

2019

# Maryland Sex Offender Registry and Sex Offender Recidivism: Time Series Correlational Study.

Ashley L. Fundack  
*Walden University*

Follow this and additional works at: <https://scholarworks.waldenu.edu/dissertations>

---

This Dissertation is brought to you for free and open access by the Walden Dissertations and Doctoral Studies Collection at ScholarWorks. It has been accepted for inclusion in Walden Dissertations and Doctoral Studies by an authorized administrator of ScholarWorks. For more information, please contact [ScholarWorks@waldenu.edu](mailto:ScholarWorks@waldenu.edu).

# Walden University

College of Social and Behavioral Sciences

This is to certify that the doctoral dissertation by

Ashley L. Fundack

has been found to be complete and satisfactory in all respects,  
and that any and all revisions required by  
the review committee have been made.

Review Committee

Dr. David DiBari, Committee Chairperson,  
Criminal Justice Faculty

Dr. Kimberley Blackmon, Committee Member,  
Criminal Justice Faculty

Dr. Darius Cooper, University Reviewer,  
Criminal Justice Faculty

Chief Academic Officer  
Eric Riedel, Ph.D.

Walden University  
2019

Abstract

Maryland Sex Offender Registry and Sex Offender Recidivism: Time Series  
Correlational Study.

by

Ashley L. Fundack

MS, University of Phoenix, 2015

MS, University of Baltimore, 2013

BA, Saint Francis University, 2009

Dissertation Submitted in Partial Fulfillment

of the Requirements for the Degree of

Doctor of Philosophy

Criminal Justice

Walden University

June 2019

## Abstract

Federal and State law in a northeastern US state requires all adjudicated sex offenders to register on the state's sex offender registry (SOR) for the purpose of protecting the citizens of the state from predatory sex offenders and reducing sexual recidivism. This study tests the assumption, based on deterrence theory, that registration on the SOR is necessary as a deterrent to future sexual offending by sex offenders. Data from the Maryland Sex Offender Registry in two counties in a northeastern US state pertaining to a total of 1,985 registered sex offenders were analyzed to see geographic differences of offender, and state sexual crime data over a 24 year period from 1991-2016 was analyzed using multiple regression. Independent variables included completeness of information on the MSOR registry profile; recidivism, re-arrest rates, and violence against women were the dependent variables. The analysis revealed that offenders in Baltimore County the more rural part were more likely to provide not valid addresses or addresses that are out of compliance with state and federal regulations for the SOR. Analysis also revealed that there was statistical significance in the recidivism rates of sex offenders in Maryland after the implementation of the Sex Offender Registry. This supports previous published research findings that SOR registration has no deterrent effect on recidivism. Implications for positive social changes include reducing the number of false positives, improving the quality of life for sex offenders, better allocation of public resources, and increased safety for citizens through better assessment of risk factors.

Maryland Sex Offender Registry and Sex Offender Recidivism: Time Series  
Correlational Study.

by  
Ashley Fundack

MS, University of Phoenix, 2015

MS, University of Baltimore, 2013

BA, Saint Francis University, 2009

Dissertation Submitted in Partial Fulfillment  
of the Requirements for the Degree of  
Doctor of Philosophy  
Criminal Justice

Walden University

June 2019

## Dedication

This dissertation is dedicated in loving memory of my brother Andrew. Even though you passed away at the beginning of my dissertation journey you have been the shining light from above guiding me along on this journey. On the days when it was tough and overwhelming you were that force kept me motivated and pushed me forward. You were my biggest supporter and my inspiration always believing in me and I owe my success to you. I wish you were here to witness the completion of this journey and celebrate it with me but I know you are watching over me and cheering me on from above and that you will always have your sister's back. You were the best brother a sister could ever hope for and I love and miss you more than you could ever know. I hope that I have made you proud and this is for you buddy! I love you.

## Acknowledgments

The completion of this dissertation would not have been possible without the support and encouragement of several special people. Hence, I would like to take this opportunity to show my gratitude to those who have assisted me in a myriad of ways.

I would like to thank my Dad and Mom- Alan and Nancy for their constant and unwavering support. Mom and Dad you have always been my biggest cheerleaders and I can never thank you enough for everything you have ever done for me. Thank you for teaching me early on that nothing in life is ever impossible.

To all of my family- thank you for your love and support.

To my Baltimore family Dan you have been a huge blessing and godsend in my life these last nine years thank you for everything that you have done for me. Thank you for your love, dedication and support, you were always there with a laugh, smile, hug and encouragement when I needed it the most you have no idea how much that meant to me. You helped make Baltimore my home.

To Nick my love thank you for your unwavering love and support. I could not have done this without you. You were my rock throughout this process and were always there to encourage, support, and listen to me whenever I needed it. You inspire me to work harder and be the best that I can be. Thank you for loving me. I love you to the moon and back.

To Dr. Lening Zhang for believing in me when I entered your classroom as a freshman in college and for always challenging me to go above and beyond because you knew I was capable of so much more than I ever knew. For inspiring me to get my PhD

and to use my talents to make a difference in the world. You took me under your wing and taught me everything that I know and for that I can never thank you enough you have made me a better researcher, scholar, teacher, practitioner, and academic.

I would first like to express my heartfelt thanks to my amazing committee my chair Dr. David DiBari. I could not have asked for a more supportive and encouraging chair to work with throughout this process. I was so blessed to have you as my chair as your expertise and world renowned research on sex offenders was a perfect match for this dissertation and not only have I learned invaluable information from you but you have made the dissertation process thoroughly enjoyable. Dr. DiBari your feedback has been invaluable and you have made me a better researcher, writer and an academic. Every time I had a crazy idea or suggestion you were there to support it and always believed in me pushing me to produce the best work that I am capable of. From all of the phone calls planning out strategy to advice on how to approach the defense you guided me to success with your wisdom and thoughtful insight.

Heartfelt thanks to my committee member Dr. Kimberley Blackmon for unwavering support and guidance. Dr. B from our very first meeting at residency when I showed you my plan you were all on board with my crazy sex offender research you were waiting for someone to come along with that idea. You volunteered to be on the committee that very day long before the prospectus was even approved. You have been with me from the very beginning days of the planning stages and have believed in me every step of the way and you found me the perfect chair and I am so blessed to have an amazing committee of supportive and talented scholars you both have become my



mentors. Dr. B your feedback and support has been invaluable to me. Thank you for always answering late night texts and emails with questions about data analysis and helping me with SPSS. You have helped shape me into a better scholar, writer, and academic and I cannot thank you enough for your relentless dedication and support. It has been an honor and pleasure working with such a tremendously knowledgeable committee and I thank you both from the bottom of my heart for everything you have done for me and helping me make this dissertation the best possible.

## Table of Contents

<u>List of Tables</u> .....	v
<u>List of Figures</u> .....	vi
<u>Chapter 1: Introduction to the Study</u> .....	7
<u>Background</u> .....	8
<u>Problem Statement</u> .....	12
<u>Purpose</u> .....	15
<u>Background of Maryland Sex Offender Registry</u> .....	16
<u>Maryland Sex Offender Registry- Present</u> .....	18
<u>Research Questions</u> .....	19
<u>Framework</u> .....	20
<u>Nature of the Study</u> .....	29
<u>Sources of Data</u> .....	31
<u>Assumptions</u> .....	35
<u>Scope and Delimitations</u> .....	36
<u>Limitations</u> .....	37
<u>Significance</u> .....	38
<u>Summary</u> .....	39
<u>Chapter 2: Literature Review</u> .....	41
<u>Introduction</u> .....	41
<u>Punishment Philosophies</u> .....	45
<u>Deterrence</u> .....	45

<u>Cognitive Behavioral Theory</u> .....	57
<u>Rehabilitation</u> .....	61
<u>Retribution</u> .....	62
<u>Review of Critical Literature</u> .....	63
<u>Sex Offender Recidivism</u> .....	63
<u>Historical Overview Sex Offender Punishment</u> .....	64
<u>1880’s-1930’s: Emergence of Study of Sexual Deviance</u> .....	64
<u>1937-1950s: Sexual Psychopath Laws</u> .....	65
<u>1960’s-1970’s: Deinstitutionalization Decades</u> .....	66
<u>1980’s: Get Tough Era</u> .....	68
<u>The 1990’s: Decade of Sex Offender</u> .....	69
<u>Registration and Community Notification</u> .....	70
<u>Residence Restrictions</u> .....	71
<u>Civil Commitment</u> .....	71
<u>Adam Walsh Act</u> .....	73
<u>Patterns in Sex Offender Punishment</u> .....	75
<u>Discussion and Conclusion</u> .....	77
<u>Chapter 3: Research Method</u> .....	81
<u>Introduction</u> .....	81
<u>Research Questions and Hypotheses</u> .....	81
<u>Research Design and Rationale</u> .....	83
<u>Methodology</u> .....	87

<u>Population</u> .....	88
<u>Sampling and Sampling Procedures</u> .....	89
<u>Data Collection</u> .....	91
<u>Access to State Data</u> .....	94
<u>Instrumentation and Operationalization of Constructs</u> .....	95
<u>Appropriateness to Study</u> .....	95
<u>Permission from Developer</u> .....	96
<u>Published Reliability and Validity</u> .....	96
<u>Data Collection</u> .....	98
<u>Operationalization</u> .....	100
<u>Data Analysis Plan</u> .....	103
<u>Threats to Validity</u> .....	105
<u>Ethical Procedures</u> .....	106
<u>Summary</u> .....	109
<u>Chapter 4: Results</u> .....	110
<u>Introduction</u> .....	110
<u>Current Study</u> .....	113
<u>Data Collection</u> .....	113
<u>Descriptive and Demographic Characteristics of the Sample</u> .....	115
<u>Describe Population Representative</u> .....	117
<u>Challenges</u> .....	120
<u>Results</u> .....	122

<u>Research Question 1</u> .....	130
<u>Research Question 2</u> .....	131
<u>Research Question 3</u> .....	133
<u>Summary</u> .....	133
<u>Chapter 5: Discussion, Conclusions, and Recommendations</u> .....	135
<u>Introduction</u> .....	135
<u>Interpretation of Findings</u> .....	136
<u>Findings Related to the Literature</u> .....	137
<u>Limitations of the Study</u> .....	138
<u>Recommendations</u> .....	139
<u>Implications for Social Change</u> .....	141
<u>Conclusion</u> .....	144
<u>References</u> .....	146
<u>Appendix A: Figures</u> .....	155
<u>Appendix B: Maryland Data Application</u> .....	159
<u>Appendix C: SORNA Checklist</u> .....	162

## List of Tables

Table 1: Descriptive and Frequency Table of Sex Offenders by Level of Registration for Baltimore City.....	107
Table 2: Descriptive and Frequency Table of Sex Offenders by Level of Registration for Baltimore County.....	108
Table 3: Descriptive and Frequency Table for Sex Offenders by Validity of Address for Baltimore City.....	108
Table 4: Descriptive and Frequency Table for Sex Offenders by Validity of Address for Baltimore County.....	108-109
Table 5: Regression Analysis for Sexual Crime Data Forcible Rape.....	114
Table 6: Regression Analysis for Sexual Crime Data Rape by Force.....	115
Table 7: Regression Analysis for Sexual Crime Data for Attempted Rape.....	116
Table 8: Regression Analysis for Sexual Crime Data for Juvenile Victims.....	117
Table 9: Correlations for Sexual Crime Data Forcible Rape.....	117
Table 10: Correlations for Sexual Crime Data Rape by Force.....	117
Table 11: Correlations for Sexual Crime Data Attempted Rape.....	118
Table 12: Correlations for Sexual Crime Data Juvenile Victims.....	118

List of Figures

Figure 1. Histogram of Frequency Offenders by Tier Baltimore City .....141

Figure 2. Histogram of Frequency of Offenders by Tier Baltimore County..... 142

Figure 3. History Frequency of Offender by Address Type Baltimore City..... 142

Figure 4 Percentage of Bar Chart of Offender by Address Baltimore City..... 143

Figure 5 Histogram Frequency by Offender Address Baltimore County.... 143

Figure 6 Percentage Bar Chart of Offender Address Types Baltimore County... 144

## Chapter 1: Introduction

*On an intellectual level, when these guys are released from prison, we want them to succeed. That's the goal. Then you have no more victims. That's the goal. All these laws they've been passing make sure that they're not going to succeed. They don't have a place to live; they can't get work. Everybody knows of their crime and they've been vilified. There is too much of a knee-jerk reaction to these horrible crimes...I'm not soft on these guys, but I know they're not all the same. They're not all the same and we can't treat them as such.* —Patty Wetterling, mother of Jacob Wetterling (2009).

Within the last few decades, the public has come to view sex offending as a highly serious problem with widespread effects. Sex offenses are crimes that society fears and they rely on the criminal justice system as a solution in the reduction of fear and the enhancement of public safety (Fox, 2013).

The panic concerning sexual offenders has been socially constructed by the media and capitalized on by policy makers to help push agendas and reforms for sweeping sex offender legislation therefore causing an upheaval of sex offender policies (Fox 2013). However, that legislation may not be effective in addressing the behaviors of the sexual offenders and upholding public safety. The public pressure are driving the demands for policy reform due to the panic of the sex crimes which leads to rushed decisions made without any theoretical hindsight or any accountability of the offenders needs.

Currently in the United States there is continued public pressure to enforce stricter laws that keep sex offenders off of the streets and out of the communities (Schiavone & Jeglic, 2009). In the past two decades, many laws have been enacted and adopted on state and federal levels such as Megan's Law or the Jacob Wetterling Act some type of sex crime law such as registries



which include information such as names, addresses, and photographs of the offenders as an effort to prevent sexual violence.

Literature regarding sex offender registries indicates that the registry is a form of punishment for the sex offender but the research does not provide enough on the depth of information that the offenders themselves provide to the sexual offender registry. Essentially, not enough information is known in regards to the completeness of the information that the offenders themselves provide to the sexual offender registry (Cubellis, Walfield, and Harris, (2016).

Compared against these observations is that today's culture knows little about most sex crime policies. More specifically, the public knows little about how or why they emerged and whether or not they are effective at reducing sexual victimization or recidivism (Tewksbury & Mustaine, 2013).

Despite the increased concern about sex offenders and sex crimes by federal, state and local public safety officials and criminal justice officials, little recent empirical research has been conducted to evaluate the efficiency of sex offender registrations (Cubellis & Walfield, 2016). Given the passage of time since sex registration laws were enacted, and the growing concern that sex offender registration laws and procedures are not helping deter sex crimes, research is needed to understand the effectiveness of sex offender registration programs (Carr, 2015). The problem is even with the increase in federal and state legislation, and local policies to prevent sex crimes, law enforcement efforts to detect and prevent sex crimes by registered sex offenders is lacking (Tewksbury & Mustaine, 2013).

## Background

Over the past two decades, every state in America has enacted some type of sex crime law, including but not limited to sex offender registry, community notification, residency restrictions, castration or even mandatory prison sentences. According to Kruttschnitt, Uggen & Shelton (2000) that decisions about what to do with sexual offenders are often made without the benefit of theoretical insight. The decisions are rushed and centered around the public panic and pandemonium of society demanding swift and certain justice.

Convicted sex offenders live in most U.S. communities. According to Harris, Levenson and Ackerman (2014), there is a total of 739,853 registered sex offenders across all fifty states and the District of Columbia for an average rate of 236 registered sex offenders per 100,000. There is a growing concern by the public, criminal justice officials and public safety officials that sex offenders may pose a public safety issue for the public (Lancaster, 2011). A review of the literature on sex offenders revealed that research has focused on community notification laws, sex offender policies and sex offender registration data. There is little research on the effectiveness of the sex offender registration program to prevent or deter sex crimes (Tewksbury & Mustaine, 2013).

Compared against these observations from the literature is that in today's culture society knows little about most sex crime policies. More specifically, the public knows little about how or why they emerged and whether or not they are effective at reducing sexual victimization or recidivism (Carr, 2015).

Few crimes have captured society's attention more than sexual offenses (Church, Fei and Xiao, 2011). This is partially because of the horrific cases reported by the media of perpetrators targeting and killing children during the process of committing a sexual assault (Fox, 2013).

Sex offenders are often portrayed as incurable and unmanageable. The study done by Church, Fei and Xiao (2011), found factors such as individual attitudes towards sex offenders included gender, severity of crime, victim types, and offender's social economic status. When it comes to sex crimes society has fear and the panic and how policy makers handle them within society. Lancaster (2011), defines moral panic as the mass movement that results in response to an exaggerated or ill-defined moral threat to society and proposes to address this through punitive measures such as: tougher enforcement, zero tolerance, purges.

Nationally, a large number of laws have been enacted that only specifically target sex offenders (Cubellis, Walfield & Harris, 2016). More specifically, Miethe, Olson and Mitchell (2008), sex offenders are a major focus of crime control policies as they are involving contemporary public policy. Lawmakers are taking into account the public demand and severity of sexual crimes in society and developing policies that are centered on the public such as public notification and civil commitment (Mancini, 2014).

In reviewing the current literature one can identify seven types of laws- sex offender registries, community notification, residency restrictions, civil commitment, lifetime supervision, sex offender driver license notation requirements, and castration laws (Tewksbury & Jennings, 2010). According to Mancini (2014) not all exist in every state some appear to be more prevalent than others registries and some less castration.

According to the Maryland Sexual Offender Advisory Board (2014), Maryland has 8,500 registered sexual offenders in the state with Baltimore City alone having 1,800.

Despite the increased concern about sex offenders and sex crimes by federal, state and local public safety officials and criminal justice officials, little recent empirical research has been conducted to evaluate the efficiency of sex offender registrations (Tewksbury & Mustaine,

2013). Given the passage of time since sex registration laws were enacted, and the growing concern that sex offender registration laws and procedures are not helping deter sex crimes, research is needed to understand the effectiveness of sex offender registration programs (Carr, 2015). The problem is even with the increase in federal and state legislation, and local policies to prevent sex crimes, law enforcement efforts to detect and prevent sex crimes by registered sex offenders is lacking (Tewksbury & Mustaine, 2013).

Two main pieces of legislation are the driving force behind the emergence of sex offender registries. The Jacob Wetterling Act (1994) and Megan's Law (1996) require that states develop sex offender registries and notify the public about convicted sex offenders living within their neighborhoods or risk losing ten percent of their Byrne Formula funding for criminal justice programs (Center for Sex Offender Management, 2016). Megan's Law requires that all states create a registry in which they list their convicted sex offenders. This database is public access and was created for the benefit and protection of the public so that citizens would know when a convicted sex offender was moving into their neighborhood. Failure for states to comply with Megan's Law results in a loss of funding for state criminal justice programming. This law is beneficial and crucial to protecting and enhancing public safety.

The National Center for Missing and Exploited Children (2016) estimated that nationally, 16% of registered sex offenders cannot be located. The accuracy of sex offender registries can be comprised by time lags in processing the information or by offenders offering erroneous information or failing to register altogether.

Letourneau, Levenson, Bandyopadhyay, Sinha & Armstrong, (2010), conducted a study to see if sex offender notification and registration laws in South Carolina were directly associated with a reduction in sexual crimes, and if so whether or not this reduction could be attributed to an

actual decrease in sexual crimes or recidivism. What Letourneau et al (2010), found from the study was that sexual offender registration policies and notification had an effect on new sexual crimes with 8% of the offenders having a new sexual offense charges and 5% of the offenders with new sexual offense convictions.

The gap in the literature is noticeable, given that research examines the offenders and their punishments. Not enough information is known in regards to the completeness or validity of the information that the offenders themselves provide to the sexual offender registry. The public believes that their punishment is not enough, yet very few studies have examined the effectiveness and validity of the sex offender registry database. The goal of this dissertation is to advance the knowledge base of sex offender scholarship by examining the sex offender registry for the state of Maryland.

### **Problem Statement**

In recent decades, sex offenders have become the target of the most far reaching and novel crime legislation in the U.S. One key innovation has been registration which require that convicted sex offenders provide valid contact information to authorities and information on sex offenders is to be made public. More than 600,000 convicted sex offenders are required to register in the U.S. (National Center for Missing and Exploited Children, (2016). There is widespread agreement on the need to improve efforts aimed at the prevention of sexual violence. Furthermore, sexual violence represents a multi-billion-dollar national expense. According to the National Sexual Violence Resource Center (2015), annually rape costs the U.S. more than any other crime at \$127 billion yearly. The impact of the registry on Maryland is when the offenders do not provide completeness of information. This can lead to increased recidivism rates and higher rates of violent crimes against women. The lack of this information creates a problem as

the research literature on sex offender registries indicates that as a form of punishment registries can help with future recidivism rates. It cannot be determined whether or not the information being provided is complete and valid. Therefore, the proposed topic is the impact of the sex offender registry on recidivism in Maryland.

According to Najdowski, Cleary, and Stevenson. (2016), research has also raised questions regarding the accuracy of the information that appears on registries: Tewksbury (2002) found that 11% of sex offenders in one urban county had no address listed on the state registry, 11% listed an address for a commercial establishment, and 5% listed an address that did not actually exist. Part of the issues is the registries are missing vital information or include invalid details; law enforcement officials will be unable to apprehend registered sex offenders who recidivate. Most incarcerated sex offenders will ultimately return to our communities. According to Przybylski (2016), the average sexual recidivism rate was 13.7% and the overall recidivism rate was 36.9%.

The gap in the literature is noticeable, given that prior research examines the offenders and their punishments. Not enough information is known in regards to the depth of information that the offenders themselves provide to the sexual offender registry. The public expects tougher punishments, yet very little research has examined the effectiveness of the sex offender registry database (Tewksbury, 2002). According to Tewksbury and Jennings (2010), reviewed 82 sex offender recidivism studies and found that recidivism rates range between 10% and 15% and in total, the reported sexual recidivism rate was 13.7%, the violent nonsexual and overall violent recidivism rate was 14.3%.

Assessing completed information provided on the registry and sex offender crime rate at pre and post registry implementation along with variables such as the amount of time required to

remain on the registry, and geographic location Baltimore City vs Baltimore County is the focus of the study.

This topic is related to the field of criminal justice because sexual crimes are one of the most heinous crimes that can be committed today. Letourneau, Levenson, Bandyopadhyay, Sinha and Armstrong (2010) study on sexual offender notification is part of the research in the criminal justice field as sex crimes and sex offenders are becoming an increasingly big problem for society. With sex crimes and the recidivism rates being so high, researchers are now examining the effectiveness of the monitoring and legislation in regards to keeping these offenders accountable. A study done by Letourneau et al (2010), found that sexual offender registration policies and notification had an effect on new sexual crimes with 8% of the offenders with new sexual offense charges and 5% with new convictions.

Over the last two decades Americans have come to perceive sex offending as a serious and widespread problem. According to the Maryland Sexual Offender Advisory Board (2014), Maryland has 8,500 registered sexual offenders in the state with Baltimore City alone having 1,800. Baltimore is an extremely small geographic area with just 81 square miles it is less than one seventh of the size of the surrounding counties. During the 1990's the media and policy makers perceive an increase in sexual offending especially against children (Lancaster, 2011). With sexual crimes on the rise policy makers need to ensure strict monitoring and compliance are enforced.

### **Purpose**

The purpose of this study will determine the completeness of the information on the (MSOR) Maryland Sex Offender Registry instrument used to assess for future occurrences of sex offender recidivism. Using a sample of currently registered sex offenders convicted of a sexual

offense in the State of Maryland, the current study examined rates of recidivism and violent sexual crimes against women using the MSOR. The goal of this study was to determine the validity of the MSOR in predicting recidivism rates as measured by (a) new convictions for sex offenses and other violent crimes, (b) new convictions for sex crimes using a strict definition, and (c) any new conviction for any new crime.

The gap in the literature is noticeable, given that research examines the offenders and their punishments. Not enough information is known in regards to the completeness or validity of the information that the offenders themselves provide to the sexual offender registry. The public believes that their punishment is not enough, yet very few studies have examined the effectiveness and validity of the sex offender registry database (Tewksbury, 2002). The research aims to close the gap and advance the knowledge base of sex offender scholarship by examining the sex offender registry for the state of Maryland.

### **Background of Maryland Sex Offender Registry**

Prior to 1995, Maryland had no registry or community notification system to notify the public of sexual offenders living within the community. On October 1, 1995, Maryland established its first version of the Sex Offender Registry, titled the “Crimes Against Children Registry”( Maryland Sexual Offender Advisory Board Report, 2014). In the year preceding, Maryland and all of the other States were directed by the U.S. Congress to create registries in compliance with the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act by Congress in 1994 (Zgoba, Miner, Levenson, Knight, Letourneau, & Thornton, 2015). The Maryland Department of Public Safety and Correctional Services (DPSCS) was legally designated as the administrator and repository for the Registry. Registration was



required for individuals whose crimes were committed on or after October 1, 1995, against a victim who was 14 years old or younger at the time of the offense. The only registration category was Child Sexual Offender (CSO) (Maryland Sexual Offender Advisory Board Report 2014).

In 1997 Maryland to keep up with public demands and changing laws went back and changed their legislation. On July 1, 1997, Maryland expanded the Registry to comply with the federal Pam Lynchner Sex Offender Tracking and Identification Act of 1996 and the Jacob Wetterling Improvements Act of 1997 (Maryland Sexual Offender Advisory Board Report 2014). The registration categories of “Offender” (OFF), “Sexually Violent Offender” (SVO) and “Sexually Violent Predator” (SVP) were created to include offenders whose crimes were committed against individuals who were 15 years or older. Registration for the criminal sex offenses included in these new categories was required for individuals whose crimes were committed on or after July 1, 1997.

To keep up with the ever changing definitions and scope of the sex crimes Maryland revised their definition of sexual offenses therefore changing the terms of registration on the registry. On October 1, 1999, individuals convicted of an offense defined as a “Sexually Violent Offense” or who were convicted of a subsequent sex offense were required to register for life (Maryland Sexual Offender Advisory Board Report 2014). Additionally, Maryland bifurcated the registration term for all individuals convicted of Article 27, § 35C entitled Causing Abuse to a Child (recodified in 2002 as Sexual Abuse of a Minor) (Maryland Sexual Offender Advisory Board Report 2014). If an offender was convicted of sexually abusing a child 12 years or older under Art. 27, 25C the registration term was automatically 10 years. If an offender was convicted a sexually abusing a child under 12 years and “penetrated” the victim orally, anally, or vaginally

or cause the child to “penetrate” the abuser the registration term was changed to life (Maryland Sexual Offender Advisory Board Report 2014).

Maryland has four categories of persons convicted of sexual offenses: (1) an offender; (2) a child sexual offender; (3) a sexually violent offender; and (4) a sexually violent predator (Maryland Sexual Offender Advisory Board Report 2014).

According to the Maryland Sexual Offender Advisory Board Report (2014), All crimes requiring registration are enumerated in the Criminal Procedure Article, §§ 11-701 through 11-722, Annotated Code of Maryland. The State has three registration tiers: Tier I offenders register for 15 years, Tier II offenders 25 years, and Tier III offenders register for life. Tier I and II offenders register twice a year and Tier III offender register four times a year with local law enforcement. Tier I offenders may have their registration term reduced to 10 years if they successfully complete parole and probation supervision, successfully complete specialized sex offender treatment, are convicted of no new sex offense crimes and are convicted of no new felonies.

### **Maryland Sex Offender Registry- Present**

In 2013, Maryland began reviewing sex offender cases under the premise the offenders sentenced before the formation of the registry in 1995 was unconstitutional and needed to be removed from the current statewide registry (Maryland Sexual Offender Advisory Board Report 2014). In 2013, in the case of Doe v. Department of Public Safety (“Doe I”) Maryland’s highest court, the Court of Appeals, ruled that retroactive application of the sex offender registration law to an individual whose crime occurred years before the law’s enactment violated Maryland’s Declaration of Rights (Maryland Sexual Offender Advisory Board Report 2014).

Amendments to the law in 2009 and 2010 had changed the law from civil regulation to punitive punishment and was now found to be in violation of these offenders' rights.

In August of 2014, upon receiving advice from the Maryland Attorney General's Office, the Department of Public Safety and Correctional Services (DPSCS) began removing convicted sexual offenders, with offenses that occurred prior to October 1, 1995, from the Maryland Sex Offender Registry. In the early stages of removing convicted sexual offenders from the registry it was estimated that approximately 1,400 individuals with offense dates occurring prior to October 1, 1995 would need to have their cases reviewed for possible removal under the Court of Appeals decision (Maryland Sex Offender Advisory Board Report, 2014).

### **Research Questions**

RQ1: Are there statistically significant differences in sexual offense arrest rates before and after the implementation of the Maryland Sexual Offender Registry?

RQ2: How does the registry completeness vary by location in Baltimore City and Baltimore County, controlling for rates of violence against women?

RQ3: Is there a correlation between the implementation of registration laws and the re-arrest rates for convicted sex offenders?

Independent Variables- completeness of registry

Dependent Variable- recidivism, re-arrest rates, violence against women

Hypothesis 1: There is a significant difference in arrest rates after the implementation of the Maryland sex offender registry.

Hypothesis 2: There is a difference in the level of registry completeness in offenders in Baltimore County vs Baltimore City.

Hypothesis 3: Maryland sex offender registration laws do have an effect in decreasing the re-arrest rates of sexual offenders.

Null Hypothesis 1: There is no significant difference in the arrest rates after the implementation of the Maryland sex offender registry.

Null Hypothesis 2: There is no difference in the level of registry completeness in offenders in Baltimore County vs Baltimore City.

Null Hypothesis 3: There is no effect in Maryland sex offender registration laws in the decreasing the re-arrest rates of sexual offenders.

### **Framework**

The study addressed the limitations of sex offender notification\registration research in three important ways. First the study was focused solely on sex offenders. Second, this research looks at the information that the sex offenders provide when they register on the database. Third, the analyses presented within this research examines the completeness of the information provided by the offenders and if the database has an impact on violence against women.

The major theory that will serve as the primary theoretical basis for the study is Deterrence Theory.

The 3 main constructs of Deterrence Theory are:

Certainty- Punishment must be certain

Swiftness- Punishment must occur immediately after the crime

Severity- the punishment must match the severity of the crime

Theory focuses on punishment (formal sanctions); punishment should deter, prevent, and control crime

- The punishment must fit the crime

- Everyone is subject to the same punishment; there is no favoritism
- Punishment should be just a little more than the crime
- Theory focuses on the law; the ability for the law to be effective

As stated in Williams (2010) any person should be able to weigh pleasure gained in illegal behavior against punishment or the pain given by law to decide against the act. This is the principle of utility that humans will weigh the benefits and costs of future actions before deciding to behave. This is the basis for deterrence theory, that as humans having free will and weighing the costs and benefits associated with committing crime, by imposing immediate and severe punishment will act as deterrence to the commitment of future crimes.

Cesare Beccaria wrote an Essay in 1764 Entitled “Of Crimes and Punishments which had a heavy influence on deterrence theory and how individuals are supposed to behave. Williams (2010) states that Beccaria one of the most influential writers of the classical period opposed the arbitrary and capricious nature of the criminal justice systems used and the classical school’s humanistic conception of how law and criminal justice system should be structured.

The main points of Beccaria’s essay which led to deterrence theory are: 1) laws must be written and made public; 2) laws must be limited in scope; 3) laws apply to everyone unilaterally; 4) in order to keep stable, society must establish laws; 5) everyone is subject to the same treatment (Jacoby, 2004). The least effective way to deter behavior is punishment as punishment can only be as severe as the crime. Under deterrence theory, for punishment to be effective and prevent crime it must be certain and swift, meaning that it occurs within a short time after the act has been committed, and punishment must be proportionate in severity. With

the sex offender registry laws the state can manipulate behavior through punishment registration on the registry.

According to Jacoby (2004), the end of punishment therefore is no other than to prevent the criminal from doing further injury to society and to prevent others from committing the like offence. Such punishments, and such a mode of inflicting them ought to be chosen as they will make the strongest and most lasting impressions on the minds of others. Ultimately, the punishment has to be swift in order for it to be an effective way of deterrence for the individual.

Punishment of a social norm violation is widespread among society. According to Crockett, Ozdemir, and Fehr (2014), People motivated by deterrence employ punishment to prevent norm violators from repeating their bad behavior in the future; the goal of punishment is to teach a lesson by communicating that a norm has been violated. The point of deterrence is to punish the offender to keep them from repeating that behavior in the future. Deterrence applied to the Maryland Sex Offender Registry offenders register as punishment for their sex crimes as a way to deter them from committing future sex crimes.

In order to stop the individual from committing further acts, the system must impose punishment immediately after the act (Crockett, Ozdemir, & Fehr, 2014). Sex offenders must register on the state registry immediately after they are convicted of a sex crime in order to keep them from committing further sex acts. According to Jacoby (2004), immediate punishment is more useful because the smaller the interval of time between the punishment and the crime the stronger and more lasting will be the association of the two ideas of crime and punishment; so that they may be considered, one as the cause, and the other as the unavoidable and necessary effect.

There are two levels of deterrence specific- which applies to the individual being punished as it leads to a decline in recidivism of offenders and changes their behavior (Crockett, Ozdemir, & Fehr, 2014). General deterrence people learn by watching others (Jacoby, 2004). If people witness someone getting punished for a crime, ultimately it will help to shape their attitudes and behaviors. There is no pleasure in committing a crime as the punishments of being required to register as a sex offender outweigh the benefit of committing the crime.

General deterrence can be understood as the effect of detection and punishment of offenders on those individuals who have not (yet) committed a crime, increasing their fear of detection and punishment enough to deter them from committing a crime in future (Jacoby, 2004). Special deterrence (also specific deterrence) describes a process by which offenders will refrain from further offending if they are caught and punished (Crockett, Ozdemir & Fehr, 2014).

According to Wright (2010), in this regard, research illustrates that the general public tends to underestimate the severity of sanctions generally imposed. This is not surprising given that members of the public are often unaware of the specifics of sentencing policies. Potential offenders are also unlikely to be aware of modifications to sentencing policies, thus diminishing any deterrent effect. In order for a sanction to deter an offender from committing an offense they must be aware of the sanctions and consequences that result from the crime.

Risk perception and decision making research has broad social significance. It generally concerns questions of how people perceive the consequences of various lines of action, and of how these perceptions shape their choices about participation in the behaviors in question.

According to Apel (2013), crime decision making concerns the process of choosing between alternative courses of action, in this case between criminal and non-criminal behavior. Decision makers are assumed to be goal-oriented and self-interested individuals who are

endowed with stable and well ordered “preferences,” and who judge different courses of action by their expected consequences, subject to opportunities and constraints on their time and resources, and in such a way as to maximize their utility or overall satisfaction.

Sex offender registries have expanded rapidly, extending to offenders across the nation. Policies mandating registration are based, in part, on arguments that registration is needed to prevent dangerous sex offenders from committing additional offenses and that risk of registration deters would-be offenders from offending in the first place. According to Najdowski, Cleary, and Stevenson (2016), research suggests that registration does not serve the former specific deterrent function for adolescents, but less is known regarding the latter goal of general deterrence.

Western justice systems rest upon the notion that the imposition of sanctions on individuals who have infringed laws serves the goals of deterring the offender from future lawbreaking (special deterrence) and deterring the conforming population from offending in the first place.

Accordingly, detection and punishment of offenders is supposed to affect the fear of future sanctions and individuals fearing detection and punishment should be less inclined to offend. According to Schulz, (2014), consequently, two linkages in the deterrence process can be differentiated: One linkage between offending experiences, like successful offending without detection and a person’s perceptions about the risk of detection and punishment, and a second linkage between such perceptions and decisions whether to offend or not

Research suggests that registration does not serve the former specific deterrent function for adolescents, but less is known regarding the latter goal of general deterrence. The disciplines of criminology and developmental psychology both offer important theoretical perspectives, but these frameworks have yet to be applied to this unique context. Criminological theory on



perceptions of sanction risk offers clear predictions about the potential for registration to serve as a deterrent for would-be sex offenders.

If deterrence theory is accurate, actual detection and punishment is expected to increase the prior perceived sanction threat relative to that of undetected or unsanctioned offenders and, thus, reduce future criminal activity (Schulz, 2014).

According to Najdowski, Cleary and Stevenson (2016), Yet, the literature has not meaningfully acknowledged that (a) most adolescents are probably unaware of the parameters of registration (e.g., age restrictions, range of registerable offenses), and (b) even if adolescents are aware of registration risk, they are unlikely to be effectively deterred by it because of a variety of developmental vulnerabilities (e.g., psychosocial immaturity, perceived normativeness of certain nonviolent sexual offenses that can result in registration).

This research has integrated deterrence theory in order expand upon criminological deterrence theory in order to gain a better understanding of whether sex offender registration policy can have a general deterrent effect for sex offenders and their recidivistic risk.

According to Najdowski, Cleary and Stevenson (2016), Despite controversy over whether even adults should be required to register as sex offenders in recent decades the federal government and many states have enacted legislation that has been increasingly inclusive; that is, more individuals are required to register, more behaviors are defined as registerable offenses, more information is required to be shared, and that information is made more widely available to the public.

These sex offender registration policies were motivated by the desire to promote public safety. The purpose of tracking sex offenders is to enable the public to take a preventative

measure to protect themselves against sexual victimization and to help assist law enforcement identify and capture sexual offenders.

Deterrence Theory was chosen because it will help test the efficacy in the completeness of information of the Sex Offender Registry. Deterrence Theory is the best choice because the premises of the theory will test the level of deterrence the registry exhibits upon offenders after registration from committing new crimes. The longer the individuals are required to remain on the registry will keep them from committing new crimes. Research will expand the theory based on application.

The criminal justice system as a whole provides some level of deterrence, which is a crucial point guiding policy development in regards to whether or not the enhanced sanctions and increased possibility of being apprehended by law enforcement by being on the registry provides any additional deterrent benefits. Does the certainty of being punished have a stronger deterrent effect than just simply increasing the severity or the length of time being required to remain on the registry. Wright (2010) found that offenders who perceive that sanctions are more certain tend to be less likely to engage in criminal behavior.

Deterrence Theory is the best theory to test the assumptions of this dissertation because the underlying premises of the theory immediate, swift, and certain punishment imposed upon an offender after a crime is committed is a deterrent effect. Within the scope of the research, Deterrence Theory will be tested against the research questions to see if by sentencing sexual offenders to be mandated to register on a statewide registry is indeed a deterrent effect by keeping them from recidivating and committing new crimes. More specifically, looking at the crime data from the state of Maryland at both pre and post registry implementation to see if the registry has a deterrent effect on violent sexual crimes in Maryland.

According to Crockett, Ozdemir, and Fehr (2014), Understanding the extent to which punishment is driven by retributive motives has potentially important implications for the design of public institutions to promote social norms. If individuals derive private satisfaction from punishment irrespective of its ability to deter future harms, they may utilize punishment inefficiently in terms of promoting social welfare by, for instance, persisting in punishment even in cases where its future benefits are limited.

In addition to their public safety basis, these policies are also rooted, explicitly or implicitly, in deterrence theory. The general assumption is that widespread public dissemination of convicted sex offenders' personal information and criminal offenses will reduce the rate of future sexual offending.

Najdowski, Cleary and Stevenson (2016), found that 76% of law enforcement officers disagreed that registration serves a specific deterrent function, and 60% disagreed that it serves a general deterrent function. Indeed, limited research suggests that registration does not serve the former specific deterrent function for sex offenders.

Letourneau, et al (2010), also found that registration did not have a deterrent impact on new sexual or assault offense adjudications in their sample. In fact, registration was associated with a higher rate of sexual and other offense charges, which is consistent with myriad evidence suggesting that registration harms adolescent and adult offenders in ways that might actually increase the likelihood that they will commit future crimes.

According to Ellis (2003), on the other side, there is the crucial question of immediacy. Potential aggressors can often be deterred by the threat of much less force than would be required to prevent their aggression once it has started. The registries are a justifiable policy to prevent sex crimes and are a somewhat speculative process designed to deter possible rapes.

General deterrence remains a driving factor behind recent policy shifts toward more expansive registration policies, yet it remains an untested assumption. When considering whether registration laws can serve a general deterrent function for sex offenders, it is important to consider whether the offenders themselves are actually aware of those laws.

### **Nature of the Study**

Independent Variables- completeness of registry

Dependent Variable- recidivism, re-arrest rates, violence against women

The research design was a quantitative descriptive study and quasi experimental as the study was focused on finding out if the information that the offender provides on the registry is complete and experimental because the subject (violence against women), and recidivism rates are being measured pre and post implementation of the sex offender registry in Maryland.

The design is appropriate for answering the research questions because it allows for observation and analysis of more than one statistical outcome variable at a time.

The research will use a time series analysis quantitative quasi experimental study.

The design is appropriate for answering the research questions because it allows for observation and analysis of more than one statistical outcome variable at a time.

The data collection will be secondary data provided by the Maryland Uniform Crime Report and the Maryland State Police on violent crimes against women.

Time series analysis design\analysis as the research evaluated the rates of violence against women pre and post implementation of the sex offender registry.

According to Harris, McGregor, Perencevich, Furuno, Zhu, Peterson and Finkelstein (2006), Quasi-experimental study designs, often described as nonrandomized, pre-post intervention studies. Quasi experimental studies encompass a broad range of intervention

studies, typically utilized when a nonrandomized intervention study. So for this study in examining sex offender completeness of information the sample will not be randomized but carefully selected as the researcher wants to ensure an even distribution from the city and county (urban vs rural) sample.

The reason the research utilized a quasi-experimental study is that because it will be doing a pre and post intervention. The research examined the recidivism rates of sex offenders and the rates of violent crimes against women at pre and post implementation of the sex offender registry in Maryland.

According to Harris, et al (2006), Quasi-experiments are studies that aim to evaluate interventions but that do not use randomization. Similar to randomized trials, quasi-experiments aim to demonstrate causality between an intervention and an outcome. Quasi-experimental studies can use both pre intervention and post intervention measurements as well as non-randomly selected control groups.

Quasi experimental designs are more feasible and do not have issues with the time constraint. These kinds of studies also represent real life situations. According to Jaikumar (2016), For this reason, external validity is increased quasi-experimental research. Reactions of test subjects are more likely to be genuine because it not an artificial research environment. It can be very useful in identifying general trends from the results, especially in social science disciplines. It reduces the difficulty and ethical concerns that may surround the pre-selection and random assignment of test subjects.

*Adult sex offenders.* For the purposes of the research, the term adult sex offenders is defined as individuals who have been convicted of or pled guilty to a sexually oriented offense

*Deterrence.* For the purposes of the research, the term deterrence is defined as the use or threat of a punishment to prevent a criminal from committing an illegal act (Tewksbury, Jennings & Zgoba, 2012).

*Recidivism.* For the purposes of the research, the term recidivism is defined as the commission of a subsequent offense.

*Sexual offense.* For the purposes of the research, the term sexual offense is defined as a knowingly causing another person to engage in an unwanted sexual act by force or threat (Mancini, 2014).

### **Sources of Data**

The data collection will be secondary data provided by the Maryland UCR and the Maryland State Police on violent crimes against women.

Time series analysis design\analysis as the research evaluated the rates of violence against women pre and post implementation of the sex offender registry.

The sample consisted of actual registered sex offenders who are currently listed on the Maryland Sex Offender Registry. Currently Maryland has a total of 6,199 offenders over the 24 counties in Maryland on the registry.

The sample for the research consisted of registered sex offenders currently listed on the MD Sexual Offender Registry from Baltimore City the largest part of Maryland and offenders from Baltimore County so that analysis could be done to compare differences in urban vs rural offenders. Baltimore City is the urban city of Maryland the actual city of Baltimore. Baltimore County is the county that borders the city. They are not intertwined and separate from each other.

Maryland implemented the Sex Offender Registry in 1995. Crime Data looking at violent crimes against women rape, sexual assault, etc was obtained from the Governor's Office

of Crime Control and Prevention for the years 1990-1994 to assess violent sexual crime rates before implementation of the registry. Violent crime data from 1995 to 2017-2018 would be accessed from the State of MD to see if the registry has had an impact on sexual crimes after its implementation. Data would need to be included until 2017-2018 because MD made some changes and updates to their registry in 2007 and again in 2013.

Crime data from both the pre and post registry implementation was obtained from the Maryland governor's office of crime control and prevention the uniform crime reports. In these reports the focus would be on the violent sexual crime that was obtained statewide looking at the data from 1990-1994. From this data the researcher expects to get the statistics and levels of violent crime from the pre implementation of the registry within the state. The reason this data needs to be obtained is because its crucial to see what the violent sexual crime levels were before the registry was implemented in order to see after implementation if a deterrent effect has occurred.

All data came from the Maryland Sex Offender Registry. Personal information on offenders and indications about what is and is not contained on the site about the individual offender comprise the primary data. The range of data is limited because the site only has minimal information on each offender. The data used in the analysis consisted of individual offender sex, race, county of residence, registration year, length of required registration, if a photo appears and the address.

The researcher focused and narrowed the database on these two geographical areas and search the offender registry to see if there is completeness of the following information: 1) address, 2) date of registration, 3) year registered, 4) offense committed, 5) photograph.

Once the offenders in these two areas are reviewed for information- those determined to have any missing information was marked for the sample. Once the researcher has the sample from both the city and the county- the researcher ran the address provided on the database into the MD Department of Taxation and Evaluation website in order to determine if that address is indeed a legitimate residential address. Those offenders whose addresses come back as residential was marked as such and the researcher will continue to move through the database.

The sampling strategy will be non-probability and the method will be purposive sampling because the researcher will be purposively selecting the sample and participants based upon completeness of information.

Data regarding the property type will be collected by the City or County Property Valuation Site or the State of MD Department of Taxation and Land Assessment.

Once the sample offenders from both the city and county was finalized the listing was reviewed and the data recorded. The first step to access accurate information will be to note if an address was listed for the offender.

The addresses was then checked against the city or county property page or the State of MD property evaluation site to see if the residence 1) exists and 2) if it is a residential property. If the property is listed on the evaluation site as a resident property it was recorded as such.

Finally, justice demands that researchers chose inclusion criteria for participants based on the science being studied and not a participant's position in society or his or her particular vulnerabilities. Justice: It extremely important to protect the sex offenders from being exploited and the benefits of the research to help ensure the policies and guidelines of the registry are effective at reducing the recidivistic risk.



Research has minimal risk but maximum benefit because conducting a time series analysis of the MD Sex Offender Registry will allow policy makers and the MD legislature to better understand their policies and if the sex offender registry is effective at deterring offenders from recidivistic behavior.

The researcher is using secondary data provided by the Maryland Uniform Crime Report, Maryland State Police and public information provided on the State Sexual Offender Registry. All information is public knowledge and made accessible to the public to access.

Based off a study by Tewksbury (2002) For any addresses that cannot be located on the real estate property evaluation site the researcher will complete a visual in person inspection of the address. The address will be pulled up on a geographical map and the researcher determined : 1) if the address exists; 2) if there is a structure on the property; 3) and if the structure is residential, commercial entity, group home or other type of facility.

### **Assumptions**

The data on sex offenders obtained from the Maryland Sex Offender Registry Database of City, County and Maryland State Police on the Registered Sex Offenders in Baltimore City and Baltimore County were assumed to be accurate. It was assumed that the law enforcement officers and the clerks who compiled the offender's information did so in a professional manner recording accurate information.

The community notification law was assumed to be applied in compliance with the criteria set forth by the legislation. The community notification law is deemed appropriate for any convicted sex offender on parole or on probation (Zgoba, Miner, Levenson, Knight, Letourneau & Thornton, 2015). The community notification law is intended to keep the public informed and safe from released sex offenders and its proper use and function are an assumption

on the part of this researcher. The community notification law was assumed to reduce the likelihood that a sex offender will commit another illegal sex act. Through vigilance on the part of the public and law enforcement agencies, the use of community notification was assumed to be a valid and useful means of reducing recidivism among sex offenders. An assumption was that the data will indicate decreased recidivism among the pre-community notification cohort compared to the recidivism data from the post community notification cohort. It was also assumed that this decreased recidivism will be an effect of the community notification law being enacted.

The samples of the sex offenders used for this research study were assumed to provide an accurate portrayal of the sex offender population in general.

### **Scope and Delimitations**

The gap in the literature is noticeable, given that research examines the offenders and their punishments. Not enough information is known in regards to the completeness or validity of the information that the offenders themselves provide to the sexual offender registry. The goal of this dissertation is to advance the knowledge base of sex offender scholarship by examining the sex offender registry for the state of Maryland.

The scope of this study limited the age currently registered adult sex offenders in Baltimore City and Baltimore County Maryland between the ages of 21-70. The target age range for registered sex offenders was from 21 to 70. The age of 21 was selected as the lower age limit for this study to better assure individuals have attained an age where they are expected to function as an adult. The age of 70 was selected as the upper age limit because depending on the tier of registry (I, II, III) the offender is placed on it could be a lifetime registration.

The study was further delimited by the sample was obtained from the database and all information was provided by the actual offender. That in itself is a limitation because self-reporting mechanisms may result in skewed data. A registered sex offender by law is required to register however, they could provide false information to the database.

The scope of this research was limited to only the study of potential deterrent effects of registration on sex offenders using the theoretical lens of deterrence theory.

The potential generalizability of this study was improved by the fact that this study had a representative sample that truly represented offenders in Baltimore City and Baltimore County Maryland. Therefore, the results and outcomes of this study will be highly representative of offenders in the area giving the state of Maryland a more accurate picture of the effectiveness of their sex offender registry.

The analysis of cognitive behavioral theory also examines consequences of purposive action. Cognitive-behavioral theory contends that these issues can be controlled and altered, thus preventing the sex offender from reoffending (Dobson, 2010). Sex offenders are aware of their actions and use these abilities to create an excuse for their actions. Sex offenders use what is known as “neutralizations” to make themselves feel less guilty and less disgusted about the acts that they have perpetrated (Moster, Wnuk & Jeglic, 2008). These neutralizations are known as cognitive distortions, which enable offenders to take guilt away from themselves and to absolve themselves of any real liability (Murphy, 2004).

### **Limitations**

This quasi experimental study had limitations such as comparing only two cohorts: pre-registry and post registry. Using results from only two cohorts limited the generalizability of the results on an entire population. There may have been other unknown variables that accounted for

differences in recidivism over the time periods in question (e.g. more law enforcement on the street and stiffer penalties) which were not necessarily measured in this study but may have affected recidivism.

The intent of the study was to examine the accuracy of the information provided by sex offenders regarding registry effectiveness. That in itself is a limitation because self-reporting mechanisms may result in skewed data. A registered sex offender by law is required to register however, they could provide false information to the database.

### **Significance**

The research will have a significant impact in regards to sex offender phenomena for practitioners as it would provide insight as to why they provide false information, and which areas are more likely to have the greatest number of non-compliant offenders.

Perhaps individuals with the socioeconomic/demographic characteristic associated with high frequency of violating a particular law perceive a significantly lower risk of being caught and punished than do other individuals (Grasmick & Milligan, 1976). Research would have a practical benefit of showing if the demographic locations of the offender's city vs county has an effect on their recidivism rates.

It is critical that criminologists heed this call to action to continue to study deterrence and sex offender registries for a reason. First, many state legislatures are forging ahead with sex offender registration policy expansion. In fact, they are federally mandated to comply with SORNA or risk losing 10% of their federal funding for law enforcement activities (Najdowski, Cleary & Stevenson, (2016).

There is significant reason to believe that interdisciplinary research on general deterrence in adolescent offenders and offenders could inform judicial decision making as well. Evidence

that adolescents and adults are developmentally different is being used to justify changes in the legal response to sex offenders.

This research would also provide more understanding for sex offenders so that clinicians and practitioners would be better able to understand them and meet their needs with re-entry.

The study will contribute to the body of research by focusing on the information provided by the offender. Prior research examines the database effectiveness at public safety, but this research will examine the information provided by the offenders for validity and compliance.

This study will add to the existing body of literature because it will be a small step forward in regards to examining how many offenders are in compliance, and if the overall state registry is valid and compliant.

It is crucial that an interdisciplinary approach to sex offending has been lacking, despite the widespread policy and legal attention to this issue. Such work is needed to protect vulnerable offenders, effectively deter crime, and facilitate justice.

### **Summary**

This research examined the relationship between mandatory registration of sexual offenders information provided to the Maryland sexual offender registry and its recidivistic impact on violent sexual crimes. A review of current literature on sexual offending, reoffending, recidivism, treatment and deterrence or the theoretical framework for utilizing the registry as punishment for the sexual offenders is provided in Chapter 2. Chapter 3 discusses the analysis of data drawn from registered sex offenders in Baltimore City vs Baltimore County focusing on missing information provided to the Maryland state registry between the two groups. Data from the State of Maryland looking at violent crime rates at pre and post implementation of the registry will also be assessed to see if the registry has a deterrent effect on sexual crimes against

women. The results of the analysis are examined in Chapter 4 structured around the posed research questions, hypotheses, and a summary of the overall findings. In Chapter 5 the overall findings of the research study along with an in depth interpretation of the findings, implication for social change, and a recommended course of action are discussed along with recommendations for further research.

## Chapter 2: Literature Review

### **Introduction**

Within American society sex crimes represent the worst of the worst offenses (Mancini, 2014). Under the tragic umbrella of sexual victimization lies the notion that sexual offenders pose a much greater risk to overall community safety than other offenders simply by the heinous nature of their crimes (Mancini, 2014). No greater crime brings more fear to the public than these two words sex offenders. Over the past two decades, every state in America has enacted some type of sex crime law, including but not limited to sex offender registry, community notification, residency restrictions, castration or even mandatory prison sentences (Fox, 2013). In the recent years the increased public demands have warranted longer and lengthier punishments, sentences and detentions for sexual offenders. Legislators and policy makers have responded accordingly (Meloy, Curtis, and Boatwright, 2013)—sex offenders now face greater rates of detention, longer periods of incarceration, and increased supervision once released back into the community.

There is a growing concern by the public, criminal justice officials and public safety officials that sex offenders may pose a public safety issue for the public. A review of the literature on sex offenders revealed that research has focused on community notification laws, sex offender policies and sex offender registration data. There is little research on the effectiveness of the sex offender registration program to prevent or deter sex crimes (Tewksbury & Mustaine, 2013).

Compared against these observations is that in today's culture the public knows little about most sex crime policies. More specifically, society knows little about how or why they emerged and whether or not they are effective at reducing sexual victimization or recidivism.

Despite the increased concern about sex offenders and sex crimes by federal, state and local public safety officials and criminal justice officials, little recent empirical research has been conducted to evaluate the efficiency of sex offender registrations (Tewksbury, 2002).

Given the passage of time since sex registration laws were enacted, and the growing concern that sex offender registration laws and procedures are not helping deter sex crimes, research is needed to understand the effectiveness of sex offender registration programs (Cubellis, Walfield & Harris, 2016). The problem is even with the increase in federal and state legislation, and local policies to prevent sex crimes, law enforcement efforts to detect and prevent sex crimes by registered sex offenders is lacking (Tewksbury & Mustaine, 2013).

Another viewpoint for increasing the punishments for sexual offenders is that they represent a part of the larger trend the bigger societal push towards more punitive punishments for sexual offenders that is growing within society. According to Leon (2011) maintained that sex offender punishment is best understood as one example of a move towards punitive responses to offenders and not as a specific example of our extreme and particular hatred of sex offenders. From a punishment perspective there is nothing unique about the approach that is currently being taken with sexual offenders, therefore the issue at hand is not the punishment of sexual offenders but rather punishment of itself.

Since the early 1990s, in an effort to reduce the prevalence of sexual crimes, a significant public health problem, federal, state, and local legislation related to sexual offenders has proliferated. The Jacob Wetterling Crimes against Children Act was created to help law



enforcement officials track registered sex offenders therefore, theoretically, reduce their likelihood of recidivism. Under the mandates of this regulatory law, convicted sexual offenders were required to register and verify their current names and addresses with the local police for their duration on the registry (Zgoba, Miner, Levenson, Knight, Letourneau & Thornton, 2015).

Over the last two decades Americans have come to perceive sex offending as a serious and widespread problem. According to the Maryland Sexual Offender Advisory Board (2014), Maryland has 8,500 registered sexual offenders in the state with Baltimore City alone having 1,800. Baltimore is an extremely small geographic area with just 81 square miles it is less than one seventh of the size of the surrounding counties. During the 1990's the media and policy makers perceive an increase in sexual offending especially against children (Fox, 2013). With sexual crimes on the rise policy makers and law enforcement needs to ensure strict monitoring and compliance are enforced.

The National Center for Missing and Exploited Children (2016) estimated that nationally, 16% of registered sex offenders cannot be located. The accuracy of sex offender registries can be comprised by time lags in processing the information or by offenders offering erroneous information or failing to register altogether. Substantial resources are allocated for the enforcement of sex offenders' registration and notification (SORN) policies, and strict penalties exist for those who fail to comply (US Marshals Service, 2016).

The classifications of sex crimes, the determinant factors, and the sentences imposed vary state and nationwide, therefore making it difficult to surmise the actual rate of recidivism among sex offenders (Mancini, 2014). Furthermore, it is unclear exactly how many sex crimes are actually reported. There are a myriad of reasons why sex offenses go unreported it might be a familial offender, the victim may have limited or no access to support or services, victims are

embarrassed or in denial that they have been a victim of a sex offense, and victims live in fear of retaliation or fear of not being taken seriously when they come forward with a claim of sexual assault (Harris, Levenson, & Ackerman, 2014). The unreported sex offenses hinder the ability to know the magnitude of the problem. With that in mind, it is difficult to determine whether communities have an unsubstantiated sense of fear or a valid sense of security.

The literature review presents various theories and concepts, which help to rationalize and justify the use of the sex offender registry as a preventive measure against recidivism of adult sex offenders. These theories and concepts will provide the foundation for why the legislation that is currently in place has been established. The literature review provides insight into how and why it is necessary to impose sex offender laws. Furthermore, the literature review describes the success rate of treatment programs and legislation that have been enacted to protect the public against sex offenders, as well as the impact that such laws have had on the sex offenders themselves.

Thus an interesting question is raised: is the registry having a deterrent effect on the sexual offender's recidivism levels? To examine this question, one must examine sex offender punishment through both a historical lens and a contemporary lens to situate sex offender punishment within larger punishment philosophies and goals. To that end, the purpose of this chapter is to contribute to the punishment literature by examining sex offender punishment philosophy and practice. Therefore, this chapter will examine the approaches to sex offender punishment and treatment to determine if punishment in regards to registration has a deterrent effect.

The literature review will proceed as follows. First, an overview of general punishment philosophies will serve as a foundation for which to understand the reasoning underpinning

different approaches to punishment generally, and sex offender punishment specifically. With each punishment philosophy, specific examples involving the punishment of sex offenders will be included as illustration of punishment philosophies in practice. Second, a review of treatment programs and practices will be presented to show how the system responds to sexual offenders. Finally, implications for future research are discussed.

## **Punishment Philosophies**

### **Deterrence**

The philosophy that punishment needs to be grounded within the utilitarian goals emerged in the 18<sup>th</sup> century. The utilitarian goals focus on the greatest good for the greatest amount of people. More specifically, punishment should only be administered if it results in an overall benefit to society. Only when punishment leads to more pleasure than pain is punishment then justified. According to Worrall, Els, Piquero & TenEyck (2014), punishment for a past offense is only justified by the future benefits it provides. Utilitarian theories such as deterrence are concerned with how punishment will affect future actions and the future societal happiness. Deterrence can do this by simply deterring future criminals from committing crimes or rehabilitate them so that they cannot engage in future crimes (Worrall, Els, Piquero & TenEyck, 2014) the writings of Beccaria and Bentham were most especially influential at this time period. These scholars viewed human behavior as a rational choice, whereby decisions were made based on a set of calculations to either maximize pleasure or reduce pain (Crockett, Ozdemir & Fehr, 2014). Punishment, therefore, had to be just severe enough to outweigh the benefits of crime.

Beccaria and Bentham also argued that unlike punitive approaches in earlier eras that were exceedingly severe and capriciously administered, punishment instead should serve a

utilitarian purpose (Crockett, Ozdemir & Fehr, 2014). It was not enough to merely punish the offender for their wrong doing. Rather, punishment should provide some greater societal benefit. More specifically, punishment should be used to deter individuals from committing future crimes (Worrall, Els, Piquero & TenEyck, 2014). An individual should be able to weigh pleasure gained in illegal behavior against punishment or the pain given by law to decide against the act. This is the principle of utility that humans will weigh the benefits and costs of future actions before deciding to behave. This is the basis for deterrence theory, that as humans having free will and weighing the costs and benefits associated with committing crime, by imposing immediate and severe punishment will act as deterrence to the commitment of future crimes (Jacoby, 2004).

Cesare Beccaria wrote an Essay in 1764 Entitled “Of Crimes and Punishments which had a heavy influence on Deterrence Theory and how individuals are supposed to behave (Jacoby, 2004). Beccaria is one of the most influential writers of the classical period opposed the arbitrary and capricious nature of the criminal justice systems used and the classical school’s humanistic conception of how law and criminal justice system should be structured.

The main points of Beccaria’s essay which led to Deterrence Theory are: 1) laws must be written and made public; 2) laws must be limited in scope; 3) laws apply to everyone unilaterally; 4) in order to keep stable, society must establish laws; 5) everyone is subject to the same treatment (Jacoby, 2004). The least effective way to deter behavior is punishment as punishment can only be as severe as the crime. Under deterrence theory, for punishment to be effective and prevent crime it must be certain and swift, meaning that it occurs within a short time after the act has been committed, and punishment must be proportionate in severity (Jacoby, 2004). Classical deterrence theory suggests that individuals can be discouraged from offending either generally through the threat of punishment and knowledge of others’ experiences or

specifically through their own experiences (Jacoby, 2004). Moreover, deterrence is considered more or less universal in its effects; what deters one person from criminal activity is similarly believed to deter another. With the sex offender registry laws the state can manipulate behavior through punishment registration on the registry (Tewksbury, 2002).

There are two levels of deterrence specific- which applies to the individual being punished as it leads to a decline in recidivism of offenders and changes their behavior. General deterrence people learn by watching others (Crockett, Odemir & Fehr, 2014). If people witness someone getting punished for a crime, ultimately it will help to shape their attitudes and behaviors. There is no pleasure in committing a crime as the punishments of being required to register as a sex offender outweigh the benefit of committing the crime.

General deterrence can be understood as the effect of detection and punishment of offenders on those individuals who have not (yet) committed a crime, increasing their fear of detection and punishment enough to deter them from committing a crime in future. Special deterrence (also specific deterrence) describes a process by which offenders will refrain from further offending if they are caught and punished (Crockett, Odemir & Fehr, 2014).

Deterrence functions across two levels; at one level, the aim of punishment is to specifically reduce offending. If punishments imposed are swift and certain, and the severity is within proportion to the offense committed, offenders who have been punished will not commit offenses in the future (Jacoby, 2004). Therefore, this has a deterrent effect on other members of society from committing acts as they see the punishments being imposed for the crimes.

Using sexual offending as an example, a deterrence view of behavior holds that an offender commits a sex offense because the benefits of sexual deviance outweigh the costs of that offense or the benefits of not sexually abusing (Crockett, Ozdemir & Fehr, 2014). More

specifically in the case of sexual offending, the offender chooses the offense because it will ultimately maximize his or her reward. Therefore, the purpose of punishment is to produce a scenario whereby the consequences of offending outweigh and are by far greater than the benefits of the actual offense. For example, if a sex offender is given a severe swift punishment, deterrence theory maintains that two things will happen: first, the sex offender will be deterred from committing a future sex offense and second, members of the public who would have offended in the future would decide not to commit the same crime. However, what constitutes a severe punishment in society is continuously debated.

Punishment of a social norm violation is widespread among society. According to Crockett, Ozdemir, & Fehr (2014), People motivated by deterrence employ punishment to prevent norm violators from repeating their bad behavior in the future; the goal of punishment is to teach a lesson by communicating that a norm has been violated. The point of deterrence is to punish the offender to keep them from repeating that behavior in the future. Deterrence applied to the Maryland Sex Offender Registry offenders register as punishment for their sex crimes as a way to deter them from committing future sex crimes.

If you want to stop the individual from committing further acts, the system must impose punishment immediately after the act. Sex offenders must register on the state registry immediately after they are convicted of a sex crime in order to keep them from committing further sex acts. According to Jacoby (2004), immediate punishment is more useful because the smaller the interval of time between the punishment and the crime the stronger and more lasting will be the association of the two ideas of crime and punishment; so that they may be considered, one as the cause, and the other as the unavoidable and necessary effect. According to Tomlinson

(2016), increased punishments may in fact reduce crime, as the severity of punishment the more severe the punishment for law breaking; the less likely to commit the crime.

In the study conducted by Worrall, Els, Piquero & TenEyck, (2014), examined informal social control mechanisms on the two main deterrent concepts of certainty and severity estimates to see if a deterrent effect could be found on offenders. Informal social constraints can be found within the community including but not limited to family and friendship bonds. These bonds are crucial to the context of deterrence, because they lead to the foundation of stable relationships. Worrall, Els, Piquero & TenEyck, (2014), argues that investment in relations creates outstanding obligations which can be drawn upon in the future in furtherance of one's goals when unacceptable goals are pursued those relationships break down, providing powerful deterrent to law breaking.

In the study conducted by Worrall, Els, Piquero & TenEyck, (2014), sampled 300 offenders by giving them vignettes that had a scenario with a high or low informal social control scenario and found that certainty and severity were both significant and in the expected directions in the high informal social control condition. More specifically, as the perceived certainty of detection increases the likelihood of offending was lower and the same was true for perceived severity. Worrall, Els, Piquero & TenEyck, (2014), also found in the low informal social control condition, perceived certainty was negatively and significantly related to offending likelihood. Perceived severity was not as strong in the low informal control condition, but it remained significant (Worrall, Els, Piquero, & TenEyck, 2014). This suggests—to some extent—that for perceived severity to have a strong deterrent effect, a reminder may be needed, namely, in our case, the presence of friends and family members, of what one stands to lose when faced with an offending decision.

The main finding of the study conducted by Worrall, Els, Piquero, & TenEyck, (2014) was consensus in the deterrence literature that the deterrent effect of perceived certainty exceeds that of perceived severity it is the certainty rather than the severity of punishment that is the more powerful deterrent. Certainty can be an inhibitor of offending in terms of social control mechanism as the bonds of family and friends were strong deterrent effects for the offenders. If the offenders are certain that they will be detected and swift punishment is imposed examining the social bonds can be a deterrent effect. According to Worrall, Els, Piquero, & TenEyck, (2014), but the presence of family members and friends in the high (but not low) informal social control condition resulted in a significant severity effect—namely among deterrable offenders. This reinforces the need to further explore the situational context of deterrence.

According to Apel (2013), crime decision making concerns the process of choosing between alternative courses of action, in this case between criminal and non-criminal behavior. Decision makers are assumed to be goal-oriented and self-interested individuals who are endowed with stable and well ordered “preferences,” and who judge different courses of action by their expected consequences, subject to opportunities and constraints on their time and resources, and in such a way as to maximize their utility or overall satisfaction.

Sex offender registries have expanded rapidly, extending to offenders across the nation. Policies mandating registration are based, in part, on arguments that registration is needed to prevent dangerous sex offenders from committing additional offenses and that risk of registration deters would-be offenders from offending in the first place. According to Najdowski, Cleary, & Stevenson (2016), research suggests that registration does not serve the former specific deterrent function for adolescents, but less is known regarding the latter goal of general deterrence.



Western justice systems rest upon the notion that the imposition of sanctions on individuals who have infringed laws serves the goals of deterring the offender from future lawbreaking (special deterrence) and deterring the conforming population from offending in the first place. Deterrence theory is the foundation upon which a majority of contemporary crime control policies have been built. According to Worrall, Els, Piquero & TenEyck (2013), the default assumption among many, if not most law-makers is that certain and harsh punishment—or the threat thereof—will make society safer because would-be offenders would refrain from offending. Being a registered sex offender and creating the registry and serving the punishment of the registry is built on the core assumption that people weigh the costs and benefits of law-breaking and can be discouraged from acting out in such a manner when reminded of certain and severe punishments and the extent to which the costs of offending outweigh the benefits potentially derived from offending. In its most basic form, deterrence theory assumes everyone can be discouraged from offending—so long as penalties are sufficiently certain, swift, and severe Worrall, Els, Piquero & TenEyck (2013).

Accordingly, detection and punishment of offenders is supposed to affect the fear of future sanctions and individuals fearing detection and punishment should be less inclined to offend. According to Schulz, (2014), consequently, two linkages in the deterrence process can be differentiated: One linkage between offending experiences, like successful offending without detection and a person's perceptions about the risk of detection and punishment, and a second linkage between such perceptions and decisions whether to offend or not

Research suggests that registration does not serve the former specific deterrent function for adolescents, but less is known regarding the latter goal of general deterrence. The disciplines of criminology and developmental psychology both offer important theoretical perspectives, but

these frameworks have yet to be applied to this unique context. Criminological theory on perceptions of sanction risk offers clear predictions about the potential for registration to serve as a deterrent for would-be sex offenders.

If deterrence theory is accurate, actual detection and punishment is expected to increase the prior perceived sanction threat relative to that of undetected or unsanctioned offenders and, thus, reduce future criminal activity (Schulz, 2014).

According to Najdowski, Cleary & Stevenson (2016), Yet, the literature has not meaningfully acknowledged that (a) most adolescents are probably unaware of the parameters of registration (e.g., age restrictions, range of registerable offenses), and (b) even if adolescents are aware of registration risk, they are unlikely to be effectively deterred by it because of a variety of developmental vulnerabilities (e.g., psychosocial immaturity, perceived normativeness of certain nonviolent sexual offenses that can result in registration).

This study will integrate deterrence theory in order expand upon criminological deterrence theory in order to gain a better understanding of whether sex offender registration policy can have a general deterrent effect for sex offenders and their recidivistic risk.

According to Najdowski, Cleary & Stevenson (2016), Despite controversy over whether even adults should be required to register as sex offenders in recent decades the federal government and many states have enacted legislation that has been increasingly inclusive; that is, more individuals are required to register, more behaviors are defined as registerable offenses, more information is required to be shared, and that information is made more widely available to the public.

These sex offender registration policies were motivated by the desire to promote public safety. The purpose of tracking sex offenders is to enable the public to take a preventative

measure to protect themselves against sexual victimization and to help assist law enforcement identify and capture sexual offenders.

Deterrence Theory will help test the efficacy in the completeness of information of the Sex Offender Registry. Theory will test the level of deterrence the registry exhibits upon offenders after registration from committing new crimes.

According to Crockett, Ozdemir, Fehr (2014), Understanding the extent to which punishment is driven by retributive motives has potentially important implications for the design of public institutions to promote social norms. If individuals derive private satisfaction from punishment irrespective of its ability to deter future harms, they may utilize punishment inefficiently in terms of promoting social welfare by, for instance, persisting in punishment even in cases where its future benefits are limited.

In addition to their public safety basis, these policies are also rooted, explicitly or implicitly, in deterrence theory. The general assumption is that widespread public dissemination of convicted sex offenders' personal information and criminal offenses will reduce the rate of future sexual offending.

Najdowski, Cleary & Stevenson (2016), found that 76% of law enforcement officers disagreed that registration serves a specific deterrent function, and 60% disagreed that it serves a general deterrent function. Indeed, limited research suggests that registration does not serve the former specific deterrent function for sex offenders.

General deterrence remains a driving factor behind recent policy shifts toward more expansive registration policies, yet it remains an untested assumption. When considering whether registration laws can serve a general deterrent function for sex offenders, it is important to consider whether the offenders themselves are actually aware of those laws.

According to Najdowski, Cleary & Stevenson (2016), research has also raised questions regarding the accuracy of the information that appears on registries: found that 11% of sex offenders in one urban county had no address listed on the state registry, 11% listed an address for a commercial establishment, and 5% listed an address that did not actually exist. To the extent that registries are missing or include invalid details, law enforcement agents will be unable to apprehend registered sex offenders who recidivate. Specifically, it is suggested that the deterrent impact of registration is undermined by the fact that certain nonviolent sexual offenses that warrant registration are perceived as developmentally normative (e.g., consensual sex between similar-aged peers, sexually explicit text messaging or “sexting”) and therefore low risk (Tewksbury & Mustaine, 2013). It is also believed that the potential deterrent effect of registration is likely to be overridden by developmental forces, because decades of developmental behavioral research as well as recent advances in developmental neuroscience converge on the notion that offenders and adolescent offender’s psychosocial immaturity (e.g., reward-seeking tendencies) has a powerful impact on their behavior.

According to Najdowski, Cleary & Stevenson (2016), deterrence theory presumes that people are rational actors who weigh the relative costs and benefits of committing crime. From this perspective, punishment as a cost deters crime when it outweighs the potential gains that criminal behavior is expected to yield. First, however, potential offenders must know that punishment exists as a potential cost of crime.

Compliance with laws and regulations is achieved by the deterrent effect of punishment. By having the offenders register on the public registry is a deterrent effect on punishment.

Deterrence theory suggests that sanctions are more effective at deterring crime when potential offenders believe they are more certain to be caught (Crockett, Ozdemir & Fehr, 2014).

In addition, a growing area of thought related to deterrence is focused on the role of ambiguity or individual variance in risk perceptions research revealed that, among high-risk juvenile offenders who perceive the risk of being caught for offending to be low, ambiguity strengthens the deterrent effect of that risk for crimes that do not directly involve victims (e.g., stealing, theft, vandalism) but weakens the deterrent effect of risk for crimes that do (e.g., fighting, stabbing, robbery). Thus, it will also be important for future work to consider whether developmental normativeness and psychosocial maturity decrease or increase, respectively, the ambiguity of sex offender registration likelihood for adolescents (Najdowski, Cleary & Stevenson, 2016).

### **Cognitive Behavioral Theory**

Cognitive-behavioral therapy (CBT) approaches are rooted in the fundamental principle that an individual's cognitions play a significant and primary role in the development and maintenance of emotional and behavioral responses to life situations (Dobson, 2010). Cognitive-behavioral treatment focuses on issues inside one's mind, such as perceptions, feelings, urges, and thought processes, which occur prior to deviant acts. Cognitive-behavioral theory contends that these issues can be controlled and altered, thus preventing the sex offender from reoffending (Dobson, 2010). Community notification assists in sex offenders coming to terms with their illegal behavior by exposing them to the public. By placing this exposure and public attention on the offender it helps with the continuation of their therapy (Moster, Wnuk & Jeglic, 2008).

In its application to sex offending, this theory concentrates on sex offenders' abilities to defend their actions by creating excuses. Sex offenders use what is known as "neutralizations" to make themselves feel less guilty and less disgusted about the acts that they have perpetrated (Moster, Wnuk & Jeglic, 2008). These neutralizations are known as cognitive distortions, which enable offenders to take guilt away from themselves and to absolve themselves of any real

liability (Murphy, 2004). Sykes and Matza (1957) mentioned that there are five neutralizing techniques, which include the denial of responsibility, claiming the illegal actions were unintentional; the denial of injury, does not believe or admit any injury to the victim; the denial of the victim, person attacked is seen as deserving it; the condemnation of the accusers, attacking or blaming the accusers; and the appeal to higher loyalties, groups or friends are seen at a higher level than the law. In addition to denying their offenses, sex offenders also attempt to justify their actions to assist in the remorse of guilt felt for committing the act (Sykes & Matza).

According to Jennings and Deming (2013), by the late 1980's relapse prevention principles from addictions were being applied to sexual violence. Cognitive therapy had now found a compelling and powerful new ally. Cognitive therapy was now being integrated into sex offender therapy as a more effective way to meet the needs of the sexual offenders. This form of treatment continued to gain popularity and by 1995 only two out of the 1,784 sex offender treatment programs in the country had identified themselves as behavioral (Jennings & Deming, 2013). Sex offender therapy with a cognitive approach focuses on the behaviors of the offender – daily thoughts with the model built around helping the offender manage their daily lives. According to Jennings and Deming (2013), the new integrated model approaches to sex offender treatment are multi modal and include an array of cognitive, behavioral, and supportive psychotherapy techniques such as role playing, group discussions, shaping, over learning, and self monitoring. These techniques are a wholeness approach that target all the needs of the offender allowing for more success. Treatment models that emphasize approach goals provide excellent opportunities to use behavioral paradigms to reward sexual abusers for variety of healthy behaviors they exhibit from simply attending and participating in therapy process to

making meaningful changes in thinking and behavior as it relates to sexuality and relationships (Jennings & Deming, 2013).

Mercado, Jeglic, Markus, Hanson and Levenson (2013), conducted a study in which they evaluated untreated sex offenders in Minnesota and found that cognitive behavioral therapy models when incorporated into sex offender treatment offenders who underwent treatment had 9.9% reduction in recidivism as opposed to their counterparts who did not participate in treatment who had a 17.4% recidivism rate. Cognitive based therapy treatment programs have been proven effective in not only treating sexual offenders but in reducing their recidivistic risk. In the same study Mercado, Jeglic, Markus, Hanson, and Levenson (2013), also found that cognitive based therapy treatment decreased the hazard ratio for sexual reoffending by 27%, violent recidivism by 18% and general recidivism by 12%.

In 2008, Moster, Wnuk, & Jeglic, did a study where they interviewed sex offenders, all of whom had justifications for their actions. What they found was that child molester's pedophiles hold distorted beliefs in which they believe that the children consented to the molestation and were not harmed by sexual interaction with adults. Child molesters may perceive non-responsiveness as an indication of enjoyment and compliance, whereas rapists often perceive distress as an evident expression of enjoyment (Moster, Wnuk,& Jeglic 2008).

Another form of cognitive distortion is the denial and minimization of sexual offenses. Denial is the acceptance of explanations that reduce accountability and are reinforced by distorted beliefs and self-deceptive thinking processes. At the beginning of treatment, it is common for sexual offenders to deny or minimize their offenses and that 66% of child molesters and 54% of rapists deny their offenses, reported that 87% of the sex offenders denied at least

some part of the crime (Moster, Wnuk, & Jeglic, 2008). These excuses allow the sex offender to rationalize and justify their behavior while not having to take the blame for it.

The reduction of cognitive distortions is a key element of an effective CBT intervention program because this decrease is needed to reduce recidivism rates. Encouraging a sex offender to overcome their denial is an integral step in treatment. Cognitive restructuring methods have been found to be effective in changing offenders' beliefs (Moster, Wnuk & Jeglic, 2008). These methods include (a) explaining to the offenders the role of the deviant thoughts in their sexual offending behavior, (b) providing offenders with information on correcting these thoughts, (c) helping offenders recognize the appropriate thoughts from the inappropriate ones, and (d) helping offenders challenge the inappropriate thoughts (Moster, Wnuk & Jeglic, 2008).

The treatment process first begins with the offender depicting the sexual offense in great detail including the beliefs that preceded the behavior. Ultimately, the first goal of the personal description reflection is getting the offender himself to realize the chain of offense (Moster, Wnuk & Jeglic, 2008). The offender possesses cognitive distortions so speaking about them leads the offender to the final stage of group therapy and speaking about those distortions in a group setting. Having the offender talk about his offense in a group setting allows for other members to think critically about their offenses as well as that of the fellow offender, in conjunction with identifying their cognitive distortions (Moster, Wnuk, & Jeglic, 2008).

Cognitive behavioral interventions are the most common form of treatment used for general offenders as well as sexual offenders. Hanson et al. (2002) conducted a meta analysis of 43 sexual offender treatment outcome studies since 1980 and found that, on average, sex offenders who had completed treatment had a 12.3% sex offense recidivism rate compared with the 16.8% recidivism rate seen for offenders who did not complete treatment. When looking only



at more recent CBT interventions, the authors uncovered a difference in sexual recidivism rates of 9.9% for offenders who completed treatment and 17.4% for offenders who did not receive treatment (Hanson et al., 2002).

### **Rehabilitation**

Rehabilitation is a prominent feature of punishment practices throughout our history. Therapeutic interventions aimed at reducing the likelihood of reoffending are a staple of contemporary sex offender management practice (Przybylski, 2015). Rotman (1990) defines rehabilitation as "...a right to an opportunity to return (or remain in) society with the improved chance of being a useful citizen and staying out of prison". Though the specific aim and intention of rehabilitation has changed over time the prison models, sentencing, the intended outcome is the same. The approach to punishment should be targeted towards the offender with our eyes geared towards reform. In distinguishing rehabilitation from deterrence, Rotman (1990) argued that rehabilitation "...goes far beyond what a behaviorist would call negative reinforcement. It encompasses a broad spectrum of constructive interventions, positive human services, and opportunities that tend to reduce offenders' involvement in further criminal activity.

In a study conducted by Mercado, Jeglic, Markus, Hanson and Levenson, (2013), did a meta-analysis of 43 sexual offender treatment outcome studies, found on average that sex offenders who completed treatment had 12.3% sex offense recidivism rate compared to 16.8% recidivism rate seen for offenders who did not complete treatment.

### **Retribution**

The framework of deterrence and rehabilitation together represent the utilitarian goals of punishment where the sole focus is on the future behavior. However, the focus of retribution is

grounded in the perspective of just deserts, which examines the crime that has already been committed (Apel, 2013). Here the purpose of retribution is to punish the offender for what he or she has done, not what they may do in the future (Crockett, Ozdemir & Fehr, 2014). Therefore, the nature of the punishment that is needed is determined solely by the crime that was committed. In terms of retribution the overall framework of punishment requires a rank ordering of the crimes so some crimes (ie aggravated sexual assault) are indeed more serious than crimes such as (shoplifting) ( Worrall, Els, Piquero & TenEyck 2014). However, this ordering may not be quite so simple and might be more complex than we might think. For example, among sexual offenders, how do we or how can we universally determine that one offense is more serious than another? Compare, for example, an exhibitionist in which the offender flashes a group of teens on the street to a peeping tom who watches a woman getting undressed at night. In terms of the exhibitionist case there are more victims. On the other hand, the voyeur had closer personal contact with his victim. The characteristics of the victim may structure the decision of the ranking of the crimes. Is the exhibitionist's crime more serious because it targets minors and young girls? When it comes to determining which offender will receive the harsher punishment the rank or ordering of these crimes is not clear.

## **Review of Critical Literature**

### **Sex Offender Recidivism**

Recidivism has long been a concern for policymakers and practitioners but in recent years it has received renewed attention due to increased number of convicted sex offenders living in the communities. Literature shows that repeat offenders do account for a wide

disproportionate number of the crimes and that one of the primary goals of the criminal justice system today needs to be recidivism reduction.

The recidivism of sexual offenders is very difficult to measure. The surreptitious nature of the sex crimes themselves, the fact that very few sex crimes are reported to law enforcement, and the variation in which researchers calculate the rates of recidivism all contribute to the overarching problem. The likelihood that a sexual assault will be reported to a law enforcement decreases with the victims age (Przybylski, 2015).

Sex offenders had a higher recidivism rate for new sex crimes. Research shows their sex crime re-arrest rate was four times higher than the rate for non-sex offenders 5.3 percent compared to 1.3 percent (Przybylski, 2015). There is no standard criterion being used in these studies, which may be why there are such wide-ranging recidivism rates

Sex offenders in the study had 1-year, 3-year, and 5-year re-arrest rates for any new offense of 21.3 percent, 37.4 percent, and 45.1 percent, respectively (Przybylski, 2015).

One of the most important findings that resulted from the study by Przybylski, 2015 was that 15-year sexual recidivism rate for offenders who already had a prior conviction for a sexual offense was nearly twice that for first-time sex offenders (37 percent compared to 19 percent). This startling number at the 15-year mark is telling us practitioners that the treatment programs and our rehabilitation efforts are lacking because prior offenders who should be decreasing in their criminality are peaking (Przybylski, 2015). A sound foundation of knowledge on the extent of sex offender recidivism has been produced in recent years, but significant knowledge gaps remain. The magnitude of the difference between observed and actual reoffending needs to be better understood, and there is universal agreement in the scientific community that the observed recidivism rates of sex offenders are underestimates of actual reoffending.

## **Historical Overview Sex Offender Punishment**

The previous sections examined the early philosophical and theoretical examinations of punishments for offenders. The purpose of offender punishment is multifaceted showing utility in punishment while yet seeking rehabilitation or even retribution. This section will examine the major eras in terms of punishment approaches for offenders and provide a more historical context and understanding of the punishments.

### **1880's-1930's: Emergence of Study of Sexual Deviance**

Krafft-Ebing (1886) was the first to classify sexual disorders as medical or psychiatric problems. Under that framework, sexually deviant behavior—which at the time included sexual behaviors such as homosexual behavior, fetishism, and masturbation—was thought to be a pathological and dangerous for society. At this time sexual deviancy was thought to be a danger to society but it was simply a product of a psychological disorder.

The United States had its first panic over sexual offenders during this time (Terry, 2013). At this time the thought was of sexual offending as sexual perversion and deviant acts, more specifically, homosexuality and promiscuity. By the end of the 1920's the panic over sexual fiends had ended and the concern had now begun to shift towards child molestation and incest (Terry, 2013). Because the nature and onset of these crimes suggested compulsivity and not rationality, a psychopathy emerged that lead to the sexual offending. As society began to adapt the view of offenders changing from simply perverts to deranged psychopaths, the models and beliefs of punishments shifted too (Terry, 2013).

### **1937-1950s: Sexual Psychopath Laws**

A series of sexually motivated homicides involving youth in 1937 alerted the public and policymakers to the risk sex offenders posed to women and children (Mancini 2014). Because

sexual deviance was seen as psychopathy this led to the creation of legislation and the view that science could fix criminal pathology. Although few sex offenders were actually considered legally insane, psychiatrists often referred to sex offenders as “sexual psychopaths” and were instrumental in the passage of these laws (Mancini, 2014). During this time period legislation required that offenders had mental abnormalities such as instability or sexual impulsivity, as these laws are some of the first attempts at what we know today as sexual offender civil commitment.

The view of sex offending at this time was rooted in psychology. Scholars argued that sex offenders were mentally ill and that the best response to these mentally ill offenders was medical intervention. Words such as fiend, degenerate, pervert were used at this time to describe sex offenders (Mancini, 2014). The prevailing view was that sex offenders were neither sane nor insane but lacked the ability to control sexual impulses and were likely to recidivate and therefore should be segregated until cured (Mancini, 2014). In lieu of incarceration, sex offenders designated as sexual psychopaths would be committed to a mental institution until they were sufficiently rehabilitated. In some instances, treatment for sex offenders included doses of testosterone lowering hormones, given in the belief that these drugs could help control the sexual urges of repeat offenders (Mancini, 2014).

However popular this approach was it was not universally accepted by all states. According to Mancini (2014), the sexual psychopath laws did not necessarily name specific criminal acts, nor did they differentiate between violent and nonviolent, or consensual and non-consensual behaviors. Rather, they targeted a kind of personality, or an identity, that could be discovered only by trained psychiatrists (Mancini, 2014).

### **1960's-1970's: Deinstitutionalization Decades**

The United States in the 1960's and 1970's was marred by social and political turmoil and underwent a cultural transformation therefore, undergoing a shift in views about sexual behavior (Mancini, 2014). Movements emphasizing equal treatment of women and minorities, scandals involving government corruption indicating conflict in society. Therefore, public support in government to control and reduce crime had significantly decreased in this period (Fox, 2013).

The criminal justice system experienced a radical shift in responding to crime within this decade. Policies and laws implemented during this time tended to reflect the view that prisons were criminogenic environments, and that contact with the justice system increased recidivism, rather than prevented it (Mancini, 2014).

There were substantial changes to legal responses to sex offenders during this time as well. Though many states still had sexual psychopath laws on the books, few utilized indefinite commitment. The change in empirical direction reflected larger intellectual movement that stressed decriminalization and deinstitutionalization (Mancini, 2014). Sex crimes began to be disaggregated and studied individually and separately. Distinctions were being made between a mere molestation and more serious sexual offending cases. Legal scholars challenged the labeling of sexual offenders and began to demand the restructuring of sexual offending laws. In the legal arena, sex offender laws like civil commitment were continuously struck down. Throughout this era, U.S. Supreme Court adopted a liberal orientation towards the legality of policies one that emphasized the offender's rights (Mancini, 2014). Towards the end of 1970's emphasis on rehabilitation and treatment, which had shaped theory and guided sex offender policy began to wane. These attacks all but killed the rehabilitative ideal as a respectable component of American social policy (Mancini, 2014).

### **1980's: Get Tough Era**

By the late 1980s, a new panic emerged in the United States that once again changed the direction of responses to sex offenders (Mancini, 2014). Whereas previous decades stressed treatment and decriminalization, beginning in the 1980's criminal justice policy was guided by the just deserts philosophy (Mancini, 2014). Essay entitle "Nothing Works" published in 1974 had a profound impact on the criminal justice system response to sex offenses. This study conducted by Martinson in 1974 analyzed the effects of over 200 rehabilitation programs in correctional facilities between 1945 and 1967 with the results showing that few rehabilitation efforts successfully reduced recidivism; as Martinson concluded, at its best programming cannot overcome, or even reduce, the powerful tendency for offenders to continue in criminal behavior (Martinson, 1975 as Cited in Mancini, 2014).

The political paradigm of the time embraced the new shift in criminology. The era of Reagan and Bush provided the perfect environment for the return of criminological theories based on individual responsibility and tougher punishment (Mancini, 2014). More specifically, in this era sexual criminality was considered to be due to a lack of a moral aptitude. Perhaps fueled by celebrated cases in the media, instead of focusing on the habitual pervert or sexual psychopath, policies began to target child pornographers and child sex abusers (Mancini, 2014). Therefore, these laws imposed much stricter penalties on child sexual abuse and the manufacturing, sale, and possession of child pornography.

Throughout the 1980's society began to recognize and understand incest and acquaintance rape as widespread sex abuse (Mancini, 2014). Popular talk shows often featured sex crime victims who recalled vivid accounts of child sex abuse during this time (Mancini, 2014). Another major change came within the scope of the legal arena. Convictions were

becoming easier to obtain against offenders who were known to the victims. More specifically, several states suspended statutes of limitations for certain sex crimes, allowing victims of sex abuse several years to report victimization (Mancini, 2014). This also led to the acknowledgement that sexual crimes were committed by perpetrators known to the victims and not strangers.

### **The 1990's: Decade of Sex Offender**

In the 1990's the nation saw an unparalleled growth in sex crime laws (Terry, 2013). This exponential growth can be linked to a series of highly publicized child sexual murder cases. These cases have served as the catalysts for sex crime legislation for our nation. The result, much like in earlier periods, was a public that demanded harsher penalties for these offenders (Mancini, 2014).

Jacob Wetterling in 1989 was kidnapped at gunpoint while riding his bike with friends. To this day, Jacob has never been found and is presumed to be dead.

Less than four years after Jacob's abduction 12 year old Polly Klass was kidnapped from her home and murdered by a violent offender with long history of sexual offenses against women (Mancini, 2014).

Less than a year later in New Jersey, seven year old Megan Kanka was lured into her neighbor's home a convicted sex offender and sexually assaulted and murdered (Mancini, 2014).

These widespread tragic cases of child sexual assault and murder by repeat offenders sparked a national outrage. The justice system responded to these cases with judicial and legislative policies aimed specifically at sex offenders (Mancini, 2014). Offenders began receiving longer incarceration times, offenders were being identified within the communities,



and communities were being provided with information about offenders living in their neighborhoods.

### **Registration and community notification**

After the abduction of Jacob Wetterling states passed legislation entitled “Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act” in 1994 (Zgoba, Miner, Levenson, Knight, Letourneau & Thornton, 2015). This legislation required all sexual offenders to register and maintain current compliance with a state sexual offender registry. Then just two years later after the brutal rape and murder of seven year old Megan Kanka by a convicted sex offender living in a New Jersey community, Megan’s Law was passed. Megan’s Law was adopted by the federal government in 1996 and it requires that all states notify community members when sex offenders move into their neighborhoods (Mancini, 2014). The purpose of the Wetterling act was geared towards law enforcement and Megan’s Law as a public resource, essentially these two legislative policies have become the advent and marked the emergence of expanded sex crime policies across the country (Zgoba, Miner, Levenson, Knight, Letourneau & Thornton, 2015).

Every state varies in their implementation with sex offender registration, but the theme and purpose remain the same. Upon receiving a conviction for a sexual offense, or if relocating to a new state or community, sex offenders are required to register their name, address and current photo with the local law enforcement (Zgoba, Miner, Levenson, Knight, Letourneau & Thornton, 2015). In a majority of the states, offenders are placed on a publically accessible website typically run by the Department of Corrections that contains the offenders address, history, information, offense history, license plate number, place of employment, and a current photograph (Zgoba, Miner, Levenson, Knight, Letourneau & Thornton, 2015).

**Residence restrictions**

Concerned that convicted sex offenders would reoffend soon upon release, during the latter part of the 1990's states began to implement residence restriction laws that prohibit sex offenders from living within a certain distance of "hot spots" or places where children congregate (Mancini, 2014). More specifically, schools, school bus stops, playgrounds, daycare centers, churches. Boundary restrictions ranged widely from state to state to a minimum of 500 feet to a maximum of over 2,000 feet, 33 states have implemented residence boundaries as of 2008, and have extended it to the county or municipal level with those boundaries reaching as high as 2,500 feet (Mancini, 2014). Residence restrictions were premised solely on the belief that sexual offenders prey on victims that live in close vicinity to them, especially child molesters.

**Civil commitment**

In the 1990's public concern over sex crimes lead to establishment of civil commitment statutes, this strategy continued well into the 2000's (Mancini, 2014). Civil commitment is keeping a sex offender past their prison sentence. As of 2008, 19 states has implemented some form of civil commitment for sexually violent or repeat offenders (Mancini, 2014). Before an offender is released at the end of the term of incarceration, he or she is assessed by a board of examiners. If it is determined that the offender is a danger to society—that he or she is likely to commit another sexual offense—the offender is civilly committed to a SVP facility until rehabilitation is achieved (Mancini, 2014). In 2010, the U.S. Supreme Court upheld a federal statute as part of the Adam Walsh Act that allowed for the detainment of sex offenders past their federal sentence (Zgoba, Miner, Levenson, Knight, Letourneau & Thornton, 2015).

Civil commitment is a way for states to keep offenders who have served their sentences in protective custody for as long as they are deemed dangerous. Although state-to-state variation exists in the exact language of these laws, most states define a "sexually violent predator" as a person (1) who has been convicted of or charged with a sexually violent offense and (2) who suffers from a mental abnormality or personality disorder (3) that makes the person likely to engage in acts of sexual violence (Miller, 2015).

According to Mercado, Jeglic, Markus, Hanson and Levenson (2013), Most recent estimates indicate that there are currently 4,534 individuals held under SVP laws across the U.S., with some 494 individuals (or approximately 10% of those committed) having been released or discharged from SVP programs. While the number of individuals screened, detained, or committed continues to grow, research in this arena has not kept pace. Per offender, SVP commitment costs average \$97,000 yearly -- nearly four times that of the \$26,000 per offender annual rate of general correctional costs and with the number of SVP commitments growing at a rate of 5-24% per year, SVP commitment is expected to cost up to one billion dollars within the next decade (Mercado, Jeglic, Markus, Hanson, & Levenson, 2013).

Mercado, Jeglic, Markus, Hanson and Levenson, (2013), examined the recidivism rates of 135 sex offenders who were referred for commitment but where no petition was filed and found that 50% of these offenders were convicted of a new felony offense, while 23% were convicted of a new felony sex offense. Further empirical evidence is needed to estimate the likely recidivism rates of SVPs. These data could assist policymakers charged with making difficult decisions about how to most efficiently and efficaciously spend scarce public resources.

### **Adam Walsh Act**

Sex offenders demonstrate a wide range of risk for recidivism. Zgoba, Miner, Levenson, Knight, Letourneau & Thornton (2015) noted that allocating the majority of resources to offenders at highest risk for re-offending better serves the public interest. On the contrary, imposing higher levels of treatment and supervision than is necessary based on offender risk is not cost effective and can create collateral consequences to offenders and communities that potentially compromise public safety. Thus, clarifying the predictive validity of various risk assessment procedures and building empirically derived classification models into policy development can facilitate improved community safety and a more efficient distribution of fiscal resources (Zgoba, Miner, Levenson, Knight, Letourneau & Thornton, 2015).

In 2006, the Adam Walsh Child Protection and Safety Act was signed into law. The law named for 6 year old Adam Walsh, who was kidnapped from a Florida mall and murdered in 1981 the, Adam Walsh Act (AWA), required states to comply with updated and standardized approaches to sex offender punishment and management (Zgoba, Miner, Levenson, Knight, Letourneau & Thornton, 2015). The AWA is illustrative of federal efforts to tighten sex crime laws, and it expands the scope of crimes that were covered in the registry set forth in the Wetterling Law. However, the AWA set forth new provisions for the states. All states must submit registered sex offender information to a national database.

In response to a perceived need for standardization across the states, Title 1 of the AWA (the Sex Offender Registration and Notification Act; referred to as SORNA) created guidelines that each state was required to implement by 2011 or risk losing 10% of their federal criminal justice funding. SORNA created a “tier” classification system based on the type and number of sex offense convictions for determining the duration of registration, frequency of address verifications, and extent of website disclosure Zgoba, Miner, Levenson, Knight, Letourneau &

Thornton (2015). Under the AWA, sex offenders would be grouped according to risk, where Tier 3 represents the most serious offenders who have lifetime registration requirements, Tier 2 represents mid-level offenders who must register for 25 years, and Tier 1 represents low level offenders who must register for 15 years (Mancini, 2014). AWA also calls for retroactive registration. For example, if a sex offender was convicted in 1987 of a sex offense, he or she would not be required to register as the conviction occurred prior to the enactment of the sex offender registry. However, new AWA provisions stipulate that if the offender receives a new conviction for any offense (e.g., petty theft), he or she must be placed on the registry. The Act also calls for increased penalties for failing to register. Specifically, offenders who are not compliant can be charged with a felony and imprisoned for ten years. (Zgoba, Miner, Levenson, Knight, Letourneau & Thornton, 2015). In addition, the Act also requires sex offender registration for juveniles (age 14 and older) convicted of aggravated sexual abuse.

Zgoba, Miner, Levenson, Knight, Letourneau & Thornton (2015) conducted research on the risk assessment and recidivism of the AWA and found that the overall recidivism rate for the sample was 5.1% over 5 years and 10.2% over 10 years. AWA sought to improve community safety by standardizing the procedures used by states to classify sex offenders and to determine registration and notification requirements. Presumably, classification schemes are expected to assist with identifying and managing offenders who pose the greatest threat to public safety (Zgoba, Miner, Levenson, Knight, Letourneau & Thornton, 2015).

### **Patterns in Sex Offender Punishment**

Examining the research behind the philosophy of and evolution of sex offender punishment during the last century shows that the approaches to punishing sexual offenders is varied and often skewed (Mancini, 2014). Historically, the punishment models have fluctuated

between utilitarian, rehabilitative\therapeutic, and retributive. However, within the last decade the focus has shifted from rehabilitation back to a retributive focus with emphasis on harsher punishments.

The ‘get tough’ theme is the driving force behind current legislative policy as the public is demanding justice for such heinous crimes (Mancini, 2014). More specifically, residency restrictions limit offender’s access to children and civil commitment statutes keep offenders committed past their confinement to keep them off the streets. Ultimately, sex offender registration is limiting contact through community notification by simply making the public aware. Castration is even becoming a popular method in some states and countries as a method to remove the urges of the offender (Mancini, 2014). Some states have laws that prohibit convicted sex offenders from participating in Holiday events- greeting trick or treaters, dressing up as santa, having a curfew for holidays, or even being required to have contact with their parole officer during a holiday. Steep and drastic steps are being taken to reduce the opportunity to sexually reoffend. Some states even have a driver’s license restriction- stating on the license the individual is a registered sex offender. These approaches are eliminating the offenders risk for reoffending from the punishment decision making process (Mancini, 2014). Here, the view is that sex offenders are predators, unlikely and unwilling to be rehabilitated, and likely to reoffend. Following that logic, the only way to stop sexual offending is to restrict the opportunity to offend.

It can be argued that a deterrence framework is at work within sex offender sanctioning, as well. In this view, the proliferation of sex offender legislation sends a deterrent message to would be and current offenders that the State is taking the problem of sexual abuse seriously (Mancini, 2014). However, much of this legislation is founded on the notion that sex offenders

cannot be deterred. For example, the logic of mandatory registration, community notifications, and castration rests on the assumption that sex offenders simply cannot ignore the impulse to sexually offend. The harsher threats of punishment are not making society safer because is failing to keep sexual offenders from reoffending (Tewksbury & Mustaine, 2013). If this is true, then sex offenders will not be deterred through actions by the State. Thus, the deterrence philosophy is not consistent with the understanding of sex offenders or with the application of sex offender punishment policy.

### **Discussion and Conclusion**

The policy and treatment response to sexual offending is dynamic, comprehensive, and multifaceted. Influenced by a myriad of factors such as philosophy, public concern, the response to sex offenders has varied since the emergence of sex crimes. In the recent decades, the U.S. has returned back to retribution with a more punitive approach for sex offenders, as they are serving longer harsher incarceration periods, and more post incarceration supervision stipulations, including but not limited to longer times on state registries.

A review of the literature on the punishment and treatment of sexual offenders highlights two overarching main ideas. First is that the overall purpose and intent of sex offender punishment has varied and changed over time, the modern practices are rooted in retributive philosophical roots. Therefore, most policies have been created under the assumption that sexual offenders cannot be rehabilitated, causing the states to employ barriers to what and how they view sexual offending and sex crimes. Secondly, sexual offenders have continued to experience harsher and more severe sentences and penalties over the last few decades, even still today sex offenders are being subjugated to even more punishment even after their sentences are over.

Literature sex offender registries indicates that policy makers know the registry is a form of punishment on the sex offender but they do not know the depth of information that the offenders themselves provide to the sexual offender registry. The research literature on sex offender registries indicates that criminal justice practitioners and policy makers know that as a form of punishment they can help with future recidivism rates, but they do not know if the information that they provide is valid and in compliance and if the registries are fulfilling their desired purpose of reducing sexual violence.

Not enough information is known in regards to the completeness of the information that the offenders themselves provide to the sexual offender registry (Cubellis & Walfield, (2016).

This research addressed the limitations of sex offender notification\registration research in three important ways. First the research was focused solely on sex offenders. Second, the research looks at the information that the sex offenders provide when they register on the database. Third, the analyses presented within the research examines the completeness of the information provided by the offenders and if the database has an impact on violence against women.

The gap in the literature is noticeable, given that research examines the offenders and their punishments. Not enough information is known in regards to the completeness or validity of the information that the offenders themselves provide to the sexual offender registry. The public believes that their punishment is not enough, yet very few studies have examined the effectiveness and validity of the sex offender registry database. The goal of this dissertation is to advance the knowledge base of sex offender scholarship by examining the sex offender registry for the state of Maryland.



This literature review highlights important areas for future research. Scholars need to continue to examine the trend of sex offender sentencing patterns but from different geographical locations. Urban vs rural, northeast vs souths, is the location affecting the sentencing imposed upon these offenders? Looking at only a few states is damaging because it is not providing enough information on the sentencing trends. Looking at larger geographical areas would be more helpful in obtaining a larger picture and obtaining a clearer understanding of the sentencing pattern of sexual offenders.

Secondly, further research on civil sanctions on dealing with sexual offenders needs to be continued. Earlier on some of the more popular ones were discussed, and states use a myriad of different approaches ranging from GPS monitoring, driver's license restriction to holiday check ins. It is crucial that evaluations are conducted to see if any of these approaches are not only effective but if they serve a deterrent effect as well. It might be beneficial to examine how these sanctions are perceived differently by each offender because these different perceptions would serve implications on the compliance aspect and ultimately recidivism.

Finally, states may want to consider cost benefit analysis in regards to sex offender management. In terms of the compliance and registration requirements and the burden it places on the states hiring and training specialized staff to work with and run the registry to oversee sexual offenders. Are these registry and community notification requirements truly effective at addressing public safety or do they simply take money from other more effective crime prevention programs?

It is crucial that the proper punishment is to be determined this is especially true when dealing with sexually based crimes, however it is a complicated process because the needs of the victim, public safety and even the offender all must be taken into consideration when imposing

punishment. When punishment is identified whether utilitarian, retributive, or rehabilitative in nature helps to solidify sex offender punishment and put it into the larger framework of punishment within the criminal justice system. When punishment is put at the forefront it helps to highlight the significant role punishment plays in our society and in regards to the management of sexual offenders.

The literature provided the background and foundation as to why further research is needed concerning the registration and recidivism of sex offenders. The results are mixed, which gives further credence to the belief that there is yet no definitive way to determine whether any legislation, therapies, or coercive methods are reducing recidivism among sex offenders. Furthermore, this literature review has demonstrated that research has considered the views and ideas of the sex offenders with respect to whether community notification actually deters their behavior.

## Chapter 3: Research Methodology

### **Introduction**

The purpose of this quantitative exploratory study was to determine the completeness of the information on the (MSOR) Maryland Sex Offender Registry instrument used to assess for future occurrences of sex offender recidivism. Utilizing a sample of currently registered sex offenders convicted of a sexual offense in the State of Maryland, the study examined rates of recidivism and violent sexual crimes against women using the MSOR. The goal of the study determined the validity of the MSOR in predicting recidivism rates as measured by (a) new convictions for sex offenses and other violent crimes, (b) new convictions for sex crimes using a strict definition, and (c) any new conviction for any new crime.

After discussing the research questions and hypotheses this chapter describes the research design, including the variables, the design's relationship to the research questions being answered, time and resource constraints of the design, and an explanation of the rationale for its use. The sampling methodology will also be discussed including population, sampling procedures, participant recruitment, instrumentation used to operationalize constructs, reliability and validity of instrumentation from prior research, and data collection techniques will be described. Lastly, the threats to validity and ethical considerations will be addressed.

### **Research Questions and Hypotheses**

Three research questions and their associated hypotheses shaped and focused the purpose of this study by informing the research design, defining what the data collection must specifically answer. The independent variable the completeness of the sex offender registry provided the basis for the comparative analysis of the relationship to the dependent variables of recidivism, re-arrest rates, and violence against women that is embodied in these research

questions and hypotheses. A persistent effect of the impact of the registration laws on sexual offenders in terms of re-arrest rates is explored by RQ3.

RQ1: Are there differences in sexual offense arrest rates before and after the implementation of the Maryland Sexual Offender Registry?

Hypothesis 1: There is a significant difference in arrest rates after the implementation of the Maryland sex offender registry.

Null Hypothesis 1: There is no significant difference in the arrest rates after the implementation of the Maryland sex offender registry.

RQ2: How does the registry completeness vary by location Baltimore City and Baltimore County controlling for rates of violence against women?

Hypothesis 2: There is a difference in the level of registry completeness in offenders in Baltimore County vs Baltimore City.

Null Hypothesis 2: There is no difference in the level of registry completeness in offenders in Baltimore County vs Baltimore City.

RQ3: Is there a correlation between the implementation of registration laws and the re-arrest rates for convicted sex offenders?

Independent Variables- completeness of registry.

Hypothesis 3: Maryland sex offender registration laws do have an effect in decreasing the re-arrest rates of sexual offenders.

Null Hypothesis 3: There is no effect in Maryland sex offender registration laws in the decreasing the re-arrest rates of sexual offenders.

These hypotheses were measured were independently tested by comparing mean depression scores of the independent variable the completeness of registry for current registered sex offenders in Baltimore City and Baltimore County in the state of Maryland.

### **Research Design and Rationale**

Completeness of information provided to state registry provided the independent variable in this study. Recidivism, re-arrest rates, and violence against women comprise the dependent variables that were studied. This study addressed the limitations of sex offender notification\registration research in three important ways. First the study was focused solely on sex offenders. Second, the research looks at the information that the sex offenders provide when they register on the database. Third, the analyses presented within this research examines the completeness of the information provided by the offenders and if the database has an impact on violence against women.

Completeness of registration-related data was collected from current registrants. This included: 1) address, 2) date of registration, 3) year registered, 4) offense committed, 5) photograph. These variables were explored for their relationship to recidivism, re-arrest rates (the dependent variables), and served to authenticate the participant response. State where first adjudicated or convicted of the offense requiring registration, first state in which registration was required, and state of last registration also supported the authenticity of data provided by participants and generalizability of results.

The research design was a quantitative descriptive study and quasi experimental as the research focused on finding out if the information that the offender provides on the registry is complete and experimental because the subject (violence against women), and recidivism rates are being measured pre and post implementation of the sex offender registry in Maryland. The

design is appropriate for answering the research questions because it allowed for observation and analysis of more than one statistical outcome variable at a time. According to Harris, McGregor, Perencevich, Furuno, Zhu, Peterson and Finkelstein (2006), Quasi-experimental study designs, often described as nonrandomized, pre-post intervention studies. Quasi experimental studies encompass a broad range of intervention studies, typically utilized when a nonrandomized intervention study. So for this study in examining sex offender completeness of information the sample was not randomized but carefully selected as the researcher wanted to ensure an even distribution from the city and county (urban vs rural) sample. The reason the study utilized a quasi-experimental study is that because it will be doing a pre and post intervention. Completing an evaluation of a time series comparison of the impact of the registry on rates of violent sex crimes against women in the state of Maryland exemplifies the flexibility of the quasi experimental design for research adaptation. The study looked at the recidivism rates of sex offenders and the rates of violent crimes against women at pre and post implementation of the sex offender registry in Maryland.

According to Harris, et al (2006), Quasi-experiments are studies that aim to evaluate interventions but that do not use randomization. Similar to randomized trials, quasi-experiments aim to demonstrate causality between an intervention and an outcome. Quasi-experimental studies can use both pre intervention and post intervention measurements as well as non-randomly selected control groups.

Quasi experimental designs are more feasible and do not have issues with the time constraint. These kinds of studies also represent real life situations. According to Jaikumar (2016), for this reason, external validity is increased quasi-experimental research. Reactions of test subjects are more likely to be genuine because it not an artificial research environment. It

can be very useful in identifying general trends from the results, especially in social science disciplines. According to Gasparrini and Lopez Bernal (2015), quasi-experimental analyses address potential imbalances either by design, through comparison with counterfactual scenarios matched for some of these factors, or by controlling for confounding variables in regression models. It reduces the difficulty and ethical concerns that may surround the pre-selection and random assignment of test subjects.

**Adult sex offenders.** For the purposes of this study, the term adult sex offenders was defined as individuals who have been convicted of or pled guilty to a sexually oriented offense (Terry, 2013).

**Deterrence.** For the purposes of this study, the term deterrence was defined as the use or threat of a punishment to prevent a criminal from committing an illegal act (Tewksbury, Jennings & Zgoba, 2012).

**Recidivism.** For the purposes of this study, the term recidivism was defined as the commission of a subsequent offense (Tewksbury, 2002).

**Sexual offense.** For the purposes of this study, the term sexual offense was defined as a knowingly causing another person to engage in an unwanted sexual act by force or threat (Mancini, 2014).

The retrospective view provided by quasi experimental research allows for the examination of the impact of the independent variable over time. The dependent variables were analyzed at pre and post implementation of the Maryland sex offender registry to see if the registry has an impact on those variables. Resource and time constraints of a retrospective approach are largely limited to data collection and the amount of time it takes to obtain sufficient sample size.

As mentioned previously, literature regarding sex offender registries indicates that the registry is a form of punishment for the sex offender but the research does not provide enough on the depth of information that the offenders themselves provide to the sexual offender registry. Essentially, not enough information is known in regards to the completeness of the information that the offenders themselves provide to the sexual offender registry (Cubellis, Walfield, and Harris, (2016). Compared against these observations is that today's culture knows little about most sex crime policies. More specifically, the public knows little about how or why they emerged and whether or not they are effective at reducing sexual victimization or recidivism (Tewksbury & Mustaine, 2013). This is exactly the kind of knowledge that is lacking in the literature and that this study seeks to advance by exploring the effectiveness of the Maryland sex offender registry on the recidivistic nature of sexual crimes in the state post registry implementation.

### **Methodology**

Research questions inform the most appropriate methodology used to study a problem (Rudestam & Newton, 2007). This study utilized a quantitative methodology with a quasi- experimental time series correlational analysis. The use of a quasi- experimental study allowed for the collection of numeric data necessary to answer the question of whether there is a lack of complete and accurate information provided by sexual offenders to the Maryland Sexual Offender Registry. A time series allowed for an analysis of more than one statistical outcome variable at time. More specifically for this research to see if the registry is having a deterrent effect on the recidivism rates of offenders and rates of violent sexual crimes by looking at data pre and post registry implementation.



The most effective design in acquiring the information needed for this study is the quasi experimental design. According to Creswell (2012), the quasi-experimental design is the most appropriate approach because the sex offenders were not randomly assigned groups. The proposed research will determine the completeness of the information on the (MSOR) Maryland Sex Offender Registry instrument used to assess for future occurrences of sex offender recidivism. Utilizing a sample of currently registered sex offenders convicted of a sexual offense in the State of Maryland, the current study examined rates of recidivism and violent sexual crimes against women using the MSOR. The goal of the study was to determine the validity of the MSOR in predicting recidivism rates as measured by (a) new convictions for sex offenses and other violent crimes, (b) new convictions for sex crimes using a strict definition, and (c) any new conviction for any new crime.

Offenders required to register on the Maryland Sex Offender Registry are mandated by law to update their information to the registry. Tier I offenders are required to update information every 6 months, Tier II offenders are required to update their information every 6 months, and Tier III offenders are required to update their information every 3 months (Maryland Sex Offender Advisory Board Report, 2014).

### **Population**

The treatment (sex offender registration), cannot be manipulated in this study, and therefore must be included by selection. This dictates two of the target populations: registered sex offenders from Baltimore City and Baltimore County located in the state of Maryland.

Because this study sought to examine the completeness of information that registered sex offenders provide to the sex offender registry. The population was narrowed to currently registered adult sex offenders in Baltimore City and Baltimore County Maryland between the

ages of 21-70. The sample for this study comprised of a total of 1,985 registered sex offenders currently listed on the Maryland Sexual Offender Registry from Baltimore City having 1,281 registered offenders which is the largest part of Maryland and Baltimore County has a total of 704 offenders so that analysis would be done to compare differences in urban vs rural offenders. Baltimore City is the urban city of Maryland the actual city of Baltimore. Baltimore County is the county that borders the city. They are not intertwined and separate from each other. The age of 21 was selected as the lower age limit for this study to better assure individuals have attained an age where they are expected to function as an adult. The age of 70 was selected as the upper age limit because depending on the tier of registry (I, II, III) the offender is placed on it could be a lifetime registration.

Convicted sex offenders live in most U.S. communities. According to Harris, Levenson and Ackerman (2014), there is a total of 739,853 registered sex offenders across all fifty states and the District of Columbia for an average rate of 236 registered sex offenders per 100,000. This number could be higher considering those who are not in compliance with the state registry or who have failed to register. The National Center for Missing and Exploited Children (2016) estimated that nationally, 16% of registered sex offenders cannot be located. The accuracy of sex offender registries can be comprised by time lags in processing the information or by offenders offering erroneous information or failing to register altogether.

### **Sampling and Sampling Procedures**

The sampling strategy was a non-probability and the method was purposive sampling because the researcher was purposively selecting the sample and participants based upon completeness of information. The sample is from the public statewide sex offender registry and is public database with all information coming from the Maryland Sex Offender Registry.

Personal information on offenders and indications about what is and is not contained on the site about the individual offender comprise the primary data. The range of data is limited because the site only has minimal information on each offender. The data to be used in the analysis consisted of individual offender sex, race, county of residence, registration year, length of required registration, if a photo appears and the address. The researcher focused and narrowed the database on those two geographical areas and search the offender registry to see if there is completeness of the following information: 1) address, 2) date of registration, 3) year registered, 4) offense committed, 5) photograph. Once the offenders in these two areas were reviewed for information- those determined to have any missing information were marked for the sample.

The sampling frame included individuals between the ages of 21 and 70. The sample was drawn from any sex offender who was convicted of a sex crime and was currently registered on the Maryland state Sex Offender Registry as of 2018. It excluded individuals who were previously registered as offenders but who are not currently registered, or any juvenile offenders.

In calculating a priori sample size, statistical power, alpha level, and effect size are required for studies using multiple regression for analysis of variance with the independent variable while controlling for known predictors. Statistical power is the probability that a test will detect an effect when one exists (Field, 2013), while alpha level is the probability of detecting an effect when one does not actually exist (Field, 2013).

Effect size represents the influence or degree of change caused by the independent variable, or treatment, on the dependent, or outcome variable (Rice, 2009). In this study the effect size represented the recidivism rates and the rates of violence sex crimes that is caused by the deterrent effect from the level of completeness of information the sex offender provides to

the state registry. According to (Rice, 2009) it is associated with the influence of a treatment to change a condition the larger the effect size, the greater the power or influence of the treatment.

Existing social science research informs that for medium effect size a value of .15 should be used in determining sample size for multiple regression studies (Rice, 2009). Conventional criterion of .05 for alpha level and statistical power of .80 are recommended by (Fields, 2013) to achieve an 80% chance of detecting an effect that actually exists.

### **Data Collection**

Data sources included the Maryland Sex Offender Registry which is a state wide sex offender public registry notification system accessible on the internet. The registration information is public and all information is on the registry website. The researcher organized the data from the database from those two geographical areas and searched the offender registry to see if there is completeness of the following information: 1) address, 2) date of registration, 3) year registered, 4) offense committed, 5) photograph.

Maryland implemented the Sex Offender Registry in 1995. Crime Data looking at violent crimes against women such as sexual assault and rape were obtained from the Maryland State Police for the years 1992-1994 to assess violent sexual crime rates before implementation of the registry. Violent crime data from 1995 to 2016 was accessed from the State of Maryland to see if the registry has had an impact on sexual crimes after its implementation. Data would need to be included until 2016 because Maryland made some changes and updates to their registry in 2007 and again in 2013.

Crime data from both the pre and post registry implementation was obtained from the Maryland State Police the uniform crime reports. In these reports the focus would be on the

violent sexual crime that was obtained statewide looking at the data from 1992-1994. From this data the researcher expects to get the statistics and levels of violent crime from the pre implementation of the registry within the state. The reason this data needs to be obtained is because its crucial to see what the violent sexual crime levels were before the registry was implemented in order to see after implementation if a deterrent effect has occurred. All data comes from the Maryland Sex Offender Registry. Personal information on offenders and indications about what is and is not contained on the site about the individual offender comprised the primary data. The range of data is limited because the site only has minimal information on each offender. The data used in the analysis consisted of individual offender sex, race, county of residence, registration year, length of required registration, if a photo appears and the address. The researcher focused and narrowed the database on these two geographical areas and searched the offender registry to see if there is completeness of the following information: 1) address, 2) date of registration, 3) year registered, 4) offense committed, 5) photograph. Once the offenders in these two areas were reviewed for information- those determined to have any missing information were marked for the sample. Once the researcher has the sample from both the city and the county- the researcher will ran the address provided on the database into the Maryland Department of Taxation and Evaluation website in order to determine if that address is indeed a legitimate residential address. Those offenders whose addresses come back as residential were marked as such and the researcher continued to move through the database.

Data regarding the property type was collected by the City or County Property Valuation Site or the State of Maryland Department of Taxation and Land Assessment.

Once the sample offenders from both the city and county were selected the listing was reviewed and the data was recorded. The first step to access accurate information was to note if an address

was listed for the offender. The addresses was then checked against the city or county property page or the State of Maryland property evaluation site to see if the residence 1) exists and 2) if it is a residential property. If the property is listed on the evaluation site as a resident property it was recorded as such. Finally, justice in the administration of law and policy demands that researchers chose inclusion criteria for participants based on the science being studied and not a participant's position in society or his or her particular vulnerabilities. Justice: It extremely important to protect the sex offenders from being exploited and the benefits of the research to help ensure the policies and guidelines of the registry are effective at reducing the recidivistic risk.

Research has minimal risk but maximum benefit because conducting a time series analysis of the Maryland Sex Offender Registry will allow policy makers and the Maryland legislature to better understand their policies and if the sex offender registry is effective at deterring offenders from recidivistic behavior. The researcher is utilizing secondary data provided by the Maryland Uniform Crime Report, Maryland State Police and public information provided on the State Sexual Offender Registry. All information is public knowledge and made accessible to the public to access. No permission is necessary to access the database as it is all public record and available on the internet. Based off a study by Tewksbury (2002) for any addresses that cannot be located on the real estate property evaluation site the researcher pulled the address up on a geographical map to determine: 1) if the address exists; 2) if there is a structure on the property; 3) and if the structure is residential, commercial entity, group home or other type of facility.

#### **Access to State Data**

The data for this study is all public data collected by the state of Maryland statistical analysis center. The data was obtained from the Governor's Office of Crime Control and Prevention Website under the heading crime data and filter by years. More specifically, this study gathered data on violent crimes against women rape, sexual assault, etc for the years 1992-1994 to assess violent sexual crime rates before implementation of the registry. Violent crime data from 1995 to 2016 was accessed from the State of Maryland to see if the registry has had an impact on sexual crimes after its implementation. Data would need to be included until 2016 because Maryland made some changes and updates to their registry in 2007 and again in 2013.

The procedure to obtaining the data was to fill out the Research Application Form with the Department of Public Safety and Correctional Services with the State of Maryland to explain the study, purpose of the study and the data needed for the study. This application is then submitted to the office of statistics for the state of Maryland and they will provide me with any additional data or specific filtered data that the researcher needs to complete the research. See a copy of the State of Maryland research application form attached in Appendix A.

The researcher could not obtain the needed data from the Governor's office of crime control and prevention but was able to obtain the data from the Maryland State Police public records information. See a copy of the letter from the Maryland State Police attached in Appendix B.

### **Instrumentation and Operationalization of Constructs**

Completeness of Information was measured using the Sex Offender Registry and Notification Act Implementation Checklist developed by the U.S. Department of Justice Office of Sex Offender Sentencing, Monitoring, Apprehending, Registration and Tracking (SMART) in 2006. The checklist is a tool that was designed to assist the registration jurisdictions as they

began to implement the Adam Walsh Act which mandated that all states create a state wide public sex offender registry under the SORNA act. The checklist helps to ensure that the information offenders provide to the statewide database are in compliance with SORNA law and policy.

### **Appropriateness to Study**

The Sex Offender Registry and Notification Act Implementation Checklist developed by SORN was chosen because it is thorough and the best way to ensure compliance of the information provided to state registry. The checklist considers the duration of information and compliance of state registry in accordance with mandates set forth by the federal government. This checklist also sets the standard for which all states must comply when establishing and maintaining their sex offender registry it is the core component to which all states must follow without exception. In addition, at its face, subjective evaluation of the SORNA Checklist finds a measure whose items reasonably capture the variable of completeness of information accurately, making it especially appropriate for this study.

### **Permission From Developer**

The SORNA Checklist is a public document created by the U.S. Department of Justice obtained from the SORNA website. This document is of public domain and contains no data or data about any individual, therefore no permission is needed to use the checklist.

### **Published Reliability and Validity**

Content validity is the degree to which elements of a measure are relevant and represent the construct to be measured (Frankfort-Nachmias & Nachmias, 2008). While the Sex Offender Registration and Notification Act Checklist was initially developed for state sex offender compliance to screen for completeness of information, the instrument has also been



used with the general population (Tewksbury, 2002). Reliability, as determined by analysis of internal consistency as measured by Cronbach's  $\alpha$ , was found to be 0.82 or greater for this population (Tewksbury, 2002). Good criterion validity was found in tests of registries regarding recidivism rates that also demonstrated strong construct validity with comparable sensitivity and specificity with internal consistency was reported using Cronbach's  $\alpha = 0.89$  and  $0.86$  (Carr, 2015).

The alignment of items in the Sex Offender Registration and Notification Implementation Checklist criterion for completeness of information and information content. Greater content validity was achieved in this study by assuring the sample population represents the study-registered sex offenders in Baltimore City and Baltimore County Maryland.

Criterion validity is concerned with the relationship between individuals' performance on two measures of the same construct (Mislevy & Rupp, 2010). Tewksbury established criterion validity in his study assessing the Kentucky state registry and the effectiveness of information the offenders provide to the state database. Tewksbury (2002), in the urban county 51.3% of sex offenders with an unknown address have no accompanying photograph and in the 13 rural counties fully 60% have no accompanying photograph. Tewksbury used the SORN checklist to as his level of measurement in the study to assess the information provided to the database. The checklist is the gold standard to assess the accuracy of information regarding sex offender information (Tewksbury, 2002).

Construct validity requires that the relationship postulated between the independent variable, completeness of information, and the dependent variable, recidivism, violent crimes against women, is recognized and measured by the instrument (Frankfort-Nachmias & Nachmias, 2008). This can be assessed by relating completeness of

information on sex offender registry, to a test of recidivism and violent crimes against women as a construct that attempts to explain it (2008). Quasi-experimental approaches are particularly useful when investigating causal relationships in situations where it is impossible to have the necessary control, manipulation and randomization required for true group experimental designs (Behi & Nolan, 1996).

The study will provide for reliability and internal consistency through its sample size. The sample was an actual representative sample size of offenders in Baltimore City and Baltimore County Maryland. Participation and recruitment issues will not be an issue because no participants will be needed for the study only the information they provide to a public sex offender state database. Because the sample is larger and representative of all areas of the city and county the results are more reliable and representative of the offenders and if the study were to be replicated again the results could easily be the same. The best method to approximate the number of participants is to conduct a power analysis (Field, 2013). A power analysis advises the researcher regarding how many subjects are necessary to detect any effects that result from the independent variables, given (a) the size of the effect of these variables in the population, (b) the type of statistical tests to be used, and (c) the level of significance (or alpha level) of the study (Field, 2013).

### **Data Collection**

All data was obtained from public access data from the State of Maryland crime data at time points at pre and post implementation of the sex offender registry. The focus of the state crime data would be on the violent sexual crime that was obtained statewide looking at the data from 1992-1994, to assess violent sexual crime rates before implementation of the registry. Violent crime data from 1995 to 2016 would be accessed from the State of Maryland to see if the

registry has had an impact on sexual crimes after its implementation. Data would need to be included until 2016 because Maryland made some changes and updates to their registry in 2007 and again in 2013. From this data the researcher expects to get the statistics and levels of violent crime from the pre implementation of the registry within the state. The reason this data needs to be obtained is because it's crucial to see what the violent sexual crime levels were before the registry was implemented in order to see after implementation if a deterrent effect has occurred.

Personal information on offenders and indications about what is and is not contained on the site about the individual offender comprise the primary data. The range of data is limited because the site only has minimal information on each offender. The data to be used in the analysis will consist of individual offender sex, race, county of residence, registration year, length of required registration, if a photo appears and the address. The researcher focused and narrowed the database on these two geographical areas and searched the offender registry to see if there is completeness of the following information: 1) address, 2) date of registration, 3) year registered, 4) offense committed, 5) photograph.

Once the offenders in these two areas were reviewed for information- those determined to have any missing information were marked for the sample. Once the researcher has the sample from both the city and the county- the researcher ran the address provided on the database into the Maryland Department of Taxation and Evaluation website in order to determine if that address is indeed a legitimate residential address. Those offenders whose addresses come back as residential were marked as such and the researcher continued to move through the database. The sampling strategy was non-probability and the method was purposive sampling because the researcher purposively selected the sample and participants based upon completeness of information. Data regarding the property type was collected by the City or County Property

Valuation Site or the State of Maryland Department of Taxation and Land Assessment. Once the sample offenders from both the city and county were selected the listing was reviewed and the data was recorded. The first step to access accurate information was to note if an address was listed for the offender. The addresses were then checked against the city or county property page or the State of Maryland property evaluation site to see if the residence 1) exists and 2) if it is a residential property. If the property is listed on the evaluation site as a resident property it was recorded as such. The reliability and validity assessment values are high because the instruments have been created.

### **Operationalization**

The independent variable completeness of information was defined as the level and amount of information that the sex offender provides to the Maryland sex offender registry (SRO). For the purposes of this study the variable was broken down into five main constructs 1) address, 2) date of registration, 3) year registered, 4) offense committed, 5) photograph.

The dependent variable recidivism for the purposes of this study, the term recidivism is defined as the commission of a subsequent offense.

The dependent variable re-arrest rates for the purposes of this study, the term re-arrest rates is defined as the commission of a subsequent sexual or non-sexual crime for which the sex offender is re-arrested.

The dependent variable violence against women for the purposes of this study, the term violence against women is defined as violent crime against women such as rape, sexual assault, domestic violence that was committed against women within the state of Maryland during the years of 1992-1994 and 1995 to 2016 which are the years of focus the archival data is focusing on.

The independent variable completeness of information was broken down into five constructs 1) address will be measured as a nominal variable because only a name or label will be associated with that variable. 2) date of registration will be a numerical discrete variable listing the date of registration. 3) year registered will be a numerical discrete variable listing the year of registration. 4) offense committed will be a categorical ordinal variable broken down into type of offense that was committed based on the offenders ranking on the sex offender registry (Tier I, II, III). 5) photograph will be a nominal variable because only a name or label will be associated with this variable.

The dependent variable of recidivism will be a categorical ordinal variable broken down into the type of offense that was committed by the offender.

The dependent variable of re-arrest rates will be a categorical ordinal variable broken down into the type of offense that was committed by the offender since being released from prison and being registered as a sex offender in the state of Maryland. Offenses will be broken into two main groups new sexual offenses and non-sexual crimes.

The dependent variable violence against women will be a categorical ordinal variable broken down into violent crimes against women such as rape, assault and domestic violence.

For the independent variable construct of address that nominal variable the label that will be associated with that variable is does the offender have a legitimate address on file with sex offender registry. If the offender has a complete address listed on file meaning it has a full address including city and zip code it was marked as a yes, if any part of the address is missing then the address was deemed as incomplete. 2) date of registration will be a numerical discrete variable simply listing the offenders date when they first became a registered sex offender within the state of Maryland. 3) year registered will be a numerical discrete variable that will list the

exact year the offender registered with the Maryland sexual offender database. 4) offense committed will be a categorical ordinal variable that will give a rank order 0, 1, 2 based on the offenders tier status on the registry. 5) photograph will be a nominal variable and a label will be assigned with a yes or no if the offender has provided a photograph to the registry.

The dependent variable of recidivism will be a categorical ordinal variable and the crime will be given a rank order 0 for violent offense, 1 for nonviolent offense, 2 for sexual crime, 3 for non-sexual crime.

The dependent variable of re-arrest rates will be a categorical ordinal variable broken into two ranking groups 1 for re arrest for a new sexual crime, 2 for a new non-sexual crime.

The dependent variable violence against women will be a categorical ordinal variable broken down into category rank by types of crimes against women 1 rape, 2 sexual assault and 3 domestic violence.

### **Data Analysis Plan**

Data collected from the survey was imported into the SPSS Statistical software tool so that multiple regression analysis that controlled for potential confounding effects could be performed.

The data is coming from the Maryland State Police and Maryland Statistical Analysis Center before the data gets to the researcher the data has been cleaned and screened previously by the state. The research began the cleaning process with a consideration of the research project's unit of analysis. To ensure that the entities to which your data are specifically related—are human respondents the score for each variable that you have recorded in the data file (e.g., the response to a particular item on one of your inventories) represents the behavior of an individual sampled by your research methodology. The challenge in code cleaning is to

determine, for every case, whether each variable contains only legitimate numerical codes or values and, secondarily, whether these legitimate codes seem reasonable. For example, respondent gender (a nominal level variable) can be arbitrarily coded as 0 for males and 1 for females. To the extent that all cases on the gender variable are coded as either 0 or 1, we can say that this variable is “clean.” Notice that code cleaning does not address the veracity or correctness of an appropriately coded value, only whether or not the variable’s code is within the specified range (Field, 2013).

This method of statistical analysis was selected over ANCOVA analysis of covariance because it provided the ability to better interpret interacting effects. If the effect of a covariate overlaps with the effect completeness of information on registry (the independent variable), it reduces the effect of the on recidivism\violence against women (the dependent variables) because the covariate explains some of the variance (Field, 2013).

RQ1: Are there statistically significant differences in sexual offense arrest rates before and after the implementation of the Maryland Sexual Offender Registry?

RQ2: How does the registry completeness vary by location in Baltimore City and Baltimore County, controlling for rates of violence against women?

RQ3: Is there a correlation between the implementation of registration laws and the re-arrest rates for convicted sex offenders?

Hypothesis 1: There is a significant difference in arrest rates after the implementation of the Maryland sex offender registry.

Hypothesis 2: There is a difference in the level of registry completeness in offenders in Baltimore County vs Baltimore City.

Hypothesis 3: Maryland sex offender registration laws do have an effect in decreasing the re-arrest rates of sexual offenders.

Hierarchical multiple regression was used for data analysis because it can determine whether a predictive relationship exists by comparing criterion groups based on changes in the independent variable after controlling for all other known predictor variables of recidivism. Two independent t tests of the population groups for Baltimore City and Baltimore County were analyzed. To facilitate this analysis, categorical covariates such as 1) address, 2) date of registration, 3) year registered, 4) offense committed, 5) photograph were coded. Dichotomous concomitant variables such as recidivistic variables for offenses violent, non-violent, sexual, non-sexual, re-arrest variables new sexual crimes, new non-violent crimes, violence against women variables rape, sexual assault and domestic violence were also coded.

All statistical tests was conducted in SPSS and all data was converted into output in the forms of charts and graphs per SPSS. Results were provided showing the entire output and the results will be interpreted based on the output provided from SPSS. Significance level, alpha level will be discussed and a thorough analysis of the output were provided.

### **Threats to Validity**

Because the nature of this study is non-probability and the method was purposive sampling because the researcher purposively selected the sample need poses a number of threats to validity.

When an effect, such as recidivism, can be attributed to completeness of information, on the sex offender registry rather than other unmeasured or uncontrolled differences between registered and unregistered persons, internal validity is achieved (Tuckman & Harper, 2012). In addition, by limiting the individuals in the sample to those in early to late adulthood (age 20 to



70), threats to validity related to differences in maturation and age-based developmental norms and expectations for this population are reduced.

Regression models are extremely powerful tools that are used to predict a dependent variable from a set of predictors. An important problem is whether results of the regression analysis on the sample can be extended to the population the sample has been chosen from. If this happens, then we say that the model has a good fit and we refer to this question as a goodness-of-fit analysis, performance analysis or model validation analysis for the model (Giancristofaro & Salmaso, 2003). In order to ensure selection maturation interaction the research model must contain the variables and the variables must be entered in the correct functional form.

Threats to external validity can arise from participant selection, uniqueness of study setting, and timing (Creswell, 2013). The nature of the subject of this study contributed to the complexity of these issues: Maryland sex offender registry and a sample of sex offenders. Generalizability of findings may not occur when the sample is not representative of the larger sex offender registrant population. To minimize threats to external validity the broadest and largest possible sampling frame was used to provide for meaningful statistical analysis.

Statistical conclusion validity is threatened when there is inadequate statistical power or statistical assumptions are violated causing inaccurate inferences from data (Creswell, 2009). It is anticipated that multicollinearity of some confounding variables will exist. In conducting statistical analysis using multiple regression, these threats were addressed.

### **Ethical Procedures**

Completeness of Information was measured using the Sex Offender Registry and Notification Act Implementation Checklist developed by the U.S. Department of Justice Office of Sex Offender Sentencing, Monitoring, Apprehending, Registration and Tracking (SMART) in 2006. The checklist is a tool that was designed to assist the registration jurisdictions as they began to implement the Adam Walsh Act which mandated that all states create a state wide public sex offender registry under the SORNA act. The checklist helps to ensure that the information offenders provide to the statewide database are in compliance with SORNA law and policy.

This study did not utilize any human participants it utilizes secondary data that has been collected by the state of Maryland. Data sources included the Maryland sex offender registry which is a state wide sex offender public registry notification system accessible on the internet. The registration information is public and all information is on the registry website. The researcher organized the data from the database from those two geographical areas and searched the offender registry to see if there is completeness of the following information: 1) address, 2) date of registration, 3) year registered, 4) offense committed, 5) photograph.

This study was conducted using protocols required by the Walden University Institutional Review Board (IRB). Ethical procedures used were in keeping with recommendations for ethical research set forth by the American Psychological Association (Smith, 2003). In addition, I have earned a certificate of completion from the CITI Program “Ethics and Compliance Training.”

Access to participants will not be an issue as this study is not dealing with any participants it dealt with secondary data and a database all of which is public access and record.

The researcher did not have access to any sensitive population or information at any time throughout the duration of the study.

No ethical issues regarding data collection are of a concern for this particular study because the data for this study has already been collected from a reputable agency the statistical analysis center for the State of Maryland. The data has been collected in an ethical manner and no subjects were harmed by the state during their data collection. The state provided their data sets to the researcher so no participants will be involved in the data process.

The data is anonymous as it was collected from the state and the researcher did not know the identities of the participants or anyone who was involved with the data collection. The state of Maryland has already transcribed the raw data, they will be filtering out anything that connects any participants to the data and only sent the researcher data sets.

Data was stored electronically on the researcher's personal flash drive and laptop and only the researcher will have access to the drive and laptop. Once the data was coded the data was stored in SPSS on the researcher's desktop computer which was locked in the researcher's private office to which only the researcher has the key to gain entry to the office. The data will be saved for at least five years to provide accessibility for review or reproducibility. This anonymous data may potentially be shared with the State of Maryland for future policy and legislative reviews, and for further research.

Several potential ethical issues for research studies, in general, do not pose issue for this study. This study is not being conducted in my work environment; there are no conflicts of interest, including related to sexual offender registry, registry notification, or instrumentation used; and anonymous data collection.

### **Summary**

Due to the nature of the independent variable, completeness of information, a quasi-experimental time series design was used to answer the research questions. To minimize threats to internal and external validity the broadest and largest possible sampling frame was used to provide for meaningful statistical analysis. This sampling method allowed for representative sample, and provided enough of a sample to permit comparisons that explore the relationship between completeness of information on the sex offender registry, recidivism, re-arrest rates and violence against women in the state of Maryland. Sex Offender Notification Act and Implementation (SORNA) Checklist (2006), was used to measure completeness of information provided to the state registry that was developed by the U.S. Department of Justice that came out of the Adam Walsh Act that mandated all states develop sex offender registries. Face and content validity of the instrument was enhanced as this checklist was developed by the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking.

Where external validity is supported by larger sample sizes, internal validity is strengthened by systematically exploring and controlling for concomitant variables that may confound the completeness of information's contribution to recidivism. For this reason, multiple regression was conducted using SPSS statistical software to provide for the statistical analysis of confounding variables. Chapter 4 provides greater detail regarding data collection. Most importantly, the results of statistical analysis of data obtained during collection is presented.

## Chapter 4

In the previous chapter, sex offender punishment was examined from a historical and contemporary perspectives to investigate the ways in which sex offenders have been punished, examining both criminal and civil sanctions. This chapter on the other hand, will examine the question does the Maryland Sex Offender Registry deter offenders from offending? Additionally, within the context of this chapter will also discuss the data collection methods and sample.

Sex offenders have almost always been subject to severe sentencing laws and harsh treatment from society. One recent advance in such sanctions is the development and implementation of sex offender registries. The stated goals for sex offender registries are to deter offenders from future offending, provide law enforcement with an additional investigative tool, and to increase public protection (Mustaine, Tewksbury, & Stengel 2006). The basic assumption of sex offender registries which are public knowledge and posted publicly on the internet are to effectively expose offenders to the public and ultimately minimize the possibility of recidivistic risk. In other words, sex offenders will recognize that the possibility of punishment is imminent and severe to an extent that re-offending will not be in their best interests (Mustaine, Tewksbury & Stengel, 2006). Presently all 50 states are required to have a state sex offender registry, however each state differs in the way the registry is set up with each registry ranging in detail from 2 to 18 pieces of information listed per offender (Mustaine, Tewksbury & Stengel, 2006).

In summary, no research to date has shown a statistically significant effect of registries on sex offense recidivism (Mustaine, Tewksbury & Stengel, 2006). Could it be due to time lags in processing offenders or simply offenders providing false information to the registry.

According to Mustaine, Tewksbury & Stengel 2006 numerous problems with accuracy and completeness of registries have been found.

Accordingly the goal of this chapter is to advance scholarship by providing one of the first detailed, systematic accounts on sex offender registry validity of information on the Maryland Sex Offender Registry (MSOR) instrument used to assess for future occurrences of sex offender recidivism in the state of Maryland. The gap in the literature is noticeable, given that we examine the offenders and their punishments. Not enough is known in regards to the completeness or validity of the information that the offenders themselves provide to the sexual offender registry. This chapter fills that gap by examining the Maryland Sex Offender Registry by utilizing a sample of currently registered sex offenders convicted of a sexual offense in the state of Maryland, examining the rates of recidivism and violent sexual crimes against women using the MSOR.

The purpose of this study will determine the completeness of the information on the (MSOR) Maryland Sex Offender Registry instrument used to assess for future occurrences of sex offender recidivism. Using a sample of currently registered sex offenders convicted of a sexual offense in the State of Maryland, the current study examined rates of recidivism and violent sexual crimes against women using the MSOR.

RQ1: Are there statistically significant differences in sexual offense arrest rates before and after the implementation of the Maryland Sexual Offender Registry?

RQ2: How does the registry completeness vary by location in Baltimore City and Baltimore County, controlling for rates of violence against women?

RQ3: Is there a correlation between the implementation of registration laws and the re-arrest rates for convicted sex offenders?

Hypothesis 1: There is a significant difference in arrest rates after the implementation of the Maryland sex offender registry.

Hypothesis 2: There is a difference in the level of registry completeness in offenders in Baltimore County vs Baltimore City.

Hypothesis 3: Maryland sex offender registration laws do have an effect in decreasing the re-arrest rates of sexual offenders.

This chapter will proceed in the following manner. First the sex offender sample will be discussed and the use of the Maryland state crime data expected findings will be discussed. Second, the data and methodology used in this chapter are presented. 1) the amount of registered offenders by Tier status in Baltimore City and county, 2) the offender demographics by addresses provided in Baltimore City and county, 3) the breakdown of sex crimes- rapes in the state of Maryland from 1992-2016. In addition, this study explores how these outcomes have changed over time (specifically, 1992 to 2016). These analyses not only illustrate patterns in approaches to sex offender recidivism in Maryland, but also highlight areas for future research. Fourth and finally, this chapter closes with a discussion of the results and implications for future research.

### **Current Study**

Maryland serves as a useful setting in which to examine the sex offender registry. Maryland's approach to the sex offender registry has undergone significant changes over the past thirty years. In addition, media attention to cases of sexual abuse (e.g., Molly Shattuck) and sex offender policy (e.g., homeless offenders, civil commitment, and absconded offenders) has placed Maryland in the national spotlight. To date, Maryland has never examined the validity or effectiveness of their sex offender registry the state's official approach to sexual offense data and

reports on sexual offenders in the state has not been well documented. To address this gap in the literature, this chapter examines registered sex offenders in Baltimore City and Baltimore County Maryland by Registration Level or Tier and address they provided to the MSOR when registering as an active sexual offender upon reintegration back into the community to see if there is a difference in geographical location of offenders. Specifically, this chapter is focused on registration level (e.g., tier (length), address provided to the MSOR was it valid, not valid, or commercial and how that varies by geographical location.

### **Data Collection**

Upon receiving IRB approval data collection began. Data for these analyses came from the Maryland Sex Offender Registry. The population was narrowed to currently registered adult sex offenders in Baltimore City and Baltimore County Maryland between the ages of 21-70. The researcher organized and scrubbed the data from the database from those two geographical areas and searched the offender registry to see if there is completeness of the following information: 1) address, 2) date of registration, 3) year registered, 4) offense committed, 5) photograph. After scrubbing the MSOR for Baltimore City and Baltimore County registered sex offenders eliminating any offenders who did not have a complete address, ensuring their profile had a photograph, the offense committed, year registered and date of registration, and evaluating those that were under or over the age range of the sample the final sample came out to be 704 registered offenders for Baltimore County and 1,281 registered offenders for Baltimore City. The Baltimore City offenders comprise 90% of the sample. Crime data on violent sexual crimes came from the Maryland State Police data files. Compiled by the Maryland State Police and covering a 24 year period, this dataset contains information on the number of reported forcible



rapes, rapes with a weapon, the amount of sexual crimes that amounted in guilty convictions, and the sexual assault rates for those under 18 in the State of Maryland during that 24 year period.

Additionally, while utilizing secondary data from the state of Maryland data discrepancies in collecting the data were encountered. One of the first discrepancies that was encountered was from the Department of Correctional Services and Research to which an application for the secondary data for sexual crimes against women was submitted. The state held the application for longer than anticipated and follow ups were hard to get. When the researcher was able to make contact with the Director it was informed that the state did not have the data needed simply because they didn't have that much archival data on file or the ability to separate victimology in the sexual assault\rape data.

After being denied from the state, the researcher reached out to the public records division of the Maryland State Police. It was with the public records division through the State Police the researcher was able to obtain the data needed for the dissertation. The State Police was able to provide the data on disc and sent it to the researcher. However, a few discrepancies were encountered with the data from the State Police 1) they did not have data for the years 1990-1991, 2) data for 2017-2018 was not available with the State Police yet as it is not yet finalized; 3) the State Police do not record victim identity when recording and analyzing data so female and male victims are grouped together; 4) these numbers are only numbers that are reported to the police, the number of rapes and sexual assault crimes for the years 1992-2016 in Maryland could actually be higher but there is no way of knowing as the state only knows what is reported.

Finally, the researcher also contacted the Maryland State Judiciary headquarters in Annapolis, MD to see if the 4 years of missing data and/or if the Judiciary could provide 24 years of data on violent sexual crimes against women with the data filtered with just women.

After months of communication with the State Court Administrator neither one of the data requests could be granted from the State Court Administrator for the following reasons 1) too much manpower and money to fill; 2) the court would not be able to filter out private sensitive personal victim information.

### **Descriptive and Demographic Characteristics of the Sample**

The sample for the study comprised of currently registered sex offenders in the state of Maryland on the MSOR in Baltimore City and Baltimore County Maryland the two largest areas in the state. The total sample size of registered sex offenders for the study (n=1985) with 90% of the sample coming from sex offenders in Baltimore City (n=1,281) and Baltimore County sex offenders (n=704). Sex offenders were included in the sample if they had a complete profile that contained the following information: 1) address, 2) date of registration, 3) year registered, 4) offense committed, 5) photograph. Sex offenders for the sample were in the age range between 21-70.

In order to determine which geographical location had the most distribution of violent sex offenders, and to determine which area had the most offenders providing non-compliant addresses the when the sample was recorded each offenders Tier level was also recorded. For Baltimore County Registered Sex Offenders in the sample (n=704) 121 or 17.3% offenders were Tier I Offenders who are required to remain on the registry for 15 years. 194 or 27.6% were Tier II Offenders who are required to remain on the registry for 25 years. 388 or 55.1% were Tier III Offenders who are lifetime registrants. The majority of offenders in Baltimore County were Tier III lifetime offenders. The Tier III offenders are the most heinous and violent of the sex offenders who possess the highest risk which is why they are lifetime registrants. Tier III

offenses include but are not limited to rape of any type, incest, murder with the intent to rape, assault with intent to rape, and sale of a minor (Maryland Sex Offender Advisory Board, 2014).

Baltimore City Registered Sex Offenders in the sample (n=1,281) 131 or 10.2% were Tier I offenders who are required to remain on the registry for 15 years. 111 or 8.7% were Tier II offenders who are required to remain on the registry for 25 years. 1,039 or 81.1% more than half of the population are Tier III offenders are lifetime offenders. Just as in Baltimore County demographic offenders the offenders in Baltimore City are primarily Tier III offenders more dangerous, higher risk offenders. To see that both geographical areas have high concentrated levels of higher risk sex offenders indicates that registered sex offenders in Maryland are more skillful, dangerous, higher level offenders convicted of more heinous sex crimes against women and children earning them lifetime registration on the MSOR.

### **Describe Population Representative**

Population is proportional to the larger population because it is representative of population in Baltimore City and the population in general as most sex offenders are males. The baseline demographic age for the registered sex offenders between Baltimore City and Baltimore County was ages 30-55. With the dominant race of offender primarily being African American. This sample population is extremely proportional to the demographics of Baltimore City. In Baltimore City the median age is 34.6 years and the dominant race is African American comprising 62.6% of the City's population (Baltimore City Government, 2019). In Baltimore County the median age is 39.4 years and African Americans comprise 28.4% or 235,636 of the total 831,026 population in the County (Baltimore County Government, 2019). The population was an exact representative fit for the demographics for both Baltimore City and Baltimore County. More interestingly, however, the population of this study also proves that sex offenders

are no longer “dirty old men” they are younger men committing more heinous offenses requiring them to be lifetime registrants.

The frequency of offenders by level of Tier registration in Baltimore City examined in the present study are reported in Table 1.

*Sex Offenders by Level of Tier Registration in Baltimore City Population (N=1,281)*

Table 1

THREETIER

N	Valid	1281
	Missing	0
Std. Deviation		.64128
Variance		.411

THREETIER					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1.00	131	10.2	10.2	10.2
	2.00	111	8.7	8.7	18.9
	3.00	1039	81.1	81.1	100.0
	Total	1281	100.0	100.0	

Table 1 illustrated the frequency of sexual offending by Tier level of registration for the Baltimore City Sex Offender population (N=1,821). Table 2 shows the descriptives of Tier level of registration for the Baltimore County Sex Offender Population (N=704).

*Sex Offenders by Level of Tier Registration in Baltimore County Population (N=704)*

Table 2

Registration Level

N	Valid	704
	Missing	0

Std. Deviation	.76321
Variance	.582

		Registration Level			
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	TierI	122	17.3	17.3	17.3
	TierII	194	27.6	27.6	44.9
	TierII	388	55.1	55.1	100.0
	I				
Total		704	100.0	100.0	

Table 3 illustrates frequency of validity of information in terms of addresses provided sexual offenders for the Baltimore City Sex Offender population (N=1,821).

Table 3

#### Residence

N	Valid	1281
	Missing	0
Std. Deviation		.71440
Variance		.510
Skewness		1.504
Std. Error of Skewness		.068

		Residence			
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Residential	953	74.4	74.4	74.4
	commerical	154	12.0	12.0	86.4
	Not Valid	174	13.6	13.6	100.0
	Total	1281	100.0	100.0	

Table 4 illustrates frequency of validity of information in terms of addresses provided sexual offenders for the Baltimore County Sex Offender population (N=704).

Table 4

Residence		
N	Valid	704
	Missing	0
Std. Deviation		.76669
Variance		.588
Skewness		1.491
Std. Error of Skewness		.092

		Residence			
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Residential	543	77.1	77.1	77.1
	Commerical	39	5.5	5.5	82.7
	Not Valid	122	17.3	17.3	100.0
Total		704	100.0	100.0	

### Challenges

The data collection differentiated than what was previously presented in Chapter 3. There were some challenges that were presented that prevented the researcher from implementing the complete methods section that was outlined in Chapter 3. One of the primary challenges was in getting the crime data from the state of Maryland. The initial data was to come from the Department of Public Safety and Correctional Services through the Governor's Office of Crime Control and Prevention in the State of Maryland. However, that office was unable to

provide the data needed to complete the research, as the state does not record victim identity when a rape or sexual assault is recorded to law enforcement and their data archives were not longitudinal in nature. The crime data ended up being requested from and provided by the Maryland State Police. However, there were challenges with obtaining data from the State Police such as 4 years of data was not able to be provided. The State Police did not have records of data dating back to 1990 and 1991 so those years were not able to be provided, and data for the years 2017 and 2018 were still in the process of being sorted and recorded so the State Police did not have the final data to provide at this time.

In an attempt to collect the remaining 4 years of missing data and to see if all 24 years' worth of data could be provided filtering out sexual crimes against women only a request was made with the Maryland State Judiciary. The Maryland Judiciary had the data needed but was unable to fulfill the request due in part that the request consumed too much manpower and would cost the state approximately \$4,735.00 to fulfill the request and it was a significant operational burden on the judiciary to fill. The last 4 years of data 1990, 1991, 2017, and 2018 were not able to be obtained from any state entity.

The second challenge that arose was the issue of victims sorting within the crime data. The state of Maryland does not record victim identity when a rape, attempted rape or sexual assault is reported to police, the state only records the crime information and not victim profile information. The state of Maryland follows the Federal Bureau of Investigation Uniform Crime Reporting Data sequence on a national scale and all victims are recorded and lumped together as such. There is no way to accurately discern from the crime data provided if all the sexual assault and rape cases were exclusively female victims and male perpetrators that was originally

outlined in Chapter 3. Instead the crime data provides a picture for all victims both male and female for the entire state of Maryland.

### Results

This research examines the completeness of information of sex offender profiles between offenders in two large geographical areas in Baltimore and the deterrent effect of the MSOR on sexual crimes in the state of Maryland. The analyses in this study were conducted in the following manner. First, descriptive statistics for the sample were generated, descriptive statistics for offenders from both areas based on tier level of registration, and then by address. Second, a series of logistic regression models predicting sex crimes at pre implementation of registry and post implementation of registry was estimated. Finally, a correlations to show if the variables regarding types of sexual crimes were related to each other and to the implementation of the registry in Maryland.

The analysis of the study population in this study revealed that the population under study was consistent with the published literature on sex offenders with regard to the variables used, race, age, gender, and type of offense and how those demographics align with Baltimore City and Baltimore County.

*Sex Offenders by Level of Tier Registration in Baltimore City Population (N=1,281)*

<b>THREETIER</b>					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1.00	131	10.2	10.2	10.2
	2.00	111	8.7	8.7	18.9
	3.00	1039	81.1	81.1	100.0
	Total	1281	100.0	100.0	



Table 1 reveals the most frequent sexual offender by level of registration for Baltimore City was Tier III lifetime registrants at 81.1% (N=1,039) which is approximately 90% of the entire study sample. Table 2 shows the most frequent offender for Baltimore County was also Tier III offenders lifetime registrants at 55.1% or (N=388). This finding is not consistent with current literature, as offenders in the city or the more urban area were more likely to be more dangerous lifetime Tier III offenders. However, interestingly enough the county had a high proportion of Tier III offenders as well more than was expected. In the state of Maryland Tier III offenders are considered to be Sexually Violent Predators or SVP's and possess the highest level of risk to the community and to public safety. In regards to the validity of information in terms of addresses provided sexual offenders for the Baltimore City Sex Offender population (N=1,821) Table 3 shows the frequency for offenders in Baltimore City providing types of addresses to the MSOR.

Table 3

		Residence		Valid Percent	Cumulative Percent
		Frequency	Percent		
Valid	Residential	953	74.4	74.4	74.4
	commercial	154	12.0	12.0	86.4
	Not Valid	174	13.6	13.6	100.0
Total		1281	100.0	100.0	

Regarding the validity of addresses 74.4% of offenders in Baltimore City provided Residential addresses, 12.0% provided commercial addresses such as a business, and 13.6% provided addresses that were not valid. Table 4 shows the results for sex offenders in Baltimore County. Table 4 shows the validity of information in terms of addresses provided by sexual offenders in Baltimore County to the MSOR.

		Residence		Valid	Cumulative
		Frequency	Percent	Percent	Percent
Valid	Residential	543	77.1	77.1	77.1
	Commerical	39	5.5	5.5	82.7
	Not Valid	122	17.3	17.3	100.0
	Total	704	100.0	100.0	

Regarding the validity of addresses provided 77.1% of offenders in Baltimore County provided residential addresses, 5.5% provided a commercial address such as a business and 17.3% provided a not valid address that could not be verified. Regarding the validity of addresses offenders in the County were more likely to provide not valid addresses which is also consistent with the current literature. However, offenders in Baltimore City were more likely to provide commercial addresses at a rate of 12% vs 5.5% which is not consistent with current literature. Literature has found that offenders in the county have provided addresses that were more likely to be not valid or commercial but in this study offenders in the City were more likely to provide commercial establishments as their address.

Using a multiple regression model to compare the rates of violent sexual crimes in the state of Maryland at pre and post implementation of the Sex offender registry. Data for the years 1992-1994 were analyzed together and then data for the years 1995 when Maryland first adopted and began the Sex Offender Registry until 2016 to determine if the MSOR had an impact on violent sex crime rates in the state of Maryland.

Table 5 illustrates the regression analysis for the Crime Data filtered by years examining the variable forcible rape- in the analysis separate variable column was created filtering out the years 1992-1994, and then 1995-2016 into separate variable headings and each year and its corresponding data was entered into the variable value and label and given the variable name years- but it was filtered out.

<b>Model Summary</b>				
Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.666 <sup>a</sup>	.444	.420	.25261

a. Predictors: (Constant), ForcibleRape

<b>ANOVA<sup>a</sup></b>						
Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	1.172	1	1.172	18.371	.000 <sup>b</sup>
	Residual	1.468	23	.064		
	Total	2.640	24			

b. Predictors: (Constant), ForcibleRape

<b>Coefficients<sup>a</sup></b>						
Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	2.937	.252		11.665	.000
	ForcibleRape	-.001	.000	-.666	-4.286	.000

As illustrated in table 5 44% of the variation in the dependent variable violent sex crimes is explained by the independent variable. The standardized coefficients beta is -.666 or 66% so the forcible rape increased over the years by 66%.

Table 6 illustrates the regression analysis for the dependent variable of attempted rape in violent sex crimes

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.625 <sup>a</sup>	.391	.365	.26434

a. Predictors: (Constant), RapeByForce

Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	1.033	1	1.033	14.781	.001 <sup>b</sup>
	Residual	1.607	23	.070		
	Total	2.640	24			

b. Predictors: (Constant), RapeByForce

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	2.930	.278		10.534	.000
	RapeByForce	-.001	.000	-.625	-3.845	.001

For the dependent variable rape by force 39% of the variance is explained by the independent variable. The regression shows that the dependent variable rape by force is significant with a p value of at .001 or 99.9% significant effect of rape by force and completeness of registry of the MSOR. The standardized coefficients beta was .625 or 62% or rape by force increased by 62% and was significant with a p value of .001.

Table 7 illustrates the regression analysis for the dependent variable of attempted rape

**Model Summary**

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.739 <sup>a</sup>	.546	.526	.22824

a. Predictors: (Constant), AttemptedRape

**ANOVA<sup>a</sup>**

Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	1.442	1	1.442	27.676	.000 <sup>b</sup>
	Residual	1.198	23	.052		
	Total	2.640	24			

b. Predictors: (Constant), AttemptedRape

**Coefficients<sup>a</sup>**

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	2.573	.139		18.460	.000
	AttemptedRape	-.003	.001	-.739	-5.261	.000

The analysis shows that 54% of the variation in the dependent variable attempted rape is explained by the independent variable completeness of registry. However, the regression shows a significance of .000 so there is statistically significant difference in the variable and influence of attempted rape and completeness of information of the MSOR. The standardize coefficients beta was -.739 or 73% increase in attempted rape rates in Maryland.

Table 8 shows the regression analysis of the final dependent variable juvenile victims in violent sexual crimes in Maryland

**Model Summary**

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
-------	---	----------	-------------------	----------------------------

1	.706 <sup>a</sup>	.499	.477	.23987
---	-------------------	------	------	--------

a. Predictors: (Constant), JuvenileVictims

		ANOVA <sup>a</sup>				
Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	1.317	1	1.317	22.883	.000 <sup>b</sup>
	Residual	1.323	23	.058		
	Total	2.640	24			

b. Predictors: (Constant), JuvenileVictims

		Coefficients <sup>a</sup>				
Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	2.405	.120		20.069	.000
	JuvenileVictims	-.007	.001	-.706	-4.784	.000

The analysis shows that 47% of the variation in the dependent variable is explained by the independent variable. . However, the regression shows a significance of .000 so there is statistically significant difference in the variable and influence of juvenile victims and completeness of information of the MSOR. The standardized beta is -.706 or 70% sex crimes against juveniles have increased 70% over a 24 year period in Maryland. That is evidenced in large part by the amount of offenders currently registered on the MSOR who are Tier III offenders lifetime offenders for crimes against minors.

Table 9 shows the Correlations for each of the sexual crimes in Maryland, forcible rape, attempted rape, rape by force and juvenile victims.

### Correlations

		Years	ForcibleRape
Years	Pearson Correlation	1	-.666**
	Sig. (2-tailed)		.000
	N	25	25
ForcibleRape	Pearson Correlation	-.666**	1
	Sig. (2-tailed)	.000	
	N	25	25

\*\* . Correlation is significant at the 0.01 level (2-tailed).

### Correlations

		Years	RapeByForce
Years	Pearson Correlation	1	-.625**
	Sig. (2-tailed)		.001
	N	25	25
RapeByForce	Pearson Correlation	-.625**	1
	Sig. (2-tailed)	.001	
	N	25	25

\*\* . Correlation is significant at the 0.01 level (2-tailed).

### Correlations

		Years	AttemptedRape
Years	Pearson Correlation	1	-.739**
	Sig. (2-tailed)		.000
	N	25	25
AttemptedRape	Pearson Correlation	-.739**	1
	Sig. (2-tailed)	.000	
	N	25	25

\*\* . Correlation is significant at the 0.01 level (2-tailed).

### Correlations

		Years	JuvenileVictims
Years	Pearson Correlation	1	-.706**
	Sig. (2-tailed)		.000
	N	25	25
JuvenileVictims	Pearson Correlation	-.706**	1
	Sig. (2-tailed)	.000	
	N	25	25

\*\* . Correlation is significant at the 0.01 level (2-tailed).

The correlations show that the crime data variables of forcible rape was significant at -.666 or 66%, rape by force was significant at -.625 or 62%, and attempted rape was significant at -.739 or 73%, and juvenile victims was significant at -.706 or 70%. All four violent sexual crimes have a significant linear relationship to the independent variables completeness of registry, and recidivism of sexual offenders in Maryland.

#### Research Question 1

The first research question focused on sexual reoffending with sexual crimes with the only variable being registered on the sex offender registry. The question of whether or not registration functions as a specific deterrent is premised on the language in the current state statute 61 Md. Law Rev. 739, 722-45 (2002) which created the foundation and the first Sex offender registry in the state of Maryland in 1995. Legislators specifically stated the purpose of the mandatory registration was to protect the citizens of the state of Maryland from predatory sex offenders and prevent sexual reoffending.



Registered sex offenders from Baltimore City and Baltimore County served as the sample population for the study. For Baltimore County the total population totaled in at 704. Analyses show that sexual crime data for the 24 year time period of 1992-2016 statistically significant differences did occur in the arrest rates for violent sexual crimes at both the pre and post implementation time frames of the sexual offender registry in Maryland.

Using multiple regression analysis and defining the crime variables showed that variables such as forcible rape, attempted rape and juvenile victims were not significant predictors of the independent variable as evidenced in the regression analysis charts in Table 7. However, one crime was significant and that was rape by force was significant at .001.

The hypothesis for research question 1 is true as results yielded statistically significant differences in the arrest rates for violent sexual crimes at both the pre and post implementation time frames for the sexual offender registry in Maryland.

### **Research Question 2**

Research Question 2 examined registry completeness by examining Maryland's two largest geographic areas Baltimore City and Baltimore County. All individuals in the sample were currently registered sex offenders on the MSOR and were Tier I, Tier II, or Tier III offenders with an address that corresponded to Baltimore City or Baltimore County. The total sample size from Baltimore City after eliminating the homeless without a valid address and those out of 25-71 age range for the sample the total offender population for Baltimore City was 1,281 or 90% of the sample population. For Baltimore County the total population totaled in at 704.

Analyses show that for both geographic regions Sex Offenders were mainly Tier III or lifetime offenders. 1,039 or 81.1% of offenders in Baltimore City were Tier III offenders and 388 or 55.1% of offenders in Baltimore County were Tier III offenders. The addresses provided

on the MSOR were checked against the Maryland Department of Taxation and Evaluation Property Site and addresses were recorded as residential, commercial, or not valid. For Sex offenders in Baltimore City 154 or 12% provided commercial addresses, 174 or 13.6% provided not valid addresses and for Baltimore County offenders 39 or 5.5% provided commercial addresses and 122 or 17.3% provided not valid addresses. Offenders in the County or rural area were more likely to provide not valid addresses while the offenders in the City or urban area were more likely to provide commercial addresses. This finding is consistent with the literature and the study conducted by Tewksbury (2002) as that study showed that rural offenders as well were more likely to provide not valid addresses. However, this study had an interesting finding of urban offenders providing commercial addresses as opposed to not valid.

The hypothesis for research question 2 is there a difference in level of registry completeness in offenders in Baltimore City vs Baltimore County was proven to true as offenders in Baltimore County were more likely to provide not valid addresses and offenders in Baltimore City were providing commercial addresses.

### **Research Question 3**

This question examines the correlations between implementation of the MSOR and the re-arrest rates for sex offenders. The correlations for the breakdowns of the four main types of sexual crimes reported in Maryland during the 24 year period were forcible rape, rape by force, attempted rape and juvenile victims. Table 8 in Chapter 4 shows the correlations for each individual crime analyzed at the pre and post years' implementation of the MSOR. The analyses show that every crime except for juvenile victims was significant at the  $<0.01$  level. Juvenile victims came in at .000 with a no linear relationship between the MSOR and juvenile victims. The implementation of the MSOR after 1995 had no deterrent effect on violent sex crimes in

Maryland. Violent sex crimes against women have continued to increase however, the analysis show that juvenile victims have decreased.

The hypothesis for research question 3 the Maryland sex offender registration laws do have an effect in decreasing the re-arrest rates of sexual offenders was proven to be true for all sexual crimes except sexual crimes against juvenile victims as it had no significant relationship.

### **Summary**

The results of the data analysis indicate that the study shows support for the research question RQ1: Are there statistically significant differences in sexual offense arrest rates before and after the implementation of the Maryland Sexual Offender Registry. The regression analysis and the correlations show support in that the pre and post implementation of the MSOR that sexual offense crimes were different and were significantly related. In regards to RQ2: How does the registry completeness vary by location in Baltimore City and Baltimore County, controlling for rates of violence against women the study the analysis showed that majority of the offenders in both Baltimore City and Baltimore County were Tier III offenders or more serious sexual offenders convicted of rape and required to remain on the MSOR for life. In terms of accuracy of addresses in terms of completeness of information the study revealed that sex offenders in Baltimore county were more likely to provide not valid addresses at a rate of 17.3% which was consistent with prior literature, however sex offenders in Baltimore City were more likely to provide commercial addresses such as businesses at a rate of 12%. The analysis showed that completeness of information does indeed have an effect on rates of violent sexual crime in Maryland. In terms of RQ3: Is there a correlation between the implementation of registration laws and the re-arrest rates for convicted sex offenders? The study showed that all of the sexual crimes had a significant correlation rate and were significant linear relationships to the

independent variable completeness of registry and the implementation of the sex offender registry in Maryland. The results and the analysis show that over the 24 time year period of sexual offense data analyzed that significant correlations and increases existed in sexual offense crimes in Maryland at the post implementation of the registry. The registry had no deterrent effect of sexual offenders or sex crimes in Maryland. The outcome of the data in this study suggests and their implications are more fully discussed in chapter 5.

## **Chapter Five**

The purpose of this study was to determine the completeness of the information on the (MSOR) Maryland Sex Offender Registry instrument used to assess for future occurrences of sex offender recidivism, and whether the registry has a deterrent effect on sex crimes in Maryland after the registry was implemented in 1995. The study was accomplished by comparing registered sex offenders from the two largest areas and neighboring areas in Maryland: Baltimore City and Baltimore County- the city being urban location and the county being the rural county location. The rural vs urban comparison of offenders was chosen in order to determine if offender geographical location played a part in the offender's completeness of information in terms of MSOR and their addresses which offender was more likely to provide non-compliant addresses. The present research examined the following three specific questions and hypothesis:

RQ1: Are there statistically significant differences in sexual offense arrest rates before and after the implementation of the Maryland Sexual Offender Registry?

Hypothesis 1: There is a significant difference in arrest rates after the implementation of the Maryland sex offender registry.

Null Hypothesis 1: There is no significant difference in the arrest rates after the implementation of the Maryland sex offender registry.

RQ2: How does the registry completeness vary by location in Baltimore City and Baltimore County, controlling for rates of violence against women?

Hypothesis 2: There is a difference in the level of registry completeness in offenders in Baltimore County vs Baltimore City.

Null Hypothesis 2: There is no difference in the level of registry completeness in offenders in Baltimore County vs Baltimore City.

RQ3: Is there a correlation between the implementation of registration laws and the re-arrest rates for convicted sex offenders?

Hypothesis 3: Maryland sex offender registration laws do have an effect in decreasing the re-arrest rates of sexual offenders.

### **Interpretation of Findings**

Analysis of the data examined in this study indicates that the independent variable under consideration functioned as a causal variable in predicting sexual reoffending in the study population. This section discusses the findings of the analysis as they relate to each of the research questions posed in this study.

The independent variable completeness of registry was significant factor in regards to predicting sexual reoffending in the study population. The independent variable differed among the sample population Baltimore City and Baltimore County as offenders in the county were more likely to provide not valid or fake addresses while offenders in the city were more likely to provide commercial addresses to the MSOR.

All 3 hypothesis were proven to be true as the data analysis showed statistically significant results in the crime data. The only sexual crime that was shown to not be statistically significant and was not impacted by the MSOR was juvenile victims of sexual crimes. Going back in and examining the data analysis a clear pattern emerges over the 24 year time period juvenile victims decrease except for one year there was a very slight uptick but not enough to cause statistical significance.

### **Findings Related to the Literature**

The results of the analysis reported in this study are consistent with the reported results from published literature for the independent and dependent variables tested. Tewksbury (2002) found that offenders from the more rural or county areas were more likely to provide not valid addresses to the state sex offender registry database as was evidenced by this study. Tewksbury (2002) also found that having a public sex offender registry was not a deterrent effect as it did not stop the recidivism rates of sex offenders in rural vs urban Kentucky from re-offending and from new offenders from appearing on the registry- as it had no effect on public safety. These findings compares well with the data in the present study including type of sexual offense.

Meloy (2005) argued that deterrence theory has formed the basis for the legislative response to sexual offending. The application of punishment is premised on the classical theory of deterrence, that is humans seek pleasure and avoid pain. Beccaria (1764) provided the framework for the classical theory and argued punishment should be public and judicial discretion eliminated. The present response to sexual offender recidivism and sex offender registry is founded on Beccaria's idea: the SOR is a public punishment and judicial discretion has been eliminated within the context of administering punishment for sexual offenses. The literature supports that the MSOR is not a deterrent effect to sex offenders or their recidivistic

behavior. If it was a deterrent effect then sex crimes would be decreasing and Baltimore City and Baltimore County between the two areas would not comprise half of the state of Maryland's offenders. The results also show that the MSOR at both pre and post implementation has no deterrent effect on sexual crimes in Maryland- perhaps the offenders do not see the registry as a form of punishment. Analysis of the total 1,985 offenders from both areas and crime data from a period of 24 years revealed no recidivism and suggests deterrence based on the existing theoretical framework of classical theory of deterrence is unwarranted. The findings from the present study provide implications for a significant change in the response to sexual offending and validity of MSOR.

### **Limitations of the Study**

Limitations to the reliability of the study that arose was the 4 missing years of data that was unable to be obtained from the state of Maryland. With 4 years of missing data the study could not capture the bigger picture of sexual crimes at pre implementation of the registry as 2 of those years could not be provided therefore it's hard to ascertain exactly what the effect at pre implementation was without those last 2 years of data. Secondly, the years 2017-2018 were missing which also would have provided crucial insight into the effectiveness of the MSOR as Maryland made significant changes to the structure of the registry in 2016 taking effect in 2017. Data for the years 2017-2018 were still be collected by the state and were not ready for release yet.

Another limitation and one of the most crucial to the reliability of the study, is that the crime data obtained from the state of Maryland was all lumped and categorized together by victimology. Therefore, there is no way to officially tell if the MSOR had a direct impact on violent sex crime rates against women over the 24 year period examined in the study. Crime

data provided was both females and male victims combined with no way to sort out the victims as Maryland does not sort their victims by gender when reporting and entering crime data. So the results provided show an overall impact on crime in the state of Maryland for all victims of sex crimes during that 24 year period but it cannot be narrowed down specifically to female victims as previously indicated in prior chapters.

### **Recommendations**

State legislators need to revisit the current statutes requiring mandatory registration of all juvenile sexual offenders. Legislators should be informed of the contemporary research on sexual offenders, which suggests the present statute is not in accord with what is known about sexual offenders. Legislators need to apprise themselves of the findings of current research, for example the work of Sample and Bray (2003) who argued that research contradicts the popular view that sexual offenders inevitably reoffend and that empirical evidence does not support the need for greater levels of surveillance and control.

One such recommendation that arises from this research is tighter monitoring and stricter compliance on sex offenders in the state of Maryland. More specifically, after the offender completes their probationary police supervision period, an individual from the state or the Department of Correctional Services should be conducting monthly follow up visits to the offender's home to ensure that the offender is actually living at the address provided on the MSOR. This will ensure greater compliance standards and enhance public safety, which is exactly what the registry was designed to do.

Another recommendation is for homeless offenders, homeless offenders do have an actual address just a zip code which is not in compliance with federal SORNA standards. In Maryland homeless offenders must come into the police district in the county in which they are



registered as an offender every 20 days to check in. That raises great concern because if the offender does not check in how would law enforcement officials be able to find the offender, and now a registered sex offender is out walking the streets and possibly re-offending. Maryland needs to develop stricter regulations with the homeless offenders to keep tighter controls on those offenders. The state needs to step up and take more accountability having these offenders check in more often and the state needs to check in on these offenders to know their locations.

Regarding public opinion, legislators should be made aware of Zimring et al. (2007) research, which suggests that the public perception of sex offenders is predicated on the assumption that sex offenders are persistent specialists who will continue to recidivate. Button et al. (2009) argued that instead of segregation, brought about by inclusion on the SOR, sex offenders and the community as a whole best benefit by offenders being integrated back into their neighborhoods and communities. Social inclusion and support networks are better at preventing reoffending than public humiliation by being placed on the SOR. In addition to informing legislators of the results of empirical research there also exists a need to construct and utilize a valid standardized risk assessment tool for sex offenders. Rettenberger, Matthes, Boer, and Eher (2010) suggested that while recidivism risk assessment has made significant progress in the past decade, assessments still suffer from unresolved problems and inconsistent results. Rettenberger et al. contended there exists an issue with the accuracy of predictive instruments for different sexual offender subgroups. County and city officials, department of correctional services, social researchers, and legislators need to work together to formulate a standardized valid risk assessment tool for juvenile sex offenders that will accurately measure risk, then develop an appropriate response to the assessment results fashioned as public policy.

Informing state legislators about the inadequacies of the current statute and the results of this study as well as the research cited in this study will be accomplished by direct communications with elected district legislators, city and county council members, and specific judicial committee members who meet to formulate and propose new legislation. Currently there are ongoing discussions regarding the subject of sex offenders as a whole, and the revising of the MSOR as a whole. Meeting with legislators and judicial committee members who are expressing an interest in revisiting the current statute can result in a positive social change for individual sex offenders, their families, communities, victims, and the state of Maryland as a whole.

### **Implications for Social Change**

This study suggests that mandatory registration on the SOR list does not function as a deterrent to future sexual reoffending, nor does it meet the second expressed justification for mandatory registration: protecting citizens of the State of Maryland from predatory sexual offenders. The legislative responses to sexual offenders are premised on three primary assumptions about sex offenders: sexual offending is the result of uncontrollable urges, once a sex offender always a sex offender, comma here and sex offenders are a homogenous population. Although the stated intent of the legislation is clear, the assumptions upon which the legislation relies are questionable and not supported in the results of this study. Results of the analysis of the 1,985 offenders and 24 years' worth of sexual crime data in the present study suggest registration on the MSOR is not required to deter future sexual offending, and is not necessary as a protective measure to keep the citizens of the state safe from predatory sexual offenders. The independent variables, including registration on the SOR were shown to be statistically significant when introduced to the dependent variable recidivism and the crime rates in Maryland. In addition to

the statistical analysis the data alone is suggestive of the fact registration is not necessary, that the assumption of once a sex offender always a sex offender is at best misguided.

In the sample majority of the offenders were Tier III or lifetime registrants and with the analyses showing that the MSOR had no deterrent effect on the sexual crimes warrants suggest significant implications for social change. However prior research indicates the results of registration can have detrimental effects. A pattern emerged with the offenders in Baltimore City and Baltimore County a majority of them tended to gravitate towards the same areas in the City: Central Avenue, Fayette Street and in the County Pulaski Highway and Mace Avenue. Looking at these addresses on geographical maps they are not the best areas of the city or the county, so the offenders once released from jail and after registering are having a much harder time re-integrating back into society and are being forced into the poverty stricken higher crime areas of the city and the county. This has detrimental effects on the sex offenders and warrants public and social change.

Evans (2008) reported several negative effects of mandatory registration including job loss, homelessness, lost of social and family support, harassment, and in cases of intra-familial cases, the identity of family victims. Hopbell (2004) also suggested the same negative outcomes from mandatory registration. Evans also suggested mandatory registration of all sex offenders, including juveniles, can be harmful to public safety by reducing the ability to identify the truly dangerous offenders and disrupting the stability of low-risk offenders. Freeman (2007) also postulated that improper intervention such as mandatory registration actually increases the probability of recidivism. Levenson et al. (2010) argued that "broad registration and notification policies, contradict what is known about the factors associated with successful community

reentry for criminal offenders". Implications for social change are not restricted to individuals but also include community wide considerations.

Durling (2006) argued mandatory registration results in a heavy tax burden to pay for the startup and maintenance of the SOR and the overlooked effect on real estate. Durling found that because of residential restrictions that accompany SOR laws, sex offenders, including juvenile sex offenders, are increasingly concentrated into smaller geographical areas which in turn loose market value as resident move out and prices fall in the areas occupied by registered sex offenders. This is consistent with the redlining and the areas that the sex offenders in Baltimore City gravitated towards they were not able to re-integrate back into nicer areas of the city and were forced out into the slums the higher crime areas. The offenders in the county were still in the county but were gravitating towards the city\county line in the less economically driven areas because of their sex offender status. Durling (2006), also argued that residency restrictions move sex offenders into outlying areas of communities, away from public transportation and job opportunities resulting in higher unemployment and more reliance on government assistance. The results of this study in conjunction with the publish research suggests the need for rethinking and reforming the response to sex offending.

## **Conclusion**

This study examined the validity of sex offenders examining the justification and necessity for mandatory registration on the state of Maryland's SOR list as a deterrent to subsequent sexual reoffending and protecting citizens from predatory sex offenders. The results of this study, when considered with the extensive literature on the same subject matter, indicates the present response is more harmful to offenders, communities, and the state as a whole, than beneficial. Because offenders do provide false information to the MSOR and the MSOR has no

deterrent effect on violent sexual crimes in the state of Maryland since its implementation. The implications for positive social change are indicated by the level of unintended consequences resulting from the mandatory application of the SOR laws, including stigmatizing sex offenders, excessive numbers of false positives, harm to families of offenders and victims, in the cases of intra-familial offenses, high recidivism due to sex offenders reintegrating into poverty and crime stricken neighborhoods, and expenditure of scarce public resources to maintain the SOR list.

Sex offender registration and registration as a form of punishment remains a “hot button” issue for legislators and community members, but it remains understudied. The purpose of this dissertation was to contribute to the sex offender and registration literatures by exploring registration as punishment, and its effect on recidivism among this group of offenders. Taken together, the chapters showed that sex offender registrations remains evolving processing that is influenced by a host of factors. As states continue to develop and enforce punitive responses to sex offenders, questions about the utility, sustainability, fairness, and application of these responses will warrant investigation.

## References

- Apel, R. (2013). Sanctions, perceptions, and crime: Implications of criminal deterrence. *Journal of Quantitative Criminology*, 29, 67-101.
- Baltimore City Government (2019). Data and demographics. Retrieved from <https://planning.baltimorecity.gov/planning-data>
- Baltimore County Government (2019). County demographics. Retrieved from <https://www.baltimorecountymd.gov/Agencies/economicdev/meet-baltimore-county/stats-and-figures/county-demographics.html>
- Beccaria, C. (1764). *Of crime & punishment* (H. Paolucci, Trans.). Indiana: (Original work published in 1764).
- Behi, R., & Nolan, M. (1996). Quasi experimental research designs. *British Journal of Nursing*, 5(17), 1079-1081.
- Button, D. M., DeMichele, M., & Payne, B. K. (2009). Using electronic monitoring to supervise sex offenders: Legislative patterns and implications for community corrections officers. *Criminal Justice Policy Review*, 20, 414.
- Carr, J. (2015). The effect of sex offender registries on recidivism: Evidence from a natural experiment. Department of Economics, Perdue University. Retrieved from <https://webapps.krannert.purdue.edu/kap/KATALYST/.../publications.aspx?>
- Center for Sex Offender Management. (2016). Sex offender registration: Policy overview and comprehensive practices. Retrieved from <https://csom.org/pubs/sexreg>.
- Church, W., Fei S, & Xiao L. 2011. Attitudes toward the treatment of sex offenders: A SEM analysis. *Journal of Forensic Social Work* 1: 82-95.
- Creswell, J. W. (2013). *Research design: Qualitative, quantitative, and mixed methods*

- approaches*. New York, NY; Sage publications.
- Crockett, M., Ozdemir, Y., & Fehr, E. (2014), The value of vengeance and the demand for deterrence. *Journal of Experimental Psychology*, 143(6), 2279-2286.
- Cubellis, M., Walfield, S., & Harris, A. (2016). Collateral consequences and effectiveness of sex offender registration and notification: Law enforcement perspectives. *International Journal of Offender Therapy and Comparative Criminology*. 51: 1-21.
- Dobson, D., & Dobson, K. (2010). Evidence based practice of cognitive behavioral therapy. *Child and Family Behavior*, (32), 76-81.
- Durling, C. (2006). Never going home: Does it make us safer? Does it make sense? sex offenders, residency restrictions, and reforming risk management law. *Journal of Criminal Law & Criminology*. 97, 317-363.
- Ellis, A. (2003). A deterrence theory of punishment. *The Philosophical Quarterly*, 53(212), 337-358.
- Evans, D., & Cubellis, M. (2008). Coping with stigma how sex offenders manage their public identities. *American Journal of Criminal Justice*, 40(3), 1-27.
- Field, A. (2013). *Discovering statistics using IBM spss Statistics* (4th ed.). London, England: SAGE Publications Ltd.
- Fox, K. (2013). Incurable sex offenders, lousy judges, and the media: Moral panic sustenance in the age of new media. *American Journal of Criminal Justice* 38: 160-181.
- Freeman, N.J. (2007). Predictors of rearrest for rapists and child molesters on probation. *Criminal Justice and Behavior*, 34, 752-768.
- Frankfort-Nachmias, C., & Nachmias, D. (2008). *Research methods in the social sciences with data bank CD* (7th ed.). New York, NY: Worth Publishers.

- Gasparini, A., & Lopez Bernal, J. (2015). On the use of quasi experimental designs in public health evaluation. *International Journal of Epidemiology*, 44(3), 966-968.
- Giancristofaro, R., & Salmaso, L. (2003). Model performance analysis and model validation in logistic regression. *Statistica*, 63, (2), 375-395.
- Grasmick, H., & Milligan, H. (1976). Deterrence theory approach to socioeconomic\demographic correlates of crime. *Social Science Quarterly*, 57(3), 608-617.
- Hanson, K.(2002). Recidivism and age: Follow-up data from 4,673 sexual offenders. *Journal of Interpersonal Violence*, 17: 1046-1062.
- Harris, A., Levenson, J, & Ackerman, A. (2014). Registered sex offenders in the united states: Behind the numbers. *Crime & Delinquency*.15 (2).
- Harris, A., McGregor, J., Perencevich, E., Furuno, J., Zhu, J., Peterson, D., & Finkelstein, J. (2006). Use and interpretation of medical informatics quasi experimental studies. *Journal of American Medical Information Association*, 13(1), 16-23.
- Hopbell, M. (2004). Balancing the protection of children against the protection of constitutional rights: The past, present and future of megan’s law. *Duquesne Law Review*, (42), 331-340.
- Jacoby, J. (2004). *Classics of criminology*. Pgs 352-360. Long Grove, IL: Waveland Press.
- Jaikumar, M. (2016), Quasi experimental research design (2016). Grand Canyon University, Retrieved from [https://cirt.gcu.edu/research/developmentresources/research\\_ready/quasiexperimental/benefits\\_limits](https://cirt.gcu.edu/research/developmentresources/research_ready/quasiexperimental/benefits_limits)
- Jennings, J., & Deming, A. (2013). Effectively utilizing the behavioral in cognitive behavioral



- group therapy of sex offenders. *International Journal of Behavioral Consultation Therapy*, 8(2), 7-13.
- Kruttschnitt, C, Uggen, C & Shelton, K. 2000. Predictors of desistance among sex offenders: The interaction of formal and informal social control. *Justice Quarterly*, 17:61-88
- Lancaster, R., (2011). *Sex panic and the punitive state*. Los Angeles, CA: University of California Press.
- Leon, C. (2011). *Sex fiends, perverts and pedophiles: Understanding sex crime policy in America*. New York: New York University Press.
- Letourneau, E., Levenson, J., Bandyopadhyay, D., Sinha, D., & Armstrong, K. (2010). Effects of south carolina's sex offender registration and notification policy on the deterrence of adult sex crimes. *Criminal Justice and Behavior*, 37(5). 537-552.
- Mancini, C. (2014). *Sex crime, offenders and society: A critical look at sexual offending and policy*. Durham, North Carolina. Carolina Academic Press.
- Maryland Sex Offender Advisory Board (2014). 2014 Report to the maryland general assembly. Retrieved from <http://cdm16064.contentdm.oclc.org/cdm/ref/collection/p266901coll7/id/5297>
- Meloy, M . L. (2005). The sex offender next door: An analysis of recidivism, risk factors, and deterrence of sex offenders on probation. *Criminal Justice Policy Review*, 16, 211-236.
- Meloy, M., Curtis, K., & Boatwright, J. (2013). Policymakers perception of sex offenders, sex crimes, & sex offender legislation. *Critical Journal of Crime, Law and Society*, 40(4), 273-288.
- Mercado, C., Jeglic, E., Markus, K., Hanson, K., & Levenson, J. (2013). Sex offender management, treatment and civil commitment: An evidence-based analysis aimed at

- reducing sexual violence. U.S. Department of Justice. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/grants/243551.pdf>
- Miethe, T., Olson, J., & Mitchell, O. 2008. Specialization and persistence in the arrest histories of sex offenders. *Journal of Research in Crime and Delinquency*, 43:204-229
- Miller, H. (2015). Protective strengths risk and recidivism in sample of known sexual offenders. *Sexual Abuse: A Journal of Research and Treatment*. 27,(1). 34-50.
- Mislevy, J. L., & Rupp, A. A. (2010). Concurrent validity. In N. J. Salkind (Ed.), *Encyclopedia of Research Design*. London, England: SAGE Publications, Inc.
- Moster, A., Wnuk, D., & Jeglic, E. (2008). Cognitive behavioral therapy interventions with sex offenders. *Journal of Correctional Healthcare*. 17(2), 109-121.
- Murphy, W. (2004). Best practices in sex offender treatment. *Prison Service Journal*. (178), 3-9.
- Mustaine, E., Tewksbury, R., & Stengel, K. (2006). Social disorganization and residential locations of registered sex offenders: Is this a collateral consequence? *Deviant Behavior*, (27), 329-350.
- Najdowski, C., Cleary, H., & Stevenson, M. (2016). Adolescent sex offender registration policy: Perspectives on general deterrence potential from criminology and developmental psychology. *Psychology Public Policy and Law*, 22(1), pgs 114-125.
- National Center for Missing and Exploited Children (2016). Accessed at [http://www.missingkids.com/en\\_US/documents/sex-offender-map.pdf](http://www.missingkids.com/en_US/documents/sex-offender-map.pdf)
- National Sexual Violence Resource Center (2015). Statistics about sexual violence. Retrieved from [http://www.nsvrc.org/sites/default/files/publications\\_nsvrc\\_factsheet\\_media\\_packet\\_statistics-about-sexual-violence\\_0.pdf](http://www.nsvrc.org/sites/default/files/publications_nsvrc_factsheet_media_packet_statistics-about-sexual-violence_0.pdf)
- Przybylski, R. (2016). Recidivism of adult sexual offenders. U.S. department of justice, Office of

Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking.

Retrieved from <http://www.smart.gov/pdfs/RecidivismofAdultSexualOffenders.pdf>

- Rettenberger, M., Matther, A., Boer, D. P., & Reinhard, E. (2010). Prospective actuarial risk assessment: A comparison of five risk assessment instruments in different sexual offender subtypes. *International Journal of Offender Therapy and Comparative Criminology*, 54, 169-186.
- Rice, M. J. (2009). Effect size in psychiatric-based practice care. *Journal of American Psychiatric Nurses Association*, 15(2), 138–142.
- Rotman, E. (1990). *Beyond punishment: A new view on the rehabilitation of criminal offenders*. Westport, CT: Greenwood Press, Inc.
- Rudestam, K. E., & Newton, R. R. (2007). *Surviving your dissertation: A comprehensive guide to content and process*. Thousand Oaks, CA: SAGE Publications, Inc.
- Sample, L. L., & Bray, T. M. (2003). Are sex offenders different? An examination of rearrest patterns. *Criminal Justice Policy Review*, 17, 83-102.
- Schiavone, S.K., & Jeglic, E. (2009). Public perception of sex offender social policies and the impact on sex offenders. *International Journal of Offender Therapy and Comparative Criminology*, 53(6), pgs 679-695.
- Schulz, S. (2014). Individual differences in the deterrence process: Which individuals learn most from their offending experiences. *Journal of Quantitative Criminology*, 30, 215-236.
- Smith, D. (2003). Five principles for research ethics. Retrieved September 26, 2014, from <http://www.apa.org/monitor/jan03/principles.aspx>
- Sykes, G., & Matza, D. (1957). Techniques of neutralization: A theory of delinquency. *American Sociological Review*. 22(6), 664-670.

- Terry, K. (2013). *Sexual offenses and offenders: Theory, practice and policy*. Belmont, CA: Wadsworth.
- Tewksbury, R., & Jennings, W. (2010). Assessing the impact of sex offender notification and community notification on sex offender trajectories. *Criminal Justice and Behavior*, 37(5), pgs 570-582
- Tewksbury, R., Jennings, W., & Zgoba, K. (2012). Sex offenders: Recidivism and collateral consequences. U.S. Department of Justice. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/grants/238060.pdf>
- Tewksbury, R., & Mustaine, E. (2013). Law enforcement official's views on sex offender registration and community notification. *International Journal of Police Science and Management*, 15(2), 95-113.
- Tewksbury, R. (2002). Validity and utility of the kentucky sex offender registry. *Federal Probation*. 66(1), 21-26.
- Tomlinson, K. (2016). An examination of deterrence theory: Where do we stand? *Federal Probation*, 80(3), 33-37.
- Tuckman, B. W., & Harper, B. E. (2012). *Conducting educational research* (6th ed.). Lanham, MD: Rowman & Littlefield Publishers.
- U.S. Marshals Service. (2016). Facts and figures Retrieved 11/5/16, from <http://www.usmarshals.gov/duties/factsheets/facts.pdf>
- Williams, F., & McShane, M. (2010). *Criminological theories*, Upper Saddle River, NJ: Pearson Education, Inc.
- Worrall, J., Els, N., Piquero, A., & TenEyck, M. (2014). The moderating effects of informal social control in sanctions compliance nexus. *American Journal of Criminal Justice*, 39,

341-357.

Wright, V. (2010). Deterrence in criminal justice: Evaluating certainty vs severity of punishment.

The sentencing project. Retrieved from <http://www.sentencingproject.org/wp-content/uploads/2016/01/Deterrence-in-Criminal-Justice.pdf>

Zgoba, K., Miner, M., Levenson, J., Knight, R., Letourneau, E., & Thornton, D. (2015). Adam

walsh act: An examination of sex offender risk classification systems. *Sex Abuse: A*

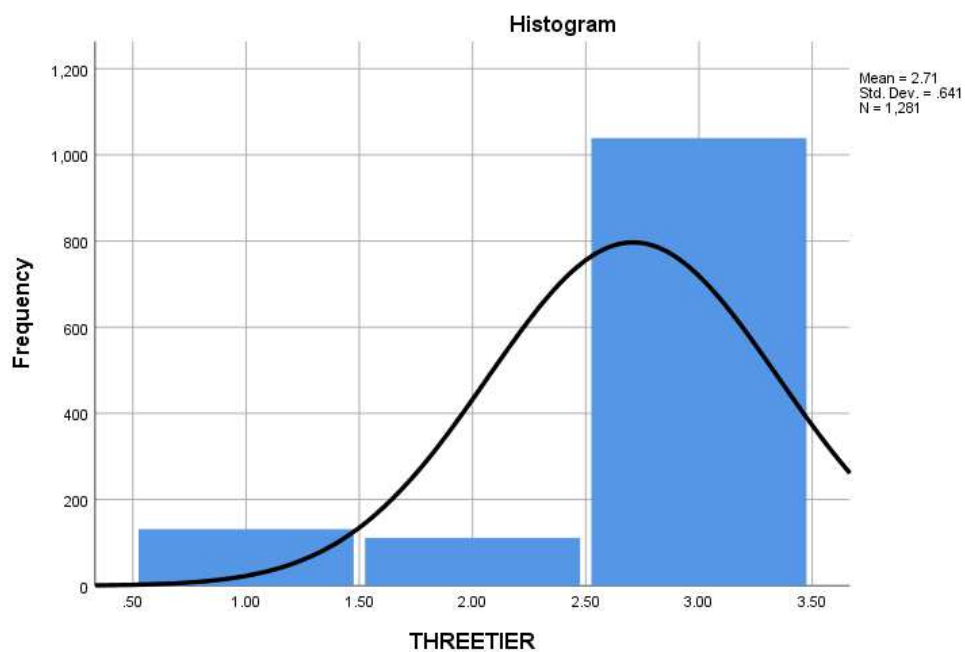
*Journal of Research and Treatment*, 1-19.

Zimring, F. E., Piquero, A R. & Jennings, W G. (2007). Sexual delinquency in racine: Does early

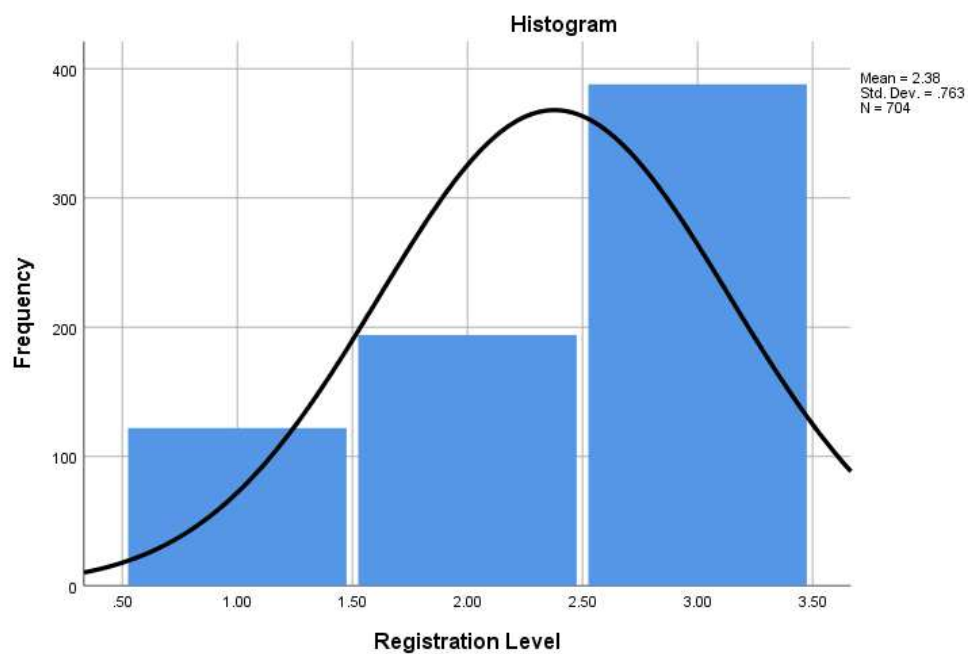
sex offending predict later sex offending in youth and young adulthood? *Criminology &*

*Public Policy*, 6, 507-534.

## Appendix A Figures



*Figure A1: Histogram of Frequency of Offenders by Tier for Baltimore City*



*Figure A2. Histogram of Frequency of Offenders by Tier for Baltimore County*

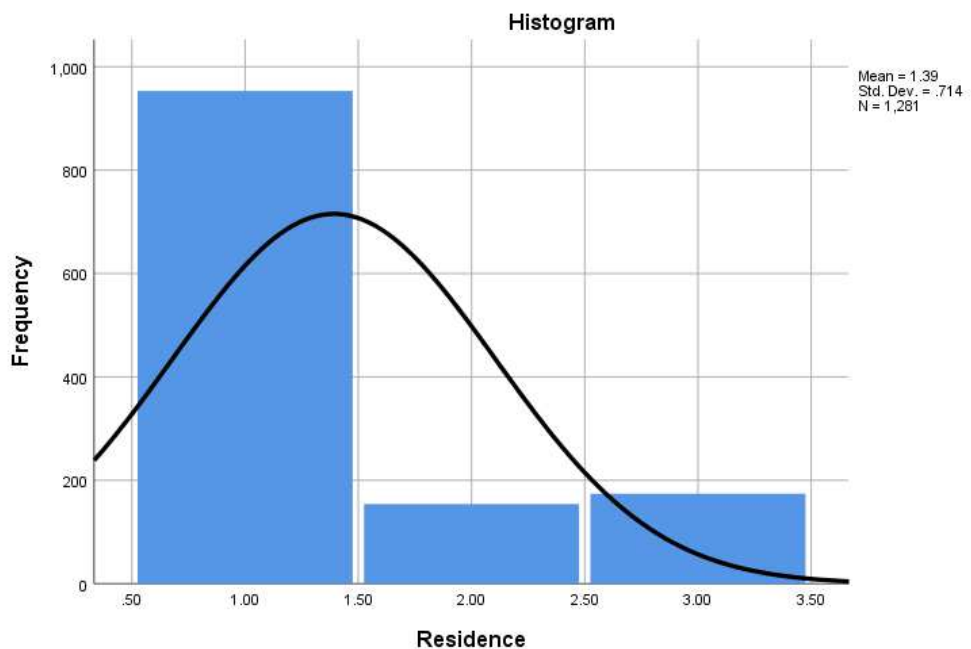


Figure A3. Histogram of Frequency by Offender Address Types for Baltimore City

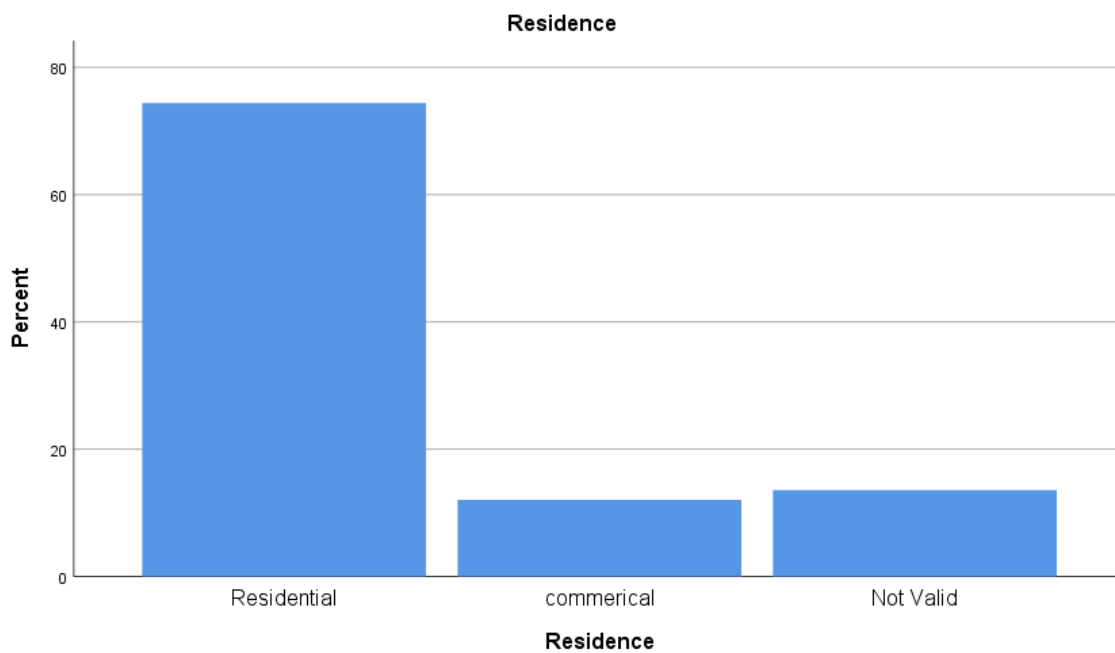


Figure A4. Percentage Bar Chart Offender Address Types for Baltimore City

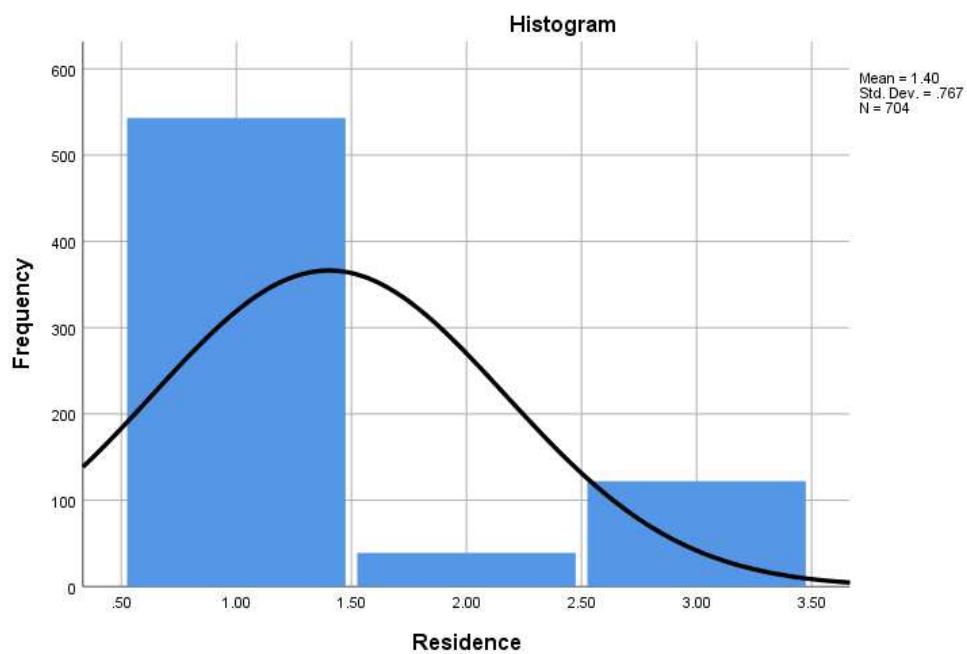
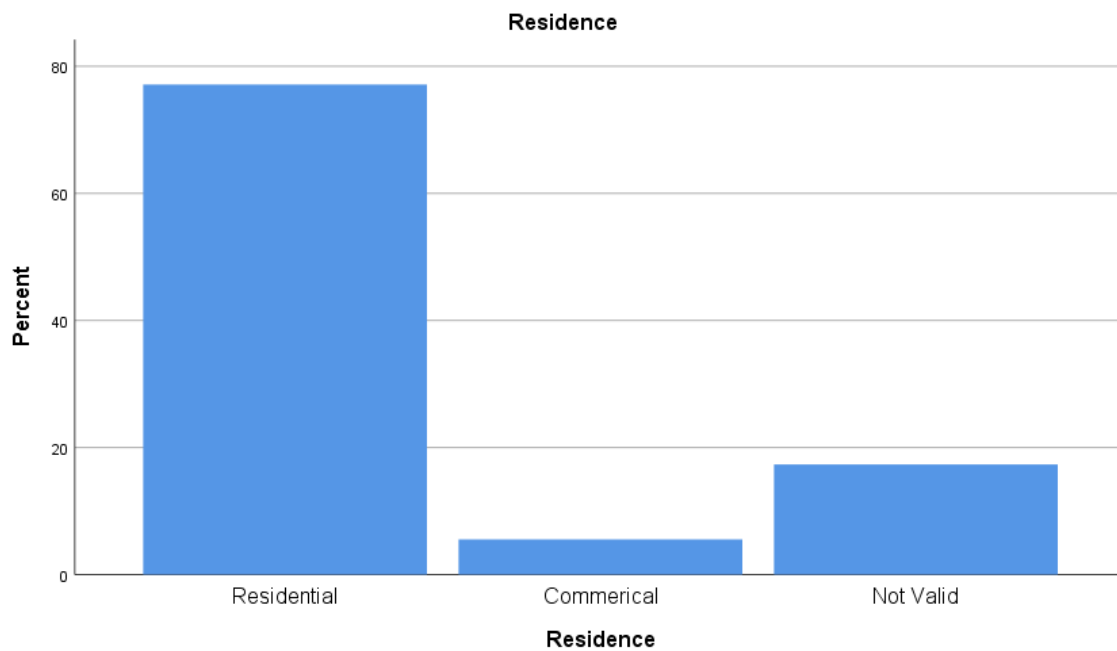


Figure A5. Histogram of Frequency by Offender Address Types for Baltimore County

Figure A6. Percentage Bar Chart Offender Address Types for Baltimore County Figure A6.

Percentage Bar Chart Offender Address Types for Baltimore County





*Figure A6.* Percentage Bar Chart Offender Address Types for Baltimore County

## Appendix B

### Department of Public Safety and Correctional Services

#### INSTRUCTIONS

#### FOR COMPLETING THE “RESEARCH APPLICATION” FORM (next page)

Completed applications should not exceed four printed pages. Applications will be returned if all requested information is not provided. Receipt of application will be acknowledged within five working days, but allow at least 60 days after receipt for a formal response.

*Questions? Contact Christina Lentz at tel: 410-339-5020; email  
[Christina.Lentz@Maryland.gov](mailto:Christina.Lentz@Maryland.gov)*

- 1. Researcher’s Name:** List the full name of the primary researcher first. This will be the project’s contact person. Then list any other individuals who will help conduct the research.
- 2. Title and Work or School Affiliation:** Identify the primary researcher’s work title or student status (undergraduate or graduate), and business, organization, or school affiliation.
- 3-5. Mailing Address, Telephone Number, Email:** Mailing address, telephone number, and email address of the primary researcher.
- 6. Title of Research Study:** Official or working title of the project.
- 7. Main Research Hypothesis and Purpose of Study (why it will advance knowledge or practices in the criminal justice or related fields):** This should be a brief narrative that clearly outlines the need for your research and why its findings and conclusions would be considered important or useful. If applicable, include a statement as to the benefit the Department might obtain from the study and/or its results.
- 8. Methodology(ies):** This should be a brief narrative that clearly outlines, in general chronological order, the essential and quantifiable details of how you plan to conduct your research. Include, e.g., estimated N size (number) of your sample/subject/control population(s); time, equipment, location, or other requirements for subject interviews or surveys; timeframes for the sequential steps in your research; how data received from the Department and from other sources will be analyzed/used to reach conclusions; how confidentiality will be maintained, etc.
- 9. DPSCS Data or Cooperation Required:** Describe the departmental data your research needs, or specify the data elements and system name(s) if known; specify/quantify other departmental resources required (e.g., staff time and/or assistance, facility space, etc.).

**NOTE:** As of March 2011, the Department of Public Safety and Correctional Services continues to be unable to support the portion of any new Research Application whose methodology includes interviews of inmates held in a departmental facility (Division of Correction, Division of Pretrial Detention and Services, or Patuxent Institution), because of the costs incurred to provide security; the Department may not accept monies

from researchers to compensate its staff for this purpose. Likewise, the Department continues to be unable to support research requiring special programming to provide historical or current correctional data about sentenced inmates, due to staffing limitations. The Departmental Research Committee retains discretion to determine if these limitations absolutely preclude support of a Research Application, or if other options exist sufficient to enable approval of a Research Application on a limited basis.

**10. Funding Source, if any:** Name the source of funding you have received, or to whom you are applying. If this application is requesting a “letter of support” to use as part of a research funding request, include the deadline date (allow at least 60 days from submission). *(NOTE: there are fees associated with certain data requests, and cost recovery may be required for extensive use of departmental resources.)*

**11. Study Duration:** Identify the anticipated start and end dates, and any critical interim (milestone) dates.

**12. Publication Intentions:** Describe how you will disseminate/use your research findings and conclusions, e.g., publication in professional journal(s), dissertation or thesis, classroom assignment, etc.

**13. Other Required Information:** *If applicable:* (1) Master’s and doctoral candidates must submit documentation of prior approval of the topic and methodology from the advisor or committee. (2) Researchers whose projects include a survey of inmates must submit a sample “Informed Consent” form and a copy of the survey. (3) Researchers whose affiliation requires IRB approval for certain kinds of research must submit documentation of same.

**14. Date:** Date you complete the application.

Completed applications should not exceed four printed pages. Applications will be returned if all requested information is not provided. Receipt of application will be acknowledged within five working days, but allow at least 60 days after receipt for a formal response. Please mail or email the completed application, together with the Researcher’s resumé or curriculum vitae plus any other required documentation, to:

Christina Lentz, Executive Director  
Office of Grants, Policies, & Statistics  
Department of Public Safety and Correctional Services  
300 East Joppa Road, Suite 1000  
Towson, Maryland 21286-3020  
Email: [Christina.Lentz@Maryland.gov](mailto:Christina.Lentz@Maryland.gov)

<b>(a) Researcher’s Name</b>	
<b>Title and Work or School Affiliation</b>	
<b>Mailing Address</b>	

<b>Telephone Number</b>	
<b>Email Address</b>	
<b>Title of Research Study</b>	
<b>Main Research Hypothesis and Purpose of Study</b> (why it will advance knowledge or practices in the criminal justice or related fields)	
<b>Methodology(ies)</b>	
<b>DPSCS Data or Cooperation Required</b>	
<b>Funding Source, if any</b>	
<b>Study Duration</b>	
<b>Publication Intentions</b>	
<b>Other Required Information</b>	
<b>Date</b>	

*Questions? Contact Christina Lentz at tel: 410-339-5020; email [Christina.Lentz@Maryland.gov](mailto:Christina.Lentz@Maryland.gov)*

## Appendix C

### SEX OFFENDER REGISTRATION AND NOTIFICATION ACT: SUBSTANTIAL IMPLEMENTATION CHECKLIST

This checklist is designed as a tool to assist registration jurisdictions as they seek to substantially implement Title I of the Adam Walsh Child Protection and Safety Act of 2006, the Sex Offender Registration and Notification Act (SORNA). It is not a definitive guide to SORNA's full implementation requirements. Jurisdictions are advised to consult with the SMART Office throughout their implementation process to ensure that their laws, policies, procedures, and practices conform with the entirety of what SORNA requires.

This checklist includes SORNA's basic requirements, along with space for users to fill in their jurisdictions' statutes, policies, and procedures. Please be advised that this version continues to update an earlier version of the checklist with the following:

1. Sex Trafficking of Children by Force, Fraud, or Coercion (18 U.S.C. 1591) was INCORRECTLY listed as a Tier I Offense; it is a Tier II Offense.
2. The Kids Act of 2008 (42 U.S.C. § 16915a & b) amended the SORNA provisions of the Adam Walsh Act by adding Internet identifiers as items that are NOT permitted to be displayed on public sex offender registry websites.

Additionally, this latest version of the checklist makes substantive changes to the previous version with changes authorized by the Supplemental Guidelines, including:

1. Jurisdictions are required to have sex offenders report international travel 21 days in advance of such travel and to submit information concerning such travel to the appropriate Federal agencies and databases.
2. Jurisdictions are required to utilize the SORNA Exchange Portal to ensure consistent interjurisdictional information sharing and tracking of sex offenders.
3. Jurisdictions must now include the forms signed by sex offenders acknowledging that they were advised as required registration information.
4. Relating to recapture of sex offenders, jurisdictions are now to require registration for individuals who reenter the jurisdiction's criminal justice system because of a conviction for some other **felony** crime (whether or not it is a sex offense).

The SORNA Checklist is organized into 14 sections, covering the major requirements of the Act. Each section contains a table listing the SORNA requirement with space to answer whether the jurisdiction meets that requirement (yes/no), the relevant statute citation and/or the relevant administrative policy or procedure page number, and a "notes" space to further elaborate or explain the jurisdiction's approach to the corresponding requirement. When submitting a completed checklist, please attach all relevant statutes, codes, and administrative policy or procedures, along with documentation of database/data sharing systems and the jurisdiction's public sex offender website.

Pursuant to §127 of the Adam Walsh Act, designated federally recognized Indian tribes were entitled to elect to become SORNA registration and notification jurisdictions or to delegate the

responsibility to the state in which they are located. As of December 2010, 192 federally recognized Indian tribes have elected to be SORNA registration and notification jurisdictions. If a state has a tribe or tribes located within its boundaries that have elected to implement SORNA, the SMART Office also requests that these states submit the following information:

- An explanation of working relationship with SORNA tribes
- The name and contact information of the tribal point of contact for the State
- Any information sharing arrangements, including DNA, Fingerprints, NCIC, Criminal History, and Corrections Information
- Any Memoranda of Understanding (MOU) or Cooperative Agreements

For those federally recognized Indian tribes have elected to be SORNA registration and notification jurisdictions, the SMART Office also requests that these tribes submit the following information:

- An explanation of working relationship with State(s) in which the tribe is located
- The name and contact information of the State point of contact for the tribe
- Any information sharing arrangements, including DNA, Fingerprints, NCIC, Criminal History, and Corrections Information
- Any Memoranda of Understanding (MOU) or Cooperative Agreements

**Please be advised that additional information is required for tribes when submitting a Substantial Implementation Package for review by the SMART Office.** Information for tribes about these additional materials and how to submit materials to the SMART Office is available on the SMART Office Website: [www.smart.gov](http://www.smart.gov)

## I. IMMEDIATE TRANSFER OF INFORMATION

Whenever a sex offender initially registers or updates their registration information with a jurisdiction, that jurisdiction is required to immediately notify any other jurisdiction where the sex offender resides, is an employee, or is a student and each jurisdiction from or to which a change of residence, employment, or student status occurs. This includes notification to any relevant SORNA-registration jurisdiction, including states, territories, tribes, and the District of Columbia.

The jurisdiction is also required to immediately update the National Sex Offender Registry (NSOR) and its own public sex offender registry website.

SORNA Requirement	Y/N	Statute Citation or Regulation Page #	Notes
'Immediate' and 'immediately' are defined as 'within 3 business days'			
Any initial registration and/or updated information is immediately sent to any required SORNA-registration jurisdiction, including:			
• States			
• D.C.			
• The five principal U.S. Territories (Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, and the U.S. Virgin Islands)			
• Any tribe operating as a SORNA registration jurisdiction			
• NCIC/NSOR			
• The jurisdiction's public sex offender registry website			

## II. OFFENSES THAT MUST BE INCLUDED IN THE REGISTRY

A jurisdiction must include certain sex offenders in their registration schemes. As defined by SORNA, sex offenders are individuals convicted of sex offenses.

SORNA Requirement	Y/N	Statute Citation or Regulation Page #	Notes
An adult sex offender is <b>convicted</b> for SORNA purposes if her or she has been subject to penal consequences based on the conviction, however it may be styled.			
The following two classes of convictions are also included in the SORNA definition of convicted, and must be included in the jurisdiction's registry: <sup>1</sup>			
<ul style="list-style-type: none"> <li>• Convictions of juveniles who are prosecuted as adults.</li> </ul>			
<ul style="list-style-type: none"> <li>• Persons adjudicated delinquent as a juvenile for a sex offense, but only if the offender is 14 years of age or older at the time of the offense and the offense adjudicated was comparable to or more severe than aggravated sexual abuse (as described in 18 U.S.C. § 2241(a) or (b)), or was an attempt or conspiracy to commit such an offense.</li> </ul>			

SORNA specifies the sex offenses which, if they already exist in a jurisdiction, must be included in any jurisdiction's registration scheme, as well as those convictions from other jurisdictions (including the federal government and foreign countries) which must be included. Jurisdictions are not required to enact any new substantive sex offense crimes in order to substantially implement SORNA.

Jurisdictions must register any sex offender convicted of any of the following offenses:

<sup>1</sup> See SMART's Juvenile Fact Sheet for additional information.  
[http://www.ojp.usdoj.gov/smart/pdfs/factsheet\\_sorna\\_juvenile.pdf](http://www.ojp.usdoj.gov/smart/pdfs/factsheet_sorna_juvenile.pdf)



SORNA Requirement	Y/N	Statute Citation or Regulation Page #	Notes
Any attempt or conspiracy to commit any sex offense			
Convictions under the following federal statutes (including any offenses prosecuted under the Assimilative Crimes Act (18 U.S.C. §1152 or §1153)):			
<ul style="list-style-type: none"> <li>18 U.S.C. §1591 (Sex Trafficking of Children)</li> </ul>			
<ul style="list-style-type: none"> <li>18 U.S.C. §1801 (Video Voyeurism of a Minor)</li> </ul>			
<ul style="list-style-type: none"> <li>18 U.S.C. §2241 (Aggravated Sexual Abuse)</li> </ul>			
<ul style="list-style-type: none"> <li>18 U.S.C. §2242 (Sexual Abuse)</li> </ul>			
<ul style="list-style-type: none"> <li>18 U.S.C. §2243 (Sexual Abuse of a Minor or Ward)</li> </ul>			
<ul style="list-style-type: none"> <li>18 U.S.C. §2244 (Abusive Sexual Contact)</li> </ul>			
<ul style="list-style-type: none"> <li>18 U.S.C. §2245 (Offenses Resulting in Death)</li> </ul>			
<ul style="list-style-type: none"> <li>18 U.S.C. §2251 (Sexual Exploitation of Children)</li> </ul>			
<ul style="list-style-type: none"> <li>18 U.S.C. §2251A (Selling or Buying of Children)</li> </ul>			
<ul style="list-style-type: none"> <li>18 U.S.C. §2252 (Material Involving the Sexual Exploitation of Minors)</li> </ul>			
<ul style="list-style-type: none"> <li>18 U.S.C. §2252A (Material Containing Child Pornography)</li> </ul>			
<ul style="list-style-type: none"> <li>18 U.S.C. §2252B (Misleading Domain Names on the Internet)</li> </ul>			
<ul style="list-style-type: none"> <li>18 U.S.C. §2252C (Misleading Words or Digital Images on the Internet)</li> </ul>			
<ul style="list-style-type: none"> <li>18 U.S.C. §2260 (Production of Sexually Explicit Depictions of a</li> </ul>			

SORNA Requirement	Y/N	Statute Citation or Regulation Page #	Notes
Minor for Import in to the United States)			
• 18 U.S.C. §2421 (Transportation of a Minor for Illegal Sexual Activity)			
• 18 U.S.C. §2422 (Coercion and Enticement of a Minor for Illegal Sexual Activity)			
• 18 U.S.C. §2423 (Transportation of Minors for Illegal Sexual Activity, Travel With the Intent to Engage in Illicit Sexual Conduct with a Minor, Engaging in Illicit Sexual Conduct in Foreign Places)			
• 18 U.S.C. §2424 (Failure to File Factual Statement about an Alien Individual)			
• 18 U.S.C. §2425 (Transmitting Information about a Minor to further Criminal Sexual Conduct)			
Jurisdictions must also register certain sex offenders convicted of foreign sex offenses when such offenders are convicted either:			
• Under the laws of Canada, United Kingdom, Australia, and New Zealand			
• In any foreign country where the U.S. State Department, in its Country Reports on Human Rights Practices, has concluded that an independent judiciary generally (or vigorously) enforced the right to a fair trial in that country during the year in which the conviction occurred. <sup>2</sup>			
Jurisdictions must register anyone convicted of a military offense			

<sup>2</sup> These annual reports can be found at <http://www.state.gov/g/drl/rls/hrrpt/>

SORNA Requirement	Y/N	Statute Citation or Regulation Page #	Notes
<p>specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (10 U.S.C. §951 note). Jurisdictions are encouraged to review Department of Defense Instruction (DoDI) 1325.7 and the current 10 U.S.C. §920 et. seq. to determine which UCMJ convictions will be appropriate for inclusion.<sup>3</sup></p>			
<p>Jurisdictions are required to register any person who has been convicted of a criminal offense in any state, tribe, territory, or the District of Columbia, and any foreign country (subject to the limitations described above) that involves:</p>			
<ul style="list-style-type: none"> <li>Any conduct that by its nature is a sex offense against a minor</li> </ul>			
<ul style="list-style-type: none"> <li>Any type or degree of genital, oral, or anal penetration</li> </ul>			
<ul style="list-style-type: none"> <li>Any sexual touching of or contact with a person's body, either directly or through the clothing</li> </ul>			
<ul style="list-style-type: none"> <li>Criminal sexual conduct involving a minor (where the elements of the offense involve physical contact with the victim), or the use of the internet to facilitate or attempt such conduct</li> </ul>			
<ul style="list-style-type: none"> <li>Including offenses whose elements involve using other persons in prostitution -- such as provisions defining crimes of "pandering," "procuring," or "pimping" in cases where the victim was below 18 at the time of the offense</li> </ul>			

<sup>3</sup> The current version of DoDI 1325.7 can be found here:  
<http://www.dtic.mil/whs/directives/corres/pdf/132507p.pdf>

SORNA Requirement	Y/N	Statute Citation or Regulation Page #	Notes
• False imprisonment of a minor			
• Kidnapping of a minor			
• Possession, production, or distribution of child pornography			
• Solicitation of a minor to practice prostitution			
• Solicitation to engage a minor in sexual conduct (this should be understood broadly to include any direction, request, enticement, persuasion, or encouragement of a minor to engage in sexual conduct)			
• Use of a minor in a sexual performance			
Jurisdictions are required to register any person who has been convicted of conduct similar to that prohibited by the following Federal Offenses:			
• 18 U.S.C. §1591 (Sex Trafficking by Force, Fraud, or Coercion)			
• 18 U.S.C. §1801 (Video Voyeurism of a Minor)			
• 18 U.S.C. §2241 (Aggravated Sexual Abuse)			
• 18 U.S.C. §2242 (Sexual Abuse)			
• 18 U.S.C. §2244 (Abusive Sexual Contact)			
• 18 U.S.C. §2422(b) (Coercing a Minor to Engage in Prostitution)			
• 18 U.S.C. §2423(a) (Transporting a Minor to Engage in Illicit Conduct)			

### III. TIERING OF OFFENSES

Once a jurisdiction determines which sex offenses will require registration, it will have to decide at what ‘level’ of registration those convicted of each particular offense must register. SORNA establishes a baseline or minimum standard by way of a 3-tier classification system.

For the purposes of tiering sex offenses:

- Minor is defined as an individual under the age of 18
- Sexual contact means offenses that cover sexual touching of or contact with the intimate parts of the body, either directly or through the clothing
- Sexual act means offenses involving:
  - Any direct touching of the genitals of a person under 16; or
  - Oral, anal, or vaginal penetration of any kind which occurs:
    - when the victim is under 13
    - by force
    - by way of threat or intimidation
    - when the victim has been rendered unconscious
    - when the victim is incapable of appraising the nature of their conduct;
    - when the victim is physically incapable of communicating non-consent;
    - when a drug or intoxicant has been administered which substantially impairs the ability of the other person to appraise or control their conduct

The following table will assist jurisdictions in tiering federal offenses. We recommend using the State Tiering table (starting on page 10) to tier state/territory/tribal offenses. Additionally, please indicate how your jurisdiction tiers out-of-state offenses.

SORNA Requirement	Y/N	Statute Citation	Notes
<b>Tier I Offenses</b> — Convictions that have an element involving a sexual act or sexual contact with another, that are not included in either Tier II or Tier III, including:			
• False Imprisonment of a Minor			
• Video Voyeurism of a Minor			
• Possession or Receipt of Child Pornography			
• The following Federal Offenses:			
• 18 U.S.C. §1801 (Video Voyeurism of a Minor)			

<b>SORNA Requirement</b>	<b>Y/N</b>	<b>Statute Citation</b>	<b>Notes</b>
• 18 U.S.C. §2252 (Receipt or Possession of Child Pornography)			
• 18 U.S.C. §2252A (Receipt or Possession of Child Pornography)			
• 18 U.S.C. §2252B (Misleading Domain Name)			
• 18 U.S.C. §2252C (Misleading Words or Digital Images)			
• 18 U.S.C. §2422(a) (Coercion to Engage in Prostitution)			
• 18 U.S.C. §2423(b) (Travel with the Intent to Engage in Illicit Conduct)			
• 18 U.S.C. §2423(c) (Engaging in Illicit Conduct in Foreign Places)			
• 18 U.S.C. §2423(d) (arranging, inducing, procuring, or facilitating the travel in interstate commerce of an adult for the purpose of engaging in illicit conduct for financial gain)			
• 18 U.S.C. §2424 (Filing Factual Statement about Alien Individual)			
• 18 U.S.C. §2425 (Transmitting Information about a Minor to further Criminal Sexual Conduct)			
• Any comparable military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (10 U.S.C. §951 note)			

<b>Tier II Offenses</b> — Convictions that involve:			
• A person previously convicted of a tier I offense whose current sex offense conviction is punishable by more than one year imprisonment			

<b>SORNA Requirement</b>	<b>Y/N</b>	<b>Statute Citation</b>	<b>Notes</b>
• The use of minors in prostitution (to include solicitations)			
• Enticing a minor to engage in criminal sexual activity			
• A non-forcible Sexual Act with a minor 16 or 17 years old			
• Sexual contact with a minor 13 or older			
• The use of a minor in a sexual performance			
• The production or distribution of child pornography			
The following Federal Offenses:			
• 18 U.S.C. §1591 (Sex Trafficking by Force, Fraud, or Coercion)			
• 18 U.S.C. §2423(d) (arranging, inducing, procuring, or facilitating the travel in interstate commerce of an adult for the purpose of engaging in illicit conduct for financial gain)			
• 18 U.S.C. §2244 (Abusive Sexual Contact, Victim 13 or Older)			
• 18 U.S.C. §2251 (Sexual Exploitation of Children)			
• 18 U.S.C. §2251A (Selling or Buying of Children)			
• 18 U.S.C. §2252 (Sale or Distribution of Child Pornography)			
• 18 U.S.C. §2252A (Sale or Distribution of Child Pornography)			
• 18 U.S.C. §2260 (Producing Child Pornography for Import)			
• 18 U.S.C. §2421 (Transportation for Prostitution)			
• 18 U.S.C. §2422(b) (Coercing a Minor to Engage in Prostitution)			

SORNA Requirement	Y/N	Statute Citation	Notes
<ul style="list-style-type: none"> <li>18 U.S.C. §2423(a) (Transporting a Minor to Engage in Illicit Conduct)</li> </ul>			
Any comparable military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (10 U.S.C. §951 note)			

<b>Tier III Offenses</b> — Convictions that involve:			
<ul style="list-style-type: none"> <li>A person previously convicted of a tier II offense whose current sex offense conviction is punishable by more than one year imprisonment</li> </ul>			
<ul style="list-style-type: none"> <li>Non-parental kidnapping of a minor</li> </ul>			
<ul style="list-style-type: none"> <li>Any Sexual Act with another</li> </ul>			
<ul style="list-style-type: none"> <li>Sexual contact with a minor under 13</li> </ul>			
The following Federal Offenses:			
<ul style="list-style-type: none"> <li>18 U.S.C. §2241 (Aggravated Sexual Abuse)</li> </ul>			
<ul style="list-style-type: none"> <li>18 U.S.C. §2242 (Sexual Abuse)</li> </ul>			
<ul style="list-style-type: none"> <li>18 U.S.C. §2243 (Sexual Abuse of a Minor or Ward)</li> </ul>			
<ul style="list-style-type: none"> <li>18 U.S.C. §2244 (Abusive Sexual Contact, victim under 13)</li> </ul>			
Any comparable military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (10 U.S.C. §951 note)			





State Tier	Statute Citation	Notes	SORNA Tier

#### IV. REQUIRED REGISTRATION INFORMATION

Once a jurisdiction determines which sex offense convictions will require what level of registration, the question turns to the types of information they are required to collect for their sex offender registry. These requirements are different from the more limited list of items that are required to be displayed via a jurisdiction's public sex offender registry website.

All information is to be available in digitized format. Jurisdictions will need to maintain all required registration information in a digitized form that will enable it to be immediately accessed by or transmitted to various entities. The jurisdiction's registry must be an electronic database, and descriptions of the required types of information should consistently be understood as referring to digitizable information rather than hard copies or physical objects.

However, when items and/or data might be stored in separate databases (such as DNA profiles in CODIS, fingerprints in IAFIS, or professional licensing information with a separate board or committee), it is sufficient if a jurisdiction provides an identification number or some other indicator of precisely where such registration information might be found, and in which database.

<b>SORNA Requirement</b>	<b>Digitized</b>	<b>Y/N</b>	<b>Statute Citation or Regulation Page #</b>	<b>Notes</b>
<b>Criminal History information, including:</b>	<input type="checkbox"/>			
• Date of all arrests	<input type="checkbox"/>			
• Date of all convictions	<input type="checkbox"/>			
• Status of parole, probation, or supervised release	<input type="checkbox"/>			
• Registration status	<input type="checkbox"/>			
• Outstanding arrest warrants	<input type="checkbox"/>			
<b>Date of Birth, including:</b>				
• Actual date of birth	<input type="checkbox"/>			
• Purported date of birth	<input type="checkbox"/>			
<b>DNA, including:</b>				
• A DNA sample must be taken, or must have been taken, from the sex offender for purposes of analysis and entry of the	<input type="checkbox"/>			

<b>SORNA Requirement</b>	<b>Digitized</b>	<b>Y/N</b>	<b>Statute Citation or Regulation Page #</b>	<b>Notes</b>
resulting DNA profile into the Combined DNA Index System (CODIS)				
<ul style="list-style-type: none"> <li>• Samples are analyzed and submitted for entry to CODIS</li> </ul>	<input type="checkbox"/>			
<b>Driver's License or ID Card:</b>				
<ul style="list-style-type: none"> <li>• A photocopy of a valid driver's license or identification card (to include a tribal identification card) issued to the sex offender by a jurisdiction</li> </ul>	<input type="checkbox"/>			
<b>Employment Information, including:</b>				
<ul style="list-style-type: none"> <li>• Employer Name (Business Name)</li> </ul>	<input type="checkbox"/>			
<ul style="list-style-type: none"> <li>• Employer Address</li> </ul>	<input type="checkbox"/>			
<ul style="list-style-type: none"> <li>• Transient/day labor employment information</li> </ul>	<input type="checkbox"/>			
<b>Fingerprints:</b> taken and submitted to IAFIS	<input type="checkbox"/>			
<b>Internet Identifiers, including:</b>				
<ul style="list-style-type: none"> <li>• Email addresses</li> </ul>	<input type="checkbox"/>			
<ul style="list-style-type: none"> <li>• Instant Message addresses/identifiers</li> </ul>	<input type="checkbox"/>			
<ul style="list-style-type: none"> <li>• Any other designations or monikers used for self-identification in Internet communications or postings</li> </ul>	<input type="checkbox"/>			
<ul style="list-style-type: none"> <li>• All designations used by sex offenders for purposes of routing or self-identification in Internet communications or postings</li> </ul>	<input type="checkbox"/>			
<b>Name, including:</b>				
<ul style="list-style-type: none"> <li>• Primary, given name</li> </ul>	<input type="checkbox"/>			

<b>SORNA Requirement</b>	<b>Digitized</b>	<b>Y/N</b>	<b>Statute Citation or Regulation Page #</b>	<b>Notes</b>
<ul style="list-style-type: none"> <li>Nicknames, aliases, pseudonyms generally, regardless of context in which it is used</li> </ul>	<input type="checkbox"/>			
<ul style="list-style-type: none"> <li>Ethnic or Tribal names by which they are commonly known</li> </ul>	<input type="checkbox"/>			
<b>Palm Prints:</b>				
<ul style="list-style-type: none"> <li>Palm Prints taken and submitted to the FBI Central Database (Next Generation Identification Program)</li> </ul>	<input type="checkbox"/>			
<b>Passports and Immigration Documents, including:</b>				
<ul style="list-style-type: none"> <li>Digitized copies of passports</li> </ul>	<input type="checkbox"/>			
<ul style="list-style-type: none"> <li>Digitized copies of immigration documents</li> </ul>	<input type="checkbox"/>			
<b>Phone Numbers, including:</b>				
<ul style="list-style-type: none"> <li>Telephone numbers and any other designations used by sex offenders for purposes of routing or self-identification in telephonic communications</li> </ul>	<input type="checkbox"/>			
<ul style="list-style-type: none"> <li>Land line telephone numbers</li> </ul>	<input type="checkbox"/>			
<ul style="list-style-type: none"> <li>Cell phone telephone numbers</li> </ul>	<input type="checkbox"/>			
<ul style="list-style-type: none"> <li>Photograph collected unless appearance has not changed significantly, on the following schedule:</li> </ul>	<input type="checkbox"/>			
<ul style="list-style-type: none"> <li> <ul style="list-style-type: none"> <li>Tier I Offender: Once every Year</li> </ul> </li> </ul>	<input type="checkbox"/>			
<ul style="list-style-type: none"> <li> <ul style="list-style-type: none"> <li>Tier II Offender: Once every 6 Months</li> </ul> </li> </ul>	<input type="checkbox"/>			
<ul style="list-style-type: none"> <li> <ul style="list-style-type: none"> <li>Tier III Offender: Once every 90 Days</li> </ul> </li> </ul>	<input type="checkbox"/>			
<b>Physical Description, including:</b>				

<b>SORNA Requirement</b>	<b>Digitized</b>	<b>Y/N</b>	<b>Statute Citation or Regulation Page #</b>	<b>Notes</b>
<ul style="list-style-type: none"> <li>Physical description of the sex offender</li> </ul>	<input type="checkbox"/>			
<ul style="list-style-type: none"> <li>General description of physical appearance or characteristics</li> </ul>	<input type="checkbox"/>			
<ul style="list-style-type: none"> <li>Any identifying marks, such as scars or tattoos, etc.</li> </ul>	<input type="checkbox"/>			
<b>Professional Licensing Information:</b>				
<ul style="list-style-type: none"> <li>Concerning all licensing of the registrant that authorizes the registrant to engage in an occupation or carry out a trade or business</li> </ul>	<input type="checkbox"/>			
<b>Registration Forms:</b> forms signed by sex offenders acknowledging that they were advised of their registration obligations	<input type="checkbox"/>			
<b>Resident Address, including:</b>				
<ul style="list-style-type: none"> <li>Address of each residence at which the sex offender resides or will reside</li> </ul>	<input type="checkbox"/>			
<ul style="list-style-type: none"> <li>If no permanent residence, location or description that identifies where the sex offender "habitually lives"</li> </ul>	<input type="checkbox"/>			
<b>School Name and Address</b>	<input type="checkbox"/>			
<b>Social Security Number</b>				
<ul style="list-style-type: none"> <li>Valid social security number</li> </ul>	<input type="checkbox"/>			
<ul style="list-style-type: none"> <li>Purported social security number(s)</li> </ul>	<input type="checkbox"/>			
<b>Temporary lodging information, including:</b>				
<ul style="list-style-type: none"> <li>Identifying information (location) of temporary location(s)</li> </ul>	<input type="checkbox"/>			
<ul style="list-style-type: none"> <li>Dates of travel</li> </ul>	<input type="checkbox"/>			

SORNA Requirement	Digitized	Y/N	Statute Citation or Regulation Page #	Notes
<b>Text of Registration Offense:</b> The text of the provision of law defining the offense for which the sex offender is registered	<input type="checkbox"/>			
<b>Vehicle Information of all vehicles owned or operated by the offender, whether for work of personal use, including:</b>				
• License plate number	<input type="checkbox"/>			
• Registration number or identifier	<input type="checkbox"/>			
• Land Vehicles	<input type="checkbox"/>			
• Aircraft	<input type="checkbox"/>			
• Watercraft	<input type="checkbox"/>			
• Description of all vehicles identified above	<input type="checkbox"/>			
• Permanent or frequent location where all vehicles are kept	<input type="checkbox"/>			

## V. WHERE REGISTRATION IS REQUIRED

SORNA Requirement	Y/N	Statute Citation or Regulation Page #	Notes
All sex offenders <b>convicted</b> in the jurisdiction are required to initially register.			
All sex offenders who complete their sentence of <b>incarceration</b> in the jurisdiction are required to initially register.			
All sex offenders who <b>reside</b> in the jurisdiction are required to register.			
All sex offenders who are <b>employees</b> in the jurisdiction are required to register. "Employee" includes an individual who is self-employed or works for any other entity, whether compensated or not.			
All sex offenders who are <b>students</b> in the jurisdiction are required to register. "Student" is an individual who enrolls in or attends an educational institution, including (whether public or private) a secondary school, trade or professional school, and institution of higher education.			



## VI. INITIAL REGISTRATION: TIMING AND NOTICE

A sex offender is required to register at particular times, depending on whether he or she is incarcerated within the jurisdiction, sentenced within the jurisdiction, or arriving from another jurisdiction.

SORNA Requirement	Y/N	Statute Citation or Regulation Page #	Notes
When a sex offender is incarcerated within the jurisdiction, registration must occur before release from “imprisonment” for the registration offense. Imprisonment refers to incarceration pursuant to a conviction, regardless of the nature of the institution in which the offender serves the sentence.			
When a sex offender is sentenced within the jurisdiction, but not incarcerated, registration must occur within three business days of sentencing for the registration offense.			
When an offender is convicted and/or sentenced in another state, territory, tribe, or country, or in a federal or military court, and chooses to reside, work, or attend school in a jurisdiction. Registration must occur within three business days of the sex offender establishing residence, employment, or school attendance within the jurisdiction.			
Duties of a Jurisdiction When an Offender Initially Registers:			
<ul style="list-style-type: none"> <li>• Inform the sex offender of his or her duties under SORNA</li> </ul>			
<ul style="list-style-type: none"> <li>• Explain the SORNA duties to sex offender</li> </ul>			
<ul style="list-style-type: none"> <li>• Require the sex offender to read and sign a form stating that the duty to</li> </ul>			

<b>SORNA Requirement</b>	<b>Y/N</b>	<b>Statute Citation or Regulation Page #</b>	<b>Notes</b>
register has been explained and that the sex offender understands the registration requirement			
<ul style="list-style-type: none"><li>• Ensure that the sex offender is registered</li></ul>			

## VII. INITIAL REGISTRATION: RETROACTIVE CLASSES OF OFFENDERS

SORNA, by its terms, applies to all sex offenders, regardless of when they were convicted. Jurisdictions are required to recapture (i.e., appropriately classify and register) certain offenders, including those who previously may have not been required to register, but who would be required to register under the jurisdiction's new SORNA-implementing legislation.

<b>SORNA Requirement</b>	<b>Y/N</b>	<b>Statute Citation or Regulation Page #</b>	<b>Notes</b>
Procedure in place to recapture three categories of sex offenders:			
<ul style="list-style-type: none"> <li>• Currently incarcerated or under supervision, either for the predicate sex offense or for some other crime</li> </ul>			
<ul style="list-style-type: none"> <li>• Already registered or subject to a pre-existing sex offender registration requirement under the jurisdiction's law</li> </ul>			
<ul style="list-style-type: none"> <li>• Reenter the jurisdiction's criminal justice system because of a conviction for some other felony crime (whether or not it is a sex offense)</li> </ul>			
The initial registration of these recaptured offenders must take place within a certain amount of time (from date of implementation of SORNA in the jurisdiction), depending on the tier classification of the sex offender:			
<ul style="list-style-type: none"> <li>• Tier I Offenders: Within One Year</li> </ul>			
<ul style="list-style-type: none"> <li>• Tier II Offenders: Within 6 Months</li> </ul>			
<ul style="list-style-type: none"> <li>• Tier III Offenders: Within 3 Months</li> </ul>			

### VIII. KEEPING THE REGISTRATION CURRENT

The duties of a sex offender to a registration jurisdiction will depend on whether the jurisdiction is the:

- Residence Jurisdiction (the jurisdiction in which the offender resides), the
- Employment Jurisdiction (the jurisdiction in which the offender is an employee), or the
- School Jurisdiction (the jurisdiction in which the offender is a student)

This section addresses the duties of a sex offender to each of the preceding types of jurisdictions regarding the sex offender's duty to keep their registration current.

<b>SORNA Requirement</b>	<b>Y/N</b>	<b>Statute Citation or Regulation Page #</b>	<b>Notes</b>
<b>Residence Jurisdiction</b> — Immediately appear in-person to update any of the following information:			
• Name			
• Residence			
• Employment			
• School Attendance			
• Termination of residence			
Immediately update any changes to the following information (an in-person appearance is not required):			
• Email addresses			
• Instant Message addresses			
• Any other designations used in internet communications, postings, or telephone communications			
• Vehicle Information			
• Temporary Lodging Information			
• Upon receipt of this information, the jurisdiction must immediately notify the jurisdiction in which the offender will be temporarily staying			
Duties of the Residence Jurisdiction When An Offender Intends to Relocate to Another Country:			

<b>SORNA Requirement</b>	<b>Y/N</b>	<b>Statute Citation or Regulation Page #</b>	<b>Notes</b>
<ul style="list-style-type: none"> <li>Immediately notify any other jurisdiction where the sex offender is either registered, or is required to register, of that updated information</li> </ul>			
<ul style="list-style-type: none"> <li>Immediately notify the U.S. Marshals Service</li> </ul>			
<ul style="list-style-type: none"> <li>Immediately update NCIC/NSOR Information</li> </ul>			
<b>Employer Jurisdiction</b> — When an offender is employed in a jurisdiction, but neither resides nor attends school there, that offender must immediately appear in-person to update any of the following information:			
<ul style="list-style-type: none"> <li>Employment-related information in that jurisdiction</li> </ul>			
<ul style="list-style-type: none"> <li>Termination of employment in that jurisdiction</li> </ul>			
<b>School Jurisdiction</b> — When an offender attends school in a jurisdiction, but neither resides nor works there, that offender must immediately appear in-person to update any of the following information:			
<ul style="list-style-type: none"> <li>School-related information in that jurisdiction</li> </ul>			
<ul style="list-style-type: none"> <li>Termination of school in that jurisdiction</li> </ul>			

### **Special Issue: International Travel**

Sex offenders must inform their residence jurisdictions 21 days in advance if they intend to travel outside of the United States, and that jurisdictions that are so informed must notify the U.S. Marshals Service and update the sex offender's registration information in the national databases.

<b>SORNA Requirement</b>	<b>Y/N</b>	<b>Statute Citation or Regulation Page #</b>	<b>Notes</b>
Duties of the Residence Jurisdiction When An Offender Intends to Travel to Another Country:			

SORNA Requirement	Y/N	Statute Citation or Regulation Page #	Notes
<ul style="list-style-type: none"> <li>Offender must report intent 21 days in advance of travel.</li> </ul>			
<ul style="list-style-type: none"> <li>Immediately notify any other jurisdiction where the sex offender is either registered, or is required to register, of that updated information</li> </ul>			
<ul style="list-style-type: none"> <li>Immediately notify the U.S. Marshals Service</li> </ul>			
<ul style="list-style-type: none"> <li>Immediately update NCIC/NSOR Information</li> </ul>			

## IX. VERIFICATION/APPEARANCE REQUIREMENTS

Sex offenders must register for a duration of time, and make in-person appearances at an interval that is driven by the tier of their sex offense.

SORNA Requirement	Y/N	Statute Citation or Regulation Page #	Notes
<b>Tier I Offenders</b> must register:			
• Once a year			
• For 15 years			
<b>Tier II Offenders</b> must register:			
• Every 6 Months			
• For 25 years			
<b>Tier III Offenders</b> must register:			
• Every 3 Months			
• For life			
At the sex offender's regularly-scheduled in-person appearance, the following must occur:			
• A current photograph must be allowed to be taken			
• The sex offender must review the existing registration information for accuracy			

### Reduction of Registration Periods

There are only two classes of sex offenders that SORNA permits to have a reduced registration period, provided certain requirements are met. The first is any Tier I offender, and the second is any Tier III offender who is required to register because of a juvenile adjudication.

SORNA Requirement	Y/N	Statute Citation or Regulation Page #	Notes
<b>Tier I Offender</b> — An offender's registration and notification requirement may be terminated if the following conditions are met:			
• The sex offender has had ten years with a "clean record":			

SORNA Requirement	Y/N	Statute Citation or Regulation Page #	Notes
<ul style="list-style-type: none"> <li>Not being convicted of any offense for which imprisonment for more than 1 year may be imposed;</li> </ul>			
<ul style="list-style-type: none"> <li>Not being convicted of any sex offense;</li> </ul>			
<ul style="list-style-type: none"> <li>Successful (without revocation) completion of any periods of supervised release, probation, and parole;</li> </ul>			
<ul style="list-style-type: none"> <li>Successful completion of an appropriate sex offender treatment program certified by a jurisdiction or by the Attorney General. (42 USC §16915(b)(1))</li> </ul>			
<p><b>Tier III Offender</b> — An offender’s registration and notification requirement may be terminated if the following conditions are met:</p>			
<ul style="list-style-type: none"> <li>The sex offender is required to register based on a juvenile delinquency adjudication for an offense which required Tier III registration</li> </ul>			
<ul style="list-style-type: none"> <li>The sex offender has had twenty-five years with a “clean record”</li> </ul>			
<ul style="list-style-type: none"> <li>Not being convicted of any offense for which imprisonment for more than 1 year may be imposed;</li> </ul>			
<ul style="list-style-type: none"> <li>Not being convicted of any sex offense;</li> </ul>			
<ul style="list-style-type: none"> <li>Successful (without revocation) completion of any of supervised release, probation, and parole;</li> </ul>			
<ul style="list-style-type: none"> <li>Successful completion of an appropriate sex offender treatment program certified by a jurisdiction or by the Attorney General. (42 USC §16915(b)(1))</li> </ul>			



## X. REGISTRY WEBSITE REQUIREMENTS

Every jurisdiction will need to maintain a public sex offender registry website, as specified below. This website must contain the information detailed below on each sex offender in the registry. Information about a tier I sex offender convicted of an offense other than a “specified offense against a minor” as defined in 42 U.S.C. §16911(7) may be excluded from a jurisdiction’s public sex offender registry website.

<b>SORNA Requirement</b>	<b>Y/N</b>	<b>Statute Citation or Regulation Page #</b>	<b>Notes</b>
The jurisdiction must participate fully in the National Sex Offender Public Website, including taking the necessary steps to enable all field search capabilities required by NSOPW, including but not limited to:			
• Name;			
• County, City or Town;			
• Zip Code			
• Geographic Radius			
Links to sex offender safety and education resources			
Instructions on how to seek correction of information that an individual contends is erroneous.			
A warning that information on the site “should not be used to unlawfully injure, harass, or commit a crime against any individual named in the registry or residing or working at any reported address...and that any such action could result in civil or criminal penalties.”			
Website Search-field capability:			
• Name			
• County, City and/or Town			
• Zip Code			
• Geographic Radius			
<b>Items that must be displayed on public registry website:</b>			

<b>SORNA Requirement</b>	<b>Y/N</b>	<b>Statute Citation or Regulation Page #</b>	<b>Notes</b>
• Absconder: when the offender is in violation or cannot be located, the website must note this fact			
• Criminal History: any other sex offense for which the sex offender has been convicted			
• Current Offense: the sex offense for which the offender is registered			
• Employer address			
• Name, including all aliases			
• Photograph (current)			
• Physical description			
• Resident Address, including any information about where the offender “habitually lives”			
• School address			
• Vehicle(s) information, including: • license plate number(s); and • vehicle description(s)			
<b>Information That Is NOT Permitted to be Displayed on Public Websites:</b>			
• Victim Identity			
• Criminal History: any arrests not resulting in conviction			
• Social Security Number			
• Travel and Immigration Document Numbers			
• Internet Identifiers			

### **Special Issue: Witness Protection**

Jurisdictions are permitted and encouraged to make provision in their laws and procedures to accommodate consideration of the security of such individuals and to honor requests from the United States Marshals Service and other agencies responsible for witness protection in order to ensure that their original identities are not compromised.

## XI. COMMUNITY NOTIFICATION

Community Notification is a distinct requirement of SORNA, apart from the maintenance of a sex offender registry and a public sex offender registry website. In certain cases, jurisdictions will be required to disseminate information about sex offenders to agencies and individuals in the community, as indicated below.

SORNA Requirement	Y/N	Statute Citation or Regulation Page #	Notes
<p><b>Law Enforcement Notification</b> — Whenever a sex offender initially registers in a jurisdiction, or updates their registration information in a jurisdiction, the jurisdiction must immediately notify the specific agencies and monitor the SORNA Exchange Portal for inter-jurisdictional changes.</p>			
<ul style="list-style-type: none"> <li>• Monitor or utilize the SORNA Exchange Portal for inter-jurisdictional change of residence, employment or student status.</li> </ul>			
<ul style="list-style-type: none"> <li>• Notify each jurisdiction where the sex offender resides, is an employee, or is a student, and each jurisdiction from or to which a change of residence, employment, or student status occurs.</li> </ul>			
<ul style="list-style-type: none"> <li>• Update NCIC/NSOR</li> </ul>			
<ul style="list-style-type: none"> <li>• Notify Police Departments</li> </ul>			
<ul style="list-style-type: none"> <li>• Notify Sheriffs' Offices</li> </ul>			
<ul style="list-style-type: none"> <li>• Notify Prosecutor's Offices</li> </ul>			
<ul style="list-style-type: none"> <li>• Notify Probation Agencies</li> </ul>			
<ul style="list-style-type: none"> <li>• Notify any other agencies with criminal investigation, prosecution, or sex offender supervision functions</li> </ul>			
<ul style="list-style-type: none"> <li>• Notify any agency responsible for conducting employment-related background checks under section 3</li> </ul>			

SORNA Requirement	Y/N	Statute Citation or Regulation Page #	Notes
of the National Child Protection Act of 1993 (42 U.S.C. 5119a)			
<b>General Community Notification</b> — Whenever a sex offender initially registers in a jurisdiction, or updates their registration information in a jurisdiction, and a jurisdiction follows the procedures outlined below, it will be sufficient to comply with the general community notification portion of SORNA:			
<ul style="list-style-type: none"> <li>• An automated notification system<sup>4</sup> is adopted by the jurisdiction that incorporates the following features:</li> </ul>			
<ul style="list-style-type: none"> <li>• Any initial registration, and any changes in a sex offender's registration information, are posted to the jurisdiction's public registry website within three business days</li> </ul>			
<ul style="list-style-type: none"> <li>• An email notification (including a sex offender's identity) is made available to the general public whenever a sex offender commences:</li> </ul>			
<ul style="list-style-type: none"> <li>• Residence</li> </ul>			
<ul style="list-style-type: none"> <li>• Employment</li> </ul>			
<ul style="list-style-type: none"> <li>• School attendance</li> </ul>			
<ul style="list-style-type: none"> <li>• Within a certain zip code or geographic radius</li> </ul>			

## XII. FAILURE TO REGISTER AS A SEX OFFENDER: STATE PENALTY

<sup>4</sup> Jurisdictions are not required to adopt an automated notification system in order to implement this general community notification portion of SORNA. If a jurisdiction chooses not to do so, however, it will still be held to SORNA's baseline requirements. Please contact the SMART office for assistance in determining which alternate procedures would substantially implement this portion of SORNA.

<b>SORNA Requirement</b>	<b>Y/N</b>	<b>Statute Citation or Regulation Page #</b>	<b>Notes</b>
Each jurisdiction, other than a Federally recognized Indian tribe, shall provide a criminal penalty that includes a maximum term of imprisonment that is greater than 1 year for the failure of a sex offender to comply with the requirements of their registration and notification requirements in a jurisdiction.			

### **XIII. WHEN SEX OFFENDER FAILS TO APPEAR FOR REGISTRATION**

When a jurisdiction is notified that a sex offender intends to reside, be employed, or attend school in their jurisdiction, and that offender fails to appear for registration as required, the jurisdiction receiving that notice must take the following actions.

<b>SORNA Requirement</b>	<b>Y/N</b>	<b>Statute Citation or Regulation Page #</b>	<b>Notes</b>
Inform the jurisdiction that provided the notification (that the offender was to commence employment, residence, and/or school in the new jurisdiction) that the sex offender failed to appear for registration.			

### **XIV. WHEN A JURISDICTION HAS INFORMATION THAT A SEX OFFENDER MAY HAVE ABSCONDED**

When a jurisdiction has information that a sex offender may have absconded, certain actions must be taken.

<b>SORNA Requirement</b>	<b>Y/N</b>	<b>Statute Citation or Regulation Page #</b>	<b>Notes</b>
An effort must be made to determine whether the sex offender has actually absconded			
If no determination can be made, then a law enforcement agency with jurisdiction to investigate the matter must be notified			
If the information indicating the possible absconding came through notice from another jurisdiction or federal authorities, the authorities that provided the notification must be informed that the sex offender has failed to appear and register			
If an absconded sex offender cannot be located, then the jurisdiction must take the following steps:			

SORNA Requirement	Y/N	Statute Citation or Regulation Page #	Notes
The information in the registry must be revised to reflect that the sex offender is an absconder or unlocatable			
A warrant must be sought for the sex offender's arrest, if the legal requirements for doing so are satisfied			
The United States Marshals Service, which is the lead federal agency for investigating sex offender registration violations, must be notified			
The jurisdiction must update NCIC/NSOR to reflect the sex offender's status as an absconder or unlocatable			
The jurisdiction must enter the sex offender into the National Crime Information Center Wanted Person File (assuming issuance of a warrant meeting the requirement for entry into that file)			