, especially if residents are unable to lawfully change or alter the situation or move out of the neighborhood (p. 206 and p. 213). Also, residents may feel more vulnerable to sexual assault by virtue of the presence of a registered sex offender in the neighborhood (p. 206). Citizens reported fear for the neighborhood in general (p. 212). Many in fact viewed the registered sex offender as a “tangible threat to their children, or other children” in the neighborhood (Zevitz, 2004, p. 213; Ferraro, 1996; and Ferraro and LaGrange, 1987). This reaction is clearly evidence of both self and altruistic fear as well as fear of sexual assault (Beck and Travis, 2000; Caputo and Brodsky, 2003; and Warr and Stafford, 2001).

Interestingly enough, the initial fear that residents experienced diminished over time as citizens became accustomed to or simply accepted the presence of a registered sex offender in the community (p. 210). The author observed similar reductions in level of anger and anxiety but slightly increased attitudes of indifference or apathy toward the overall situation (p. 210). Despite these findings a small percentage of residents still wanted the offender removed from the neighborhood (p. 210). Jones (1999) laments that “neighborhoods informed about the identity of a recently released sex offender should act responsibly and only take such precautions as are necessary to protect their children within the framework of the law” (p. 4).

In another study on fear of crime and sex offender notification, Caputo and Brodsky (2003) conducted a telephone survey of Alabama residents (n=250). Community notification is conducted by local police departments in accordance with Alabama law. The authors were able to obtain a list of the notified citizens from local police. The authors speculated that if citizens viewed the notification as important they would be more fearful (p. 214). These citizens would then likely engage in a variety of coping strategies including self-protective measures. However, citizens viewing the law as unimportant would not be as fearful and would be less likely to employ any coping strategies (pp. 241-42).

The authors conducted multivariate analyses using four demographic variables including gender, parenthood, marital status and number of household residents (p. 245). The authors also examined fear of a specific type of crime. A statistically significant relationship between all four variables and notification importance was found (p. 245). In

contrast to Beck and Travis (2004), Caputo and Brodsky (2003) found that notification importance predicted fear of crime and fear of sexual assault. In spite of viewing the notification as important, citizens did not use more coping strategies to reduce or ameliorate their fear of crime (p. 249). Arguably the fear generated by the notification might be off-set by the use of coping strategies. If citizens do not engage in coping strategies they might remain in a fear-based or hyper-vigilant state brought on by the notification. Hyper-vigilance among citizens calls into question the power of the notification law to realistically alter or change citizens' behavior in response to information on sex offenders.

Caputo and Brodsky (2003) concluded that parents experience stress and worry for the safety of their children post-notification. The authors suggest that law enforcement provide educational information and safety tips to residents along with the notification. The findings on fear of crime and sexual assault are consistent with Beck and Travis (2004) and Warr and Stafford (2001). However, Caputo and Brodsky (2003) did not specifically outline the safety precautions or steps that citizens might have taken to protect themselves nor did they explore why citizens do not take more proactive steps to address fear of crime.

Similarly, Caputo and Brodsky (2003) and Warr and Stafford (2001) conducted a mail survey of Seattle residents on fear of victimization and type of offense, perception of offense seriousness and level of risk for victimization (n=388) (p. 1033). The authors theorized that high perceptions of seriousness and risk were associated with fear of victimization. Both variables must be rated high in order for fear of victimization to

occur. If either variable is rated low then residents will not have a fear of victimization (p. 1034). Similar to Beck and Travis (2004), the authors preferred the term fear of victimization over fear of crime. Fear of victimization appears to have a more personalized focus on self rather than a generalized notion of generic crime (p. 1034).

The authors produced a correlation matrix and used multivariate analyses to test three hypotheses (p. 1035). Unfortunately the perception of crime seriousness and level of risk did not predict a resident's fear of victimization (p 1038). Warr and Stafford (2001) speculated that an increase or decrease in one variable would be off-set by the other variable. These two variables, seriousness and risk, produced an interaction effect on each other within the same equation. These variables act as a "counterbalance" to each other. The observed counterbalance likely means that each variable may be measuring the same effect. Or, to put it another way, each variable is so closely related in the mind of the respondent as to not be independently discernable. It is speculative, but respondents may have viewed certain crimes as more serious (i.e. rape) hence the risk of a particular crime happening to them is even more likely to occur. The opposite may also be true if respondents viewed their individual risk as greater for some crimes (like rape) than others. A high level of risk may parallel how respondents perceived certain crimes to be more serious than other crimes. It may be that risk and seriousness go hand in hand for some segment of the population. In addition, fear of sexual assault was ranked second highest out of 16 possible crimes including murder and burglary among female residents (p. 1036).

Clearly fear of victimization is reliant on the perception of seriousness and level of risk that a resident experiences post-notification (p. 1040). Fear of crime may produce fear because crime is a serious offense. But this fear can be off-set or perhaps even ameliorated by actuarial risk reduction via public education or crime prevention strategies (p. 1040). It is speculated that Megan's law may be a thinly veiled attempt to reduce fear of crime by publicly disclosing information on registered sex offenders. However, the information is distributed without the benefit of an actuarial risk assessment for citizens to consider. No evidence can be found in the original language of the Megan's law or subsequent state-level policies that specifically addresses fear of crime let alone risk assessments. Furthermore, community notification is not tailored well enough to allow for citizens to distinguish between seriousness and level of risk necessary to aid in reducing fear of crime or preventing future victimization.

Petrosino and Petrosino (1999) question whether notification laws are having any impact on safety and preventing harm. The authors conducted an evaluation of Massachusetts' notification law by examining an archival dataset of 136 incarcerated, sex offenders (p. 4). Arguably if the community had been notified by law enforcement prior to the offenders' instant offense then victimization might have been prevented. Petrosino and Petrosino (1999) found that "aggressive community notification by the police may have had a good probability of reaching 4 out of 12 victims" (p. 6). The victims in the four cases lived nearby the defendant in question. In instances where very little or no notification was given, defendants' sexually assaulted victims "in the same apartment

building” and “away from their neighborhoods” buttressing the contention that these crimes might have been averted by a more active notification strategy (p. 6).

The authors reported that notification laws might prevent sex offending by giving the public specific information. Similar to Caputo and Brodsky (2003), Petrosino and Petrosino (1999) suggest that if the public does not act on the information little is gained in the way of deterrence and the benefit of such laws is then limited (p. 8). The authors only reviewed files of incarcerated sex offenders. They did not examine files of recently released sex offenders or those on probation or parole. Also, the sample size (n=136) may not be generalizable to the population of sex offenders. The incarcerated offenders most likely represent the worst form of sex offenders. The authors did not conduct a quantitative analysis.

The observed results appear to have been based on the physical proximity between the offender and the victim. Arguably if the offender lived in another state then the odds of notification reaching the intended victim were considered too remote to be effective. In contrast, if the offender lived next door or on the next street then the odds of prevention increased and notifications were considered to be effective. The study did not survey members of the community. Nor did the survey specifically evaluate the relationship between notification and preventative measures or reactions by citizens. The study highlights the problem between notification and citizen behavioral responses or coping strategies to the information provided. Citizens’ may respond in ways that are typical and atypical. There is no exact science to predicting how someone will respond to the notification process.

Unlike Petrosino and Petrosino (1999), Phillips (1998) surveyed residents of Washington State on the community notification law. Residents in rural and urban settings were surveyed by telephone in 1997 (n=400) (p. 1). The survey focused on the residents' knowledge and understanding of notification laws, responses and thoughts on notification, and whether they thought the law was important (p. 2). Phillips (1998) found that "an overwhelming majority" of Washington State residents support and were familiar with the notification law (p. 1). In particular, residents who knew the most about the law were between the ages of 30 to 65 (p. 3). Interestingly enough, residents in rural settings tended to be more familiar with sex offender laws than residents in urban areas. The majority of residents reported that they had gained more knowledge on sex offenders through the notification process. Also, residents felt that law enforcement officials were effective in notifying them of the presence of sex offenders.

"Gender and age appear to be significant variables" regarding residents' reactions to notification laws (p. 3). More women than men reported being "somewhat frightened" after receiving the notification (p. 3). This finding is consistent with subsequent research on fear of crime and notification (Beck and Travis (2004), Caputo and Brodsky, 2003, Warr and Stafford, 2001; and Zevitz, 2004). Residents in the "30-40" age bracket reported being more fearful than older persons do after receiving the notification (p. 3). Residents reported that notification laws are important and serve as a deterrent to further sex crimes (p. 4). Phillips (1998) identified other variables of significance including whether they would travel alone, had children, and general awareness of their surroundings (pp. 3-4). The descriptive study presented by Phillips (1998) is useful and



provides insight into citizen reactions to notification laws. However, the author did not conduct a quantitative analysis. Nevertheless the variables developed from this study should be further investigated.

## **2.6 Community Notification and the News Media**

Selvog (2001) contends that news media driven stories about particularly salacious crimes involving children and adults are the real culprits in generating fear and concern (p. 1). The news media is one outlet of notification that is not mandated to disclose information. Surette (1992) asserts that the news media may inadvertently create an impression of a “crime wave” among registered sex offenders under the guise of promoting public safety. The author cautions that the news media must be cognizant of the power of the message. The intended audience may become overwhelmed with information on registered sex offenders; thus, generating a level of fear that mitigates the good intent of the message.

The news media may be able to positively direct citizens’ behavior upon notification, but it is a complex set of factors (Surette, 1992). Citizens have to believe or perceive that a certain risk or potential for harm exists. Once that information is ascertained, then a plan or process of how to avoid or minimize the risk must be formed. There are a number of factors such as cost, time and effort that may mitigate whether any protective steps are taken at all (p. 165).

The presumption is that as citizens learn more about registered sex offenders they will be in a better position to protect themselves and their families and, thus, be less fearful (p. 166). Megan’s law forces citizens to consider their own risk and level of

seriousness that a registered sex offender may or may not pose. Realistically speaking, it is unclear whether notification can change or alter citizens' attitudes or behaviors. A reasonable expectation of any policy is that those affected by the policy will act in accordance. Whether a cause and effect relationship can be demonstrated between notification and citizen reaction remains challenging.

The use of the news media to inform citizens of registered sex offenders may not be effective in promoting public safety or changing attitudes (p. 167). Citizen behavior is not likely to change from a passive consumption of information to a pro-active response. Passivity may be reinforced by news media accounts of registered sex offenders. However, the use of the news media to inform citizens may be less intrusive than governmental efforts. Caution must be used as the message may become diluted or ignored (p. 167). Surette (1992) asserts that news media involvement in public safety messages, such as Megan's law, has marginally affected citizen behaviors and attitudes (p. 168).

Fitch (2006) is also skeptical of the power of notification laws to alter citizens' behavior. Due to widespread public awareness and availability of information via the news media and Internet websites, specific notification plans cannot solely be credited for individual-level responses to Megan's law. Levenson and D'Amora (2007) examined Megan's law and found no evidence of increased public safety (p. 180). Citizens indicated that community notification is important while simultaneously increasing their stress levels and anxiety about registered sex offenders (p. 182; and Caputo and Brodsky, 2003).

## **2.7 Fear and Panic**

Information originating from the news media may not be wholly accurate and must be viewed with caution. Selvog (2001) asserts that citizens go into a “moral panic” upon receiving information from non-sanctioned sources regarding convicted sex offenders (p. 2). Megan’s law will not appreciably reduce fear of or concern over sex offenders. In fact such laws merely create “a possible false sense of security” (p. 22). The study is largely a descriptive evaluation of a number of programs and community notification. Selvog (2001) did not conduct a quantitative analysis.

Similarly, Freeman-Longo (1996) reported that “public notification may soothe local fear” but it will not stop an offender intent on committing a crime (p. 98). Megan’s law is “nothing more than a quick fix to a problem without benefit of research” (Freeman-Longo, 1996, p. 98; and Rudin, 1996). The information gleaned from those parties legally responsible for the notification and the news media may further heighten residents’ fears by “terrorizing the communities” (p. 98). These laws place emphasis on “stranger-danger” and “may give parents a false sense of security” (Rudin, 1996, p. 8). In fact the majority of sex offenders commit offenses on victims that they are in direct contact with such as a family member, a neighbor, a friend or an acquaintance (Rudin, 1996; and Selvog, 2001). Rudin (1996) is more concerned with possible reactions from the public to Megan’s law than the victim-offender relationship (p. 9). He claims that predicting public reaction is not an exact science (Garofalo, 1981; and Surette, 1992). The notification laws might cause a panic among parents. As a result, parents, motivated

by fear and concern, may seek a number of measures, some lawful and some unlawful, to protect their children (p. 9).

Similar to Rudin (1996), Bedarf (1995) contends “notification laws incite panic and violence within the community” (p. 885). Megan’s law is predicated on the notion that crime specific information will empower the community, give residents a sense of control and reduce their fears (p. 906). Bedarf (1995) claims that notification laws were developed in response to sex offender registration and sexual psychopath laws that had previously failed (e.g. The Jacob Wetterling Act) (Jones, 1999). Current notification laws are no more effective at reducing fear and preventing crime than previous policies (p. 886). Megan’s law proclaims to deter crime while simultaneously protecting the community. However, knowledge may empower one resident but may also inflame another with fear. The author does not voice support for the view that notification laws will help protect the community. She reported that there is little difference in reaction among the notified and non-notified communities because both are equally at risk (p. 906; and Petrosino and Petrosino, 1999). She predicts that notification laws will simply awaken the communities’ sense of fear and anxiety. Public policies are often replete with “unintended consequences” (Kingdon, 1995, p. 103). An unintended consequence of Megan’s law may be that the communities’ fear will be enhanced and directed at a particular offender.

Bedarf (1995) cited a number of examples throughout the U.S. where community reaction took a violent turn upon learning the identity of a convicted sex offender residing in the neighborhood. Clearly, the informed residents channeled their fears into unlawful

action toward the offender (pp. 907-908). The potential for harm to offenders and the heightened sense of fear among the community are far outweighed by any benefits of Megan's law (p. 909). These laws put the burden on the citizens to react in some manner regardless of whether the response is lawful or Constitutional (p. 912).

In another study, Small (1999) reported that notification laws are geared more towards creating public reaction and sensationalizing sex offenders than crime prevention (pp. 1462-1463). The author reported that notification laws may create "a false sense of security;" as citizens are only informed of convicted sex offenders and do not receive information on offenders that had been acquitted or in many cases never caught (p. 1469; Bedarf, 1995; and Rudin, 1996). She contends that "over-notification creates a climate of fear and suspicion that fragments communities" (p. 1470). In order to ensure that accurate information is given and quell any possible fear-based reactions, the author recommends that community notification should be performed by law enforcement rather than the news media (p. 1490; and Finn 1997). The articles by Bedarf (1995) and Small (1999) appeared in law school journals and are descriptive accounts of Megan's law. The described fear-based reactions of the community were taken from anecdotal accounts.

## **2.8 False Sense of Security**

Bickel (1999) described Ohio's notification laws as "enhancing public safety" (p. 4). Consistent with Bedarf's (1999) recommendation, Ohio places the burden of sex offender registration and notification law (SORN) on law enforcement. Specifically, county sheriff's departments are responsible for notifying residents when a specific type of sex offender is released into the community. It is believed that the use of law

enforcement to notify residents may mitigate some untoward reactions. Similar to Bedarf (1995) and Small (1999), Bickel (1999) concedes that SORN may “encourage citizen vigilantism” (p. 4). Citizens might direct their concerns over sex crimes into violent action against sex offenders. Also, SORN may “create a false sense of security” (Bickel, 1999, p. 4; Bedarf, 1995; Rudin, 1996; Small, 1999; and Woodward, 2001).

In contrast, Windelsham (1998) reported that community notification laws may reduce fear of crime “without being replaced by a false sense of security” (p. 187). The author supports the view that educating the public on sex offenders will reduce unlawful responses (Caputo and Brodsky, 2003; Kuttschreuter and Wiegman, 1997; and Lavrakas, et al., 1983). Windelsham (1998) stresses the importance of having an open “dialogue” with members of the community, informing residents on how offenders are to be monitored and instructing parents on how to best protect their children (p. 186; and Caputo and Brodsky, 2003). The author asserts that mere notification without benefit of an educational component to reduce fear is inadequate and may lead to the harassment of offenders (Bedarf, 1995; Pawson, 2002; Rudin, 1996; and Small, 1999).

Another study by Parks and Webb (2000) examined the “REACT” program (p. 7). REACT, “registration enforcement and compliance team[,] was developed by the Los Angeles Police Department to assist with community notification and the monitoring of convicted sex offenders (p. 7). One of the specific duties of REACT is to respond to public complaints regarding non-compliant sex offenders. REACT supporters contend that this activity reduces citizens’ fear of crime. Similar to Kuttschreuter and Wiegman (1997) and Lavrakas et al., (1983), Parks and Webb (2000) assert that REACT renders

citizens equal partners in the monitoring process and the prevention of sex offenses (p. 8). Megan's law has essentially armed the public with knowledge that is not only for their protection but serves as a secondary function in aiding law enforcement (p. 8). Parks and Webb (2000) did not conduct a quantitative analysis. There is no evidence that the REACT program actually reduces fear of or aids law enforcement in preventing crime. But future studies may want to consider REACT as a potential source of archival data.

## **2.9 Studying the Impact of Megan's Law on Citizens**

Ideally, a study of the impact of Megan's law on citizens would test the hypothesis that notification about sex offenders heightens citizens' concern about sex offenses, which, as reported earlier, was found in several studies. Also, the study should control for several variables, including respondents' sex, age, marital status, and whether they have children. Ideally, a pre- and post-test would be used to compare concern and fear prior to and after notification. Unfortunately, no dataset exists that allows for an ideal study. In the next chapter, I conduct a data analysis on one of the few datasets available that allows for only some of the aspects of an ideal study to be conducted.

## **CHAPTER 3**

### **An Empirical Study of the Effects of Megan's Law on Citizens**

#### **3.1 Problem of the Study**

The literature review has provided a basic foundation on registered sex offender notification laws and fear of victimization, fear of crime and concern about crime (Beck and Travis, 2004; Caputo and Brodsky, 2003; Lavrakas et al., 1983; Petrosino and Petrosino, 1999; Phillips, 1998; Warr and Stafford, 2001; and Zevitz, 2004). The available literature is a mixture of descriptive research and a few empirical studies (Beck and Travis, 2004; Caputo and Brodsky, 2003; Greenberg et al., 1982; Kuttschreuter and Wiegman, 1997; Lavrakas et al., 1983; and Warr and Stafford, 2001). A number of articles explored fear and concern about crime in relation to specific types of offenses including sex offenses and non-sex offenses (Beck and Travis, 2004; Caputo and Brodsky, 2003; Kuttschreutuer and Wiegman, 1997; Lavrakas et al., 1983; Warr and Stafford, 2001; and Zevitz, 2004).

However, only one article, to date, has specifically addressed proximity to victimization and community notification. Petrosino and Petrosino (1999) found that notification laws might have prevented some of the sexual assaults in Massachusetts. This study was based on a proximity evaluation between the victim and the registered offender. But the study is limited because the authors did not conduct empirical analyses. Nevertheless, four victims might have avoided a sexual assault had notification been



available. While this represents less than 10 percent of the total number of notified persons, those victims clearly would have benefited from the notification.

The majority of articles on fear of crime victimization and notification consisted of evaluations of post notified and non-notified residents throughout the United States (Beck and Travis, 2004; Caputo and Brodsky, 2003; Lavrakas et al., 1983; Warr and Stafford, 2001; and Zevitz, 2004). The authors produced a mixture of results indicating statistical relationships at the bivariate and multivariate levels between fear of crime and community notification (Beck and Travis, 2004; Caputo and Brodsky, 2003; Lavrakas et al., 1983; and Warr and Stafford, 2001).

However, in some instances, the proposed relationship was not statistically significant, did not emerge as being related to notification or was related to some variable other than notification (Beck and Travis, 2004; Caputo and Brodsky, 2003; Lavrakas et al., 1983; and Warr and Stafford, 2001).

There are also several articles on general fear and concern about crime. Many of these articles were written 20-30 years ago; combining empirical analysis in conjunction with descriptive research (Greenberg et al., 1982; Kuttschreuter and Wiegman, 1997; and Lavrakas et al., 1983). Collectively, authors conducted telephone, mail and in-person surveys of citizens or examined archival records (Beck and Travis, 2004; Caputo and Brodsky, 2003; Greenberg et al., 1982; Kuttschreuter and Wiegman, 1997; Lavrakas et al., 1983; Petrosino and Petrosino, 1999; Phillips, 1998; Warr and Stafford, 2001; Zevitz, 2004). The remaining articles on community notification laws address responses to notification especially in terms of moral panic, “false sense of security,” non-lawful

reactions by citizens toward sex offenders and the role of the news media. These articles tended to be reviews of prior literature and/or descriptive evaluations appearing in law school journals, books or criminal justice literature (Bedarf, 1995; Bickel, 1999; Finn, 1997; Freeman-Longo, 1996; Johnson and Babcock, 1999; Jones, 1999; Parks and Webb, 2000; Pawson, 2002; Rudin, 1996; Selvog, 2001; Small, 1999; Surette, 1992; and Windelsham, 1998).

A number of authors reported that providing information to the public may be an effective means of reducing anxiety and fear of sex crimes and sex offenders (Bickel, 1999; BJS, 1998; Finn, 1999; Parks and Webb, 2000; Petrosino and Petrosino, 1999; Phillips, 1998; and Windelsham, 1998). Several studies and two newspaper articles reported that citizens found crime information to be beneficial and aid in preventing crime (Chambers, 1995; Finn, 1997; Kuttschreuter and Wiegman, 1997; Lavrakas et al., 1983; Parks and Webb, 2000; and Phillips, 1998). But, the use of the news media to convey notification information may or may not be an effective method of alerting citizens or changing personal behavior (Fitch, 2006; Johnson and Babcock, 1999; and Surette, 1992).

In contrast, several authors found that community notification had no appreciable impact on fear of crime victimization (Beck and Travis, 2004; Caputo and Brodsky, 2003; Levenson and D'Amora, 2007; and Warr and Stafford, 2001). There were, however, some findings indicating that notification heightened fear of sexual assault, especially among females (Beck and Travis, 2004; Caputo and Brodsky, 2003; and Warr and Stafford, 2001). Zevitz (2004) and Caputo and Brodsky (2003) found that citizens

reported experiencing more stress and anxiety upon community notification as well as fear for the safety of children. Also, notified females and younger persons tended to experience fear of victimization (self) upon notification (Beck and Travis, 2004). A number of authors are skeptical whether notification will be enough to motivate citizens to take appropriate and lawful precautions to protect themselves (Caputo and Brodsky, 2003; and Surette, 1992)

Nevertheless, there is a gap between research on fear of crime victimization and concern about crime and notification laws. There have been very few empirical studies on the impact of community notification on citizens' fear of crime victimization or concern about crime (Beck and Travis, 2004; Caputo and Brodsky, 2003; and Warr and Stafford, 2001). The reason for the lack of information in this area may be because notification laws have only been in existence for 13 years; beginning with the Jacob Wetterling Act in 1994 (Bedarf, 1995). In public policy, Jenkins-Smith and Sabatier (1993) suggest that it is wise to evaluate policies over at least a decade or more. Evaluations have occurred over a shorter timeframe as well, and they are not considered too early or inappropriate. Early evaluations of a policy allows practitioners, researchers and decision-makers to have a better grasp early-on as to what is and is not working as designed or intended. Any early evaluation also allows for changes and alterations to be made before certain malfunctioning practices or protocols become engrained or accepted.

Unfortunately, the furor in which community notification laws and sex offender registrations were enacted, coupled with the lack of foresight into the impact of this policy, creates a problem for researchers. Ideally a pilot study in one state, New Jersey

for instance, might have provided an early glimpse into any problems or challenges with Megan's law prior to the implementation of a full-scale, nationwide model. On the other hand, what works in one location, might not work as well in another; all things being equal. If all sex offenders have to register then there is no comparison group. It might be possible to use archival records. Convicted felons including sex offenders were required to register with local justice system authorities prior to Megan's law. It is unclear if any archival data or records exist from that time period. Also unclear is whether those records might produce enough cases to establish a comparison group. Researchers might be confined to a before-after design or a Time Series analysis to evaluate the policy and gauge whether the law reduced the sex crimes after implementation. The current project is timely and appropriate. Researchers have been put in the position of playing "catch-up" with Megan's law. Most of the research studies examined in the literature review were conducted post-hoc or after implementation. A few authors were able to conduct studies using control groups of non-officially notified persons (Beck and Travis, 2004; Caputo and Brodsky, 2003; Phillips, 1998; and Warr and Stafford, 2001). It is debatable whether citizens in the United States could be found who are lacking in basic knowledge or understanding of Megan's law or the sex offender registration law. Phillips (1998) surveyed Washington state resident's knowledge of Megan's law. The author found that "an overwhelming majority" of citizens support and were familiar with the law (Phillips, 1999, p. 1).

Evaluation of Megan's law is especially important. This policy has the power to affect citizens' perceptions of personal safety and emotional well-being. It is critical "to

determine if the policy might be improved upon, modified or altered in some manner,” before any harm is done to citizens and/or offenders in the community (Baumgartner and Jones, 1993, p. 89). Ideally these evaluations should have been conducted prior to the implementation of new policy. But the solution to a problem is often implemented before the problem can be fully assessed or properly examined (Kingdon, 1995).

The problem to be addressed in this portion of the project is whether community notification laws reduce or increase citizens’ concern about crime. The literature review provided a useful framework to reflect upon during the formation and development of the hypotheses. In order to understand new legislation, it is essential that the impact of public policy be evaluated and examined on the pertinent stakeholders.

The current study, unlike prior studies, is focused specifically on residents’ concern about crime and Megan’s law. The current study is a quantitative analysis. The variables in the dataset are somewhat limited and do not include demographic information. Demographic information on the population of Wisconsin will be supplemented by data from the U.S. Census Bureau (2000) ([www.census.gov](http://www.census.gov)). The information contained in the census data will then be used to extrapolate the findings of this study to the aggregate population of Wisconsin.

### **3.2 Wisconsin Census Data**

The US Census Bureau provides some insight into the population of Wisconsin. Specifically, there are 72 counties in Wisconsin. The population is over 5.3 million of which 12.4 percent are under the age of 17 ([www.census.gov](http://www.census.gov)). The majority of citizens are White (89 percent) followed by other (nine percent) racial and ethnic groups

including Asian, Native American and Alaskan, Latino, Hispanic and individuals indentifying two or more races. African Americans make up six percent of the population (www.census.gov). There are 1.3 million families with children. The average family size is 3.05. Also, 85 percent of the citizens graduated from high school while 22 percent hold a bachelors' degree. Almost two-thirds are employed (69 percent) and own their home (69 percent) while 32 percent are renters (www.census.gov). There are over 20,000 registered sex offenders living in Wisconsin (<http://www.parentsformeganslaw.org/public/meganReportCard.html>). The state of Wisconsin enacted Megan's law in 1997, which is similar to laws in other states. Megan's law is aimed at protecting children from sex offenders. There are roughly 640,000 children in the state. There are an equally large number of families with children (1.3 million). The protection of every child throughout the state is no easy task. Parents undoubtedly are the first-line of defense against stranger-danger.

The census data allows for extrapolation to the sample of surveyed residents in this study. It is not a precise measurement. It does however give some indication, demographically, of who might have attended the community meetings and filled-out the survey after the meeting.

### **3.3 Data and Methods**

Richard Zevitz and Mary Ann Farkas collected the information used in this study in 1998 from a survey of Wisconsin communities. The files contain information on 704 cases. The residents filled-out a survey after attending a community notification meeting on sex offender registration. Respondents answered questions about their level of concern

about sex offenders after attending the meeting, about their judgment of the thoroughness of information they received at the meeting, and the expectations they had about the meeting before attending. There were 22 community meetings from which respondents were surveyed. All respondents at all the meetings were asked to fill out the questionnaire. The coding scheme, variable designations and values were created and assigned by the original researchers.

### **3.4 Measurement of Variables**

In the current study, the dependent variable is represented by “level of concern now” after attending a meeting. This variable is a nominal variable with two possible responses: “more concerned” (coded as 1) and “less concerned” (coded as 0). The design is a post analysis; respondents were asked about their level of concern about sex offenders after attending a notification meeting, indicating whether they felt more or less concerned after the meeting than compared to before the meeting. The original researchers did not conduct a pre-test survey. Ideally, a pre-test survey might have provided a unique comparison as to respondents’ level of knowledge and concerns prior to attending and receiving information at the meeting.

The current research project examines seven independent variables. Two independent variables measure respondents’ expectations of outcomes of the notification meetings. The question asked “What did you expect would be the outcome of this meeting?” Some respondents indicated that 1) they expected offenders would be removed or prevented from residing in the neighborhood. The variable was recoded as a dummy variable with “0=no” (did not expect removal) and “1=yes” (expected removal). The

second variable was whether or not 2) they expected offenders' movements would be restricted in the neighborhood. This variable was also recoded as a dummy variable with "0=no" (did not expect restriction) and "1=yes" (expected restriction). These two variables indicated what respondents expected from the notification meeting.

The remaining five independent variables measure the amount and thoroughness of information that respondents felt they received at the notification meetings. These variables are ordinal level with Likert-type responses from the respondents. The scale responses for these five independent variables are: "totally lacking" (1), "not near enough" (2), "adequate" (3), "just about right" (4), and "very thorough" (5). Respondents were asked to judge the thoroughness of information received at notification meetings concerning 1) the specific sex offender in question; 2) other sex offenders; 3) information from law enforcement; 4) sex offender laws; and 5) lawful community options.

### **3.5 Hypotheses**

The seven independent variables are used in the analysis to predict respondents' level of concern about sex offenders after attending a notification meeting. The following hypotheses are tested in the analyses:

H1 Respondents who receive more thorough information on specific sex offenders will have greater concern about sex offenders.

The proximity of the nearest sex offender may generate more concern or fear about sex offenders in notified residents (Beck and Travis, 2004; Caputo and Brodsky, 2003; Lavrakas et al., 1983; Petrosino and Petrosino, 1999; Warr and Stafford, 2001; and Zevitz, 2004).



H2 Respondents who receive more thorough information on other sex offenders will have greater concern about sex offenders.

Notified residents who are given information on the presence of other sex offenders in the community may also experience more concern and fear about sex offenders in general (Beck and Travis, 2004; Caputo and Brodsky, 2003; Lavrakas et al., 1983; Petrosino and Petrosino, 1999; Warr and Stafford, 2001; and Zevitz, 2004).

H3 Respondents who receive more thorough information from law enforcement will have greater concern about sex offenders.

The role of law enforcement is critical to ameliorating the notified residents' concern and fear about crime than other non-law enforcement sources (Bickel, 1999; BJS, 1998; Finn, 1999; Fitch, 2006; Johnson and Babcock, 1999; Parks and Webb, 2000; Petrosino and Petrosino, 1999; Phillips, 1998; Johnson and Babcock, 1999; Surette, 1992; and Windelsham, 1998).

H4 Respondents who receive more thorough information on sex offender laws will have greater concern about sex offenders.

Citizens will expect to receive thorough and accurate information from local law enforcement than other non-law enforcement sources (Bickel, 1999; BJS, 1998; Finn, 1999; Fitch, 2006; Johnson and Babcock, 1999; Parks and Webb, 2000; Petrosino and Petrosino, 1999; Phillips, 1998; Johnson and Babcock, 1999; Surette, 1992; and Windelsham, 1998).

H5 Respondents who receive more thorough information on lawful community options will have greater concern about sex offenders.

Notification entails receiving information on appropriate, lawful responses available to citizens. The information may in fact heighten citizens' fears and may

increase the level of stress, anxiety and concern for the well-being and safety of their children. As citizens are inundated with more thorough information on sex offenders the level of concern may also rise. It is doubtful that citizens will be motivated to engage in lawful, preventative measures (Beck and Travis, 2004; Caputo and Brodsky, 2003; Warr and Stafford, 2001; Surette, 1992; and Zevitz, 2004).

H6 Respondents who expected an outcome of notification meetings to be that offenders' movements would be restricted in the neighborhood will express greater concern about sex offenders after a notification meeting.

Citizens living in proximity to sex offenders will want offenders' activities controlled or restricted (Bedarf, 1995; Bickel, 1999; Finn, 1997; Freeman-Longo, 1996; Johnson and Babcock, 1999; Jones, 1999; Parks and Webb, 2000; Pawson, 2002; Petrosino and Petrosino, 1999; Rudin, 1996; Selvog, 2001; Small, 1999; Surette, 1992; and Windelsham, 1998).

H7 Respondents who expected an outcome of notification meetings to be that offenders would be removed or prevented from residing in the neighborhood will express greater concern about sex offenders after a notification meeting.

Citizens living in proximity to sex offenders will likely desire to have the offenders removed from the area (Bedarf, 1995; Bickel, 1999; Finn, 1997; Freeman-Longo, 1996; Johnson and Babcock, 1999; Jones, 1999; Parks and Webb, 2000; Petrosino and Petrosino, 1999; Pawson, 2002; Rudin, 1996; Selvog, 2001; Small, 1999; Surette, 1992; and Windelsham, 1998).

The current study does not specifically measure fear of crime or victimization. However the closest variables within the dataset are "removal of the offender from the residence" and "restrict the offender." The two independent, dichotomous variables are

coded, “0=No (Did not expect removal) or “1=Yes” (Did expect removal) and “0 No (Did not expect restriction) or “1=Yes” (Did expect restriction). Neither forcibly removing an offender from his or her residence nor restricting movement is a lawful option. Nevertheless, these variables are offered to determine how many respondents expected such extreme measures. Two authors found that in reaction to fear communities have sought vigilante responses to drive sex offenders from their neighborhoods (Bedarf, 1995 and Small, 1999). It is theorized that residents acting out of extreme concern might seek to remove and/or restrict registered sex offenders even when the option is not legal, thus hypotheses 6 and 7. Arguably the variables, “removal of offenders” and “restrict offenders,” may also be interpreted as an indication of fear. In hypotheses 1 through 5 it is expected that more information will heighten fear and concern about sex offenders since previous research has found this to be an unintended outcome of sex offender notification.

In the remainder of this chapter, the seven independent variables will be used in multivariate logistic regression to determine the strength and direction of their relationships to the dependent variable, concern about sex offenders. The regression analysis will indicate which of the seven independent variables are most significantly related to level of concern when simultaneously controlling for all the other variables. Logistic regression is the appropriate method to use for analysis especially when the outcome variable is dichotomous. A dichotomous variable contains only “two different values for the outcome of the dependent variable” (Bachman and Paternoster, 1997, p. 564). The coefficient is estimated measuring the effect of one or more independent

variables on a dichotomous dependent variable (p. 565). Testing of the estimated regression coefficient is then used to determine statistical significance and how well the model fits the data (p. 565). Ordinary Least Squares (OLS) would be inappropriate in the current model because the dependent variable is not continuous and a normal distribution cannot be assumed. Additionally, OLS assumes the best fitting line whereas the line in a logistic model reflects an S-shaped curve (p. 568). The line in a logistic regression model is decidedly non-linear. Using OLS to predict the probability of an event occurring is further compounded by the fact “that the predicted probabilities may exceed the two limit values of 0 and 1” (Bachman and Paternoster, 1997, p. 568). Finally, unlike OLS, “the assumption of a constant variance” is not required in a logistic regression model (p. 571).

### **3.6 Citizen Findings**

Logistic regression revealed that two of the original seven independent variables are significantly related to level of concern (Table 3.1). The statistically significant variables are: “expectation of removal of offender from the neighborhood” and the “thoroughness of information on the specific sex offender in question.”

**Table 3.1. Multivariate Logistic Regression: Testing Predictors of Level of Concern about Sex Offenders after Notification**

Variable	B	S.E.	Wald	Df	Sig.	Exp(B)	
<b>Expected remove</b>	.900	.352	6.555	1	.010	2.460	SS*
Expected restrict	.144	.284	.257	1	.612	1.154	NS
<b>Specific sex offender</b>	.339	.118	8.279	1	.004	1.404	SS*
Other sex offenders	.030	.104	.083	1	.774	1.030	NS
Laws sex offenders	.274	.159	2.979	1	.084	1.315	NS
Law enforcement	.293	.160	3.368	1	.066	1.341	NS
Lawful options	.029	.125	.054	1	.817	1.029	NS
Constant	-4.305	.622	47.941	1	.000	.013	

\* $p < .05$

\*\* $p < .01$

\*\*\* $p < .001$

n=709

Chi<sup>2</sup> 66.318\*

Cox & Snell R<sup>2</sup> .184

Nagelkerke R<sup>2</sup> .246

*Note:* Dependent variable: level of concern now (after notification).

In hypothesis number 1, it was expected that the more thorough the information about a specific sex offender, the greater would be the concern about sex offenders. This hypothesis is supported. Respondents who reported that information about specific sex offenders was more thorough expressed more concern about sex offenders after the notification meeting. Thus, the results show a positive relationship between this independent variable and the dependent variable.

Hypothesis number 7 predicted that those respondents who expected that the outcome of the meeting would be removal of the offender from the neighborhood would also be more concerned about sex offenders. The findings indicate support for the predicted relationship. Since expecting this outcome was coded as 1 (and not expecting this outcome was coded as 0), the significant positive relationship between this

independent variable and the dependent variable indicates that respondents who did expect removal to be an outcome of the meeting were more concerned about sex offenders after the meeting.

The remaining variables were not statistically significant predictors in this model. The strength of the observed relationship indicated that residents' level of concern is influenced by two of the independent variables.

Specifically, expecting removal of the offender was positively related to residents' who expressed more concern now after attending a meeting on registered sex offenders. The variable was statistically significant at the .05 level. For a one unit increase in "expecting removal of the offender from the neighborhood," the odds-ratios of being more concerned (versus less concerned) increase by a factor of 2.460 (Table 3.1).

Similarly, the level of thoroughness of information on the specific sex offender in question was also positively related to residents who expressed more concern now after attending a meeting on registered sex offenders. Again, the variable was statistically significant at the .05 level. For a one unit increase in the level of thoroughness of information on the specific sex offender in question, the odds-ratio of being more concerned increases (versus less concerned) by a factor of 1.404.

Both independent variables were significant predictors of level of concern now. The remaining five variables were not related to respondents' level of concern now. Respondents who were more concerned now were more likely to expect, prior to the meeting, the removal of the offender. Further, they also judged as more thorough the

information on the specific sex offender in question. Arguably, respondents are more concerned about the specific sex offender in their neighborhood or in a nearby neighborhood than some other unknown registered sex offenders.

The likelihood ratio chi-square of 66.318 with a p-value of 0.0001 tells us that the model as a whole fits significantly better than the empty model or constant only model. The -2 log likelihood 384.128 was used to compare the fit of this model with the constant only model. The “pseudo”  $R^2$  values are forms of the  $R^2$  value. The Cox and Snell and the Nagelkerke  $R^2$  values are “two measures that attempt to quantify the proportion of explained variation in the logistic regression model” (Norusis, 2006, p. 325). Both pseudo  $R^2$  values “can vary considerably” and must be interpreted with caution (UCLA Academic Technology Services, 2009).

The Cox and Snell  $R^2$  value indicates the likelihood of the model with only the constant present (.184). In contrast, the Nagelkerke  $R^2$  value indicates the model with all of the independent variables present (.246). Clearly, the constant only model is improved with the presence of the independent variables. The Nagelkerke  $R^2$  indicates that 25 percent of the observed variation is explained by the logistic regression model. However, 75 percent of the variation remains unexplained. The model has moderate explanatory power. Future research should include other variables not present in the model.

In an effort to further understand citizen’s concern and fear about sex offenders, a Backward Stepwise regression was conducted. The goal was to determine whether the presence of any borderline significantly independent variables would become statistically significant with the removal of non-significant variables. No other borderline variables

increased in significance. The results are not discussed. The previously identified significant variables remained significant at the .05 level (“removal of offender” and “specific sex offender”) (Table 3.2). The coefficients of each of the two independent variables slightly altered in the Backward Stepwise regression. Specifically removal of the offender increased slightly from .900 to 1.179. The change reflects a significant increase of .279 from the original model. The coefficient for the independent variable, specific sex offender, is .499. The change reflects a slight increase of .16 from the original model .339. The standard errors for each independent variable also decreased slightly from .352 to .313 for removal of the offender and from .284 to .101 for specific sex offender.

**Table 3.2. Backward Stepwise Multivariate Logistic Regression: Testing Predictors of Level of Concern about Sex Offenders after Notification**

Variable	B	S.E.	Wald	Df	Sig.	Exp(B)	
<b>Expected remove</b>	1.179	.313	14.239	1	.000	3.252	SS*
<b>Specific sex offender</b>	.499	.101	24.479	1	.000	1.648	SS*
Constant	-2.733	.444	37.942	1	.000	.065	

\* $p < .05$

\*\* $p < .01$

\*\*\* $p < .001$

n=709

Chi<sup>2</sup> \*47.211

Cox & Snell R<sup>2</sup> .124

Nagelkerke R<sup>2</sup> .165

*Note:* Dependent variable: level of concern now (after notification).

Additionally, the final equation was used to compute the probabilities of level of concern. The purpose is to permit a wider understanding of the findings for persons not as familiar with logistic regression. The ability to render the findings into probabilities or



even percentages results in less vagueness arising from ratio-based variance. The first step is to calculate the predicted log-odds ratio; referred to as  $Z$  ( $Z = \text{constant} + b_0 + b_1$ ). The formula for conversion to the probabilities is:  $P(Z) = e^{-Z} / (1 + e^{-Z})$  (Menard, 2010)

The results of the additional calculations indicate that some citizens after attending the meeting are now more concerned after hearing the information than less concerned.

The predicted probability that citizens would be more concerned if they did not expect removal of the offender and did not think the information on the specific sex offender thorough is .0610 or about 6 percent.

The predicted probability that citizens would be more concerned if they did expect removal of the offender and did not think the information on the specific sex offender was thorough, but not both, is .0960 or 9.6 percent.

The predicted probability that citizens would be more concerned if they did not expect removal of the offender and thought the information on the specific sex offender was thorough, but not both, is .1759 or about 17.5 percent.

The predicted probability that citizens would be more concerned was highest if they expected removal of the offender and thought the information on the specific sex offender was thorough is .2582, or about 25.8 percent.

For each change in level of concern, respondents are .2582 or about 25.8 percent likely to be more concerned after learning that sex offenders would not be removed from the neighborhood and think the information about the specific sex offender in question

was thorough. The positive relationship between removal of offender and specific sex offender and level of concern now is non-linear.

**Table 3.3. Probability Citizens are More Concerned Now**

<b>Probability Citizen is More Concerned</b>	<b>Specific Sex Offender</b>	<b>Expected Removal</b>
.0610†	0	0
.0960††	0	1
.1759†††	1	0
.2582††††	1	1

### **3.7 Summary**

The key finding of this section of the dissertation is that receiving more thorough information about specific sex offenders appears to raise, rather than allay, concerns about sex offenders. This finding gives partial support to previous research that found that having more information about sex offenders increases concerns and fears about these offenders, rather than alleviating fear. However, the other information received at sex offender notification meetings does not appear to have any effect on concern about other registered sex offenders. As expected respondents who expected an outcome of the notification of the meeting to be removal of the offender had more concern about sex offenders after the meeting than those who did not expect this outcome. Citizens were still more concerned than less concerned after the meeting. The predicted probability changes, while significant, were not that great. These findings, along with findings from the other two areas of this study, will be discussed in Chapter 8.

## **CHAPTER 4**

### **The Effects of Megan's Law on Law Enforcement: A Review of the Literature**

A primary justification for the creation of Megan's law is public safety. Law enforcement agencies represent the "front line of formal community social control" (Gaines, 2006, p. 253). The specific intent of the "legislature is to assist law enforcement in their effort to regulate sex offenders" (Campbell, 1995, p. 553). Bickel (1999) described Ohio's notification laws as "enhancing public safety" (p. 4). Megan's law may then be viewed as a law enforcement tool to protect citizens while apprehending sex offenders (Levenson and D'Amora, 2007; and Phillips, 1998). To that end, it is understandable that "Megan's law has great support from law enforcement and the public" (Johnson and Babcock, 1999, p. 136). Schram and Milloy (1995) suggest that law enforcement capabilities may be enhanced in solving sex crimes. Furthermore registered sex offenders may be arrested more quickly because of Megan's law. However, despite the presumed benefits, Megan's law presents unintended consequences for law enforcement.

The business of monitoring and recording the activities of sex offenders is likely accepted as a public problem (Bickel 1999). In recent years, the scope of the problem has changed. State governments are under increasing budgetary constraints coupled with an increased demand for information and containment of sex offenders. While not just an issue of expense; members of the community have grown to expect a great deal of service from the criminal justice system and in particular law enforcement. The public expects

the criminal justice system to accomplish a myriad of goals including: maintenance of public safety, reduction of recidivism, and protection against future crime.

“Law enforcement’s perspective of sex offender registration and community notification is important because the police have competing concerns” (Gaines, 2006, p. 250). The police, unlike crime victims, victim advocates or citizens, are not emotionally invested in Megan’s law. Police officers must enforce the law and provide protection to all citizens including registered sex offenders. The police do not have the luxury of choosing their clients or customers.

The demand for registering sex offenders and notifying the public is growing faster than the criminal justice systems’ ability to supply the service at current financial levels, agency sizes, staff and environmental capacities. These multiple and conflicting goals may hamper valuation of outputs (Weimer and Vining, 1999). This portion of the study examines the impact of Megan’s law on law enforcement workloads, budgets, and relations with citizens, offenders and the news media.

Megan’s law in the United States may be viewed as containing some public good characteristics (Weimer and Vining, 1999). Some information can be excludable depending on the distribution strategy to the public. For instance most states do not publicly post the names of juvenile registered sex offenders on the sex offender registration website. In spite of the juvenile’s registration status, he or she is still a minor and confidentiality laws prohibit internet disclosure. Plus there is a concern for the safety of the juvenile if the information were to be publicly disclosed on the internet. The information is still available at the local registration office. Citizens need only stop in and

make request to the law enforcement or other criminal justice agency to see the files. The policy presumes that citizens will know to inquire about juveniles who may also be a registered sex offender. It is likely that citizens are unaware of this aspect of the Megan's law. Pure public goods are non-rivalrous and/or non-excludable in consumption. Not all public goods, such as common property resources are rivalrous. Marketable public goods are excludable. The information generated and contained in the registries is available for all members of society. Sex offenders may not refuse to participate without sanction. The designated justice system agencies also cannot refuse to register and monitor offenders or notify the public. Moreover, if a citizen requests specific information, these agencies must provide the information in order to be in compliance with state and federal mandates.

Megan's law may produce several positive benefits. Arguably the law enhances public safety, instills offender accountability and increases relations between citizens and law enforcement (Gaines, 2006). Finn (1997) found that, "the notification process is an excellent tool for educating community members and the public about sex offenses" (p. 10). Law enforcement "agencies have reported receiving positive feedback from the community" since the implementation of the new policy (Gaines, 2006, p. 258).

#### **4.1 Benefits for Law Enforcement**

In an interview with the Summit County Sheriff's Department, "the [sex offender] unit relies on the community to provide information" (in the form of "tips") (Gaines, 2006; and Rinear, 2003). The unit has received "tips" on offenders who are deliberately avoiding registration and on registered offenders engaged in suspicious conduct with

minors (Rinear, 2003). The department receives valuable information from the community (Rinear, 2003). Megan's law may foster better community relations between the public and the sheriff's department. The department accrues considerable "good will" from the public through the notification process (Rinear, 2003). In addition, a "spill-over" effect may occur as the public may be more willing to become involved in crime situations and assisting local law enforcement efforts (Rinear, 2003).

Levenson and Savell (2003) conducted a survey of law enforcement attitudes and perceptions of Megan's law in Arkansas (p. 9). Most of the agencies described the law as a "useful tool" that allows for the tracking and apprehension of sex offenders. The agencies experienced improved sharing of information among other justice system agencies including probation and parole. The enhanced relationship between the community and justice system personnel was deemed a benefit of Megan's law.

Similarly, Farkas and Zevitz (2000) conducted an exploratory mail survey of Wisconsin police chiefs and sheriffs (n=312) (p. 125). The authors examined the perception of Megan's law by law enforcement. In Wisconsin, law enforcement agencies are responsible for conducting community notification. Upon notification, law enforcement reported increased inquiries from the public in the form of calls and letters (p. 133). Citizens requested more information on offenders. While none of the inquiries requested the removal of the offender from the neighborhood, residents did express "fear, anger and hostility on an infrequent basis" (Farkas and Zevitz, 2000, p. 133). Citizens had three areas of concern: individual fear as well as fear for the safety of others; desired more information about offender's prior record; and wanted to know who would be

responsible for monitoring the offender (p. 134; Beck and Travis, 2004; Caputo and Brodsky, 2003; Warr and Stafford, 2001; and Zevitz, 2004).

Another observed benefit has been the increased sharing of information between other justice system agencies and the public (Zevitz, 2004). There is better monitoring and enforcement of the law as well as the development of new technology (databases) to aid in future investigations (p. 135). Interestingly enough, the agencies identified public education as the most important component of the Megan's law (p. 135; and Schram and Milloy, 1995).

On its face, the new policy appears to have generated a great deal of "political capital." Much has been gained by providing information on registered sex offenders to the public. Zevitz and Farkas (2000a) reported that citizens' prefer to receive information on registered sex offenders from law enforcement. Citizens' perceived that information conveyed by law enforcement is more credible and retained integrity; thus, reducing their fear and concern of crime. However, Megan's law is fraught with a number of negative consequences. The new policy can be "quite time-consuming and burdensome," and costly (Finn, 1997, p. 10).

#### **4.2 Unintended Consequences for Law Enforcement**

Law enforcement agencies indicated that the community notification law is an "unfunded mandate that has increased workloads and strained departmental resources" (Farkas and Zevitz, 2000, p. 134). "Megan's law goes beyond normal bounds" of police

work (p. 134)<sup>1</sup>. There are a number of other problems encountered by law enforcement including news media sensationalism, harassment of offenders and concerns from the public. Specifically, sensationalistic news stories about sex offenders dramatize the issue to the public and tend to “lump all registered sex offenders together” (p. 135).

Law enforcement officers reported that “over-reaction by the public” is based on news media fear-driven stories. In addition to the news media, a number of agencies reported that offenders had been harassed by members of the public post-notification (p. 135). The harassment ranged from telephone threats (menacing) and criminally damaging offenders’ property (p. 135). Trexler (2007) reported that one registered sex offender had been repeatedly threatened, harassed and had his home broken into by fearful neighbors. Local law enforcement officials declared the offender as the victim of vigilante justice. In spite of the observed and reported benefits, law enforcement officers expressed concern that community notification is creating a false sense of security, has increased the focus on stranger-danger to the exclusion of other risks and caused a panic among the public (Farkas and Zevitz, 2000; Bickel, 1999; and Windelsham, 1998).

### **4.3 Workload and Budgetary Issues**

These “state-mandated statutes are manpower intensive” (Gaines, 2006, p. 261). Curiously, one respondent labeled the law as a “monster” that takes attention away from

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<sup>1</sup> Observation is contingent upon on the style of policing e.g., problem-solving, community-policing



other equally important investigations and is costly (Finn, 1997; Gaines, 2006; Levenson and D'Amora, 2007; Matson and Lieb, 1996; and Zevitz and Farkas, 2000c).

Similarly, law enforcement officers in Arkansas acknowledged that the registration process is “cumbersome and inefficient owing to poor record-keeping and incomplete information on registered sex offenders” (Levenson and Savell, 2003, p. 10; and Curtis, 2003). The authors reported that the demands of Megan’s law must be balanced against other equally important calls for service by police. “Police departments simply do not have the resources to track down” offenders who fail to register or fail to notify upon relocation (Campbell, 1995, p. 545).

Washington State began registering offenders in the 1990s (Matson and Lieb, 1996). Police departments reported a “chronic lack of resources” to carry-out enforcement of registration laws (Campbell, 1995; and Matson and Lieb, 1996). Governmental agencies appear to always be complaining about a lack of resources (Campbell, 1995; and Matson and Lieb, 1996). Curtis (2003) reported that the notification law “deflected time and money from proven, effective programs that regularly verify offender addresses” (p. A7).

Originally, the federal government provided an initial funding of \$25 million to the states to establish the Megan’s law and registries (USDOJ, BJS, 1998). It is unknown whether or not this amount was reasonable or sufficient to cover law enforcement expenditures. It is equally unclear whether a cost benefit analysis was conducted prior to the implementation of the new policy. The federal government has historically attached funding dollars through the Edward G. Byrne Memorial grant (Byrne) to Megan’s law.

The purpose of the Byrne grant is to assist states to improve criminal justice record-keeping services including sex offender registries (Poole and Lieb, 1995). States that do not comply may be penalized by the withholding of grant monies (*Akron Beacon Journal*, 2000).

One example of the power of the federal government to persuade the states to comply with the Megan's law was found in Ohio. The State of Ohio missed the original enactment date in 1998. The state failed to establish a sex offender database within the required time frame, and thus violated the federal mandate. As a result, the state was penalized \$1.89 million (*Akron Beacon Journal*, 2000). The use of coercive economic sanctions is not atypical of the Federal government. This figure represents ten percent of the Byrne grant funding for law enforcement (Ohio H.B. 433). Ideally, the supplemental funding from the Byrne grant would have been used to off-set continued expenditures. The estimated total cost for the State of Ohio in 2003 dollars was \$5.28 million (S.B. 9). The grant alone did not cover the total annual costs to the State of Ohio for Megan's law. The penalty for non-compliance remains set at 10 percent (USDOJ, OSP, SMART, 2009).

In testimony before the Ohio Senate in 2003, Summit County Sheriff Drew Alexander (Ohio S.B. 9) asserted that \$60,000 of his department's annual budget is used to implement Megan's law (Ohio S.B. 9). The federal government provided "start-up" funds and continued to offer monies through the Byrne grant. But invariably the resources needed to address the notification and registration laws are far greater than

Congress, county and state government and the public are willing to commit (Selvog, 2001).

In the past, crime control policy funding has never been at a loss for money from any Presidential Administration (1968 Omnibus Crime Control and Safe Streets Act [Johnson]; 1970-1980 LEAA, Law Enforcement Assistant Administration [Nixon, Ford and Carter]; 1984 Victims of Crime Act [Reagan]; and the 1994 Violent Crime Control and Law Enforcement Act [Clinton]) (Siegel, Welsh, and Senna, 2003). Rudin (1996) contends that the “costs to enforce Megan’s law has far exceeded legislators expectations” (p. 9). States are diverting resources to enforce Megan’s law. In addition, a number of states have had to allocate monies for hearings when an offender contests the registration process. Many offenders are routinely challenging the sex offender label and notification requirements in court. These challenges are costly and tie up valuable resources (personnel) to address the litigation (Bedarf, 1995; Levenson and D’Amora, 2007; Rudin, 1999; and Small, 1999). New legislation (the Adam Walsh Act) to amend Megan’s law has been enacted and will require a significant commitment of resources from law enforcement and other justice system agencies.

#### **4.4 Adam Walsh Act**

The latest sex offender registration law, the Adam Walsh Act, signed into law by President Bush in 2006, will provide states with additional funding to support massive changes to state-based sex offender classification and notification systems (Meyer, 2008). The primary goal of the Act is to create uniformity among the states. The Act requires that registration designations be based on conviction rather than the discretion of a judge

or probation officer, which will greatly increase the number of sex offenders who must register (Stewart, 2008). In addition, the U.S. Marshall Service has been enlisted to assist states in apprehending non-compliant registered sex offenders (Rosen, 2008).

Originally, Megan's law gave state and local authorities the discretion to innovate and to implement the law in accordance with state statutory and Constitutional requirements (Stewart, 2008). However, States had until 2009 to fully implement the new Act without a reduction in law enforcement funds (Byrne/JAG (Justice Assistance Grant)). The State of Ohio, not wanting a repeat of the 1998 penalty, began implementing the new Act in January of 2008. Levenson and D'Amora (2007) claim that such policies are not cost effective and may undermine the very sense of safety the public is seeking. While a cost-benefit analysis of Megan's law was not conducted prior to implementation, it appears that agencies are struggling economically now to enforce the law. Some authors have observed that law produces more costs than benefits (Levenson and D'Amora, 2007; and Zgoba and Bachar, 2009). Zgoba and Bachar (2009) evaluation of Megan's law in New Jersey found that initial costs were a little over \$550,000 dollars in 1995. In 2006 cost to carryout the law was estimated at \$3.9 million dollars. Beyond funding issues, the utility of Megan's law to aid in solving new sex offenses and apprehending offenders has been explored. These issues are difficult; as the costs are easier to measure than the benefits. The impact of Megan's law has been explored by a number of researchers and is discussed in the next section.

#### **4.5 Detection and Apprehension**

Megan's law creates a built-in suspect pool of sex offenders (Levenson and Cotter, 2005). In the event a new sex offense is committed, law enforcement can turn to the registration list for potential suspects. Schram and Milloy (1995) found that 14 percent of registered offenders in Washington State were re-arrested for a new sex offense (p. 14). An exploration of offending patterns of convicted child molesters suggests that these offenders will commit new sex offenses (Hanson et al., 1995; and Parkinson et al., 2004).

California authorities perceive the registration law as "effective in helping law enforcement officers apprehend suspected offenders" (Siskin and Teasley, 2002, p. 69). Pawson (2002) claims that Megan's law leaves a "paper trail" for law enforcement agencies to follow. Assistance from Federal law enforcement, the use of the Internet and having a last known address makes the likelihood of re-arrest and conviction for new sex offenses easier owing to an existing database of suspects (p. 13). Megan's law is a mechanism for increasing surveillance of registered sex offenders and thus aids law enforcement efforts to prevent crime (Surette, 1992). Surveillance is argued to have a deterrent effect. The intensification of observation of registered sex offenders by the public and justice system officials might reduce re-offending and increase compliance with the law that is both credible and constitutional (Schram and Milloy, 1995; and Surette, 1992).

However, the law may inadvertently give the impression that police are omnipotent or that police presence is everywhere and that the public is always watching

(Surette, 1992). There are approximately 600,000 registered sex offenders in the U.S. (www.ncmec.com). In contrast, there are 673,146 police officers or sheriff's deputies (FBI, 2005). The number of registered sex offenders will increase with the implementation of the Adam Walsh Act. It is quite possible that the number of offenders will surpass the number of sworn law enforcement personnel. The ratio of registered sex offenders to police officers is problematic. As offenders begin to realize that they are not being closely monitored and/or there are no immediate consequences to violating the law, then the deterrent effect becomes negligible (Surette, 1992). Consequently, offenders might not be deterred and citizens are left with a false sense of security (p. 158). A false sense of security is also engendered by an over-reliance on the registration list for another reason. The reality is that not everyone who commits a sex offense is listed in the registry. The registry contains only the names of known, convicted sex offenders. It does not contain any information on offenders who have yet to be caught; much less convicted.

Another unintended consequence is that law enforcement efforts might be diverted as officers' focus on only known offenders while ignoring previously unknown offenders. Many new sex offenses are committed by first-time offenders. Consequently, until an arrest, conviction and registration, an "unknown" sex offender may not come to the attention of law enforcement until after a first arrest for a sex offense. Law enforcement agencies will also be pursuing registered sex offenders for committing new sex offenses as well as non-sex offenses including registration violations.

The community might be vulnerable as many registered sex offenders commit crimes other than sex offenses (Campbell, 1995; and US DOJ BJS, 2003). Specifically, sex offenders commit a variety of non-sex offenses including property and drug offenses as well as crimes of non-sexual violence (Parkinson et al., 2004). More importantly these offenders tended to have engaged in non-sex crimes prior to a first conviction for sexually assaulting a child (pp. 28-29). Megan's law appears to have increased the workload of law enforcement agencies; but equally important is the distinct possibility that registration lists may have limited value for law enforcement (Human Rights Watch (HRW), 2007; and Jones, 1999).

Petrosino and Petrosino (1999) observed that among the new sex crimes committed in one area of Massachusetts, only six offenses involved registered sex offenders (n=136). One officer observed that, "registration lists, give us a place to start, but most suspects we arrest are not previously convicted sex offenders" (HRW, 2007, p. 45). Similar to Massachusetts, in Minnesota of the over 500 "sex offender convictions, only 58 had prior convictions for sex offenses" (HRW, 2007, p. 45; and Petrosino and Petrosino, 1999). Furthermore, "Megan's law does not address the reality that a sex offender is seldom arrested and convicted after the first offense" (Prentky, 1996, p. 295).

In addition, Simon (1999) contends that sex offender legislation confuses law enforcement. The law redirects the efforts of the criminal justice system to focus on a select few offenders, or the "stranger-danger" offenders, and ignores the reality of interfamilial sexual violence (Jones, 1999; and Simon, 1999). Jones (1999) asserts that the victims tend not to be strangers, but, in fact, are often related or known to or

acquainted with the offender (p. 9). Beyond the utility of the registry, it is unclear whether law enforcement agencies can realistically monitor the thousands of registered sex offenders in the U.S. (HRW, 2007).

As a result, it may provide citizens with a false sense of security. Police are unable to monitor registered sex offenders around the clock; owing to the many other time-consuming and equally important duties of law enforcement. Once an offender fails to register, report a new address or provides a bogus address, then law enforcement will attempt to locate and arrest the individual (HRW, 2007). But, “the expansion of state sex offender registries to include more offenses and longer registration periods has compromised the ability of law enforcement to monitor high-risk sex offenders” (HRW, 2007, p. 45). The law appears to be constraining law enforcement efforts to provide basic services as legislation “mushrooms” and procedures become more cumbersome. The result may be less attention to community safety; thus, defeating the purpose of the law and putting the public at-risk. Interestingly enough, a number of states have been unable to locate many of the registered sex offenders.

#### **4.6 Locating Registered Sex Offenders**

California reported that over 33,000 sex offenders are unaccounted for owing to lack of enforcement (Curtis, 2003). These offenders were simply not reporting their addresses to law enforcement authorities. Similarly, the State of Ohio reported that around 9,000 registered sex offenders were missing because of “misspelled names, incomplete names and wrong birth dates” (Curtis, 2003, p. A7). Also, many offenders simply moved without informing sheriff’s departments. Florida reported that over 7,000



registered sex offenders could not be located (Payne and Cull, 2005). The inability to effectively manage the registry may be an issue of staff capacity and the difficulties with trying to monitor thousands of individuals. Jones (1999) contends that the law does not restrict offender mobility only residency (p. 9). Proximity-based legislation may lead to more not less re-offending. Under these conditions it is highly unlikely that the benefits of Megan's law will be realized. In addition, Gaines (2006) reported that law enforcement agencies face a considerable struggle in obtaining offender compliance.

Hebenton and Thomas (1997) assert that law enforcement has made considerable efforts to increase offender compliance (p. 12). In some jurisdictions penalties for violating the community notification law are posted in public places (e.g., post offices and libraries) (p. 12). Offenders are registered on or near their birthdays because it is easier to remember. This approach is similar to the approach used by other governmental agencies in renewing drivers' licenses and car registrations. Law enforcement agencies reported better compliance rates over time as offenders became accustomed to, and more familiar with, the law and its requirements (p. 12).

In fact, registration compliance was estimated from 35 percent to between 75-80 percent (Gaines, 2006). Many of the offenders frequently change location or residence owing to eviction. Some landlords are often unwilling to rent to sex offenders. Some sex offenders are unable to find suitable housing that does not violate residency restrictions (e.g. near schools, parks or other banned public places) (Gaines, 2006). According to Detective Linda Rinear of the Summit County Sheriff's Department Sex Offender Unit, "many offenders have provided one address but have lived elsewhere to protect their

families and some families have denied (to the neighbors) that an offender lived in the household to avoid the stigma” (Interview April 8, 2003). Furthermore, “the victim and offender may share the same last name or be related” (Interview April 8, 2003). The notification process may inadvertently reveal the victim’s identity and violate the victim’s right to privacy by virtue of the offender’s registration status (Zevitz and Farkas 2000b). The notification may also lead to the unlawful harassment of registered sex offenders (Zevitz and Farkas, 2000b).

#### **4.7 Harassment of Offenders**

Gaines (2006) explored whether offenders were disclosing incidents of retaliation or harassment to law enforcement. The officers reported that they had no information, were unaware or believed that frequency of such activities was minimal or occurred when offenders violated the rules of registration (i.e., trying to obtain jobs or housing near children or schools) (p. 260). One respondent insisted that “registration is not the problem; the crime is causing personal issues for the offender” (Gaines, 2006, p. 261). Given the responses by the officers, it is possible to speculate that offenders are aware that complaining or revealing evidence of harassment or threats (to law enforcement) will likely be met with skepticism, indifference or outright denial. Gaines (2006) conducted telephone interviews and surveys of 21 law enforcement officers/agencies. The study was primarily an exploratory study of officers’ attitudes and perceptions about Megan’s law. The author did not conduct a quantitative analysis. In contrast, Matson and Lieb (1996) found that law enforcement agencies in Washington State reported 33 acts of harassment of offenders since the state’s sexual predator law was implemented in 1990.

Freeman-Longo (2001) asserts that law enforcement may deliberately overlook or not be aware of harassment of registered sex offenders. Law enforcement agencies may be actively working against registered sex offenders (p. 10). Specifically, he reported that officers routinely organized neighborhoods to keep registered sex offenders out of the area. Landlords and local motel operators have been “threatened” with public exposure, bad publicity or embarrassment if they rent space to sex offenders (p. 10). By creating an unwelcoming environment for registered sex offenders, law enforcement can thus reduce their workloads, expenditures and have fewer offenders to monitor or protect against harassment. The author presented several anecdotal examples of this phenomenon from newspaper accounts. However, there is no evidence in the literature of a consistent pattern of such activity among law enforcement agencies.

Another explanation offered by Menard and Ruback (2003) might illuminate the seeming dearth of knowledge regarding harassment of registered sex offenders. Officers and deputies in rural areas prefer to address sex offense allegations informally (p. 389). It is unclear if this extends to the processing of registration violators or harassment of offenders. The authors contend that officers in rural settings merely adhere to community norms of privacy, distrust of government and little faith in the justice system (p. 389). As a result, offenders in rural areas were not arrested and prosecuted as frequently for committing sex offenses. However, when offenders were prosecuted, they tended to receive harsher punishments than their urban counter-parts (p. 389). Less is known about how registration violations are handled among rural and urban law enforcement agencies. It stands to reason that if mere investigation of sex offenses is handled informally one

might expect the processing of registration violators to be handled similarly. These issues were not addressed by any of the authors (Gaines, 2006; Hanson et al., 1995; Menard and Ruback, 2003; and Parkinson et al., 2004).

#### **4.8 Rural and Urban Settings**

Levenson and D'Amora (2007) contend that rural areas may experience an influx of registered sex offenders from urban areas (p. 184). The authors propose that a "displacement effect" might occur as tighter controls on residency and length of registration is increased vis-à-vis the Adam Walsh Act (p. 184). As a result, offenders may relocate to rural areas where they can reside in relative anonymity and continue offending patterns unabated, thus putting children at risk (p. 184). Similarly, Siskin and Teasley (2002) assert that registered sex offenders may be moving into more rural, less populated areas due to a perceived lack of enforcement (p. 70; and Menard and Ruback, 2003).

Crank (1990) explored factors that influence urban and rural arrest decisions. He argued that rural settings are "open" or receptive to environmental inputs while urban settings are "closed" (pp. 184-85). In rural areas, environmental factors predominate in arrest decisions including variations in perceptions of privacy, attitudes of distrust of government and whether the arrest is viewed as "discretionary" (p. 185; and Menard and Ruback, 2003). Arrest for a violation of the sex offender registration law is not discretionary. By law offenders must be arrested because of the "high risk" to public safety or potential for victimization (p. 185).

Similarly, Ward (1982) asserts that the nature of the rural community leads to underreporting of crime and victimization between known victims and offenders (p. 52; and Menard and Ruback, 2003). The nature of the rural community is a place where doors are not locked, there is “a reluctance on the part of community members to make waves,” and less target-hardening and more of an informal approach to crime (p. 52). The “lack of community solidarity” in rural areas may create an opening for an increase in crime (p. 52). There is greater pressure on law enforcement to prevent crime but with an approach that balances the “smallness” of the community and crime prevention (p. 61).

Familiarity with the service population may lead rural law enforcement to handle issues more informally rather than impose a strict deterrent approach (p. 61). Curiously, when crime does occur it is often blamed on outsiders, visitors or tourists; not local residents (p. 52). Laub (1983) asserts that urban crimes are committed by strangers and rural crimes are committed by known or acquaintance offenders (p. 138). Stranger assaults are also more likely to be reported as these types of victimizations usually involve injury to the victim (p. 138). Known or acquaintance victimizations tend not to be reported owing to the relationship between the parties (e.g. intra-familial sexual abuse, domestic violence, date rape) (Doerner and Lab, 2005). Also, the interstate highway system and better modes of travel have made access to rural areas easier.

Arguably, as offenders move from urban to rural areas and become part of the community, they are less likely over time to be viewed as outsiders. The assimilation into the community can take awhile. Once viewed as a member of the community, registered offenders are able to blend in and may go unnoticed by local law enforcement. On the

other hand, Handberg and Unkovic (1982) suggest that “strong local ties” to the community is a form of crime prevention (p. 77).

Active involvement and visibility in the community may aid in enforcing Megan’s law. Fitch (2006) contends that non-compliance may be less of an issue for rural law enforcement but for reasons having little to do with the rural setting. Fitch (2006) asserts that few registered sex offenders have been moving to or living in rural areas (p. 41). Arguably with fewer offenders in the community, the rural setting does not need to devote much in the way of resources or officers to monitoring or enforcing the notification law (p. 41). In addition, law enforcement in rural areas may have fewer written policies on sex offender registration, be less familiar with the requirements of Megan’s law and have less access to outside sources to assist in community notification than their urban counterparts.

Zevitz (2004) observed that a large portion of registered sex offenders are residing in urban settings. Urban areas tend to be densely populated, offer more social services, and it is more difficult to monitor and supervise offenders on a regular basis (p. 41). The author asserts that urban areas are becoming the “dumping ground” for registered sex offenders. Law enforcement in urban areas may simply lack the funding, manpower and time to effectively enforce new policy. As a result, urban law enforcement must then utilize non-criminal justice resources to implement Megan’s law. Police departments regularly turn to the news media to affect the notification process, raise awareness of and locate non-compliant registered sex offenders (Johnson and Babcock, 1999; and Surette, 1992).

#### **4.9 News Media and Law Enforcement**

News media attention to sex offenses has generated the impression that sex offenses are common and frequently occurring (Jones, 1999; Levenson and D'Amora, 2007). The news media has the power to shape and influence public perception on registered sex offenders. But how law enforcement and the news media work with each other is unclear (Jones, 1999; and Levenson and D'Amora, 2007).

Levenson and D'Amora (2007) assert that the news media has a role to play in disseminating information on sex offenders to the public (Jones, 1999). Working in tandem with law enforcement, the news media is able to provide useful information and perhaps aid in enhancing public safety (Johnson and Babcock, 1999; and Levenson and D'Amora, 2007). Citizens who have received information on registered sex offenders are better able to engage in safety planning (Zevtiz and Farkas, 2000a). However, sensationalist news stories may undermine joint efforts and simply further alarm the public (Johnson, 1999; HRW, 2007; and Levenson and D'Amora, 2007; and Zevitz and Farkas, 2000a).

It is quite possible that law enforcement notification strategies may inadvertently cause undue panic and anxiety to the public (HRW, 2007). A fear-based reaction among citizens may occur due to an over-emphasis on the level of danger and actual risk that is posed to the public (HRW, 2007). The use of the news media to convey the notification message may compromise and reduce the integrity of law enforcement and thus the credibility of the notification (p. 51). In addition, law enforcement may be unaware or

recklessly disregard the facts surrounding the offender's crime in relation to actuarial risk (p. 52).

Johnson and Babcock (1999) offer a number of solutions and cautions to enhance news media and law enforcement collaborations. The news media must be able to "trust the accuracy of the government's information" (Johnson and Babcock, 1999, p. 134). Journalists are cautioned against becoming co-opted by criminal justice agencies charged with implementing Megan's law. News media must avoid becoming the long arm of the criminal justice system. The coverage of sex offender stories may give the impression that the police are doing an effective job (e.g. monitoring and notifying); hence the news coverage (p. 138). Citizens may wrongly assume that the news stories validate Megan's law and do not have to take protective measures. On the other hand, news media coverage of law enforcement in Connecticut revealed that agencies were not verifying the addresses or notifying the public about registered sex offenders (Johnson and Babcock, 1999). This issue had not been investigated by the local news media until after a child had been killed (Johnson and Babcock, 1999, p. 139).

There is a fine line between assisting law enforcement to convey information to the public and becoming part of the justice system. Journalists must maintain positive relations with law enforcement in order to access stories about registered sex offenders. Journalists must also maintain objectivity and distance from the story as to not become part of it (pp. 135-140). By the same token, law enforcement relies on the news media to raise awareness of critical issues, alert the public of danger, and solicit information to aid in solving cases or locating individuals (e.g. Amber Alerts, Silver Alerts) (Ohio eyes,



2007; Johnson and Babcock, 1999). Unclear is how often law enforcement turns to the news media for assistance in notifying the public and what response, reactions or expectations each entity has of the other? Some more news media savvy departments may appoint a news media spokesperson. Other departments may establish written policies for communicating with the news media such as press releases or hold press conferences with the chief of police or county sheriff (Farkas and Zevitz, 2000).

The news media must scrutinize all information from law enforcement, validate the level of danger that the offender presents and whether the story is truly “newsworthy” (p. 134). The authors cautioned that “identification of offenders in the media may not be essential to increasing public safety” (Johnson and Babcock, 1999, p. 143). This article is primarily a descriptive account directed toward journalists rather than law enforcement in addressing Megan’s law. The article provides some insight into the relationship between law enforcement and the news media.

#### **4.10 Studying the Impact of Megan’s Law on Law Enforcement**

The review of literature on law enforcement and Megan’s law indicates that little has been done in terms of empirical research to assess the impact of Megan’s law on police. The next chapter presents an empirical study of the impact Megan’s law on law enforcement. The study will look at several areas including workload, apprehension and detection capabilities, resources, offender harassment, relations with the news media, benefits of Megan’s law, and differences in rural and urban settings.

## **CHAPTER 5**

### **An Empirical Study of the Effects of Megan's Law on Law Enforcement**

#### **5.1 The Focus of the Study**

The problem to be addressed in this portion of the study is what impact Megan's law has on law enforcement in several areas, including workload, apprehension and detection capabilities, resources, offender harassment, relations with the news media, and differences in rural and urban settings. Megan's law has potential benefits and unintended negative consequences for law enforcement, which the current research seeks to uncover. Prior studies discussed in the literature review aided in the formation and development of hypotheses related to law enforcement. The current study is a quantitative analysis. Unlike previous studies the focus of this study will examine the direct impact of Megan's law on law enforcement agencies. The current study, an improvement over prior analytical and descriptive research, uses multivariate logistic regression.

There is a dearth of information on the impact of sex offender registration on law enforcement and agency personnel (Finn, 1997; Farkas and Zevitz, 2000; Gaines, 2006; Human Rights Watch (HRW), 2007; and Matson and Lieb, 1996). The articles reviewed in Chapter 4 are primarily descriptive or exploratory studies with limited quantitative analysis. Most of these articles are designed to draw attention to the issues and especially the constraints placed upon law enforcement agencies arising from the passage of Megan's law. Many of these studies surveyed law enforcement officers' attitudes,

experiences with and perceptions of Megan's law (Farkas and Zevitz, 2000; and Gaines, 2006).

Megan's law has resulted in a number of benefits to law enforcement according to many authors (Levenson and Cotter, 2005; Schram and Milloy, 1995; Siskin and Teasley, 2002; and Surette, 1992). Law enforcement perceives the notification law as an effective tool for apprehending and conducting surveillance on registered sex offenders (Siskin and Teasley, 2002; and Surette, 2002). But a number of authors contend that the convenient pool of registered sex offenders may distract law enforcement from unknown or intra-familial sex offenders or the "dark figure of crime" (Campbell, 1995; Doerner and Lab, 2005; FBI, 2005; Jones, 1999; Petrosino and Petrosino, 1999; and Simon, 1999). In addition, some sex offenders commit a variety of non-sex crimes including drug abuse, theft and violent crime (Campbell, 1995; Parkinson et al., 2004; and BJS, 2003). These crimes are often as equally harmful to society as sex offenses. As law enforcement concentrates solely on "stranger-danger" and new sex crimes other types of crime including registration violations might go unnoticed or not fully addressed (Jones, 1999; and Simon, 1999).

Several authors contend that throughout the U.S. there are a large number of registered sex offenders who have absconded and/or failed to register with authorities (Curtis, 2003; Gaines, 2006; Jones, 1999; and Payne and Cull, 2005). In some cases, the problem is a result of questionable record-keeping or offender information that is incomplete or missing (Curtis, 2003; and Jones, 1999). However, two studies found evidence that law enforcement agencies are making considerable progress with offender

compliance (Gaines, 2006; and Heberton and Thomas, 1996). For the most, part it appears that many agencies simply lack the staff capacity and resources to effectively address registration violations.

The resources allocated to enforcing Megan's law and pursuing registration violators is enormous according to a numerous authors (Finn, 1997; Campbell, 1995; Curtis, 2003; Levenson and D'Amora, 2007; Matson and Lieb, 1996; Rudin, 1996; and Zevitz and Farkas, 2000c). States are simply powerless to refuse the federal mandates inherent in both Megan's law and the new Adam Walsh Act (Ohio Ordered, 2001; H.B., 433; Meyer, 2008; and S.B., 9). Law enforcement must satisfy many competing demands for service without sacrificing quality or jeopardizing public safety; including offender safety.

There is a dearth of information on sex offender harassment as reported by law enforcement (Freeman-Longo, 2001; Gaines, 2006; and Garofalo, 1981). The under-reporting or under-recording of harassment might explain the lack of information on the subject of retaliation or harassment of registered sex offenders. A number of authors assert that the community setting dictates the level of response from law enforcement to the problem of registered sex offender harassment. Rural law enforcement agencies may be less inclined to pursue harassment issues owing to the rural character or values of the community (Crank, 1990; Fitch, 2006; Laub, 1983; Levenson and D'Amora, 2007; Menard and Ruback, 2003; and Siskin and Teasley, 2002; and Ward, 1982). As a result, registered sex offenders may relocate to rural areas to benefit from lax enforcement

efforts and to avoid stringent registration requirements (Levenson and D'Amora, 2007; Menard and Ruback, 2003; and Siskin and Teasely, 2002).

Fitch (2006) contends that registered sex offenders are not relocating to rural areas. In fact, registered sex offenders are more likely to reside in urban settings (Zevitz, 2004). Urban settings appear to have a higher concentration of registered sex offenders (Fitch, 2006; OCJS, 2006; and Zevitz, 2004). Consequently, urban law enforcement agencies unlike their rural counterparts may develop strategies to affect registration and notification via the news media. Specific strategies may include designating a media spokesperson with the department, issuing press releases or filtering all news media inquiries through the police chief or sheriff (Zevitz, 2004).

Another area that has received very little attention in the literature is the relationship between the news media and law enforcement (Johnson and Babcock, 1999; and Surette, 1992). The news media and law enforcement have a complex relationship. Each is reliant upon the other for information but it is not clear how the relationship operates (Jones, 1999; and Levenson and D'Amora, 2007). The news media coverage raises awareness of critical issues, conveys important safety messages and assists law enforcement in locating persons and solving crimes (Ohio eyes, 2007; and Johnson and Babcock, 1999). Other authors are concerned that sensationalistic news stories may dilute the message of prevention and mar law enforcement integrity (HRW, 2007; and Zevitz and Farkas, 2000a). The only article to examine the relationship between the news media and law enforcement was written by Johnson and Babcock (1999). The authors identified

some of the problems inherent in collaborations between the news media and law enforcement including co-optation and impaired objectivity.

## **5.2 Data and Methods**

The State of Wisconsin enacted their Megan's law in 1997. Richard Zevitz and Mary Ann Farkas collected the information used in this study in 1998 from a survey of Wisconsin law enforcement agencies (n=188). These agencies represent a mixture of large and small departments. The sample included all county sheriffs' departments (n=46) as well as municipal and township police agencies (n=140). The agencies responded to survey questions on the implementation of the registration law, including staff resources, policies concerning notification, the notification process, and benefits of the law as well as relations with the news media. City and county law enforcement agencies received a questionnaire, a letter of explanation and a return envelope. The response rate was 60 percent, the majority of which served communities with less than 10,000 residents. However, several sheriffs' departments served communities with populations above 39,000. The files contained complete information on 188 cases. The coding scheme, variable designations and values were created and assigned by the original researchers. Previously published research using the dataset reported descriptive statistics and bivariate findings (Zevitz and Farkas, 2000). In the current study, the effects of the independent variables will be analyzed at the multivariate level using multivariate logistic regression.

### 5.3 Measurement of Variables

In the current study, responses to survey questions (noted in parentheses following each item listed below) are used to generate the 14 dependent variables. There will be 14 separate analyses conducted representing each of the variables listed below. The responses to 12 of these dependent variables are categorical (“Yes” = 1, “No” = 0). In the case of items 9 and 10, the dependent variable is ordinal with 6 response categories ranging from “very frequent” (5) to “never” (0). The 14 dependent variables are as follows:

1. “Serve as a deterrent to future sex offending behavior” (“Yes” or “No” to this response item for question, “What do you feel are the benefits, if any, of this new law?”)
2. “Increased information sharing among criminal justice agencies” (“Yes” or “No” to this response item for question, “What do you feel are the benefits, if any, of this new law?”)
3. “Enhanced surveillance of sex offenders” (“Yes” or “No” to this response item for question, “What do you feel are the benefits, if any, of this new law?”)
4. “Improve management and containment of sex offenders” (“Yes” or “No” to this response item for question, “What do you feel are the benefits, if any, of this new law?”)
5. “Decreased ability to deliver other services to the public” (“Yes” or “No” to this response item for question, “Has your agency encountered any of the following problems or difficulties in carrying out the requirements of the new law?”)
6. “Strain on departmental resources” (“Yes” or “No” to this response item for question, “Has your agency encountered any of the following problems or difficulties in carrying out the requirements of the new law?”)
7. “Increased workloads” (“Yes” or “No” to this response item for question, “Has your agency encountered any of the following problems or difficulties in carrying out the requirements of the new law?”)

8. "Large investment of time and energy" ("Yes" or "No" to this response item for question, "Has your agency encountered any of the following problems or difficulties in carrying out the requirements of the new law?")
9. "Reporting other crimes" ("Very frequent" to "Never" in response to question, "How frequently does the public communicate information to your law enforcement agency concerning [this topic]?")
10. "Offering leads about an offender who was the subject of a notification" ("Very frequent" to "Never" in response to question, "How frequently does the public communicate information to your law enforcement agency concerning [this topic]?")
11. "Increases public awareness of the problem of sex offenders in society" ("Yes" or "No" in response to question, "What do you feel are the benefits, if any, of this new law?")
12. "Over-reaction by public" ("Yes" or "No" to this response item for question, "Has your agency encountered any of the following problems or difficulties in carrying out the requirements of the new law?")
13. "Harassment of the sex offender" ("Yes" or "No" to this response item for question, "Has your agency encountered any of the following problems or difficulties in carrying out the requirements of the new law?")
14. "Media sensationalism" ("Yes" or "No" to this response item for question, "Has your agency encountered any of the following problems or difficulties in carrying out the requirements of the new law?")

There are nine independent variables and 5 interaction terms in this study including categorical and dichotomous level variables and three numeric or interval level variables. The interaction terms are used in Hypothesis 3. The purpose of the interaction terms is to account for the differences between the different independent variables and the relationship of type of agency may be different depending on whether the agency is a police department or a sheriff's department. The interaction terms will also convey how each relationship changes for the values of other variables. The interaction terms are



presented in two-way, three-way and four-way formats. In addition, the independent variables are used in more than one hypothesis. The independent variables used in this study are derived from the literature review and from the available variables in the law enforcement dataset.

1. **Type of jurisdiction** is a nominal variable. The variable was recoded to dichotomous with two categories, “0=rural” or “1=urban” Respondents represent both rural and metropolitan areas in this study. Prior studies have examined rural and urban approaches to policing. The results of this study will show that the different types of jurisdictions have varied experiences with Megan’s law.
2. **Population size of city/town** is a categorical variable. The original designations are: “small= under 10,000,” “medium=10,000-38,999,” “large=39-149,999,” and “metropolitan=150,000 or more.” The variable was recoded to dichotomous with two categories, “0=large” or “1=small.” “Small” includes jurisdictions under 10,000; “large are all other jurisdictions. It is speculated that smaller jurisdictions may experience more difficulty with Megan’s law than larger jurisdictions owing to training, written policies, smaller budgets and staff sizes as well as the character or culture of the community. Also, the majority of jurisdictions serviced in Wisconsin are in populations under 10,000.
3. **Type of agency** is a nominal variable with two possible responses, “0=police department” or “1=sheriff’s department.” Sheriff’s departments tend to cover county and rural areas whereas police department cover urban settings in towns and cities. Prior studies have not specifically addressed potential variations among each type of agency. It is theorized that each department may have different experiences with the Megan’s law.
4. Do you have a **written policy on registration** of sex offenders is a categorical variable. The original designations are “1=yes,” “2=no,” and “3=not sure.” The variable was then recoded dichotomous with two possible responses, “0=Yes” or “1=No.” “Not Sure” was made missing and removed from the analysis owing to the small number of cases (n=4). The frequencies of responses were 120=yes and 61=no. Having a written policy on registration provides a useful and important framework and guidelines for agency personnel to follow in order to fulfill requirements of the law.
5. Do you have a **written policy on notification** of sex offenders is a categorical variable. The original designations are: “1=yes,” “2=no,” and “3=not sure.” The variable was then recoded dichotomous with two possible responses, “0=Yes,” or “1=No.” “Not Sure” was made missing and removed from the analysis owing to

the small number of cases (n=3). The frequencies of responses were 120=yes and 62=no. Having a written policy on notification provides a useful and important framework and guidelines for agency personnel to follow in order to fulfill requirements of the law.

6. “The **number of sex offenders** in your jurisdiction” is measured with six possible categorical responses 0 “none,” 1 “1-10,” 2 “11-20,” 3 “21-100,” 4 “101-1000,” and missing “blank.” The response frequencies were 42 with “no offenders,” 59 with “1-10 offenders,” 11 with “11-20 offenders,” 35 with “21-100 offenders,” and 6 with “101-1000 offenders.” The variable only tells us how many registered sex offenders were in the jurisdiction one year after the law was implemented and at the time of the survey.
7. “**Requesting to have the offender(s) moved** from a location” is measured by the frequency of such citizen requests received by the law enforcement agency. Responding agencies were asked to assign a frequency value from the following: (5) very frequent, (4) somewhat frequent, (3) frequent, (2) not too frequent, (1) very infrequent, (0) Never. The jurisdictions reported the following frequencies for the above categories: Very frequent, 4 jurisdictions; somewhat frequent, 2 jurisdictions; frequent, 10 jurisdictions; not too frequent, 7 jurisdictions; very infrequent, 14 jurisdictions; and never, 95 jurisdictions.
8. “**Expressions of fear, anger, or hostility**” is measured by the frequency of these types of citizen responses that are received by the law enforcement agency concerning registered sex offenders (numeric). Responding agencies were asked to assign a frequency value from the following: (5) very frequent, (4) somewhat frequent, (3) frequent, (2) not too frequent, (1) very infrequent, (0) Never. The jurisdictions reported the following frequencies for the above categories: Very frequent, 3 jurisdictions; somewhat frequent, 6 jurisdictions; frequent, 12 jurisdictions; not too frequent, 12 jurisdictions; very infrequent, 31 jurisdictions; and never, 70 jurisdictions.
9. “**Grandstanding by politicians**” is a nominal variable (“0=Yes” or “1=No”). Responding agencies were requested to check the box next to this item if this activity applied to their jurisdiction. The frequencies of responses were 7 “Yes” and 181 “No.”
10. “**Agency Type\*Written Policy Registration**” is a nominal variable (“0=No” registration policy, “1=Yes” registration policy). Respondents were requested to check the box next to this item if this activity applied to their jurisdiction. The frequencies of responses were 130 “Yes” and 49 “No.”
11. “**Agency Type\*Written Policy Notification**” is a nominal variable indicating law enforcement agencies with notification policies and law enforcement agencies

without notification policies (“0=No” agency without a notification policy or “1=Yes” agency with a notification policy). Respondents were requested to check the box next to this item if this activity applied to their jurisdiction. The frequencies of responses were 130 “Yes” and 50 “No.”

12. **“Agency Type\*Number of Sex Offenders in the Jurisdiction”** was recoded as a dummy variable given the small number of cases in some of the categories. (0= agencies without sex offenders in the jurisdiction, or 1= agencies with sex offenders numbering 1-1000 in the jurisdiction). The response frequencies were 43 “0=No” (agencies reporting no sex offenders in the jurisdiction) and 145 “1=Yes” (agencies reporting sex offenders numbering 1-1000 in the jurisdiction).
13. **“Agency Type \*Written Policy on Registration\*Notification”** is a nominal variable (“0=No” agencies without a registration and notification policy, or “1=Yes” agencies with a registration and notification policy). Respondents were requested to check the box next to this item if this activity applied to their jurisdiction. The frequencies of responses were 165 “Yes” and 15 “No.”
14. **“Agency Type\*Written Policy on Registration\*Notification\*Number of Sex Offenders in the Jurisdiction”** is a nominal variable (“0=agencies without a registration & notification policy & no sex offenders in the jurisdiction,” or “1=Yes agencies with a registration & notification policy & sex offenders numbering 1-1000 in the jurisdiction”). The frequencies of responses were 48 (“0” no) and 99 (“1” yes). The purpose of this interaction variable is to account for the differences between the different independent variables and the relationship of type of agency may be different depending on whether the agency is a police department or a sheriff’s department. The interaction variable will also convey how each relationship changes for the values of other variables. The four-way interaction term is indeed rare. The problem of multicollinearity is inherent in four-way interaction term. In the event the interaction term is significant then testing for multicollinearity will have be conducted and ruled out.

## 5.4 Hypotheses

The 14 hypotheses in this study correspond to the 14 dependent variables. The hypotheses are divided into four subsections covering various law enforcement activities and services: detection and apprehension, workloads, community and offender relations,

and news media. The design of this study is a quasi-experimental design. The analysis was conducted after the implementation of Megan's law.

A quasi-experimental design is used when an experimental design is not feasible due to costs, availability of data, time considerations, is not appropriate or the ability to alter the treatment effect is hampered because it has already taken place (Bachman and Schutt, 2007). In this study, Megan's law was implemented in Wisconsin in 1997. The data were collected fully one year after implementation. A pre-test of the law enforcement agencies did not occur. This study closely resembles an Ex Post Facto group design (pp.179-180). In an Ex Post Facto design the group has been previously exposed to the treatment which in this case is Megan's law. The groups, sheriff's departments and police departments were designated by the original researchers (Zevitz and Farkas, 2000). Inherent in this design is the lack of random assignment. Specifically, the agencies were not randomly assigned to a treatment or a control group. Nevertheless, the groups are presumed to be equivalent based on the fact that each began implementation in the same year (Schutt, 2001). Schutt (2001) asserts that Ex Post Facto design is not a "true quasi-experimental design" (p. 189). He contends that respondents may choose not to participate or simply avoid the treatment. It is highly unlikely that law enforcement agencies in Wisconsin opted-out of implementing Megan's law. All law enforcement agencies are required by law to register and monitor sex offenders and notify communities. These requirements provide further assurance that the two groups, sheriff's departments and police departments, are functionally equivalent in having to implement that law and therefore "causal effects can be tested," (Schutt, 2001, p. 189). Again, the

dataset does not contain information on law enforcement activities or policies prior to Megan's law. The study did not make specific comparisons of pre and post-Megan's law but asked enforcement agencies to report on the perceptions of the effects of the law.

#### **5.4.1 Detection and Apprehension**

H1. Law enforcement agencies will report that Megan's law serves as a deterrent to future sex offending to the extent that the reporting agencies have written policies on registration and notification and that they are policing departments rather than sheriff's departments. (The independent variables are "written policy on registration," "written policy on community notification" and "type of agency (sheriff or police department)." The dependent variable is "serve as a deterrent to future sex offending behavior.")

The basis for hypothesis number 1 is that police departments are more professionalized than sheriff's departments. Professionalized departments tend to be larger; have a diverse workforce and line staff tends to have some college or college degrees (Pollock, 2008). Professionalized departments are more likely to possess written policies on registration and notification. The purpose of having written policies is to guide departments in how to conduct the registration and notification, better serve their communities and implement the law as intended by the legislature. Police departments are likely to observe a deterrent effect in the presence of written policies than sheriff's departments.

H2. Law enforcement agencies will report that Megan's law increased information sharing among criminal justice agencies to the extent that the reporting agencies have written policies on registration and notification and that they are police departments rather than sheriff's departments. (The independent variables are "written policy on registration," "written policy on community notification" and "type of agency." The dependent variable is "increased information sharing among criminal justice agencies.").

The basis for hypothesis number 2 is that Megan's law cuts across a spectrum of criminal justice agencies beyond law enforcement. It is logical to suggest that law enforcement efforts will be further enhanced by receiving information on registered sex offenders from other official and criminal justice sources (Siskin and Teasley, 2002; and Surette, 2002). Law enforcement will further benefit from Megan's law.

H3. Law enforcement agencies who: are police departments, have written policies on registration and notification and a higher number of sex offenders in the jurisdiction will report enhanced surveillance. (The independent variables are "written policy on registration," "written policy on community notification," "type of agency," "number of sex offenders in the jurisdiction").<sup>2</sup>

The basis for hypothesis number 3 is that Megan's law has given law enforcement agencies new tools to address the problem of sex offenders (Levenson and Cotter, 2005; Schram and Milloy, 1995; Siskin and Teasley, 2002; and Surette, 2002). These new tools include establishing procedures for registration and developing notification strategies. As a result of these tools, it is expected that police departments will benefit more fully than sheriff's departments. Thusly, law enforcement agencies without written policies and with fewer registered sex offenders in the jurisdiction may not fully achieve enhanced surveillance because of the lack in the ability to properly locate and identify registered sex offenders.

Further, it is believed that an added benefit to police departments is that areas in which police departments govern, there are a higher number of registered sex offenders

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<sup>2</sup> There are four independent variables in this hypothesis. When these four variables were regressed there were no interactions. Therefore, no further testing of the interaction terms was conducted.

residing in these areas. Recall, that Zevitz (2004) asserted the urban areas were becoming the new “dumping ground” for registered sex offenders.

H4. Law enforcement agencies will report that Megan’s law improved management and containment of sex offenders in the community to the extent that the reporting agencies have written policies on registration and notification and that they are police departments rather than sheriff’s departments, that they have a lower number of sex offenders in the jurisdiction, that they are a town or village, and that they have a smaller population. (The independent variables are “written policy on registration,” “written policy on community notification,” “type of agency,” “number of sex offenders in the jurisdiction,” “type of jurisdiction,” and “population of city /town.” The dependent variable is “improved management and containment of sex offenders in the community.”).

The basis for hypothesis number 4 is that smaller policing departments located primarily in towns and villages servicing a small population will likely have smaller number of registered sex offender to register and monitor (Crank, 1990; Fitch, 2006; Laub, 1983; Levenson and D’Amora, 2007; Menard and Ruback, 2003; and Siskin and Teasley, 2002; and Ward, 1982).

H5. Law enforcement agencies will report that Megan’s law decreased ability to deliver other services to the public to the extent that they are a police department rather than a sheriff’s department, that they are a city and that they have a larger population. (The independent variables are “type of agency,” “type of jurisdiction” and “population of city/town.” The dependent variable is “decreased ability to deliver other services to the public.”)

The basis for hypothesis number 5 is that unlike sheriff’s departments in rural jurisdictions serving small populations, city police departments serving large populations will have to reduce other law enforcement services to the public in order to fulfill the mandate of Megan’s law (Campbell, 1995; Doerner and Lab, 2005; Fitch, 2006; FBI,

2005; Jones, 1999; OCJS, 2006; Petrosino and Petrosino, 1999; Simon, 1999; and Zevitz, 2004)

#### **5.4.2 Workloads**

H6. Law enforcement agencies that are police departments or located in urban settings will report greater strain on departmental resources than law enforcement agencies that are sheriff's departments or located in rural settings. (The independent variables are "type of jurisdiction" and "type of agency." The dependent variable is "strain on departmental resources.")

Similar to hypothesis 5, the basis for hypothesis number 6 is that the addition of the Megan's law requirement to urban police departments' provision of services will result in a strain on departmental resources (Finn, 1997; Campbell, 1995; Curtis, 2003; Levenson and D'Amora, 2007; Matson and Lieb, 1996; Rudin, 1996; and Zevitz and Farkas, 2000c).

H7. Law enforcement agencies that are police departments or located in urban settings will report greater increased workloads than law enforcement agencies that are sheriff's departments or located in rural settings. (The independent variables are "type of jurisdiction" and "type of agency." The dependent variable is "increased workloads.")

Similar to hypotheses 5 and 6, the basis for hypothesis number 7 is that urban police departments handle a number of calls for service each year. The requirements of Megan's law will create additional increases in the workload for these departments (Finn, 1997; Campbell, 1995; Curtis, 2003; Levenson and D'Amora, 2007; Matson and Lieb, 1996; Rudin, 1996; and Zevitz and Farkas, 2000c).

H8. Law enforcement agencies that are police departments or are located in urban settings or have a large number of sex offenders are more likely to report a large investment of time and energy to enforce Megan's law than law enforcement agencies that are sheriff's departments or are located in rural settings or have a lower number of sex offenders. (The independent variables are "type of jurisdiction," "type



of agency” and “number of sex offenders in the jurisdiction.” The dependent variable is “large investment of time and energy.”)

The basis for hypothesis number 8 is that urban police departments will have larger numbers of sex offenders to register and monitor than sheriff’s departments. Urban police departments will then have to commit a large investment of time and energy to carry-out the requirements of Megan’s law (Fitch, 2006; OCJS, 2006; and Zevitz, 2004).

### **5.4.3 Community and Offender Relations**

H9. Law enforcement agencies that are sheriff’s departments or are located in jurisdictions with smaller populations will report receiving more reports on other crimes from citizens as a result of Megan’s law. (The independent variables are “type of agency” and “population of city/town.” The dependent variable is “reporting other crime.”)

The basis for hypothesis number 9 is that sheriff’s departments are situated in smaller jurisdictions where communication with citizens is more informal and personal owing to the physical proximity of citizen to law enforcement. Hence citizens in smaller jurisdictions will be more comfortable in reporting suspicious behavior or other crimes to their local sheriff’s department (Crank, 1990; Fitch, 2006; Laub, 1983; Levenson and D’Amora, 2007; Menard and Ruback, 2003; and Siskin and Teasley, 2002; and Ward, 1982).

H10. Law enforcement agencies that are sheriff’s departments or are located in jurisdictions with smaller populations will report receiving more leads from citizens about registered sex offenders as a result of Megan’s law. (The independent variables are “type of agency” and “population of city/town.” The dependent variable is “offering leads about an offender who is the subject of a notification.”)

The basis for hypothesis number 10 is that sheriff’s departments are situated in smaller jurisdictions where communication with citizens is more informal and personal

owing to the physical proximity of citizen to law enforcement. Hence citizens in smaller jurisdictions will be more comfortable in reporting the activities of registered sex offenders to their local sheriff's department (Crank, 1990; Fitch, 2006; Laub, 1983; Levenson and D'Amora, 2007; Menard and Ruback, 2003; and Siskin and Teasley, 2002; and Ward, 1982).

H11. Law enforcement agencies will report increased public awareness of sex offenders to the extent that they are police departments rather than sheriff's departments, that there is greater frequency of request to have offenders moved, that there are greater expressions of fear, anger and hostility, that the number of sex offenders in a jurisdiction is large, or that there is grandstanding by politicians. (The independent variables are "type of agency," "requesting to have the offender(s) moved from a location," "expressions of fear, anger, hostility," "number of sex offenders in the jurisdiction," and "grandstanding by politicians." The dependent variable is "increased public awareness of the problem of sex offenders in society.")

The basis for hypothesis number 11 is that Megan's law has raised the visibility of sex offenders in the community. Many registered sex offenders are living in urban areas (Zevitz, 2004). Citizens' are now more aware of the presence of sex offenders than in the past. The awareness has created tension and raised the level of concern about sex offenders. Citizens in urban settings will turn toward policing services to address their fears and concerns including, but not limited to, requesting the offender's removal (Freeman-Longo, 2001; Gaines, 2006; and Garofalo, 1981).

H12. Law enforcement agencies will report an increase in over-reaction by the public to the extent that they are police departments rather than sheriff's departments, that there is greater frequency of request to have offenders moved, that there are greater expressions of fear, anger and hostility, that the number of sex offenders in a jurisdiction is large, or that there is grandstanding by politicians. (The independent variables are "type of agency," "requesting to have the offender(s) moved from a location," "expressions of fear, anger, hostility," "number of sex offenders in the jurisdiction," and "grandstanding by politicians." The dependent variable is "over-reactions by the public.")

The basis for hypothesis number 12 is that Megan's law has raised the visibility of sex offenders in the community. Many registered sex offenders are living in urban areas (Zevitz, 2004). Citizens' are now more aware of the presence of sex offenders than in the past. The awareness has created tension and raised the level of concern about sex offenders. Using an emotional appeal or grandstanding on a crime is a classic approach for politicians to draw attention to the plight of urban areas. Citizens in urban settings will over-react and turn toward policing services to address their fears and concerns including but not limited to requesting the offender's removal (Freeman-Longo, 2001; Gaines, 2006; and Garofalo, 1981).

H13. Harassment of sex offenders will be reported as less of a problem by law enforcement agencies that are sheriff's departments or that are located in rural rather than in urban areas or that are in jurisdictions with lower populations. (The independent variables are "type of agency," "type of jurisdiction" and "population of city/town." The dependent variable is "harassment of the sex offender.")

The basis for hypothesis number 13 is that sheriff's departments serving smaller populations will handle harassment of registered offenders informally rather than formally; meaning that a report of harassment may not be journalized or documented. Also, there are fewer registered sex offenders living in rural areas and thus fewer persons to experience or report harassment. Harassment may be less of a problem owing to the closeness of residents and the preference to handle such matters informally community (Crank, 1990; Fitch, 2006; Freeman-Longo, 2001; Gaines, 2006; Garofalo, 1981; Laub, 1983; Levenson and D'Amora, 2007; Menard and Ruback, 2003; and Siskin and Teasley, 2002; and Ward, 1982).

#### **5.4.4 News Media**

H14. Law enforcement agencies will be more likely to report the news media as sensationalizing the problem of sex offenders if they are sheriff's departments, if they are located in a town or village, if they are in a jurisdiction with a smaller population, or they have a smaller number of sex offenders. (The independent variables are "type of agency," "type of jurisdiction," "population of city/town" and "number of sex offenders in the jurisdiction." The dependent variable is "media sensationalism.")

The basis for hypothesis number 14 is that sheriff's departments in rural areas prefer to handle the problem of registered sex offenders informally and without a great deal of attention from news media. The undue attention may be perceived by sheriff's departments as sensationalizing a non-issue and further enhancing citizens' fears and concern about sex offenders (HRW, 2007; Jones, 1999; Johnson and Babcock, 1999; Levenson and D'Amora, 2007; Ohio eyes, 2007; Surette, 1992; and Zevitz and Farkas, 2000a).

In the next section, multivariate logistic regression will be used to test the hypotheses. Refer to chapter three for a more detailed discussion on the use of logistic regression. The analyses will determine the strength and direction of the relationships between the independent variables and the dependent variables included in the hypotheses.

### **5.5 Law Enforcement Findings**

Hypotheses one and three did not reach a level of statistical significance and were not supported by the analysis. Hypothesis two is partially supported in that jurisdictions with written policies on registration reported increased information sharing from other criminal justice agencies. It was theorized that the relationship, already in existence,

between law enforcement agencies and other allied-professional agencies (e.g. the department of corrections, parole authority, local probation offices and other law enforcement agencies) would be further enhanced owing to the new duties and activities arising from the sex offender registration law. This finding appears to reinforce the case for having written policies as part of Megan's law.

Multivariate logistic regression revealed that only one variable was statistically significant in this model: written policy on registration (Table 5.1). The variable was statistically significant at the .05 confidence level. The remaining variables, type of agency and written policy on notification were not significantly related to the increased information sharing.

**Table 5.1. Multivariate Logistic Regression: Relationship between Increased Information Sharing and Type of Agency, Written Policies on Registration and Notification**

	B	S.E.	Wald	Df	Sig.	Exp(B)	
Agency type					.193	.612	NS
<b>Written policy registration</b>	1.480	.686	4.663	1	.031	4.394	SS*
Written policy notification	-1.219	.707	2.973	1	.085	.296	NS
Constant	-.226	.673	.113	1	.737	.797	

\* $p < .05$

\*\* $p < .01$

\*\*\* $p < .001$

n=183

Chi-square 7.246

Sig .064

Pseudo  $R^2$ : Cox & Snell  $R^2$  .039

Nagelkerke  $R^2$  .053

*Note:* Dependent variable: increased information sharing

The variable written policy on registration was positively related to the dependent variable increased information sharing. For a one unit increase in written policy on registration the odds-ratios of increased information sharing (versus decreased information sharing) increase by a factor of 4.394.

The odds-ratio of increased information sharing was converted to a probability using the coefficient of the independent variable written policy on registration (Table 5.2). The predicted probability (.4437 or about 44 percent) of increased information sharing among criminal justice agencies was higher if the department did have a written policy on registration. The predicted probability (.2219 or about 22 percent) of increased information sharing was lower if the department did not have a written policy on registration

**Table 5.2. Probability Table**

<b>Probability for Increased Information Sharing</b>	<b>Written Policy on Registration</b>
.2219	0
.4437	1

The likelihood ratio chi-square of 7.246 with a p-value of .064 tells us that the model as a whole does not fit very well. The critical value with three degrees of freedom is 7.815. The null is not rejected. The overall model is not statistically significant ( $p=.064$ ). The -2 log likelihood 237.182 was used to compare the fit of this model with the constant only model. The Cox and Snell  $R^2$  value indicates the likelihood of the model with only the constant present (.039). In contrast, the Nagelkerke  $R^2$  value indicates the model with all the independent variables present (.053). The constant model is only slightly improved with the presence of the independent variables. The Nagelkerke  $R^2$  indicates that less than five percent of the observed variation is explained by the multivariate logistic regression model. The model has limited explanatory power, as the majority (95 percent) of the variation remains unexplained.

Hypothesis four and five did not reach a level of statistical significance.

Hypothesis six expected that law enforcement agencies in urban settings would experience a greater strain on department resources than law enforcement agencies in rural settings after the implementation of Megan's law. Logistic regression indicated that type of jurisdiction was statistically significant at the .05 level (Table 5.2). Those jurisdictions located in urban areas reported greater strain on department resources. In contrast, type of agency was not significantly related to the dependent variable. It was

also expected that police departments would report more strain than sheriff's departments. But no significant difference was found by agency type.

**Table 5.3. Logistic Regression: Relationship between Strain on Departmental Resources and Type of Agency and Type of Jurisdiction**

	<b>B</b>	<b>S.E.</b>	<b>Wald</b>	<b>df</b>	<b>Sig.</b>	<b>Exp(B)</b>	
Agency type	.422	.494	.729	1	.393	1.525	NS
<b>Jurisdiction type</b>	.395	.178	4.927	1	.026	1.484	SS*
Constant	.238	.662	.129	1	.719	1.269	

\* $p < .05$       \*\* $p < .01$       \*\*\* $p < .001$

N=182

Chi-square 6.750\*

Sig. .034

Pseudo R<sup>2</sup> Cox & Snell R<sup>2</sup> .036

Nagelkerke R<sup>2</sup> .059

*Note:* Dependent variable: departmental resources

The majority of law enforcement agencies in Wisconsin are situated in metropolitan areas (n=130). Not surprisingly, urban jurisdictions experienced an additional strain on departmental resources owing to the enforcement requirements of Megan's law. Type of jurisdiction was positively related to strain on departmental resources. For urban jurisdiction the difference from a rural jurisdiction was 1.484.

The odds-ratio of increased strain on departmental resources was converted to a probability using the coefficient of the independent variable jurisdiction type (Table 5.4). The predicted probability (.4407 or about 44 percent) of strain on departmental resources was lower if the department was situated in a rural area. The predicted probability (.6449) of strain on departmental resources was higher if the department was situated in an urban area.



**Table 5.4. Probability Table**

<b>Probability for Strain on Departmental Resources</b>	<b>Jurisdiction Type</b>
.4407	0
.6449	1

The likelihood ratio chi-square of 6.750 with a p-value of .034 tells us that the model as a whole fits slightly better than the empty model (Constant only model). The -2 log likelihood of 165.563 was used to compare the fit of this model with constant only. The critical value for a chi-square with 2 degrees of freedom is 5.991 (presuming a p-value of .05). The observed chi-square exceeds the critical value. The null hypothesis of no relationship is rejected.

The Cox and Snell  $R^2$  value indicates the likelihood of the model with only the constant present (.036). In contrast, the Nagelkerke  $R^2$  value tells us that 6 percent of the observed variation is explained by the logistic regression model. However, 94 percent of the variation remains unexplained. The model has limited explanatory power.

Hypothesis seven expected that law enforcement agencies in urban settings will experience increased workloads compared to law enforcement agencies in rural settings after the implementation of Megan's law. Similar to hypothesis six, the majority of law enforcement agencies in Wisconsin are situated in metropolitan areas (n=130). Additionally, the majority of law enforcement agency types self-identified as police (n=140) and sheriff (46). It was theorized that urban law enforcement agencies would experience more of a workload increase than their counterparts in rural areas. A split-finding occurred in hypothesis seven. Type of agency was not significantly related to an

increase in workloads. Type of jurisdiction was significantly related to an increase in workloads. As expected, law enforcement agencies in urban jurisdictions, primarily located in cities, experienced increased workloads as compared to law enforcement agencies in rural jurisdictions (counties, towns and villages).

Logistic regression revealed that jurisdiction type was statistically significant at the .05 level (Table 5.3). Type of jurisdiction was positively related to the dependent variable ( $\beta$  weight .433). For a one unit increase in the type of jurisdiction the odds-ratios of increased workloads (versus decreased workloads) increase by a factor of 1.542. Type of jurisdiction is a strong predictor of increased workloads in this model.

**Table 5.5. Logistic Regression: Relationship between Increased Workloads and Type of Agency and Type of Jurisdiction**

	<b>B</b>	<b>S.E.</b>	<b>Wald</b>	<b>df</b>	<b>Sig.</b>	<b>Exp(B)</b>	
Agency type	-.653	.354	3.403	1	.065	.521	NS
<b>Jurisdiction type</b>	.433	.143	9.176	1	.002	1.542	SS*
Constant	.484	.529	.835	1	.361	1.622	

\* $p < .05$       \*\* $p < .01$       \*\*\* $p < .001$

N=182

Chi-square 13.688\*

Sig. .001

Pseudo  $R^2$  Cox & Snell  $R^2$  .072    Nagelkerke  $R^2$  .099

*Note:* Dependent variable: increased workloads

The odds-ratio of increased workloads was converted to a probability using the coefficient of the independent variable jurisdiction type (Table 5.6). The predicted probability (.2855, or about 28.5 percent) for increased workloads was lower if the department was situated in a rural area. The probability (.3813, or about 38 percent) was higher if the department was situated in an urban area.

**Table 5.6. Probability Table**

<b>Probability for Increased Workloads</b>	<b>Jurisdiction Type</b>
.2855	0
.3813	1

The likelihood ratio chi-square of 13.688 with a p-value of .001 tells that the model as a whole fits very well. The critical value with 2 degrees of freedom is 5.991. The observed chi-square exceeds the critical value. The null hypothesis of no relationship is rejected. The overall model is statistically significant ( $p < .05$ ). The -2 log likelihood 226.864 was used to compare the fit of this model with the constant only model.

The Cox and Snell  $R^2$  value indicates the likelihood of the model with only the constant present (.072). In contrast, the Nagelkerke  $R^2$  value indicates the model with the two independent variables present (.099). The constant only model is only slightly improved with the presence of the two independent variables. The Nagelkerke  $R^2$  value indicates that roughly 10 percent of the observed variation is explained by the logistic regression model. Unfortunately, 90 percent of the variation remains unexplained. The model has limited explanatory power.

The remaining hypotheses (eight through fourteen) did not reach a level of statistical significance.

## **5.6 Summary**

The key findings of this section of the dissertation are as follows: 1) Agencies with written policies on registration are statistically more likely to report the benefit of increased information sharing with other criminal justice agencies as a result of Megan's

law than agencies without written policies. 2) Law enforcement agencies in urban areas are more likely to report the negative consequence of greater strain on agency resources as a result of Megan's law than agencies in rural jurisdictions. 3) Law enforcement agencies in urban settings are also more likely to report the negative consequence of increased workloads as a result of Megan's law than agencies in rural jurisdictions. Overall the findings do not reveal much in the way of differences in effects (either positive or negative) of Megan's law on various types of law enforcement agencies. The significant findings show one benefit of increased information sharing for departments with written policies on registration, but also reveal negative consequences for urban law enforcement agencies in the form of greater strain on resources and decreased workload. It is important to recall that the three findings could simply be the result of sampling error. The findings should be interpreted with caution as the results might be due to random chance or error. The sample size was not very large and with a smaller sample ( $n=188$ ) the likelihood of error increases. Larger samples are less likely to experience sampling bias (Bachman and Paternoster, 1997). These findings, along with findings from the other two areas of this study will be discussed in Chapter 8.

## **CHAPTER 6**

### **The Effects of Megan's Law on Offenders: A Review of the Literature**

The purpose of this part of the study is to explore the effects of Megan's law on registered sex offenders. Inherent in Megan's law are penalties for registration violations. Registered sex offenders risk arrest, prosecution and incarceration for not complying with the registration provisions (Anderson, 2006). Presumably, an offender may not commit a new sex offense but may be re-arrested for crimes relating to the new law (i.e., failing to register, non-disclosure of a new address after relocating or not reporting to authorities within a specified time frame after release or relocation).

Parents for Megan's Law evaluated sex offender registration compliance in the U.S.

(<http://www.parentsformeganslaw.org/public/meganReportCard.html>). The findings "indicate that approximately 24% of the nation's sex offenders are failing to comply with state registration requirements, over 100,000 sex offenders are out of compliance" (<http://www.parentsformeganslaw.org/public/meganReportCard.html>). The national compliance average is 76 percent

(<http://www.parentsformeganslaw.org/public/meganReportCard.html>). Chapter 6 presents an overview of the research literature on registered sex offender compliance.

A whole host of new statutes were developed in the aftermath of Megan's law to ensure offender compliance. But these statutes might not be the most viable method for controlling sex offenders (Colorado Department of Public Safety, 2004). The statutes

may be ineffective and produce unintended consequences. For example these statutes “do not contain a treatment provision for offenders to control their behavior” (Orlando, 2007). In addition, Megan’s law might inadvertently create a “catch-22” situation for registered sex offenders. For example, in Washington State, offenders who did not register accounted for eight percent of the new arrests (Schram and Milloy, 1995; and Tewksbury, 2005). Registered sex offenders are expected to be in continuous compliance with the new law. Compliance may be difficult to achieve as there are no provisions to assist offenders in complying with the new policy. Sex offender treatment or counseling services are not provided, job and housing assistance is not offered and little in the way of support is given to aid offenders with compliance. Residency restrictions limit housing opportunities for offenders. Some offenders may become homeless further hampering compliance. Offenders may try to comply with the law but if not offered some assistance with compliance, failure may be inevitable.

The Ohio Department of Rehabilitation and Correction (ODRC) reported “the number of offenders being prosecuted for a failure to register and update information has been steadily increasing over the past five years” (OCJS, January 2006 Report on Sex Offenders). Generally though, specific prosecution for violation of registration laws has been limited (Earl-Hubbard, 1996). Rosen (2008) reasoned that judges in Ohio demand a considerable amount of proof to establish that an offender has failed to register with local authorities. The higher threshold might account for the apparent lack of arrests and prosecutions for violating the Sex Offender Registration and Notification (SORN) law in Ohio.

Arguably offenders who have been incarcerated for violating Megan's law might likely represent the "worst form of the offense" (Anderson, 2006). It is possible that these cases meet the threshold level echoed by Rosen (2008). Bynum (2001) contends that it might be more fruitful to examine offenders who have been incarcerated to obtain a better understanding of arrest rates and/or recidivism rates. It is speculated that many of the offenders who have violated Megan's law have done so more than once prior to the instant incarceration. In order to assess the impact of Ohio SORN, it is critical to identify and understand the legal and non-legal factors among offenders incarcerated for violating the law.

### **6.1 Violating Megan's Law**

Earl-Hubbard (1996) reported that in Tennessee 28 percent of registered offenders moved without re-registering again. Similarly, Pawson (2002) asserts that "compliance with re-registration (e.g. failing to verify new address) has been lopsided and incomplete" (p. 45). Arguably offenders may miss or simply forget the registration renewal date or deliberately forego re-registration (p. 45). But the most plausible explanation is that these offenders live an unconventional lifestyle. They are frequently moving from place to place, never sleeping in the same location twice or for any consecutive period of time. This transient existence does not bode well for reporting each move to authorities on a regular basis. It may simply be a matter of waiting until a more permanent location is found and then reporting the new address to authorities. Rosen (2008) indicated that offenders in Ohio have to report an address to authorities if they are living or residing at a specific location for a minimum of three days. It seems plausible that offenders could be relocating every

third day in an attempt to negate compliance. Another possibility is that offenders simply owing to a lack of “social capital” (Sampson and Laub, 1993) are unable to secure a permanent dwelling.

It is important to recall that arrests for violation of Megan’s law do not always result in conviction let alone a sentence of incarceration. Violation of Ohio’s SORN (sex offender registration and notification) law as defined in Ohio Revised Code (ORC) Section 2950 is currently a low level felony crime (F-3/F-4/F-5). Future SORN violators under the Adam Walsh Act (AWA) (2006) will face more stringent penalties (Stewart, 2008). The Act equalized the level of felony to be commensurate with the primary offense that triggered the original registration. For example, an offender convicted of rape, a felony of the first degree, will then face a similar felony level upon arrest for violating the registration law (Stewart, 2008). Concurrently, the AWA will also increase penalties for offender non-compliance and more offenders might be sentenced to prison as a result. Under current Ohio law there is a presumption that offenders convicted of lower level felonies should be treated or maintained within the community (Anderson, 2006). The presumption can be overcome depending on the exigent circumstances including the conviction of a sex offense, prior incarceration and community safety (Anderson, 2006).

## **6.2 Deterrence Theory**

Hebenton and Thomas (1997) contend that the onus is on offenders to be in compliance with the registration law. Offenders must take personal responsibility for registering, notifying and verifying information to authorities. Registration may then be viewed as part of the “self-help” approach embodied within the field of corrections. The



Classical School of Criminology posits that offenders weigh the benefits of an action, in this case failing to register, notify or verify a new location, against the perceived costs, such as incarceration (Beccaria, 1819).

Under the Classical School model, individuals are presumed to be sentient, intelligent, reasoning capable individuals with free will to choose to commit crime (Beccaria, 1819). Individuals must then be dissuaded from committing crime through the establishment of two levels of deterrence: “general deterrence” for all members of the public and “specific deterrence” for those who have broken the rules set down for their behavior (Beccaria, 1819; and Bentham, 1789). Megan’s law contains elements of classical criminology especially in the form of a “specific deterrence” (Beccaria, 1819; and Bentham, 1789).

Convicted sex offenders must periodically register their location with justice system authorities. The registration information is publicly disseminated. It is presumed that registered sex offenders will be specifically deterred from committing new sex offenses and/or violating the law. The community is watching sex offenders and knows where they reside via public disclosure on Internet websites, hand-outs, fliers and assorted informational mailings and news media coverage (Surette, 1992; Tewksbury, 2005; and Zevitz, 2004). Presumably offenders will be deterred because they know that the likelihood of getting caught is greater now that the community is aware of their presence (Surette, 1992). Arguably, the “target-hardening” approach may also result in tougher sanctions such as incarceration for violating the registration law as a way to send a message to other would-be registration violators.

Offenders motivated by self or “private” interest may not view the registration law as a benefit (Beccaria, 1819). In fact, such offenders may observe the requirements of law to be counter-productive to achieving social capital or engaging with legitimate adult social institutions (Kruttschnitt, Uggen and Shelton, 2002; and Sampson and Laub, 1993). Non-compliance with the registration law reflects a choice of the individual offender. The odds of getting caught and punished appear low (Schram and Milloy, 1995). The decision to punish registration violators by sentencing them to a period of incarceration serves the dual purpose of retribution and deterrence. Retribution or a strict punishment such as incapacitation is imposed for violating the law and may be interpreted as protecting society.

Deterrence theory, in the context of registered sex offenders, is aimed at preventing future registration violations; while simultaneously encouraging compliance. Counties, urban and rural, that have sentenced registration violators to prison may reflect a retributive rather than a deterrence focus. It may very well be that the deterrent effect has not been realized; hence, the increase in the number of offenders incarcerated for registration violations (ODRC, 2004). Tewksbury (2005) asserts that Megan’s law is meant to have a deterrent effect. An incarcerated offender poses less risk of harm to children than an offender does who resides in the community. Thereby, it is logical to conclude that incarcerating offenders for violating the SORN law protects children and holds offenders accountable. Moreover, incarcerating registration violators reduces opportunities for offenders to interact with potential victims, especially children (pp. 67-68). For crimes in general, however, research on deterrence has shown little or no

deterrent effect of criminal sanctions (Paternoster, 1987). There is no reason to believe that the SORN laws create any different deterrent effects than do other criminal sanctions.

### **6.3 Variables Associated with Registration Violations**

There is a dearth of information on sex offender registration violations in the criminal justice literature. As a result, a number of articles and studies of sex offender recidivism have been explored. The purpose is to garner insight into the specific variables associated with and which used to predict recidivism among sex offenders. It is speculated that these variables may also play an important role in registration violations. Bynum (2001) conducted a literature review of 61 prior studies on sex offender recidivism. He determined that a number of variables, legal (e.g. prior record) and non-legal (e.g. age, race) variables might play a role in predicting recidivism of registered sex offenders (Levenson and Cotter, 2005; Parkinson et al., 2004; and Schram and Milloy, 1995; Zevitz and Farkas, 2000b). The author suggests that “dynamic” factors (e.g., marriage, education or employment, i.e., variables associated with “social capital”) might also be useful in predicting recidivism.

Tewksbury and Lees (2007) explored the perceptions of the registration law among registered sex offenders in Kentucky (p. 388). The authors conducted individual interviews with 22 offenders (p. 389). The majority of the offenders were white males with a mean age of 48 (p. 390). Roughly 41 percent were married but half reported living alone or residing with the current spouse or had some other non-described living arrangement (p. 390). The offenders’ expressed doubt about the utility of the law,

frustration with universal access to the website and having to live with the judgments of other citizens. The authors did not specifically address the issue of registration violations, or the impact on marital status or employment.

Tewksbury (2005) contends Megan's law presumes sex offenders will recidivate or commits new sex offenses (p. 21). The author examined the consequences associated for offenders listed on the Kentucky sex offender website (p. 72). An anonymous survey was mailed to registered sex offenders (n=121) (p. 72). The offenders in this study were not incarcerated. The author presented cross-tabulations and descriptive analyses of respondents' responses and attitudes toward the registry. The offenders were evenly located between metropolitan and non-metropolitan areas (p. 72). The majority of respondents were Caucasian males, with an average age of 43 (p. 73). There were no statistically significant differences between offenders living in metropolitan and non-metropolitan counties (p. 77). A small percent of offenders experienced some negative consequences but there were no differences in how these offenders experienced the law, perceptions of fairness or attitudes toward the law (pp. 75-77). The author was also unable to produce a relationship between child and non-child-victim registered sex offenders (p. 76).

In another, study Tewksbury (2002) examined the accuracy of the sex offender registry in Kentucky. The registry is maintained by the Kentucky State Police and contains primarily demographic information (e.g. race and gender) and addresses of all registered sex offenders (n=537 offenders) (p. 22). The author theorized a relationship between the demographic variables and the accuracy of the websites (p. 22). Descriptive

statistics revealed that the majority of the registrants were Caucasian males living in rural counties (p. 23). In contrast, over 30 percent of African American registrants lived in urban areas. Caucasians were also more likely to be registered for ten years and for life than African Americans (p. 24).

Bivariate analysis revealed that white males were less likely than African Americans to have their photograph on the registration website (p. 24). Tewksbury (2002) surmised that the use of photographs is a new feature for the registry. Logistic regression revealed that living in an urban county is a statistically significant predictor of having a photograph on the website (pp. 24-25). Justice system officials in urban counties may be making more of an effort to comply with the registration law than their rural counterparts. Also, the race variable must be viewed with caution as African Americans represent roughly one quarter of the total registered sex offenders on the Kentucky website. The author concluded that all types of offenders, regardless of demographics, are trying to evade registration law requirements (p. 25).

Another study by Parkinson et al., (2004) examined offending patterns of convicted child molesters in Australia (n=30). Using case files, the authors reported that the majority of offenders were male, less than half were married, while the remaining were single, divorced or living with someone (p. 31). The race of the offenders was not identified but offenders' mean age was 39 (p. 31). The authors presented univariate information and cross-tabulations.

Elbogen et al., (2003) examined the impact of notification laws on institutionalized sex offenders' in Nebraska (n=40) (p. 207). The authors explored

respondents' perceptions and understanding of the notification law. Descriptive data indicated that the respondents were white males with an average of age 34 (p. 211). Less than 25 percent were married as the remaining were divorced and half were single (p. 211). The authors then conducted multivariate analyses using logistic regression (p. 212). Three non-demographic variables predicted respondent's perception fairness of the notification law including description of the crime, fingerprints and fear of embarrassment (p. 213). The offenders in this study expressed strong belief that the law would increase their chances of getting caught (p. 213). Curiously, more than half did not understand the requirements of the law (p. 213).

Another study by Levenson and Cotter (2005) surveyed registered sex offenders in a Florida treatment center (n= 183). The sample was divided between child-molesters and rapists (p 54). The authors conducted one linear regression model, bivariate analysis and presented descriptive statistics (p 55). The majority of the respondents were between the ages 25 and 64 (p. 55). Whites represented almost two-thirds of the sample and 25 percent of the offenders were married (p. 55).

Bivariate analysis using t-test revealed several statistically significant relationships between notification and negative consequences. The statistically significant variables were identified as job loss, physically assaulted, property damage and "consequences for household members" (Levenson and Cotter, 2005, p. 57). Within group comparisons demonstrated that different types of notifications (e.g., in-person notification, posters, meetings, and news media ads) were significantly related to negative outcomes for registered offenders (p. 60). However, at the multivariate level the

correlation between offender perception and actuarial risk assessment was not significant (p. 61). The authors concluded that studying registered sex offender recidivism is “methodologically challenging” (p. 63). Unfortunately, the authors did not specify how to develop an empirical analysis of Megan’s law.

Kruttschnitt, Uggen and Shelton (2000) assert that the role of informal social controls may act as a barrier to prevent new sex offenses from being committed by sex offenders (p. 62). The authors used Sampson and Laub’s (1993) theory of social capital and informal social control. The theory posits that as individuals “adhere to adult institutions,” such as marriage and employment, reductions in crime might occur (p. 63). Family may act as a disincentive for offenders to resist committing new sex offenses (p. 76). Similarly, employment provides for basic needs that cannot be fully met by crime, increases self-esteem and sense of belonging to the community. The authors specifically examined whether marriage and employment prevented sex offenders from committing new sex offenses. For this study, retrospective data were collected on offenders placed on probation beginning in 1992 from the Minnesota Community-Based Sex Offender Program Evaluation Project and the Minnesota Department of Corrections (n=422) (pp. 67-68). The authors conducted chi-square tests, multivariate and survival analysis and used Cox’s proportional hazard model (p. 71).

The authors found that marriage had no effect on whether a sex offender committed another sex offense (p. 75). Many marriages dissolved prior to sentencing (p. 76). “Marriage or cohabitation reflects stability,” and the absence of it may have a negative effect on sex offenders’ behavior (Kruttschnitt et al., 2000, p. 76). The authors

speculated that “spouses who remain in these unions with convicted sex offenders demonstrate marital commitment and informal social control” (Kruttschnitt et al., 2000, p. 80). Another variable, employment, in the six months prior to committing a new sex offense, was statistically significant at both the bivariate and multivariate level (p. 80). Once legal variables were added to the model, employment alone was no longer statistically significant (p. 75).

Another variable, race, was observed across all five models to be statistically significant (p. 75). While the impact of race was somewhat lessened once marriage and employment were entered into the model, African Americans were still more likely to be re-arrested for a new sex offense than were whites (p. 75). The variable age was observed to be statistically significant (pp. 75-76). As offenders age they were less likely to be involved in new offenses. This finding is consistent with Gottfredson and Hirschi’s (1990) assertion that the aging process reduces offending more than any correctional or rehabilitation programming. Furthermore, the authors do not hold any support for predicting offending patterns based on offender classifications, rankings or categories. Levenson and D’Amora (2007) in a review of prior literature reported that less offending occurs with age as well (p. 177). Also, the longer an offender remains in the community the less likely is he/she to re-offend or commit a new sex offense (p. 177)

In another study, Adkins et al., (2000) examined recidivism rates among registered sex offenders in Iowa. The sample was composed of pre and post-Megan’s law registrants placed on probation or parole (n=434) (p. 4). Using official data the authors followed the sample for a little over four years (p. 4). The majority of the respondents



were male, almost all were Caucasian with African Americans representing two percent of the sample (p. 6). More than half of the offenders had been convicted of a non-sex offense before the age of 25 (p. 7). The majority were older when convicted of a sex offense and in their 30s at the time of registration (p. 7). The authors presented cross-tabulations and conducted bivariate analysis. A number of legal and non-legal variables were theorized to be predictors of recidivism (p. 21). However, the study did not find evidence of a statistically significant relationship among the variables. The authors were unable to support a connection between the registration law and recidivism in Iowa. Hanson et al., (1995) suggest that future studies may want to explore the impact of the registration law on offender behavior (p. 21).

Schram and Milloy (1995) examined characteristics of registered offenders in Washington State (p. 2). The authors conducted a comparative study of non-incarcerated registered and non-registered offenders (n=139) using descriptive statistics, bivariate and survival analysis (p. 5). There was a mixture of legal and non-legal variables in this study including, age, race and marital status (p. 10). The majority of the offenders were Caucasian, age 34-35, less than half were married and 32 percent lived alone prior to arrest for a sex offense (p. 28). The authors did not find a statistically significant difference between the two groups (p. 26). However, using a t-test, the relationship between victim injury and recidivist sex offenders was statistically significant (p. 28). Recidivist sex offenders tended to hurt or harm the victim more than non-recidivist sex offenders (p. 28). The level of injury to the victim is a legal variable used by judges to impose harsher and longer periods of incarceration on offenders convicted of violent sex

offenses (Wilson, 1997). But among the general demographics of the two groups' race and marriage were found to be statistically significant (p. 30). Interestingly enough, offenders who did not register accounted for eight percent of the new arrests (p. 14).

Another study by Hanson, Scott and Steffy, (1995) examined predictors of recidivism among child molesters. The authors accessed official records of incarcerated, male child molesters and non-child molesters (n=328). The authors conducted a longitudinal study from 1965 to 1973 and a follow-up study from 1989-1992 (p. 327). Marital status and age were among six variables, legal and non-legal variables, used by the authors to predict recidivism (p. 328). Using Cox regression and OLS, more than half of each group of offenders had been reconvicted for any offense within 15-30 years after the initial incarceration (p. 331). At the bivariate level child molesters tended to be married and older than non-child molesters (p. 331). However, at the multivariate level, marital status was not statistically significant but age was a predictor for future offending among older child molesters (p. 333). Lastly, the length of sentence decreased the likelihood of re-offending among child molesters (pp. 333-334).

#### **6.4 Urban and Rural Counties**

Laub (1983) found similar patterns of offending in rural and urban settings (p. 129). Specifically, young adults were more likely to be involved in offending than older persons in both rural and urban areas (p. 133). But African Americans were more likely to be arrested in urban settings than Whites (p. 133). The arrest rates of males decreased in rural settings but increased in urban areas (p. 137). Urban areas have a greater amount of crime compared to rural settings. The amount of crime may be a reflection of

offending patterns in each setting. The “extent of urbanization is an important correlate to explaining criminality” (Laub, 1983, p. 130). The author alluded to the “crime inducing mechanisms” inherent in larger populations to explain offending patterns (p. 132). Finally, urban crime tends to be more “stranger-danger” (p. 138). As a result, stranger victimizations are more likely to be reported to the police owing to the victim’s injuries (p. 138; and Wilson, 1997). In contrast, rural crime occurs among known parties and is less likely to be reported or handled “officially.” The relationship between the parties effectively acts as a barrier to reporting; especially crimes of violence and/or intra-familial sexual abuse (p. 130; Crank, 1990; and Ward, 1982).

Kruttschnitt et al., (2000) question whether “local life conditions” are evenly or equally distributed across a community, urban or rural. Arguably, registered sex offenders in one area may commit new sex offenses less frequently than offenders in another area owing to the degree of informal social control. These elements may be the product of factors outside of the offender’s control such as poverty, discrimination, or judicial discretion focusing on punishment over treatment and rehabilitation (p. 82). These factors may also predominate in offender decisions to re-register, failure to notify or verify location to authorities.

There is a distinct possibility that offenders incarcerated for violating registration laws may have been judged to be more of a risk because of their apparent unwillingness to comply with the law. They may have been unable to comply with the registration law owing to the lack of informal social controls, the under- or undeveloped social capital. Also, any future possibility of securing any of these tools simply does not exist and

incarceration is a viable way to remove non-compliant sex offenders from the community. The local entities can then shift the burden for monitoring the offenders and enforcing the registration law to the ODRC.

Nevertheless, Kruttschnitt et al. (2000) contend that the role of the community in fulfilling the “adult desistance needs” is critical (p. 81). A community that is supportive of all of its sex offenders is likely to increase the level of “social capital” necessary to inhibit new crimes from occurring including violating the registration law (p. 81). The community notification law very likely inhibits the creation of social capital among registered sex offenders. Inherent in the law is a shaming provision via public disclosure of the names, pictures and addresses of registered sex offenders. The shaming provision likely hampers personal relationships and strains marriages. This unintended consequence of the law undermines successful reentry into the community for sex offenders and contributes to conditions that produce higher recidivism.

Similar to Kruttschnitt et al. (2000), Braithwaite (1989) puts forth the argument that shaming is only effective to the extent that it is followed by reintegration of the offender into the community. Offenders incarcerated for violating the registration law may not have been able to generate much in the way of social capital, and they very likely did not receive support from their communities, families or spouses prior to or after incarceration.

## **6.5 Studying the Impact of Megan's Law on Offenders**

Drawing on the literature discussed in this chapter, the next chapter develops variables from data on sex offenders in Ohio. This Ohio offender data set is used to test a series of hypotheses related to the effects of Megan's law on offenders.

## **CHAPTER 7**

### **An Empirical Study of the Effects of Megan's Law on Offenders**

#### **7.1 Focus of the Study**

The literature review in Chapter Six revealed that limited information currently exists on sex offenders incarcerated for violating provisions of Megan's law. As a result, this study is reliant upon the sex offender recidivism literature in general to formulate a framework and supply variables for the current study. It is speculated that the variables associated with and used to predict sex offender recidivism of sex and non-sex offenses will hold true for registration violations. It is unlikely that a new set of variables might emerge from the registered sex offender population apart from what has already been established by prior research studies on recidivism. All things being equal, then the same variables used to predict sex offender recidivism, should be consistent with those predicting outcomes for offenders incarcerated for violating the registration law. There is no reason to suspect that any differences will develop in this population.

A few authors have endeavored to research the impact of Megan's law on registered sex offender recidivism but very little research has been conducted on registration violations (Adkins et al., 2000; Bynum, 2001; Elbogen et al., 2003; Hanson et al., 1995; Levenson and Cotter, 2005; Parkinson et al., 2004; Schram and Milloy, 1995; and Zevitz and Farkas, 2000b). Many of the studies relied on official records of probationers or parolees along with a few surveys of inmates in correctional facilities or mental health institutions (Adkins et al., 2000; Bynum, 2001; Elbogen et al., 2003;

Hanson et al., 1995; Levenson and Cotter, 2005; Parkinson et al., 2004; Schram and Milloy, 1995; and Zevitz and Farkas, 2000b). In addition, the type of empirical analysis conducted is a mixture of univariate statistics, some bivariate analyses and few advanced measurements (regression and survival analysis) (Adkins et al., 2000; Bynum, 2001; Elbogen et al., 2003; Hanson et al., 1995; Kruttschnitt et al., 2000; Levenson and Cotter, 2005; Parkinson et al., 2004; Schram and Milloy, 1995; and Tewksbury, 2002).

Arguably, the most productive approach to studying public policy is to focus on those persons directly affected by the policy. The current study examines registered sex offenders incarcerated for violating the Ohio SORN law. This sample population makes the current study unique in sex offender research. One of the goals of this section of the study is to determine whether there are statistically significant similarities and differences among registered sex offenders incarcerated for violating Ohio SORN. The trend in Ohio since the passage of the SORN law has been an increase in the number of registered sex offenders incarcerated for registration violations (OCJS, 2006).

The ODRC reported that “the number of offenders being prosecuted for a failure to register and update information has been steadily increasing over the past five years” (OCJS, 2006, p. 19). There are many possible explanations for this phenomenon including new legislation requiring greater numbers of offenders to register, the release of offenders from the ODRC, and the increase in prosecutions at the local and county level (Adam Walsh Act, 2006; OCJS, 2006; and Rosen, 2008). The offenders represent a portion of all SORN violators who were arrested, convicted and incarcerated for the years 1998-2006.

There has been a parallel increase in the number of offenders incarcerated for violating SORN (OCJS, 2006). An increase of 200 percent has been observed in prison commitments for violations of SORN since 2000 (n=40 offenders) to 2004 (n=218 offenders) (OCJS, 2006). Unlike prior research, this study will examine incarcerated SORN violators' over time from 1998 to 2006. The study will not include offenders returned to ODRC for technical or parole violations of SORN. There are 1,961 offenders incarcerated for violating Ohio SORN (ODRC, 2008). This figure represents less than ten percent of the total number of registered sex offenders in Ohio (n=22,000) (Rosen, 2008).

The Ohio Office of Criminal Justice Services (OCJS) supports the need for research of this population. "There has been very little research on the effectiveness of SORN legislation in protecting the public" (OCJS, 2006, p. 2). "There is currently no statistical information on the impact of the registry" (OCJS, 2006, p. 19). "There is little research on the impact of sex offender registration and notification laws, future research on the effectiveness of SORN laws is needed" (OCJS, 2006, p. 20). "Without an independent study of the system (SORN) it is difficult to determine" the impact of the law (OCJS, 2006, p. 19). The current research is a first attempt to study the impact of SORN legislation in the United States.



## **7.2 Demographic Variables: Marriage, Education, Race, Age and Urban/Rural Residence**

A host of demographic variables will provide a good basis for analysis of the offenders incarcerated for violating Ohio SORN. An exploration of demographic variables factors will reveal the similarities and/or differences among offenders incarcerated for violating SORN. Race, age and marriage have been identified as specific control variables in a number of studies (Adkins et al., 2000; Elbogen et al., 2003; Hanson et al., 1995; Kruttschnitt et al., 2000; Laub, 1983; Levenson and Cotter, 2005; Parkinson et al., 2003; Schram and Milloy, 1995; Tewksbury, and Lees, 2007; and Tewksbury, 2005 and 2002). The use of race, age, marital status and education/employment as control variables are typical of the variables used in criminal justice research. These variables may provide important insight to understanding the full measure of Ohio SORN. Arguably sex offenders with a “stake in conformity” or “social capital” (e.g. marriage or employment) will be more likely to comply with Ohio SORN law (Hirschi, 1968).

Marriage may act as an “anchor” or “buffer” restraining individuals from engaging in crimogenic or anti-social behavior. Prior research is mixed on the relationship between marital status and recidivism. Two studies found a relationship between marital status and recidivism at the bivariate level (Kruttschnitt et al., 2000; and Schram and Milloy, 1995). But, at the multivariate level, marital status did not predominate; race and age were stronger predictors of recidivism (Kruttschnitt et al., 2000).

Overall, 75 percent of Ohio inmates do not possess a high school diploma (Ohio Literacy Network, 2007). In addition, 40 percent of persons entering the prison system in

Ohio read below a sixth grade level (Ohio Literacy Network, 2007). Nationally, students drop-out of school on average between the fifth and sixth grade (Kratcoski and Kratcoski, 2004). Many incarcerated offenders are functionally illiterate and are thus economically disadvantaged. Arguably these factors may have a considerable impact on the lives of registered sex offenders, (Kruttschnitt et al., 2000). Registered sex offenders may be even less employable than their non-sex offending counterparts and thus face more difficulties acquiring social capital and difficulty complying with the requirements of SORN as well.

Given that the U.S. workforce has morphed into a service and technologically-oriented economy, individuals with less education may find it more difficult to obtain and maintain employment (Kratcoski and Kratcoski, 2004). The U.S. Department of Education reports that lifetime earning capacity is further reduced for drop-outs (Ohio Literacy Network, 2007). Sex offenders are doubly-sanctioned with not only one label emanating from a felony conviction(s) but a second more visible designation as a registered sex offender. Education is reputed to be the “great equalizer” but the registered sex offender label may negate the benefits of education and employment (Elbogen et al., 2003; Kratcoski and Kratcoski, 2004; Levenson and Cotter, 2005; Tewksbury, 2005; and Tewksbury and Lees, 2007).

The variable race was used in many studies as a control variable (Adkins et al., 2000; Elbogen et al., 2003; Laub, 1983; Levenson and Cotter, 2005; Schram and Milloy, 1995; and Tewksbury, 2002). But only three studies were able to establish a statistically significant relationship at both the bivariate and multivariate level (Laub, 1983; Schram and Milloy, 1995; and Tewksbury, 2002).

The variable age was explored as a predictor of sex offender recidivism in several studies (Adkins et al., 2000; Elbogen et al., 2003; Hanson et al., 1995; Kruttschnitt et al., 2000; Levenson and Cotter, 2005; Schram and Milloy, 1995; and Tewksbury, 2005 and 2002). However, two studies observed a statistically significant relationship between age and recidivism (Hanson et al., 1995; and Kruttschnitt et al., 2000).

Registered sex offenders incarcerated for violating SORN are more likely to be from urban counties than similarly situated offenders from suburban and rural counties (Tewksbury, 2005, 2002; and Zevitz, 2004). In fact over, 60 percent of the registered sex offenders live in six of the largest counties in Ohio ([www.esorn.gov](http://www.esorn.gov)). It is speculated that in densely populated areas registered sex offenders might be more closely monitored and observed than in smaller, suburban and rural areas (Fitch, 2006; Heberton and Thomas, 1997; and Zevitz, 2004). It is also likely that urban areas contain neighborhoods that are socially disorganized (Shaw and McKay, 1942) in which sex offenders are “dumped.” These neighborhoods lack informal social controls and opportunities for obtaining social capital (Sampson and Groves, 1989; Sampson and Wilson, 1995). Consequently registration violators might be more subject to arrest and prosecution and ultimately incarceration. It is also speculated that the six largest counties with the most registered sex offenders may be linked to incarceration of registration violations.

Monitoring registered sex offenders might be easier in smaller communities rather than in large, anonymous, urban settings (Crank, 1990; Handberg and Unkovic, 1982; Levenson and D’Amora, 2007; and Laub, 1983). It is critical to establish whether urban or rural counties incarcerate sex offenders for violating SORN at different rates and

different types or levels of registered sex offenders (sexual predators, habitual, or sexually oriented). Tewksbury (2005) found no relationship between offenders living in metropolitan and non-metropolitan counties in Kentucky. In Ohio, incarcerating SORN violators may be a result of compliance and enforcement issues among law enforcement as well as a product of judicial and prosecutorial discretion. Nevertheless, it is important to identify which counties are significantly incarcerating offenders for violating SORN.

There might be a link between the incarcerated offenders in the dataset and the inability to adhere to adult institutions (Kruttschnitt et al., 2000). Adult desistance might have been inhibited among the incarcerated registration violators leading to a continuation of a criminal lifestyle (Kruttschnitt, et al., 2000). How the law might contribute, if at all, to offender incarceration is largely unclear (OCJS, 2006, pg 2; Levenson and Cotter, 2005; Tewksbury, 2005; and Zevitz and Farkas, 2000b). A significant advantage to studying an incarcerated sample is the fact that these offenders have been arrested and convicted for the crime of violating the sex offender registration law (Bynum, 2001). Unlike other situations where a sample may have been arrested only and not convicted or convicted but were found guilty of some lesser offense or did not receive a sentence of incarceration. The sample in this study followed a linear pathway from time of arrest through incarceration for a singular offense.

The independent variables used in this study have been culled from the literature review. These variables will be used in order to validate previous findings.

### 7.3 Data and Methods

The sample consists of all registered sex offenders incarcerated in the Ohio Department of Rehabilitation and Correction for violating SORN law requirements (excluding offenders incarcerated for technical violations) between 1998-2006 (n=1961) ([www.odrc.state.oh.us](http://www.odrc.state.oh.us)). The dataset was requested by the author. The dataset was then prepared by ODRC senior researcher, Paul Konicek. The privacy of the offenders was completely protected. Specifically, the names of the offenders, ODRC offender identification number, offender SSN were not recorded by the author. The senior researcher for ODRC used agency identifiers to distinguish between individual offenders for purposes of this study. The coding scheme, variable designations and values were created and assigned by the original agency and designees. The nine independent variables will undergo multivariate linear and logistic regression.

### 7.4 Measurement of Variables

There are five dependent variables. Incarceration for type of violation encompasses three categories: Failure to register, failure to notify change of address, and failure to verify address. Each type of incarceration is measured at the nominal level. Minimum sentence length and maximum sentence length are both measured at the ratio level. Thus the *dependent variables* for the study are:

- a. Incarceration for type of violation (failure to register, failure to notify change of address or failure to verify address) measured at the nominal level, “Yes” (1) or “No” (0).
- b. Minimum sentence length measured at the ratio level in months.
- c. Maximum sentence length measured at the ratio level in months.

In the analysis of four of the eleven hypotheses (presented in the next section) “type of violation” is also used as an independent variable to predict sentence length.

Other independent variables include demographic variables suggested in the literature review to be related to recidivism and variables on the type of offender registration. Several of the independent variables were recoded into dummy variables. There are six interaction terms. The purpose of the interaction terms is to account for the differences between the different independent variables and the relationship of marital status may be different depending on whether the offender is single or not single. The interaction terms will also convey how each relationship changes for the values of other variables. The interaction terms are presented in two-way, three-way and four-way formats. An explanation is provided for each recoded variable. Below is a list of the *independent demographic variables*:

- a. “Race”: Recoded as a dichotomous variable, “0=Non-Black” and “1=Black.” Recoding was necessary as three of the remaining values, not including White, contained very small cases.
- b. “Marital Status”: Recoded as a dichotomous variable, “0=Single” and “1=Not Single.” Recoding was necessary as the seven remaining values contained very small cases.
- c. “Age at commitment” is measured at the ratio level from the youngest offender at age 18 to the oldest offender in the dataset at age 76.
- d. “Race\*age” is an interaction term representing the combined effect of race and age at commitment. The purpose of this interaction variable is to account for the differences between different races and the relationship of race may be different depending on the age of the incarcerated SORN violator. This variable will also convey how each relationship changes for the values of other variables.

- e. “Marital status\*age is an interaction term. This variable is used to determine the presence of multicollinearity and again in Hypothesis 9. The purpose of this variable is to account for the differences between single SORN violators. The relationship of marital status may be different depending on the age of the incarcerated SORN violator. The interaction term accounts for the variation in the values of the other variable.
- f. Marital status\*race is an interaction term representing the combined effect of marital status and race. The purpose of this interaction variable is to account for the differences between different races and the relationship of race may be different depending on the marital status of the incarcerated SORN violator. This variable will also convey how each relationship changes for the values of other variables.
- g. Marital status\*education is an interaction term representing the combined effect of marital status and education. The purpose of this interaction variable is to account for the differences between different educational levels and the relationship of education may be different depending on the marital status of the incarcerated SORN violator. This variable will also convey how each relationship changes for the values of other variables.
- h. Marital status\*race\*education is an interaction term representing the combined effect of marital status, race and education. The purpose of this interaction variable is to account for the differences between different races, educational levels and the relationship of race and education may be different depending on the marital status of the incarcerated SORN violator. This variable will also convey how each relationship changes for the values of other variables.
- i. Marital status\*race\*education\*age is an interaction term representing the combined effect of marital status, race and education. The purpose of this interaction variable is to account for the differences between different races, educational levels ages and the relationship of race, education and age may be different depending on the marital status of the incarcerated SORN violator. This variable will also convey how each relationship changes for the values of other variables.
- j. County of conviction/sentence is measured at the nominal level (n=88), “0=Rural” and “1=Urban.” The majority of incarcerated offenders were from urban counties (n=1603) and a smaller number were from rural counties (n=358).
- k. Type of registration is measured at the nominal level. The variable was recoded as a dichotomous variable to reflect two categories, “0=Sexually Oriented Offender” or “1=Non Sexually Oriented Offender.”

1. Education is measured at the nominal level. The variable was recoded as a dichotomous variable to reflect two categories, “0=HS diploma/GED,” “1=No HS diploma/GED or dropped out prior to 9<sup>th</sup> grade.”

An explanation of each value label under the employment/education dynamic variable was provided by the ODRC. In order to ascertain a particular designation an assessment of each inmate is conducted during the in-take phase shortly after arrival at an ODRC reception center (prison). The intake evaluation form is weighted. Offenders are evaluated on a number of levels including educational attainment both pre-incarceration and during incarceration. The variable in this dataset combined education and employment into one variable. The assessment also incorporates offender background data typically found in the pre-sentence investigation (PSI). A PSI is conducted by a probation officer at the request of a judge prior to sentencing. The PSI is comprised of information about the offender’s criminal record, work and school/education history, family and social support network obligations (i.e., child support) and mental health and substance abuse issues.

Additional communications with the ODRC by this author resulted in developing more precise terms for this variable. For purposes of this study “Community Asset” means that the offender is eligible to take college classes and earn a degree but it is not automatically permitted to enroll in such programs. In addition to meeting eligibility requirements, possession of a High School diploma or GED, an offender must be serving a sentence of less than five years (Personal communication, Sonya Scaracelli, Correctional Supervisor, Trumbull Correctional Institute, November 10, 2009). “No Need” identifies the offender as having graduated from High School or completed a



GED. “Some Need” indicates that the offender did not graduate from High School or did not complete a GED. Lastly, “Considerable Need” indicates that the offender dropped out prior to the 9<sup>th</sup> grade (personal communication with Donna Crawford, Administrator, ODRC at Trumbull Correctional Institute, November 19, 2009). For the purposes of this study, the variable was renamed “Education.” One category, “Community Asset” was merged with “No Need” as both categories represent offenders who possess a High School diploma or a GED. Two categories, “Some Need” and “Considerable Need,” were also combined into one category resulting in a dichotomous variable. Both categories represent offenders who did not graduate from high school, obtain a GED or dropped out of school prior to the 9<sup>th</sup> grade. The education variable and corresponding dichotomous categories are now almost identical to the Stability Factors contained in the Intake Form used by ODRC. The new variable presents a much clearer understanding of the educational level of incarcerated SORN violators in Ohio.

## **7.5 Hypotheses**

Eleven hypotheses were developed from the literature review in chapter six and with the available variables in the ODRC provided dataset. Eleven independent variables were selected from the dataset and will be used interchangeably to test the hypotheses. The hypotheses are divided into three groupings dealing with registration designation, demographic characteristics, and urban/rural residence.

### **7.5.1 Registration Designation**

H1. There is a relationship between type of registration level and length of sentence (minimum and maximum). Sexually oriented offenders will be incarcerated for longer periods of time than non-sexually oriented offenders. The independent variable is type of registration. Sexually oriented offenders will receive long sentences than non-sexually oriented offenders.

H2. SORN violators incarcerated for failing to verify address will serve longer prison sentences than violators incarcerated for failing to register. The independent variable is type of violation. Offenders who failed to verify their address will receive longer prison sentences than offender who failed to register.

H3. SORN violators incarcerated for failing to notify will serve longer prison sentences than violators incarcerated for failing to register. The independent variable is type of violation. Offenders who failed to notify will receive longer prison sentences than offenders who failed to register.

H4. SORN violators incarcerated for failing to notify will serve shorter prison sentences than violators incarcerated for failing to register or failing to verify address. The independent variable is type of violation. Offenders who fail to notify their address will receive shorter sentences than offender who fail to verify and fail to register.

### 7.5.2 Demographics Characteristics

H5. Younger offenders are more likely than older offenders to be incarcerated for violating SORN. The independent variable is age at commitment.

H6. Black offenders are more likely to be incarcerated for violating SORN than Non-Black offenders. The independent variable is race.

H7. Younger, Black offenders are more likely to be incarcerated for violating SORN than older Non-Black offenders. The independent variables are race, age at commitment, and the interaction term race\*age.

H8. Single, Black offenders, that did not graduate HS or obtain a GED or dropped out prior to the 9<sup>th</sup> grade are more likely to be incarcerated for violating SORN than single Non-Black offenders that did Graduate HS or obtain a GED. A multivariate logistic regression will be conducted using four independent variables and one interaction term. The independent variables are race, age at commitment, marital status, and education.

H9. Black SORN violators are more likely to be incarcerated for longer periods of incarceration than Non-Black SORN violators. A multivariate linear regression will be conducted using five independent variables. The independent variables are race, age at commitment, marital status, type of violation, and education. The iteration terms are: marital status\*age, marital status\*race, marital status\*race, marital status\*race\*education and marital status\*race\*education\*age.

H10. Married or co-habiting offenders are less likely to be incarcerated for violating SORN than single or non-cohabiting offenders. The independent variable is marital status.

### **7.5.3 Urban/Rural Counties**

H11. Urban counties will incarcerate more SORN violators than rural counties. The independent variable is the county of conviction/sentence.

In the next section, multivariate analysis using logistic and linear regression (refer to chapters three and five for additional explanations on the use of logistic regression). Multivariate linear regression will be used to determine the rank order of strength and direction among the independent variables “as well as whether the magnitude of the relationship is significantly different from zero” (Bachman and Paternoster, 1997, p. 425). A multivariate linear regression analysis is used when a “relationship between two or more variables can be described by a straight line” (Bachman and Paternoster, 1997, p. 430). The assumption is that more than one independent variable explains the dependent variable (p. 489). The effects of each independent variable can be held constant so as to measure the one unit change in a particular independent variable (p. 491). There is always the possibility of interaction between one of more independent variables affecting each other rather than the dependent variable. The independent variables should not be related or correlated to each other (p. 491). The effect of each independent variable should be discernable from the other variables in the model. This separation is necessary in order to determine how much explained variance is contributed by each independent variable (p. 492). The authors caution that using “real crime data” does not always produce a “perfect

line” yet the correlations will indicate the direction (positive or negative) of the relationship (p. 4343). The dependent variable, sentence length is measured in months and is continuous. The sentence length is comprised of two variations: minimum and maximum. The independent variables are dichotomous and continuous.

## **7.6 Offender Findings**

Table 7.1 presents the descriptive statistics for the independent variables and interaction terms. Sentence length refers to the amount of prison time imposed by a county level court of common pleas. The length was calculated in months by the ODRC research and planning division. For instance, a 70 month sentence is equal to five years ( $5 \times 12$  months) while a 26 month sentence is equal to two years and two months ( $2 \times 12$  months plus 2 months). The minimum sentence length served by SORN violators is a little over five months. The average minimum sentence length is 26 months. The maximum sentence length for a SORN violator serving a minimum sentence is 368 months or slightly over 30 years in prison. The sentence would presumably reflect not only the SORN sentence but likely includes additional prison time for other unknown offenses not listed in the dataset.

Similar to minimum sentence length, some offenders may serve only a maximum of five or more months. In contrast, the maximum sentence length for SORN offenders serving a maximum sentence is 10,664 months or 888 years, or more, and is longer than the longest minimum sentence length. It is speculated that such a length sentence is the product of multiple sentences or sentences that have been ordered to be served

consecutively rather than concurrently (at the same time) by a court or may reflect a life sentence. The average maximum sentence length is 70 months or 5 years.

**Table 7.1. Univariate Descriptive and Frequency Statistics of the Independent Variables and Interaction Terms**

Variable Name		Frequency	Mean	Std. Deviation	Min	Max.
<b>Race*</b>	1961	100%				
Black	834	43%				
Non-Black	1,127	57%				
<b>Marital Status</b>	1961	100%				
Single	1302	66%				
Not Single	659	34%				
<b>Race * Age</b>	1961	100%	19.2555	18.23331	.00	76
<b>Marital * Age</b>	1856	100%	11.6121	18.63039	.00	67
<b>Marital*Race</b>	1961	100%				
<b>Marital*Education</b>	1961	100%				
<b>Marital*Race*Edu</b>	1961	100%				
<b>Marital*Race*Edu* Age</b>	1961	100%	3.4884	11.59966	0	67
<b>County of Conviction*</b>	88	100%				
Rural	59	67%				
Urban	29	33%				
<b>Type of violation*</b>	1961	100%				
Failure to register	295	15%				
Failure to verify	1269	65%				
Failure to notify	554	28%				
<b>Type of registration*</b>	1961	100%				
Sexually oriented offender	1838	94%				
Non Sexually Oriented Offender	122	6%				
<b>Education*</b>	1404					
HS Diploma or GED	505	36%				
No HS diploma or GED or dropped out prior to 9 <sup>th</sup> grade	899	64%				
Age at commitment	1961	100%	34.49	10.067	18	76
Minimum sentence	1961	100%	26.0743	39.84876	5.88	368.04
Maximum sentence	1961	100%	70.0631	493.47423	5.88	10664.00

Note: \*Numbers may exceed 100% or N due to rounding

A correlation was useful in examining the relationship between the variables age at commitment and marital status ([www.ats.ucla.edu/stat](http://www.ats.ucla.edu/stat)) (Table 7.2). The correlation revealed that age at commitment shares eight percent of its variability with marital status single. The amount of variability between the two independent variables is not very large but may warrant examining for multicollinearity.

**Table 7.2. Correlation: Age at Commitment and Marital Status**

	Age at Commitment	Marital Status
<b>Age at Commitment</b>	Pearson Correlation	1
	Sig. (2-tailed)	.284(**)
	N	.000
<b>Marital Status</b>	Pearson Correlation	.284(**)
	Sig. (2-tailed)	1
	N	.000

*Note:* \*\* Correlation is significant at the 0.01 level (2-tailed)  
 $.284 \times .284 = 0.080656 \times 100 = 8.0656$  or 8%

The estimates of the regression model cannot be assessed in the presence of a perfect linear relationship between two of the independent variables (<http://www.ats.ucla.edu/stats>). It is desirable for the independent variables to be strongly correlated to the dependent variable and not to each other (Bachman and Paternoster, 1997). The observed relationship between age at commitment and marital status single may be an indication of collinearity or multicollinearity. These correlations are not high enough to worry about multicollinearity. Collinearity is a problem for several reasons. First, estimates of the regression model become unstable. Second, the standard errors may become inflated. In order to determine the presence of collinearity, the VIF (variance inflation factor) and the tolerance values of each variable is examined.

Generally speaking, a variable with a VIF value greater than 4 is problematic and is a likely indication of collinearity.

The VIF and the tolerance value is identical (Table 7.3). The VIF is below 4 and the tolerance value is in an acceptable range. Gujarati (2003) suggests that the condition index can provide insight into the extent of multicollinearity in a given model. In this model the condition index is below 15 (Norusis, 2006). Evidence of multicollinearity will also appear in the  $R^2$ . If the VIF of a variable increases a parallel increase will be observed in an excessive  $R^2$ . The Adjusted  $R^2$  of six percent is not excessive (Gujarati, 2003). Multicollinearity does not appear to have occurred between the independent variables age at commitment and marital status single.

**Table 7.3. Collinearity between Age at Commitment and Marital Status**

Model Collinearity Statistics	Tolerance	VIF	Dimension	Eigenvalue	Condition Index
Age	.919	1.088	1	2.417	1.00
Marital Status	.919	1.088	2	.545	2.106
			3	.039	7.922
Adjusted $R^2$ .066					
Std. Error	Age: .090	Marital Status: 1.992			

*Note:* Dependent variable: minimum length of sentence in months

Even though multicollinearity was not present in the model, the variable marital status single might still be problematic. Another way to detect multicollinearity is to examine the  $R^2$ . Specifically, the first multivariate linear regression (refer to Table 7.13) produced an Adjusted  $R^2$  of 9 percent. The subsequent backward stepwise linear regression analysis (refer to Table 7.14), with only the three statistically significant variables, produced an Adjusted  $R^2$  of 7 percent. Each table is discussed in more detail in



subsequent sections of this chapter. The difference between the two Adjusted  $R^2$  indicators raises an interesting issue regarding the role of marital status. It was speculated that the effect of education on minimum sentence length might have been obscured by the presence of the variable marital status. It is important to recall that education was a significant predictor of type of violation in hypothesis nine.

A multivariate linear regression model was then conducted (Table 7.4). In this model, marital status was deliberately removed from the variable list to determine if education might be significantly related to the dependent variable. It was speculated that the variable marital status may not contain enough variation across the categories. There is a risk in removing a variable from an equation. The problem that may arise is omitted variable bias. Arguably, it may be a greater omission to retain a variable that is disrupting or suppressing other independent variables and obscuring important outcomes.

**Table 7.4. Relationship between Minimum Length of Sentence and Age at Commitment, Race, Education, Incarcerated for Failure to Verify Address, Failure to Notify Change of Address, and Failure to Register as a Sex Offender†**

	Unstandardized Coefficients		Standardized Coefficients		Sig.	
	B	Std. Error	Beta	t		
<b>Age</b>	1.125	.110	.264	10.260	.000	SS*
<b>Race</b>	11.125	2.321	.125	4.793	.000	SS*
<b>Education</b>	-5.216	2.352	-.057	-2.218	.027	SS*
Fail to verify address	-1.433	4.044	-.015	-.354	.723	NS
Fail to notify change of address	3.104	4.285	.034	.724	.469	NS
Fail to register sex offender	5.557	4.953	.045	1.122	.724	NS
Constant	-1.750	6.410		-.273	.785	

\* $p < .05$       \*\* $p < .01$       \*\*\* $p < .001$

N=1961

Adjusted  $R^2$  .094

F= 25.303\*

Std. Error 41.96404

*Note:* Dependent Variable: minimum number of months sentenced

†Marital status single omitted from the model

Age at commitment and race of inmate were statistically significant at the .05 level. Surprisingly, education was statistically significant at the .05 level as well. Only when marital status was removed from the model did the education variable reach a level of significance. It is speculated that marital status suppressed the relationship between the education and the dependent variable in the original multivariate linear regression analysis (refer to Table 7.13). The findings suggest marital status interacted with one or more of the other variables. The BETA weight for the variable for age at commitment was .264. The BETA weight for race of inmate was .125, and the BETA weight of education was -.057.

The null hypothesis of the  $R^2$  was tested. An alpha level of .05 was adopted. For an alpha level of .05 with 6 and 1403 degrees of freedom, the critical value was 2.09. The null was rejected because the F value of 25.303 was greater than 2.09. Clearly, a significant linear relationship exists between age at commitment, race of inmate and education. The strongest predictor variable of minimum sentence length was age at commitment followed by race of inmate and then education. The Adjusted  $R^2$  of slightly over 9 percent reveals that the three independent variables have limited explanatory power in this model. There was a slight improvement in the Adjusted  $R^2$  but not by much. Again, other variables not included in this model may provide further understanding of the relationship between SORN and minimum sentence length.

In order to further examine relationship between the minimum sentence length and the independent variables, a multiplicative relationship was formed with the independent variable marital status (Table 7.5). The new combined variable is labeled “marital status \*age.” Another multivariate linear regression was conducted. Four of the independent variables, age at commitment, race of inmate, and marital status and the interaction term marital\* age were statistically significant at the .05 level.

**Table 7.5. Relationship between Minimum Sentence Length and Age at Commitment, Race, Marital Status, and Marital Status\*Age**

	Unstandardized Coefficients		Standardized Coefficients		Sig.	
	B	Std. Error	Beta	t		
Age	1.263	.110	.327	11.465	.000	SS*
Race	5.052	1.792	.064	2.820	.005	SS*
Marital status	22.011	7.371	.259	2.986	.003	SS*
Marital*Age	-.823	.192	-.393	-4.275	.000	SS*
Constant	-12.316	3.983		-3.092	.002	

\* $p < .05$       \*\* $p < .01$       \*\*\* $p < .001$

N=1961

Adjusted R<sup>2</sup> .079

F value= 40.683\*

Std. Error = 37.40715

*Note:* Dependent Variable: minimum number of months sentenced

The BETA weight for the variable for age at commitment was .327. The BETA weight for marital status was .259, the BETA weight for race of inmate was .064 and the BETA weight for the combined variable marital\*age was -.393. The BETA weights for age at commitment and race of inmate were much improved over the original model (refer to Table 7.14). The independent variable marital status in the current model was positively related to the dependent variables whereas in the original model marital status was negatively related to the dependent variable. The presence of the combined variable marital status \* age of inmate may have occasioned the observed outcomes in this model. The combined variable marital status\*age appears to have controlled the effect of marital status single so as to permit a better understanding of the relationship between age at commitment and race of inmate to the dependent variable.

The standard errors were then examined between the original model and the current model. Two of the variables, age at commitment (.110) and race of inmate (1.792)

were slightly and considerably smaller in the current model than in the original model. The standard error for marital status increased dramatically in the current model to 7.371 from 2.614.

The null hypothesis of the  $R^2$  was tested. An alpha level of .05 was adopted. For an alpha level of .05 with 5 and 1855 degrees of freedom, the critical value was 2.21. The null hypothesis of no relationship was rejected because the F value of 40.683 was greater than 2.21. Clearly, a significant linear relationship exists between age at commitment, race of inmate, marital status single and marital status\*age combined. The strongest predictor variable of minimum sentence length was age at commitment followed by marital status single, race of inmate and the combined variable marital status\*age. The Adjusted  $R^2$  of 8 percent reveals that the four independent variables have limited explanatory power in this model. There was a 1 percent decrease in the Adjusted  $R^2$  over the original linear regression model (refer to Table 7.15). Again, other variables not included in this model may provide further understanding of the relationship between SORN violations and minimum sentence length.

Hypotheses one through four did not achieve statistical significance (Appendix C).

Hypothesis five expected that younger offenders would be incarcerated for violating SORN at a higher rate than older offenders. The age at commitment was statistically significant at the .05 level but only for failing to verify a new address (Table 7.6). Age at commitment was not significantly related to failure to register and failure to notify change of address. The findings suggest that younger SORN offenders are much

less likely than older SORN offenders to experience difficulty complying with the requirements of the SORN law in Ohio.

**Table 7.6. Logistic Regression: Relationship between Incarceration for Failure to Verify New Address and Age at Commitment**

	<b>b</b>	<b>S.E.</b>	<b>Wald</b>	<b>df</b>	<b>Sig.</b>	<b>Exp(B)</b>	<b>B</b>
<b>Age</b>	.014	.005	7.701	1	.006	1.014	39.84876
<b>Constant</b>	-1.406	.180	61.378	1	.000	.245	

\* $p < .05$       \*\* $p < .01$       \*\*\* $p < .001$

N=1961

Chi-square 7.646\*

Cox & Snell  $R^2$  .004      Nagelkerke  $R^2$  .006

*Note:* Dependent variable: failure to verify new address

The relationship is positive in the table, indicating that *older* inmates, not younger are more likely to violate the SORN law. This finding is in directly opposite of the expectation in hypothesis five. Perhaps older offenders in Ohio have been away from the community for longer periods of time owing to length of sentence and criminal careers. Consequently, older SORN violators are thus more likely to be isolated from legitimate social institutions and social capital. Older offenders may also not be more stable in terms of residence, may have longer term social-psychological problems that have gone untreated pre-incarceration and during incarceration. Age at commitment was positively related to being incarcerated for failure to verify address. For a one unit increase in age at commitment the odds-ratios of incarceration for failure to verify address increase (versus not incarcerated for failure to verify address) by a factor of 1.014. The average age of incarceration for violating SORN is 34.

The odds-ratio of incarceration for failure to verify address was converted to a series of probabilities (Table 7.9) using the minimum, mean and maximum of the independent variable age at commitment.

**Table 7.7. Probability Table**

<b>Probability of Incarceration for Failure to Verify Address</b>	<b>Age</b>
.2397	18
.2828	34
.4153	76

The predicted probability that younger offenders will be incarcerated for failure to verify address is .2397 or about 24 percent.

The predicted probability that average age offenders will be incarcerated for failure to verify address is .2828 or about 28 percent.

The predicted probability that older offenders will be incarcerated for failure to verify address is .4153 or about 41.5 percent.

In this model, the likelihood ratio chi-square of 7.646 with a p-value of .006 tells that the model as a whole fits significantly better than the constant only model. The critical value with 1 degree of freedom is 3.841. The observed chi-square exceeds the critical value. The null hypothesis of no relationship is rejected. The overall model is statistically significant ( $p=.000$ ). The -2 log likelihood 2327.150 was then used to compare the fit of this model with the constant only.

The Cox and Snell  $R^2$  value indicates the likelihood of the model with only the constant present (.004). In contrast, the Nagelkerke  $R^2$  value indicates the model with the presence of the independent variables present (.006). The Nagelkerke  $R^2$  indicates that less than one percent of the observed variation is explained by the logistic regression model. The remaining 99 percent is unexplained. Overall the model has very limited explanatory power.

Hypothesis six expected that Black offenders would be incarcerated for violating SORN more often than Non-Black offenders. Race of inmate was statistically significant at the .05 level for failing to verify address (Table 7.10). The same independent variable was not significantly related to failure to register and failure to notify change of address. The variable race of inmate was positively related to the dependent variable. The positive relationship indicates that Black offenders were more likely to be incarcerated for failing to verify address than Non-Black offenders. For a one unit increase in race of inmate the odds-ratios of incarceration for failure to verify address increase (versus not incarcerated for failure to verify address) by a factor of 2.119.



**Table 7.8. Logistic Regression: Relationship between Incarceration for Failure to Verify Address and Race**

	<b>b</b>	<b>S.E.</b>	<b>Wald</b>	<b>df</b>	<b>Sig.</b>	<b>Exp(B)</b>	<b>B</b>
<b>Race</b>	.751	.102	54.441	1	.000	2.119	SS*
Constant	-1.281	.072	314.604	1	.000	.278	

\* $p < .05$ \*\* $p < .01$ \*\*\* $p < .001$ 

N=1961

Chi-square 55.047\*

Cox & Snell  $R^2$  .028 Nagelkerke  $R^2$  .040*Note:* Dependent variable: failure to verify new address**Table 7.9. Probability Table**

<b>Probability of Incarceration for Failure to Verify Address</b>	<b>Race</b>
.2172	0
.3705	1

The odds-ratio of incarceration for failure to verify address was converted to a probability using the coefficient of the independent variable race (Table 7.9).

The probability that Non-Black offenders will be incarcerated for failure to verify address is .2172 or about 21.7 percent.

The probability that Black offenders will be incarcerated for failure to verify address is .3705 or about 37.5 percent.

In this model, the likelihood ratio chi-square of 55.047 with a p-value of .000 tells that the model as a whole fits significantly better than the constant only model. The critical value with one degree of freedom is 3.841. The observed chi-square exceeds the critical value. The null hypothesis of no relationship is rejected. The overall model is statistically significant ( $p = .000$ ). The -2 log likelihood 2279.748 was then used to compare the fit of this model with the constant only model.

The Cox and Snell  $R^2$  value indicates the likelihood of the model with only the constant present (.028). In contrast, the Nagelkerke  $R^2$  value indicates the model with the presence of the independent variables present (.040). The Nagelkerke  $R^2$  indicates that 4 percent of the observed variation is explained by the logistic regression model. The majority of the variation is unexplained. Overall, the model has very limited explanatory power.

Hypothesis seven expected that younger, Black offenders would be incarcerated for violating SORN more often than older, Non-Black offenders. Race of inmate was again statistically significant at the .05 level (Table 7.10). Race of inmate was the only predictor for one portion of the SORN law: incarceration for failure to verify address. Race of inmate mediated the effect of age at commitment and the race and age combined variable in this model. Age at commitment and the interaction term race\*age were not statistically related to incarceration for failure to verify address. None of the three independent variables were significantly related to the other two portions of the SORN law: failure to register and failure to notify. The multivariate level findings suggest that Black offenders are still more likely to be incarcerated for failure to verify address than Non-Black offenders. It is important to recall that the majority of offenders incarcerated for violating SORN in this study are Non-Black (n=1127 or 58 percent). The variable race of inmate was positively related to the dependent variable. The positive relationship indicates that Black offenders were more likely to be incarcerated for failing to verify address than Non-Black offenders. For a one unit increase in race of inmate the odds-

ratios of incarceration for failure to verify address increase (versus not incarcerated for failure to verify address) by a factor of 2.119.

**Table 7.10. Multivariate Logistic Regression: Relationship between Incarceration for Failure to Verify Address and Race, Age of Commitment, and Race and Age Combined**

	<b>b</b>	<b>S.E.</b>	<b>Wald</b>	<b>df</b>	<b>Sig.</b>	<b>Exp(B)</b>	<b>B</b>
<b>Race</b>	.787	.368	4.585	1	.000	2.197	SS*
<b>Age</b>	.009	.007	1.595	1	.207	1.009	NS
<b>Race*age</b>	.002	.010	.027	1	.870	1.002	NS
<b>Constant</b>	-1.643	.250	43.065	1	.000	.193	

\* $p < .05$

\*\* $p < .01$

\*\*\* $p < .001$

N=1961

Chi-square 58.935\*

Cox & Snell  $R^2$  .030 Nagelkerke  $R^2$  .043

*Note:* Dependent variable: failure to verify new address

**Table 7.11. Probability Table**

<b>Probability of Incarceration for Failure to Verify Address</b>	<b>Race</b>
.2172	0
.3705	1

The odds-ratio of incarceration for failure to verify address was converted to a probability using the coefficient of the independent variable race.

The probability that Non-Black offenders will be incarcerated for failure to verify address is .2172 or about 21.7 percent.

The probability that Black offenders will be incarcerated for failure to verify address is .3705 or about 37.5 percent.

In this model, the likelihood ratio chi-square of 59.935 with a p-value of .000 tells us that the model as a whole fits significantly better than the constant only model. The critical value with 3 degrees of freedom is 7.815. The observed chi-square exceeds the critical value. The null hypothesis of no relationship is rejected. The overall model is statistically significant ( $p=.000$ ). The  $-2 \log$  likelihood 2275.860 was then used to compare the fit of this model with the constant only.

The Cox and Snell  $R^2$  value indicates the likelihood of the model with only the constant present (.030). In contrast, the Nagelkerke  $R^2$  value indicates the model with the presence of the independent variables present (.043). The Nagelkerke  $R^2$  indicates that 4 percent of the observed variation is explained by the multivariate logistic regression model. The majority of the variation is unexplained. Overall, the model has limited explanatory power.

Hypothesis eight expected that single, Black offenders that did not graduate HS or obtain a GED or dropped out prior to the 9<sup>th</sup> grade would be incarcerated for violating SORN than Non-single, Non-Black offenders that graduated from HS or obtained a GED. The four independent variables were not significantly related to failure to register and failure to notify change of address. However, three of the four independent variables, race, marital status and education, were significantly related to the dependent variable incarceration for failure to verify address.

Similar to hypotheses five, six and seven, hypothesis eight expected that Black offenders would be incarcerated for violating SORN more often than Non-Black offenders. Race of inmate was again statistically significant at the .05 level (Table

7.12). The variable race of inmate was positively related to the dependent variable. The positive relationship indicates that Black offenders were more likely to be incarcerated for failing to verify address than Non-Black offenders. In this model, a one unit increase in race of inmate the odds-ratios of incarceration for failure to verify address increase (versus not incarcerated for failure to verify address) by a factor of 2.385.

**Table 7.12. Multivariate Logistic Regression: Relationship between Incarceration for Failure to Verify Address and Race, Age of Commitment, Marital Status, and Education**

	<b>b</b>	<b>S.E.</b>	<b>Wald</b>	<b>Df</b>	<b>Sig.</b>	<b>Exp(B)</b>	<b>B</b>
<b>Race</b>	.869	.128	46.022	1	.000	2.385	SS*
<b>Age</b>	-.002	.006	.073	1	.786	.998	NS*
<b>Marital status</b>	.298	.142	4.390	1	.036	1.347	SS*
<b>Education</b>	-.324	.129	6.333	1	.012	.723	SS*
<b>Constant</b>	-1.147	.246	21.703	1	.000	.318	

\* $p < .05$

\*\* $p < .01$

\*\*\* $p < .001$

N=1961

Chi-square 54.436\*

Cox & Snell  $R^2$  .040 Nagelkerke  $R^2$  .058

*Note:* Dependent Variable: fail to verify address

The independent variable education was statistically significantly at the .05 level. SORN violators incarcerated for failing to verify address are more likely to have not graduated from HS or obtained a GED or dropped out before the 9<sup>th</sup> grade. Given that a solid majority of ODRC offenders did not graduate from high school and are functionally illiterate these findings are not surprising. The findings may not be limited to SORN violators and may reflect the greater educational deficiencies among all ODRC offenders.

The education variable (“did not graduate high school or obtain a GED or dropped out before the 9<sup>th</sup> grade”) is negatively related to the dependent variable. The

inverse relationship indicates that the offenders incarcerated for failing to verify address are not likely to be high school graduates or have obtained a GED prior to incarceration or during incarceration. For a one unit increase in education (“did not graduate high school or obtain a GED or dropped out before the 9<sup>th</sup> grade”) the odds-ratios of incarceration for failure to verify address increase (versus not incarcerated for failure to verify address) by a factor of .723.

The independent variable marital status was statistically significant at the .05 level. SORN violators incarcerated for failing to verify their address were more likely to be single than not single (e.g. married, widowed, divorced or common law). Marital status was positively related to the dependent variable. It is useful to recall that the single incarcerated offenders represent 70 percent (n=1302) of the SORN population in the ODRC. For a one unit increase in marital status the odds-ratios of incarceration for failure to verify address increase (versus not incarcerated for failure to verify address) by a factor of 1.347.

In this model, the independent variable race of inmate was the strongest predictor of incarceration for failing to verify address followed by education and marital status. Black offenders incarcerated for failing to verify address were more likely to be single, and did not graduate high school or obtain a GED or dropped out before the 9<sup>th</sup> grade” than Non-single, Non-Black offenders, that graduated HS or obtained a GED incarcerated for the same offense. The likelihood ratio chi-square of 54.436 with a p-value of .000 conveys that the model as a whole fits significantly better than the constant only model. The critical value with four degrees of freedom is 9.488. The observed chi-square

exceeds the critical value. The null hypothesis of no relationship is rejected. The overall model is statistically significant ( $p=.000$ ). The -2 log likelihood 1526.564 was then used to compare the fit of this model with the constant only.

The Cox and Snell  $R^2$  value indicates the likelihood of the model with only the constant present (.040). In contrast, the Nagelkerke  $R^2$  value indicates the model with the presence of the independent variables present (.058). The Nagelkerke  $R^2$  indicates that six percent of the observed variation is explained by the multivariate logistic regression model. The remaining 94 percent is unexplained. Overall, the model has limited explanatory power.

In an effort to further understand the relationship between incarceration for failure to verify address and the three independent variables, Race, Marital Status and Education, a Backward Stepwise regression was conducted (Table 7.13). Again all three independent variable remained statistically significant at the .05 level. SORN violators incarcerated for failing to verify their address were more likely to be single than not single (e.g. married, widowed, divorced or common law), Black and not possess a HS diploma, GED or dropped out prior to the 9<sup>th</sup> grade. Slight changes in the coefficients were observed. Race of inmate decreased slightly from .869 to .863. Marital status decreased from .298 to .287 and education decreased from -.324 to -.321.

In this model, the independent variable race of inmate was the strongest predictor of incarceration for failing to verify address followed by education and marital status. The likelihood ratio chi-square of 54.362 with a p-value of .000 conveys that the model as a whole fits significantly better than the constant only model and considerably better

than the original model. The critical value with three degrees of freedom is 7.815. The observed chi-square exceeds the critical value. The null hypothesis is rejected. The overall model is statistically significant ( $p=.000$ ). The -2 log likelihood 1526.638 was then used to compare the fit of this model with the constant only.

Similar to the original model, the Cox and Snell  $R^2$  value indicates the likelihood of the model with only the constant present (.040). In contrast, the Nagelkerke  $R^2$  value indicates the model with the presence of the independent variables present (.058). The Nagelkerke  $R^2$  indicates that six percent of the observed variation is explained by the multivariate logistic regression model. The remaining 94 percent is unexplained. Overall, the model has limited explanatory power.

**Table 7.13. Backward Stepwise Multivariate Logistic Regression: Relationship between Incarceration for Failure to Verify Address and Race, Marital Status, and Education**

	<b>b</b>	<b>S.E.</b>	<b>Wald</b>	<b>Df</b>	<b>Sig.</b>	<b>Exp(B)</b>	<b>B</b>
<b>Race</b>	.863	.126	46.729	1	.000	.422	SS*
<b>Marital status</b>	.287	.136	4.438	1	.035	1.332	SS*
<b>Education</b>	-.321	.128	6.262	1	.012	.726	SS*
Constant	-.340	.124	7.486	1	.006	.712	

\* $p<.05$       \*\* $p<.01$       \*\*\* $p<.001$

N=1961

Chi<sup>2</sup> 54.362\*

Cox & Snell  $R^2$  .040      Nagelkerke  $R^2$  .058

*Note:* Dependent Variable: fail to verify address

Hypothesis nine expected that Black offenders would receive a longer sentence for violating SORN than Non-Black offenders (Table 7.14). A multivariate linear regression analysis revealed that age at commitment, the interaction term marital



status\*age and race of inmate were the only independent variables statistically significant for the dependent variable minimum sentence length at the .05 level.

Unexpectedly, the three SORN violation levels and education were not significantly related to the dependent variable. Of the five interaction terms only marital status\*age was statistically significant. Black offenders were more likely to serve the average minimum sentence (26 months) for violating SORN than Non-Black offenders. Older, single, Black offenders were more likely to be incarcerated for a minimum sentence for violating SORN than younger, Not Single, and Non-Black offenders. The BETA weight for the variable for age at commitment was .353. The BETA weight for marital status\*age was -.320 and the BETA weight of race of inmate was .114.

**Table 7.14. Multivariate Linear Relationship between Minimum Sentence Length and Age at Commitment, Race, Marital Status, Education, Marital Status\*Age, Marital Status\*Race, Marital Status\*Education, Marital Status\*Race\*Education, Marital Status\*Age\*Education, and Type of Violation**

Variable	Unstandardized Coefficients		Standardized Coefficients		Sig.	
	B	Std. Error	Beta	t		
<b>Age</b>	1.467	.140	.353	10.504	.000	SS*
<b>Race</b>	9.922	2.768	.114	3.584	.000	SS*
Marital Status	22.446	14.668	.238	1.530	.126	NS
<b>Marital*Age</b>	-.729	.319	-.320	-2.284	.023	SS*
Marital*Race	-1.569	7.908	-.015	-.198	.843	NS
Marital*Education	-14.142	8.127	-.128	-1.740	.082	NS
Marital*Race*Education	28.442	17.899	.217	1.589	.112	NS
Marital*Race*Education*Age	-.396	.402	-.123	-.985	.325	NS
Fail to register sex offender	5.761	4.969	.048	1.159	.246	NS
Fail to notify change of address	2.253	4.289	.025	.525	.599	NS
Fail to verify address	-.865	4.042	-.009	-.214	.830	NS
Education	-.988	2.843	-.011	-.348	.728	NS
Constant	-14.500	7.200		-2.014	.044	

\* $p < .05$  \*\*  $p < .01$  \*\*\* $p < .001$

n=1961

Adjusted  $R^2$  .102

F=13.436\*

Std. Error= 40.86744

*Note:* Dependent Variable: minimum number of months sentenced

The null hypothesis of the  $R^2$  was tested. An alpha level of .05 was adopted. For an alpha level of .05 with 12 and 1319 degrees of freedom, the critical value was 2.21. The null hypothesis of no relationship was rejected because the F value of 13.436 was greater than 1.75. Clearly, a significant linear relationship exists between age at commitment, marital status\*age and race of inmate. The strongest predictor variable of

minimum sentence length was age at commitment followed by marital status and then race of inmate. The Adjusted  $R^2$  of 10.2 percent reveals that three independent variables have limited explanatory power in this model. Other variables not included in this model may provide further understanding of the relationship between SORN and minimum sentence length.

A Backward Stepwise regression was then employed using the three statistically significant variables. Ideally, the variables that cause the least change in the  $R^2$  will be removed (Norusis, 2006). Again, the same variables were: race of inmate, age and marital status\*age. The backward stepwise linear regression produced an  $R^2$  of 7.5 percent (Table 7.15). All three independent variables were statistically significant at the .05 level. None of the independent variables were removed as a result of the backward stepwise linear regression.

**Table 7.15. Backward Stepwise Linear Regression between Minimum Sentence Length and Age at Commitment, Race and Marital Status\*Age**

Variable	Unstandardized Coefficients		Standardized Coefficients		Sig.	
	B	Std. Error	Beta	T		
Age	1.107	.097	.286	11.391	.000	SS*
Marital * Age	-.270	.053	-.129	-5.134	.000	SS*
Race	4.923	1.795	.063	2.743	.006	SS*
Constant	-6.853	3.545		-1.933	.053	

\* $p < .05$  \*\*  $p < .01$  \*\*\* $p < .001$

n=1961

Adjusted  $R^2$  .075

F=51.053\*

Std. Error=37.48703

*Note:* Dependent Variable: minimum number of months sentenced

The null hypothesis of the  $R^2$  was then tested. An alpha level of .05 was adopted. For an alpha level of .05 with 3 and 1855 degrees of freedom, the critical value was 2.60. The null hypothesis of no relationship was rejected because the F value of 47.706 was greater than 2.60. In this test, a significant linear relationship exists between age at commitment, marital status\*age and race of inmate. The strongest predictor variable of minimum sentence length was age at commitment followed by marital status\*age and then race of inmate. The Adjusted  $R^2$  of 7.5 percent reveals that three independent variables have limited explanatory power in this model. Other variables not included in this model may provide further understanding of the relationship between SORN and minimum sentence length.

A slight decrease in BETA occurred in the backward stepwise regression for Age (.286) from the original model (.353). A decrease in the BETA occurred in the backward stepwise regression for the interaction term Marital\*Age (-.129) from the original model (-.320). A slight decrease in the BETA occurred in the backward stepwise regression for Race (.063) from the original model (.114). Age had the strongest BETA weight and is a greater predictor of minimum sentence length. The F value increased considerably (51.053) in the presence of the three variables over the original model (13.436). The null hypothesis of no relationship was rejected because the F value was greater than 2.60 (the critical value with three degrees of freedom). The strongest predictor of minimum sentence length for violating SORN was Age, followed by Marital\*Age and then Race. The Adjusted  $R^2$  experienced a slight “shrinkage” (.075 or 7.5 percent) from the original

model (.102 or 10 percent). The three variables have limited explanatory power. All three variables were statistically significant at the .05 level.

Hypotheses 10 and 11 did not reach a level of statistical significance (Appendix C).

## **7.7 Summary**

The key finding of this section of the dissertation suggest that offenders with less social capital are more likely to violate provisions of SORN and be incarcerated longer for these violations. Being Black raises the likelihood of SORN violations and the length of sentences. Being single increases the length of sentence. Not having graduated from high school, obtained a GED or dropped out before the 9<sup>th</sup> grade increases the level of SORN violations and sentence length. Finally, being older raises the likelihood of SORN violations and increases the length of sentences. Older released prisoners may be at greater disadvantage for community reintegration since they may have been removed from community resources and treatment opportunities for longer periods.

These findings suggest that lack of social capital is a major reason for non-compliance. Those who lack social capital are also at a disadvantage at the time of sentencing, which accounts for the longer sentences found in the current study for certain groups of offenders. SORN legislation, the Ohio version of Megan's law, may in fact undermine the development of social capital. The findings of the current study suggest that those offenders with greater social capital are more likely to comply with the provisions of Megan's law. These findings and their implications, along with findings from the other two areas of this study, will be discussed in more detail in Chapter 8.

## **CHAPTER 8**

### **Summary and Discussion of Overall Findings**

#### **8.1 Summary of Key Findings**

The findings concerning Megan's law's effects on citizens were presented in Chapter 3. The key findings of that section of the dissertation are that receiving more thorough information about specific sex offenders appears to raise, rather than allay, concerns about sex offenders. Citizens who did not expect to be able to remove a registered sex offender from the neighborhood were more concerned after learning about registered sex offenders after the meeting. These findings support previous research that indicated having more information about sex offenders' increases rather than alleviates concerns and fears about these offenders.

The findings concerning Megan's law's effects on law enforcement were presented in Chapter 5. The key findings in that section of the dissertation were: 1) Jurisdictions with written policies on registration report the benefit of increased information sharing with other agencies as a result of Megan's law. 2) Law enforcement agencies in urban areas report the negative consequence of greater strain on agency resources as a result of Megan's law. 3) Law enforcement agencies in urban settings also report the negative consequence of increased workloads as a result of Megan's law. The significant findings show one benefit of increased information sharing for departments with written policies on registration, but also reveal negative consequences for urban law enforcement agencies in the form of greater strain on resources and increased workload.

The findings concerning Megan's law's effects on offenders were presented in Chapter 7. The key finding of that section of the dissertation was that offenders with less social capital are more likely to violate provisions of SORN and be incarcerated longer for these violations. Older, single, African American offenders that did not graduate High School or obtain a GED or dropped out prior to the 9<sup>th</sup> grade were more likely to violate SORN laws and receive longer sentences. Individuals with these demographic characteristics may have more difficulty reintegrating into the community because they lack social capital that connects them to resources for social support. Social capital may in fact be further undermined by the restrictions presented by Megan's law (represented by the SORN law in Ohio).

## **8.2 Discussion of Findings**

The results of this study have increased the body of knowledge on Megan's law. Below a more detailed discussion of the findings related to citizens, law enforcement and offenders is presented.

### **8.2.1 Citizens**

The multivariate analysis demonstrated a relationship between respondent's level of concern now and the expectation of removal of offenders from the neighborhood and the thoroughness of information on the specific sex offender in a question. The results of this study are supported by a number of authors in the literature review (Beck and Travis, 2004; Caputo and Brodsky, 2003; Ferraro, 1996; Garofalo, 1981; Greenberg et al., 1982; Jones, 1999; Kuttschreuter and Wiegman, 1997; Lavrakas et al., 1983;

Maxfield, 1984; and Zevitz, 2004). Wisconsin residents were more concerned after attending a meeting on registered sex offenders. This finding is contrary to Schafer et al., (2006) research that attending a meeting and receiving crime information was not significantly related to fear of crime. Other research on neighborhood groups shows that giving people crime information increases fear of crime. Receiving thorough information on the specific sex offender in question was significantly related to respondent's level of concern. Lavrakas et al., (1983) and Kuttschreuter and Wiegman (1997) found that detailed or specific information on crime is more important to residents than other types of information (e.g. other sex offenders or laws on registration). Once informed, residents can then focus their efforts on a specific offender and thus prevent further victimization. The notification may give rise to a false sense of security (Windelsham, 1998). Citizens are only informed when a registered sex offender moves into the neighborhood not when the offender moves out or relocates. In the latter instance, only law enforcement agencies are notified; citizens remain largely unaware.

Citizens who expected to be able to remove the sex offenders from the neighborhood were more concerned post-meeting. The predicted probability that citizens would be more concerned was highest if they expected removal of the offender and thought information on the specific sex offender thorough is .2582, or about 25.8 percent. A small probability was more concerned after the meeting. This finding was expected. At this point it is appropriate to speculate on what may or may have not occurred during the meeting as well as the emotional state of the citizens in attendance.



Perhaps the information presented at the meeting dredged up some unresolved anxiety and fears. The citizens who expected to be able to remove the offender from the neighborhood were more concerned after the meeting may have been reacting to comments or the emotional reactions of other citizens in attendance at the meeting. It is possible that merely hearing thorough information on a specific sex offender included graphic descriptions of the crime and victim(s). Hearing a law enforcement official discussing sex offenders and to a lesser extent sex crimes and child sexual abuse may have underscored a sense of vulnerability or heightened concern for the safety of family, friends and neighbors. It is important to recall that the fear of sexual assault is a significant fear for women, persons with children and survivors (former victims). Hearing graphic information may have created a fear-like reaction. Citizens who expected to remove the offender from the neighborhood may have come to the realization that Megan's law offers limited protection for communities. As a result, citizens are more concerned now. The stark realization for many citizens is that a specific registered sex offender lives in the neighborhood. The new penology is an unintended consequence requiring citizens to emotionally acclimate very quickly to a complex situation. Citizens attended a meeting believing that receiving information would satiate any of their concerns. The topic however is quite sensitive; likely to stir-up emotions, possibly creating a sensory overload of information in some citizens resulting in new concerns and fears about sex offenders not present prior to Megan's law.

There are a number of strengths to this study on the impact of Megan's law on citizens.

First, this study measured concern about crime. Again, the studies examined in the literature review did not measure this variable. The study explained 25 percent of the observed variance; a significant portion in the field of social sciences. Two variables, thoroughness of the information and expectation of removal of the offender are strong predictors of citizens' level of concern about crime in the aftermath of Megan's law. The consistency of these two variables must not be overlooked in relation to concern about crime. Second, the use of empirical analysis specifically testing the variables at the multivariate level using logistic regression is major strength. The vast majority of prior studies conducted descriptive analyses and bivariate analysis. Unlike previous studies this study was able to develop and test a variety of hypotheses. The study was able to demonstrate a cause and effect relationship between Megan's law and level of concern about crime. The study was able to create predictions as the circumstances in which citizens are more concerned and what they are concerned about (e.g., not being able to remove a specific sex offender from the neighborhood or community). Lastly, the use of a Likert-scale is a good method for examining concern about crime because it is a measurement of intensity. Curiously, citizens' desire to remove the offender even when this is not an option, legal or otherwise, can be construed as an indication of how intensely people feel toward sex crimes and sex offenders (Bedarf 1995 and Small 1999). Even if citizens were successful in removing an offender from their neighborhood the notion of safety may be misleading. Simply because an offender is removed or leaves voluntarily does not mean he or she will not return to that area to visit or maintain contact with family and friends. Citizens may be under the mistaken belief that they are safer

because the offender has been removed albeit to another neighborhood. The situation has the potential to become a “NIMBY” (not in my back yard) issue where offenders end up “hop scotching” from one location to the next owing to citizen pressure. The onus is then on law enforcement to be prepared for and to quell community sentiment by reiterating lawful behavior and providing a safety component for residents.

The use of logistic regression was the appropriate level of measurement. This type of analysis is a good method for evaluating the strength of a relationship among independent variables. The dependent variable in this model was a dichotomous level variable. The observed results have a moderate “goodness of fit.” Logistic regression is the appropriate test for ordinal and nominal or dichotomous dependent variables. Logistic regression provided a better understanding of the impact of the independent variables on the dependent variable. However, there are a number of limitations in the study of impact on citizens.

In particular the dataset on citizens contains no demographic variables. Unlike the study by Phillips (1998), the data set used in this study did not contain demographic information (Zevitz and Farkas 1998). The limitation of the lack of variables gives rise to the issue of bias in the estimation of the equation. Zevitz and Farkas (1998) used a survey instrument to collect the data in this study. They surveyed residents who attended a meeting. Another limitation is that we do not know how many residents did not attend the meeting or did not receive notification of the meeting. Also, it is unknown how many residents did not fill-out the survey at the end of the meeting or whether some left the meeting prior to the dissemination of the survey. The authors did not conduct a pre-

meeting survey. Such a survey would have provided a nice comparison on the respondent's level of concern prior to receiving information on registered sex offenders and whether the meeting helped to reduce or increase concern about crime and/or sex offenders.

Unfortunately, 75 percent of the variation remains unexplained. Future researchers must carefully consider other variables including whether respondents have children, perception of neighborhood safety independent of the presence of registered sex offenders, and type of crime (Beck and Travis, 2004; Ferraro, 1996; Ferraro and LaGrange, 1987; Schafer, 2006; Warr and Stafford, 2001; and Zevitz, 2004). The definition of fear, worry and concern about crime must be clarified or more specifically tailored in order to capture the full meaning and understanding of this concept. There are many definitional issues present when trying to measure an emotion-based concept (Beck and Travis, 2004; Caputo and Brodsky, 2003; Garofalo, 1981; Ferraro, 1996; Ferraro and LaGrange, 1987; Kuttschreuter and Wiegman; Lavrakas et al., 1983; Schafer, 2006; and Warr and Stafford, 2001). The dependent variable, level of concern now (after the meeting) with two possible categories "more concerned" and "less concerned" may not have fully captured the range of respondents' emotional reaction to receiving new information on registered sex offenders. It is possible that over time the level of concern may dissipate as respondents' acclimate to the presence of registered sex offenders in the neighborhood or community (Jones, 1999; and Zevitz, 2004). The law had only been in effect for one year in Wisconsin when the survey was conducted. It is possible that the survey captured early reactions to the new law.

The label registered sex offender has come to symbolize danger or the presence of a threat in the neighborhood. The power of a label to persuade or motivate someone to action cannot be ignored. Citizens who expressed more concern now may be motivated to request the removal of sex offenders from the neighborhood. It is possible that citizens respond to the label independent of hearing information on registered sex offenders. It may not be possible to distinguish between the two.

Definitional issues are challenging for measuring fear of crime or concern about crime. Ferraro and LaGrange (1987) assert that most research on fear of and concern about crime is limited because of definitional problems and weak correlations between the dependent variable fear of crime and the independent variables. The authors contend that the measured fear actually reflects a value or a judgment on crime and is not a true fear response or indicator of fear from the respondent (p. 81).

Lastly, surveys are efficient and effective methods for acquiring information quickly and from a large group. However, the survey may only measure at one point in time and is not a continuous activity. Perhaps a follow-up mail survey or random telephone survey of meeting attendees six months to a year later might have produced different or comparable findings. A new survey of citizen attitudes toward sex offender registration laws might prove beneficial. Megan's law has been in effect for over ten years. The original surveys conducted shortly after implementation would provide a unique comparison. It would be useful to examine citizen reactions to the initial implementation and post-experiences with the law.

### **8.2.2 Law Enforcement**

Megan's law purports to convey more information to people and, on its face, this activity should be helpful. The registration portion of the new policy had performed as expected and was a significant predictor of increased information sharing. Law enforcement agencies had benefited from the new information and contact or sharing of information with other justice system agencies. In contrast, the notification portion of the Megan's law was not significantly related to increased information sharing; contrary to expectations and prior research studies (Gaines, 2006; Rinear, 2003; and Zevitz and Farkas, 2000). It is important to recall that the notification portion of the law is designed to address public safety. Information is disseminated to citizens for their safety and to raise awareness of registered sex offenders in the neighborhood. The increased contact between citizens and law enforcement is supposed to result in better relations, information sharing and strengthen the informal and formal social control efforts of each. Unfortunately, law enforcement information sharing was not further enhanced by the notification portion of the statute. This finding was unexpected. It was expected that the registration and notification portions of Megan's law work in tandem or jointly to increase information sharing among law enforcement agencies and citizens. The registration and notification are simultaneous activities and generally occurring within the same time-frame. It would appear that law enforcement benefits more from the registration portion of the law rather than the notification portion.

Arguably, the communication that arises from the registration portion of the law is two-way: law enforcement to other criminal justice agencies and vice versa.

Conceivably, law enforcement is regularly sharing and communicating information vital to the enforcement of Megan's law among other criminal justice agencies. It is likely that the information shared among the various justice agencies might not necessarily be of high quality, reliable or readily verifiable. Owing to the constraints placed on agency personnel and lack of technology to monitor and relay current information on offender whereabouts and other identifying information. On the hand, because agencies are now in a position of having to work cooperatively with one another, arising from Megan's law, perhaps then the quality of that information has improved over the first year of implementation. Agencies may now be benefiting from great information sharing.

In contrast, notification is a one-way activity: law enforcement to citizens. It is likely that law enforcement has intermittent contact with citizens arising from the notification portion of the law. Once the notification is affected whether in-person, by mail, flyer or community meeting it is unlikely that law enforcement agencies will have to conduct a second notification on the same offender. Recall that citizens are not notified once an offender moves or leaves a neighborhood. Rinear (2003) and Gaines (2006) asserted that Megan's law produced a "spill-over" effect between citizens and law enforcement. Communication would be enhanced and relations between citizens and police would generate "good will." However, this study was unable to verify such an effect in Wisconsin. Any "tips" or information received by Wisconsin law enforcement was not viewed as helpful or valuable to increasing information sharing.

Another possible explanation for the findings in this study has to do with the type of and quality of information reported by citizens. Megan's law is presented as a

mechanism for citizens to report non-compliant sex offenders. Arguably, the likelihood of citizen reports on non-compliant registered sex offender may not generate enough information to be perceived by law enforcement agencies as increasing the sharing of information. It may also be that the quality of information conveyed by citizens is not sufficient or dubious at best. One of the underlying themes of Megan's law is to promote better relations and communication between law enforcement and citizens. The notification portion of the law would appear to be a vehicle to foster improved relations. In this study, law enforcement agencies might not have viewed or perceived the notification portion as increasing information sharing. It is unknown what information was conveyed, if any, and what impact this issue will have on relations between citizens and law enforcement in the future.

The majority of Wisconsin law enforcement agencies have a written policy on registration (n=120) while a small number do not have written policies (n=62). A written policy on registration offers a framework and guide for how to go about setting up the registration process and procedures. Having a written policy on registration undoubtedly contributed to the increase in information sharing among criminal justice agencies. Law enforcement agencies with written policies on registration had a higher predicted probability of increased information sharing with other criminal justice agencies in Wisconsin. Information sharing was the only significant benefit found for law enforcement. Registration is the only portion of the law with a greater utility than the notification portion.



Law enforcement in urban jurisdictions reported a greater strain on departmental resources and greater workloads as a result of Megan's law. Prior studies reported a decrease in other services but this was not observed in the analysis (test of hypothesis 5). The findings did not support prior research studies (Campbell, 1995; Finn, 1997; Gaines, 2006; HRW, 2007; Levenson and D'Amora, 2007; Levenson and Savell, 2003; Matson and Lieb, 1996; and Zevitz and Farkas, 2000c). While jurisdictions reported a decrease in other services after the implementation of Megan's law, no differences by jurisdiction or agency type were uncovered in this study (Zevitz and Farkas, 2000c).

The new policy was described as "a monster" in one study and time-consuming and an enormous tax on agency resources and personnel in another study (Finn, 1997; and Gaines, 2006). Megan's law has distracted law enforcement agencies from providing other equally vital services important to community safety and well-being (HRW, 2007). Arguably, the new policy may leave communities vulnerable to crime and victimization. Law enforcement agencies are now focusing their efforts on known, registered sex offenders possibly to the exclusion of other crimes. The current study did find increased strain on resources and greater workloads in urban jurisdictions one year after the implementation of Megan's law. Specifically urban law enforcement agencies had a higher predicted probability (.6449 or about 64 percent) of experiencing significant strain on department resources and a higher predicted probability (.2855 or about 28.5 percent) of increased workloads in the aftermath of Megan's law than rural departments. The added duties and obligations created by Megan's law in all likelihood strained the ability

of the urban law enforcement agencies to be able to deliver other services to their communities.

Prior studies of rural law enforcement show that rural areas experience an influx of registered offenders from urban areas which creates more strain on rural law enforcement agencies (Levenson and D'Amora, 2007). However, the current study found that urban areas have greater strain on resources than do rural areas. It is possible that rural Wisconsin law enforcement agencies' may rely on more informal social control in the community; rather than on law enforcement activities to manage and control offenders. Informal social controls are less likely to be present in urban areas, thus the urban police agencies are left with greater burdens than their rural counterparts in managing the sex offender population.

Perhaps citizens living in urban jurisdictions have greater expectations of law enforcement agencies. Formal approaches are more common to addressing the problem of sex offenders in urban jurisdictions. In urban jurisdictions, service populations tend to be larger and are comfortable contacting police to address issues in daily habitation and resolving problems formally (i.e., arrest). Populations in urban areas expect police departments to monitor and enforce sex offender registration. Police departments in urban jurisdictions have more obligations to meet. Additional burdens have been created that did not exist prior to Megan's law. Perhaps urban jurisdictions have experienced implementation problems or struggle with meeting on-going and new requirements of the law. Many of these problems continue to occur with less funding available to support activities related to the law. Citizens' requests for service and periodic updates or

amendments to law that must be adhered to coupled with new timelines that must be met (i.e. Adam Walsh Act) add to the burden of urban jurisdictions.

The current study found that urban law enforcement agencies experienced more of a strain on departmental resources than their rural counterparts after the implementation of Megan's law. Urban law enforcement agencies may be under considerable budgetary constraints. This study did not examine the budgetary constraints of urban law enforcement agencies. Nevertheless, the additional duties imposed by Megan's law might impose economic challenges vis-à-vis the establishment of a new unit or division within the agency. In Summit County, Ohio, a moderate size urban county, the local sheriff added a separate unit staffed with deputies and support staff to register offenders, notify the public and enforce the law ([www.newsnet5.com](http://www.newsnet5.com), 2004). The monies allocated for the additional unit were costly and were diverted from the general departmental budget. This finding validated previous research studies (Bedarf, 1995; Campbell, 1995; HRW, 2007; Levenson and D'Amora, 2007; Matson and Lieb, 1996; Ohio S.B. 9; Rudin, 1999; and Small, 1999).

Another possible explanation for the strain on department resources is the sex offender population. Registered sex offenders are routinely placed by probation and parole authorities in urban areas (Zevitz, 2004). Urban areas are becoming the new "dumping" ground for sex offenders (Zevitz, 2004). Consequently, urban law enforcement agencies are facing a growing population of registered sex offenders. Due to economic, family, social or legal obligations many of these offenders are unable to relocate outside of the urban area. Also, probation and parole offices tend to be located in

urban settings. In order to better monitor the activity of offenders, probation and parole officers may place them in the local area. The net effect is observed in the strain on the departmental resources as urban law enforcement agencies endeavor to register, notify and enforce Megan's law.

The current study found that law enforcement agencies in urban settings experienced increased workloads over agencies in rural settings. Agencies in urban settings are larger, with considerable layers of bureaucracy, have written policies and protocols and have better trained officers. Another factor to consider is that the service populations in urban jurisdictions are equally as large and diverse as the police departments. As the population of registered sex offenders increase demands for services and protection from the urban residents will parallel the increase.

In addition, the increased workloads may be a reflection of the increased number of registered sex offenders placed in urban areas by other components of the criminal justice system (e.g. parole and probation agencies) (Zevitz, 2004). In contrast, Fitch (2006) asserted that rural areas often have fewer policies on Megan's law than urban agencies. The service population of the rural areas in this study is under 10,000 (Zevitz and Farkas, 1998).

Lastly, against expectations it was found that Megan's law had no effect on increased public awareness of or a decrease in over-reactions by the public to the presence of registered sex offenders. The majority of hypotheses in this portion of the study were not supported by the analysis. The lack of findings might call into question some of the issues raised by several authors in literature review (Campbell, 1995; Curtis,

2003; Crank, 1990; Doerner and Lab, 2005; Finn, 1997; Fitch, 2006; Freeman-Longo, 2001; Gaines, 2006; HRW, 2007; Johnson and Babcock, 1999; Jones, 1999; Levenson and D'Amora, 2007; Matson and Lieb, 1996; Menard and Ruback, 2003; OCJS, 2006; Petrosino and Petrosino, 1999; Rudin, 1996; Siskin and Teasley, 2002; Simon, 1999; Surette, 1992; and Zevitz, 2004). It is useful to recall that many of the issues such as are there other benefits arising from Megan's law, are offenders experiencing harassment and simply not reporting to law enforcement, if citizens are more concerned about the sex offenders then why are they not expressing these concerns or requesting to have the offender removed from the area. Many of these issues were raised prior to and well after the implementation of Megan's law in the United States. The lack of findings does not necessary invalidate the concerns examined in the literature review. It is simply raises more questions and leaves a great deal to be desired.

Zevitz and Farkas (2000) surveyed Wisconsin law enforcement agencies fully one year after the implementation of Megan's Law. It is highly likely that the immediate post-implementation period of one year was insufficient time for Wisconsin law enforcement to have fully experienced the issues raised in the later part of the 20<sup>th</sup> Century with the law. It is debatable whether substantive information can be gleaned about how well a new program or policy is working in a short amount of time.

The evaluation of Megan's law in Wisconsin occurred after the first year of implementation. The benefit of a one year evaluation allows for insight into any problems that might be a result of implementation. Perhaps the lack of a written policy on registration in 60 departments reflected an implementation problem. Not having a written

policy on registration constrained the benefit of an increase in information sharing for those departments. Reviewing a policy after a longer period is also fruitful. In a longer evaluation period the purpose is two-fold: it provides a considerable “look-back” period overtime and allows researchers to determine how and why certain outcomes occurred. The post-implementation period of any policy or new program is bound to have a “honey-moon” phase. The first year of any new policy or program is devoted to implementation and working out the “kinks.” It is possible that many of the problems observed occurred later and were not initially detected or identified by the respondent agencies in this study. Evaluation of a policy during the early phase might give rise to false expectations and understandings that simply might not be sustainable or verifiable over time. Early findings also likely do not fully reflect the “real” impact of the policy. The early findings might dissipate overtime and call into question our understanding of the policy.

Current research and concerns issued by law enforcement in the US and in particular the State of Ohio would seem to support the issues raised in the literature albeit the study, using data from 1998, was not able to substantiate those claims. Prudence would demand that a second series of surveys be conducted with the same or even more law enforcement agencies to compare findings over time. It is likely that given the span of time and a considerably more practical experience with the law, agency responses might have resulted in different outcomes. There is no precise way of knowing exactly what form those outcomes would have taken.

### 8.2.3 Offenders

Age at commitment to prison for violating SORN was a consistent predictor variable in two models. Older offenders were more likely to be incarcerated for failure to verify address than younger offenders. Specifically, the older the offender, the more likely he will be incarcerated for violating Ohio SORN. Examining the probabilities for incarceration found that younger offenders (age 18) had a lower predicted probability (.2397 or about 24 percent) of incarceration for failure to verify their address. The predicted probability that average age offenders (age 34) will be incarcerated for failure to verify address is .2828 or about 28 percent. The predicted probability that older offenders will be incarcerated for failure to verify address is .4153 or about 41.5 percent. The differences observed in the age of the offenders incarcerated for failure to verify address may be a function of age and prior criminal history (a legal variable not available in the offender dataset). It is likely that a younger offender has less of a criminal record for which a judge could use to determine the type of sentence (e.g. prison, probation or community corrections) and length of sentence. In contrast, average age offenders and older offenders have had considerable time to develop and create a lengthy prior criminal record or history. The criminal records of these offenders are used against them by the sentencing authority in forming the decision to incarcerate and determining length of sentence.

These findings are contrary and somewhat consistent with prior research studies on age and crime (Bynum, 2001; Elbogen, et al., 2003; Kruttschnitt, et al., 2000; Levenson and Cotter, 2005; Parkinson et al., 2004; Schram and Milloy, 1995;

Tewksbury, 2005; and Tewksbury and Lees, 2007; and Zevitz and Farkas, 2000b). On average offenders incarcerated in Ohio for incarceration for failure to verify address were younger than Kentucky and Australian offenders (Parkinson et al., 2004; Tewksbury, 2005) but similar in age to Florida, Nebraska and Washington State offenders (Elbogen et al., 2003; Levenson and Cotter, 2005; Schram and Milloy, 1995).

The relationship between age at commitment and incarceration for failure to verify address produced one of the most interesting and perhaps new insights into Megan's law. Not only were older offenders more likely to be incarcerated, but also they were incarcerated for violating the failure to verify address portion of Megan's law, under Ohio Revised Code Section 2950.06 (Anderson, 2007). It is interesting because older offenders are thought to stop offending as they get older (Gottfredson and Hirschi, 1990). And yet, older offenders appear to predominate among the population of offenders incarcerated in Ohio prisons over an eight year period for one portion of the state's SORN law, failure to verify address. The requirement in the SORN law that offenders periodically verify their address must vex older offenders' more than younger offenders.

Gottfredson and Hirschi (1990) assert that crime is a 'younger person's game' and that offenders "age-out" over time. There may be some truth to their assertion for crime in general, but for SORN violators, older offenders were more likely to be arrested, and be sentenced to longer terms of incarceration. It is possible that older SORN offenders are more likely to be well known to the police and monitored more closely than younger offenders. Consequently, older offenders are more likely to be arrested when they fail to comply with SORN requirements. Also, older offenders may have more difficulty



reintegrating into the community since they likely have been removed from the community for longer periods of their lives. Thus, they have less social capital established and less chance of connecting to resources to enhance social capital than younger offenders.

There are no existing studies on the relationship between age and type of SORN violation. However, after examining studies on recidivism and variables associated with re-offending a number of possibilities exist to explain the findings of this study. Older offenders may be more at risk for arrest for violating SORN than younger offender. Older offenders have been involved in a life of crime for a long period of time. They have been away from the community including their family and support system as a result of incarceration. Families or other support systems may have long ago been abandoned by the older offender in favor of a criminogenic lifestyle. Many offenders are simply unable to self-scrutinize or lack the requisite psychological tools to examine their own behavioral patterns, feel remorse or empathize with victims or society. Also, many older offenders have accumulated a substantial criminal history or record.

A lengthy prior record renders older offenders less of an attractive candidate for community-based programs, probation or community control than younger, more promising offenders with less of a criminal history. It may also be that the older offender did not complete a previous community-based program and is now viewed as unfit for such programming. Sadly, it is precisely these community-based programs that may provide the necessary tools, treatment options and pro-social direction to establish social capital from which an older offender might be aided in complying with Megan's law.

Additionally, a lengthy prior record is an indication that an older offender has not acquired any meaningful social capital prior to incarceration or during incarceration (i.e. legitimate work history or a GED).

The debilitating nature of lengthy and/or continued incarceration may further erode the desire to obtain social capital. Many older offenders, at the early stages of their criminal careers did not take advantage of or avail themselves to programs, treatments or services that would have enhanced their adherence to adult institutions. Many may have enrolled in such programs, treatments or services but did not complete them or were released back into society before completion. In some cases, programs and services were terminated owing to circumstances beyond the older offender's control (i.e., budgetary and staff reductions). The lack of social capital is held against older offenders at every turn. They are seemingly denied access to the very programs, treatments and services that may generate much needed social capital. The policy implications are clear: Megan's law does not generate social capital for registered sex offenders. The presence of social capital may act as a mechanism for compliance with the SORN law.

There is no reason to believe that registered sex offenders would be immune to the influences of adult institutions (Kruttschnitt et al., 2000). Perhaps older registered sex offenders are even more susceptible to crime owing to the fact that they have lived with the felony label for a longer period of time than their younger counterparts. Therefore, a secondary label that of registered sex offender, may or may not create additional burdens. Unable to secure housing, a job or establish familial support, as a younger offender, many older SORN violators may be more disposed to a transient lifestyle, homelessness or

mobile existence. Older offenders, including SORN violators, are ill-equipped for the job market and lack social and job readiness skills to obtain employment that would in turn create a “buffer” to criminal activity.

Another explanation for the relationship between age and failure to verify address was addressed by Rosen (2008). She reported that in Ohio registered sex offenders can reside in a location three days prior to having to report the new address to authorities. Conceivably, registered sex offenders may be moving from place to place prior to the expiration of the three day time limit without ever reporting the new address. The “hop scotching” that appears to be characteristic of registered sex offenders does not bode well for meeting yearly reporting requirements (Curtis, 2003; Earl-Hubbard, 1996; and Pawson, 2002). Perhaps older offenders, who are now more “professionalized,” have developed a skill-set to assist them in evading detection and circumventing the legal requirements of Megan’s law. It should come as no surprise when older offenders fail to verify their address with authorities.

Similar to age at commitment, race of inmate was a predictor of incarceration for failure to verify an address as well. Specifically Black offenders were more likely to be incarcerated for failing to verify address than Non-Black offenders. There have been no prior studies on race of inmate and SORN violators. This finding validates prior studies on race (Kruttschnitt et al., 2000; Schram and Milloy, 1995; and Zevitz and Farkas, 2000b). Kruttschnitt et al. (2000) found that Black offenders are more likely to be reconvicted for a new sex offense than Non-Black offenders. It would appear that Black offenders may be more likely to be convicted and incarcerated for failure to verify

address in Ohio. Ohio has incarcerated Black offenders for failure to verify address at an alarming rate. The predicted probability that Black offenders will be incarcerated for failure to verify address is .4309 or about 43 percent. In contrast, the predicted probability that Non-Black offenders will be incarcerated for failure to verify address is .2408 or about 24 percent. The Black SORN violators in this study accounted for 42 percent of the sample and Non-Black offenders represented 58 percent. The 2000 US Census reported that the population of African Americans in Ohio was 12 percent ([www.factfinder.census.gov](http://www.factfinder.census.gov)). It appears that Black offenders were over-represented in the population of offenders incarcerated for failure to verify address over an eight year period (1998-2006).

Race of inmate must be viewed with caution. Race may be a “marker” for other variables not available in the dataset (Berk, 2004). Berk (2004) asserts that race may be a marker for soci-economic factors and social capital. It is possible that the findings are a product of judicial discretion or legislative constraints on the Ohio justice system. Race may be a factor of location or county of residence. Black registered sex offenders might have lived in impoverished, urban jurisdictions prior to incarceration. Perhaps the reason then for the high number of Black offenders incarcerated for failure to verify address is more a reflection of economics and ecology rather than overt racism by justice system officials in Ohio (Berk, 2004). Pager (2007) asserts that the combination of the felony label and race is powerful. Arguably, the results from this study might be a tapping into a variable not available dataset: the primary felony conviction that triggered the registration requirement. The effect of the primary felony conviction would apply to all of the

offenders in this sample not simply the Black offenders. Pager (2007) would contend that the felony label is more acutely harmful for Black offenders. In order to be required to register, an offender must have been convicted of a sex offense or an offense (e.g. murder) with an underlying sexual motivation (Anderson, 2007).

The current study expected that single, Black offenders that did not graduate High School or obtain a GED or dropped out prior to the 9<sup>th</sup> grade would be more likely to be incarcerated for violating SORN. The multivariate logistic regression model revealed that three independent variables were significant predictors of incarceration for failure to verify address: race of inmate, marital status and education. These findings were consistent with prior research studies (Bynum, 2001; Elbogen et al., 2003; Kruttschnitt et al., 2000; Levenson and Cotter, 2005; Parkinson et al., 2004; Schram and Milloy, 1995; Tewksbury, 2005; and Tewksbury and Lees, 2007; and Zevitz and Farkas, 2000b).

A number of prior studies contend that marriage is a “buffer” to recidivism. If this is the case, then one would expect to find correctional facilities populated with primarily single offenders. In this study, there were more single offenders in the dataset than non-single offenders. If marriage is the great anchor to preventing recidivism then the large number of offenders incarcerated for violating SORN would seem to lend support for that assertion. This study was unable to fully replicate previous findings that marriage serves as a disincentive to re-offend (Elbogen et al., 2003; Gottfredson and Hirschi, 1990; Hanson et al., 1995; Levenson and Cotter, 2005; Parkinson et al., 2004; Schram and Milloy, 1995; and Tewksbury and Lees, 2007). The lack of married offenders in the ODRC may be a function of other factors including, age, cost, parent’s marital status,

pressure from peers not to be married or inability to maintain a relationship long enough to result in marriage possibility owing to incarceration, and incarceration may itself limit an offender's ability to socialize with members of the opposite sex that might lead to marriage. This study clearly found that single offenders are statistically significantly more likely to be incarcerated for failure to verify than non-single offenders.

Another explanation is that not all SORN violators are incarcerated. A number of SORN violators may have been placed on probation or community control or in community-based correctional programs. It is quite possible that these offenders may have been married and that the sentencing body did not wish to disrupt the marriage or family by sending the violator to prison. It may have been easier or less disruptive to send a single SORN violator to prison rather than a married SORN violator. How much emphasis judges' place on marital status as a factor in sentencing decisions is a question that remains unknown to researchers'? Marital status is not an official justice system criterion under Ohio's sentencing guidelines (Anderson, 2007). Marital status is a non-legal variable or factor. Judges in Ohio must follow the sentencing guidelines when sentencing an offender to prison and for how long (Anderson, 2007). Single offenders are less likely to have acquired the social capital and/or adherence to the adult institution of marriage. Judges' may look at married offenders as having a connection to the larger community vis-à-vis a spouse and children. The sentencing judge may not want to separate or weaken that connection by sending an married offender to prison. In contrast, single offenders do not have such ties, a "stake in conformity" or are not "bonded" to the community and thus feel free to deviate (e.g., not comply with the registration law)

(Hirschi, 1968). Judges may feel that sending a single offender to prison is less harmful than sending a married offender to prison.

Furthermore, it is unclear whether single offenders incarcerated for violating Ohio SORN laws would necessarily benefit from marriage. Prior studies did not elaborate on or specify a type of offender or offense and seemed to put forth a more general assertion that marriage would act as a deterrent to all types of offenders and offenses including registered sex offenders. It is also unknown whether marriage would necessarily improve SORN compliance rates in Ohio or for that matter reduce the prison population. The notion that the state should foster marriage as the solution to crime in society is dubious at best.

It was hypothesized that SORN violators incarcerated for failing to verify address were more likely not to have graduated High School, obtained a GED or dropped out prior to the 9<sup>th</sup> grade. The Ohio Literacy Network (2007) reported that the majority of offenders in Ohio prisons did not receive a high school diploma and less than half are reading at a fifth grade level.

Nevertheless, offenders incarcerated for failing to verify were less likely to have graduated from High School or obtained a GED or dropped out prior to the 9<sup>th</sup> grade. Education acts as a “buffer” to crime. Perhaps offenders incarcerated for failure to verify address lack the requisite social capital of education that would have prevented them from being incarcerated (Bynum, 2001; Elbogen et al., 2003; Kruttschnitt et al., 2000; Levenson and Cotter, 2005; Parkinson et al., 2004; Schram and Milloy, 1995; Tewksbury, 2005; and Tewksbury and Lees, 2007; and Zevitz and Farkas, 2000b). Many

offenders face enormous challenges to obtain an education. A diploma or GED is the first step to finding meaningful employment and furthering social capital. Many were not employed prior to incarceration for violating SORN (ODRC, 2008). A good many did not complete high school or obtain a GED. A number also dropped out of school prior to the 9<sup>th</sup> grade. A conviction for a felony crime limits many jobs as well as other opportunities. Arguably, the addition of the registered sex offender label further compounds an already challenging situation. The label further undermines an offenders' ability to gain social capital.

In Ohio, 35 percent of citizens were not employed in 2000 ([www.factfinder.census.gov](http://www.factfinder.census.gov)). The number of citizens living below the poverty level was at 13 percent and 18 percent of citizens did not have a high school diploma or equivalent certificate ([www.factfinder.census.gov](http://www.factfinder.census.gov)). The number of offenders without benefit of a high school diploma is significantly larger than the general population (Ohio Literacy Network, 2007). In contrast, 74 percent of Ohioans graduated with a High School diploma and/or GED (Jenkins and Kirsch, 2004). It is not surprising then that offenders incarcerated for failure to verify address are in some need of job readiness and educational assistance from the department of rehabilitation and correction. It is possible that offenders incarcerated for failure to verify address without benefit of education were looked upon by the sentencing judge as having little in the way of social capital with which to obtain employment much less add to the value of the community. Such an offender might be perceived as a burden and unable to function without aid from the state. The sentencing body may be more inclined to sentence an offender to prison who



lacks educational achievements. In contrast, judges may also reason that an offender with at least a basic educational foundation could lead a pro-social life (e.g., employment) and could meaningfully contribute to the well-being and growth of the community. The later offender is likely to be perceived in a better light than the former. The former is more likely to be incarcerated than the later.

In order to better prepare offenders for life outside of prison, the ODRC provides a host of educational and or self-help programming to all inmates (ODRC Annual Report, 2006). The State of Ohio supports the belief that inmates who are provided with the requisite educational tools and job-readiness skills will be less likely to return to prison and remain as productive citizens in their home communities.

Race of inmate was examined as to the impact on sentence length over an eight year period (1998-2006) in hypothesis nine. Prior research studies have not examined whether Black offenders received shorter or longer sentences for violating SORN than Non-Black offenders. Race of inmate predicted minimum sentence length. Black SORN violators received slightly longer minimum sentences than Non-Blacks. The same four independent variables were not significantly related to maximum sentence length.

Unlike previous findings, the influence of race of inmate in hypothesis nine was lessened by the presence of the other two independent variables in this model. Controlling for marital status\*age and age at commitment addresses the threats to validity. There is no indication in the model of a spurious relationship. Furthermore, the significance of the independent variable race of inmate is not the product of spurious

relationship. Race of inmate has been a consistently significant predictor variable in the previous four hypotheses in this study; controlling for other independent variables.

Age at commitment was positively related to the dependent variable. Older offenders were more likely to be sentenced to longer minimum sentences than younger offenders. Again, owing to the presence of legal variables (i.e., prior record, seriousness of the instant offense (refers to the most recent offense or current offense that the offender is charged with) and perhaps number of prior incarcerations at ODRC), an older offender may be less of a candidate for a non-prison sentence or a shorter minimum sentence than younger offenders. The strongest predictor of minimum sentence length in this portion of the analysis was age at commitment.

The presence of two of the independent variables, age at commitment and marital status, raise the possibility of an interaction effect. Marital status and age at commitment share eight percent variability. Multicollinearity was not detected between the two independent variables. When marital status was examined in hypothesis ten the variable did not produce a significant relationship in a singular logistic regression model. However, when added to the multivariate logistic regression model in hypothesis eight, marital status achieved statistical significance in a model containing race of inmate and education.

To evaluate the possible interaction effect, a Backward Stepwise multivariate linear regression analysis was conducted containing only the three statistically significant variables: age at commitment, race of inmate, and marital status. The three variables remained statistically significant and none were removed from the model. In the

Backward Stepwise regression, the BETA for race of inmate experienced a significant reduction in the presence of the variable marital status and age at commitment. In addition, the Adjusted  $R^2$  experienced a slight decrease from nine percent to seven percent in the Backward Stepwise regression. Race of inmate remained a consistent significant predictor of minimum sentence length. Marital status experienced only a slight reduction. A significant reduction occurred for the variable age at commitment. In fact, age at commitment was the strongest predictor of minimum sentence length in the second analysis for hypothesis nine.

Prior studies did not address the relationship between marital status and minimum sentence length. The finding is mixed considering that prior studies found marital status was significant predictor of recidivism at the bivariate but not at the multivariate level (Kruttschnitt et al., 2000). The findings in this study are in contrast to prior studies as far as recidivism is concerned. The findings however must be interpreted with caution. The relationship between marital status and minimum sentence length is contingent or conditioned upon the presence of another variable, age at commitment. Without age at commitment in the model the findings would more completely validate prior studies that marital status is not a predictor at the multivariate level.

Further examination of hypothesis nine and the independent variable marital status lead to the speculation that the variable might be obscuring the education variable. Additional multivariate linear regression models were conducted. Marital status was omitted from this model. Race of inmate (Black) and age at commitment (older) were again significant predictors of sentence length. However, unlike the previous findings,

education (did not graduate High School or obtained a GED or dropped out prior to the 9<sup>th</sup> grade) was significantly related to minimum length of sentence in months once marital status was removed from the model. The BETA weights were strengthened and the standard errors were reduced without the presence of marital status single. In addition, the explained variance improved slightly; to just a little over nine percent. Clearly, the model produced a better fit but the overall findings are again limited.

A multiplicative relationship was examined by combining the independent variables marital status and age to produce an interaction term, marital status\*age. Similar to previous findings, age at commitment (older), the interaction variable, marital status\*age (single and older), race of inmate (Black) were all significantly related to the dependent variable minimum sentence length. Education and marital status were not related to the dependent variable in the multiplicative analysis. When the interaction term was entered into the final model (hypothesis nine) it did not add to the overall explanatory power. The Adjusted  $R^2$  was actually reduced by 2.5 percent. It is further speculated that the interaction term, marital status\*age may have suppressed the education and marital status variables in hypothesis nine.

A backward stepwise regression with the three significant variables in hypothesis nine produced an  $R^2$  of 7.5 percent. A slight reduction from the original model (10 percent) was observed. There were slight changes to the BETA scores. Age is still the predominate predictor of minimum sentence length followed by the interaction term, marital status\*age and then race.

### **8.3 Summary**

Megan's law has had a considerable impact on citizens, law enforcement and offenders. Specifically citizens concern about crime has increased in the aftermath of the new policy. Law enforcement agencies have experienced increased workloads and strain, especially in urban jurisdictions, that undermine their ability to provide other services, and they have gained little from the notification portion of the law. Finally, a significant percentage of offenders, especially those lacking social capital, are unable to comply with the law and will end up in prison. The law may interfere with their ability to gain social capital and thus contribute to their violations of Megan's law.

## **CHAPTER 9**

### **Conclusions, Future Research and Policy Considerations**

Since the death of Jessica Lunsford in 2005, Florida lawmakers enacted Jessica's law (Winslow, 2008). Registered sex offenders must wear GPS tracking devices and face more stringent penalties. In the City of Miami, a large urban jurisdiction, local legislation bars any and all registered sex offenders from living within a 2,500 foot radius of any location where children might be found (Allen, 2009). The net effect has been the removal of all sex offenders from within the city limits. Currently, there are over 100 registered sex offenders now residing under a bridge on the outside of town in what can be best described as a "tent city" (Allen, 2009). Many of the sex offenders are on probation and parole while many are not living "on paper."

Probation and parole officers as well as law enforcement routinely stop by and check in on the offenders (Allen, 2009). Newly registered sex offenders are routinely dropped off at the bridge and instructed not to reside in the City of Miami. Registered sex offenders may still work, go to school, attend counseling or treatment programs, shop and visit friends and family in the City of Miami. As the numbers of registered sex offenders living under the bridge increases, justice system services will be diverted to ensure compliance and safety. Uneasiness has settled over the citizens of Miami and surrounding areas. The citizens know where the sex offenders are residing, but how that knowledge reduces their fears or concerns is less known. A group of local and county officials

recently visited the bridge to understand first-hand the impact of the “banishment” policy (Allen, 2009). State officials are now in the position of having to re-examine the policy and the unintended consequences arising from the implementation of Jessica’s law an outgrowth of Megan’s law. Similar “unstable conditions” have been observed in Iowa where registered sex offenders have been found living behind grocery stores, in abandoned vehicles or in state parks (Winslow, 2008).

Scislo (2009) reported that registered sex offenders in Summit County, Ohio are now routinely identifying themselves as homeless. Granted there are legitimate homeless sex offenders but many are using the designation to avoid having to list an address. Each Friday, homeless registered sex offenders must report to the local sheriff’s department and update or reconfirm their status as homeless. Many are listing street corners, intersections of roads and city parks as their address. In response, the county is exploring the option of placing GPS (global positioning system) tracking devices on all homeless registered sex offenders (Scislo, 2009). The cost for active GPS (real time data) is estimated to be \$12 per day, and passive GPS is \$7 per day (post time data). The expense would be paid by the offender or waived if he or she is indigent.

In spite of new legislation, registered sex offenders seem to be able to circumvent the law. It is doubtful that such statutes will make anyone safer from sex offenders. At the same time many offenders will find it increasingly difficult to be a part of mainstream society, be productive citizens and comply with the law. Deviants have always populated our society. The only difference now is we know the identity and location of many offenders.

Citizens know more about the known deviants in their midst than at any other time in history (Lavrakas et al., 1983; Levenson and Cotter, 2005; Levi, 2000; Parkinson et al., 2004; and Tewksbury, 2005). Prior to Megan's law, citizens were given limited specific information on crimes from law enforcement. Most of the information came from news media and other related mediums. The current thinking is that communities are protected through the provision of target specific information (Levi, 2000). Better informed citizens are thought to be better protected (Levi, 2000). The public represents a new front in the old or continuing war on crime (Levenson and Cotter, 2005; Levi, 2000; Parkinson et al., 2004; and Tewksbury, 2005). Megan's law permits and encourages active citizen involvement to monitor registered sex offenders. There is no longer "a concern that exposing citizens to detailed information about crime in their neighborhoods will generate excessive fear" (Lavrakas et al., 1983, p. 464).

However for all the new knowledge and the widening of the monitoring net, we do not know where all sex offenders are located as some are not in compliance with the law. Furthermore, we know very little about offenders who have never been caught, arrested, prosecuted, convicted and registered. Containment of the registered sex offender population may not be the most effective let alone Constitutional approach to ensuring public safety and quelling concern about and fear of crime. Megan's law has created a cavalcade of mushrooming policies without any understanding of the potential consequences to citizens, law enforcement and offenders. The law was designed with little to no empirical support or evidence validating the measures contained within the policy.



Megan's law was created in response to the kidnapping, rape and murder of a child (Freeman-Longo, 2001; HRW, 2007; and Pawson 2002). Sex offenders involved in this type of violent and predatory behavior constitute one percent of the sex offender population (HRW, 2007; and Pawson 2002). The remaining 90 plus percent of sex offending involves interfamilial child sexual abuse, date and acquaintance rape. The vast majority of perpetrators and victims are known to each other through family relations, friends, co-workers and acquaintances. The vast majority of the cases do not involve stranger-danger but danger within their own familial and social and vocational circles. The notification portion may alert the public to unknown persons but the greater risk resides at a much closer proximity and is an interior rather than an exterior threat of victimization. The risk of being victimized by a known or acquainted offender is greater than the risk of victimization by a stranger.

The law does not tell the public which of the 600,000 registered sex offenders presents the greater risk to the public. The law presumes all offenders present an equal risk to all persons. The presumption may not be accurate and misleading. The notification does little in the way to protect citizens from their own family members, friends or acquaintances. Notifying communities that a grandfather is a registered sex offender because he was convicted of molesting his grandchildren does little in the way to protect other relatives. It is unclear how this information protects the public and does it necessarily mean the grandfather is an equal risk to non-relatives? Just because he is a risk to his own family does not necessarily mean his is a risk to children outside of his familial circle.

Zgoba and Bachar (2009) reported “the majority of sexual offenders sentenced in New Jersey are convicted of child molestation, in more than half of the cases, the victim and the offender knew each other” (p. 2). Furthermore, the law did not diminish the relationship between the offender and the victim. Also, the bulk of the offenses committed prior to and after implementation of the law, involved child molestation (p. 2). There were no appreciable changes to the number of intrafamilial sex offenses committed in New Jersey after Megan’s law.

The wave of enthusiasm that produced Megan’s law may have overlooked the fact that the majority of the sex offending involves known persons not strangers (Baumgartner and Jones, 1993). The quality of the law might have been improved perhaps if it had been tailored to the violent, sexual predators rather than all sex offenders. The punctuated policy process vastly underestimated the amount of sexual violence between known parties (intrafamilial child sexual abuse and date or acquaintance rape) and overestimated of the number of violent sexual predators in the sex offender population. The news media may be responsible for the portrayal of the stranger-danger as all encompassing of the problem of sex offenders. Policy makers had an obligation to look beyond news media portrayals and toward actuarial estimates and an empirical understanding of sexual offending and victimization.

## **9.1 Citizens**

Chambers (1995) reported in speaking with residents of Newark, New Jersey, the home state of Megan’s law, that “they felt safer having been told that a sex offender is in their midst” and that “the devil you know is better than the devil you don’t” (p. 3). The

new policy may give some relief to an unsuspecting community, but for how long? Will the notification become customary? Will the public experience “information overloaded?” Will public interest wax and wane with news of victimization occurring in spite of the new policy (Kingdon, 1995)? Will the public settle into apathy and begin to treat the notification letters, flyers postcards and e-mails as just another form of junk mail? The U.S. Department of Justice, Bureau of Justice Statistics (1998) and Finn (1997) echoed these concerns at a national conference on sex offenders. Both assert that notification materials may be discarded or filed away as “another letter.” In an information age, citizens are constantly bombarded with data. As a result some filtering is likely to occur and vital information that may aid in the prevention and reduction of concern about crime and perhaps even fear of crime will lose its effectiveness. The novelty of the law will wear off as citizens begin to understand that the law is not a panacea for all that goes “bump in the night.” The law is not a transparent shield but more likely the emperors’ new clothes.

Similar to Kuttschreuter and Wiegman (1997) and Lavrakas et al., (1983), Finn (1997) reported that one benefit of Megan’s law is a public better educated (p. 17). The public knows more about sex offenders and sex crimes than before Megan’s law (p. 17). Presumably providing information on sex offenders the law should, if working as intended, reduce concern about crime by mediating any anxiety or fear over a previously unknown or imagined threat. If knowledge is power then ‘a little knowledge is a dangerous thing.’ Finn (1997) conceded that there are negative effects of Megan’s law. Residents may respond with violence toward the nearest registered offender (Bedarf,

1995 and Small, 1999). Residents' may also experience increased fear for the safety of their families (Beck and Travis, 2006; Bedarf, 1995; Caputo and Brodsky, 2003; Small, 1999; and Zevitz, 2004). Both reactions are decidedly not in keeping with the intent of the Megan's law.

This study has provided a glimpse into the relationship between Megan's law and residents' concern about crime. Citizens found the notification to be beneficial particularly information regarding the specific offender in question. However, the gains achieved by educating the public on sex offenders are offset by the fact that a significant portion of Wisconsin residents would still prefer to remove the offender from the neighborhood or community. The level of concern and perhaps fear is evidenced in this response. In spite receiving information on lawful options, a variable not significantly related to concern about crime, more concerned residents would still engage in a non-lawful action. Residents who did not expect to be able to move the offender from the neighborhood were more concerned with their safety after having attended a meeting on Megan's law would take an extreme measure to prevent crime.

The potential for violence is a troubling one for Megan's law. Arguably once the information is released the anticipated response may be unlawful. Lavrakas, et al., (1983) found that some citizens did take positive, lawful steps in response to the notification. Unfortunately, respondents motivated by fear tended to seek non-lawful responses. It can be inferred then that Megan's law may trigger fear responses in residents. The citizens in this study were more concerned after hearing thorough information on the specific sex offender in their neighborhoods. The effect of hearing more thorough information on one

specific sex offender may be more pronounced among some residents, especially young women, having experienced sexual assault or rape or who are fearful of sexual assault or have children (Beck and Travis, 2004; Caputo and Brodsky, 2003; Ferraro, 1996; Kaysen et al., 2005; Siegel et al., 1990; and Warr and Stafford, 2001). Interestingly enough, Megan's law does not contain any provision for increasing the reporting of sex assault, rape or child sexual abuse. The law does not encourage victims to come forward to report primary offenses only to report offenders in violation of the notification and registration laws.

More concerned citizens might also reflect the conditions of the neighborhood in particular areas containing registered sex offenders (Lavrakas et al., 1983; Schafer, et al., 2006; and Zevitz, 2004). There may be a perception that registered sex offenders living nearby or in the same neighborhood pose a greater threat to family members than offenders living at a distance. The perception of risk versus actuarial risk is troublesome. More concerned citizens might not be able to distinguish between registered offenders who pose a real risk versus an imagined risk or that all registered sex offenders pose the same risk. It is possible after concluding all registered sex offenders pose an equal risk any action taken by citizens to reduce said risk are therefore justified.

A registered sex offender was repeatedly harassed and stalked by neighbors in a suburb, south of Akron, Ohio (Trexler, 2007). In spite of repeated warnings by local police and considerable news media coverage, the neighbors posted home-made protest signs, made numerous threats and eventually broke into the registered offender's home. The neighbors were clearly not dissuaded from unlawful activity by the law or the

presence of law enforcement or the news media. It is precisely these types of reactions that Megan's law has inspired.

Caputo and Brodsky (2003) reiterate that concerned citizens will actively seek to protect themselves. Ideally this activity is desirable under the tenets of Megan's law. The citizens who attended the meetings in Wisconsin were more likely to view the issue as more important than citizens who did not attend. Many citizens came away from the meeting more concerned about the registered sex offender in their neighborhoods. Ultimately, Megan's law may not reduce fear or concern about crime (Garofalo, 1981). Consequently, law enforcement officials conducting notification of residents should be prepared for non-lawful responses and make efforts to protect all members of the community.

## **9.2 Law Enforcement**

The notification section of Megan's law is supposed to bring together two stakeholders: citizens and law enforcement. One of the stated purposes of Megan's law is enhanced relations between law enforcement and the public. Law enforcement must develop better approaches for working with the public. Specifically the public must be educated on the type of information needed by law enforcement to better manage and contain registered sex offenders. Lawful responses must be reinforced at each stage of the process from the registering of offenders to the notification to the community.

Law enforcement in Wisconsin did not view the notification portion of the law favorably. The law did not aid law enforcement efforts. Information from the public must be viewed as a useful by law enforcement. If law enforcement perceives the information

from the public as unreliable, not credible or deliberately falsified then they are less likely to benefit from the relationship building aspect of the policy. Law enforcement can go a long way to reducing citizen anxiety and concern by reiterating safety tips and lawful behavior.

Agencies must also remember that calls from citizens, requesting removal or related concerns, are likely a reflection of the growing concern for the safety of their families and/or the perception of neighborhood dangerousness. More importantly these calls present a good opportunity for improving community relations. Agencies should use these calls to reinforce safety, encourage law-abiding behavior and to obtain information on the activities of the registered offender.

Megan's law has generated a few positive outcomes for law enforcement. Specifically, law enforcement agencies experienced greater information sharing with other components of the justice system. The law has brought together various aspects of the justice system including, courts, corrections, probation and parole and law enforcement. While under the same umbrella of the justice system, these agencies have a history of fractious and competitive relations (Pollock, 2008). Each agency sets its own goals and the method for achieving those goals often irrespective of the impact on other system components. Megan's law has forced the justice system agencies to work together for a common goal: community safety and offender accountability (Pollock, 2008). Unfortunately, Megan's law has created a number of negative outcomes for law enforcement agencies.

The cost of Megan's law has resulted in "increased community anxiety, impacts offender reintegration and drains agency resources" (Zevitz and Farkas, 2000, p. 2). Law enforcement agencies can expect a decrease in other services as the requirements of Megan's law demand great allocation of resources, professional and support staff and equipment. The policy decried as "a monster" by one agency official has really strained smaller departments serving smaller jurisdictions (Gaines, 2006). Urban law enforcement agencies are also not immune to the costs associated with policy implementation. The new policy has put a considerable strain on department resources.

The new Adam Walsh Act contains grant provisions to aid law enforcement and other justice system agencies with implementation and enhancement of existing databases. The grant money is temporary and agencies will have to find other avenues to fund programmatic requirements and goals. Law enforcement agencies may apply for grants. Many county and city agencies may have to request that levies and new taxes be placed on the ballot or perhaps consider charging a fee to registered offenders or use general revenue funds to support Megan's law (Ohio S.B. 9). A less desirable prospect is the possibility of returning to charging citizens a user fee for information on registered sex offenders. Some states initially implemented such a policy. Citizens were charged anywhere between 50 cents per automated phone inquiries (New York) to as much as \$10 per report (California) (USDOJ, BJS March, 2002; and Finn, 1997). In the past, the following states imposed a user fee: Alaska, California, Idaho, New York, North Carolina and Oklahoma (USDOJ, BJS March, 2002; and Finn, 1997).



In order to aid justice system agencies in the implementation of Megan's law and the new Adam Walsh Act, the SMART (sex offender sentencing, monitoring, apprehending, registering and tracking) Office was created (USDOJ, OJP, 2007). Housed in the Department of Justice, the office provides grant assistance, technical support and resources for states seeking to establish a sex offender database, crime mapping tools and other free software (UJDOJ, 2007). Law enforcement agencies experiencing a strain on departmental resources might do well to work closely with the SMART office to reduce costs and improve services.

These additional support services may not be enough for some states. Many states are now openly resisting complying with the requirements of the Adam Walsh Act (Bluestein, 2009). Ohio is the only state in the nation to be in full compliance with the new federal standards. A number of states are considering whether to accept the loss of grant monies, pay a penalty fee or "ignore the law" all together (p. 1). In an effort to induce the states to comply the Federal government has extended the deadline for implementation until summer of 2010. The cost estimates for compliance vary from state to state. However, in Nevada, the cost to implement the new Act is estimated at \$38 million (p. 2).

Additionally, law enforcement agencies can expect to continue to receive calls from citizens requesting the removal of a specific sex offender from the neighborhood. The efforts by public officials will likely not be enough to quell requests to remove offenders from the neighborhood. The recent legislation in Miami, Florida does not bode well for full-scale removal or banishment of registered sex offenders. Agencies are

strained to effect the requirements of Megan's law without being burdened by unintended consequences of the new policy. At the local level, in 2003 the Summit County Sheriff's Department assigned a clerk, three deputies and a supervisor to monitor and enforce registration violations on over 500 registered offenders (<http://www.newsnet5.com>). The staff capacity to fully enforce the law is questionable. Citizens and policy-makers are largely unaware of the issues that burden law enforcement efforts to enforce Megan's law.

The expansion of the law and order model to fully involve citizens in crime prevention did not achieve the desired results as observed in the law enforcement findings. It is important to recall that the law enforcement data were collected roughly one year post implementation. Better relations cannot simply be legislated as the process requires nurturing and time. It is speculated that the Wisconsin agencies have undoubtedly devised new strategies to address the shortcomings of the policy. Future research studies should endeavor to determine how the initial problems arising from the law were overcome or addressed including whether better relations with citizens has been achieved.

Lastly, law enforcement agencies might do well to become acquainted with the resources in their communities. There are a number of allied-professional agencies in the public and private sector providing support and assisting offenders with basic needs and social support services. Knowledgeable law enforcement agencies providing appropriate referrals to both citizens and offenders and may go a long way toward bridging the gaps between the three stakeholders.

### 9.3 Offenders

The number of offenders incarcerated in Ohio for violating SORN has increased (OCJS, 2006). Between 1996 and 2006, the ODRC housed over 1,961 inmates for violating Ohio SORN (ODRC dataset, 2008). The total number of incarcerated SORN violators represents roughly 10 percent of the population of registered sex offenders in Ohio (Hollimion, personal correspondence 2009). In contrast, the Ohio Attorney General's Office estimated that between five and six percent of registered sex offenders are not currently in compliance with the law (BCI&I/OHLEG personal correspondence, 2009). By comparison the national compliance rate is 76 percent ([www.parentsformeganslaw.org](http://www.parentsformeganslaw.org)). Over 100,000 registered offenders are not in compliance with Megan's law ([www.nsrp.gov](http://www.nsrp.gov)).

Nationwide the number of offenders missing from sex offender registrations is considerable. According to Curtis (February, 2003) "16 states do not know the precise number of sex offenders listed in their registries" and "32 states did not have up-to-date addresses for the offenders listed in the registry" (p. A7). In California over 2,100 registered sex offenders were not in compliance (Winslow, 2008). In an effort to increase compliance, California, similar to many states, has turned to using GPS tracking bracelets on paroled sex offenders to keep better track of their whereabouts (Moore, 2009). In the U.S., the vast majority of offenders have to register at minimum of once a year (sexual predators register once every 90 days) (Anderson 2003). Unable to comply with Megan's law, many offenders move, without verifying their address, deliberately provide a false address or simply fail to register.

It may be months to a year before the designated agency becomes aware that the offender was not complying with the law (Stacy, 2005). States are implementing Megan's law but are not providing adequate follow-up and monitoring of the programs. Currently, registries are not audited for accuracy (Curtis, January, 2003). In Ohio, the notification law aimed at neighborhoods and communities "deflected money and time from proven, effective programs that regularly verify offender address" (Curtis, February 2003, p. A7). Curtis (February 2003) recommends better technology (use of Internet and web sites), more funding and increase in personnel to aide in registering, notifying and enforcing Megan's law.

Recent research has found limited effects of Megan's law on registration and notification (Zgoba and Bachar, 2009). In New Jersey, sex offenses were on the decline prior to the implementation of Megan's law and the decrease continued well after implementation of the law. The cost to enforce the new policy has risen in New Jersey from an initial \$500,000 to over \$3 million dollars in 2006 (Zgoba and Bach, 2009). The authors did not examine SORN violators, community response to the presence of offenders and were unable to determine if a deterrent effect was present.

SORN violators in Ohio were primarily incarcerated for failing to verify their addresses. The SORN violators incarcerated for failing to verify addresses were predominately older, single and African American males that did not graduate from High School or obtain a GED or dropped out prior to the 9<sup>th</sup> grade. Race and age must be included in future research studies on the relationship between legal and non-legal variables in violation type. This study was the first to examine offenders incarcerated for

violating Megan's law. Unlike prior research findings that young offenders were more likely to recidivate, this study found that older, African American registered sex offenders clearly experienced enormous difficulties in complying with the verification portion of the Ohio SORN law. It is possible that residency restrictions may further exacerbate the "hop scotching" effect. As registered sex offenders are pushed out of the mainstream into inconsistent living situations the likelihood of violating the law increases dramatically. Older offenders are doubly disadvantaged with the primary felony label and the sex offender label. The combination of the two labels greatly inhibits the ability of older offenders to acquire and maintain social capital.

Future research must also consider a wider comparison group. In particular, examining the differences between incarcerated and non-incarcerated SORN violators (community control or probation) might shed light on decisions to arrest and on prosecutorial and judicial discretion in handling SORN violators. Another possible avenue for research should examine why some registered sex offenders are able to comply while others are not in compliance. It would be useful to identify the "dynamic" or status variables (e.g. marital status, employment, education, housing, familial and social support and treatment) associated with each group. Thus it is essential that future research explore further the link between social capital and compliance with Megan's law.

Another factor that might affect SORN violations in Ohio is the recent decision to eliminate funding for treatment programs for sex offenders on parole (Chancellor, 2008). The State of Ohio, in 2008, began reducing the ODRC budget. The ODRC no longer pays

for counseling and treatment programs for over 800 sex offenders. Instead of licensed, experienced psychologists and counselors the department will use parole officers to provide treatment services for sex offenders. The elimination of services has a tremendous impact on compliance rates. The State of Ohio is under considerable pressure to reduce spending (Akron Beacon Journal, 2009). The ODRC has the largest budget of any state agency. The current budget for the ODRC is \$1.8 billion (Akron Beacon Journal, 2009). The ODRC will continue to experience reductions in services. Specifically county judges are being asked to keep low-level felony offenders (e.g., F-3, F-4 and F-5) in community-based programs or halfway houses rather than sending them to the ODRC (S.B. 22, 2009).

The ODRC is looking for other ways to remove offenders from prison for good behavior, age (elderly), and medical illness (S.B. 22, 2009). The number of offenders incarcerated for SORN violations might decrease in the face of new legislation designed to reduce the ODRC population and keep SORN violators in the community. Unfortunately, it is the same community where registered sex offenders have difficulty fitting into the mainstream and adhering to adult institutions such as employment, education, marriage and housing (Kuttschreuter and Wiegman, 1997).

The ODRC provided educational services to over 15,000 inmates in fiscal year 2006 (ODRC, 2006). The offenders obtained GED certificates (13%) and High School diplomas (>1%). Over a three-year timeframe from 2003-2006 (within the current study period), roughly 33½ percent, 34 percent and 27 percent of offenders were employed post-release (ODRC, 2006). In addition, the population of older offenders in Ohio's

prison is increasing. In 2006, six percent were over the age of 50. Currently, 16 percent of ODRC offenders are over the age of 50 and 60 percent are serving sentences for sex offenses ([www.target5wlwt.com](http://www.target5wlwt.com), 2008). Unless significant efforts are made to enhance connections to education, jobs, counseling and treatment, the negative impact of these measures on the community and offenders will be huge. This sentiment is echoed by parole officers in California, “if employment doesn’t work out and they start getting in trouble again—even if it’s not another crime we have to violate them to protect the community” (Moore, 2009, p. 4). Parole officers underscored the need for programming both inside and outside of the prison (Moore, 2009).

Arguably on some level the law has created a situation where compliance is nearly next to impossible for a significant number of offenders. Megan’s law contains no provisions for assisting registered sex offenders in complying with the law, only penalties. Surely, an unintended consequence, the policy is designed in such a way as to almost guarantee that registered sex offenders will fail or, put another way, will be unable to maintain compliance. The policy appears to have been enacted without regard for any impact on any stakeholder whether they are citizens, law enforcement or offenders. On its face the policy registers offenders and notifies communities. The policy contains little in the way of specifics as to address any problems or issues arising for either portion of the law. Perhaps society will have to acquiesce to the fact that “some men just can’t be reached,” will never comply with the rule of law and will not be deterred from crime (Beccaria, 1819; Bentham, 1759; and Rosenberg, 1967). But when efforts at treatment or

social capital enhancement are not even attempted, it is inevitable that those who will not comply or be deterred will only grow in number.

#### **9.4 Courts**

Megan's law has withstood a number of constitutional challenges. The policy is now firmly situated in the justice system (Bedarf, 1995; OJP, 2009; Small, 1999; Tewksbury, 2005; Tewksbury and Lees, 2007; and Zevitz, 2004). Yet, more recent lower court rulings are curbing or better specifying the limits of the law. In Gonzalez v. Duncan, (2009), the California 9<sup>th</sup> Circuit Court ruled that charging a defendant under the state's third strike provision for violating the registration law violated the 8<sup>th</sup> Amendment of the Constitution. The 8<sup>th</sup> Amendment prohibits the use or imposition of cruel and unusual punishment. Specifically, the court "held that the sentence was grossly disproportionate to the offense, and granted the defendant's Habeas petition" (USDOJ, 2009).

Similarly, the U.S. Sixth District Court in Cincinnati held that Ohio's residency requirement was a violation of the ex post facto clause of the Constitution. The Ohio law "only restricts a sex offender's place of sleep" and does not regulate an offender's residence, vocation or other social activities (Meyer, 2007, p. A1). Offenders convicted before 2002 do not have to comply with the state's residency restriction requirements (Scislo, 2009). Offenders convicted after 2002 must not live within 1000 feet of a school. The ruling effects roughly 7,000 registered sex offenders (Meyer, 2007). In Minnesota v. Larson, (2008) the court ruled that "registration is a continuing obligation" of the offender (USDOJ, OSP, 2009). Failure to meet the obligation can be met with multiple



prosecutions for the same violation without violating the double jeopardy clause of the Constitution. Some limits are beginning to be placed on Megan's law.

In Ohio, the expansion of Megan's law via the new Adam Walsh Act has been met with resistance and in some counties in Ohio a moratorium has been declared citing Constitutional issues and inadequate funding to cover the costs associated with implementing the new procedures (Meyer, 2008). Recently the Summit County Court of Common Pleas in Akron, Ohio issued a "Stay Order" of the Act until a decision can be reached as to the Constitutionality of the law (Summit County Court of Common Pleas, 2008). The order prohibits the local sheriff's department from enforcing the requirements of the Act including the community notification function. Offenders must continue to follow registration and notification requirements under Megan's law. "The Ohio Supreme Court heard arguments from more than 26,000 registered sex offenders who were convicted before the new law was signed," challenging the constitutionality of the Adam Walsh Act (Bluestein, 2009, p. 2). The cost to defend these constitutional challenges is estimated around \$10 million according to the Ohio Public Defender's Office (p. 2). But the future of the Adam Walsh Act in Ohio as well as the nation remains to be seen.

## **9.5 Compliance**

Megan's law does not contain provisions to assist sex offenders in maintaining compliance with the law (Orlando, 2007). Efforts must be made to identify and address the limited or weak status factors in the lives of registered sex offenders. Law enforcement can take some measure to enhance compliance. For example, sheriff's departments might want to link the date of birth of the registered sex offender to the

registration renewal date. Similarly, the Ohio Bureau of Motor Vehicles (BMV) designates the date of birth as the expiration and renewal date for license and vehicle tags. The BMV also registers voters and organ donors. Perhaps some joint venture with sheriffs' department might be feasible as the BMV could issue renewals to registered sex offenders.

Hebenton and Thomas (1997) assert that law enforcement has made considerable efforts to increase offender compliance (p. 12). In some jurisdictions penalties for violating the community notification law are posted in public places (e.g. post offices and libraries) (p. 12). Offenders are registered on or near their birthdays because it is easier to remember. Law enforcement agencies reported better compliance rates over time as offenders became accustomed to and more familiar with the law and requirements (p. 12). Legislators in Ohio are preparing to expend funds to monitor recently released offenders with GPS tracking devices (S.B. 22, 2009). The cost is estimated at \$1.4 million. Perhaps the future of monitoring and ensuring offender compliance will be contingent upon technology. The technology exists to locate in real time the location of a registered sex offender.

However, the technology may undermine the intent of Megan's law as only law enforcement officials would have access to the technology. Citizens would not be given access. Furthermore, there are several negative outcomes associated with technology cost, maintenance, and replacement issues if the equipment is vandalized or tampered with by the offender. Plus funding eaten up by such technical fixes to the problem of sex

offenders can be more effectively spent on community treatment programs and items that enhance social capital, such as education, jobs, and other community social supports.

## **9.6 Future Research and Policy Considerations**

Future research on Megan's law must use broad and multiple definitions of fear, concern about or worry to encompass the wide range of reactions of citizens. The following variables must not be overlooked as affecting reactions to Megan's law: perception of the neighborhood, type of crime, presence of children, gender, education and age. The utility of Megan's law as a vehicle for promoting citizen involvement must be further evaluated. The relationship between citizens and law enforcement is not clear. If the notification section is not aiding law enforcement efforts then an enhanced relationship between the two stakeholders will not be realized.

To date, there have been no other studies on the relationship between Megan's law and incarcerated SORN violators. This study was the first to examine the relationship between incarcerated SORN violators and Megan's law. Studying incarcerated SORN violators is advantageous for several reasons. First, the offenders have been arrested, convicted and sentenced for the principle offense, violating the SORN law. Bynum (2001) asserts that both dynamic and static factors should be used to study offender behavior. Static factors refer to the offender or offense history. These would include legal and non-legal variables that are largely unchangeable. In contrast, dynamic factors change over time and therefore must be adjusted for risk (p. 11). Dynamic factors contain interventions, adherence to adult institutions and informal social control, that may be

useful to reducing or increasing risk of violating SORN. It is important to evaluate these interventions.

Future studies should examine age and race but look for additional variables to explain why some SORN violators were sentenced to prison. Race did not fully explain the minimum length of sentences for violating SORN received by African Americans. Again, sentencing is a product of many legal and non-legal factors, prior incarceration especially for a sex offense, criminal history, judicial discretion and statutory constraints.

In addition, future studies might want to look at judicial discretion in sentencing SORN violators to prison. It is unclear what factors or variables influence judges to warrant a sentence of incarceration rather than a sentence of community control or probation or confinement in a local community-based correctional facility. Age has been a consistent predictor of incarceration and may have a direct bearing on future SORN compliance rates. Future studies should perhaps examine the relationship between younger and older registered sex offenders in terms of compliance and violations.

The viewpoints of those persons most directly affected by this law should be collected either in a survey form or perhaps some archival data exist in justice system agencies. Quasi-experimental designs (e.g., pre and post-test) might be a useful approach to observe changes in Megan's law over time. Multivariate analyses should be conducted to determine the relationship between Megan's law and the three stakeholders.

The needs of the three stakeholders can be met without creating additional burdens on each. Policy makers might consider reigning in certain provisions of Megan's law that inadvertently encourage non-compliance. Rather than filling our prisons,

offenders might be better served in a community setting where informal social control can ameliorate criminal activity. Informal social control can reinforce adherence to adult institutions and encourage pro-social behavior including compliance with the law (Kuttschreuter and Wiegman, 1997). This type of social control coupled with enhanced community social support, treatment, education and jobs will provide greater safety for citizens than the punitive approaches encouraged by Megan's law.

Conversely, residents, supported by law enforcement agencies, must be prepared to accept registered sex offenders in their neighborhoods without resorting to fear-based reactions and unlawful responses. It is worth remembering that many of these offenders were present in the neighborhoods prior to the implementation of Megan's law. Citizens may in fact not be better off knowing where registered sex offenders are living now; they are not less fearful or less concerned because of this knowledge. Citizens have less lawful ability to direct their fears at a specific target. Perhaps their reactions can be channeled into some positive outcome. Each stakeholder has a critical part to play in the continued development and tailoring of Megan's law. The more we understand about the relationship between Megan's law and citizens, law enforcement and offenders the better equipped each stakeholder will be to benefit from effective, meaningful and fair public policies.

## APPENDIX A

### Citizen Independent and Control Variables

Variables	Relationship	NS	$\beta$	S.E.
Expected offender restriction by:	Level of concern now	X	.144	.284
Amount of information on other sex offender by:	Level of concern now	X	.030	.104
Amount of information on sex offender laws by:	Level of concern now	X	.274	.159
Amount of information on Law enforcement responsibility by:	Level of concern now	X	.293	.160
Amount of information on lawful options by:	Level of concern now	X	.029	.125

Variables	Relationship	SS	$\beta$	S.E.
Expected removal by:	Level of concern now	*	1.179	.313
Amount of information on the specific sex offender by:	Level of concern now	*	.499	.101
Constant			-2.733	.444

\* $p < .05$

\*\* $p < .01$

\*\*\* $p < .001$

2 Log Likelihood

384.128

## APPENDIX B

### Law Enforcement Independent and Control Variables

Variable	Relationship(s)	NS
Written policy on registration by:	Serves as a deterrent	X
	Enhanced surveillance	X
	Improved management	X
Written policy on notification by:	Serves as a deterrent	X
	Enhanced surveillance	X
	Increased information sharing	X
	Improved management	X
Type of agency by:	Serves as a deterrent	X
	Increased information sharing	X
	Strain departmental resources	X
	Increased workloads	X
	Enhanced surveillance	X
	Improved management	X
	Large investment of time	X
	Reporting of other crime	X
	Offering leads	X
	Increased public awareness	X
	Harassment of offenders	X
	Media sensationalism	X
Number of sex offenders by:	Enhanced surveillance	X
	Improved management	X
	Large investment of time	X
	Increased public awareness	X
	Media sensationalism	X
Type of jurisdiction by:	Improved management	X
	Large investment of time	X
	Harassment of offenders	X
	Media sensationalism	X
Population by:	Reporting other crime	X
	Offering leads	X
	Improved management	X
	Harassment of offenders	X
	Media sensationalism	X
Requesting removal by:	Increased public awareness	X
Expressions of fear by:	Increased public awareness	X
Grandstanding politicians by:	Increased public awareness	X

Agency type*written policy registration by:	Enhanced surveillance	X
Agency type*written policy notification by:	Enhanced surveillance	X
Agency type*number of sex offenders in the jurisdiction by:	Enhanced surveillance	X
Agency type*written policy registration* written policy notification by:	Enhanced surveillance	X
Agency type*written policy registration*written policy notification*number of sex offenders in the jurisdiction by:	Enhanced surveillance	X

Variable	Relationship	SS	B	S.E.
Written policy on registration by:	Increased information sharing	*	1.480	.686
Constant			-.226	.673
2 Log Likelihood: 237.1821				

Variable	Relationship	SS	B	S.E.
Jurisdiction type by:	Strain departmental resources	*	.395	.178
Constant			.238	.662
2 Log Likelihood: 165.563				

Variable	Relationship	SS	B	S.E.
Jurisdiction type by:	Increased workloads	*	.433	.143
Constant			.484	.529
2 Log Likelihood: 226.864				

\* $p < .05$       \*\* $p < .01$       \*\*\* $p < .001$



## APPENDIX C

### Offender Independent and Control Variables

Variable	Relationship	NS	β	S.E.	Constant	BETA
Type of registration by:	Sentence length (min)	X	1.275	.685	23.926 R <sup>2</sup> .001	.042
Type of registration by:	Sentence length (max)	X	-.932	8.489	71.735 R <sup>2</sup> -.001	-.002
Type of violation (verify) by:	Sentence length (max)	X	-4.435	41.984	77.083 R <sup>2</sup> .001	-.004
Type of violation (registration) by:	Sentence length (max)	X	49.192	51.088	77.083 R <sup>2</sup> .001	.036
Type of violation (notify) by:	Sentence length (max)	X	-20.347	44.549	77.083 R <sup>2</sup> .001	-.020
Type of violation (verify) by:	Sentence length (min)	X	3.325	3.392	21.571 R <sup>2</sup> .000	.038
Type of violation (notify) by:	Sentence length (min)	X	3.932	3.599	21.571 R <sup>2</sup> .000	.047
Type of violation (register) by:	Sentence length (min)	X	6.779	3.599	21.571 R <sup>2</sup> .000	.061
Race by:	Sentence length (max)	X	-42.367	22.526	94.412 R <sup>2</sup> .001	-.042
Marital Status by:	Sentence length (min)	X	-2.815	1.976	26.251 R <sup>2</sup> .001	-.033
Marital Status by:	Sentence length (max)	X	39.086	25.631	57.079 R <sup>2</sup> .001	.035
Marital Status* Age by:	Sentence length (min)	X	.006	.023	26.663 R <sup>2</sup> -.001	.006
Marital Status* Age by:	Sentence length (max)	X	.819	.293	60.582	.066
Marital status*Race by:	Sentence length (min)	X	-1.569	7.908	-14.500 R <sup>2</sup> .102	-.015

Marital Status*	Sentence length (min)	X	-14.142	8.127	-14.500	-.128
Education by:					$R^2$ .102	
Marital Status*	Sentence length (min)	X	28.422	17.899	-14.500	.217
Race*					$R^2$ .102	
Education by:						
Marital Status*	Sentence length (min)	X	-.396	.402	-14.500	-.985
Race*					$R^2$ .102	
Education*Age						
Race by:	Type of violation (register)	X	.090	.128	-1.783	166.322
Race by:	Type of violation (notify)	X	-.021	.011	-.203	1674.992
Marital Status Single by:	Type of violation (notify)	X	.139	.107	.568	2407.032
Marital Status by:	Type of violation (register)	X	-.195	.148	-1.707	1544.948
County of conviction by:	Type of violation (register)	X	.078	.166	-1.795	1660.590
County of conviction by:	Type of violation (notify)	X	.004	.003	.570	2535.177
County of conviction by:	Type of violation (verify)	X	.001	.002	-.958	2323.270
Age at commitment by:	Type of violation (notify)	X	-.007	.005	.838	2544.165
Age at commitment by:	Type of violation (register)	X	-.002	.006	-1.661	1660.707
Race*Age by:	Type of violation (verify)	X	.002	.010	-.856	2295.807

**Statistically Significant Offender Independent and Control Variables**

<b>Variable</b>	<b>Relationship</b>	<b>SS</b>	<b>β</b>	<b>S.E.</b>	<b>Constant</b>	<b>2 Log Likelihood</b>
Age at Commitment by:	Type of violation (verify)	*	.014	.005	-1.406	2327.150
Race by:	Type of violation (verify)	*	-.869	.128	-.277	1669.059
Education by:	Type of violation (verify)	*	-.324	.129	-.277	1669.059
Marital Status by:	Type of violation (verify)	*	.298	.142	-.277	1669.059

<b>Variable</b>	<b>Relationship</b>	<b>SS</b>	<b>β</b>	<b>S.E.</b>	<b>Constant</b>	<b>BETA</b>	<b>t-value</b>
Age at commitment by:	Sentence length (min)	*	1.107	.097	-6.853 R <sup>2</sup> .075	.286	11.91
Race by:	Sentence length (min)	*	4.923	1.795	-6.853 R <sup>2</sup> .075	.0639	5.134
Education by:	Sentence length (min)	*	-6.909	1.957	34.965 R <sup>2</sup> .094	-.075	-2.825
Marital Status	Sentence length (min)	*	-8.309	2.018	-3.548 R <sup>2</sup> .070	-.098	2.896
Marital Status*Age	Sentence length (min)	*	-.270	.053	-6.853 R <sup>2</sup> .075	-.129	-5.134

\* $p < .05$ \*\* $p < .01$ \*\*\* $p < .001$

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