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Author(s): Andrew J. Harris, Kimberly Kras, Christopher Lobanov-Rostovsky, Qurat Ann

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Information Sharing and the Role of Sex Offender Registration and Notification

Final Technical Report

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Principal Investigator

Andrew J. Harris

University of Massachusetts Lowell

Andrew_harris@uml.edu

Phone:978-934-3978

Co-Investigators

Kimberly Kras

San Diego State University

kkras@sdsu.edu

Christopher Lobanov-Rostovsky

Fox Valley Technical College

lobanovr@fvtc.edu

Graduate Research Assistant

Qurat Ann

University of Massachusetts Lowell

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EXECUTIVE SUMMARY

Over the past three decades, sex offender registration and notification (SORN) policies have emerged as prominent fixtures on the United States (U.S.) public safety landscape. All U.S. states and territories and over 150 tribal jurisdictions have adopted such policies, creating an extensive web of independently-operated systems for registering individuals with sex offense convictions, maintaining registration information, sharing data across criminal justice agencies, and disseminating certain registrant information to the public.

While managed at the state level, the shape and contours of the nation's SORN policies and systems have come under increasing federal purview since the mid-1990s. The Sex Offender Registration and Notification Act (SORNA), also known as Title I of the Adam Walsh Child Protection and Safety Act of 2006, represented a pivotal milestone in this evolving federal role. Arising from a perceived need for more effective interjurisdictional consistency and coordination, SORNA envisioned a "comprehensive national system" for the registration of individuals convicted of sexual offenses.¹ In pursuit of this vision, SORNA significantly broadened the scope and range of federal requirements for SORN systems operating within states and other covered jurisdictions; expanded interstate enforcement efforts through the U.S. Marshals Service (USMS); established a new office within the U.S. Department of Justice to oversee implementation of the Act (the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking, also known as the SMART Office); and called for improvements in federally-managed information systems to both enhance the interjurisdictional exchange of information between criminal justice agencies and expand access to registrant information to members of the general public.

With SORNA-driven reforms well into their second decade, this report presents findings from a comprehensive analysis of the progress that has been made toward SORNA's goals as envisioned in 2006, with an emphasis on the evolution of SORN systems as information sharing tools. As its primary purpose, the project aimed to provide data and insights that can both inform the continued refinement of federal and state policies and improve the public safety effectiveness of the nation's SORN systems.

PROJECT FOCUS AND SCOPE

The study was guided by the following questions related to SORNA and its impacts:

- How, and to what extent, have there been improvements in addressing the key challenges and issues identified at the time of SORNA's passage? What areas have presented continued challenges, and why?
- What have been the impacts of federal initiatives -- including investment in compliance enforcement, information systems, interjurisdictional coordination, and grant funding to states - on advancing SORNA's broader goals?
- How have state-based SORN information sharing practices evolved in the years since SORNA's passage?
- What is the connection between a state's implementation of SORNA standards and the effectiveness of its systems for exchange and sharing of SORN information?
- Beyond SORNA standards, what factors either promote or impede the effective exchange and flow of information within and across jurisdictions?

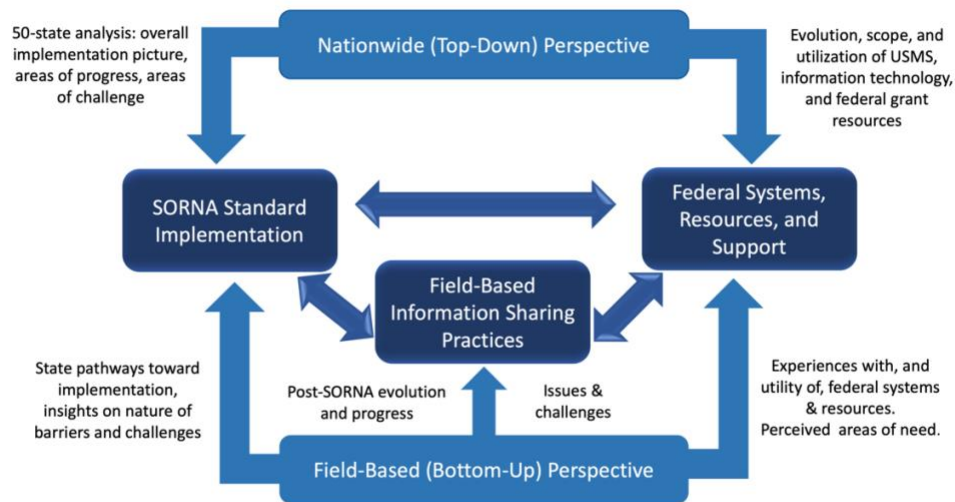
To guide examination of these questions, the analysis explored three domains related to SORNA, its implementation, and its impacts:

1. **State implementation of SORNA standards**, including both aggregate levels of progress across the various standard areas and state experiences surrounding implementation of SORNA standards;

¹ Pub. L. 109-248

2. **The scope and nature of information sharing practices within the states**, including the evolution of these practices since SORNA’s passage, relationships to SORNA standards, emergent issues and challenges, and model practices; and
3. **The impact of federal investments made pursuant to SORNA**, including those related to the role of the USMS, state uses of SORNA federal grant funds, and the role of federal information systems in improving the interjurisdictional exchange of information, supporting compliance-related investigations and enforcement, and enhancing public access to sex offender information.

These three domains formed the basis for the project’s evaluative framework, as summarized in the figure below.



The three domains, and the interactions between them, were examined through a mixed-methods approach that included both “top down” and “bottom up” elements.

The “top down” portions of the analysis aimed to offer a **nationwide view** of SORNA implementation by exploring the contours and efficacy of federal systems, resources, and modes of support deployed in pursuit of SORNA’s goals. Key elements of the analysis included: 1) a systematic analysis of state-level implementation of SORNA standards utilizing SMART Office documents issued in response to state substantial implementation packet submission; 2) a series of informational interviews conducted with key federal stakeholders designed to establish the general contours of various federal initiatives related to SORNA; and 3) supplemental data analysis utilizing various data sets provided by these stakeholders.

The “bottom up” portions of the analysis aimed to offer a **field-based perspective**, encompassing state and local implementer experiences with, and perspectives on, the identified domains of interest. The primary data for these portions of the project were gathered in ten state-based case studies – five focused on states that had received SORNA “substantial implementation” designations from the Department of Justice (Alabama, Florida, Michigan, Missouri, and Pennsylvania), and five focused on states that had not (California, Iowa, New Mexico, Texas, and Washington). The case study protocol, which included interviews with key personnel and analysis of supplementary data provided by agency officials, was designed to offer insights surrounding state experiences with implementing SORNA standards; the scope and evolution of state SORN systems and information sharing practices since SORNA’s enactment; and state and local experiences with federal systems and mechanisms of support.

Across the ten states, the research team interviewed more than 150 stakeholders representing a wide range of registry-related managerial and staff roles within state and local public safety agencies, as well as field-based USMS personnel. Several jurisdictions also offered in-depth demonstrations of their registry systems. In conjunction with the site visits, the research team collected and analyzed a range of ancillary data provided by state registry agencies, including legislative materials, case law, operational policies, registration caseload and activity reports, and cost data. Supplemental data collection related to field-based perspectives included focus groups with probation and parole professionals, and interviews with specialized law enforcement professionals engaged in investigating internet crimes against children and child abduction cases.

KEY FINDINGS

Overall, the study's findings offer evidence of significant progress toward the achievement of many SORNA objectives, including greater interjurisdictional consistency, more efficient and reliable exchange of information among states, improved identification and tracking of absconders, and streamlined access to information for use by law enforcement and the public. At the same time, the findings also highlight a series of persistent challenges related to SORNA's goals, and offer insights that might inform improved partnership between the federal government and state and local jurisdictions that might address some of these challenges.

AREAS OF PROGRESS

The report illustrates the many ways in which the nation's SORN systems have advanced in the years since SORNA's passage, and highlights a range of innovations and practice improvements that have emanated from both federal and state-level initiatives. Below, this progress is described in the context of three over-arching developments:

1. States have made significant progress toward SORNA standard implementation, improving interjurisdictional consistency, and expanding the range of registry information;
2. State information-sharing capacity, systems, and practices have evolved considerably since SORNA's passage, independent of state adherence to SORNA standards;
3. Federal resources have been integral to state efforts to strengthen their SORN policies and systems.

STATES HAVE MADE SIGNIFICANT PROGRESS TOWARD SORNA STANDARD IMPLEMENTATION, IMPROVING INTERJURISDICTIONAL CONSISTENCY, AND EXPANDING THE RANGE OF REGISTRY INFORMATION

As of 2019, 17 states had been designated by the Department of Justice (DOJ) as having met criteria for substantial implementation of SORNA requirements, and 33 had not. Although this distinction between "substantially implemented" (**SI**) states and "not substantially implemented" (**NSI**) states has some relevance, sole focus on these binary categories obscures much of the progress states have made toward bringing their systems into closer alignment.

Under the SORNA guidelines, state policies are evaluated based on their consistency with federal requirements across 14 standard areas. Based on an analysis of 692 standard determinations made by the DOJ pursuant to its reviews of state policies², the study findings indicate that:

- **In the aggregate, more than three quarters of standard determinations meet SORNA thresholds.** Approximately 77 percent (530 of the 692 standard determinations) were found to meet SORNA "substantial implementation" thresholds.³ By all indications, this figure has likely increased as states have

² 48 states were evaluated by DOJ on all 14 standards, and two states were evaluated on fewer than 14 standards due to missing information. Details are provided in the study methodology.

³ Allowing for variation in state policy, DOJ criteria for substantial implementation permit certain deviations from the letter of the standards, provided that these deviations do not substantially disserve the purposes of SORNA. Of the 692 noted determinations, 245 were found to

continued making adjustments in the years following the written reviews that formed the basis for the analysis.

- **Thresholds for most SORNA standards are met a majority of states.** For 13 of the 14 SORNA standard areas, at least half the states were determined to have met implementation thresholds. For nine of the standard areas, 75 percent of states were found to have met these thresholds.
- **Most states meet thresholds for a majority of standards.** 92 percent of states were found to have met implementation thresholds for at least half of the 14 SORNA standard areas, and more than two-thirds of states were found to meet thresholds for ten or more standards.

In tandem, the national analysis and case study findings indicate that, regardless of binary “substantial implementation” designations, states have made substantive improvements to their SORN policies that have brought the nation’s disparate SORN systems into closer alignment. Collectively, these efforts have served to:

- Produce greater consistency in the data elements contained within state SORN systems;
- Capture a broader range of registrant information that encompasses more activities and locations;
- Enhance standardized registration requirements, including those related to timeframes for updating information, verification frequency, duration of registration, and penalties for non-compliance; and
- Promote greater uniformity and consistency in public registry website information.

STATE INFORMATION-SHARING CAPACITY, SYSTEMS, AND PRACTICES HAVE EVOLVED CONSIDERABLY SINCE SORNA’S PASSAGE, INDEPENDENT OF STATE ADHERENCE TO SORNA STANDARDS

Case study findings highlight a range of improvements to state-operated SORN systems since SORNA’s passage in 2006. Regardless of SORNA implementation status, states have made significant investments in technological capacity and adjustments to operational practice to enhance the quality, accessibility, exchange, and utility of registry data. While many state representatives described challenges associated with the introduction of new systems and the continuous expansion in the volume of registry data and activity, stakeholders with historical perspectives generally viewed their SORN systems as more robust, reliable, and effective than they were prior to SORNA’s passage.

Technological improvements. The technological capacity of state registry systems has evolved considerably since SORNA’s passage in 2006. All ten case study states have transitioned to newer and more robust registry platforms and/or invested in extensive redesigns of their central registry management systems, and all have made substantive improvements to their interfaces with the National Sex Offender Public Website (NSOPW) and the Federal Bureau of Investigation (FBI)-operated National Sex Offender Registry (NSOR). States also reported significant investments in record digitization, intra-state database interfaces (e.g., motor vehicles, and criminal history), expanded reporting and decision support capacity, and field-based technology such as Live Scan devices and biometric equipment. Through these and other advances, stakeholders viewed technological solutions as pivotal to their ability to efficiently manage a growing registrant population, as well as central office administrative staff capacity to improve and promote the accuracy and integrity of registry data.

Operational improvements. The SORNA implementation process has served as a catalyst for greater consistency of practice surrounding the management of offender relocations, as well as work process improvements to improve the quality and consistency of information within and across jurisdictions. States have invested in ongoing improvements to operational practice, including development of data quality assurance systems, deployment of field-based technology, training and technical support for local jurisdictions, cross-system data interfaces, enhanced methods of community notification, and expanded analytic and operational field-based based support for compliance enforcement.

directly meet the applicable standard, 285 were found to have provisions that do not substantially disserve the purposes of the standard, and 162 were designated as not meeting the standard.

Culture of information sharing. The state case studies offer consistent and ample evidence of an enhanced “culture of information sharing” in which state and local agencies have worked to build more effective collaboration and channels of communication. Although noting some persistent data access challenges, state registry personnel described constructive and effective relationships with their counterparts in other jurisdictions, and conveyed a high degree of attunement to the information needs of those outside the jurisdiction. In this context, state and local registry officials commonly credited the activities of the SMART Office and the USMS as integral elements in fostering this mindset and building an interjurisdictional community of practice.

State investment in and commitment to improved information sharing is largely independent of SORNA standards. Although the range and extent of investment in technology and operational improvements varied considerably across states, this variation was **not** found to be associated with states’ level of adherence to SORNA standards. In fact, many of the model technological and operational practices identified through the study emanated from states that diverge from the standards in some other significant ways. Similarly, evidence of the enhanced “culture of information sharing” was found across all states in the sample, regardless of SORNA substantial implementation status.

FEDERAL RESOURCES HAVE EFFECTIVELY SUPPORTED STATE EFFORTS TO STRENGTHEN THEIR SORN POLICIES AND SYSTEMS

The study findings underscore the myriad ways that the above-referenced state initiatives and improvements have been advanced by the infusion of SORNA-driven federal resources and support, including those provided through the SMART Office and the USMS.

SORNA grant programs. The financial resources managed through the SMART Office, both through the competitive SORNA grant program and mechanisms allowing non-implemented states to “recapture” funds to support SORNA implementation, have supported ongoing improvements to state SORN systems.⁴ Specifically, these funds have been integral to state efforts to improve data quality, enhance technological capacity, expand registry enforcement efforts, and fulfill a range of other functions connected to the achievement of SORNA’s goals.

Support from the USMS. The work of the USMS, particularly through the Sex Offender Investigations Branch (SOIB), has been instrumental in strengthening SORN systems within and between the states. Beyond its primary mandates of investigating and apprehending interstate absconders and supporting state and local compliance enforcement efforts, the USMS has evolved to encompass a range of formal and informal functions in service to SORNA’s goals. Throughout the case studies, state and local stakeholders consistently offered examples of successful coordination and collaboration with USMS field operations, and highlighted the USMS role in providing manpower, training resources, and funding to support compliance and enforcement efforts.

SMART Office facilitation role. Although one of the SMART Office’s primary responsibilities involves reviewing and certifying state adherence to SORNA requirements, stakeholders within the states generally viewed the Office as approaching this mandate through a collaborative framework, rather than serving simply as “enforcers” of the standards. Throughout the site visits, state registry officials described multiple ways in which SMART Office policy advisors have worked in partnership with jurisdictions to promote progress towards standard implementation consistent with each state’s unique circumstances. Additionally, many described how regular regional and national symposia and training events coordinated through both the SMART Office and USMS have served to foster a cross-jurisdictional community of practice related to SORN policy and system management.

Information technology initiatives. Information technology initiatives carried out under the auspices of the SMART Office have been instrumental in promoting the exchange of information across jurisdictions, strengthening state-based registry systems, and streamlining public access to sex offender information:

⁴ SORNA stipulates that states that have not substantially implemented SORNA are subject to a 10% reduction in their federal Justice Assistance Grant (JAG) funding. DOJ policy allows states to recapture these funds provided that they are used for purposes of advancing state SORNA implementation efforts.

- The **Dru Sjodin National Sex Offender Public Website (NSOPW)** has been improved in ways that have largely fulfilled the vision as contemplated by SORNA. Over the years, the system has enhanced its geographic search functionality, added a companion mobile application, and expanded the range of public education materials related to the prevention and identification of sexual abuse and assault.
- The **Sex Offender Registration Tool (SORT)**, a comprehensive, SORNA-calibrated, and freely available registration system platform for use within the states has offered states an affordable alternative to building their own registry systems. As of 2019, the system was operating in nine jurisdictions (eight states and Puerto Rico), under active consideration by several more states, and in the midst of a conversion to a more flexible and accessible programming framework (.NET). In the context of some persistent data exchange and access challenges that will be described shortly, the SORT system appears positioned to assume a growing role in advancing SORNA’s vision of promoting greater consistency of data standards and seamlessly linking the nation’s disparate web of registry systems.
- The **SORNA Exchange Portal (SEP)** was deployed in 2008 to serve as a secure platform to support transfer of registrant relocation information across jurisdictions. Despite some logistical and operational limitations that have constrained the SEP’s use among many states, study findings indicate that the SEP utilization has increased over the years, and that the system has effectively augmented the range of tools for facilitating the interjurisdictional exchange of registrant information.

AREAS OF CHALLENGE

Beyond the noted areas of progress, the study findings also identified a series of policy-relevant challenges that have emerged in the 14 years since SORNA’s passage. Although varied, the challenges in three areas emerged as particularly prominent:

1. Resource and capacity challenges faced by state and local jurisdictions related to a growing registrant population and expanded administrative and operational demands;
2. Persistent and systemic barriers to state implementation of certain SORNA standards; and
3. Field-based demands for more comprehensive, dynamic, and integrated information technology systems.

STATE AND LOCAL JURISDICTIONS HAVE EXPERIENCED PERSISTENT CAPACITY CHALLENGES AMIDST A GROWING REGISTRANT POPULATION AND EXPANDED ADMINISTRATIVE AND OPERATIONAL DEMANDS

Across case study sites, issues of resources and “bandwidth” emerged as a prominent and ubiquitous theme, with stakeholders describing a range of significant and growing administrative and operational resource challenges. These multi-faceted challenges may be linked to three interrelated factors – a growing registrant population, expanded “per registrant” transaction volume, and increased operational activity tied to both enforcement and interjurisdictional exchange of information.

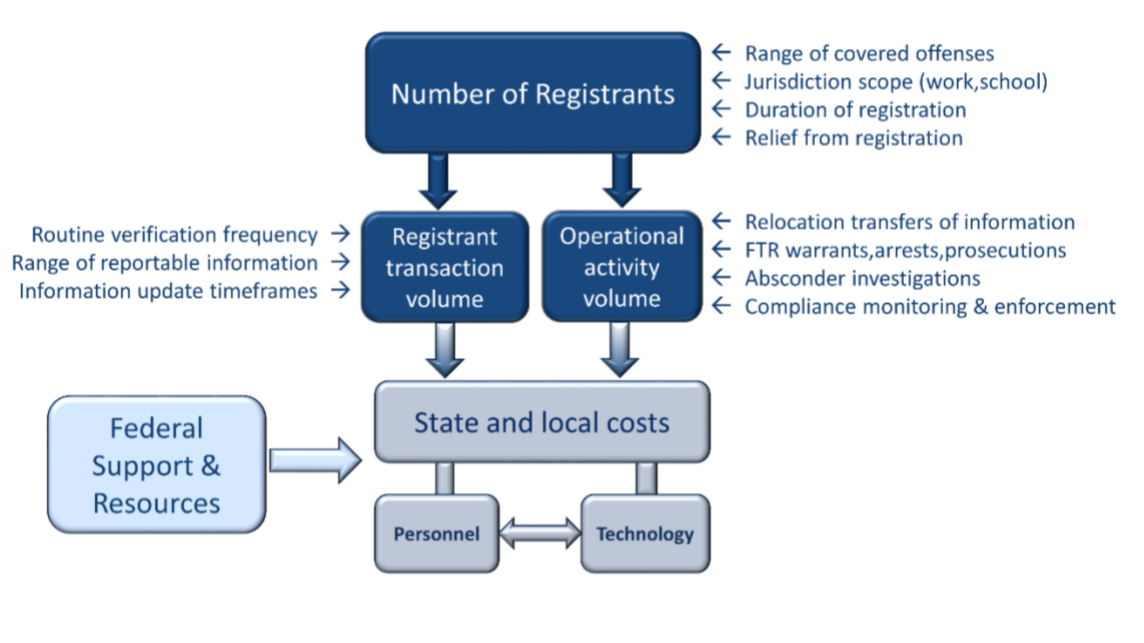
First, the **overall size of the registrant population** has grown steadily since SORNA’s passage, from under 600,000 at the time of SORNA’s passage to over 900,000 in 2018. This growth has been relatively stable at between 20,000-25,000 new registrants added each year, suggesting that the figure will surpass one million within the next few years. While these growth pressures are felt across jurisdictions, findings indicate that they are particularly pronounced among larger and more populous states. With SORNA implementation contributing to a growing proportion of lifetime registrants within many states, this population can be expected to compound further over time.

Along with the increased number of registrants, states have experienced an exponential growth in the **volume of administrative transactions**. Consistent with SORNA’s intent, registrants are required to update a broader range of personal information, and in a more frequent and timely fashion, than they were in 2006. The associated expansion in triggering events requiring information updates has in turn increased average “per registrant” transaction volume, and along with this, the registry management workload demands associated with verification, data entry, and data quality assurance. Although some of these impacts have been mitigated through deployment

of technology, the increased volume of face-to-face transactions has placed additional administrative workload demands on state agencies and – to an even greater degree -- local law enforcement agencies.

Beyond administrative demands, stakeholders within state and local jurisdictions also routinely reported an expansion in the **volume of operational activity**. As noted above, SORNA has produced greater attunement to the needs associated with the interjurisdictional exchange of information, and has effectively raised the bar of expectations surrounding the scope and timeliness of information exchange. Coupled with this, enhanced attention to compliance enforcement, address verification, and the tracking of absconders has generated additional demands. While these developments are fully consistent with SORNA’s intent, they have also come with a price tag for state and local law enforcement agencies, which must balance these needs with other public safety priorities.

Reflecting these factors, the project report presents and discusses a model for considering the costs associated with the expansion of SORN policies and activities. A summary graphic of this model appears below.



Given the varied paths to state SORNA implementation, study findings underscore that there is no single methodology to produce generalizable estimates of what it costs a state to “implement SORNA.” It is clear, however, that the steadily growing registrant population and an expanded range of administrative and operational requirements has exerted growing pressure on state and local resources, and is likely to continue to do so. Although these strains may not be fully attributable to SORNA, virtually all of the cost model’s salient factors connect in some way to SORNA standards and their implementation. Accordingly, the viability of state SORN systems depends in part on federal policies that support the ability of jurisdictions to effectively prioritize the deployment of limited personnel resources and to harness the potential of technology to mitigate some of these growing needs.

DESPITE SIGNIFICANT PROGRESS, STATE IMPLEMENTATION OF CERTAIN SORNA STANDARDS REMAINS CONSTRAINED BY FUNDAMENTAL AND SYSTEMIC BARRIERS

As noted under “Areas of Progress,” state implementation of SORNA standards has been successful in many respects. Across the 50 states and 14 SORNA standard areas, more than three quarters of standard determinations have been found to meet implementation thresholds. Additionally, the SORNA implementation process has catalyzed state efforts to strengthen their SORN policies and systems, and has produced greater attunement to interjurisdictional issues. States have also continued to make modest incremental adjustments tied to SORNA

standards, such as those related to expanding the range of reportable data elements, capturing palm prints or DNA samples, and adjusting mandated timeframes for updating of information.

Study findings suggest, however, that progress toward state implementation of SORNA standards has slowed considerably, and is likely approaching a point of stasis. Of the 17 states with SI designations as of 2019, only four had been so designated after 2011.⁵ Moreover, although the case study findings identify some instances of NSI states pursuing modest technical adjustments to align with certain standards, most remaining points of divergence were attributable to more systemic and intractable barriers.

Across the NSI case study states, state registry officials were consistent in their belief that the prospects for addressing the most significant points of divergence from SORNA standards were limited. Officials most often cited concerns over cost impacts (particularly for local jurisdictions), systemic legal barriers, legislative resistance and/or lack of legislative will, and fundamental inconsistency between certain SORNA standards and the underlying design of the state's SORN policies and systems.

Hence, nearly 14 years following SORNA's passage, it appears that many states have reached an impasse regarding certain SORNA requirements. Study findings attribute this impasse to three interrelated factors that call for the attention of federal policymakers: 1) the inherent variation in the structure, organization, and operation of state SORN policies and systems; 2) the differential challenges faced by states in adhering to certain key elements of the SORNA framework; and 3) a limited group of SORNA standards that have presented persistent challenges for many states.

Inter-state variation in SORN policies and systems

At the time of SORNA's passage in 2006, SORN systems were fully operational across all 50 states, and encompassed approximately half a million registrants. Pre-SORNA federal policies -- initiated in 1994 with the Jacob Wetterling Crimes Against Children Act ("Wetterling Act") -- had offered states a fair degree of latitude in establishing the frameworks and models for their SORN systems, and many state SORN policies and systems predated any federal involvement in SORN policy, in some cases by several decades.

The case study findings underscore the inherent diversity of state SORN policies and systems, which have been shaped by each jurisdiction's distinctive legislative, legal, bureaucratic, and intergovernmental conditions. Across both SI and NSI states, the case studies reveal significant differences in operational practices, organizational frameworks, allocated resources, roles of state and local agencies, registrant classification systems, registration requirements, mechanisms for relief from registration, and other factors. This interstate variation is further reflected in results from the nationwide analysis, which illustrate how there is no single approach to "implementing SORNA." The SMART Office review letters that formed the basis for the analysis illustrate how each state has approached the standards in the context of its unique conditions, and indicate that virtually all states -- including those that have been designated as substantially implemented -- diverge from SORNA standards in some way.⁶

Collectively, these findings suggest that, despite the success of the standards in strengthening and enhancing consistency across the nation's SORN systems, SORNA has not amounted to a "one-size-fits-all" solution in practice. Rather, the SORNA standards are more appropriately viewed as a mechanism to promote basic standards of practice in the design and implementation of SORN systems rather than as a rigid prescription.

⁵ Colorado (2013), Oklahoma (2017), Virginia (2017), and Delaware (initially 2010, reinstated 2019).

⁶ Of the 530 standard determinations that were designated as meeting SORNA implementation thresholds, 285 (54 percent) were found to directly meet the standard, and 245 (46 percent) met the threshold based on DOJ determination that state policy "does not substantially disserve" (DNSD) the purposes of SORNA. For some standards, such as SORNA's retroactivity provisions, DNSD emerged as the modal designation. The analysis found that only one state (Kansas) had been designated by the SMART Office as directly meeting all 14 standards.

Differential challenges of SORNA implementation

Case study findings offer consistent evidence that most successful movement toward implementation of SORNA standards has been based on modest and incremental policy adjustments changes, and that more extensive changes to state policy have proven far more difficult. By extension, the process of SORNA standard implementation has been a significantly “heavier lift” for some states than for others.

Among the SI case study states, three (Alabama, Florida, and Missouri) were found to have done so through modest incremental policy adjustments, while two (Michigan and Pennsylvania) required major realignments of their SORN policies and systems. After their SI designations, the former group of states were generally successful in implementing the required modifications, while the latter two encountered significant operational and legal impediments.⁷

The NSI case study states also varied in their “distance to travel” toward SORNA implementation, with some starting with policies and practices that were generally consistent with SORNA’s general framework, and others deeply invested in systems that diverge from SORNA in more significant ways. States in the former category have been generally fallen short of SI designations due to one or two persistent points of divergence, such as those related to relief from registration, certain covered offenses, and inclusion of juveniles on the registry. In contrast, states in the latter category generally face a more diverse range of issues, rooted in fundamental legal or operational provisions that are less easily reconciled with federal policy. Such challenges are particularly prominent among states with long-established SORN systems that predated federal involvement in SORN policy, such as California, which operates the nation’s oldest registry system, and Washington, which in 1990 established the nation’s first system of community notification.

Collectively, these varied state experiences indicate that successful implementation of SORNA standards remains highly dependent on the level of alignment between pre-SORNA systems and relevant aspects of the SORNA standards. Moreover, these experiences suggest that legislative initiative, although important for reaching SI status, is independent of a state’s capacity to successfully carry through with changes to its policy.

Common areas of challenge related to SORNA standards

Findings from the nationwide analysis indicate that approximately 23 percent of the standard determinations were deemed as not meeting SORNA requirements. Although some of the remaining points of divergence may be addressed through technical modifications to state policies and systems, the majority may be attributed to a limited subset of challenging issue areas.

Juvenile registration requirements. Despite adjustments to the standards and supplemental guidance provided by the SMART Office that has enhanced state flexibility related to the parameters involving juvenile offenses, many states have continued to fall short of SORNA requirements in this area. Of the 21 states found to not meet the standard related to registerable offenses (Standard 2), all but one (i.e., 20 states) were designated as not meeting the standard, either in whole or part, due to the state’s lack of inclusion of certain juveniles within its covered registrant population. Case study findings indicated that these implementation challenges were most commonly due to entrenched legislative resistance to placing youth on the registry, particularly in the absence of some form of judicial discretion.

Classification and relief from registration. A prominent cluster of challenging issues pertained to constraints on states’ flexibility in systems for classifying registrants and providing “safety valve” mechanisms allowing registrants to petition for a reduction or cessation of registration requirements (commonly referred to as “relief from

⁷ Michigan has been constrained by a series of federal court rulings from implementing key elements of its SORNA-based policy, and has faced a related array of operational and resource challenges tied to this transition. Pennsylvania also encountered legal challenges to its SORNA-driven reforms, and in response to these rulings the state legislature rolled back certain key provisions, ultimately leading to DOJ’s withdrawal of the Commonwealth’s SI designation in 2018.

registration”). While affecting multiple standard areas, these issues share a common thread – they all connect to states’ capacity to manage the aforementioned growth in resource demands. Across several states, stakeholders expressed concerns that implementing certain SORNA requirements would adversely affect the public safety efficacy of their SORN systems by restricting their ability to direct resources and attention toward those registrants who present more significant threats to public safety. Noted points of concern included SORNA standards expanding the range of individuals subject to lifetime registration, and standards constraining state ability to adjust registry requirements for those determined to present minimal risk to the community. These themes were particularly prominent in (although not limited to) states using risk-based methods for establishing certain registration requirements and/or for determining eligibility for relief from registration.⁸

Public website requirements. Twenty-four states were deemed to have not met the SORNA standard related to public registry website requirements (Standard 10). However, states’ failure to meet this standard was most commonly linked to a limited subset of missing data elements. The most common among these were requirements concerning the posting of employer address information, school addresses, and vehicle information. Case study interviews suggest that, while challenges related to the latter two categories are primarily operational in nature, states’ resistance to including employer addresses on public websites is more commonly grounded in specific concerns, such as policymakers’ apprehension around adverse impacts on business owners who employ registered individuals.

Retroactive application. SORNA’s provisions requiring registration of certain individuals whose convictions predated the state’s registration statutes continue to present both legal and operational challenges for most states. In the nationwide analysis, “does not substantially disserve” emerged as the modal designation for SORNA’s retroactivity standard (Standard 7), covering 80 percent of all states and even two-thirds (67 percent) of states that had received SI status. This finding indicates that a vast majority of states – generally due to state constitutional constraints -- have been unable to bring their laws into compliance with the letter of the SORNA guidelines. As an outgrowth of this tenuous legal terrain, many states have been required to establish different sets of rules for varying groups of registrants, depending upon their year of conviction. This, in turn, has typically led to a confusing web of rules and requirements applied to different registrant “epochs.”

STATE AND LOCAL REGISTRY AGENCIES FACE CONTINUED DATA ACCESS AND DATA EXCHANGE CHALLENGES, MANY OF WHICH COULD BE ADDRESSED THROUGH EXPANDED FEDERAL INFORMATION TECHNOLOGY INVESTMENTS

Since SORNA’s passage, states have invested considerably in upgrading their SORN information technology platforms to capture a growing array of registrant information, improve data quality, support field-based enforcement operations, and promote interjurisdictional exchange of information. These state efforts have been enhanced through various federal initiatives, including SORNA grant programs, NSOPW improvements, and deployment of tools such as SORT and the SORNA Exchange Portal (SEP).

At the same time, stakeholders across the states identified multiple persistent and common information-sharing challenges, with many linked to the growing volume of interjurisdictional transfer activity. This expanded activity has emerged through the convergence of three primary factors: the growing registrant population, state adoption of specific SORNA requirements related to the transfer of information, and the expanded “culture of information-sharing” and field-based attunement to interjurisdictional issues.

When registrants relocate from one state to another, receiving states require access to a range of information for both administrative purposes (e.g., establishing duty to register and conditions of registration) and operational purposes (e.g., compliance enforcement and absconder investigations). Commonly required data elements

⁸ While SORNA does not preclude states from utilizing risk assessment systems for certain purposes tied to registration, under current law such systems cannot be applied in a manner that would override SORNA’s minimum requirements that are tied to conviction offense.

reported by jurisdictions included those involving court records, supplemental conviction offense information (e.g., victim age), address histories, and arrest information.

Amidst the growth in registration activity volume, state and local registry agencies dedicate substantial personnel resources to locating, gathering, and transmitting such information for both incoming and outgoing relocations. Multiple instances of parallel processes emerged across the ten case study states, with registry personnel in different states pursuing the same information elements, in some cases for the same individual registrants. Many registry staff expressed awareness of these duplicated efforts, and cited the need for more comprehensive, dynamic, and integrated mechanisms for accessing information needed to meet operational, administrative, and legal demands. Such sentiments were most commonly raised in the context of discussing field-based uses of federally-managed systems, including the National Sex Offender Registry (NSOR) and the SORNA Exchange Portal (SEP).

NSOR is operated by the Federal Bureau of Investigation as part of the National Crime Information Center (NCIC). State and local registry personnel described NSOR as “antiquated,” noting that the system functions in a manner that has been only minimally modified since its roll-out in the late 1990s. Designed as flat data file providing access to current individual records on a case-by-case basis, the system is widely viewed by those in the field as having minimal utility as either a reliable repository of actionable information or as an analytic and operational planning tool. Specific issues raised by field-based registry personnel included challenges with NSOR’s user interface, the sporadic reliability of the data, constraints of certain data fields (e.g. offense fields, “offender status” field), and the system’s inability to generate reports and capture and maintain historical information.

The SEP, developed and managed by the SMART Office, is regarded as a useful tool and resource for many in the field. However, the system was viewed by others as a “band-aid” solution that is not fully integrated with other systems for sharing and exchanging registrant information. Although the system’s usage has grown, study findings indicate that its utility remains constrained by uneven use across jurisdictions, non-standardized information, and lack of local access.

In light of these limitations, many case study participants raised the need for expanded federal investments in information technology that responds to field-based operational needs. Some suggested development of a centralized, shared platform that would embed “portal-like” functionality within a more informationally robust and user-friendly version of NSOR. Others raised the possibility of more decentralized frameworks, including those employing direct system-to-system data sharing protocols and distributed ledger (e.g., blockchain-based) solutions. Details about these suggestions are provided in the full report.

SUMMARY AND POLICY CONSIDERATIONS

Collectively, the study findings document significant progress toward SORNA’s vision of a “comprehensive nationwide system” of sex offender registration and notification. They also indicate that this vision remains deeply relevant, and has been widely embraced among those involved in the day-to-day management of the nation’s SORN systems. Notably, strong evidence of commitment to this vision, and to SORNA’s broader public safety goals, is common across the states, independent of states’ extent of alignment with SORNA standards.

Yet, although SORNA’s broader goals as envisioned in 2006 are still highly pertinent, the conditions within the field have changed considerably. Overall, the nation’s SORN systems are capturing a wider range of information, on far more registrants, and in a more consistent fashion than they were at the time of SORNA’s passage. Concurrent with the growing volume of information, the interjurisdictional exchange of that information has increased exponentially, amidst a burgeoning culture of information sharing and enhanced collaboration among federal, state, and local agencies. Finally, while technological potential has not been fully leveraged, state investments in their registry platforms and in ancillary technology have offered more robust tools to manage the expanded array of information and respond to mounting resource challenges within the field.

These and other developments in the information-sharing landscape over the past 14 years carry important implications for the evolution of federal SORN policy. The findings presented in this report suggest that continued progress toward SORNA's goals calls for consideration of policy strategies in four main areas:

1. The findings underscore the **critical role of federal resources and support for state initiatives and interstate enforcement efforts**. SORNA grant programs have enhanced states' technical capacity, and have been instrumental in fostering innovation, but work remains to be done at both the federal and state levels to maintain this momentum. In addition, the USMS provides a needed infusion of resources to address absconder enforcement, and has helped bridge some of the jurisdictional gaps by bringing different registration entities together. Collectively, these resources have been integral to SORNA's success, and continued federal support in these areas can promote further advancement.
2. The findings point to the need for specific **expanded federal investment in information technology** calibrated to field-based operational demands. To date, state investments in technological enhancements have generally outpaced those of the federal government. Particularly amidst growing resource demands, effectively integrating the disparate web of state SORN systems calls for federal leadership in promoting shared technological solutions, whether through investment in enhanced centralized mechanisms or facilitation of decentralized solutions. It is particularly essential that such efforts be conducted with the active input of states and other SORNA covered jurisdictions.
3. The findings offer insights that can inform **refinements to the SORNA standards**, and an attendant evaluation of the role of these standards in advancing SORNA's broader policy goals. Findings suggest that such refinements should be calibrated to advance the goals of inter-jurisdictional consistency while also recognizing the limits of standardization among the states. Specific factors to be considered include the variation in structural design of state SORN systems, differential and sometimes intractable state challenges associated with meeting certain SORNA standards, and the varied approaches and model practices that states have adopted to meeting SORNA's broader public safety objectives. Consideration should also be given to the study's finding that states' levels of adherence to current SORNA standards are largely independent of the effectiveness of state information sharing practices and state commitment to SORNA's broader vision and public safety goals.
4. Finally, findings underscore the importance of ongoing federal efforts to **build and strengthen the community of practice** among federal, state and local agencies and personnel engaged with SORN activities. The bridge-building roles assumed by both the SMART Office and USMS have been integral to promoting interjurisdictional communication, and have facilitated the sharing of model practices, and collective addressing of common challenges. Such efforts are central to states' continued progress toward SORNA's goals, and should be maintained and expanded in the years to come.

REPORT STRUCTURE

This report is divided into two parts -- the first placing the study in its appropriate policy and research context and describing its conceptual and methodological approach; and the second presenting study findings and exploring the implications of these findings for policy, practice, and future research efforts.

Part 1 begins with an overview of SORNA's policy context, including the evolution of SORN policies in the years leading up to SORNA; the primary issues that SORNA set out to address and the strategies deployed to address those issues; and key policy developments since the law's passage that are germane to the current analysis. This opening section concludes with a series of policy-oriented questions that guide the current investigation. Anchored by these questions, the next section reviews relevant prior research, presenting insights from, and examining the limitations of, existing peer-reviewed scholarship related to SORN in general and SORNA in particular. The review also draws from relevant government agency reports and analyses examining key aspects of SORNA and its implementation. Part 1 concludes by presenting the study's underlying framework and methodological approach. This includes a general description of key constructs of interest, data sources, data collection and sampling processes, and analytical approaches.

Part 2 presents the study's findings, with a section dedicated to each of three primary dimensions: 1) state implementation of SORNA standards; 2) field-based information sharing practices; and 3) the impacts of federal systems, resources, and modes of support. Following analyses related to each of these areas, a final section explores the interactions among these dimensions, and places the findings into policy and research contexts.

The first findings section presents results from a series of analyses related to state-level implementation of SORNA standards and requirements. This includes presenting data from both a high-level nationwide assessment of state progress toward fulfillment of SORNA requirements, and a series of state case studies offering a more in-depth perspective on state experiences with the implementation of SORNA standards. Beyond shedding light on varied state pathways toward SORNA implementation, this latter analysis also explores some of the legal, political, resource, and operational challenges faced by states in meeting federal requirements.

The second findings section explores the scope and dynamics of SORN-related information sharing practices, and the evolution of those practices since SORNA's passage. Drawing primarily from the state case studies, this analysis is framed by an exploration of four interrelated dimensions of the information sharing landscape that emerged from our stakeholder interviews: data access, data quality, data consistency, and data exchange. Within each of these areas, the analysis highlights key successes and challenges faced by state-based registration systems, as well as strategies and practices that have been deployed to address some of these challenges.

The third findings section is dedicated to study findings focusing on the impacts of federal initiatives toward advancing the policy goals set forth at the time of SORNA's adoption. This includes an assessment of the role of the USMS; the impact of SORNA grant programs used to enhance and improve state and local systems and processes; and the role of federal information system initiatives in promoting the efficient flow of accurate and reliable information across jurisdictions and with the broader public.

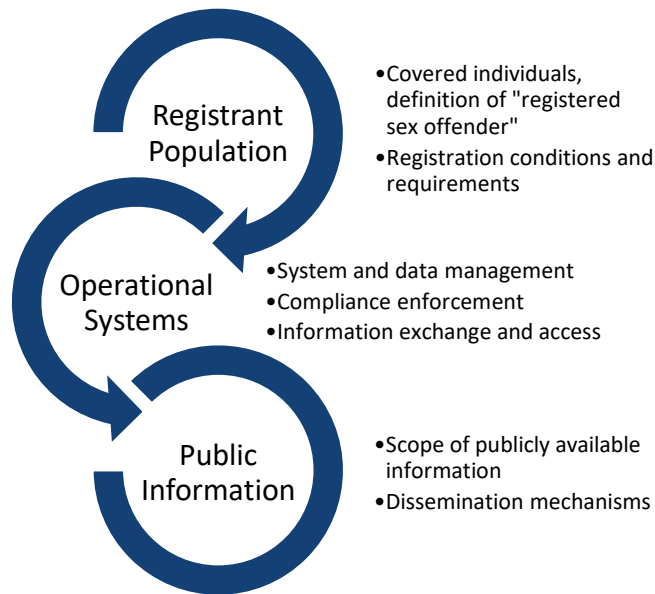
The report concludes with a final section that offers a synthesis of the study's key findings. The study's results are examined in the context of SORNA's primary objectives, identifying and summarizing both areas of progress and areas that might call for policy enhancements or refinements. This final section also places the study's findings into the context of the research literature, identifying areas for future investigation.

STUDY CONTEXT AND OVERVIEW

POLICY CONTEXT

Over the past three decades, U.S. policymakers have focused sustained attention on the community-based monitoring and management of individuals with sexual offense conviction histories. Central to these policy efforts has been the emergence and ongoing refinement of sex offender registration and notification (SORN) policies and systems, which operate in all 50 states, the principal territories, the District of Columbia, and over 150 tribal jurisdictions. Although varied in their design and application, SORN policies and systems may be viewed as consisting of three inter-related sets of elements as identified in Figure 1.

Figure 1: Core Elements of SORN Policies and Systems



The first set of elements defines and establishes requirements related to the **registrant population**. This includes statutes and regulations setting forth both the circumstances under which a person is required to register and the conditions, rules, and requirements with which registrants must comply. These conditions vary based on conviction offense or risk criteria and typically include the scope and range of information that registrants are required to update, the frequency with which they must update that information, and the duration their registration requirements.

The second group of elements encompasses the roles and responsibilities of implementing agencies, including state entities charged with registry oversight and management, as well as local law enforcement, prosecutors, and others with roles in the registration process. As such, these policy provisions set forth the parameters for **operational systems** needed to carry out SORN policies, including the maintenance and verification of registry data, information system management, compliance enforcement, and exchange of information among criminal justice agencies.

The third element, which is particularly prominent in the U.S., encompasses provisions for **sharing information with the public**. This includes statutory specifications for the range of information that must be made public, as well as the mechanisms and processes through which the information is to be disseminated. In the U.S., the primary (although certainly not exclusive) mechanisms utilized for this purpose are public websites that operate independently within each of the 50 states, the five territories, and applicable tribal jurisdictions.

DISTINGUISHING SEX OFFENDER REGISTRATION FROM COMMUNITY NOTIFICATION

An important distinction should be made between **sex offender registration** (corresponding with elements one and two described above) and **community notification** (corresponding with element three). Although often conflated, these two dimensions of SORN policies have followed different policy trajectories and operate under different assumptions about their respective public safety mechanisms.

The primary purpose of **sex offender registration** is to provide criminal justice agencies with reliable and actionable information that may be used to support core law enforcement function including both criminal investigations and community-based crime prevention. Such policies and practices have existed in the U.S. since the first half of the 20th century (Logan, 2009), and have been adopted in over 30 countries across the globe (U.S. Department of Justice SMART Office, 2016a).

The primary purpose of **community notification** is to provide members of the public (including prospective employers, youth-serving organizations, families, and others) with knowledge and awareness of specified registrants living within the community. Community notification by the SORN program to the public takes a variety of forms including website information, posted signs, community meetings, and direct mailers with information about registrants. Community notification is a comparatively newer policy strategy, generally dating to the early 1990s, and is used outside of the United States on only a limited basis as most countries maintain a law-enforcement only sex offender registry system (U.S. Department of Justice SMART Office, 2016a).

EVOLUTION OF SORN POLICIES IN UNITED STATES (PRE-2006)

Sex offender registration in the U.S. traces its roots to the first half of the 20th century, beginning with a series of local ordinances enacted in the 1930s and continuing with California's establishment of the first statewide sex offender registry in 1947. Over the following decades, sex offender registries were established in several additional states and localities, although they remained limited in scope and application (Logan, 2009).

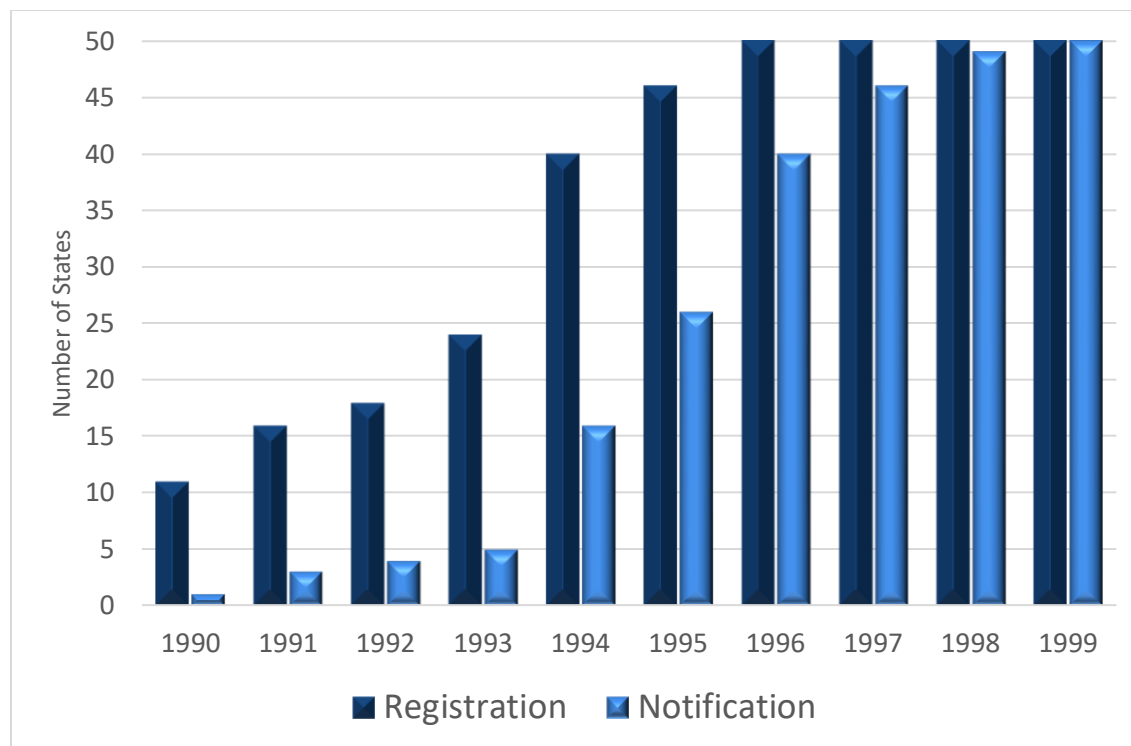
Beginning in the early 1990s, state policymakers' interest in sex offender registries expanded amidst concern over the dangers posed by certain high-risk individuals living within the community. Between 1989 and 1994, the number of states with sex offender registration policies and systems more than doubled, from 12 states in 1989 to 26 states by 1994 (Logan, 2009). In 1990, Washington's Community Protection Act (WCPA) established the nation's first system for public dissemination of certain registrant information, paving the way for the passage of similar community notification laws in other states.

With the development of state-based SORN systems well underway, 1994 marked the beginning of federal involvement in the SORN policy arena. That year, the U.S. Congress passed the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (Wetterling Act) as part of the Violent Crime Control and Crime Reduction Act – the most expansive federal crime bill in US history (Pub.L. 103–322). The Wetterling Act included multiple provisions to protect children from sexual victimization, including a requirement that states establish registries to track and monitor those convicted of offenses against children and of other sexually violent offenses. The federal law set forth certain baseline standards for registration systems, including a requirement that a sub-set of registrants remain on the registry for at least ten years. The law also established a fiscal mechanism to promote state compliance with the Wetterling Act's provisions, stipulating that non-compliant states would receive a 10 percent reduction on their federal justice assistance block grant (JAG) funding.

Over the ensuing decade, a series of amendments to the Wetterling Act introduced new federal SORN requirements, including measures stipulating community notification and public disclosure requirements (Megan's Law, 1996); requiring lifetime registration for certain registrants and establishing an FBI-operated national database for law enforcement known as the national sex offender registry (Pam Lychner Sex Offender Tracking and Identification Act, 1996); broadening registration requirements to those convicted in federal and military courts

(Jacob Wetterling Improvements Act, 1997); and establishing a national web portal integrating information from state public registries (Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act, 2003).

Figure 2: Expansion of State Sex Offender Registration & Notification Policies, 1990-1999⁹



Examining the trajectory of SORN policy adoption during the 1990s, the policies’ expansion may be viewed as a convergence of state-led initiatives with federal policy engagement. On one hand, the initial surge in SORN policy adoption during the first half of the 1990s was largely driven by state efforts, absent any direct federal mandates. As indicated in Figure 2, nearly half of the states had established mechanisms for sex offender registration prior to the 1994 Wetterling Act, and a similar majority had enacted community notification mechanisms prior to federal Megan’s Law in 1996. It is clear, however, that federal legislation was instrumental in promoting the national expansion of SORN policies. State adoption of sex offender registration systems accelerated in the wake of the Wetterling Act, with registries established by all fifty states by the end of 1996. Similarly, state policies that provided mechanisms for notifying citizens about certain registrants living in the community surged following the 1996 passage of the federal Megan’s Law.

SEX OFFENDER REGISTRATION AND NOTIFICATION ACT (SORNA)

By the end of the 1990s, all 50 states, the principal territories, and the District of Columbia had established both sex offender registries and systems for sharing information with the public. As state-based SORN systems evolved through the mid-2000s, the population of RSOs expanded accordingly, surpassing 500,000 by 2005 (National Center for Missing & Exploited Children, 2005).

In 2005, amidst a number of media reports concerning problems and inconsistencies among the nation’s disparate SORN systems (Levenson & Harris, 2011), federal lawmakers focused their attention on a series of interjurisdictional loopholes that could potentially be exploited by RSOs seeking to avoid registration requirements

⁹ Source: Analysis of state statute histories conducted by study’s lead author.

or escape oversight by authorities. In a series of committee hearings held during 2005 and 2006, members of Congress called for an expanded federal role in addressing these perceived interjurisdictional problems.

One prominent challenge highlighted during these hearings concerned the diffuse range of rules and practices governing the nation's SORN systems. Although the Wetterling Act and its amendments had included some general baseline standards, federal law had ceded most decisions concerning the structure, rules, and operations governing SORN policies to the discretion of state legislatures, executive agencies, and state courts. Accordingly, over the span of nearly two decades, state SORN systems had evolved to encompass varied approaches to defining the scope of the RSO population, establishing individual registrant requirements (e.g., duration of registration and reporting frequency), enforcing registry compliance, disseminating RSO information to the public, and other dimensions of registry management.

The resulting patchwork of SORN standards and practices across jurisdictions was viewed by federal lawmakers as presenting two primary policy problems. The first was based on a perception that lax standards in certain states had created "safe havens" for sex offenders, which in turn provided opportunities for dangerous RSOs to relocate from states with more stringent requirements to those with less stringent ones. The second was more operational in nature, focusing on the incompatibility of information across jurisdictions, a factor that complicated the ability for registration requirements to be clearly established when RSOs moved from state to state. Federal lawmakers saw a need for common standards and mechanisms to ensure the timely transfer of information related to RSOs who indicate an intention to leave a jurisdiction.

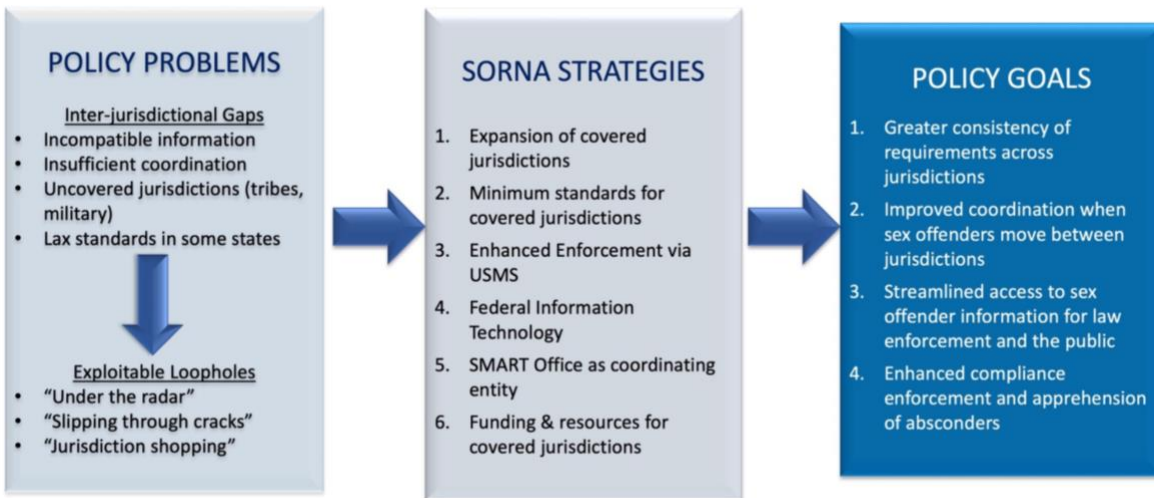
Beyond variation in state-level standards, federal policymakers perceived a range of other issues and challenges related to interjurisdictional coordination, enforcement, and information sharing. These included concerns over the omission of federally recognized tribal jurisdictions from the nation's SORN network; lack of sufficient federal resources to support interjurisdictional enforcement efforts; and needed improvements to federal information systems intended to facilitate the sharing of RSO information among law enforcement (i.e., National Sex Offender Registry, operated through the FBI) and with the public (i.e., the National Sex Offender Public Registry, operated through the Office of Justice Programs).

SORNA's Declaration of Purpose

"In order to protect the public from sex offenders and offenders against children... Congress in this Act establishes a **comprehensive national system** for the registration of these offenders." 42 U.S.C. Ch. 19602 (2006). (emphasis added)

IN response to these concerns, the Sex Offender Registration and Notification Act (SORNA), also known as Title I of the 2006 Adam Walsh Child Protection and Safety Act (AWA), set forth a framework for a significantly expanded federal role in shaping and coordinating the nation's disparate SORN systems and envisioning a "comprehensive national system" that would address interjurisdictional challenges. As reflected in Figure 3, SORNA prescribed a range of policy provisions that were aligned to the aforementioned issues.

Figure 3: SORNA Policy Framework



Expansion of covered jurisdictions. SORNA extended federal mandates and placed requirements on certain tribal nations to bring them into the national network of SORN systems. SORNA also extended federal mandates to require registration for those with sexual offense convictions in foreign countries.

Minimum standards. Responding to the issues related to *interstate variation* in SORN standards and practices, SORNA established a set of requirements guiding the development of minimum SORN standards and charged the Department of Justice with promulgating guidelines. Among these requirements, SORNA mandated that states include provisions for registration of juveniles who are adjudicated delinquent for certain offenses; expanded the range of covered criminal offenses subject to mandatory registration; and set forth minimum requirements relating to such matters as how registrants should be classified, how long they must remain on public registries, the frequencies with which they must verify and update their registration, the data to be maintained, and the contents of public sex offender registries. Finally, SORNA set forth a retroactivity provision requiring registration of previously convicted or adjudicated sex offenders upon conviction of a new crime, even if that crime is of a nonsexual nature. The law established an initial deadline of July 2009 for states to comply with the new federal guidelines, with the possibility of two one-year extensions, and stipulated that non-compliant states would be subject to a 10 percent annual reduction in their Byrne/Justice Assistance Grant (JAG) funding.

Federal resource investment. SORNA also laid the groundwork for an expanded *federal resource investment* focused on interjurisdictional coordination, registry enforcement, and improvement of state and tribal registry systems. This included a call for expanding the role of the U.S. Marshals Service (USMS) to manage interstate compliance enforcement efforts and establishing federal grant programs to support states in their efforts to improve their systems consistent with SORNA's goals.

Federal information systems. SORNA envisioned *comprehensive national information hubs* offering streamlined access to registrant information for both law enforcement and the general public. Specifically, SORNA called for expanded functionality for the National Sex Offender Registry (NSOR), with the expectation that the system would seamlessly link states' sex offender registry systems for law enforcement use. These provisions calling for the timely, meaningful, and accurate exchange of information between sending and receiving jurisdictions when RSOs relocate, as well as improved centralized methods of tracking interjurisdictional transfers and identifying absconders to support the work of the USMS. Additionally, SORNA called for enhancements and improved state interfaces with the National Sex Offender Public Registry (NSOPR) that linked state public registry websites, designating the improved system as the Dru Sjodin National Sex Offender Public Website (NSOPW).

Coordinating role of SMART Office. To manage and coordinate these efforts, SORNA also established a new office within the Department of Justice (DOJ), subsequently designated as the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART). Upon its establishment in 2006, the SMART Office was charged with developing and managing standards for SORNA implementation within covered jurisdictions; supporting jurisdictional efforts toward and certifying compliance with these standards; and managing a range of SORNA-related initiatives including the NSOPW and SORNA-related grant programs.

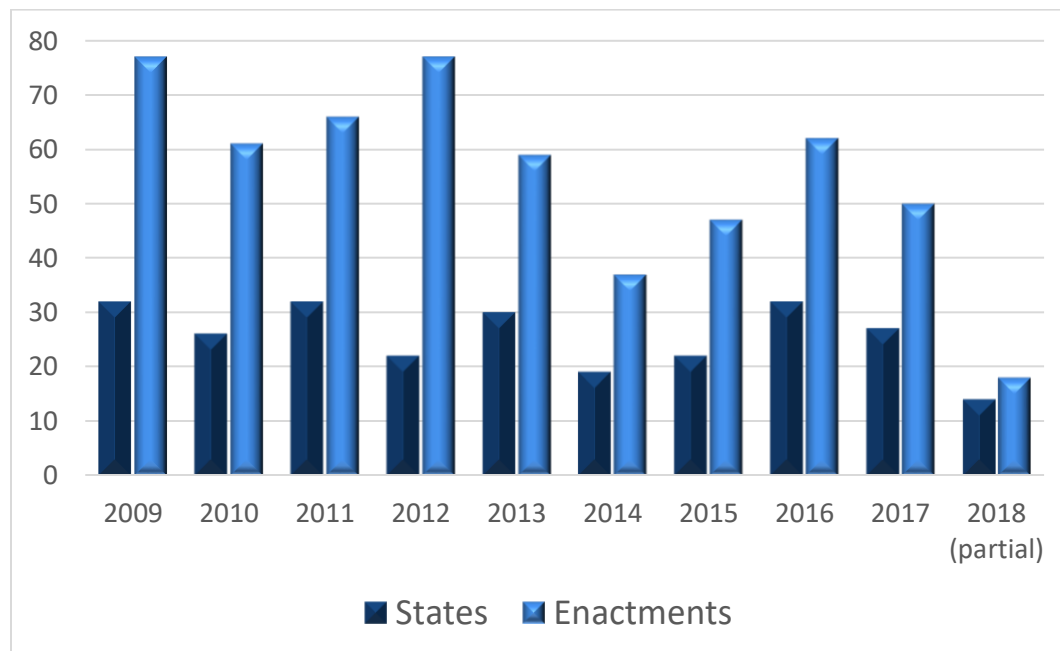
POST-SORNA POLICY DEVELOPMENTS

LEGISLATIVE DEVELOPMENTS

Federal policy has continued to evolve in the years since SORNA’s passage. Beyond re-authorizations of SORNA, the US Congress has enacted a series of laws designed to further strengthen federal SORN laws, including the 2008 Keeping the Internet Devoid of Predators Act (KIDS Act) mandating collection of RSO internet identifiers for law enforcement use; the 2015 Military Sex Offender Reporting Act, requiring the Department of Defense to submit information on those convicted of a sex offense via court-martial to NSOR and NSOPW; and the 2016 International Megan’s Law, which addressed a range of issues related to RSO international travel, and set forth requirements on jurisdictions to submit international travel information to the USMS for transmission to destination countries.

At the state level, the post-SORNA period has also been characterized by sustained legislative activity. In the years immediately following SORNA’s passage, SORN assumed a prominent place on state legislative agendas, along with issues such as unemployment, transportation, higher education, and health care coverage (National Conference of State Legislatures (NCSL), 2007, 2009). In the ensuing years, states have continued to refine their SORN policies. Between 2009 and 2017, states enacted 536 SORN-related bills (see Figure 4) – an average of 60 legislative bills per year.¹⁰

Figure 4: SORN-related State Legislation, 2009-2018



¹⁰ Analysis of data retrieved from NCSL Sex Offender Enactments Database. Available at <http://www.ncsl.org/research/civil-and-criminal-justice/sex-offender-enactments-database.aspx>

Along with refinements to state SORN policy, states have collectively experienced a 50 percent increase in the RSO population, from approximately 600,000 in 2006 to over 900,000 in 2018. This expansion has been fairly consistent, with the number of RSOs increasing at a rate of between 20,000 and 25,000 per year.¹¹ This growing population, in turn, has presented series of corresponding challenges for both state and local agencies charged with registry management and enforcement, such as more registrants to track and monitor and expanded resource needs to support enforcement and compliance with registration requirements.

OPERATIONAL DEVELOPMENTS

As one of its primary initial tasks, the SMART Office began developing guidelines for the implementation of SORNA standards by states and other covered jurisdictions. The office also began work on mandated improvements to the NSOPW and the development of a virtual “common space” that would serve as a conduit for the exchange of information across jurisdictions - a system that would subsequently be known as the SORNA Exchange Portal.

Concurrently, the USMS began ramping up its operations and staffing related to its newly expanded roles pursuant to SORNA. This included the establishment of the Sex Offender Investigations Branch (SOIB), which included both region-based offices and central capacity to expand analytic support for sex offender absconder operations via the National Sex Offender Targeting Center (NSOTC). The USMS also expanded staffing within its district offices to support regional sex offender operations, with the creation of new Sex Offender Investigation Coordinator (SOIC) positions.¹²

In the spring of 2007, the DOJ released the first draft of the SORNA guidelines for public comment. In response, the DOJ received over 275 comments, constituting 876 pages of documentation from state-based sex offender management boards, state legislatures, law enforcement authorities, tribal jurisdictions, juvenile justice and social service agencies, victim advocacy groups, and others. Compared to the levels of feedback offered in response to prior federal guidelines pertaining to SORN, this represented a significant increase in stakeholder concern.¹³ While the comments were broad in their scope, the majority focused on two specific aspects of SORNA: 1) the law’s application to tribal jurisdictions, and 2) the law’s provisions concerning registration of juveniles adjudicated delinquent for sexual offenses.

The DOJ issued the final SORNA guidelines in the summer of 2008. Based on the general parameters set forth in the SORNA legislation, the guidelines were grouped into 14 standard areas, each with a series of compliance requirements for covered jurisdictions to meet.¹⁴

In December of 2008, the DOJ’s Office of the Inspector General (OIG) issued a report examining progress toward SORNA’s mandated goals, both within the Department and among states and other covered jurisdictions (Office of the Inspector General, 2008). Citing delays in the release of the SORNA standards and the development of mechanisms to support states in their implementation efforts, the OIG report expressed concern over the ability of states, territories, and tribal jurisdictions to fulfill SORNA requirements by the initial statutory deadline of July 2009.

The OIG report also identified significant limitations and gaps in both NSOR and the NSOPR, noting multiple problems surrounding the completeness, accuracy, and utility of both systems. The review found that NSOR records were frequently missing data such as Social Security numbers, driver’s license numbers, and vehicle identification numbers. Additionally, the report noted that the “flat” nature of the NSOR data file made it generally unsuitable for analytic tasks. It also noted associated limitations in the system’s capacity to provide accurate and easily accessible information to the USMS in their efforts to identify and apprehend absconders. Regarding NSOPR,

¹¹ Data gathered from bi-annual registry census counts conducted by the National Center for Missing and Exploited Children.

¹² A more detailed description of the USMS roles and activities will be further presented in the results section of this report.

¹³ As a point of reference, the 1999 release of the Megan’s Law, Pam Lychner Act, and Jacob Wetterling Improvement Act guidelines yielded a total of nine comments, compared to the 275 received in response to the draft SORNA guidelines (Federal Register, 1999).

¹⁴ These standards are delineated in the results section of this report, along with the analysis of state-level SORNA implementation.

the report indicated concern over the failure of many states to properly link their systems to the federal portal. The report did indicate, however, some important successes in achieving SORNA’s goals, including substantial increases in sex offender fugitive investigations, arrests, and prosecutions.

In the spring of 2009, with the initial implementation deadline approaching, a subcommittee of the House Judiciary Committee held a hearing to consider the state of SORNA implementation (Congressional Record, 2009). In the wake of this hearing, a letter co-signed by the chairpersons and ranking minority members of both the Senate and House Judiciary committees asked the Attorney General to exercise his statutory authority to extend the compliance deadline to July 2010, citing “unforeseen difficulties in implementing the law and significant added costs” (Leahy, Specter, Conyers, & Smith, 2009). The Attorney General issued such an extension order on May 26, 2009 (Office of the Attorney General, 2009), extending the compliance deadline to 2011.

Over the next two years, despite a surge in state legislative activity aimed at enhancing and reforming sex offender registries (NCSL, 2009), states continued to struggle to bring their systems in line with SORNA requirements, citing an array of operational, legal, and fiscal challenges (Harris & Lobanov-Rostovsky, 2010).

Beginning in 2011, however, state progress toward SORNA implementation accelerated amid some key shifts in federal policy. Supplemental SORNA guidelines issued in 2011 and 2016 included modification of requirements pertaining to public websites, international travel, and registration of adjudicated juveniles (U.S. Department of Justice, 2011). Additionally, the SMART Office enhanced its processes for working with states to facilitate implementation, and adjusted its standards for evaluating adherence to SORNA criteria. Recognizing the unique aspects of each jurisdiction’s legal and operational landscape, the SMART Office shifted from a fairly literal standard (termed “substantial compliance”) to a more flexible standard (“substantial implementation”) (U.S. Department of Justice SMART Office, 2016b). Whereas the “substantial compliance” threshold required states to align directly with SORNA guidelines, “substantial implementation” recognized state provisions that did not substantially disserve the purpose of each SORNA’s 14 standard areas. Finally, the DOJ established a mechanism for non-implemented states to recapture the 10 percent Byrne/JAG “penalty” that would otherwise be held for non-compliance provided that these funds be invested in registry improvements linked to SORNA.

These and other key shifts in DOJ policy contributed to an expansion of the number of states achieving substantial implementation status beginning in 2011, as noted in Figure 5 below.

Figure 5: SORNA Substantial Implementation Designations



EMERGENT QUESTIONS FOR ANALYSIS

The current study examines the progress that has been made toward the achievement of SORNA's goals as envisioned in 2006, emphasizing changes in the information sharing landscape. Accordingly, this study is framed by two primary sets of guiding research questions, as noted below.

Table 1: Guiding Research Questions

| | |
|--|---|
| General policy impacts | How, and to what extent, have there been improvements in addressing the key challenges and issues identified at the time of SORNA's passage? What areas have presented continued challenges, and why? |
| | What have been the impacts of federal initiatives -- including investment in compliance enforcement, information systems, interjurisdictional coordination, and grant funding to states - on advancing SORNA's broader goals? |
| Information sharing practices | How have state-based information sharing practices evolved in the years since SORNA's passage? |
| | What is the connection between a state's implementation of SORNA standards and the effectiveness of its systems for exchange and sharing of information? |
| | Beyond SORNA standards, what factors either promote or impede the effective exchange and flow of information within and across jurisdictions? |

RESEARCH CONTEXT

In the context of the policy developments and core questions guiding this study, this section presents a review of the relevant research literature. The review begins by situating the current study within the existing research surrounding SORN policies in general, and then turns to the subset of this literature focused specifically on SORNA and its key dimensions.

SORN POLICIES IN GENERAL

Amidst their growing prominence in the policy landscape, SORN policies have attracted considerable attention from the research community over recent decades. Although researchers have explored multiple aspects of the policies, two lines of inquiry are particularly germane to the current study: 1) research examining the public safety impacts of SORN policies; and 2) research examining the use of SORN systems as information sharing mechanisms.

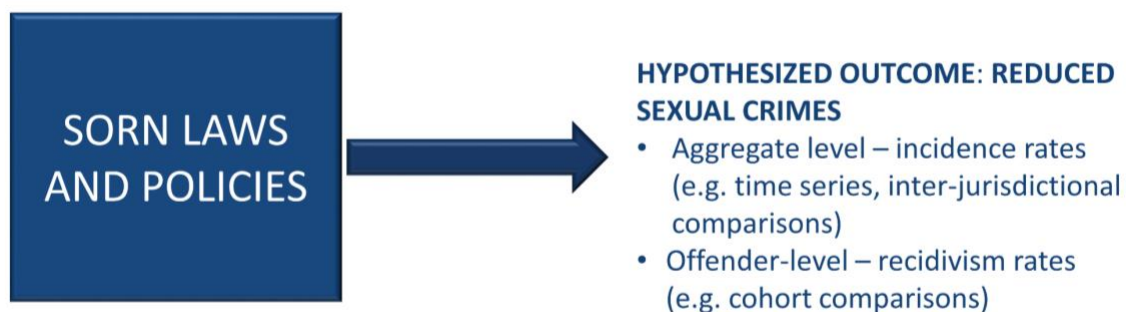
PUBLIC SAFETY IMPACTS OF SEX OFFENDER REGISTRATION AND NOTIFICATION

Within the SORN-related research literature, studies focused on assessing the policies' public safety effectiveness have emerged as particularly prominent and influential. Some of these studies have detected modest effects, suggesting that SORN may be associated with reductions in sex crimes under certain conditions (Duwe & Donnay, 2008; Prescott & Rockoff, 2011; Vásquez, Maddan, & Walker, 2008), while others have failed to find significant effects (Letourneau, Levenson, Bandyopadhyay, Sinha, & Armstrong, 2010; Sandler, Freeman, & Socia, 2008; Tewksbury & Jennings, 2010; Zevitz, 2006; Zgoba, Veysey, & Dalessandro, 2010).

Although the results of this research have been mixed, this group of studies has collectively led some members of the scholarly and advocacy communities to assert that SORN policies serve no useful public safety function, and that they represent a triumph of "moral panic" over rational policymaking (Maguire & Singer, 2011; Wright, 2003; Zgoba, 2004). A closer examination, however, suggests that such conclusions are largely unsupported, and likely based on some key misconceptions surrounding the nature of SORN policies, their operation, and their intended impacts.

Although researchers have employed a range of methodological strategies to evaluate SORN public safety impacts, most commonly time series analyses or cohort comparisons, such studies have adhered to a similar premise-- that adoption and application of a SORN policy should lead directly to measurable reductions in sex crimes, either at the aggregate level (e.g., changes in population-based rates of reported sexual assault following adoption of the policy) or at the individual level (e.g., differential rates of sexual recidivism between those subject to the policy and a control cohort). The implicit logic model underlying such investigations is reflected in Figure 6 below:

Figure 6: Evaluating SORN Public Safety Impacts: Standard Framework



While compelling in its simplicity, this analytic framework is fundamentally limited in its treatment of both the independent and dependent variables as unidimensional constructs. In the case of the independent variable, SORN policies are construed as “black boxes,” with minimal attention paid to the considerable variability in the design and implementation of SORN systems. As such, the research has not adequately explored the ways in which hypothesized outcomes may be influenced by the variation in operational and structural characteristics of SORN systems across, or even within, jurisdictions.

Regarding dependent measures, researchers adopting this framework implicitly assume that reduction in levels of sexual crime is intended as a *direct* and *proximal* outcome of SORN policy adoption. By extension, those ascribing to this logic model are essentially evaluating SORN policies on the basis of their efficacy as “silver bullets,” rather than applying a more realistic standard focused on the incremental role that SORN systems might play within the realm of public safety and law enforcement practice. Evaluating the impact of SORN policies solely on their capacity to produce measurable reductions in sex crimes is comparable to suggesting that building a new criminal history system should produce observable reductions in crime rates, or that upgrades to motor vehicle registry systems should lead directly to fewer traffic fatalities. While one might expect these types of initiatives to ultimately contribute to safer communities and safer roads, such objectives are better viewed as *distal*, rather than *proximal* outcomes.

In the context of public safety practice, viewing SORN as a standalone mechanism is inconsistent with the principles surrounding comprehensive sex offender management, which holds that recidivism reduction relies on the coordination of multiple elements, rather than relying on any singular component (Center for Sex Offender Management, 2007). This alternative viewpoint underscores the importance of examining the more proximal roles that SORN may fulfill within the realm of public safety.

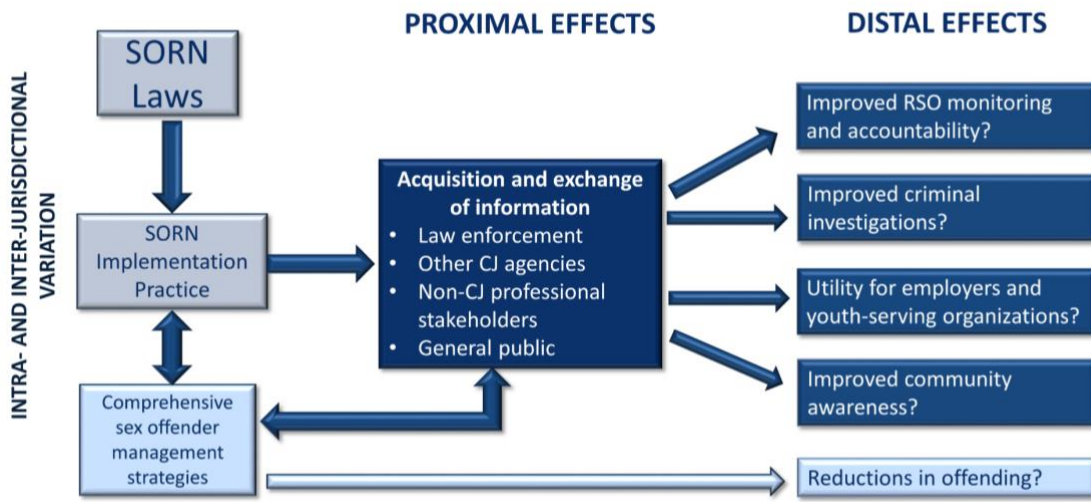
A recent nationwide study involving interviews and surveys of law enforcement professionals found that SORN systems were viewed as serving a range of informational functions related to community-based monitoring, criminal investigations, interagency coordination, and public engagement (Harris, Lobanov-Rostovsky, & Levenson, 2016; Harris, Levenson, Lobanov-Rostovsky, & Walfield, 2018). When explicitly asked about the role of the systems in directly reducing individual registrant recidivism risk, participants considered this to be only a secondary goal. Hence, rather than assessing SORN policies solely on the basis of their ability to independently lead to measurable reductions in sex crimes, it seems more appropriate to examine their efficacy in providing meaningful, accurate, and actionable information that can be brought to bear within law enforcement practice and as part of a broader series of public safety strategies.

Reorienting the examination of SORN public safety impacts

Reflecting this alternative conceptualization, Figure 7 below offers a new framework to guide a more relevant and operationally-grounded assessment of SORN public safety impacts.

This alternative framework calls for a departure from the traditional approach toward evaluating SORN’s public safety impacts in two respects. First, it calls for placing SORN policies into their operational context. Rather than treating SORN policy adoption as a singular “black box,” the alternative model calls for research that accounts for variation in how the policies are developed and implemented across jurisdictions, and examines the roles and experiences of implementers at the federal, state, and local levels.

Figure 7: Evaluating SORN Public Safety Impacts: Alternative Framework



Second, the framework re-orientes the criteria through which the efficacy of SORN policies and systems should be evaluated. Rather than evaluating the systems on the basis of a “silver bullet” standard, the model sets forth a number of more proximal impacts of SORN systems, beginning with understanding the ways in which the systems promote information sharing, and continuing with an evaluation of how the information is used for the fulfillment of intermediate public safety and law enforcement goals. To the extent that SORN systems are evaluated on the basis of their contributions to overall crime reduction, the model suggests that such an assessment be framed within the context of how SORN systems and information might advance these goals through their incremental contributions to the broader systems of community-based sex offender management.

This framework provides a conceptual foundation for the current study in three important respects. First, it establishes information sharing as a primary construct of interest in understanding the impacts of SORN in general and SORNA in particular; second, it focuses attention on the various ways in which that information is used and applied; and third, it calls for an operationally-grounded analysis that acknowledges variation in practice and draws upon the perspectives and experiences of those who are engaged with the implementation of SORN systems on a day-to-day basis.

RESEARCH EXAMINING SORN AS AN INFORMATION SHARING TOOL

Studies examining the use of SORN systems as information sharing tools have been relatively sparse. Although a limited number of studies have surveyed law enforcement and other criminal justice practitioners surrounding their attitudes and beliefs concerning registration and other sex offender management policies (e.g. Gaines, 2006; Mustaine, Tewksbury, Connor, & Payne, 2015; Tewksbury & Mustaine, 2013), to our knowledge only one peer-reviewed study has specifically examined the ways in which SORN systems and their information are used and applied in the context of law enforcement practice (Harris et al., 2016; Harris et al., 2018).

Data for the Harris et al. (2018) study was drawn from 101 interviews with local and county law enforcement professionals across five states, along with a nationwide survey of 1,374 agency leaders, command staff, and line-level personnel within police and sheriff agencies across 49 states and the District of Columbia. Evaluating perspectives on the adequacy, reliability, and utility of registry data, the study identified a number of areas in which law enforcement professionals found registration information to be useful (including those related to criminal investigation and monitoring of high-risk individuals), along with a range of informational needs and areas for improving the usefulness of their registry systems. When asked about potential areas for improvement of

SORN systems, respondents identified significant need for a richer array of registry information, including arrest and charge information, court records, investigation reports, and other data elements that might be useful in understanding the relative risks presented by individual registrants. In response to the nationwide survey, 77 percent of respondents thought that their registration systems could be made more effective by refining their registry classification systems to better distinguish between high-risk and low-risk registrants.

Information sharing with the public has also been of interest to scholars, with several studies examining public awareness and uses of sex offender public websites (SOPWs). Findings from these studies have been fairly consistent in establishing: 1) that awareness of and usage of SOPWs among the general population is limited and sporadic in nature; and 2) among those who utilize and access the registries, only a limited minority report taking direct protective actions on the basis of this information (Anderson & Sample, 2008; Bandy, 2011; Boyle, Ragusa-Salerno, Marcus, Passannante, & Furrer, 2013; Harris & Cudmore, 2018). Additional research relying on web analytics has suggested that interest in, and usage of, SOPWs has declined over time (Makin, Walker, & Story, 2018). The relatively low rates of reported SOPW use among the general public suggest that “passive notification” strategies (i.e. those relying on proactive citizen pursuit of information) may be of limited direct public safety utility. However, there is evidence that more targeted, proactive communication (“active notification”) strategies involving the selective dissemination of information about particularly high-risk individuals living in the community in conjunction with specific crime prevention strategies, may be more effective (Harris et al., 2016).

Yet, as with the broader body of research surrounding the impacts of registration, it is not clear that the research to date has fully accounted for the scope of SOPW usage. Some survey research indicates that examining registry usage as a dichotomous contract (e.g., having accessed vs. not having accessed) may obscure some critical distinctions among the SOPW user population. For instance, one nationwide survey of 1,000 US adults found that, while a majority of community members who have accessed the registry indicate doing so only once or twice based on general curiosity, there is a smaller subset of users engaging in more regular access of registry information (Harris & Cudmore, 2018). Gaining a deeper understanding of who those “power users” may be, their reasons for accessing SOPW information, the ways in which they utilize this information, and the potential benefits of such information represents an unmet research challenge. Accordingly, the current study aims to shed additional light on the audience for public sex offender websites, as well as develops insights related to other mechanisms for sharing information with the public.

SORNA-FOCUSED RESEARCH

Within the SORN policy research, a limited group of studies has focused specifically on SORNA and issues surrounding its implementation. Most of this research has focused on two major thematic areas: the first exploring implications of SORNA’s conviction-based classification scheme, and the second focused on state experiences with implementing SORNA requirements.

STUDIES OF SORNA’S CLASSIFICATION SYSTEM

One prominent cluster of research tied to SORNA implementation has focused on issues surrounding SORNA’s method of classifying sex offenders for purposes of establishing registration requirements. The accompanying inset box offers a brief primer concerning the scope of these SORNA provisions and their relevance as matters of state policy.

Studies undertaken during the early years of SORNA implementation analyzed the efficacy of SORNA’s conviction-based classification system in predicting the likelihood of re-offense (Freeman & Sandler, 2010; Zgoba et.al., 2016). In general, these studies have concluded that SORNA’s conviction-based classification system is ineffective in identifying those at highest risk of re-offending. For instance, Freeman and Sandler (2010) applied the SORNA classification system to a group of 17,165 individuals registered in New York State as of June 2004 and measured their likelihood of criminal recidivism for both sexual and nonsexual crimes. The study found that those classified as Tier 1 were rearrested for both sexual and nonsexual offenses more quickly and at a higher rate than those classified in higher tiers (Freeman & Sandler, 2010).

SORNA's Conviction-Based Classification System

SORNA implementation guidelines stipulate a range of requirements pertaining to individual registrants, including the frequency with which registrants must report to authorities to update their information, the minimum length of time that a person must remain on the state's registry (including eligibility for relief from registration), and whether a registrant's information must be available on public registry websites.

As a framework for establishing a baseline for these and related requirements, SORNA requires that states meet minimum requirements for three tiers of registrants:

- Tier I, representing those convicted of the least serious offenses (minimum duration of 15 years on registry with a possible reduction to 10 years in certain cases, annual updates and verification, and exempt from public websites unless crime involved a minor);
- Tier II, representing those convicted of moderately serious offenses (25 years, biannual updates and verification, and inclusion on public website); and
- Tier III, representing those with convictions for the most serious offenses (lifetime registration, quarterly updates and verification, and inclusion on public website).

Criteria for conviction offenses warranting placement in Tier II and Tier III are set forth in SORNA and clarified in the SORNA guidelines, and are based on definitions as set forth in Title 18 of the U.S. Code. Tier I is considered a "residual" category, covering those defined by SORNA as "sex offenders" for purposes of the Act, but who do not meet criteria for Tier II or Tier III. Beyond the *nature* of conviction offenses, SORNA's classification scheme also accounts for the *number* of convictions for sexual offenses, with repeat offenses warranting placement in higher tiers.

Contrary to some beliefs, SORNA does not require states to adopt this three-tier system. For example, a state that universally applies to all registrants a single set of requirements consistent with Tier III (e.g., lifetime registration, mandated quarterly updates) would be deemed in compliance with this portion of SORNA. However, states with policies that fall short of the minimum requirements for any offenses listed within a given tier, would generally be required to recalibrate their systems accordingly.

Although over two-thirds of states rely exclusively or primarily on categorizing based on offense of conviction to establish registration requirements, many utilize additional criteria for this purpose (Harris, Levenson, and Ackerman, 2014). These criteria, which may be applied through structured risk assessment instruments, may include factors such as perpetrator age, criminal history (sexual and nonsexual), relationship to victim, deviant sexual interests, victim characteristics, and other variables that have been empirically linked to the probability of sexual re-offense.

While SORNA does not preclude states from utilizing such risk assessment systems for certain purposes tied to registration (e.g., prioritizing compliance enforcement operations, and establishing supplemental reporting requirements or community notification mechanisms), such systems cannot be applied in a manner that would override SORNA's minimum requirements tied to conviction offense. Hence, states that use non-offense criteria to exclusively establish duration of registration, frequency of required updates, and inclusion on the public registry have generally been called upon to significantly revise their established systems in order to achieve SORNA compliance.

Other research has examined the implementation of SORNA's tiering system in a more operational context, focusing on its impact on the distribution of the registrant population. Harris and colleagues (2010) analyzed how implementation of SORNA's classification scheme altered the overall composition of the registered sex offender population within Ohio and Oklahoma, two states that had transitioned to systems aligned with SORNA tiers. In both states, the study found that significant numbers of RSOs previously subject to less stringent registration requirements were transitioned to those with the most stringent requirements. Of particular note, the findings indicated that application of SORNA requirements resulted in a large and heterogeneous group of individuals being

placed into the Tier III category, with its attendant requirement of lifetime registration and higher-level SORNA registration requirements for law enforcement (Harris, Lobanov-Rostovsky, & Levenson, 2010).

Particularly given the centrality of SORNA's classification system to the broader issue of state-level implementation of SORNA standards, additional research focusing on the impacts and challenges associated with adoption of the system, is integral to informing a broader inquiry surrounding SORNA and its effects.

RESEARCH ON STATE EXPERIENCES WITH SORNA IMPLEMENTATION

To date, at least three studies have analyzed state-level implementation of SORNA standards and requirements — two state surveys conducted in the year following the 2008 release of the initial SORNA guidelines (Harris & Lobanov-Rostovsky, 2010; National Consortium for Justice Information and Statistics, 2009), and one conducted in 2013 after 19 jurisdictions (16 states and three territories) had been granted “substantial implementation” status from the DOJ (Government Accountability Office, 2013).

In the sole peer-reviewed study, Harris and Lobanov-Rostovsky (2011) conducted a survey of state registry officials during the latter part of 2008, in the months following the DOJ release of the SORNA guidelines. The survey presented respondents with eight key SORNA provisions, and asked them to rate the level of consistency between the provision's requirements and existing state policy and practice.

The study identified SORNA's retroactivity requirements as the area with the most significant deviation from state policy, with approximately 74 percent of state officials reporting that their existing policies were either highly or somewhat inconsistent with this SORNA mandate. This was followed by SORNA requirements related to inclusion of juveniles on the registry (66 percent highly or somewhat inconsistent)¹⁵ and consistency with SORNA's conviction-based classification system (57 percent highly or somewhat inconsistent). Of note, relatively few states indicated that their policies were fully consistent with SORNA's retroactivity and juvenile provisions (17 percent and 11 percent of states, respectively), whereas approximately one third (34 percent) reported having systems that complied fully with SORNA's conviction-based classification requirements. Interpreting these findings, the study's authors suggested that the retroactivity and juvenile registration provisions be viewed as broad-based systemic challenges for SORNA implementation, while SORNA's conviction-based classification provisions are seen as less universally challenging and confined to a particular subset of states.

For provisions involving some measure of indicated inconsistency with existing policy, follow-up items assessed the barriers to implementing that SORNA provision across four domains — legal (e.g., potential conflicts with state constitutions), financial (e.g., adequacy of resources), operational (e.g., agency roles, and adequacy of information technology capacity), and practical (e.g., ancillary impacts related to public safety). Legal challenges were prominent in areas that involved the potential for requiring registration of previously unregistered groups or expanding registration requirements, specifically those involving retroactivity, the expansion of covered offenses, juvenile registration, and conviction-based classification. On the operational front, many states cited their lack of information system capacity to adapt to SORNA's retroactivity provisions, particularly those requiring the identification of individuals who enter the criminal justice system on a nonsexual offense, but who had previous sexual offense convictions or adjudications. Respondents expressed both operational and fiscal concerns related to the demands associated with transitioning from risk-based to conviction-based systems, information technology enhancements, and the adaptation of registration update systems and personnel to respond to increased workloads.

Finally, survey respondents cited practical concerns over potential adverse public safety impacts related to both the inclusion of adjudicated juveniles and the requirements for conviction-based classification. Regarding the former, states expressed concern the juvenile registration might compromise the potential for these youth to effectively and safely integrate into society, thereby increasing rather than mitigating risk. As for the latter, states utilizing

¹⁵ This study pre-dated the aforementioned clarifications of, and amendments to, SORNA's requirements that offered states greater flexibility with regard to registration of juveniles.

standardized and empirically validated risk assessment instruments expressed concern that differentiating offenders based solely on the crime of conviction might compromise the ability to focus law enforcement resources and public attention on the most dangerous offenders.

These findings are consistent with results from additional analyses conducted by the National Consortium for Justice Information and Statistics (SEARCH) (2009) and the U.S. Government Accountability Office (GAO) (2013). In the SEARCH study, when asked about the most significant impediments to SORNA implementation, the most commonly mentioned items were juvenile registration (23 out of 45 responding states), retroactivity (20 states), and conviction-based classification (seven states). Related to the nature of implementation barriers, respondents cited a range of factors including staffing resource needs, potential constitutional challenges, operational concerns related to changes in classification systems, and the need for statutory reform (42 states indicated that legislation would be required to bring the state into compliance with SORNA).

In 2013, the GAO conducted an analysis examining state-level SORNA implementation and its related challenges. Based on a review of DOJ records, the first part of the analysis examined adherence to SORNA's implementation standards across 33 states and three U.S. territories that had submitted substantial implementation packages to the SMART Office, including 16 states and three territories that had been granted "substantial implementation" status by DOJ, and 17 states that had not yet received this designation.¹⁶

Among the 16 substantially implemented (SI) states analyzed by the GAO, most were found to have deviated in some ways from the letter of law regarding SORNA guidelines, with all but one (Kansas) deviating from at least three of the 14 standards; half of the states deviating from five or more standards; and two states (Tennessee and South Dakota) deviating from nine standards. Looking across the various standards, the most common points of deviation for these states related to the information required at registration, classification of offenses, SORNA's retroactivity provisions, and the range of covered offenses requiring registration. In its review of the 17 states that had not substantially implemented SORNA (NSI states), the GAO analysis determined that 15 of these states met criteria for implementing at least half of the 14 standards, and the 11 of these states meet criteria for at least 10 of the standards. Within these states, the most significant impediments to implementation related to public registry website requirements, the range of covered offenses, and frequency and/or duration of verification and appearance.¹⁷

The GAO analysis also included a survey of state-level officials in NSI jurisdictions evaluating the specific impediments to SORNA implementation. The results from this survey were generally consistent with the two prior studies (Harris & Lobanov-Rostovsky, 2010; National Consortium for Justice Information and Statistics, 2009) – of the six highest ranked implementation challenges, three of these (reconciling conflicts between state laws and SORNA, generating political will to implement necessary changes, and covering the costs of SORNA implementation) corresponded to the general obstacles identified by Harris & Lobanov-Rostovsky (2010), and the remaining three corresponded with the specific SORNA "problem areas" flagged by both earlier surveys (i.e., retroactivity, conviction-based classification, and juvenile registration).

Supplementing its survey and review of state implementation of SORNA standards, the GAO review also included a series of interviews with criminal justice system stakeholders in five of the states that had implemented SORNA. These interviews identified both positive and negative developments associated with SORNA implementation. Positive developments cited by interview participants included improvements in information sharing within and

¹⁶ These 17 states included two that were subsequently designated as "substantially implemented" – Colorado, which received the designation shortly after the report's release, and Oklahoma, which received the designation in early 2017.

¹⁷ Of note, the GAO's reported points of deviation from SORNA standards are not directly comparable between substantially implemented (SI) and non-substantially implemented (NSI) states. Within the SI states, distinctions were made between whether each state: 1) met the standard; or 2) deviated from the standard in a way that did not substantially disserve the purposes of the standard. In contrast, NSI states were distinguished on the basis of whether a state 1) met or did not substantially disserve the standard; or 2) did not meet or could not be evaluated on the standard based on available information.

across jurisdictions, collaboration among law enforcement agencies, and capacity to enforce registration compliance. Among the negative sentiments expressed in the interviews, participants expressed doubt that conviction-based classification is a good indicator of risk, that it results in increased workloads due to expanded registration requirements, and that it may diminish the capacity of registrants to reintegrate into the community.

Finally, stating that “a carefully planned, comprehensive study on the effects of SORNA implementation on public safety will help determine whether the requirements of the legislation are achieving their intended effects, or need any revisions, and address research gaps in this area,” the report concluded with a recommendation that further study be undertaken (GAO, 2013).

THE CURRENT STUDY

Following the GAO report, the National Institute of Justice (NIJ) issued a solicitation calling for a systematic evaluation of SORNA and its impacts, with a particular focus on understanding changes in the information sharing landscape since passage of the law. Specifically, the solicitation set forth the following objectives:

1. Provide a detailed and comparative assessment between those jurisdictions that have implemented SORNA and those that have not implemented SORNA and how they share information; the capacity of the SORNA systems to share information; and how the process of information sharing may have changed over time, for example, pre- and post-SORNA.
2. Provide a detailed description of the types of information shared between and within jurisdictions as well as the information made publicly available through community notification systems prior to and after the implementation of SORNA.
3. Document (a) how information sharing may aid or enhance law enforcement in its effort to track registered sex offenders over time, (b) how information is shared with the public about offenders in their communities, and (c) how the process of information sharing may vary between jurisdictions that have implemented SORNA and those that have not.
4. Produce a reliable estimate of (a) the cost of information sharing of sex offender registration information within and between jurisdictions, and (b) how this cost may have changed pre- and post-implementation of SORNA.
5. Conduct a cost-benefit analysis of sex offender registration information sharing within and between jurisdictions and by criminal justice agencies.

Based on a proposal submitted in response to this solicitation, the current project was initiated in early 2015 via a cooperative agreement with the NIJ. The scope of work was refined through a collaborative process beginning with the early stages of the project and continuing with periodic consultations at key transitional stages. As such, the project was designed to both reflect the needs of the DOJ while ensuring an independent and viable assessment of SORNA and its impacts.

STUDY FRAMEWORK AND METHODOLOGY

As described earlier, the study set out to examine two sets of research questions. The first focused on progress toward SORNA's general policy goals, and the second focused on the scope and evolution of information sharing practices among criminal justice agencies and with the public.

General policy impacts

How, and to what extent, have there been improvements in addressing the key challenges and issues identified at the time of SORNA's passage? What areas have presented continued challenges, and why?

What have been the impacts of federal initiatives, including investment in compliance enforcement, information systems, interjurisdictional coordination, and grant funding to states, on advancing SORNA's broader goals?

Information sharing practices

How have state-based information sharing practices evolved in the years since SORNA's passage?

What is the connection between a state's implementation of SORNA standards and the effectiveness of its systems for exchange and sharing of information?

Beyond SORNA standards, what factors either promote or impede the effective exchange and flow of information within and across jurisdictions?

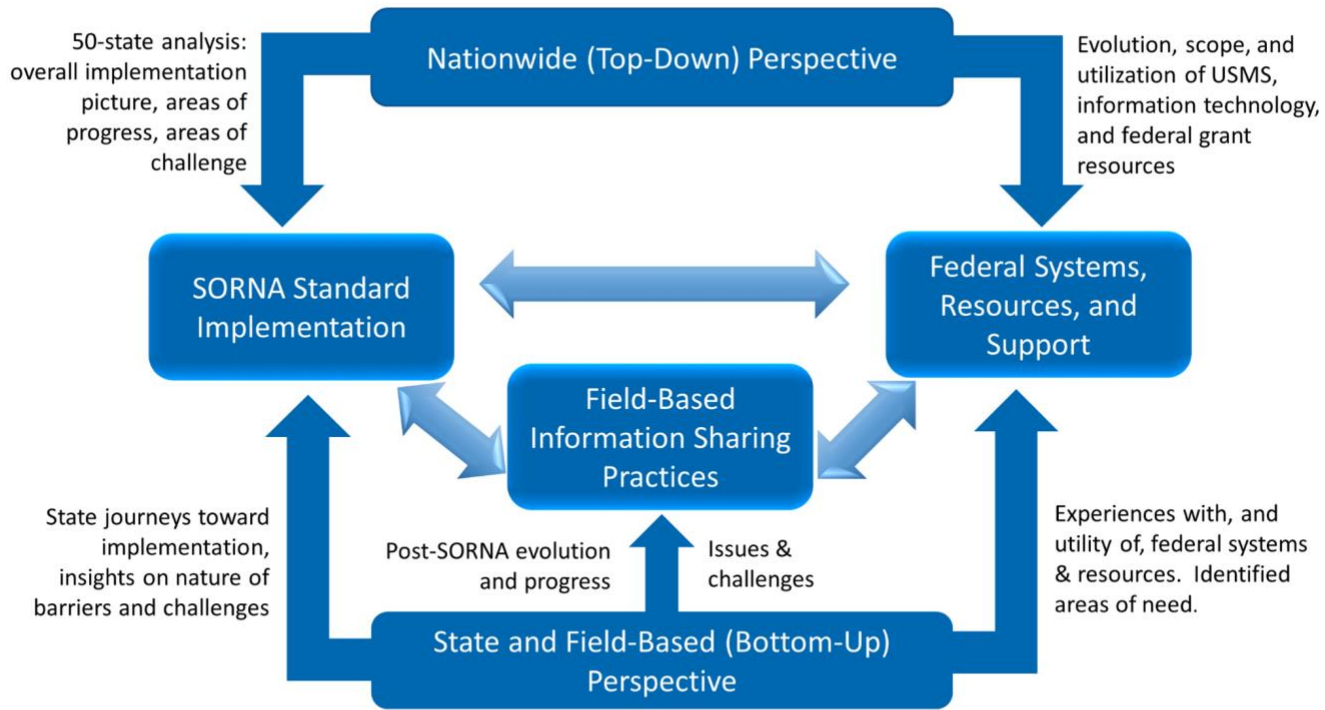
To structure data collection and subsequent analysis of these questions, the project explored three broad dimensions of SORN connected to SORNA's core policy objectives:

- **State implementation of SORNA standards and requirements**, including overall levels of progress across the various standard areas and state experiences with standard implementation.
- **The scope and nature of state information sharing practices**, including the evolution of these practices since SORNA's passage, model practices, and emergent issues and challenges.
- **The impacts of federal investments on information sharing**, including the role of the USMS, uses of SORNA grant funding, and uses of federal information systems¹⁸ for the interjurisdictional exchange of information, compliance-related investigations and enforcement, and public access to sex offender information.

This study uses a multi-method approach to examine these key dimensions independently as well as the interactions and relationships between them. Our multi-method approach relies on quantitative and qualitative data sources coming from a variety of research design approaches but emphasizes the blending of data from the top and bottom of the information sharing landscape. The study's overall evaluative framework is presented in Figure 8.

¹⁸ In particular, the NSOR, the SORNA Exchange Portal, and the National Sex Offender Public Website (NSOPW).

Figure 8: Study Evaluative Framework



BLENDING “TOP DOWN” AND “BOTTOM UP” PERSPECTIVES

SORN systems and policies traverse federal, state, and local policy and practice domains, and involve a range of professional stakeholders. While sharing a common goal of promoting community safety, these groups engage with the policies in varied ways and with varied areas of concern:

- Those engaged in the development and implementation of **federal policy**, particularly the relevant divisions within the DOJ, are primarily concerned with ensuring the successful fulfillment of the goals and execution of directives set forth by Congress in the SORNA legislation.
- Those responsible for managing and operating SORN systems at the **state level**, while typically attuned to SORNA’s general goals, must also manage a range of potentially competing priorities amidst resource constraints, the demands of agency leadership, and directives from state legislatures and the courts.
- Those operating within **local agencies**, who generally represent the “front lines” of the nation’s SORN systems, are necessarily focused on enforcing their state laws, prioritizing the use of their available resources, and ensuring the safety of their immediate communities.

Each of these groups offers a vital perspective on the myriad questions and areas of focus that form the basis for this study. As such, the study was designed to examine the research questions from both a “top down” and “bottom up” perspective.

The “top down” elements of the analysis focused on offering a high-level, view of SORNA implementation by exploring the contours and efficacy of federal systems, resources, and modes of support deployed in pursuit of SORNA’s goals. This portion of the analysis relied primarily on the perspectives of those involved in the management and operation of federal systems, as well as ancillary data provided by federal agencies.

The “bottom up” elements focused on understanding and capturing implementer perspectives on, and experiences with, SORNA implementation. These activities explored the scope and evolution of state SORN systems and information sharing practices since SORNA’s enactment, as well as state and local experiences with federal systems and mechanisms of support, such as federal information technology systems, SORNA grant funding, and interactions with the USMS. This portion of the analysis was primarily based on a series of case studies involving interviews with key personnel and supplementary data provided by state officials. These data were gathered through a series of ten site visits to a diverse group of states, during which the research team interviewed 155 individuals who represent a wide range of functions, from state registry officials to those charged with frontline registry operations and enforcement. These case studies were augmented with a series of focus groups with probation and parole professionals and interviews with law enforcement personnel involved with Internet Crimes Against Children (ICAC) and the Amber Alert system.

The study’s overall analytical approach was designed to examine these perspectives both independently and in tandem with one another. Drawing upon data from both the “top down” and “bottom up” portions of the study, the final analysis offers a rounded and comprehensive view on where SORNA has met its core policy goals, as well as identifying attendant challenges warranting further attention from policymakers.

NATIONWIDE PERSPECTIVES

The study’s efforts to gather a nationwide perspective on SORNA implementation consisted of three key components: 1) a series of informational interviews conducted with key federal stakeholders designed to establish the general contours of various federal initiatives related to SORNA; 2) a comprehensive and systematic analysis of state-level implementation of SORNA standards utilizing SMART Office documents issued in response to state substantial implementation packet submission; and 3) supplemental data analysis activities utilizing various data sets provided by these stakeholders.

FEDERAL STAKEHOLDER INTERVIEWS

Throughout the study period, the research team conducted a range of informational interviews with key federal stakeholders, including representatives of the USMS and the IIR, which manages a range of federal information technology initiatives through a grant with the SMART Office. The team also held a number of informational meetings with SMART Office senior policy advisors to gather their insights and perspectives on both state experiences with SORNA implementation and various federal initiatives connected to SORNA.

In the early stages of the project, the primary purpose of these informational interviews was to establish a baseline familiarity with aspects of various federal systems, how they have evolved, key areas of success, and perceived challenges. These interviews, along with analysis of supplemental data provided in conjunction, also gave context for developing the sampling methodology and protocol for the state-based case studies that were initiated in 2017. In the latter stages of the project, additional interviews were conducted with key federal stakeholders as a means of gathering information on interim developments and on processing some of the themes and outputs that emerged during the course of both the state-based site visits and the analysis of national data.

USMS Interviews

The research team conducted interviews with representatives of the USMS, including those working in field offices and central operations. During the state-based site visits, the research team conducted interviews with five USMS field-based staff, including Region Chiefs, Sex Offender Program Coordinators (SOPCs), and Sex Offender Investigation Coordinators (SOICs). The team also conducted interviews with representatives from the National Sex Offender Targeting Center (NSOTC) and with staff from the National Center for Missing and Exploited Children's Sex Offender Tracking Program (NCMEC/SOTP), which works in close coordination with the NSOTC in its investigatory support function. Details surrounding the roles of these various offices and functions, the USMS command structure, and the analytic strategies are described later in this report.

IIR Interviews

The research team conducted a series of interviews at various stages of the project with project managers from the Institute for Intergovernmental Research (IIR), an independent organization working under a grant with the U.S. DOJ to support a range of information technology initiatives related to SORNA. IIR responsibilities under its grant include the management and maintenance of the National Sex Offender Public Website (NSOPW) and the SORNA Exchange Portal (SEP), as well as development and support for the Tribe and Territory Sex Offender Registry System (TTSORS), and development of the Sex Offender Registry Tool (SORT) - a platform available at no cost for state-hosted sex offender registration systems. These systems and their respective roles in achieving the goals of SORNA are described later in this report. In conjunction with these interviews, IIR provided the research team with data surrounding utilization of the NSOPW, information on state system platforms, and access to the SEP.

NATIONWIDE ASSESSMENT OF SORNA STANDARD IMPLEMENTATION

As a foundation for examining state-level implementation of SORNA standards, the research team undertook a systematic review of state adherence to the standards across the 50 states.¹⁹

The data source for this analysis was detailed "compliance letters" issued by the SMART Office following its review of implementation packets submitted by state agencies between 2009 and 2017. Each letter included an assessment of the consistency between the state's laws and policies and the 14 SORNA standards, along with the

¹⁹ Preliminary findings from this analysis, including data from 41 states that had been issued SMART letters as of early 2016, were reported in a monograph released in July 2016 (Harris & Lobanov-Rostovsky, 2016). This analysis was subsequently updated and presented in a 2017 journal article, featuring data from 49 states (Harris, Walfield, Lobanov-Rostovsky, and Cubellis, 2017). Readers are referred to those sources (presented as appendices to this report) for further details on data sources and methodology.

SMART Office’s determination as to whether, and to what extent, each standard had been met. In cases in which a state did not meet a given SORNA standard, or was determined to have adopted provisions that did not substantially disserve the intent of the standard, the SMART Office provided clarifying information in the letter narrative. In limited instances, the SMART Office indicated that there was insufficient information available to make a determination about the state’s implementation of that standard.

Each letter was assigned to two trained research assistants, who independently coded the state’s level of overall compliance with each of the 14 SORNA standards, based on the information contained within the letters. In total, 48 states were coded for all 14 SORNA standards. Of the remaining two states, North Dakota was coded for only 7 standards due to missing information in its SORNA implementation materials and insufficient information for the SMART Office to make a determination regarding the implementation of those standards. Massachusetts was coded for 13 of the 14 standards due to an exemption on one standard granted by the SMART Office pursuant to a ruling by the state’s highest court that precluded implementation of that standard in a manner consistent with SORNA.

States were assigned one of the following three designations for each standard consistent with the SMART Office categorization schema:

- **Meets SORNA requirements (M).** Denotes that the state has adopted laws, policies, and practices that are fully consistent with the SORNA legislation and federal guidelines.
- **Does not substantially disserve SORNA requirements (NSD).** Denotes that the state has adopted laws, policies, and practices that deviate in some manner from SORNA legislation and federal guidelines (and may require further development) but meet the general spirit of the Act. This designation is deemed by the SMART Office to be sufficient for that state to have fulfilled the requirements of that standard for purposes of a “substantial implementation” designation.
- **Does not meet SORNA requirements (NM).** Denotes that the state’s laws, policies, and practices have been determined to be substantively inconsistent with the SORNA legislation and federal guidelines, and that they do not meet the general spirit of the SORNA. Any state with a “does not meet” designation for one or more of the standards is ineligible to receive a “substantial implementation” designation.

To offer a deeper perspective, supplemental focused coding was conducted for a limited group of standards that contained multiple sub-elements. For instance, the standard involving required registry website information (Standard 10) sets forth ten specific data elements that must be included in a state’s public website — in this situation, separate sub-codes were assigned to indicate the presence or absence of each of these registry elements for a given state.

Following independent coding of each substantial implementation letter, the coding team compared their initial ratings. There was a high level of inter-rater agreement between coders (>95%), and the limited number of cases involving discrepancies were resolved through a consensus discussion among the research team.

SUPPLEMENTAL NATIONWIDE DATA ANALYSIS

In connection with the interviews with stakeholders from federal agencies, the research team collected and analyzed data related to the use of federal resources and systems that have been developed pursuant to SORNA.

With the assistance and input from IIR, the research team analyzed state utilization of the SEP, a system deployed in 2008 to facilitate the exchange of information between jurisdictions in cases where a registered sex offender indicates an intention to relocate on either a temporary or permanent basis. Researchers analyzed 86,162 “relocation tasks” initiated by states between 2008 and 2018. Key factors included in the analysis were the overall scope of portal utilization, the distribution of portal utilization across sending and receiving jurisdictions, the dispositions of relocation tasks, and trends in portal utilization over time.

Researchers also assessed utilization of the NSOPW, drawing from Google Analytics and supplemental data furnished by and with assistance from IIR. Emphasis was placed upon overall website utilization over time and temporal patterns of usage, including across days of the week and times of day.

To examine the impacts of SORNA grant programs and provide a national picture of the use of these funds, the research team coded 425 abstracts of projects submitted by states and local jurisdictions and funded by DOJ. These included 248 projects funded through the competitive SORNA grant program, amounting to \$58 million in funds allocated between 2008-2017, and 177 projects funded through reinvestment of JAG funds, amounting to \$31 million in funds allocated between 2012-2017.²⁰ Following an initial inductive coding process aimed at identifying the uses and purposes of the funds, codes were organized into thematic clusters, including technology investment, training, personnel, and enforcement operations. Based on this coding strategy, a series of descriptive analyses were generated to reflect the scope of and impact of SORNA grant funding on state and local registration and notification activities.

FIELD-BASED PERSPECTIVES

The core of the study's efforts to gather field-based perspectives was ten state-based case studies encompassing interviews with 155 individuals representing a wide range of roles within state and local agencies, as well as field-based representatives of the USMS. Supplemental data collection related to field-based perspectives included focus groups with probation and parole professionals, and interviews with specialized law enforcement professionals engaged in investigating internet crimes against children and child abduction cases, to explore participant interactions with registry systems and information on the course of their work.

STATE CASE STUDIES

States were selected for participation in the case studies through a collaborative process involving the research team and SMART Office senior policy advisors. To guide this process and to ensure representation from a diverse cross-section of states, the research team developed a matrix that arrayed all 50 states in accordance with several salient dimensions, including:

- SORNA implementation status;
- Size and scope of the registry, as measured by the number of active registrants;
- Levels of SORNA exchange portal utilization; and
- System IT platform (e.g., custom-designed, SORT, or contracted with private vendor).

Additional factors that were considered during the selection process included geographic diversity, nexus with tribal jurisdictions who maintain their own SORNA programs, and non-implemented states utilizing risk assessment to establish certain registration requirements.

Based on this matrix, the team held a series of meetings with SMART Office senior policy advisors to identify a diverse group of states to approach for participation in the study. These discussions yielded a "short list" of 15 states for preliminary outreach, of which ten were selected for final inclusion in the study. A summary of the final sample of case study states is included in the table below.

²⁰ SORNA requires that states that have not been deemed to have substantially implemented the SORNA standards forfeit 10% of their JAG funding allocation. However, the DOJ has permitted states to retain these funds provided that the resources are utilized for purposes of SORNA implementation.

Table 2: Characteristics of Participating States

| State | SORNA Substantial Implementation? | Number of registrants | Registry Platform | Date of site visit |
|--------------|-----------------------------------|-----------------------|-------------------|--------------------|
| Alabama | Yes | 15,504 | Offender Watch | 6/11/18 – 6/12/18 |
| California | No | 106,118 | Custom | 5/21/18 – 5/22/18 |
| Florida | Yes | 67,167 | Custom | 5/22/17 – 5/23/17 |
| Iowa | No | 5,807 | Custom | 3/13/17 – 3/14/17 |
| Michigan | Yes | 43,661 | Offender Watch | 6/12/17 – 6/13/17 |
| Missouri | Yes | 16,086 | Custom | 3/20/17 – 3/21/17 |
| New Mexico | No | 3,046 | Offender Watch | 10/9/18 |
| Pennsylvania | Yes* ²¹ | 20,905 | SORT | 4/10/17 – 4/11/17 |
| Texas | No | 92,095 | Custom | 4/5/18 – 4/6/18 |
| Washington | No | 19,482 | Offender Watch | 7/23/18 – 7/24/18 |

The final group of states included four of the nation’s largest SORN systems, with between 43,000 and 106,000 registrants (California, Florida, Texas, and Michigan); four midsize systems, with between 15,000 and 21,000 registrants (Alabama, Washington, Missouri, and Pennsylvania); and two states operating smaller systems, with between 3,000 and 6,000 registrants (Iowa and New Mexico). Across the states, SORNA systems operated on a range of IT platforms, with five states operating custom-built systems directly managed through state agencies, four states relying primarily on a private vendor for hosting and management of their systems, and one state (Pennsylvania) that had adopted the federally-provided SORT system.

Consistent with nationwide patterns, most states within our sample utilized mechanisms for establishing registration requirements that relied primarily or exclusively on “offense-based” criteria, including nature and/or number of convictions. One state in the sample (Washington) utilizes a “blended” system in which certain requirements are based on conviction and others are based on structured risk assessment of criteria beyond conviction offense. Another state in the sample (California) has passed legislation that will involve the use of structured risk assessments for certain registration requirements, including relief from registration. A third state (Texas) utilizes risk assessment for purposes of certain registry functions (such as informing compliance enforcement efforts), although bases an individual’s duty to register on offense-based criteria.

²¹ At the time of site selection and the site visit, Pennsylvania had been designated as having substantially implemented SORNA requirements. For reasons described later in this report, this designation was subsequently withdrawn.

Site Visits: General Process and Protocol

Initial outreach to the first group of states took place in the latter part of 2016 and extended into early 2017. The first phase of site visits was conducted between January and June of 2017, and the second round was conducted between June and October of 2018.

PRE-VISIT ACTIVITIES

Preliminary calls were scheduled with each state's designated SORNA point of contact (PoC) and with select managerial personnel involved in the operation of the state's SORN system. Participants were provided with an overview of the project and its goals, a discussion of the process surrounding the site visits, and identification of key personnel who would need to be part of these visits. Following the calls, representatives of the project team coordinated with the PoC to establish a structured itinerary and schedule of interviews.

Prior to each scheduled visit, the research team conducted background research pertaining to the state SORN system, including a review of preliminary materials provided through the PoC, the state's SORNA implementation letters furnished by the SMART Office, and additional information gathered from the official state SORN website.

SITE VISIT PROCEDURE

Site visits typically spanned two working days, with most of this time dedicated to interviews with a range of personnel connected to the management and operation of the state's SORN system, SORN-related law and policy, registry enforcement, and other key functions. In most cases, site visits began and concluded with the state's SORNA PoC and key registry managers. These interactions included an opening meeting focused on discussing the goals of the site visit process and a final debriefing interview that provided the research team with the opportunity to seek any needed clarifications and gather additional contextual information related to matters arising during the course of the visit.

Beyond the interviews, other site visit activities included tours of registration units, reviews of documentation and work processes, and demonstrations of the registration systems and their underlying functionality. During the visits, state and local registry officials typically provided supplemental written materials, including statutory and legislative histories, case law summaries, policy and procedure manuals, standard forms, training materials, agency reports, caseload data, and cost analyses. In some instances, state registry officials also offered formal presentations covering issues such as legislative history, system operations, legal developments, and other matters related to the scope and nature of their respective registration and notification systems.

INTERVIEW SAMPLE

The composition of the interview pool within each state varied based on the interviews scheduled by the state PoC, but generally included meetings with management (including the state's primary PoC for SORNA), unit supervisors, and both sworn and civilian staff. Beyond meetings with state registry staff, several site visits included meetings with local law enforcement and representatives of the USMS assigned to the region.

The final interview sample included 155 individuals. This sample reflected multiple levels of government (federal, state, county, and city); a range of agency and personnel types (state public safety/bureau of investigation agencies, law enforcement, corrections, prosecutors, probation and parole); and varied functions related to registration (e.g., registry management, analytic services, technical system support, compliance enforcement, investigations, and legal counsel). The distribution of interviews across states and roles of participants are summarized in Table 3.

Table 3: Interview Sample by State and Function

| State | Number of Participants |
|--------------|------------------------|
| Alabama | 25 |
| California | 13 |
| Florida | 17 |
| Iowa | 12 |
| Michigan | 16 |
| Missouri | 21 |
| New Mexico | 5 |
| Pennsylvania | 13 |
| Texas | 18 |
| Washington | 15 |
| Total | 155 |

| Role | n | Description |
|------------------------|------------|--|
| Managers | 19 | SOR Unit Supervisors |
| Legal | 16 | Prosecutors, attorneys, legislative liaisons |
| Information Technology | 15 | Technicians, project managers |
| Administrative | 41 | Analysts and clerical staff (roles included quality checks and fielding data requests) |
| Other Registry Staff | 4 | Additional civilian staff (roles included conducting deregistration reviews) |
| Field Agents | 8 | State law enforcement supporting field-based compliance and training |
| DOC | 14 | Community corrections officers |
| USMS | 6 | USMS Region Chiefs, SOICs, and SOPCs |
| Local Law Enforcement | 26 | Civilian and sworn personnel from sheriff and police departments |
| Other | 6 | Victim advocate and participants whose role was undefined |
| Total | 155 | |

INTERVIEW PROCESS

The majority of interviews were held in small groups of between two and five participants, with some interviews held on an individual basis. Most commonly, interview participants were convened in a central location by the state agency PoC, although in some cases, the research team conducted interviews during tours of state and local registration units.

Prior to each interview session, the research team provided a verbal summary of the project and its goals, and reviewed consent forms approved through the UMass Lowell Institutional Review Board (IRB). Participants were provided with assurances of confidentiality that specific perspectives would not to be attributed to any particular individual and given a detailed description of how data would be protected.

Interviews utilized prompts from a comprehensive guided IRB-approved protocol, which was adapted for each interview based on the nature of participant roles and responsibilities. The interview guide included prompts exploring the functioning of each unit, registration, verification, and compliance enforcement processes, interfaces with federal systems, and changes to the system and registry function since the passage of SORNA. The interview protocol is attached to this report in Appendix B.

Between two and four research team members were present during all interviews. A typical interview would include one lead interviewer and two note takers, with one lead note taker typing notes as participants were interviewed, and another taking supplemental written notes. In two cases involving a large group of interviewees, audio recordings were made with the consent of participants to supplement written field notes. Upon consolidation with supplemental field notes, the recordings were destroyed.

Data Organization

After completion of each site visit, the lead note taker would provide completed notes to the secondary note taker in order to add, edit, and further clarify. For two of the ten site visits, only one note taker was present. In these instances, the note taker produced the field notes and circulated these to other research team members present at the interviews for additions, editing, and clarification.

Field notes were separated by the nature of the participant meeting and the functions of the participants involved (e.g., one field note for registry personnel, one field note for information technology personnel, one field note for law enforcement, etc.). The final site visit field note dataset includes 79 distinct field note documents across ten states, encompassing 155 interview participants.

Following field note compilation, researchers conducted a substantive review process of the notes for cleaning and removing any personal identifying information. This process began with one researcher reading the field notes and making comments about where additional clarification was needed, distinguishing between paraphrasing and direct quotes, attributing participants to statements, and linking references to external information (such as court cases, news stories, or legislation). Then, the notes were provided to another member of the research team who would review and reconcile discrepancies and provide clarification where needed. The exchange process occurred approximately four times for each field note.

Analysis of Interview Data

Once field notes were cleaned and edited for clarity, researchers de-identified all people and places by establishing pseudonyms and a unique identifier for each participant. The notes were then imported into the NVivo 12 for coding and analysis. The research team utilized a multi-stage, iterative approach to coding, analysis, and synthesis of the data. This process utilized a thematic approach that drew upon both deductive methods (i.e., based on pre-established themes aligned with the study's interview protocol), as well as inductive methods to identify emergent themes within the data (Braun & Clarke, 2006).

As a foundation for the deductive portion of the analysis, the research team developed an initial coding scheme derived from the primary domains of the interview protocol. The initial coding scheme aimed to capture the actions, processes, and sentiments from participants and create an organization of data segments for subsequent iterations of analysis (Charmaz, 2006). Two members of the team read and reread each field note, coding for these initial categories and flagging newly emergent ideas. For ten sets of notes, the researchers met to compare their coding to assess for interrater agreement, and where there were discrepancies, the researchers worked to establish consensus through clarifying initial emergent codes and/or developing alternate codes (Miller, 2005).

Throughout the initial coding process, researchers identified a series of emergent codes and themes, forming the foundation for the inductive portion of the analysis (Braun & Clarke, 2006; Charmaz, 2006). This portion of the process allowed researchers to consider and account for actions, meanings, and sentiments of participants that were not identified in the initial coding scheme. Inductive coding techniques emphasized the emergence of new and a priori themes resulting in topical codes, in vivo codes (the participants words), and latent or interpretive codes of participant meaning (Braun & Clarke, 2006; Charmaz, 2006).

Upon completion of initial deductive and inductive coding procedures, the research team began an iterative sub-coding process where general codes were analyzed using an inductive, focused coding strategy to further specify themes and define patterns within and across the data (Charmaz, 2006). Researchers conducted several thematically focused sub-coding procedures. The first included examining the best practices, areas for future growth, and recommendations for system improvement within each state. This coding process resulted in ten thematic memos (one for each state). These memos were then compared, and themes were compiled to reflect the predominant patterns around successful practices, challenges and unmet needs, and participant recommendations. This level of analysis also allowed for sub-coding of themes by participant characteristics (e.g., law enforcement, civilian, etc.).

A second series of memos resulted from focused coding of the inductively derived codes encompassing perspectives and experiences with registry information processes. These memos, which form the basis for the results presented regarding state information sharing practices and assessment of federal information systems, emphasized four key dimensions of sex offender information sharing, as identified through our inductive coding process: data quality, data consistency, data access, and data exchange.

At various stages throughout the above-referenced coding process, the entire research team conducted working sessions to review the emergent themes, triangulate these findings with the broader contextual items gathered through the nationwide assessment, identify and reconcile discrepancies within the data, and develop an emergent series of primary findings across each of the three core domains (i.e., state SORNA implementation, information sharing practices, federal systems and initiatives), along with their major sub-elements.

SUPPLEMENTAL FIELD-BASED ANALYSES

Probation and Parole Agency Focus Groups and Survey

As part of the project's investigation of inter-agency information sharing practices, the project included interviews, focus groups, and survey activities carried out in conjunction with the American Probation and Parole Association (APPA).

A series of structured focus groups conducted in 2016 and 2018 with probation and parole professionals explored the nature of interactions with state SORN systems. For both sets of groups, participants were recruited through convenience and snowball sampling strategies, with outreach coordinated via the APPA website and email blasts directed toward registrants in the APPA Winter 2016 and Summer 2018 Training Institutes. Prior to beginning, the focus group participants were provided information about the study, assured confidentiality, and informed consent through UMass Lowell-approved IRB forms. Each focus group contained 17 participants, for a total of 34 participants. Researchers followed prompts from an IRB-approved protocol and asked appropriate follow-up questions and probes to elicit additional feedback from participants. Data were collected in the form of field notes. One researcher led the focus group and took some written notes while another researcher served as the primary note taker and typed detailed notes, including direct quotes where appropriate. The same analytic approach was taken with these data as was the state-based cases studies. Inductive coding allowed for iterative sub-coding and analytic memos to support the study's findings.

In early 2019, a web-based survey was administered via Qualtrics to probation and parole agency managers that focused on identifying the roles in their state registration and notification systems and the extent of their collaboration with state, county, and local law enforcement. Participants were recruited through a convenience sample where an APPA affiliate directly contacted members in these positions and posted an advertisement on the APPA member website. This convenience sample comprised a total of 60 respondents and descriptive analyses reveals patterns across the survey dimensions to illustrate common practices in registration and registrant management.

Specialized Law Enforcement Functions – ICAC and CART

In April 2016, members of the research team conducted interviews with thirteen law enforcement professionals working in specialized areas related to sexual crimes against children – nine affiliated with the Internet Crimes Against Children (ICAC) Task Forces, and four working with both Amber Alert and Child Abduction Response Teams (CART). Participants represented seven states - Alabama, Florida, Hawaii, North Carolina, Pennsylvania, Utah, and Washington. The interviews focused on examining the application of sex offender registry information to investigations of internet crimes against children and child abduction cases. Interviews lasted between 15 to 30 minutes, with the interviewer allowing the participant to lead the direction of the interview depending upon their individual experiences. In addition to exploring current uses of information, the interviews elicited feedback on ways in which registration systems could be improved for purposes of information sharing within these specialized contexts.

STUDY FINDINGS

The study's findings are presented here in three primary sections, aligned with the evaluative framework: 1) state implementation of SORNA standards; 2) field-based information sharing practices; and 3) the impacts of federal systems, resources, and modes of support. Following analyses related to each of these areas, a final section explores the interactions among these dimensions, and places the findings into policy and research context.

STATE IMPLEMENTATION OF SORNA STANDARDS

Among its most prominent components, SORNA expanded federal requirements related to the content and management of SORN systems operated by the states, territories, and tribal jurisdictions across the United States, with the goal of promoting greater uniformity and consistency across jurisdictions. While the requirements are diverse, they generally span the following primary areas:

- 1) **Registerable offenses:** The circumstances under which a person is required to register as a sex offender, including conviction or delinquency adjudication for specified offenses;
- 2) **Registration requirements:** The minimum conditions of registration for covered individuals, including the length of time for which a person must remain registered, the types of information that the person must provide to registering authorities, the frequency with which the person must report to authorities to verify and update their information, and the criteria for removal from the registry;
- 3) **Enforcement and compliance:** Requirements related to registration enforcement, including minimum criminal penalties for registry noncompliance.
- 4) **Scope of information:** Requirements related to information that must: a) be captured and maintained within jurisdictional sex offender registration systems and b) be made available to the public via registry websites;
- 5) **Interjurisdictional transfer:** A range of operational requirements for state registering authorities, including those related to the timely transmittal of information when registrants indicate an intent to travel and/or relocate to other jurisdictions.

SORNA established general requirements within each of these areas, and charged the Attorney General with promulgating detailed guidelines to be used by covered jurisdictions. These guidelines, first released in 2008 and supplemented in 2011 and 2016, established fourteen standard areas, many with sub-elements. The guidelines and their basic scope and parameters are summarized in Table 4.

Under SORNA guidelines, the SMART Office is tasked with conducting reviews of state-level SORNA implementation to evaluate the extent to which a state's laws and policies are consistent with each of these fourteen standard areas. To be designated as having **substantially implemented** SORNA, a state must be found to have established policies that either: 1) fully meet or 2) do not substantially disserve the purpose of all fourteen standards. As of late 2019, the SMART Office had determined that 17 states had met this threshold.

The findings related to SORNA standard implementation are presented here in three sub-sections. The first draws upon the nationwide analysis of state progress toward SORNA implementation, as reflected in SMART Office reviews of state SORNA implementation packages. The second, drawing on data collected via the state site visits, offers an in-depth perspective on the dynamics of state-level SORNA implementation, presenting a typology of the factors that might promote or impede a state's progress toward implementation. Third and finally, we present a series of findings related to the costs associated with SORNA implementation, also drawing upon state site visit data.

Table 4: Summary of SORNA Standards

| Section | Description |
|--|---|
| I: Immediate transfer of information | When an offender initially registers and/or updates information, it must be immediately sent to other jurisdictions (three days) where the offender has to register as well as to NCIC/NSOR and the jurisdiction’s public sex offender registry website. |
| II: Offenses that must be included in the registry | Jurisdictions must include certain state, federal, military, tribal, and foreign offenses in their registration schemes both from its jurisdiction and other SORNA jurisdictions. |
| III: Tiering of offenses | Offenses must be classified based on the nature of the offense of conviction, established through a baseline or minimum standard by way of a three-tier classification system, although states may use fewer tiers so long as they exceed the minimum requirement. |
| IV: Required registration information | Jurisdictions must collect certain pieces of information from and for each offender that it registers. Jurisdictions must keep that registration information, in a digitized form, in its registry. |
| V: Where registration is required | Initial registration is required in the jurisdiction where the sex offender was convicted, in addition to where offenders reside, work, or attend school. |
| VI: Initial registration: generally | Immediate registration requirements, and various duties related to initial registration. |
| VII: Initial registration: retroactive classes of offenders | Each jurisdiction must have a procedure in place to recapture for registration three categories of sex offenders: those who are currently incarcerated or under supervision; those who are already registered or subject to a preexisting sex offender registration requirement under the jurisdiction’s law; and those who reenter the jurisdiction’s criminal justice system because of a conviction for some other felony crime. |
| VIII: Keeping the registration current | When an offender resides in a jurisdiction, that offender must immediately appear in-person to update their name, residence relocation, employment, school attendance, and termination of residence, in addition to updating any changes to certain pieces of information. |
| IX: Verification/appearance requirements | Offenders must register for a specified duration of time and make in-person appearances at a specified frequency based on the tier of the offense of conviction. SORNA allows for a reduced registration period under certain conditions. |
| X: Registry website requirements | Every jurisdiction must maintain a public sex offender registry website and publish certain registration information, as delineated in the standard. |
| XI: Community notification | In certain cases, jurisdictions are required to disseminate information about sex offenders to specified agencies and individuals in the community. |
| XII: Failure to register as a sex offender: state penalty | Jurisdictions are required to provide a criminal penalty that includes a maximum term of imprisonment that is greater than one year for the failure of a sex offender to comply with registry requirements. |
| XIII: When a 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 its jurisdiction, and that offender fails to appear for registration as required, the jurisdiction receiving that notice must have systems to inform the originating 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, the jurisdiction must take certain actions to investigate the absconder and notify various law enforcement agencies. |

NATIONWIDE ASSESSMENT OF SORNA IMPLEMENTATION

The first series of analyses examined the information provided in SMART Office letters furnished to states following review of their SORNA substantial implementation packages. The research team coded and evaluated these letters to assess the levels and extent of SORNA implementation across the fourteen standard areas. Details regarding the collection and analysis of these data are included in the methodology section of this report.

In evaluating these results, it should be noted that SORNA implementation is a fluid and regularly changing process. Accordingly, the data presented here represent a series of snapshots in time, rather than the current status of implementation. Based on communications with SMART Office policy advisors and state officials, it is clear that many states have made progress toward implementing certain standards since the reviews included in the present analysis. In more limited instances, some states have moved away from implementation of certain standards. **Hence, while the overall picture presented here offers a valid cross-sectional perspective, conclusions should not be drawn about current implementation status of specific states.**

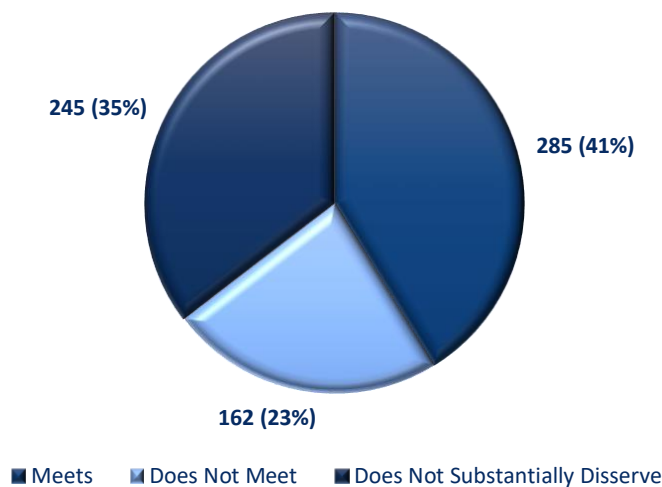
Results are presented here in two parts – a standard-level analysis (e.g., distribution of standards based on levels of state adherence) and a state-level analysis (e.g., distribution of states in accordance with proportion of standards met).

STANDARD-LEVEL ANALYSIS

The analysis reviewed a total of 692 standard determinations made by the SMART Office. 48 states were rated across all fourteen SORNA standards, and two (North Dakota and Massachusetts) were evaluated on fewer standards due to missing information.²²

As reflected in Figure 9, 285 (41.2%) of the standard determinations were deemed to directly meet the applicable standard, 245 (35.4%) were deemed to not substantially disserve the purposes of the standard, and 162 (23.4%) involved determinations that the state did not meet the standard.

Figure 9: Total Distribution of Standard Determinations for Implementation (N=692)

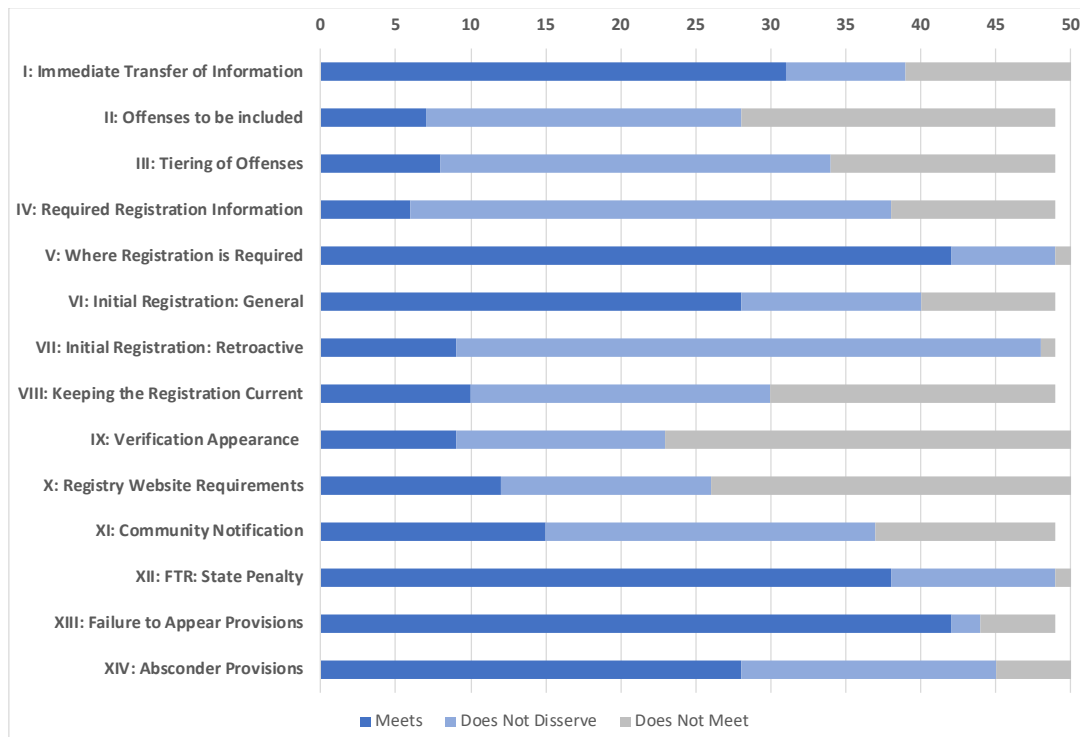


²² Refer to methodology section for additional information.

Figure 10 displays the distribution of SORNA standard determinations across the 14 standard areas. Standards with comparatively high rates of *direct adherence* to SORNA requirements include:

- Standard 13, related to inter-jurisdictional communication when a sex offender fails to appear (86% of all states, including 100% of SI states, and 77% of NSI states fully meeting this standard);
- Standard 5, related to required registration in the jurisdiction of conviction as well as where the sex offender resides, works, and goes to school (84% of all states, including 94% of SI states, and 75% of NSI states);
- Standard 12, related to state penalties for failure to register (76% of all states, including 94% of SI states, and 66% of NSI states); and
- Standard 1, related to timeframes for the transfer of information (62% of all states, including 89% of SI states, and 47% of NSI states).

Figure 10: Distribution of Standard Determinations (by Standard)



As noted earlier, direct adherence to the letter of SORNA’s standards is not considered a requirement for a state to achieve an SI designation from the DOJ. Certain standards with comparatively low levels of *direct* adherence were nonetheless established to have large proportions of states with provisions warranting a “does not substantially disserves” (DNSD) the purposes of SORNA. Standards with particularly high levels of DNSD designations included:

- Standard 7, related to retroactive application of registry requirements, with 80% of all states and 67% of SI states placed in this category;
- Standard 4, related to the scope of required registry information, with 65% of all states and 72% of SI states placed in this category; and
- Standard 3, related to tiering of offenses, with 53% of all states and 72% of SI states placed in this category.

Examining these data in the context of the broader thresholds utilized by the SMART Office (that is, the proportion of states that either meet or DNSD each standard), it is apparent that a majority of standards are functionally met by most states.

In sum, more than three quarters (77 percent) of the 692 standard determinations established that the state had either met or were found to not substantially disserve the standard. Of the 14 standard areas, 13 were found to have at least half of all states meeting this threshold, while nine standard areas were met by at least 75 percent of states.

The remaining 23 percent (162) of the standard determinations produced a “does not meet” determination. Most of these cases may be attributed to a limited group of standards:

- Standard 9, related to registry verification and appearance requirements with 84% of NSI states and 54% of all states failing to meet the standard;
- Standard 10, related to public registry website requirements with 75% of NSI states and 48% of all states failing to meet the standard;
- Standard 2, related to the scope of offenses that must be included on the registry with 68% of NSI states and 43% of all states failing to meet the standard;
- Standard 8, related to provisions related to keeping registration information current with 61% of NSI states and 39% of all states failing to meet the standard; and
- Standard 3, related to provisions related to the classification of offenses with 48% of NSI states and 31% of all states failing to meet the standard.

As displayed in Table 5, these five areas account for nearly two-thirds (65.4 percent) of the 162 instances in which states did not meet SORNA standards. Following the table, we offer further details concerning these five areas.²³

Table 5: “Does Not Meet” standard determinations (rank-ordered)

| Standard | n | % (N=162) | Cum. % |
|--|-----|-----------|--------|
| 9: Verification/appearance requirements | 27 | 16.7 | 16.7 |
| 10: Registry website requirements | 24 | 14.8 | 31.5 |
| 2: Offenses that must be included in the registry | 21 | 13.0 | 44.4 |
| 8: Keeping the registration current | 19 | 11.7 | 56.2 |
| 3: Tiering of offenses | 15 | 9.3 | 65.4 |
| 11: Required registration information | 12 | 7.4 | 72.8 |
| 4: Community notification | 11 | 6.8 | 79.6 |
| 1: Immediate transfer of information | 11 | 6.8 | 86.4 |
| 6: Initial registration: generally | 9 | 5.6 | 92.0 |
| 13: When a sex offender fails to appear for registration | 5 | 3.1 | 95.1 |
| 14: When a jurisdiction has information that a sex offender may have absconded | 5 | 3.1 | 98.1 |
| 5: Where registration is required | 1 | 0.6 | 98.8 |
| 7: Initial registration: retroactive classes of offenders | 1 | 0.6 | 99.4 |
| 12: Failure to register as a sex offender: state penalty | 1 | 0.6 | 100 |
| Total Standards Not Met | 162 | | |

²³ Many of these points of divergence from the standards are closely correlated, stemming from common issues which are explored in the next portion of the analysis. For example, failure to meet Standard 9 (verification requirements) is often linked to omission of certain offenses (Standard 2) and/or modes of classification used by the state (Standard 3).

STANDARD 9: VERIFICATION AND APPEARANCE REQUIREMENTS

Twenty-seven states were deemed to have not met SORNA standards related to verification and registrant appearance requirements. Twenty-five of these states (93 percent) failed to meet the standard's requirements related to the frequency of mandated in-person appearances. This divergence was most commonly linked to under-classification of certain offenses and, in a limited number of cases, the reliance on mail-in rather than in-person verification. Thirteen states (48 percent) were deemed as not meeting this standard due to provisions allowing certain registrants to petition for relief from registration prior to the minimum amount of time required by SORNA.

Standard 10: Registry Website Information

Twenty-four states were deemed to have not met the SORNA standard related to public registry website requirements. Findings indicated, however, that states' failure to meet this standard was most commonly linked to a limited subset of missing data elements. Table 6 presents the data elements required by SORNA under this standard, rank-ordered by the number of states **not meeting** the standard. Most states failing to meet Section 10 fell short on SORNA requirements related to registrant's employer address information (88 percent of the 24 states), school addresses (71 percent), and vehicle information (75 percent). Additionally, nearly half of the states (46 percent) found to not meet this standard were so designated, in part, due to failure to include requisite criminal history information (e.g., sex crime convictions). A small number of states failed to include SORNA-required search-field capability (17%), educational/safety links (17%), or directions on correcting erroneous information (9%). Several Section 10 informational requirements, including those related to basic identifying information (e.g., name, address, physical descriptions, and photos) were met by all states.

Table 6: State inclusion of SORNA-mandated public website data elements

| Data Elements | Number (%) Meeting Requirement | |
|--|--------------------------------|---|
| | All States (n = 50) | States Not Meeting Standard 10 (n = 24) |
| Employer address | 24 (48) | 3 (13) |
| School address | 25 (50) | 7 (29) |
| Vehicle information | 23 (46) | 6 (25) |
| Criminal history | 33 (65) | 13 (54) |
| Absconder | 41 (82) | 18 (75) |
| Resident address | 47 (94) | 21 (88) |
| Current offense | 50 (100) | 24 (100) |
| Name | 50 (100) | 24 (100) |
| Photograph | 50 (100) | 24 (100) |
| Physical description | 50 (100) | 24 (100) |
| Average number of missing items (Standard Deviation) | 2.14 (1.60) | 3.17 (1.30) |

STANDARD 2: OFFENSES THAT MUST BE INCLUDED IN THE REGISTRY

Twenty-one states were deemed to have not met the SORNA standards related to the type of offenses requiring registration. This standard area contains two sub-sections: 1) adult sex offense conviction, and 2) juvenile sex offense conviction and/or adjudication. In a majority of cases, a state's failure to meet this standard was attributable solely to the latter. Twenty of the twenty-one states (all but New Jersey) were deemed to have not

met SORNA’s requirements related to registration of adjudicated juveniles.²⁴ Of these, ten states (50 percent) categorically exclude adjudicated juveniles from registration, although two (Kentucky and Nebraska) were found to conditionally allow for registration of certain juveniles who moved from a jurisdiction where they were required to register. The remaining states, while allowing for juvenile registration under certain conditions (e.g., based on judicial discretion or adult court criminal convictions), were nonetheless determined to have fallen short of SORNA requirements related to youth who are adjudicated delinquent for SORNA-qualifying offenses. Only three states failed to meet the adult sub-section, and for varying reasons:

- New Jersey due to certain offenses that are not captured in their state registry requirements;
- Rhode Island, which does not register offenders for conspiracy or attempted offenses; and
- Massachusetts, due to the state’s limitations on registration of those moving in from out-of-state.

STANDARD 8: KEEPING THE REGISTRATION CURRENT

Nineteen states were deemed to have not met the SORNA standards related to updating and keeping current registry information. The most commonly cited issue, affecting 17 of the 19 states, related to lack of a provision requiring registrants to notify authorities 21 days in advance for international travel and, for a subset of 14 states, not providing this information to required government agencies such as the USMS. Additionally, nine states (47 percent) did not require updates to be made in person; seven (37 percent) did not require all of the necessary information to be updated; seven (37 percent) did not require offenders to update their information within three business days; and five (26 percent) did not capture temporary lodging information.

Standard 3: Tiering of Offenses

Fifteen states were deemed to have not met the SORNA standards related to the establishment of classification tiers for purposes of registration and verification duties. It should be noted that failure to adhere to this standard was closely associated with failure to meet other standards stemming from offense classification, particularly the verification and appearance requirements set forth in Section 9. Of these states, 13 (87 percent) failed to meet this standard because a substantial number of offenses were not classified per the SORNA tiering scheme, resulting in a shorter registration duration and fewer verifications per year than what SORNA requires. For example, North Carolina’s lower tier requires individuals convicted of sex offenses to register for 30 years with biannual verification, yet SORNA requires that some offenses included in this tier should be classified as Tier III, which requires lifetime registration with quarterly verification. Some states, such as Washington, North Dakota, and New York, were deemed to have failed to meet SORNA requirements in this area due to systems that utilize risk assessment rather than the offense of conviction as the primary means of establishing certain registration requirements.

STATE-LEVEL ANALYSIS

Figure 11 presents a visual summary of SORNA standard implementation on a state-level basis, summarizing the proportion of standards that each state meets, does not substantially disserve, or does not meet based on the SMART Office review. In the figure, the dark blue regions reflect those determinations that were found to meet SORNA standards, the lighter blue represent DNSD designations, and the grey regions represent “does not meet” determinations. For a more granular perspective, a detailed “heat map” presenting each state’s level of implementation across the fourteen individual standards may be found in Appendix of this report.

²⁴ Among these twenty states is Massachusetts, which was technically granted a waiver from the SORNA requirement involving juvenile registration due to a ruling by the state’s highest court that precluded the implementation of this requirement. For purposes of this analysis, however, Massachusetts is counted as having failed to meet the standard.

Figure 11: Distribution of Standard Determinations (By State)



Beyond reflecting the five primary standard implementation “issue areas” as identified above, these data highlight at least two key points related to state-level implementation. First, the data indicate that full implementation of SORNA standards is the exception rather than the rule. With the sole case of Kansas, which was deemed fully implemented in 2011, all other states (whether substantially implemented or not) deviate from SORNA standards in some manner, albeit in ways that were found to not disserve the law’s purpose. Among the SI states, half (nine of the 18) had five or more SORNA standards in which they received DNSD designations.

Second, among the NSI states, most have met implementation thresholds for a majority of standards. All but four states (Kentucky, New York, Rhode Island, and West Virginia) were deemed to either meet or not disserve at least half of the standard areas, and slightly less than half (47 percent, or 15 of 32 states) have been deemed to have not met four or fewer standards. In fact, three of these states (Iowa, Nebraska, and Virginia) were deemed as failing to meet only one standard.²⁵

²⁵ Subsequent to this analysis, Virginia was granted substantial implementation status in 2017.

State-BASED CASE STUDIES: IMPLEMENTATION EXPERIENCES

The nationwide assessment of state implementation of SORNA standards offers a high-level perspective regarding the overall progress that states have made toward adopting the requirements envisioned at the time of SORNA's passage. Beyond the key finding that a substantial proportion (~77 percent) of the standard reviews made by the SMART Office found that states either meet or do not substantially disserve the purposes of SORNA, the analysis also highlights those sub-areas of the standards that have presented the most persistent implementation challenges, offering insights that may help to prospectively guide efforts at refining federal policy.

This descriptive analysis of standard adherence or non-adherence, while instructive, remains limited in its ability to capture the range of state experiences with SORNA implementation. Missing from these findings are the “back stories” related to state journeys toward SORNA implementation, the differential demands across states, and the underlying systemic barriers associated with those areas in which states have fallen short of implementation. As such, although the nationwide descriptive analysis of standards offers perspective on the “what” surrounding SORNA implementation, additional insights are needed regarding the “how” and the “why.”

The state-based case studies present opportunity to gain such insights surrounding state experiences with SORNA implementation. The sample of states included five that had been designated as having substantially implemented SORNA at the time of our site visit (SI states), and five that had not received that designation (NSI states). Within and across these groups, our analysis revealed a range of experiences with SORNA implementation, including significant variation related to the breadth and extent of required system changes, the legal, political, and organizational dynamics surrounding state efforts toward implementation, and the scope and nature of perceived implementation barriers.

Readers are referred to the methodology section of this report for details surrounding the collection and analysis of case study data. It is also important to note that, **to protect participants' confidentiality, names and locations are redacted or anonymized via pseudonyms.**

TYPOLGY OF SORNA IMPLEMENTATION JOURNEYS

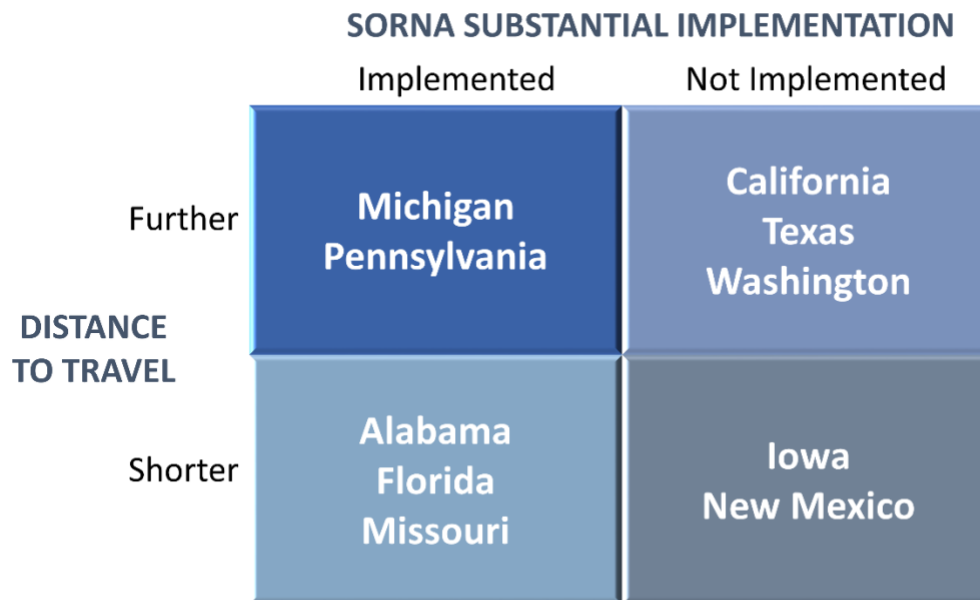
As part of each case study, the research team traced the evolution of the state's SORN system from the passage of its first registration policy to the present. Adopting this longitudinal view, the analysis not only captured the policy developments since SORNA, but also produced an understanding of each state's policy “baseline” as it existed before SORNA's passage. Through interviews with key stakeholders and the review of supplemental documentation provided by state agencies, the research team chronicled legislative milestones, major legal challenges and court rulings, changes in administrative policies and systems, and seminal external events affecting the course of state policy. Highlights from these policy histories are presented in the individual state summaries included as Appendix A of this report.

Examining pre-SORNA conditions in tandem with post-SORNA developments across the ten states, the analysis indicated that “SORNA implementation” is far from a singular experience. Among those states designated by the SMART Office as SI, some were able to achieve that designation through limited and/or incremental policy adjustments, while others required major realignments of their policies and systems. Similarly, among the NSI states, we found some with pre-SORNA policies and practices that were mostly consistent with SORNA's general framework, and others that were deeply invested in systems that diverge from SORNA in some fundamental ways.

This general observation gave rise to a construct that the research team termed “distance to travel.” This construct is conceptualized as the incremental difference, in both breadth and depth, between a state's pre-SORNA condition (e.g., policies, systems, rules, etc.) and SORNA's underlying framework. Viewed in tandem with binary

categorization reflecting substantial implementation status, this construct establishes a framework for considering state experiences with SORNA implementation, as reflected in Figure 12 below.²⁶

Figure 12: Typology of SORNA Implementation Journeys



In this typology, the horizontal axis represents binary SORNA implementation status (SI or NSI) as determined by the SMART Office review, and the vertical axis represents the pre-SORNA distance to travel. These two dimensions, in turn, produce four categories:

1. SI, shorter distance to travel
2. SI, further distance to travel
3. NSI, shorter distance to travel
4. NSI, further distance to travel

Generally, the journeys toward SORNA implementation for the states in the lower two quadrants of the model can be viewed as processes of incremental adjustments, whereas the pathways for those in the upper two quadrants have called for more significant realignment of their pre-SORNA policies and practices. Below, we will consider each of the quadrants in turn, examining the various state experiences with SORNA implementation and highlighting stakeholder perspectives on the nature of the implementation process and its associated challenges.

Quadrant 1: Alabama, Florida, and Missouri

The first group of states, Alabama, Florida, and Missouri (represented in the lower left quadrant), operated pre-SORNA policies that may be viewed as generally consistent with SORNA’s overall framework. Notably, policies in these three states have historically applied a fairly uniform set of requirements on registered sex offenders, with most registrants subject to lifetime registration and subject to many provisions that exceeded the SORNA requirements. Despite variation in the extent and nature of their post-SORNA policy adjustments, these states were able to achieve the required incremental statutory changes with relatively few significant legislative

²⁶ Although both SORNA implementation and “distance to travel” are best thought of as dynamic constructs, they are presented here in binary form for purposes of clarity and illustration.

challenges. Additionally, with some limited exceptions, the states have also been able to implement most of these policy changes without encountering significant legal and operational obstacles.

FLORIDA

Florida's SORN system was established in 1993, and since that time has undergone a nearly continuous evolution, amidst sustained legislative attention. In the years leading up to SORNA, the state had adopted a range of changes to its system, expanding the scope of its registrant population, requirements and restrictions associated with registration, and compliance enforcement capacity.

Following SORNA's passage, the Florida legislature adopted a series of policy adjustments in 2007 and 2009 to bring the state into closer alignment with specific SORNA provisions. The most prominent revision was to the state's juvenile registration requirements, which were amended in 2007 to include certain adjudicated juveniles as specified by SORNA. Prior to this change, only juveniles convicted as adults were included in the state registry system. Other adjustments, described by state officials as "glitch issues," included measures to expand requirements to collect email and Internet identifiers and phone numbers; adjustments to some mandatory time frames for updating information; and the development of automatic public notification mechanisms.

When asked about the state's experience with SORNA implementation, case study participants in Florida indicated that they had worked closely with Congressional sponsors during the initial drafting of the bill, and that they viewed their state's system as a model for many of SORNA's key elements. As such, they described the pathway toward implementation as a straightforward process focused on a limited number of practical issues. Implementation challenges described by state officials were primarily operational (rather than statutory) in nature, and linked to system modifications required to accommodate SORNA's expanded informational requirements. Specific transitional challenges included mapping and address errors, duplicate entries, and various time-consuming manual processes to ensure accuracy in the registry, such as documenting older cases (e.g., from the 1980s), comparing the registry to vital statistics for offender deaths, and waiting for necessary documents before offenders can be listed on the public website. In response to these and similar operational challenges, the state is nearing completion of a re-design of the database to be rolled out in 2020.

ALABAMA

Alabama's registration system was initiated in 1967 and substantially revised in 1996 and in 1999. Since its inception, the state's system has operated on a "single tier" basis that requires lifetime registration for all but a very limited group of registrants. In its 2011 legislative session, the state passed the Alabama Sex Offender Registration and Community Notification Act, which made a series of adjustments to state policy designed to address a range of SORNA requirements. Among the provisions of this legislation, the state increased registration and verification requirements to quarterly for certain adults, increased juvenile registration from ten years to lifetime for certain offenses, enacted registration requirements for homeless offenders, and captured additional offenses as required by SORNA.

Generally, Alabama's statutes and system requirements have easily aligned with the minimum requirements of SORNA given the lifetime registration requirement. Although the system operates in a decentralized fashion via local authorities, the state registry unit has been provided resources to maintain general oversight, while the legislature and other government offices, like the Office of Prosecution Services, have established and refined policies and processes aimed at maintaining a clear registration protocol.

Registry officials and local law enforcement agree that there is some duplication in the system that has produced efficiency and workload challenges. Specifically, the state requires dual registration, where an individual with a duty to register must register separately in both the county of residence and with the state. The counties operate individual, vendor-based data systems, but the state duplicates this effort in a homegrown system. To comply with SORNA requirements, Alabama increased the number of fields that had to be filled in with information. As "everything became multiplied" this increased the workload at the local and state levels.

MISSOURI

Missouri established its sex offender registry in 1995 and amended its laws and policies multiple times leading up to 2006. In 2008, the state passed Senate Bill 714 in an effort to bring the state system into closer alignment with SORNA requirements. Among its provisions, the legislation expanded the scope of offenses requiring registration, mandated the collection of online identifiers, expanded the range of information to be made available on the public website, and added juveniles adjudicated for certain offenses to be included on the registry.

In 2018, the legislature passed a bill moving registration from lifetime duration for most registrants to a three-tier system generally aligned with the SORNA framework. Tier 1 is a 15-year registration with an annual verification, Tier II is 25-year registration with biannual verification, and Tier III is lifetime registration with verification every 90 days. This legislation also afforded a process for removal from the registry, also consistent with SORNA standards. The new classification system “downwardly classified” (i.e., reduced duration of registration) approximately 20 percent of the registrant population - a situation that stands in contrast with other states (such as Michigan, described below), in which adoption of the SORNA tiering system produced a significant level of upward classifications.

According to participants, implementing SORNA was made easier by the acquisition of federal funding to hire more staff, and acquire or update technology to improve information capacity. One improvement made post-SORNA was real-time information entry where registrations are entered and updated at the local level and verified in real-time by the registry unit.

In the years since SORNA’s passage, Missouri has faced legal challenges to certain aspects of its registration law, predominantly focused on the law’s retroactivity provisions. A series of rulings by the Missouri Supreme Court between 2006 and 2013 have placed parameters around the state’s ability to require registration of certain individuals whose offenses predated the passage of applicable laws. Such rulings have been common across many states, including those that have achieved substantial implementation.

Quadrant 2: Iowa and New Mexico

Despite their status as NSI states, case study participants in Iowa and Mexico viewed their systems and policies as generally consistent with SORNA’s underlying framework. Both states established their SORN systems following the passage of the initial federal mandates set forth in the Wetterling Act, and have met most of SORNA’s requirements, with remaining barriers to implementation confined to a limited group of issues.

IOWA

Iowa’s sex offender registry was established in 1995 and was initially designed as a “dual-tier” system with two conviction-based categories of registrants. Those with first-time convictions on non-aggravated sexual offenses in Iowa or within another jurisdiction were subject to registration for ten years. Those with convictions on aggravated offenses and/or two or more convictions on any registerable offenses were subject to lifetime registration.

In 2009, the Iowa legislature passed a series of revisions to its policies in an effort to bring the system into closer alignment with SORNA. The state maintained its dual designation (ten-year and lifetime) for purposes of duration of registration but utilized the SORNA-based three-tier framework to establish frequency of verification and which registrant classifications would have information made public. This new system required annual verification for Tier I registrants, biannual for Tier II registrants, and quarterly verification for Tier III registrants. The 2009 revisions also increased the scope of required information, enhanced penalties for noncompliance, and update categories of offenses required to register. In the 2009 revisions, the Iowa legislature also set forth a series of provisions for registrants to petition for relief from registration requirements. Specifically, the law allowed registrants to petition for removal from the registry after a specified period of time and based on a risk assessment. Tier I registrants were allowed to file after two years, while Tier II and Tier III registrants were allowed to file a petition after five years on the registry.

Based on a 2013 SMART Office review, the SMART Office determined that Iowa had met or had provisions that did not disserve 13 of the 14 standards, with the sole exception being Standard 9, governing verification and appearance requirements. This latter determination was based primarily on the statutory provisions permitting registrants to petition for relief from registration earlier than allowable by SORNA.

When asked about the reasons why this remaining element has not been addressed, registry officials cited lack of political will within the state legislature. While the Division of Criminal Investigations, which houses the registry, has submitted legislation to amend the relief from the registry provision for certain registrants, these efforts have failed to gain legislative approval. Participants indicated that, although some legislators favor full SORNA implementation, certain legislative constituencies view the relief from registration provisions as a necessary “safety valve.” Additionally, they cited a general resistance among Iowans to federal government oversight. In spite of political disagreements, participants reported that the political parties share an ideology about too much oversight on the part of the federal government in making determinations about Iowa policy, as well as concerns surrounding a growing sex offender registry.

NEW MEXICO

New Mexico established its sex offender registration system in 1995, pursuant to federal mandates set forth in the Wetterling Act. This initial system established two tiers of registrants -- one required to register for 10 years and the other required to register for 20 years. State officials in New Mexico characterized this early iteration of the registry system as fairly limited in scope, covering only a limited subset of individuals. Between 1999 and 2003, the state passed a series of amendments expanding the scope of registerable offenses, providing for public access to information consistent with the federal Megan’s Law, and making a range of adjustments related to required registry information. In 2005, the state passed legislation revising its classification designations from 10 and 20-year periods of registration to ten-year and lifetime periods of registration. Whereas the prior system required annual updates for all registrants, the new system established a requirement that those in the lifetime registration category update their registration every 90 days.²⁷

Following an initial SMART Office review of New Mexico’s substantial implementation packet in 2011, the state legislature passed another series of modifications in 2013 that brought the state closer to SORNA implementation. In a review conducted later that year, the SMART Office determined that New Mexico met or did not disserve requirements for 12 of the 14 standards.

Regarding the two points of deviation from the standards, New Mexico was determined to not meet the requirements concerning offenses that must be included on the registry (Standard 2) based on the state’s provisions for registering adjudicated juveniles, which are based solely on judicial discretion; and those pertaining to public registry website information (Standard 10), due to the exclusion of certain employment information and exclusion of individuals convicted of certain offenses, including kidnapping, false imprisonment, and incest.

Asked about the specific impediments to implementing these final standards, state agency officials indicated the primary barriers involve ongoing resistance to federal oversight among some state legislators, who believe that the existing SORN system is “already too draconian.” In particular, participants suggested that legislators’ position on juvenile registration provisions is firm and is unlikely to be changed. Further, participants reported that attempts to add offenses or provisions to the sex offense statutes has been met with increased scrutiny by the legislature.

²⁷ Due to legal constraints on the retroactive application of this revised system, the 2005 law established two groups of registrants. Those whose convictions predated 2005 were essentially “grandfathered” into the old classification system, and those convicted after 2005 were subject to the new system. Similarly, additional revisions to the law in 2013 that established semi-annual updates for ten-year registrants established a third grouping of registrants, encompassing those convicted after 2013 modifications.

Quadrant 3: Michigan and Pennsylvania

The two states in this quadrant, Michigan and Pennsylvania, reached SI designations by enacting legislation that was closely modeled on SORNA standards. In both instances, these changes marked a substantial shift from their pre-SORNA systems, resulting in a further distance to travel to implementation than Florida, Alabama, and Missouri. By adopting the SORNA framework, the states significantly expanded the number of registrants subject to lifetime registration, as well as the range of registrant requirements and responsibilities. In turn, both states have experienced significant legal and operational challenges as they have set about attempting to implement their policy changes.

MICHIGAN

Michigan established its sex offender registry in 1994 with the Michigan Sex Offenders Registration Act (SORA). SORA specified qualifying sexual offenses, required those convicted of qualifying offenses to register their addresses with local law enforcement agencies, and designated the Michigan State Police (MSP) as the official custodian of the registry system.

In 1996, the state enacted provisions for the release of certain information to the public, consistent with the requirements set forth in the federal Megan's Law. SORA was further amended several times over the ensuing decade, with provisions to expand the scope of covered offenses, enhance certain registration requirements, expand penalties for noncompliance, and broaden the range of information on the public registries. Along with enhancements to the SORN system, a series of amendments adopted in 2005 established new restrictions applied to the registrant population, including the establishment of exclusionary anti-loitering zones and statewide residence restrictions.

In 2011, the state passed a series of amendments designed specifically to bring Michigan more closely into alignment with SORNA standards. Among these amendments, the state expanded the range of registerable offenses; adopted a three-tier system aligned with the SORNA framework, including an expansion of offenses requiring lifetime registration; expanded the scope of "reportable events" (e.g., changes in address, internet identifiers, employment, and travel); adjusted the timeframes for reporting and updating information, in accordance with SORNA requirements; and expanded the range of information to be made available on the public registry website.

Following enactment of these changes, the MSP undertook an extensive effort to reclassify over 40,000 existing registrants. Although the 2011 amendments reduced registration duration for a limited group of individuals, the primary outcome of this reclassification process was a sizable expansion in the number and proportion of registrants subject to lifetime registration, which grew from 11,313 (27 percent of RSOs) to 28,680 (72 percent of RSOs).²⁸ Coupled with the retroactive provisions established within the legislation, and with the substantial expansion of requirements and restrictions connected to the 2006 and 2011 amendments, these developments entailed a significant broadening of the scope and impact of registration on a sizable group of registrants.

In response to the reclassification process, a group of six registrants who had been designated as lifetime registrants under the new system, filed suit against the state, claiming violation of ex post facto and due process. In 2016, following review of a District Court decision, the U.S. Sixth Circuit Court of Appeals issued a ruling in favor of the plaintiffs determining that the 2005 and 2011 amendments to Michigan's SORA had established a policy that was punitive in its orientation, and that, as such, represented an abridgment of the plaintiffs' constitutional rights (*Does v. Snyder*, 2016). The ruling drew a contrast between the Michigan law and prior registration schemes that had been upheld by the US Supreme Court (*Smith v. Doe*, 538 U.S. 84, 92 (2003)), suggesting that the Michigan law crossed the line from being a regulatory scheme to a form of punishment, stating:

²⁸ Joint Statement of Facts, *Does v. Snyder*, Eastern District of Michigan. File No. 2:12-cv-11194 (2014)

We conclude that Michigan’s SORA imposes punishment... As the founders rightly perceived, as dangerous as it may be not to punish someone, it is far more dangerous to permit the government under guise of civil regulation to punish people without prior notice.

Although the initial Sixth Circuit ruling applied only to the named plaintiffs, a class action suit was subsequently filed in the Eastern District of Michigan to expand the scope to a broader class of registrants. In an amicus brief submitted to the Court in February 2019, the Michigan Attorney General raised a range of concerns surrounding both SORA’s underlying constitutionality and the public safety utility and efficacy of the state’s system, stating:

As the registry’s size has swelled without any commensurate focus on a registrant’s level of dangerousness, it has simultaneously become more difficult for law enforcement officers to know which offenders to focus their efforts on. (The sheer size also makes it more difficult for the public to discern which individuals present a danger). Thus, it has become a far less effective tool in keeping the community safe.

In February 2020, the U.S. District Court issued its ruling in the case, rendering SORA’s provisions unenforceable for registrants whose qualifying offenses occurred prior to enactment of the 2011 amendments.²⁹

Along with the legal challenges, the 2011 changes to the Michigan SORN system have produced a range of operational and resource challenges as well. Interviews with state agency personnel indicated substantial challenges related to the deployment of information systems that could accommodate the expanded transaction volume and broadened range of new data requirements. Additionally, interview participants cited expanded administrative workloads associated with the reclassification process and the increased number of daily system transactions, as well as growing demands associated with field-based compliance efforts. For example, during the site visit to Michigan, one participant stated, “When AWA first took effect, it was like a tidal wave.” Several participants echoed these concerns about the system’s ability to handle the projected growth in the population, given the expanded number of lifetime registrants.

PENNSYLVANIA

Since its establishment in 1995, Pennsylvania’s SORN policy has been through multiple iterations, many in response to successful legal challenges in response to legislation. The system was first established through the passage of Pennsylvania’s original “Megan’s Law” passed in 1995 and effective in the spring of 1996. This initial statute applied to only a limited number of individuals designated as “sexually violent predators,” and required a 10-year period of registration. In 1999, the Pennsylvania Supreme Court determined that the law was in violation of the state constitution, based on insufficient due process provisions for establishing whether an individual qualified as a “sexually violent predator” (*Commonwealth Williams*, 1999).

In May of 2000, in an effort to address the concerns raised by the Court, the Pennsylvania legislature passed a second version of Megan’s Law establishing a two-tiered system involving 10-year registration for most individuals and lifetime registration for those designated as sexually violent predators. This law also created the Sex Offender Assessment Board (SOAB), which was tasked with establishing criteria and processes to designate individuals as sexually violent predators. Over the next decade, the legislature adopted a series of enhancements to the SORN system, including posting of information to the public registry website, expanding penalties for failure to register, and clarifying responsibilities of state and local law enforcement when registrants move between municipalities.

In 2011, the legislature replaced Megan’s Law again with the Pennsylvania Sex Offender Registration and Notification Act (PA SORNA). This legislation was primarily intended to bring the state into compliance with the federal SORNA standards, including the registration of adjudicated juveniles, expansion of covered offenses, and adoption of a three-tier system aligned with general SORNA requirements. Following the effective date of the new legislative changes, Pennsylvania submitted an implementation packet for SMART Office review in July 2012. Based

²⁹ *Does v. Snyder*, Eastern District of Michigan. File No. 2:16-cv-13137 ECF No. 84, 2/14/20

on this review, the SMART Office determined that the state met or did not deserve all 14 SORNA standards, and granted a substantial implementation designation.

Soon after the effective date of these changes, however, the state began to encounter a range of operational and legal challenges associated with implementing the new law. On the operational front, stakeholders reported particular challenges with the re-tiering of registrants and the application of the retroactivity provisions of the new law – a process that expanded the system from approximately 12,000 to 20,000 registrants, and took nearly two years to complete. Additional operational challenges were cited surrounding ambiguity in organizational roles and the resource burden placed on probation and parole agencies, and the inadequacy of resources to support transitions to a new registry platform.

Along with the operational hurdles, the state encountered a series of additional legal challenges, which have resulted in Pennsylvania Supreme Court rulings finding that the requirements set forth in Pennsylvania’s SORNA guidelines were inconsistent with the state constitution. In the first case, *A.S. v. Pennsylvania State Police*, a group of individuals assigned to lifetime registration under the new tiering structure challenged their classification assignments, resulting in a requirement that the state undertake a comprehensive review of its reclassification system and criteria. In a second ruling, *Commonwealth v. Muniz* (164 A.3d 1189), the court ruled against the retroactive application of SORNA to those whose qualifying offenses preceded the date of the act. Another ruling in the Pennsylvania Superior Court, *Commonwealth v. Butler* (2017 WL3882445) identified due process issues associated with the state’s method of conducting sexually violent predator determinations.

In response to these rulings, the state was required to reclassify a significant number of individuals out of their SORNA tiers, and into their “legacy” tiers corresponding to the date of their offense. As a result of this reclassification, approximately 25 percent of current registrants as of 2018 were placed within the SORNA tiering framework, with the remaining 75 percent of registrants placed in categories that were in effect at the time of their offense. These legally imposed constraints, in turn, present significant operational challenges related to establishing and keeping track of several subclasses of registrants for whom different rules apply and were distinguished solely by variation in the dates of their conviction offenses.³⁰

In 2018, the state’s lawmakers once again considered legislation in response to the constitutional issues raised by state court rulings. Among these changes, the state extended provisions governing the conditions under which a person may petition for relief from registration – provisions that went beyond the demands of the courts. Upon review of these changes, the SMART Office determined that the relief from registration provisions were inconsistent with SORNA requirements, and subsequently rescinded Pennsylvania’s substantial implementation designation.

Quadrant 4: California, Texas, and Washington

The model’s fourth quadrant represents those states within our sample, California, Texas, and Washington, that have not been designated as substantially implemented (NSI), and for which achieving such a designation would require fundamental changes in one or more core aspects of their SORN policies and systems. Although facing different barriers to standard implementation, these three states share certain key characteristics.

First, all three states operate sex offender registration systems that predate federal mandates set forth in the 1994 Wetterling Act. Two of these states are SORN pioneers -- California passed the nation’s first sex offender registration law in 1947, and Washington passed the nation’s first law providing for community notification in 1990. Texas established its sex offender registry in 1991, three years prior to the Wetterling Act mandates.

Second, as reflected in the state summaries, all three states are deeply invested in their existing systems, which have been continually refined over the years through dozens of statutory and operational adjustments, both prior to and since SORNA’s passage in 2006. Although some of these refinements have corresponded with SORNA

³⁰ Of note, this problem is not to Pennsylvania. Several states, including New Mexico, have been required to grapple with these types of operational systems challenges due to legal precedents surrounding retroactive application of registry requirements.

requirements, others reflect each state's distinctive vision surrounding the contours and purposes of its SORN system.

Third and finally, all three systems may be viewed as highly decentralized in their orientation, designed with an emphasis on the informational needs of county and local jurisdictions. While this characteristic is by no means unique to this particular cluster of states, our analysis suggests that the intergovernmental dynamics within these states play a substantive role in defining the shape of their SORN systems. Specifically, we found that cost and operational impacts on local jurisdictions have been prominent factors in shaping policy decisions involving SORNA across all three states.

CALIFORNIA

Since enacting its first sex offense registration law in 1947 in the wake of the "Black Dahlia" murders, California's SORN policy has undergone dozens of legislative amendments. In 1994, the state passed its first law providing for public access to certain sex offender information, and 1996 with the passage of California Megan's Law, the state established one of the nation's first mechanisms to provide online electronic access to registrant information. Since SORNA's passage in 2006, the California legislature has passed approximately 20 bills related to sex offender registration and community management.

Based within the California Department of Justice Violent Crimes Information Center (VCIC), the system evolved with an emphasis on providing a robust investigatory tool for state and local law enforcement use. Although designed to support the goals of community-based monitoring and public information sharing, the system is oriented by a fundamental purpose of serving as a reliable and accessible source of investigative information. These, and other dimensions of the system's informational capacity, are explored in the next section of our results.

The state currently maintains the nation's largest sex offender registration system, with over 106,000 active registrants, of which approximately 77,000 reside within the state and are not incarcerated. California currently maintains a "single tier" registry system, with most individuals required to register for life -- a requirement that generally goes above and beyond SORNA minimum standards regarding duration of registration. The majority of registrants are required to verify their information annually, with those designated as sexually violent predators required to verify every 90 days and those registering as transient required to verify every 30 days. In 2018, the California legislature passed SB-384 which will move registration from a single-tier system to a multi-tier system beginning in 2021.

Based on a review by the SMART Office in 2015, California was found to meet or not disserve seven of the 14 SORNA standards. For those areas where the state was determined to not meet requirements, identified areas of divergence included the state's inability to send certain information to other jurisdictions due to state criminal justice records privacy laws; limitations related to the range of adjudicated juveniles who are subject to registration; the lack of requirements for immediate updates for certain types of information and for 21-day advance notice of international travel; the use of risk assessment (rather than offense of conviction) as a mechanism for establishing frequency of verification updates; statutory penalties for registry noncompliance; and statutory limitations to the information provided on the public website.

Stakeholders attribute California's divergence from SORNA requirements to a range of legal, operational, and intergovernmental factors. One particularly salient series of themes connect to statutory restrictions governing the release of certain criminal justice information beyond law enforcement and other justice agencies (e.g. prosecutors, correctional authorities). These issues affect both the inter-jurisdictional transfer of information and the sharing of certain information with the public. Regarding the former, the state does not share information with agencies that are not authorized to access the National Crime Information Center (NCIC) -- for this reason, the state is unable to use the SORNA Exchange Portal (which is accessible to certain tribal authorities that do not meet NCIC criteria as law enforcement entities) to send outgoing registrant information. As for the latter, California law limits the information published on the registry's public website. Based on conviction offense, registrants may have their entire address posted, be "zip code only" or considered "no post" if their information is limited to law enforcement use. Certain classes of registrants, based on offense history, do not have their driver's license

information posted, nor will California post employer information on the website. Additionally, California does not post information about juveniles adjudicated for a sexual offense on the registry. Officials do not anticipate the legislature shifting their position on these matters anytime soon.

As the nation's largest system of registration, encompassing over 106,000 registrants across a vast geographic area and hundreds of local jurisdictions (58 counties and 482 municipalities), California faces challenges in re-tiering their registrant population for the 2021 rollout of SB-384. Tiering will apply different rules for registrants based on their offense history. California is rolling this process out gradually, including hiring at least 50 additional staff to work on data entry. Registry officials estimate that about 35,000 registrants (33 percent) will be eligible to petition for relief from registration immediately, and the remaining registrants will be automatically tiered because of the "recency" of their offense. While re-tiering registration systems is not a unique challenge for states, the volume of registrants in California makes this change especially challenging.

WASHINGTON

Washington established its SORN system in 1990, with the passage of the 1990 Community Protection Act (CPA). Beyond establishing the nation's first system of community notification, the CPA also established the state's mechanism providing for the civil commitment of sexually violent predators, and set forth a new sentencing structure for those convicted of sexual offenses. Throughout the 1990s, the state passed a series of amendments to its SORN laws, including the application of structured risk assessment for use in the context of registration, notification, and community-based sex offender management.

Washington's system, along with the broader systems of sex offender community management, has generated sustained legislative attention over the span of three decades. The state has made dozens of amendments and adjustments to its SORN policy both prior to and following the passage of SORNA. These have included refinements to their address verification systems, increasing penalties for failure to register, measures to improve the administration and efficiency of the registration process, clarifying requirements surrounding juvenile registration, and expanding the range of registerable offenses.

From its inception, Washington's SORN system has been designed and operated in a manner that emphasizes local autonomy. In 2002, the state legislature designated the Washington Association of Sheriffs and Police Chiefs (WASPC) as the entity responsible for the development of a public registry website. Since that time, WASPC's role has been expanded to include primary responsibility for the ongoing development and refinement of the state's model policy, which has been instrumental in the state's efforts to standardize practices across local jurisdictions. WASPC also is responsible for coordination of statewide training and provision of technical assistance to local jurisdictions related to the system for managing and disseminating registry information.

One defining characteristic of Washington's system involves the state's methods for classifying registrants for purposes of establishing certain SORN requirements. It is best described as a "blended" model, which establishes the duration of registration on conviction offense, and establishes other parameters, including the frequency of verification and the release of information to the public, on the basis of a structured risk assessment protocol.

Another distinctive element of Washington's system is their routine use of field-based verification. Whereas most state systems require periodic verification at a sheriff's department or police station, Washington's model policy calls for these verifications to be done at the registered address of the individual. Thus, field-based verification serves a dual purpose of verifying and updating any relevant information and enabling local law enforcement to both confirm that a registrant is living at a specified address. To support these verification efforts, local law enforcement agencies are provided with state funding, commensurate with the number of registrants within the jurisdiction.

The 2011 SMART Office review established that Washington met or did not disserve ten of the 14 SORNA standards. This review found divergence from the standards related to the tiering of offenses (Standard 3) required registration information (Standard 4), verification and appearance requirements (Standard 9), and registry website requirements (Standard 10).

Two of these areas of deviation --Standards 3 and 9 -- are by-products of Washington's use of risk assessment for establishing certain registration requirements. This risk assessment system is widely viewed by the stakeholders with whom we spoke during the site visit -- including those engaged in state-level policy, registry system management and coordination, and local law enforcement -- as integral to their system and its design. Specifically, the risk assessment process is viewed as the primary means through which local law enforcement agencies allocate and prioritize their resources, and target their efforts surrounding compliance enforcement and community notification. Coupled with the state's system for field-based verification, which is a time and resource intensive process, officials believe that the ability to effectively distinguish between high- and low-risk individuals is necessary and integral to the effectiveness and efficiency of their system. Accordingly, barriers related to Standards 3 and 9 may be characterized as fairly intractable. There is a strong belief among participants that the processes that have been adopted and refined over the span of three decades are effective in meeting the public safety needs of Washington's communities, and there is relatively little initiative to shift over to what is viewed by most stakeholders as a less efficacious system.

Regarding the other areas in which the state diverges from SORNA requirements, state officials indicated that they have continued to make incremental adjustments to align with SORNA, but that certain issues are likely to continue to present challenges. For instance, discussing the state's policy for having its public website only report addresses at the block level (rather than at a specific address, as required by SORNA), state officials voiced concern over vigilantism, and cited a specific case that had occurred in the state. Participants also expressed concerns about publicizing registrant's employer addresses, which they viewed as potentially problematic for the companies that would be named on the registry. Although these barriers to implementation may be viewed as smaller and "lower order" issues compared to those surrounding the risk assessment system, these points of divergence appeared deeply embedded in Washington's system and practices.

TEXAS

The Texas sex offender registry was established in 1991, and has been modified several times over the years to expand the scope of its reach. Key developments over the past three decades have included expanding the list of registerable offenses, increasing registration durations, creating new offenses, establishing internet use restrictions for certain registrants, and implementing registration requirements around juvenile delinquency, recidivists, and sexual predators.

As one of the largest systems in the country with over 90,000 registrants, the Texas sex offender registry and its associated systems and policies, has been shaped significantly by the needs of local jurisdictions. Case study participants expressed a view of their role as a mechanism for supporting the needs of local jurisdictions, and commonly referred to the influence that sheriffs and local law enforcement agencies have had on the design, shape, and definition of the needs and emphasis of the system. During the site visit, participants alluded to concern among many state legislators that implementing all SORNA regulations would restrict or remove the authority of the local agencies to operate freely.

Following the release of the SORNA guidelines, the bipartisan Texas Senate Committee on Criminal Justice held a series of hearings evaluating how the state should respond to SORNA requirements. The findings from this review, articulated in a 2011 letter from the Office of the Governor to the Director of the SMART Office, indicated the state's intention to not pursue implementation of SORNA requirements (Boyd, 2011). Citing concerns over SORNA's "one-size-fits-all" approach, the letter set forth a range of specific concerns over the use of conviction offense as the sole means of establishing terms of registration; resource-related "backlogs and strains on local law enforcement agencies"; lack of discretion surrounding the registration of juveniles; and the significant projected costs to state and local jurisdictions. Summarizing the state's position, the letter concluded:

Texas's sex offender laws are more effective in protecting Texans than SORNA's requirements would be. In short, while Texas shares the federal government's objectives, the oversimplified means by which SORNA seeks to meet these objectives, while crossing Texans significantly more, we provide them with far less than Texas law already provides. While SORNA's approach might be appropriate for some states, it is not right for Texas.

In June 2017, Texas became the final state to submit an implementation packet for SMART Office review, and based on this review, the SMART Office determined that Texas met or did not disserve nine of the 14 SORNA standard areas. Key areas in which the state did not meet SORNA standards included issues related to: 1) the mechanisms through which sex offenders must register and update their information, including that related to changes in address, employment, school attendance, and international travel; 2) classification of offenders and associated verification requirements; 3) required information on the state’s public registry website; and 4) the state’s policies surrounding the notification of originating jurisdictions when an individual fails to appear for registration.

When discussing barriers to implement SORNA, study participants mirrored many of the concerns outlined in the 2011 Governor’s report and letter. Specifically, they expressed concern about the costs and resource burdens on local jurisdictions, and of general resistance among state legislators to making the required adjustments. Perhaps more so than any other case study state, the sentiment of state resistance to the imposition of unnecessary federal mandates emerged as a prominent theme, alongside the tension between perceived costs and benefits of implementing SORNA. Commenting on the state’s prospects for reaching SI status, one state official indicated, “to me it feels like the traction to push towards SORNA compliance isn’t there,” further indicating that they have “agreed to disagree” with federal policy on certain key issues.

COSTS OF SORNA IMPLEMENTATION

Since SORNA’s passage, the issue of cost has been a prominent factor in state-level deliberations surrounding implementation of SORNA standards. This final subsection of our findings related to SORNA standard implementation, offers context and perspective related to the costs of SORNA implementation, drawing from insights gained through the case study visits.

As reflected in the policy background section of this report, SORN emerged through state-level initiatives, with policies in many states pre-dating federal mandates. The 1994 Wetterling Act and its subsequent amendments were generally limited in their scope and reach and granted states a fair degree of latitude to develop policies and systems calibrated to the needs, priorities, and contours of their criminal justice systems. Accordingly, the statutory and operational parameters of state SORN policies were defined based on each state’s independent considerations of the relative benefits and costs to state agencies and local jurisdictions.

The Wetterling Act established provisions to withhold ten percent of Justice Assistance Grant (JAG) funds for states that did not comply with federal SORN requirements. Due to the flexibility granted by the Wetterling Act and its amendments, the vast majority of states were able to meet compliance thresholds and avoid the loss of funding. The passage of SORNA, however, dramatically changed the cost calculus for many states. In contrast with earlier federal mandates, which generally accommodated varied state approaches to sex offender registration, SORNA required that many states undertake significant departures from their existing models of practice.

In the wake of SORNA’s passage, some states conducted fiscal impact analyses establishing that transition to SORNA standards would lead to significant costs, particularly to local jurisdictions (e.g. Boyd, 2011). Additionally, the issue of cost emerged as part of the rallying cry within the advocacy community in the context of broader arguments against SORNA *writ large*. In one prominent example, a report issued in 2008 by the Justice Policy Institute (JPI) estimated nationwide costs of SORNA implementation in the hundreds of millions of dollars, and asserted that state costs of implementing SORNA were between 25 to 30 times higher than the amount each state would forfeit as a result of the ten percent reduction in its JAG allocations for not implementing SORNA (Petteruti & Walsh, 2008). Although this report has been widely publicized and widely cited, its analysis was based on a deeply flawed methodology that failed to account for key jurisdictional differences.³¹

³¹ The JPI data were based on a single fiscal analysis provided to the Virginia legislature estimating the cost for that state to implement SORNA at around \$12.5 million dollars. The JPI authors took this figure and divided by the number of citizens in Virginia, creating a “per capita” cost of

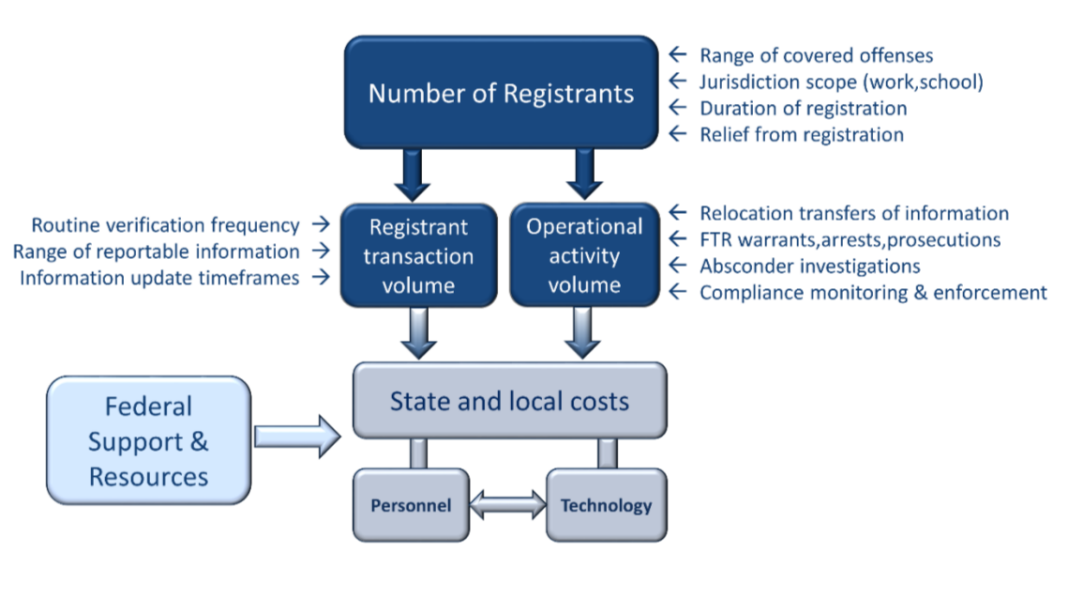
As indicated by the prior section of findings, there is no single path to SORNA implementation – and as such, there is similarly no single set of cost estimates that can be attributed to “implementing SORNA.” Not only do states differ considerably in their “distance to travel” to meet SORNA standards, but they also vary considerably in the way that they have chosen to structure and operate their sex offender registration and notification systems. As we will explore in greater detail in the next section of our findings, some important points of variation include the capacity and range of responsibilities placed on local jurisdictions, the organization and resources within state registry agencies, and investments in technology to support both administrative and enforcement functions related to registration.

In this context, it is essentially impossible to develop a specific generalizable cost estimate associated with SORNA implementation. Our review of various state experiences, however, does provide a foundation for understanding the ways in which fiscal resource issues have played out since the passage of SORNA and how some of those resource demands might be connected to SORNA requirements.

Figure 13 presents a framework for considering the operational costs associated with the implementation of SORN policies. The items presented in the dark blue boxes -- the size of the registrant population, the volume of administrative transactions within the registry, and the volume of operational demands associated with enforcement and inter-jurisdictional coordination -- represent the **primary cost drivers** associated with the management and operations of SORN systems. The extent of resource demands related to the latter two categories, of course, are exponentially driven in part by the number of registrants.

The bulleted items on the periphery of the cost drivers reflect the specific **statutory and operational parameters** that in some way contribute to the magnitude of required resources. For instance, the number of registrants in a given state is generally a function of the range of offenses and circumstances requiring registration and the amount of time that individuals must remain on the registry. To the extent that the range of offenses is expanded and/or the average duration extended, these measures will increase the registrant population accordingly. Similarly, an expansion in the range and scope of required activities associated with each registrant will lead in turn to an expanded volume of administrative and operational demands.

Figure 13: SORNA Cost Model Framework



SORNA implementation. They applied that cost to the US census counts of population to develop projected “costs of implementation” for the remaining 49 states.

The lower half of the model reflects state and local costs stemming from both administrative transaction volume and operational demands associated with registry management and enforcement. While these costs are multi-faceted (e.g., costs of litigation and those associated with prosecuting and incarcerating non-compliant sex offenders), most may be attributed to either personnel requirements or technology investments tied to registry management and enforcement. The framework considers these two factors to be closely intertwined, both in terms of the interaction of personnel with technology (e.g., training needs) and the capacity for technological investment to offset some of the staffing demands associated with the increased workload. As examined in the next section, most of the personnel and staffing demands associated with registry operations tend to fall upon local jurisdictions, whereas most technological costs are usually accrued at the state level. The model's final element, which is also examined in subsequent sections of in the report, involves the role of federal resources and support in offsetting some of the resource challenges associated with the expansion of registration activity.

Applying this model to a consideration of the cost implications of SORNA for state and local jurisdictions, there are clear connections between the noted statutory and operational parameters and SORNA requirements. With the exception of routine compliance monitoring and enforcement (which is not directly addressed in the SORNA standards), each of these cost drivers corresponds to one or more SORNA standard areas.

At the same time, however, there is a distinction to be made between costs that might be *indirectly linked* to SORNA standards and costs that may be *directly attributable* to SORNA implementation within a given state. As reflected in our prior analysis, many states moved toward substantial implementation with a relatively modest array of incremental changes to their existing policies. In some instances, these states have deliberately chosen to assume the costs of going "above and beyond" federal requirements, such as in requiring lifetime registration for all or most registrants. Alternatively, other states in our analysis have undertaken major revisions to their registration systems in response to SORNA requirements, and in the process have significantly broadened the administrative and operational burden on local jurisdictions both today and into the future. Relatedly, there are states within our case studies that have resisted implementing certain SORNA requirements amidst explicit concerns over the resource demands associated with a growing registrant population.

As we will examine in the next section of our results, the convergence of a steadily growing registrant population and an expanded range of operational requirements -- whether undertaken in response to SORNA or independently through state initiative -- has continued to exert pressure on state and local resources. Managing these increasing demands is contingent on policies that support the ability of jurisdictions to effectively prioritize the deployment of personnel resources and to harness the potential of technology to mitigate some of these growing needs. As a result, states consider a range of factors when considering changes involving SORNA standards, including policy priorities, state and local costs, perceived benefits, and the potential to offset costs with federal grant resources.

STATE-LEVEL INFORMATION SHARING POLICIES AND PRACTICES

Across the state case studies, the research team conducted in-depth explorations of the work processes and stakeholder experiences surrounding the management and exchange of sex offender registry information. The case studies also offered an opportunity to trace the evolution of these information sharing practices since SORNA's passage, identify commonalities and points of variation across states, and identify areas of progress and challenge.

We begin this results section with a review of general contextual developments in the information-sharing landscape as identified through the case studies. Next, we offer a detailed series of findings related to state information-sharing practices and experiences, anchored by a framework of four "essential elements" of effective information-sharing identified through our case study thematic analysis – data quality, data access, data consistency, and data exchange. Following this, we present findings related to an array of unique inter-jurisdictional issues, including International Megan's Law and engagement with the US military and with tribal jurisdictions. The final group of findings presents the perspectives of two groups of criminal justice practitioners whose work converges with SORN information sharing – institutional and community-based correctional professionals, and those engaged in specialized sex crime investigations.

GENERAL DEVELOPMENTS

"There have been changes in recent years resulting in more information and more requirements...it is more complex; however, the resources are better and greater. There is a better understanding of what the USMS are looking for so they don't have to explain why. There is a reciprocity, where people may be more willing to help each other out. They realize the interdependency and the need to cooperate in order to get their jobs done."

This statement from one senior state registry official with over 20 years of experience in this field, captures some of the cross-cutting developments affecting the information-sharing environment in the SORNA era. Analysis of state experiences reveals three salient areas of opportunity and challenge: growing operational demands, expansion in technological capacity, and developments in the domain of inter-agency collaboration and coordination.

GROWING OPERATIONAL DEMANDS

"The enormity of the task is kicking our ass."

The first prominent development affecting the information sharing experiences of state and local stakeholders concerns the operational demands associated with the expanded volume and range of registrant information to be managed. While the nature and extent of these demands vary across jurisdictions, certain factors are universally shared: a steadily growing registrant population, a broadened range of data elements and "triggering events" requiring updating and verification (i.e., expanding the average per-registrant transaction volume), and increased volume of inter-jurisdictional transactions.

In response to these demands, stakeholders in every state described "bandwidth" challenges at both the state and local levels. While many reported successes in procuring and deploying supplemental resources through state allocations and federal SORNA grant programs, the presence of systemic funding constraints emerged as a prominent theme within our data. When asked about their response to these constraints, stakeholders described a range of necessary trade-offs between competing demands such as those tied to enforcing registrant compliance, ensuring the integrity of registry data, addressing local needs, identifying and tracking absconders, and responding to information needs of other jurisdictions and members of the public. The specific resource challenges related to these and other areas, along with examples of promising practices and approaches, will be presented in the next portion of our findings.

INFORMATION TECHNOLOGY CAPACITY

"It's a Model T compared to a Porsche."

A second key area of development, reflected in the above quote from a field agent comparing the state's prior system to its newer one, involves the role of technological capacity of state-based SORN systems. Since SORNA's passage in 2006, the SORN systems examined in our case studies have all experienced a transition to newer and more robust technological platforms. The extent and nature of these transitions have varied, ranging from new deployment of custom-built platforms; to upgrades and modifications of existing custom systems; to adoption and customization of the Sex Offender Registration and Tracking (SORT) system developed under the auspices of the SMART Office; to statewide adoption of proprietary registry systems hosted and operated under contract with a private vendor. Along with changes to their central registry management systems, states have also significantly invested in record digitization and in field-based technology such as LiveScan devices and biometric equipment.

In general, stakeholders conveyed their belief that technological enhancements had substantively improved their system's capacity to address growing operational demands. Specific noted areas of improvement included reduced reliance on manual forms and processes due to automation, expanded reporting and decision support capacity, and improved interfaces with relevant databases (e.g. motor vehicles, criminal history) and with federal systems including NSOR and NSOPW. Through these and other types of advances, stakeholders viewed technological solutions as pivotal to local authorities' ability to efficiently manage their growing registrant population, as well as central office administrative staff capacity to improve and promote the accuracy and integrity of registry data. Overall, despite some variation in the levels of state investment in technology and in degrees of stakeholder satisfaction, our findings indicate that the technological capacity of state SORN systems is significantly more advanced and robust than it was at the time of SORNA's passage.

Stakeholder interviews also uncovered certain challenges and limitations connected with registry technology platforms. These issues included a perceived misalignment between technology systems and the operational needs of state registries, lack of data quality controls, and gaps in query and reporting capacity. These types of challenges were particularly prominent among states that had migrated to private vendor-based platforms. These systems were perceived to be relatively effective for local use, but presented problems when scaled up to the state and federal levels. Finally, stakeholders expressed challenges with the lack of sufficient resources to provide adequate training and support to those in the field during technological transitions.

Additionally, discussions surrounding improvements to state systems often led participants to express concerns over the limitations of federal systems. As stated in one interview, "NCIC is dilapidated, ancient. In this day and age, it's an embarrassment." Although such bluntness was rare in our interviews, the general sentiment that federal information systems have not kept pace with development within the states was expressed across multiple sites and by numerous stakeholders. These themes – along with specific identified areas of state informational needs - will be explored in greater detail in the following sections of the report.

CULTURE OF INFORMATION SHARING

"We have always had pretty good interagency cooperation here.... but SORNA heightened the consciousness of the public and more so law enforcement."

The third contextual development emerging from our data involved advances in what the research team thematically identified as the "culture of information sharing." Across all of our case studies, stakeholders expressed a common sentiment that SORNA and its various elements have brought about a greater awareness and attunement to inter-jurisdictional issues. Coupled with this, many expressed that this has also translated into more effective exchange of information *within* their state, and has been embodied in policies and practices designed to enhance communication and collaboration among local stakeholders.

In one state, the culture of information sharing was propelled by both SORNA and several high-profile sex offense cases. Despite some local variation in registry practices, one participant described there being "a better

understanding” across departments and states of what information is needed and why. This crucial point when “everybody got in the pool” resulted in greater reciprocity and cooperation.

Of note, we found strong indicators of the culture of information sharing across all states in our sample, independent of whether or not a state had been designated as having substantially implemented SORNA standards. In fact, as presented in the next portion of our analysis, we found a deep commitment to – and many examples of -- effective collaboration and information sharing practices within both implemented and non-implemented states.

INFORMATION SHARING: ESSENTIAL ELEMENTS

Inductive analysis of our site-based interview data identified dozens of themes related to the management and exchange of sex offender registry information, reflecting a diverse range of operational practices, experiences, and perceived challenges. Through analysis and distillation of these themes, the research team identified four “essential elements” of effective information sharing. These essential elements, along with their defining operational principles, are:

- **Data quality**, as reflected in the *accuracy and reliability* of registry system information;
- **Data consistency**, as reflected in *shared definitions, understanding, and application of key information elements*, both within and across registry systems;
- **Data access**, as reflected in the *timely and seamless availability of essential information* as dictated by operational demands;
- **Data exchange**, as reflected in the *efficient and seamless flow of information* within and across registry systems.

In tandem, these elements offer a framework through which to examine the evolution of the information sharing landscape, explore the role of SORNA in that evolution, highlight areas of both progress and challenge, and identify model practices within the states to inform the development of policies and practices aimed at improving the quality, access, consistency, and exchange of sex offender information.

Table 7: “Essential Elements” of Information Sharing

| Element | Central Questions |
|-------------------------|---|
| Data Quality | Is registry information accurate and reliable? |
| Data Consistency | Is the information structured and defined in a manner that translates across users and across registry systems? |
| Data Access | Is essential information, as defined by operational needs, readily available? |
| Data Exchange | Is information efficiently and reliably transmitted across systems? |

ESSENTIAL ELEMENT 1: DATA QUALITY

“It’s all about the integrity of the registry”

Across the ten case study states, sex offender registry units operated under varied organizational settings, management structures, underlying work processes, and levels of available resources. Yet despite these diverse experiences, stakeholders in these units were united by a common sentiment that one of their primary functions was to ensure the *accuracy and reliability* of data contained within their state’s registry system. Beyond the implications for the sharing of sex offender information *within the state*, the effectiveness of data quality control at the local level ultimately affects the integrity of data that flows *out of the state*, including information that is directly exchanged with other jurisdictions and is uploaded to NSOR.

Operational challenges

Although state agencies serve as the primary custodians of registry data and maintain responsibility for registry system oversight and management, local police and sheriff agencies are typically responsible for the initiation of registration records, verification and enforcement of registration requirements, and updating of registry information. As such, SORN systems involve hundreds, and often thousands, of local users who interact with the front end of the registry system on a day-to-day basis. These users are situated within agencies of varying sizes and complexity, with various levels of resources, and each with its own lines of administrative authority and accountability.

Hence, many of the data quality challenges identified through the site visits connected in some way to the decentralized manner in which most SORN systems operate. The first such set of challenges stem from the inherent **divergence in data management priorities between local and state registry agencies** and personnel.

Beyond their responsibilities as the *front-line point of entry* for registry information, local law enforcement agencies are also *end-users* of registry information, typically for purposes of monitoring and enforcement. Although attuned to their broader obligations to provide information that can be used outside of their jurisdiction, local registry users place priority on ensuring that registry information is adequate to meet their immediate local operational needs, particularly when operating with limited time and resources. In the following field note from one state site visit, two registry data entry technicians reflected on local concerns and issues they face at the state-level:

Madison feels like non-compliance occurs in some counties because some locals feel like they don't have to deal with it compared to their other work. Locals also don't want to be told what to do at the state level. Some locals don't feel the issues need much attention. Layla provides an example in one of her counties where the person doing the registry was also the dispatcher for the county. They refer to it as an "unfunded mandate."

The myriad issues among local jurisdictions, including resource deprivation and a commitment to local control, ultimately make their way to the central state registry, where data quality assurance practices and personnel must manage the gaps in information. Among state registry personnel we interviewed, we found a widely shared viewpoint that one of their primary functions was to support the needs of local law enforcement agencies.

At the same time, however, these personnel are also tasked with ensuring statewide consistency in practice and quality of the data contained within their systems. This has become especially critical amidst the expansion of federal standards and requirements per SORNA and the increasing emphasis on inter-jurisdictional coordination, areas in which state registration agencies play a central role. The tension between these dual concepts and ideas is reflected in the following field note excerpt from an interview with a state official:

"We (the registry unit) acts as a support system for the counties. Our goal is to take off as much of the administrative burden as possible.... We also act as a firewall because we get inquiries from other states and work hard to make sure that information isn't flowing out willy-nilly."

A second set of challenges, conveyed by both state and local registry personnel, involves the **"growing pains" stemming from the convergence of changes in work processes and an expanding registrant caseload**. Although local law enforcement agencies have always served as the front lines of the registration process, this role has shifted over the years as states have migrated from legacy paper and fax-based work processes to digital technologies and systems using direct field-based data entry.

Under earlier analog systems, local authorities would complete paper registration forms and forward to the central registry agency for data input and record maintenance. Although some states still require paper forms for specific legal purposes, most have transitioned to systems in which local law enforcement personnel directly input registrant information into the system. State-level stakeholders expressed that current modes of data entry have improved the overall efficiency of the registration process. Some, however, also indicated that these changes have eliminated built-in quality assurance mechanisms that were afforded by centralized data entry.

In one state, officials described how the acquisition of new technology has not fully addressed the gaps in local level data entry, nor addressed the redundancies in the process. However, they explained, redundancies may act as a way to check and double check the accuracy of the information in the system, as detailed in the following field note:

Counties can see each other's information but they can't make edits - besides employment information, and they can make some investigative notes. Since individuals have to register twice (because of state rules about registering in both the city and county) there are basically two records in the system, but they might even have more. If they're [wealthy] they can have a primary address anywhere and have multiple other properties. All of these records go to [the central agency], where they maintain one consolidated record. It comes in verified by name and social security number. Sometimes the offender might have a fake social security number so it creates a new record that they have to manually consolidate, which happens a lot. Any time they enter information, they do a search in the entire system by social security and the driver's license system to make sure it's not the same offender and if so, they consolidate the record.

A third emergent area of challenge involved the **disparity in resources, capacity, and models of practice among local agencies and jurisdictions**. Across most states in our sample, particularly the larger states (e.g., Florida, California, Michigan, and Texas), it was common to find local jurisdictions operating dedicated sex offender registry units with assigned personnel, as well as those that utilize “bare bones” operations to fulfill their statutory duties surrounding sex offender registration. Beyond variation in overall resource levels, we also found a wide range of staffing models for addressing the registry data management needs, with some jurisdictions employing civilian staff, and others utilizing uniformed personnel who typically perform registration data management duties in conjunction with their compliance enforcement roles.

These points of variation across local jurisdictions present significant challenges for state registration agencies, which must calibrate their policies and work processes to accommodate varying models of practice. State registry officials reported that jurisdictions with fewer resources often must relegate registration administrative and enforcement duties to the “back burner,” while also managing challenges related to staff turnover.

Another continued challenge reported at the local level was maintaining a **continuity of personnel with the appropriate knowledge and skills** to properly collect, enter, and maintain registry data. This was especially true in jurisdictions where geographic features and population of an area were a driving force in the allocation of resources for registration activities. For example, one state official commented that in some counties there may be much of the land mass and some of the population outside larger city limits:

“There may be a lot of the county that's not in the city. The police department takes care of stuff in the city but someone has to take care of the other parts. We have counties where there are more cows than people.”

In another case study state we visited, local law enforcement described the “multiple roles” a county sheriff may play when there are not enough resources or demand. In these locales, monitoring registrants was regarded as “a collateral job” where a detective or investigator is conducting registration or verification duties in addition to their regular duties. For instance, in one jurisdiction without a dedicated registry unit, personnel often relegate registration activities to a couple times a month and admit to conducting compliance checks once per year. The realities associated with a growing registrant population, but without associated growth in resources means staff are overburdened and there is potential for data quality to suffer. In another case study state, a sworn registry official describes the variation in registration resource between two cities, revealing that it is not solely based on registrant population and resources, but also the sense about the priority of registration in the jurisdiction relative to the law enforcement workload:

The registry official says, “A lot of Sheriffs view sex offender enforcement differently.” He says some take it seriously where for others it is not seen as important...in [one city] they feel registrant enforcement is an unfunded mandate and they won't do follow up on those cases...but [another city] does a great job.

Data quality systems and strategies

In response to these areas of challenge, states have adopted a range of systems and strategies focused on improving the quality and consistency of data emanating from local jurisdictions. These include both “front-end” strategies providing training and technical support to local jurisdictions, as well as “back-end” strategies focused on centrally identifying and correcting data quality issues.

TRAINING INITIATIVES

Across the states that we visited, the most common and direct approach toward addressing issues of local data quality involves training local users. States have worked toward greater standardization of practice through the development and ongoing revision of user manuals and model policies that serve as foundations for the training and as enduring reference resources.

The field note below describes one state’s training approach directed toward data quality, including outreach to a range of state and local agencies involved with registration:

The field agent goes out to all the agencies. Last year, they finished training with all the correctional facilities. They went to all the state facilities and trained staff on their role in registration and how to submit the right documentation. They also go out to the whole state to do training, and over the years they have learned who is asking for assistance and they will collaborate with other registry personnel and figure out where to go. A lot of the assistance that is required is because of turnover, new managers, etc. They also help agencies figure out how to be successful with their data entry audits and provides training to law enforcement agencies to know what their role is and how to utilize the tools used for registration.

In another state, state-level registry officials offer training on a recurring basis because of staff turnover at the local level. One official describes this necessity in the following field note excerpt:

After the legislative session, there are always new changes so the training starts after that. There are usually a minimum of four training sessions and they send offers for training to a number of stakeholders, law enforcement, etc. One of the challenges they have is there is a lot of turnover in law enforcement, which then changes who is responsible for sex offender registration. So “some of them need an A-Z training to tell them everything they need to do.” Then, they also offer a legislative update to people who have been doing the job awhile and don’t need an A-Z.

While state-level training programs for local agencies were universal across our sample of states, there was considerable variation in the range of available resources allocated to support this training, and the degree to which the training programs emphasized matters of data quality as opposed to other aspects of the registry system, such as enforcement operations or legal issues.

TECHNICAL ASSISTANCE FOR LOCAL JURISDICTIONS

Beyond training-based approaches, state registry agencies have deployed, to varying degrees, mechanisms for providing technical support to local jurisdictions. Across many states, registry unit administrative personnel often described their roles as troubleshooters and facilitators, whose primary functions were to support and reduce the burden on local jurisdictions. This typically took the form of walking local agency personnel through data entry, including providing them with accessibility to systems, as well as clarifications a variety of legal and policy-related questions.

As a corollary to this technical support, several case study states also included uniformed field agents, who were typically tied to state police agency, to provide general local support. Particularly in cases where county and local law enforcement officers assume the dual roles of managing registry data and engaging in compliance enforcement efforts, these types of supplemental services by state-level agents were viewed as freeing up local resources, and thus indirectly supporting improvements to the overall quality of data within the system.

One such field agent referred to himself as a “Swiss Army knife,” alluding to the range of responsibilities that he has surrounding overall support to the field, as described in the following interview excerpt:

One participant explains that the Field Agents run the gamut but they primarily work with Sheriff's Offices on information about registrants, enforcement, and data management. They define themselves as the “In person liaison that goes out to their office... We've provided [local offices] with a computer if they needed it, they've all got to use our database, so that it's as uniform as possible. Some counties are very active and have civilian staff and others do not.” They are very hands on with each county. They have helped update cameras in local offices, issue warrants, effect arrests, and do compliance checks.

In some instances, however, resource constraints tied to registry data management have led to a need for state registration agencies to divert resources that would otherwise be allocated for analytic and enforcement support. One analyst hired to provide intelligence support to local jurisdictions for the identification and apprehension of absconders, estimated that less than 10 percent of their time was actually being used for that purpose. Instead, they stated, “We are really a four-person help desk...the analysts should not be doing quality control. We're a help desk because the system is so convoluted for local agencies and it is very, very not user-friendly.” This example illustrates how interwoven the functions of the registries are, as well as the convergence of data quality issues with other dimensions of effective registry management such as investigations.

CENTRALIZED “BACK-END” DATA QUALITY ASSURANCE

Although training and technical assistance services to local jurisdictions represents a critical element in improving the quality of data being entered into the system, the ultimate accountability for ensuring the accuracy and reliability of registry data rests with state agencies. Consistent with this mandate, states have employed a range of mechanisms and strategies for reviewing and validating registry information at various stages of the registration process.

Several states we visited have instituted various forms of data quality validation at the point of record initiation. In one typical configuration, new registrant records are initiated at the local level, and then moved into a “pending queue” that is reviewed by central registry agency staff before being activated within the system and/or placed upon the public website. Such a review commonly includes verification against NCIC, state criminal history systems, and other state databases. Registry personnel also indicated that the criminal history field is particularly consequential, and is typically the most prone to local errors.

Another key juncture in the data management process where states have instituted mechanisms of data quality control is prior to the transmission of state data to NSOR. While this step is generally less necessary in states that have instituted data quality assurance at intermediate stages of the registration process (for example, during record initiation or upon record updates), it is more essential for states with fewer of these mechanisms. We found this data quality control need to be particularly prominent among the four states in our sample who were utilizing a common private vendor registry platform. Based on the design of this system, the majority of routine data management and data quality assurance activities were relegated to the local level. In three of the four cases, state officials cited issues and challenges related to the quality and consistency of the data entered by local jurisdictions, and described a range of often duplicative work processes needed to ensure the accuracy of the data prior to populating NSOR.

In one such state, a conversation with a registry official addresses the challenges associated with inadequate technology:

The registry official estimates, “80% of our problem is inaccurate records.” He thinks this is because [the system] is inefficient. He says it is like an “electronic file cabinet.” People can put different information in two different fields and there is nothing to flag the discrepancy. He tells staff in training, “People bring their dirty laundry with them” referring to people copying information from other states in [the same vendor-based system] suggesting others states’ information is inaccurate. He says, “We need to worry about records moving in [from another state].” He adds, “[The current system] is the car we're stuck driving and this is a hooty.”

Thus, the overall data quality features of digital systems is paramount to accuracy and proper information sharing. In some states, ongoing investment and improvement to information systems – including some supported by SORNA grant funding -- has been pivotal in improving the overall efficiency and effectiveness of state efforts to ensure the quality and integrity of their registration data. Some of the identified elements that have been vital to these efforts include mechanisms to flag anomalous data entries, automate decision rules, and streamline the process of triaging and prioritizing records requiring central office review and/or intervention.

California has developed a robust series of such interfaces that provide supplemental data to be used at the local level as a means of corroborating information and supporting general data verification efforts. In the following field note excerpt, registry personnel walk through the elements of the registry system:

They have a separate [Information Technology] unit, which is the “behind the scenes” unit. They are a dedicated [Information Technology] unit, just for the offender registry. The California Sex Offender and Arson Registry (CSAR) is a huge database and for data entry they can use the user application or they can do live scan. Anytime someone wants to gain access to CSAR, they fill out a user agreement and it all goes into the Justice Identity Management System (JIMS) system. JIMS also manages access to other criminal justice systems. Then they have external interfaces. They get two separate databases from [the California Department of Corrections and Rehabilitation]. Incarceration and release information is interfaced daily. They also have a daily interface with DMV to receive change of address, license suspension and death information.

California’s complex, but well-integrated system means that data points are constantly being checked and triangulated by manual and automatic processes. The breadth of information captured, primarily due to syncing with external systems, was viewed by stakeholders as central to supporting the state’s data quality assurance efforts.

Iowa has utilized SORNA JAG reallocation funds to hire project management personnel to support ongoing improvements to its information systems. The state hired a project manager dedicated to developing the registry database to support local and state needs, especially reengineering and automating work processes in a manner that reduces the probability of data entry errors. In particular, the registry database moved from a limited focus on identifying non-compliant registrants to allowing for a “more comprehensive approach to maintaining the registry.” State registry officials reflected that before devoting someone full-time to the role, they experienced many data challenges, “so it is huge having an in-house person.”

In other cases, however, registry managers were less satisfied with their technological capacity, voicing frustration surrounding the limitations of their systems to effectively support state-level data quality control efforts. Such concerns were particularly prominent among state registry personnel within jurisdictions utilizing contracted private vendor systems, which were viewed by some state registry officials as suited to the needs of local jurisdictions but less aligned with the requirements of the statewide system management. This misalignment magnifies the variation within states surrounding data quality because it exposes the differences between the overarching goals of SORN at the state level and the end-user needs and contextual realities of the front line.

ESSENTIAL ELEMENT 2: DATA CONSISTENCY

Within the essential elements framework, the matter of data consistency is reflected in the extent of shared definitions, understanding, and application of key information elements, both within and across registry systems. Building on this definition, we may view the issue of data consistency across two dimensions: *intra-jurisdictional consistency* (i.e., consistency within the jurisdiction), and *inter-jurisdictional consistency* (i.e., consistency between jurisdictions).

As a corollary to data quality, *intra-jurisdictional data consistency* is reflective of a state registry system’s capacity to effectively standardize practices, provide appropriate levels of training and support that account for variability across local jurisdictions, and deploy technology platforms that can facilitate and promote the consistency of

information entered into registry systems. As such, the issues and challenges related to this dimension of consistency are generally parallel to those described and addressed in the prior section.

Inter-jurisdictional consistency, by contrast, presents a more complex series of intergovernmental challenges that require significant coordination, adaptation, and buy-in among a vast range of stakeholders and institutions at both the federal and state levels. Among the “essential elements,” inter-jurisdictional data consistency is perhaps the most central to the SORNA framework. While SORNA standards include specific provisions to address matters related to data access and data exchange, the goal of instilling greater consistency and uniformity across states was viewed as a particularly fundamental goal of instituting SORNA standards.

As reflected in the preceding section, there is been considerable nationwide progress toward implementation of SORNA standards, with more than three-quarters of standard determinations made by the SMART Office meeting acceptable thresholds. Moreover, there are many aspects of the nation’s SORN systems that have been brought into closer alignment as a result of the SORNA implementation standards, including enhanced uniformity in public registry website information; greater regularity in the data elements collected within jurisdictions (including where registrants live, work, and go to school); and reduced variation in registration requirements (i.e., timeframes for updating information, verification frequency, and duration), as well as penalties for non-compliance. Looking beyond the standards, SORNA has also served as a catalyst for greater consistency of practice surrounding the management of offender relocations, as well as work process improvements that have expanded record digitization and enhanced the consistency of information within NSOR.

Yet, while the SORNA implementation process has successfully enhanced consistency in many areas, a close examination of state implementation experiences highlights many points of divergence. Even among the states that have achieved substantial implementation status, one can see significant differences in classification frameworks, registration reporting requirements, mechanisms for relief from registration, and other salient factors. As our case studies illustrate, each state has pursued implementation of SORNA standards in its own way, reflecting the unique operational, political, legal, and geographic conditions within the jurisdiction. Beyond this, fundamental variation in the structure and content of state criminal codes produce built-in variation in defining the scope and characteristics of registerable offenses.

These factors suggest that, despite efforts toward implementing the SORNA standards, there is inevitably a certain measure of inherent inconsistency that is endemic to the structure and operation of the nation’s SORN systems. Nonetheless, our interviews revealed a common desire for improvements to the consistency and comparability of information across jurisdictions.

Thus, while stakeholders implicitly recognize that consistency of registry rules and requirements is likely to remain elusive, there remains a significant opportunity to achieve greater consistency of practice surrounding the inter-jurisdictional exchange of sex offender information. This consistency of practice converges closely with the issues described in the data access and data exchange portions of this analysis. Specifically, state registry officials across the ten study sites expressed a uniform desire for a broader and richer array of information needed to manage cases involving inter-jurisdictional transfers, and for more robust mechanisms through which this information can be made more readily available. Given the widespread nature of this sentiment, it appears that there are significant opportunities for states to mutually agree upon the general parameters surrounding the exchange of information, including baseline expectations surrounding the range and format of data that should accompany notifications of pending relocations.

ESSENTIAL ELEMENT 3: DATA ACCESS

Within the essential elements framework, *data access* refers to the timely and seamless availability of essential information as dictated by operational demands. Across states and stakeholder groups, the research team found significant areas of progress toward this general goal in the years since SORNA. At the same time, the analysis identified the need for a richer and more accessible array of information about registered sex offenders as a common area of need.

In parsing this construct and evaluating its application within the broader information sharing context, the research team determined that the parameters of data access -- including both the range of informational needs and the means and challenges related to accessing information -- varies across stakeholder groups. As such, our findings in this area are presented in three primary clusters: law enforcement operational demands, legal and administrative demands, and public access to sex offender information.

Law enforcement operational demands

The first cluster of data access needs pertains to those tied to the direct operational requirements of field-based law enforcement operating at the federal, state, and local levels. These requirements encompass a range of purposes, including routine monitoring of registrants, compliance enforcement efforts including both verification operations and tracking of absconders, and using registry information for criminal investigations.

Law enforcement personnel at the federal, state, and local levels described a range of information needs related to conducting field-based address checks, including both routine residence verification of individual registrants and larger “sweep” operations within particular geographic areas. Stakeholders conveyed varied experiences related to extracting actionable information from their registry systems, although most noted general improvement in this area tied to information system upgrades and improvements. One field agent in a jurisdiction that has adopted the federal SORT system as its registry platform cited the system’s reporting and query functionality as a welcome enhancement over the capabilities of their prior system. When asked about the user-friendliness of the system, he indicated:

“I think it has a lot of bells and whistles. The one thing we (previously) never got around to doing is putting reporting capability in the hands of the users who are in the field and a search feature for people in the field to use.”

Beyond general improvements in the query and reporting capabilities of registry systems, our review of state practices indicated that data access for local law enforcement operations can be greatly enhanced through the allocation of centralized staff resources to provide “back room” analysis and intelligence services. The provision of these types of centralized services, while confined to a limited group of states, emerged as a promising practice that reduces the time and resources that local jurisdictions must invest in obtaining needed information to support compliance efforts and tracking of absconders.

Florida, for example, has invested considerably in the development of such analytic capacity. Through the Florida Division of Law Enforcement (FDLE), the state employs seven analysts as part of a centrally managed “absconder unit” that also includes four region-based inspectors who are assigned to work with local jurisdictions to track absconder cases. These positions, initially funded by the state’s Jessica Lunsford Act, were created in recognition of the increasing local demands associated with the steady expansion of the registrant population. The analysts fulfill a range of functions, with some dedicated to providing intelligence and analytic support for the tracking of absconders, and others focused on general registry support for local jurisdictions. State officials indicated that funding for these positions has remained generally steady over the years, although cited a need for more analysts given the increasing operational demands associated with continued growth in the number of registrants.

In the domain of offender monitoring and investigations, state and local law enforcement personnel commonly expressed a need for access to a richer array of registrant data. Although it was common for local law enforcement personnel who are engaged in day-to-day registration duties to suggest that they “know their offenders,” participants expressed a range of concerns regarding the imprecision of relying solely on the conviction offense as a means of monitoring registrant caseloads. Specific concerns raised in this context included those related to the “downgrading” of offense severity due to plea-bargains (implicitly leading to an under assessment of registrant risk), and the inability of registry systems to capture information on arrests, charges, and other information related to registrants’ modus operandi (M.O.).

However, these latter sentiments were less often expressed in jurisdictions where additional information was readily available within the registry database. In this respect, these jurisdictions might be considered as models of practice for improving access to information that can be used to support the fulfillment of registry-related law

enforcement functions and assist in the efficient allocation of limited local resources. One such instance was in Washington, which not only includes structured risk assessment scores (based on adjusted Static-99-R, a standardized risk assessment instrument, score) as an integral element of its registry records, but also directly involves local jurisdictions in the risk determination process, guided by a uniform set of practices outlined in a detailed model policy. One registry official stated, “Having our system be risk-based is a strength” in that it supports consistency and greater depth in information. According to this view, local law enforcement practitioners are closely attuned to the relative risk presented by each registrant, and thus have enhanced capacity to focus their attention and resources accordingly.

California provides another notable example of state efforts to expand access to operationally-relevant information. As part of the state’s Violent Crimes Information Center, the registry system is tightly integrated with other state criminal justice databases, and thus provides a particularly broad array of information that is readily accessible to registry users. Additionally, the registry system includes a dedicated “M.O.” module that is specifically designed to provide supplemental information that can aid in investigations and in the prioritization of offender monitoring resources. One participant says, “The state’s purpose of having a registry is to help solve future crime, so the M.O. information is important to have.” Any individuals sentenced in California for a sex offense will have a Facts of Offense sheet, which contains details of their crime. Probation officers are tasked with translating this information into the M.O. form which is linked to the state sex offender registry system. Registry officials and law enforcement acknowledge the importance of having this information at their disposal for an investigation.

Legal and administrative demands

Central registry agencies provide a range of services to local jurisdictions as a means of facilitating data access for local use. Beyond this intra-jurisdictional function, these agencies also serve as the primary point of contact for the processing of inter-jurisdictional transfers, including both those that are leaving and entering the state.

Registrants transferring from other jurisdictions present a distinct set of informational requirements connected to determining an individual’s duty to register and establishing the scope of registration requirements in accordance with state law. Throughout our site visits, challenges related to accessing appropriate data and information were points of common concern across state registration agencies. These issues were particularly pronounced in states with more complex legal and operational standards for determining registry requirements.

For instance, in one large state attorneys dedicated to navigating legal and policy challenges were embedded in the registry unit. While all other states we visited relied on the services of attorneys from other state offices to assist with processing an array of legal issues, the model of having specifically assigned attorneys supported the registry unit’s efforts to efficiently move data into its system. In the following field note excerpt, one of the registry unit lawyers describes their role and function:

The lead attorney reiterates that he is one of the three lawyers embedded within the registry. He says in their day to day interactions with other state registries, they do not usually speak to legal staff, but usually non-legal registry staff. Sometimes, when the lawyers speak to staff in other states, they do not know if the people are fully aware of the legal issues and case law. The lead attorney says he feels strongly about the lack of legal staff in other states, since the people they speak to may not be aware of all the necessary information. He says they like to give a definitive legal answer but not all states can do so.

Given that the reliance on legal interpretations of duty to register consumes a substantial part of the registry staff’s time, the access to necessary information, including proper legal interpretations is essential. This organizational practice holds promise to standardize informational access to legal decisions and interpretations and further enhance data integrity and due process.

STATUTORY CROSSWALKS

The foundational process for establishing the duty to register involves the performance of a “statutory crosswalk” between the offense of conviction in the originating jurisdiction and the determination of comparable offenses

within the receiving jurisdiction. Although implementation of SORNA standards has improved the efficiency of this process within many states, the reality is that each state employs different statutory terminology and definitions surrounding registerable offenses.

States have adopted varying approaches to the task of cross-walking statutes in cases involving inter-jurisdictional transfers. Texas has built decision-support algorithms directly into its registry platform, providing a measure of automation to this process. Using a drop-down menu method to crosswalk statutes for incoming registrants has substantially streamlined and made consistent the determination process. One state official describes the evolution to the current system while researchers received a demonstration:

The first determination list (comparisons of state statutes for determination of registration) was in 2006 and it was a Microsoft Word document. In 2012, the list evolved and they had a Microsoft Excel spreadsheet. Now the determination list is embedded in the registry system and they walk the researchers through a series of drop downs with offense codes from other states. The attorney points to the determination list on the projector screen in the room and says “If you look at it realistically, that is why SORNA is having problems” because there are so many state statutes to compare. She says they even do it the same for case law in Texas because they’ve got statutes that are similar to four different offenses so it is difficult to make a determination about the duty to register.

Other states have employed more analog systematic methods to make registry determinations. For instance, Michigan registry personnel have developed a comprehensive Microsoft Excel spreadsheet containing statutes from a range of jurisdictions and matching those to the Michigan criminal code. California’s embedded cadre of Department of Justice attorneys into its registry organization review the considerable volume of incoming transfers and making individualized determinations surrounding each individual’s duty to register. In smaller states, we found that the process for this crosswalk was conducted on a more ad hoc basis, where civilian non-legal personnel make most determinations and rely on attorney support from other offices to verify these decisions.

Of note, the SORNA Exchange Portal includes a section that provides “drop down” access to state criminal codes related to covered sex offenses, to facilitate and serve as an aid to this process. However, the research team found that registry personnel involved in performing these statutory crosswalks were typically not fully aware of this resource.

SUPPLEMENTAL INFORMATION NEEDS

Although many states are able to determine registration responsibilities solely on the basis of statutory crosswalks, it is common that the conviction offense information represents only the first step in making such determinations. In many instances, this determination requires access to supplemental information that is not fully reflected in the statutory elements of the individual conviction.

These supplemental information needs represented a prominent area of concern for many state registration systems. In particular, state registry personnel charged with managing incoming transfers identified information needs related to victim characteristics such as age, the presence or absence of certain aggravating circumstances, and prior convictions that may not appear in the registration record.

Gaining access to this information was one of the more resource- and time-intensive elements of processing inter-jurisdictional transfers according to case study participants. At a fundamental level, many officials reflected upon specific states or jurisdictions where it is difficult to get in touch with registry personnel to obtain relevant data. A commonly referenced challenge related to making registration determinations involved accessing court data, which often provides relevant offense information necessary to make determinations. Beyond administrative and logistical challenges related to the location of relevant case information, matters related to the costs of accessing that information were also commonly raised.

When asked about resources or systems that might aid in addressing these information requirements, several stakeholders indicated a need for more robust centralized platforms through which this information might be

accessed and shared across jurisdictions. We will explore this theme in greater detail in the section examining the role and capacity of federal information systems.

Public access to registrant information

Beyond meeting law enforcement information needs, state SORN systems are also intended to provide public access to relevant information about registrants within a jurisdiction. Here, we present findings related to the operation and use of public registry websites, mechanisms through which state registry agencies manage public inquiries, and other modes of public information sharing and community notification.

PUBLIC SEX OFFENDER WEBSITES

One of the primary methods of sharing SORN information is through state or local registry public websites. The general requirement for states to establish public registry websites was originally set forth in the 2003 PROTECT Act, and SORNA contained a range of provisions expanding the scope of registrant information to be included. SORNA standards also require states to develop systems for email notification and to include certain supplemental information, such as education information, on public websites.

Partially in response to SORNA standards, all states within our case studies described enhancements to the level and range of information conveyed through their websites. In addition, all have made design improvements to strengthen the underlying search functionality, and all reported deploying automated email notification systems through which members of the public can receive updates related to specific sex offenders or geographic regions. Additionally, most states have added general information sections to their websites related to sexual assault and abuse, and some have deployed dedicated mobile applications. In these respects, the overall scope of information available to the public via the websites and related functionality (e.g., email notifications and mobile applications) has been significantly enhanced since SORNA's enactment.

In general, states were limited in their ability to provide detailed information about website traffic and the typical profile of those who access the public websites. Pennsylvania estimated that it received approximately three million hits over the prior year. Other states indicated, based on the nature of public phone calls and emails received in relation to the website, that the sites attract a variety of users, including employers, youth serving organizations, general community members, and registrants who are accessing their own profiles. One state noted that a significant proportion of its web traffic occurs during overnight hours, and may be attributed to bots that are "spider scraping" for purposes of mining the data for commercial use.

As described in the previous section evaluating state implementation of SORNA standards, there remain certain public registry informational elements that have been problematic for some states, including the provision of employer information (which is a challenge for nearly half the states) and detailed address information (e.g., Washington, where the state only provides block level addresses, due in part to founded concerns over vigilantism). Additionally, some states continued to limit the range of individuals contained within the public websites in a manner that does not fully comport with SORNA requirements.

On the operational level, registry personnel highlighted the connection between some of the data access issues described above and the timing for the release of information on the public websites. Although data on incoming registrants is immediately available to law enforcement, the determination of whether individuals should have their information on the public website often requires supplemental information. As described in one interview, the process can be lengthy and the delay may raise public safety concerns:

"Sometimes [staff] sit around for months waiting for necessary documents to come in so they can put the offender up on the public site. The offender is up on the law enforcement side as pending but not the public side so the public does not know and the offender is running around doing who knows what."

Beyond operation of its public website, every state in the study had personnel and a procedure dedicated to interfacing with the public, including taking public inquiries through email or by phone, and providing relevant information. The scope of available resources to perform these functions, however, was found to vary considerably across states. The following field note presents a unit supervisor in one state describing the nature of their staffing and activities:

They may receive tips from the public, citizens may call or email in saying 'you have [a registrant] living at this address but they are living here.' So, my analysts will do the research and investigation. We have an email address that citizens can send information to."

Staff performing these functions discussed receiving calls and emails from law enforcement, citizens, registrants, and victims. One staff member estimated receiving between 20 and 30 emails a day with questions or requests for information. During a group interview with data analysts in another state, several staff described the array of public information requests or contacts each day:

They get a lot of emails...about 15 to 20 public inquiries a day. Sometimes they also get calls or emails that are not questions, but just venting. They respond and say "thank you for your email" just so that the people feel like they were heard. They also get tips but not everything that gets reported is a violation so if it is a violation they pass it on. If it is something like an offender pushing a baby in a cart, which someone might say, that's not really a violation. They receive a lot of tips from people saying that the website lists an offender's address as XYZ when in reality the offender lives at ZYX. They inform the person that they need to reach out to the local law enforcement in the jurisdiction of the offender.

The task of handling external inquiries is complex. In many jurisdictions, public inquiries come in through the same general channels as inquiries from registrants and also from law enforcement outside the jurisdiction. Accordingly, it was typical for conversations with stakeholders about engaging with the public to converge with issues related to registrants, as reflected in the following field note:

The researcher asks how many calls they get in a day from the public. One participant mentions a log they keep and another says "it feels like a hundred a day." He says they may get five to ten calls in a day, "but three of those calls could be really messy calls, where 'hey I've got an offender in front of me, he's saying he was convicted in [another state], and we got him in there for [our state's] offense, which is how we used to register them back in the day because we did not have the option to put in an [another state's] offense. That can send you on a wild goose chase trying to find this...'he is supposed to be a tier 2 offender', 'he is supposed to be off the registry', 'I got a letter', like...it's just very complicated a lot of times. It takes you away from what you are supposed to be doing which goes back to it would be nice to have somebody to corral those phone calls or even take a message and say 'we will get back to you on that.' But a lot of times it is an offender standing in an agency and they are under the gun, and this guy is pissed because he is trying to verify and we have got no information."

Because the same staff who handle public inquiries must also use their resources to assist cases in the field, such as the one described, there remains a tension among priorities.

Most state registry units supply relevant information provided by the public in the form of tips to their investigations division, while one state unit redirects the caller to their local law enforcement. In one such case, the staff receiving the information were also tasked with conducting the investigation. Finally, in multiple states, personnel tasked with gathering public information would input it into the database for law enforcement use during compliance and enforcement investigation.

ADDITIONAL MECHANISMS FOR DISSEMINATING PUBLIC INFORMATION

While the primary emphasis of this portion of our analysis was focused on matters tied to the operation of public registry websites, state and local stakeholders also reported utilizing a range of alternative means to provide information to the public, including community meetings, posters, mobile applications, and social media pages.

In some states, community notification was also conducted through distribution of a registrant flier, which could be generated directly from the registry system for placement in residential areas near the registrant's home address, as well on the registry website. For one state's public site, one participant ensures the information on the registrant flier is the same as on the website. When community members search for a particular registry, "The registry page is basically a virtual flier." The participant also indicated that the flier includes a machine-readable QR code for the public to scan and view the information or to be linked to additional information online. In other states, public information sharing requirements may allow the registrant to be published in the newspaper or distributed via a postcard mailer.

In some states and localities, the use of social media has provided an ancillary platform for disseminating certain registrant information to the public. Such mechanisms have proven particularly useful in highlighting information regarding specific registrants and providing another avenue through which the public may address questions or concerns to registry agency personnel. Similar to the "branding" strategies described above at the local level, the use of social media and a mobile application for registration information has allowed states to proactively disseminate information to the public and to govern the state's image about the registry.

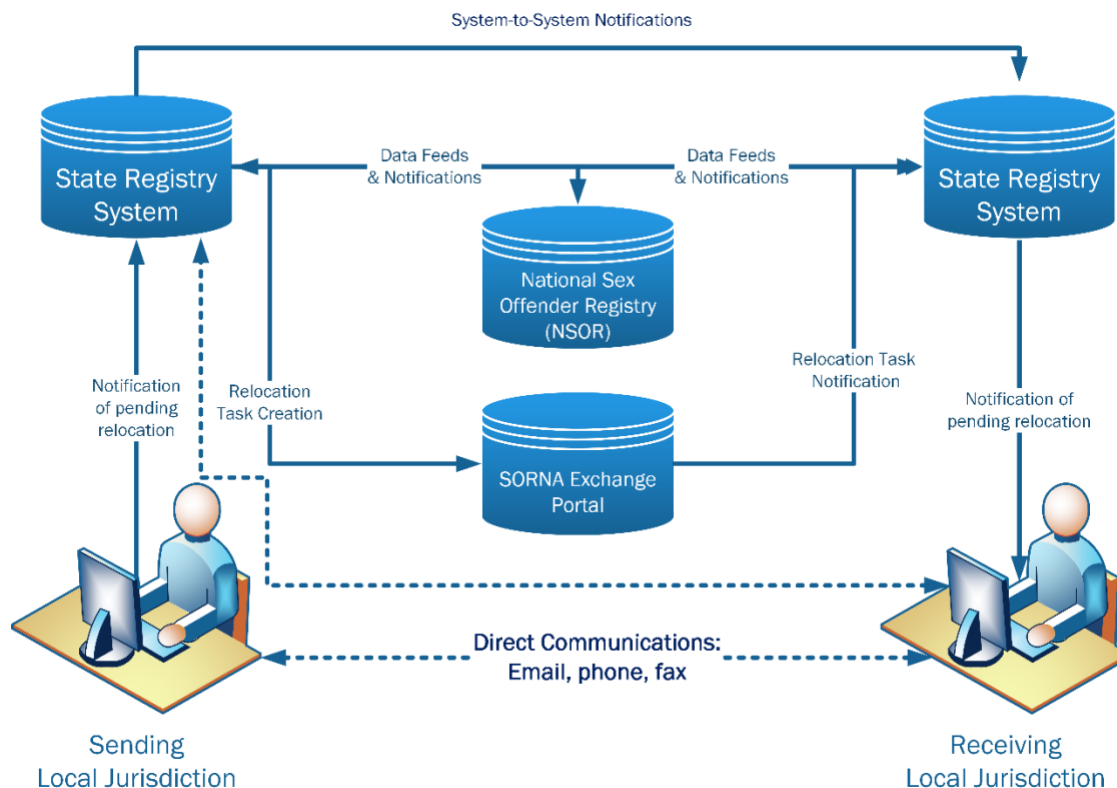
Within one state registry, a staff member was responsible for updating, maintaining, and gleaning relevant information from the registry's accompanying Facebook page. One section of the Facebook page was dedicated to Frequently Asked Questions about sex offender registration, and included photos of registry absconders. Posting information on the social media page also appeared to be a tool to widely disseminate information about non-compliant registrants. One participant described it as, "posting information about the most-wanted registered sex offenders, which are the most often shared stories by the public." The page was also used to publicize the compliance and enforcement activities of the agency, and featured a direct messaging function through which the public could communicate with agency representatives.

ESSENTIAL ELEMENT 4: DATA EXCHANGE

As detailed in the report introduction, lawmakers' concerns about sex offenders "slipping through the cracks" when they move across jurisdictions was one of the driving factors for SORNA's passage. In response to this concern, Congress envisioned that SORNA would improve the capacity of federal, state, and local law enforcement to track and monitor the movement of registrants across jurisdictional boundaries, through reliable and coordinated mechanisms for exchanging information. In this context, our framework's fourth and final element, data exchange, defined as **the efficient and seamless flow of information within and across registry systems**, is an integral dimension of SORNA's stated purpose to establish a "comprehensive national system" for sex offender registration.

Our interviews with state and local stakeholders, as well as representatives from the USMS, revealed a range of formal and informal mechanisms through which information is exchanged across jurisdictions. These mechanisms are summarized in Figure 14 below. The modes of communication reflected in the dotted lines reflect a range of direct communication strategies involving state and local registry personnel. The solid lines represent a series of system-mediated communications, including those managed through federal systems (NSOR and the SEP) and, on a limited basis, transmitted directly between jurisdictional registry systems.

Figure 14: Varied Modes of SORN Information Exchange



Direct exchange of information

In many of the case study states, registry personnel involved with inter-jurisdictional transfers indicated that the most commonly used lines of communication for exchanging information about offender relocations are *ad hoc* in nature, occurring directly between sending and receiving local jurisdictions via phone or email. Most commonly, the use of direct communication mechanisms is seen by local stakeholders as the preferred means of sharing information surrounding inter-jurisdictional transfers. Compared to mechanisms that require using intermediary systems or individuals, local registry personnel generally view these direct modes of communication as more efficient and effective.

In the following field note excerpt, participants from local jurisdictions discuss their modes of communication:

Before offenders move from a jurisdiction, they have to notify of their intent to move from their home county and get the address approved before they can actually move there. Evan says you can use [the registry system] but they do not in his office. Timothy says he likes to use the phone. Axel says he might get a call from [county] saying an offender is trying to move there and he makes a note on his calendar, saying he should have had an initial contact by then.

Across the states, interview participants discussed this type of coordination and communication in the context of describing improvements in the “culture of information sharing” that has occurred since SORNA’s enactment. In general, stakeholders expressed the belief that these types of *ad hoc* interactions are more common than they had previously been, and that the norms and expectations surrounding communication about pending relocations have shifted considerably. Beyond common instances of local-to-local communications, state registry personnel who handle email and phone inquiries indicated that a significant proportion of communications coming into the state registry agencies emanate from local jurisdictions outside of the state seeking information about an individual who has appeared in their state for registration.

These efficiency benefits, however, involve certain trade-offs. The effectiveness of direct communication was recognized as highly dependent on local initiative and mutual follow-through at both ends of the interaction. While stakeholders offered examples of successful communication, instances of difficulty in obtaining information on incoming registrants, and of concerns about outgoing registrants falling into a “black hole” was also expressed. For example, one official described the nature of this dilemma in the following field note example:

There is no official registry person contacting [state A] saying “there’s a guy coming in” and so the field agents have no idea where the incoming offender is now. The biggest problem, Julian feels, is “not knowing who is where, who is moving from one place to another. The registry really only tells you who is compliant, not those who are non-compliant.” He adds, “We might get told ‘hey this guy is coming from [state A]’ but that is all we get so I cannot do anything with that. I need to get fingerprints, investigation records, I need to prove that he is a sex offender. It could take two months before we could even make a case against someone even though we already know that they are here.”

Further concerns expressed by registry personnel were that reliance on ad hoc modes of communication limit the ability for state and federal law enforcement to systematically track the flow of registrants across jurisdictions. Although some state registries maintain call logs that capture inquiries from outside the jurisdiction, state registry officials commonly indicated that direct local communications surrounding inter-jurisdictional transfers are generally not captured in a way that can be easily tracked.

System-mediated exchange

In contrast with *ad hoc* modes of data exchange, **system-mediated communications** provide an opportunity to more systematically transmit, manage, and analyze information surrounding inter-jurisdictional transfers. Aligned with the vision of a “comprehensive national system” as framed in SORNA’s statement of purpose, effectiveness in this area may be viewed in terms of improvements in system capacity to: 1) track the flow of registrants in and out of jurisdictions; 2) transmit relevant and meaningful information; and 3) identify and flag anomalies that may be indicators of potential absconders.

In the current information-sharing landscape, there are three primary channels through which such communications may take place – the SEP, NSOR automated notifications, and direct transmission of information between state registry systems. The first two channels – the SEP and NSOR -- are federally-managed systems designed to serve as informational bridges and repositories for the sharing of sex offender information. During the course of our site visits, we identified significant variation in the extent and manner in which these two mechanisms were used across state and local jurisdictions.³²

SORNA EXCHANGE PORTAL

The SORNA Exchange Portal (SEP) was developed under the auspices of the SMART Office and deployed in 2008. The SEP was designed as a secure mechanism to facilitate communication across state registry systems. Although it contains multiple elements, the portal’s primary functionality revolves around work units known as “relocation tasks.” Relocation tasks are initiated when a jurisdiction receives notice that one of their registered sex offenders has indicated an intent to relocate, and are transmitted via the SEP to the intended receiving jurisdiction.

The states in our sample varied considerably in their utilization of the SEP. Some states routinely and systematically created tasks for all known pending relocations, and others did so sporadically or never. Among those that did routinely create relocation tasks, the level and extent of information that was communicated varied across states. Although all the states in our sample routinely received relocation tasks from other jurisdictions, they varied in their processes for handling and resolving these tasks. One participant “thinks the SEP has made it easier to send out information.” But for states that do not use the SEP, “There is a lot of paper going out, and a lot of paper coming in.”

³² Details surrounding the uses of and issues surrounding these two systems are presented in the next section of our findings. This section provides a high-level review of relevant points of practice variation across states.

As reflected in the next section of our findings, this variation in usage of the portal may be attributed to a range of operational and legal issues within a particular state. There are, however, two shared challenges endemic to the design of the system. First, the system is limited to a finite number of users at the state level, and is not intended for direct use by local jurisdictions. As such, the processes for both creating new tasks and resolving received tasks generally require state registry personnel to serve as intermediaries with local jurisdictions.³³

Second, in recognition of varying state needs and resources, the system was deliberately designed to be flexible, with few required data fields and limited standardization. While this feature has simplified the process of task creation, it has also produced a wide variation in the scope of information that is transmitted with each relocation task. The field note below, from a representative of the USMS, reflects both of these issues and the related operational challenges with exchanging information. The USMS participant says:

“There’s no standardization in the portal, no details. [registrant] says he is moving to [City USA] next week, [and] whoever [the employee] is all the way from the \$8.00 an hour employee to the state employee that may be doing it, all they get is the person is going to [City USA], that’s it. Where do they send that lead to? Where in [City USA]? [Registry staff from the other jurisdiction] can send whatever they want, they can send ‘he is going to 123 Main St’. to, ‘he is going to [City USA]. I know they were going to make changes [to the portal] and I have not dug into it, but all I can say is the system allows people to send crap to the state and the receiving state is then stuck in the saddle. Then it almost dies on the vine because the state has to decide which police department to send it out to and when they were looking at the portal a few years ago they had a hundred or so tasks coming out and there is nobody at [the agency] who can keep up with a hundred or so tasks. They would need a full staff of ten people to follow up on these leads.” That [registrant] would end up being the guy in the wind, because the [employee] says ‘I put it in, it’s not my fault; and the [employee] in [City USA] says ‘I don’t know where he’s at.”

NATIONAL SEX OFFENDER REGISTRY AND OTHER SYSTEMS FOR INFORMATION SHARING

The National Sex Offender Registry (NSOR), initially developed in the late 1990s, is one of 21 data files contained within the National Crime Information Center (NCIC), managed through the Federal Bureau of Investigation (FBI). NSOR serves as a national repository for sex offender registry information that is provided through jurisdictional registries and also sends automated notifications to states when individuals are flagged as having relocated to another jurisdiction.

The SORNA requirements, coupled with NSOR audit requirements, set forth a number of expectations governing state updates to NSOR data fields. As noted in other sections of the report, states have generally made significant progress and improvements related to their NSOR interfaces, although some have encountered ongoing challenges. Regarding the use of NSOR notifications, states reported receiving such notifications on a regular basis, although expressed varying opinions around the utility of this information.

Beyond use of the portal and NSOR, a limited group of states has also utilized transfer of information between registry systems. This mechanism primarily applies to states utilizing a proprietary registry platform in which registry data is centrally hosted on the servers of a private vendor. This platform includes capacity for local or state jurisdictions to send notification of pending relocations to other jurisdictions that use the system. Sending jurisdictions may also share designated portions of their registry records with receiving jurisdictions, which may in turn import these records into their system.

Some jurisdictions with whom we spoke found this direct transfer of information to be efficient and generally useful. As stated by one local registry official, “It is easier to get documents with a (vendor) state. Some states are new and getting used to it, but getting some of those documents are easier.” Others were considerably more cautious in their sentiments, expressing concern around the system’s lack of sufficient data quality control

³³ Some states do operate systems that automatically generate portal tasks - this practice, and some of its attendant issues, is described in the next section.

mechanisms, and an associated lack of confidence in the accuracy of data that is entered and managed at the local level without appropriate data quality assurance oversight.

SPECIAL INTERJURISDICTIONAL ISSUES

INTERNATIONAL MEGAN'S LAW

In 2016, Congress passed International Megan's Law (IML) which expanded the reach of registration to include international offenses, and established additional requirements on international travel by registrants convicted of sexual crimes against a minor (HR 51534). Designed to prevent child sex trafficking, the IML travel provisions require registrants residing in the United States to provide 21 days advance notice of any international travel to their local registering agency. Additionally, the law mandated that federal agencies provide notification to foreign countries when an individual convicted of a sexual offense travels to their country. Registering jurisdictions are therefore required to submit international travel information provided by registrants to the USMS, which then forwards the information to foreign countries through INTERPOL.

At the time of our site visits, jurisdictions were in the process of establishing procedures for ensuring compliance with IML requirements. Accordingly, some study participants raised issues that might best be viewed as transitional challenges as states have worked to refine their policies and practices related to this relatively new set of requirements.

For example, discussing the 21-day advance notice requirement, one study participant cited initial confusion surrounding procedures for registrants or local jurisdictions. Specifically, registrants were aware of their duty to give advance notice, but there was "no legally mandated way for offenders to report they were leaving the country." In response, the registrants would report their travel plans to local law enforcement, who "would go okay and stick a post-it note in the folder." Since international travel information was not submitted to the state registry in the same fashion as a relocation task, and state systems did not have direct communication with other countries, the travel information did not reach the destination country and registrants were then stopped at the border. The participant explained that after detaining the registrant, U.S. Immigrations and Custom Enforcement (ICE) may call the local registering agency "and if a different person was working [than the one who put the post-it note in the folder], they would say, 'I do not know what you are talking about' and the offender would get arrested."

In response to these issues, the state established a notification box in the registration system for local law enforcement to designate international travel. This system allows other users accessing the file to view the notes and provide more accurate information in the event of a border issue. The participant explained that this process was voluntary, but most law enforcement agencies did not have a problem doing it.

A second set of issues related to IML arose in states with registrants that cross the border routinely for purposes of work – a situation characterized as a "gray area" related to IML enforcement. One state official said about their particular travel statute, "as far as people going across the border every day or people who come in and are encountered before the three days, or technically the seven days, you cannot get a failure to register case on them because they have not been in the state long enough." Their state statute dictates that individuals crossing the border frequently for business or family purposes are not technically subject to reporting rules, but are made complicated by the requirements of IML.

However, some registry officials cautioned that with IML, "they're trying to play catch up there." Some participants reflected that IML "feels good but when you talk to the border agencies they're going to have a different opinion on that." Participants indicated their belief that border agents view registrants who are crossing daily or weekly for employment may in fact need extra surveillance. One official stated, "If the thought behind [IML] was to counter

³⁴ <https://www.congress.gov/bill/114th-congress/house-bill/515>

human trafficking but if you live on the border and you travel back and forth to Mexico how do you prevent them from getting filed on [compared to] someone who is going somewhere to traffic children?”

Participants found that international travel laws are “difficult to follow” and stated that they run into challenges with explaining these requirements to registrants. One recommendation provided by states is for DOJ to offer guidance on those countries that will not allow registrants past their borders. State officials suspect there is an evolving list of countries and would benefit from this information. This information would allow them to inform registrants of countries they cannot travel to in order to avoid problems and financial burdens of being turned away at the border. For instance, one participant stated,

There should be some kind of guidance as to which countries registrants cannot get into because right now offenders are making plans and going abroad and then being turned around and they are calling us and the federal government because they think they are fine and there is no real answer because it is up to the country [to allow entry].

Additionally, some participants identified problems with the nature and quality of international travel information, explaining that “the offender fills out the information about where they are going and sometimes the address does not even make sense.” Registry personnel reported attempting to properly fill out the forms and their databases, but found that fields in registry databases were not fully equipped to enter international addresses. Instead, they add information into the notes section then send as much information to the USMS as they can.

A site visit to the USMS also offered additional perspectives surrounding IML implementation within states. USMS staff indicated that states have been slow to adopt usage of the IML form, but that they were slowly coming on board, and have added the forms and procedures to the SEP. To support these efforts, as of July 2018 the USMS had a staff member dedicated to the incoming and outgoing travel notices. The USMS participants also identified other specific issues that must be addressed as jurisdictions get acclimated with the IML process, including handling commuters at border states, people taking cruise vacations (since the USMS only currently examines flight manifests), visits to multiple countries, and individuals crossing from the United States into Mexico or Canada to fly out of the country.

MILITARY CONVICTIONS

SORNA includes military convictions, as defined in the Uniform Code of Military Justice (UCMJ), in its definition of “sex offense.” Pursuant to this requirement, the Department of Defense (DOD) has specified which military convictions are subject to registration under SORNA, and all covered jurisdictions are required to ensure that such convictions are included within their sex offender registration schemes. A 2015 amendment to SORNA required the DOD to submit information on individuals with military convictions to both NSOR and NSOPW.

During the site visits, state registry officials spoke of the various challenges associated with the management of military convictions within their registration systems. The issues were essentially twofold - challenges related to the uniqueness of UCMJ, and those related to access to information.

Regarding the former, one interview participant provided an example of how the statutes in the military code are not always easily comparable to state code:

“A lot of times if their military conviction does not match an offense in (the state), then they have issues because offenders are being told to register by their federal probation officer but there is not anything in (the state) that is an equivalent.... for example, some of the intoxicated rape offenses in the military have lower burdens of proof compared to ours, and it does not match similar offenses here. Because in the military you ‘should have known or reasonably have known’ in intoxicated rape cases, for (our state law) you had to have known.”

These and similar areas of ambiguity tied to the nuances of the military justice system appear to create issues for some states in establishing duty to register. Participants expressed the need for more training on the military code in order to make registry determinations at the state level.

Regarding the second issue, state registry personnel commonly described challenges with accessing appropriate information from DOD surrounding military convictions. According to one registry official:

“With [most] SORNA cases, an indictment will tell you exactly which code section they’re charged with. This is especially hard with military convictions. DOD is notorious for putting information in and not sharing it. Sometimes military offenders will just get a dishonorable discharge and then they are gone. Traditionally, they do not share information....”

In one state, the research team asked a group of registry officials about access to information surrounding military convictions, and received a strongly negative reaction. One participant explained that the jurisdiction would commonly receive notice of a particular individual’s duty to register, but with little additional information. Participants went on to explain the challenges in receiving documents from the military, stating that the “military investigation reports are not great.” They indicated that they were trying to get connected with USMS military liaisons, and expressed hope that this initiative (described briefly below) would provide some additional assistance and support.

During a site visit to the National Sex Offender Tracking Center, the research team met briefly with the personnel from the recently established USMS Military Sex Offender Program. Through this initiative, two military liaisons help facilitate the process of registering those with military convictions within NSOR, and helping to communicate with states and other covered jurisdictions. As of mid-2018, the program was operating in four military bases. The staff we interviewed estimate processing between 270 and 300 military releases per year.

TRIBAL INTERFACE AND COMMUNICATION

SORNA’s passage required certain Native American Tribal Jurisdictions to implement SORN policies and practices for the first time. Prior to SORNA, tribes were not governed by any federal SORN laws, and most were unaware of individuals convicted of sex offenses residing in their communities. States and their local law enforcement agency proxies would conduct registration, including NCIC/NSOR entry, for individuals living within tribal communities.

SORNA’s inclusion of tribes in the mandated registration jurisdictions has led to significant challenges in state and tribal coordination and a variety of different methods to ensuring implementation and functionality. To date, 135 of the approximately 200 eligible (only certain tribes are allowed to implement SORNA based on having law enforcement jurisdiction over their territory) tribes have implemented SORNA. However, this number includes those tribes the SMART Office has deemed to have substantially implemented based on making good faith efforts toward completing SORNA’s procedures and provisions. To date, there have been approximately 5,300 tribal registrants, of which 3,346 are currently active.

Although the challenges related to tribal jurisdiction SORNA implementation are outside the scope of the current study, our site visits to the states did explore the manners in which state registering agencies engage with tribal jurisdictions. Some additional perspectives were provided by USMS representatives during the course of the site visits.

Models of state-tribal coordination

Tribal SORNA requirements have elicited new collaborations between tribal, state, and local officials to ensure registry responsibilities are met. In our state site visits, nearly all of the participants saw this collaboration as positive, with the development of partnerships, relationships, and memoranda of understanding. Through these conversations, the research team identified three models of state/tribal coordination: the partnership model, limited partnership model, and the state-run model.

The **partnership model** refers to states, like Michigan and Washington, which have contracted with a third-party sex offender registry vendor and provided access to the registry and data entry via that registration platform. This allows tribes and states to share registrant information back and forth and manage dual registration requirements. In addition, this provides an opportunity for tribal authorities to enter data in the platform, which then transmits the information to NCIC/NSOR, even without having direct access. States may employ memoranda of

understanding (MOUs) directly, like in Florida and Michigan, or through their local law enforcement registry proxies, as in Texas, allowing them to manage the tribal registration function. Finally, the partnership model states may hire a liaison to work with the large number of SORNA tribes within their state to do active notification of registrants returning to tribal communities like in Washington, and provide SORNA training to tribal registration officials to assist with consistency and continuity.

The **limited partnership model** refers to states that provide support and assistance when possible, but has some financial and resource limitations to achieving a full partnership model. Tribes in these states, such as New Mexico, have the ultimate responsibility to ensure they meet the requirements of SORNA including NCIC/NSOR access, but may seek assistance from local law enforcement.

Finally, the **state-run model** is one in which states, such as California, manage the registry functions for the tribes either due to the state being a Public Law 280 state or being unable to collaborate with tribes on confidential criminal justice records sharing. In such circumstances, local law enforcement provides the registry function and investigates non-compliance, even within the tribal jurisdiction. In such circumstances, tribal registration issues are not as much a challenge to these states given that the tribes are folded into the existing state registration scheme. It should be noted that this inability to share criminal justice information between state registries and tribes also affects the ability of states to use the SEP to inform others as registrants moves across jurisdictions.

In summary, since the passage of SORNA, some tribes have continued to rely on state and local agencies for registry functions. However, states have encountered a number of limitations providing registration support to tribes, including resource and fiscal limitations and state statutory restrictions on providing criminal justice record information to non-criminal justice agencies. Despite positive movement, the relationships seem to have evolved inconsistently depending on the individual agency officials involved. As a mechanism to encourage this relationship building, the SMART Office has built in criteria related to this collaboration as part of the substantial implementation review for all states, requiring states to pay attention to this issue. Some states recognize tribal authority and autonomy to register offenders, while others do not or cannot and do the registry themselves, even if that duplicates what tribes are doing. This dual registry function can be confusing for registrants and lead to inadvertent non-compliance issues.

SUPPLEMENTAL PERSPECTIVES

Augmenting our state-based case studies, the research team elicited supplemental perspectives from two groups of criminal justice system stakeholders engaged with functions connected to registry information. These included institutional and community-based correctional professionals, especially those who are engaged in sex-offense specific supervision, and specialized law enforcement professionals who investigate crimes against children that may involve the use of registrant information during the course of their investigations.

SORNA does not provide guidance about the inclusion or nature of the role of institutional or community corrections in registration of individuals convicted of sex offenses other than providing training for personnel in legislative changes. Nonetheless, our findings reveal that state and county agencies responsible for institutional corrections (prisons and jails) and the supervision of individuals convicted of sex offenses in the community post-conviction and post-incarceration (community corrections, probation, and parole) are engaging in registration practices and information sharing in many ways.

Our analysis of the case study data reveals that all states rely on the department of corrections (DOC) in some capacity to facilitate registration of individuals convicted of sexual offenses who are or will be under active supervision upon return to the community. Study states had relationships of varying degrees with their state department of corrections. This relationship is the conduit from sentencing to community registration, however, the processes for information-sharing and establishing registration were not codified as clearly as other processes in state codes and regulations.

INSTITUTIONAL (PRISON AND JAIL) CORRECTIONS

As standard practice for individuals sentenced to a period of incarceration for a sex offense, most states begin registration during the incarceration period. Within some of the states we visited, DOC institutions are often linked via computer information systems to the official registry database, and DOC officials are supposed to transfer registrant information prior to release. Some states use this process to begin registration upon an individual's entry into the system and others began it during the reentry planning period. In many states, registry administrators were working toward taking correctional personnel with registration updates, especially prior to release.

However, training DOC staff to prioritize and properly enter data prior to release remains a critical aspect of sex offense registration. Officials in some states reported challenges in gaining staff buy-in for this duty or to those related to including registration in reentry planning processes. In one state, the parole officers inside prisons were tasked with completing sex offender registration, but it created some discord as described by a staff member in the following field note:

Whenever the prison is releasing sex offenders that have registration requirements, staff go into the SORNA database to enter all the information about the crime. Staff typically fill out the form by hand and have a clerical staff member enter the information into SORNA. Filling the form out by hand then entering the information into the SORNA database results in an extra step in the process. Institutional Parole Officers (IPOs) are also preparing all the documents for Probation and Parole for the offender's release. IPOs understand the importance of registration, but it's hard. Many staff are not the most computer savvy and some have not attended training about how to enter the records. The records officers enter the information into SORNA if an inmate maxes out on their time. The IPOs sometimes do this entry for other officers.

In other states, the lack of codified policies and procedures around pre-release registration means some gaps remain in the information-sharing landscape. States that do not input adequate or accurate information may experience a greater proportion of individuals released to the community without meeting their registration requirement.

Study participants reported developing policies to improve information sharing between corrections and the registry. There appears to be capacity for states with robust systems to link directly to prisons. In one state, a participant suggested that digital systems could be connected to provide real-time updates and information resources around registration. This has potential to improve accuracy and availability of data and ultimately engage the registrant in the process from the outset of sentencing. A participant explains the tensions between registration policies and system actors, especially courts:

When an offender leaves corrections and enters the community, he/she has five days to go to the sheriff's office ... some courts will provide the information, some probation and parole officers, but they do not actually register them. There is some resistance to providing registry information in court. Some courts do not want to be responsible for passing along this information, others feel it is outside their scope, and other courts do not agree with the registry.

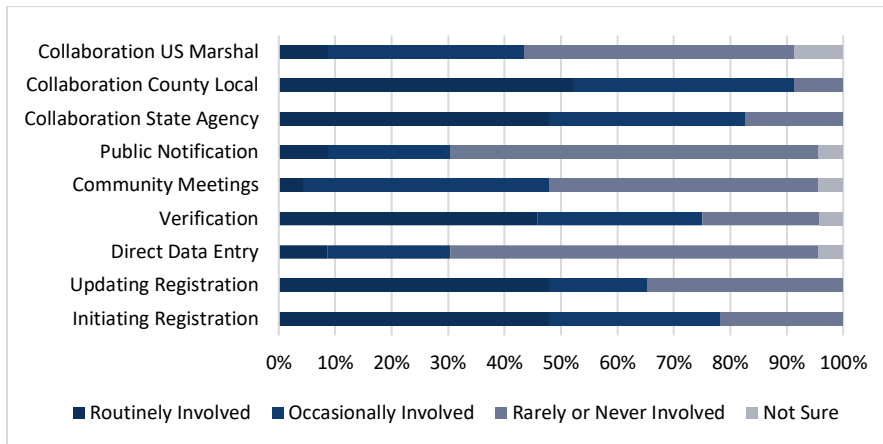
COMMUNITY-BASED CORRECTIONS

Upon release into the community after serving a period of incarceration or following a court-ordered probation sentence for a sex offense conviction, most registrants are supervised for a period of time by a community-based corrections agency (probation, parole, or community corrections). A general perspective of registry officials about the role of community-based corrections supervision in the function of SORN is that, as one state official put it, "Probation and parole does not enforce SORNA."

However, the results of the case studies, focus groups, and a survey with members of the American Probation and Parole Association (APPA) suggest that while states generally do not have specific statutes about the registration function of community corrections agencies, probation and parole professionals engage with registries and

information sharing in numerous ways. In response to the survey completed by administrative-level members of APPA, respondents indicated a variety of tasks and duties around registration completed by probation and parole officers.³⁵ As depicted in Figure 15, community corrections is routinely involved in initiating registration (48% of respondents), updating registration (48%), verification (48%), and collaboration with state and county officials about registration, (46% and 48% respectively).

Figure 15: SORN Duties of Community Corrections Agencies



There are some instances where states rely on community corrections personnel to initiate registration or direct individuals to law enforcement to begin registration. Only one state we visited had a clearly defined role for probation and parole agencies in registering individuals. In this state, probation or parole officers are tasked with entering registration into the system for anyone they supervise who is required to register, as well as retroactively when the state passed that provision. This requirement has been an add-on to their already increasing caseloads and there has been some resistance to engaging in this process, as reflected in this field note:

[SORNA] changed registration procedures so that once someone is sentenced, it falls on the probation office to make sure they are registered and compliant. Before, it was just on that person, but now it's on [probation and parole] to make sure it's done. Prior to SORNA implementation, they created a committee of stakeholders who were going to be involved in implementation and they met for 6 months leading up to January 2012. The goal was to figure out how they were going to do this to make sure that all the logistics were in place and they had the equipment and staffing to do it. So, they set up a policy and then AWA was passed and it "changed everything" about the [probation and parole] office.

Other participants expressed the need for resources and a voice in making changes to the role and function of probation and parole in registration, as depicted in the following field note:

A probation manager expresses disappointment that probation was not asked for input prior to the passage of the legislation that tasked them with registration. He says, "The bad part about it is that there wasn't any thought. It's like the legislature came up with this Act. There was very little asking of what do you think about this what do you need, etc." He mentions that probation was also not given any additional resources to help with the added workload. They did receive money from a grant to help out. They work together with the state police and he feels that being located close to their offices helps a lot. With grant money they were able to purchase a live scan, a webcam, a signature pad, and two digital

³⁵ The survey was administered by APPA and a total of 60 respondents participated from state, county, and local jurisdictions. It should be noted, these respondents do not comprehensively reflect the community corrections systems from every jurisdiction in the United States and thus are not generalizable to the entire country. However, the results of this survey indicate substantive involvement in registry and information sharing.

cameras. While there is no money for additional staff, the county commissioner did give them overtime dollars. The probation manager sat down with the District Attorney and went through all the case files to determine who needed to be registered. "I would say that we had to go and review maybe like 160 cases that weren't previously registering that we had to review. They weren't new cases." Probation had to then bring all those offenders in, creating a document for them to sign that stated they knew they were registering. Before the responsibility of registration was placed on probation and parole, "It felt like there wasn't much expressed to the county probation officers about what's going to happen here."

Other states reflected a gap between courts and probation, specifically, and how the onus was on community corrections personnel to informally and directly communicate the duty to register. For individuals convicted of sex offenses and not sentenced to a term of imprisonment, the time on probation in the community represented one of confusion around the registration requirements, as described in the following field note:

In the case of offenders who do not go to prison but are convicted, their probation officer or the court is responsible for notifying them that they have to register and they get the information from the court or the probation officer saying this offender has to register.

This gap between sentencing and officially registering appears because there is not an established system of communication between courts and community supervision. In the following excerpt, a state registry official describes the issue of information sharing between the court and state but also community corrections and the registrant:

One gap in the system is that if the individual is not sentenced to prison, but rather probation or private probation, the county may not know the person has to register. The courts may be behind in sending up the court documents to the [sex offender registry] unit for them to verify and notify the registrant, and the courts are sometimes not providing information to the registrant to register or the probation officer is not doing it.

One way registry officials have attempted to make the process more efficient is by including community corrections in registration training. These types of trainings and other engagements with community corrections reflect the idea that probation and parole could be a vital component to improving information sharing. However, as described in the following excerpt, a registry official demonstrating the registry database reveals how the use (or lack thereof) of the system by community corrections continues to have challenges.

The analyst shows us the Probation tab in the registry system, which includes more information for people on probation. He says they were going to interface with [the DOC system] but it required 100% of the data to sync and "that was a mess." He adds that there are "mixed stories about how and why they (probation officers) cannot enter information." Some [probation officers] wish they could get information from [system] (for their case management), especially for absconders.

In other states, probation and parole plays a secondary role in engaging with individuals on supervision to comply with registry requirements and capturing information to be shared with law enforcement in the case of an investigation or for non-compliance.

As community corrections line staff are tasked with ensuring conditions are met, some registry personnel and probation and parole officers suggested a likely point of connection between sentencing to probation supervision would enhance the accuracy of registration and its data. In one state, a participant suggested that the Interstate Compact might be a useful model for determining the scope and specific tasks, where states have agreements regarding probation supervision as well as a database to ensure supervisees are not lost. The participant describes this in the following field note excerpt:

Each probation office maintains a registration file. A sex offender registration card, photo, and fingerprints are kept in each county office. In the [information database] office there is a juvenile module that only classified people can view. A code is entered into system which triggers a flag in the system to refer them back to the county level for review. There is limited information shared between offices.

ICAC AND CART/AMBER ALERT INTERVIEWS

The Internet Crimes Against Children Task Force Program (ICAC) is a federal program that assists state and local law enforcement agencies in developing an effective response to technology-facilitated child sexual exploitation and Internet crimes against children. This support includes forensic and investigative components, training and technical assistance, victim services, and community education. The ICAC Task Force Program was originally created under the authority of the 1998 Justice Appropriations Act, Public Law 105–119. The ICAC program consists of a national network of 61 coordinated task forces representing over 4,500 federal, state, and local law enforcement and prosecutorial agencies. In FY18, ICAC task forces conducted more than 71,200 investigations and 84,700 forensic exams, resulting in the arrests of more than 9,100 individuals. Additionally, the ICAC program trained more than 46,500 law enforcement personnel, more than 2,900 prosecutors, and more than 14,300 other professionals working in the ICAC field.

The America’s Missing: Broadcast Emergency Response (AMBER) Alert Program is a voluntary partnership between law-enforcement agencies, broadcasters, transportation agencies, and the wireless industry, to activate an urgent bulletin in the most serious child-abduction cases. The goal of an AMBER Alert is to instantly notify the community to assist in the search for and safe recovery of a missing child. These alerts are broadcast through radio, TV, road signs, cellphones, and other data-enabled devices. As of April 2019, a total of 957 children had been successfully recovered through the AMBER Alert system.

The Child Abduction Response Team (CART) is a group of individuals from various state agencies who are trained and prepared to respond to a missing, endangered, or abducted child. CART pulls together resources to aid in the search and rescue effort and to assist the agency of jurisdiction in its investigation.

Participants who are part of the ICAC and Amber Alert/CART task forces expressed the perspective that sex offender registries are a useful tool for criminal investigations. Participants considered the registry as an essential first step in new investigations, using it to check the registration status of potential suspects and scan for registrants in a given area, as described by one participant:

“The first thing we do is we check and see if they are a registered sex offender because in my mind in my work with these individuals, if they are currently reoffending and have proven that, then they are a priority.”

A number of participants expressed the importance of quickly and efficiently gathering as much information as possible in the wake of a child abduction case. In such cases, sex offender registries serve as a starting point for ICAC and Amber Alert/CART personnel. One participant described this process, stating “If we have a registered sex offender, we are going to take that case and jump it up to the top of the priority list. Part of our process has always been to check the sex offender registry [on somebody].”

Several participants from Amber Alert/CART noted that their teams have dedicated personnel who conduct searches for registrants residing in the area where a child was abducted. Registry information is matched with any descriptions given to law enforcement (this includes registrant and vehicle descriptions) or with any registrants having a similar M.O. in prior offenses. Participants expressed confidence in the reliability of registry information and felt the overall information quality has improved over the years. As expressed by one Amber Alert/CART participant, “It is one of the biggest kudos to the sex offender registry that you could get out there – saving children.”

SUMMARY: KEY INGREDIENTS OF EFFECTIVE INFORMATION SHARING

The preceding analysis focused on what we defined as the “essential elements” of effective information sharing -- data quality, data access, data consistency, and data exchange. Across our analysis of all four elements, we identified a range of conditions and factors that have either promoted or impeded progress toward fulfilling these elements.

These factors may be thought of as the core dependencies -- *or key ingredients* -- upon which the success or failure of efforts toward improved information sharing rely. Whereas the essential elements reflect the **component goals** of effective information sharing process, the key ingredients represent the **mechanisms** and **capacity** for meeting those goals. While diverse in scope, these ingredients effectively boil down to three primary categories:

- **Staffing resources**, as reflected through stable and reliable levels of staffing, with appropriate background and training, aligned with operational demands;
- **Technology resources**, as reflected in the ability of systems to support the work processes and operational demands related to data management;
- **Collaboration and coordination**, including that related to improving standardized expectations and practices across jurisdictions.

Our analysis reflects a broad range of instances in which the adequacy of resources at the state and local level played a significant role in determining the extent to which the goals embodied in our essential elements were achieved. These resource demands have been particularly affected by the growing need among agencies to keep pace with an expanding registrant population, and at times accompanied by a need to comply with an expanded range of federal requirements. At the local level, variation in resource availability across local jurisdictions have presented an ongoing challenge for state agencies aiming to ensure and improve the quality and consistency of data maintained within their system and managed at the local level. In turn, state agencies have been faced with a similar array of staffing demands to manage an expanded flow of information.

Similar variation may be seen in relation to the technological capacity across jurisdictions. While as a general rule the scope and capacity of information systems has improved significantly across almost all jurisdictions from where it was in 2006, states vary considerably in their level of investment and the capacity of their systems to effectively support their shifting business process needs. Key points of variation include the capacity of information systems to support data quality assurance efforts, offer decision support that can aid in the prioritization of local resources, automation of routine processes that would otherwise be handled by dedicated staff, and the design of user interfaces that can support efforts to promote greater consistency and integrity of registry information.

The final key ingredient, which spans across all of the elements, involves the importance of effective coordination and collaboration. In this area, the aforementioned improvements in the broader “culture of information sharing” have played a significant role in addressing many of the challenges. This general sentiment of the improved flow of information was pervasive throughout our interviews, and we were able to identify a series of core practices that can aid in improved interface and collaboration. It does appear that many of the advances in this area rely on informal rather than formal mechanisms. However, specific practices that provide opportunities for the enhancement of relationships represents a vital area of practice. As will be explored in the next section, the role of the USMS may be particularly vital in this regard.

ROLE OF FEDERAL INITIATIVES

This third and final section of our findings focuses on the impacts of federal initiatives toward advancing the policy goals set forth at the time of SORNA's adoption. This includes examinations of: 1) the role of USMS; 2) impacts of SORNA grant programs that have been used to enhance and improve state and local systems and processes; and 3) the role of federal information system initiatives on promoting the efficient flow of accurate and reliable information across jurisdictions and with the broader public.

UNITED STATES MARSHALS SERVICE

Prior to SORNA, responsibility for investigation and enforcement of sex offender registration was solely the domain of state and local law enforcement. This produced particular challenges surrounding matters jurisdictional responsibility, particularly when a registrant absconded across state lines. With the passage of the AWA, the USMS was designated as the lead federal law enforcement agency responsible for investigating sex offender registration violations and related offenses under the AWA, including violations of 18 U.S.C. § 2250:

“The Attorney General shall use the resources of Federal law enforcement, including the United States Marshals Service, to assist jurisdictions in locating and apprehending sex offenders who violate sex offender registration requirements.”

Consistent with this general mandate, the USMS has three distinct missions pursuant to the AWA:

- Assisting state, local, tribal, and territorial authorities in the location and apprehension of non-compliant sex offenders;
- Investigating violations of 18 U.S.C. § 2250 and related offenses; and
- Assisting in the identification and location of sex offenders relocated as a result of a major disaster.

Following SORNA's enactment, the USMS established the Sex Offender Investigations Branch (SOIB), and charged this division with directing and coordinating the implementation of the above-referenced mandates. The SOIB consists of eight field regions, each staffed by a Regional Chief Inspector and at least one Sex Offender Program Coordinator (SOPC), with larger regions having two or three SOPCs. Additionally, the USMS also designated a Sex Offender Investigations Coordinator (SOIC) in each of the 94 USMS district offices, and established a Regional Fugitive Task Force to establish and maintain effective contact with state, local, and tribal registration authorities, corrections officials, and other law enforcement agencies throughout the country. To further support its AWA mandate, the USMS established the National Sex Offender Targeting Center (NSOTC) in September 2009. The NSOTC serves as an interagency intelligence and operations center supporting all levels of law enforcement with the identification, investigation, location, apprehension, and prosecution of noncompliant offenders.

IMPACTS OF THE WORK OF THE USMS

While the AWA primarily tasked the USMS to serve as support for compliance and absconder apprehension efforts in conjunction with SORNA-covered jurisdictions, findings from the field visits and analysis of ancillary data provided by USMS indicate that the agency's role has evolved over time to encompass a range of both formal and informal functions in service to SORNA's goals.

Compliance and enforcement operations

As part of its core responsibilities, the USMS assists state, local, and tribal jurisdictions in coordinating and conducting large-scale compliance sweep operations, offering needed support for law enforcement agencies with limited resources for such operations. Over three fiscal years (FY 2016, 2017, and 2018), the USMS completed a total of 1,193 compliance checks in conjunction with federal, state, local, territorial, and tribal law enforcement partners on 173,457 registrants in the US.

A consistent theme among state registry officials in our case studies was the view that USMS assistance was a critical function for registry operations, especially in pursuing difficult non-compliance cases or resourcing compliance checks that would be too burdensome for certain agencies to do on their own. As described by one

state field agent, USMS personnel were enlisted for assistance to “come in and be a force multiplier for them” during a compliance sweep.

USMS field personnel who were interviewed noted that most failure to register cases are referred to state authorities for prosecution, and therefore are not reflected in the federal prosecution statistics. Despite this fact, as noted in Figure 17, from 2009-2019 the USMS has assisted with the filing of 5,117 federal AWA cases against fugitive sex offenders. Of the 4,701 cases resulting in a disposition, 4,424 (92 percent) resulted in a federal conviction for failure to register.

Figure 16: AWA Violation Federal Case Filings and Dispositions (2009-2018)

| Year | Filings | Dispositions | |
|--------------|-------------|--------------|-------------|
| | Total | Total | % Convicted |
| 2009 | 286 | 225 | 82% |
| 2010 | 279 | 294 | 91% |
| 2011 | 466 | 301 | 90% |
| 2012 | 650 | 561 | 94% |
| 2013 | 560 | 591 | 93% |
| 2014 | 543 | 573 | 91% |
| 2015 | 528 | 486 | 93% |
| 2016 | 468 | 483 | 94% |
| 2017 | 468 | 439 | 92% |
| 2018 | 437 | 440 | 94% |
| 2019 | 432 | 398 | 94% |
| Total | 5117 | 4791 | 92% |

USMS personnel reported self-initiating the monitoring of registration activity at the local level and making offers for assistance where there has been no activity (e.g., no recent compliance check, or encourage verification of a registrant where they have generated information of potential non-compliance). However, the majority of referrals for USMS assistance come from local law enforcement agencies who need help in individual non-compliant registrant cases. One USMS study participant estimated that 95 percent of the non-compliance cases are referred from other law enforcement agencies rather than being originally identified by the USMS.

In non-compliance investigations, the USMS works to identify whether a registrant has truly absconded, or is registered in another jurisdiction and unknown to the original registering authority. During an interview with one USMS participant, he provided a recent example that illustrates the nature of initial non-compliance investigations. In this case, the investigation process began with a review of 800 cases of non-compliance, finding 80 that were potentially prosecutable for a failure to register violation, and ultimately ending up with eight cases that are actually prosecuted (or one percent of cases).

Registry personnel reported frequent contact with the USMS to provide information and analytic assistance for absconder investigations. The consensus among study participants was that they felt this reciprocal relationship with the USMS was mutually beneficial. The USMS and state and local agencies typically work collaboratively to determine how and in which jurisdiction an absconder will be charged, deferring to the state unless state lines were crossed.

Additional USMS roles

“I have the Marshals Office on speed dial.”

While investigation and enforcement operations are the overarching edict for the USMS under the AWA, the agency’s role has expanded to encompass a range of additional roles. Throughout the state case studies, the USMS was generally described by state and local registry personnel, both civilian and sworn, as a “user-friendly” agency that aims to assist and support state and local agencies in developing and maintaining their registry programs. One state registry official described, “We have actually had a pretty long, successful relationship with the Marshals.” Another stated, “There is a reciprocity, where people may be more willing to help each other out. They realize the interdependency and the need to cooperate in order to get their jobs done.”

Tribal jurisdiction coordination. Several case study participants also discussed the USMS role in facilitating coordination between states and tribal communities. Stakeholders indicated that the Bureau of Indian Affairs (BIA) has often been reluctant to perform SORNA-related duties, hindering those jurisdictions in their ability to develop and enforce SORNA codes. Registry officials identified the USMS as providing a critical bridge between the tribes and the state, including the resolution of interjurisdictional issues.

Analytic support. Another key function of the USMS in SORNA activities is the provision of information and investigation resources to state, local, and tribal jurisdictions. The USMS utilizes both formal databases and information resources to cull data (like the SEP or FBI data), but also serve as intermediaries for accessing those informal networks of collaboration that provide rich and vital data to assist with investigation and enforcement activities. Several state case study participants reported routinely sharing registry data with the USMS as part of their data analytics work.

Training and facilitation. A critical informal function with indirect but necessary outcomes is the USMS training for registry personnel and law enforcement. The trainings facilitated by USMS personnel and SOICs in their respective regions provided a vital opportunity for state, local and tribal jurisdictions engage in collaboration and bridge-building, strengthen information sharing, and be educated on legislative changes and emerging sex offender registry issues.

Funding for local operations. In addition to its investigatory function, the USMS has provided direct financial resources to jurisdictions since 2009 to support such activities as digitizing old registrant files into new registration systems and providing overtime for compliance sweeps. As one state case study participant described, “They will bring a body and a checkbook” about the USMS providing staffing and financial resources for enforcement activities. One USMS Region Chief noted routinely providing between \$2 and \$2.5 million dollars per year, and since they first started funding in 2009, they have spent approximately \$20 million. The participant indicated that the USMS tracks the expenditures and can account for how it used, and that it is particularly beneficial to local law enforcement and smaller jurisdictions who have limited resources.

AREAS FOR DEVELOPMENT

Throughout our site visits, state and local registry personnel commonly described the benefits of the developing collaborations and growing relationships between their jurisdictions and the USMS in achieving goals toward registry compliance and enforcement. However, both state-based and USMS participants cited some areas of ongoing challenge.

International Megan’s Law

The implementation of International Megan’s Law (IML) in 2016 changed the scope of registry information from national to international. The procedures for providing this information at the state level are disparate, so local registry personnel relied on USMS for assistance—which remains an unspecified process for state registry personnel. A number of state and local respondents reported forwarding international travel information to the USMS. USMS staff members who were interviewed described managing this responsibility as a challenge, again

based on the problem of incomplete information. This perception was validated by a state respondent who noted that they occasionally enter incomplete information and leave it the USMS to “sort it out.”

Prosecution of Failure to Register (FTR) cases

Achieving one of the primary responsibilities of the USMS after SORNA’s passage to facilitate prosecution of failure to register cases remains elusive. Several USMS personnel reported challenges with federal prosecutors being unwilling to consistently file failure to register cases. Registry officials, USMS personnel, and prosecutors who participated in the study noted that it typically takes a high level of evidence to have a case filed, and that there are competing demands that often place failure to register cases on the back burner. One USMS study participant described charges being filed at both the federal and state level, and moving forward with whichever prosecutor is willing to proceed with the case. However, it was noted that most cases which ultimately are prosecuted remain at the state level.

Respondents from one state expressed a concern regarding the USMS and prosecution, noting that the USMS “needs to have everything on a silver platter before they work on it.” These respondents also noted that the USMS is more focused on absconder capture and prosecution statistics, and one noted specifically, “The [USMS] do not want to get the warrant, but they want to get the number for the arrest.” This perception of the state participant reflects the policy of the USMS to defer to the originating agency to initiate the warrant but highlights a tension in the idea that the USMS does not want to do certain levels of work on prosecution cases.

Consistency across states

Although most USMS personnel recognized the reasons for inevitable variation in state SORN systems, issues of interstate consistency emerged as an important theme for some. One USMS staff member involved in the study noted,

“So like in my case, you would have somebody that was in state one that only had to register for ten years, comes over to state two has 15 years after they were convicted and then gets charged with failure to register and then they’ve got that built in defense that somebody in law enforcement told them or somebody at the courts told them they only had to register for ten years and now I am charging them with crossing state lines and not registering because they’re using our tier system.”

The call for greater consistency in SORNA implementation was inherent in the underlying tasks of the USMS. The variations across systems, policies, and laws, not to mention the idiosyncrasies within and across jurisdictions, was perceived by some as persistent challenges to interjurisdictional coordination.

SORNA GRANT FUNDING

The SMART Office manages two funding mechanisms intended to provide support for states in the implementation of SORNA requirements. The first, the Support for Adam Walsh Act (AWA) Implementation Grant Program is an annual competitive solicitation, established in 2006 as part of the AWA. The program is designed to assist jurisdictions with developing and/or enhancing programs to implement SORNA requirements. The second, the SORNA JAG Reinvestment (JAGR) program, allows states that have not been designated as having substantially implemented to reinvest the ten percent of federal JAG that would otherwise be withheld from the state, provided that these funds be utilized for purposes of advancing SORNA’s goals.

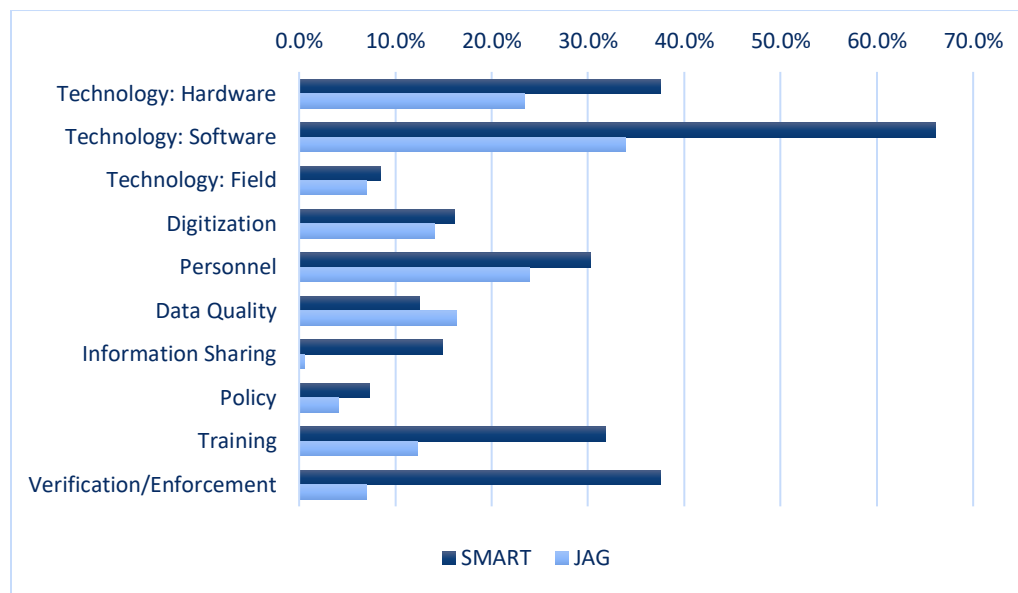
Throughout the site visits, state and local registry officials described a range of projects and initiatives that have been supported through these two funding mechanisms. To supplement the insights gained through the state case studies, the research team also undertook a thematic analysis of abstracts for projects that have been funded through these mechanisms since the programs’ establishment.

STATE USES OF SORNA GRANT FUNDS

The national analysis of grant fund uses was restricted to awards made to state and local jurisdictions within the 50 states, and did not include funding allocated to tribes or territories. The AWA grant dataset included grants awarded between 2008 and 2017. The data included 248 abstracts across 48 states, amounting to a total of \$57,451,260. The JAG funding reinvestment dataset included funding awarded between 2012 and 2017. This yielded a total of 171 abstracts across 34 states, amounting to \$29,299,625.

Researchers coded the data for uses of the grant funding as described in the abstracts. Following an initial inductive coding process aimed at identifying the uses and purposes of the funds, codes were organized into a series of thematic clusters, including those related to technology investment, training, personnel, and enforcement operations. Figure 17 provides an overview of state uses of grant funding across 12 primary categories. Following the figure, we offer a series of examples for some of the primary uses of grant funds.

Figure 17: State Uses of SORNA Grant Funds



Technology: Software

The most common use of both the AWA and JAGR funds was related to software upgrades. Over two-thirds (66%) of the AWA grants and 40 percent of the JAGR funds involved a software component.

Site visits revealed that states had outdated or deteriorating databases that could no longer efficiently support SORNA-related needs, including interfacing with other systems and capturing new data elements. One group of state registry officials described how the registration system was over a decade old and in need of a major overhaul. One participant said, “When the database was written, the iPhone didn’t exist,” reflecting how quickly technology has advanced in other arenas, but the state registry has not kept up. AWA funds were utilized to support the design and planning stages of the registry overhaul. Goals for the new system included making it more user friendly, incorporating the needs of law enforcement agencies, and providing a better interface across different systems (e.g., between NCIC and local registry systems).

Technology: Hardware

Hardware upgrades were supported through 38 percent of the AWA grant abstracts and 23 percent of JAGR funding. Common uses included installing Sex Offender Registry (SOR) kiosks and providing SOR registration tablets to local law enforcement agencies to improve the efficiency and accuracy of registration. Other jurisdictions used

funds to purchase computers, laptops, palm print scanners, and cameras to be used in local offices in registration and verification processes.

During one site visit a participant expressed, “The need for funding at the local level is huge as well.” Participants in some of the case study states described how they planned to equitably distribute their AWA and JAGR funding to local jurisdiction improvements. State officials put out a request for proposals to local agencies and then randomly selected 30 agencies and disseminated funds to support acquisition of LiveScan devices and computer hardware.

Verification/Enforcement

The third most common requested use of SORNA-related funding was for improving verification enforcement activities. While these uses comprised 38 percent of the AWA abstracts, only seven percent of the JAGR abstracts focused on this category. Verification and enforcement efforts included validating registrant information, mailing out verification forms, conducting compliance sweeps in partnership with local law enforcement, and tracking absconders.

Training

Training was another frequently occurring theme for use of grant funds, and was featured in 32 percent of AWA grants and 12 percent of JAGR funding. States often used funds to provide training to local law enforcement as well as state-level registry staff. An analysis of the grant abstract proposals and information gleaned from site visits revealed that trainings are designed to educate implementers not only on their role in registration but also the usage of various registration systems and key policy changes relating to SORNA. As registration systems expand, training users of these systems becomes important as well. A number of states have field representatives who travel to local agencies to provide this training. Several states provide training on a routine basis to address staff turnover and new management.

Funds are also used to organize annual conferences, which are attended by local agencies. Case study participants from one state explained that these conferences provide agencies with information on various aspects of the registry and identify the importance of their part in sex offender registry. Participants from another state expressed their belief that inconsistent training and high turnover are contributors to registrants “slipping through the cracks,” further highlighting the importance of regular training.

Personnel

Nearly one third (30 percent) of AWA funds and 24 percent of JAGR funds were used to support various personnel needs. This included hiring full time staff across a variety of roles, funding overtime for compliance sweeps, and temporary hires to aid in digitization efforts and system upgrades.

Several site visit states reported utilizing grant funds for personnel positions. One state used AWA grant funding to hire a prosecutor to oversee the state’s SORNA compliance efforts and to coordinate prosecutorial coordination and training. Another used funds to hire a full-time project manager who oversaw the state’s registry database vendor contract to serve as the point of contact for system users in the event of any issues. Though grant funds were only used to support a two-year contract for the project manager, the state extended the contract using their own funds. One participant explained, “So sometimes you bring people in under a federal grant and then get the state to sustain it because the value has been proven.”

Additional Categories

In addition to the aforementioned categories, funding from both the AWA and JAGR programs was commonly used for: a) supporting digitization efforts as registries transition from paper to electronic system, b) improving information sharing practices within and between states, c) conducting data quality checks on registrant data to ensure both that the information is valid and entered correctly, d) providing field agents with technology to aid in compliance efforts, and e) improving state SORN policies by reviewing proposed legislation and advocating for new legislation designed to move the state closer to SORNA compliance. In summary, states have utilized both AWA

and JAGR funding in myriad ways to improve their registration systems and maintain or improve their level of compliance with SORNA requirements.

FEDERAL INFORMATION TECHNOLOGY INITIATIVES

Integral to SORNA’s stated purpose of establishing a comprehensive national system of SORN, the DOJ has undertaken several information technology initiatives to coordinate and streamline access to sex offender information.

The demand for such federal support is driven by the disparate web of SORN systems operating across the country. Beyond the 56 independent SORN systems managed through U.S. states, territories, and the District of Columbia, over 150 systems are operated through tribal jurisdictions. These varied systems operate on a range of technology platforms, utilize varied data definitions and system protocols, and rely on thousands of local users who interact with the registry systems on a daily basis. In some states, it is also common for police and sheriff agencies to operate their own independent “shadow” systems for localized use and access, generally through private vendor contracts.

Table 8 offers an at-a-glance overview of the primary federal information technology systems and initiatives related to the achievement of SORNA’s information sharing goals.

Table 8: SORNA-related Federal Information Technology Systems and Initiatives

| System/Initiative | Description/Functions | Oversight and Management |
|---|--|---|
| SORNA Exchange Portal (SEP) | Secure web-based platform providing mechanism for inter-jurisdictional exchange of sex offender relocation information. Also includes repository of policies, forms, and state statutory information. | SMART Office, via grant with Institute for Intergovernmental Research (IIR) |
| National Sex Offender Registry (NSOR) | NCIC data file providing centralized nationwide access to registered sex offender information for use by law enforcement. | FBI Criminal Justice Information Services (CJIS) |
| National Sex Offender Public Website (NSOPW) | Web portal and companion mobile applications providing centralized access and search capabilities linked to state, territorial, and tribal public registry websites. Website also features prevention and education resources related to sexual abuse and assault. | SMART Office, via grant with IIR |
| Sex Offender Registry Tool (SORT) | Comprehensive, SORNA-compliant, and customizable registration and notification system platform freely available for use by states and territories. | SMART Office, via grant with IIR |
| Tribal and Territory Sex Offender Registry System (TTSORS) | Hosted web platform providing fully functional registration and notification systems for use by territories and tribal jurisdictions. | SMART Office, via grant with IIR |

We begin this section by focusing our attention on the functionality, capacity, and limitations of the SEP and NSOR in facilitating the inter-jurisdictional exchange of information among criminal justice agencies. These findings draw primarily from information and perspectives gathered from our interviews with federal, state, and local personnel who work with these systems, as well as supplemental data gathered from system documentation. We also briefly discuss state adoption of the Sex Offender Registry Tool (SORT), and explore this initiative’s current and potential

role in promoting SORNA's vision of greater system integration. Following this, we present data related to the functionality and utilization of the NSOPW. We conclude this section with a general summary of information sharing needs within the states, and the potential roles of federal systems in meeting those needs.

SORNA EXCHANGE PORTAL

SORNA included provisions directing the DOJ to develop software tools to support jurisdictions in implementing SORNA requirements concerning the inter-jurisdictional exchange of sex offender information. In 2008, the SMART Office launched the SEP as one of its mechanisms for addressing this mandate. The system was designed and is managed under a grant with the Institute for Intergovernmental Research (IIR).

The SEP's primary functionality is built around work units known as "relocation tasks" that are initiated by jurisdictions upon receiving indications of a registrant's intention to temporarily or permanently relocate to another jurisdiction. Beyond relocation tasks, the SEP also includes an information repository of historical state-level statute information to assist receiving states in cross-walking listed offenses from sending states.

By design, the range of required information to create a new SEP relocation task is limited. Most states provide little more than basic identifying information (e.g., name, date of birth) and brief notations involving the pending relocation, although some routinely provide more detailed information. Once a task is created, notification is sent to the receiving jurisdiction, and the relocation task is designated as "open." Tasks remain open until the receiving jurisdiction: 1) marks it as complete (i.e., the individual has successfully registered); 2) indicates that the individual has reported and been designated as not needing to register in the jurisdiction; or 3) indicates that the individual has not reported within the expected timeframe. Tasks may also be canceled by the initiating jurisdiction, typically when an individual who had previously indicated an intent to relocate remains in the jurisdiction.

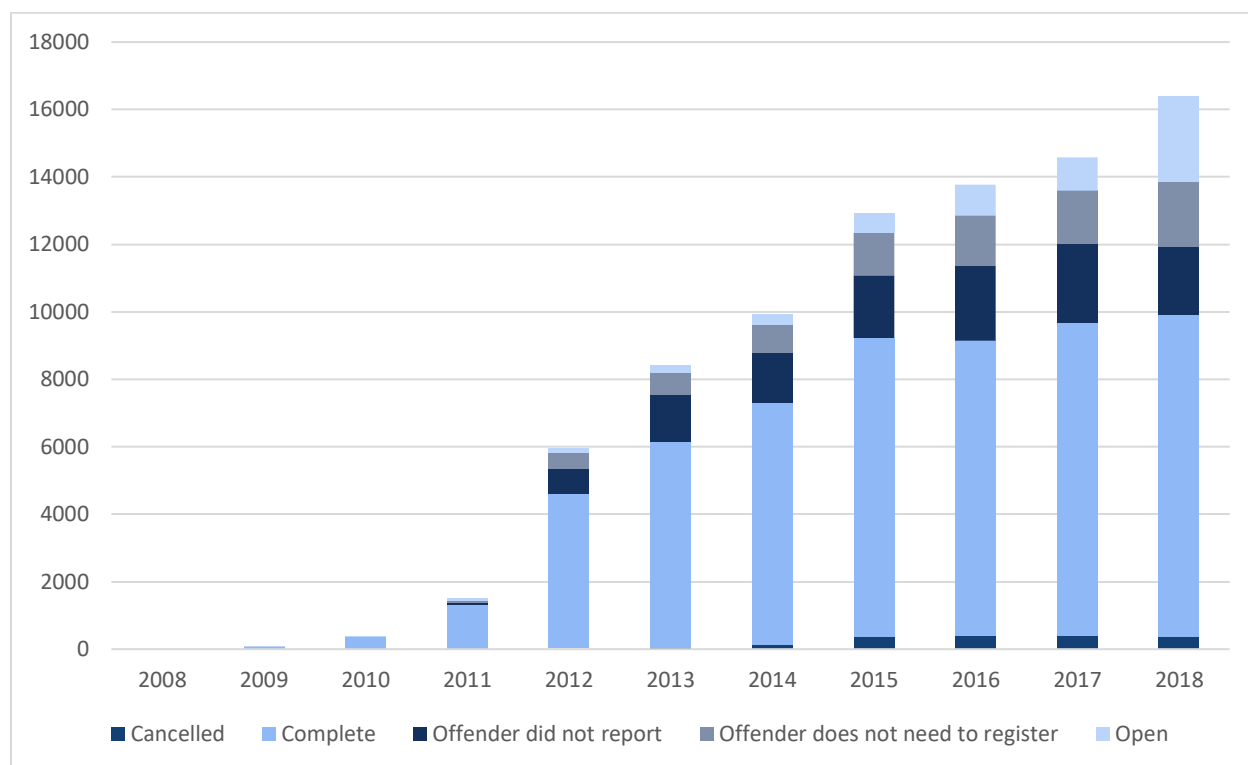
As of March 2019, states had initiated approximately 86,000 relocation tasks within the SEP, according to data provided by IIR. Figure 19 presents the overall trends in portal utilization, and the March 2019 status of the 82,939 tasks that had been initiated through the end of 2018.³⁶ Overall, the data indicate an overall pattern of increasing SEP utilization, with the number of new relocation tasks doubling between 2013 and 2018.

In general, the growth in the SEP utilization is reflective of both an increasing number of states adopting the use of the portal, as well as a growing standardization of portal use within particular states. However, although a significant majority of states regularly receive and process incoming relocation tasks, the initiation of new tasks remains confined to a limited subset. Of the approximately 16,000 relocation tasks created in calendar year 2018, over two-thirds were generated by a group of eight states, with one state alone (Florida) accounting for nearly one-third (32.6%) of new relocation tasks.³⁷

³⁶ These data only include tasks created by states, and not those created by territories and tribal jurisdictions. Additionally, tasks initiated during calendar year 2019 are not reflected.

³⁷ Others in this group of states includes Georgia, Kansas, Michigan, Missouri, Ohio, and Pennsylvania.

Figure 18: SORNA Exchange Portal Tasks Initiated 2008-2018



State SEP experiences

Interviews with state registry personnel elicited numerous insights about how the SEP is used for communicating inter-jurisdictional transfers, including some of the barriers and limitations connected with the system.

ROUTINE USE OF THE SORNA EXCHANGE PORTAL

Our sample of states included several that routinely use the SEP in their process of notifying other jurisdictions when a registrant within the state indicates an intent to relocate. These states had integrated SEP relocation tasks into their typical interjurisdictional protocol with varying strategies for optimizing information. The routine users in our sample include Florida, Iowa, Michigan, Missouri, and Pennsylvania, but other states also provided insights into the advantages they see in SEP. Many state registry personnel indicated that the portal had generally improved their work processes by providing a secured mechanism for communicating with other jurisdictions.

Missouri declared itself an early adopter of the SEP. Registry staff reported that they “have used the SORNA portal from day one and made it a priority.” Despite having the SEP fully integrated into their inter-jurisdictional procedures, registry staff pointed out the fact that they often have to complete dual entry of registry information because their system and the SEP are not yet synced.

Pennsylvania also indicated routine use of the SEP. They have at least one dedicated staff member to operate the SEP. This registry unit member initiates all outgoing tasks and does the task completions for every incoming registrant. During our interview with this staff member, she estimated that about five to ten percent of relocations are going through the SEP and the rest come via email. When she receives emails, especially from routine non-users, she creates a task in the SEP to ensure it is documented.

In Iowa, approximately two to three civilian registry staff who are typically assigned to ensure data quality of registration information also engage with the SEP. They continually check registration information coming in from

local jurisdictions and when someone indicates they are moving to another state the staff will initiate a relocation task in the SEP, as well as send a direct message through the system.

According to longtime registry staff in Iowa, this method is an improvement over their previous method of faxing information. Before the SEP, they would also email the information to other states, but found themselves redacting so much information for privacy purposes that it was likely not as helpful to the receiving state. As one registry official stated, “The portal is quick and secure.”

Michigan delegates interjurisdictional information sharing to two data quality technicians in the registry unit. These staff members manage both incoming and outgoing tasks and rely primarily on the SEP to notify other jurisdictions. According to the technicians, “The volume of people going in or out is a lot, and it is never ‘cleared out.’ We get about 100-150 [registrants] per month going in and out of [Michigan], but it depends on the month.”

Within our sample of states, the most extensive user of the portal system is Florida, which alone accounts for one-third of the newly created relocation tasks in the SEP. One registry official stated they, “strictly use the portal for sending notifications.”

When a registrant is leaving the state, an analyst from the registry unit will initiate a relocation task in the SEP and attach the Florida registration information. The Florida relocation tasks almost uniformly are accompanied with a PDF file containing a standard array of information, including details on the registrant, underlying offenses, and other relevant information. The attachment also contains a letter which establishes a point of contact within the Florida registry for jurisdictions to obtain additional information.

One state official describes the evolution of SEP use and why including such detailed information in each relocation task is essential for proper transfer of registration duty:

“When we first jumped into the portal it was like jumping into an echo chamber, but now there is a lot more traffic in there. We utilize that but we do not just utilize that, we have to have documentation. Our law says if you have to register anywhere else, you have to register here, because we did not want to have to look at each state’s laws, but because of different court rulings and case law we now look at every single one. We have close to 20,000. I think it was about 17,000 of sex offenders living in Florida now who came from out of state.”

Because of the volume of registrants coming in and out of Florida, especially in the winter, the state sees the necessity of having proper statute comparison information and include that on every case that goes out of the state. This type of paper trail eases their burden when registrants relocate between other states and Florida at multiple points.

In addition to the depth of information linked to SEP relocation tasks, Florida registry staff highlighted the efficient nature of their data exchange protocol. According to a unit analyst, the change of address is the initiating event for relocation tasks and then a structured series of data inputs follows, as described in the following fieldnote:

The analyst gets information from the sheriff’s office, then creates a letter through the database and they put the information into the portal and send it to the state. The unit staff puts in as much information into the portal as they can, in terms of travel dates and other information, so if the offender says, ‘I am going on vacation for two weeks,’ the sheriff fills out the registration form, puts it in and it gets submitted. This type of submission shows up as a change of address report and FDLE [Florida Department of Law Enforcement] runs address change reports every day so that’ll show up and FDLE will update it on their end. The Relocation Task is created here at FDLE and then it goes on. When the recipient state closes it, if they do something to it, FDLE gets a notification.

The system and the process are built to provide ample notification to necessary staff that may be involved in the oversight or data management of a registry case.

These examples highlight the potential for the SEP to be an efficient system for interjurisdictional information sharing, yet there remain some gaps that inhibit use, as described in the next section.

CHALLENGES RELATED TO SEP USE

Despite the routine uses of the SEP as described some study states, participants in all case study states also raised a number of issues related to the system's overall utility in their information sharing processes. As stated by one registry official, "The portal is like a pipe with a lot of leaks in it." Specific areas of challenge are outlined below.

Uneven use among states

Across all study states, personnel described that the inconsistent use by some states, and the non-use by others, was especially challenging for properly tracking interjurisdictional transfers. For instance, the registry personnel in Pennsylvania stated, "The portal is not used as intended and (we) would appreciate it if it was working as intended."

In one state interview, the officials described that one reason of their own uneven use, or non-use, was that they were not aware of the relocation tasks because the SEP was not synced to their system. Thus, they had no one assigned to routinely interact with the SEP. In another state, registry officials stated,

"[The SEP] factors very little into what we do. We look into it generally once a month, and look at open tasks and see if they registered. If they have not registered they will notify county to look into it. If they say [registrant] is coming here with no address, there is nothing we can do with that and we delete it from the portal."

Inconsistent follow-through at receiving end

One of the most common issues identified is the lack of consistency in following up with relocation tasks on the receiving end. Some study participants expressly stated that they do not close out SEP relocation tasks. This gap creates uncertainty from the sending state if the registrant has even relocated.

For example, in light of Florida's own streamlined system, registry staff desired more activity from other states who are receiving the relocation task, so there was clear information about its completion. As described in the below fieldnote, registry staff described the importance of the relocation task follow-through:

".....you send a task out and within three days there's supposed to be a response. Like if you ask me 'Hey, is [registrant] on your registry?' and a person from the other state say no, that does not necessarily mean the person is not in the state. So, if they are telling us that someone is not on the registry, I would like to think that part of that process is checking with local law enforcement and asking if they know the guy, rather than just checking the registry. However, I am thinking that what the system is doing is just checking if there's no record of the person in the registry."

Similarly, California registry officials also described the challenge of not knowing if someone actually showed up in the state following a relocation task. As one staff member stated, "The hard part is that we could have someone saying he is coming in August, and the offender never ends up moving over here and we do not know." Staff in another state echoed these sentiments, providing another example of not knowing the status of outgoing registrants, but on a much larger scale:

There were 800 open tasks in the portal and they looked at all those and they found six people who were not currently registered anywhere. One participant says, "It would be good if there was a reminder feature every ninety days on the part of the sending state to... [check with the receiving state to make sure the offender showed up to register]."

In another routine SEP-using state, Iowa registry staff indicated some frustration with states, especially those bordering Iowa who do not use the SEP, but nonetheless have a high frequency of relocations. Here, registry staff initiate a relocation task knowing the other state will not do anything with the information and it remains open. Because of uneven utilization of the SEP, "There's a disconnect between the number of relocation tasks that are

assigned and those that are cleared.” The primary remedy employed in cases of unreconciled relocation tasks is to rely on dedicated personnel to track cases manually and conduct direct communication, typically via email or phone call.

Sporadic/limited information

The SEP was designed as a flexible tool that could be used in accordance with each state’s work processes and available resources. In the interests of promoting adoption and utilization, the system was designed with few required fields and little standardized information. The relocation task records rarely contain information surrounding specific geographic locales or addresses, and limited information surrounding the registrant, classification level, or underlying offenses. Accordingly, SEP users within state registries indicated that the system serves primarily as a mechanism for providing “heads up” notification that a particular individual has indicated an intention to relocate to the state.

Legal constraints

Registry officials in some jurisdictions reported legal constraints to using the SEP for registrant information-sharing. For example, California elects not to use the SEP because it can be accessed by certain jurisdictions who do not have the proper law enforcement approvals (i.e., some tribes, and non-sanctioned law enforcement). A registry official describes this limitation in the following field note:

For outgoing SORNA relocation tasks, they are not using the [SEP]. This is because there are some tribes that can see all that information on the [SEP] and they are not legally allowed to share that information with them because it is confidential and the tribal parties are not approved. It is confidential criminal history information and they are precluded from providing that to non-sworn law enforcement agencies and a lot of tribal agencies are non-sworn. So, they use ‘dollar dot q’ to inform states of outgoing offenders because they know it is only law enforcement who can access it.

NATIONAL SEX OFFENDER REGISTRY (NSOR)

The NSOR is one of 21 files included as part of the NCIC, operated by the FBI CJIS. The system was deployed in the late 1990s, pursuant to the requirements set forth in the 1996 Pam Lychner Sexual Offender Tracking and Identification Act, which required the Attorney General to establish a national database at the FBI to track each person who: (1) has been convicted of a criminal offense against a minor or a sexually violent offense; or (2) is a sexually violent predator.

Under the Lychner Act, states were required to populate NSOR with appropriate information from their SORN systems. SORNA expanded the requirements related to state updates of NSOR, and these requirements are reflected in multiple areas of the SORNA standards, including those related to the immediate transfer of information (standard 1), keeping registration current (standard 8), community notification (standard 11), and reporting of potential absconders (standard 14). NSOR access is restricted to authorized criminal justice system users at the federal, state, and local levels.

NSOR functions in a manner that has been only minimally modified since its roll-out in 1999. It is essentially a flat data file designed to provide “real time” access to current records on a case-by-case basis. As such, NSOR is generally not designed for use as an analytic tool. It does not maintain historical information on registration records (for example, address changes), nor does it provide a simple mechanism for linking records on an individual offender who may be registered in more than one state. Since each state uploads information to NSOR independently, an individual who, for example, is registered in two states would therefore have two active records within the system. According to representatives of the USMS, which serves as one of the primary users of NSOR information, approximately 27 percent of NSOR registrants have multiple records in the system.

NSOR serves as a basis for systems developed by the USMS NSOTC, which receives a nightly “data dump” and repurposes the information for analytic purposes. The NSOTC generally utilizes these repurposed data for planning field-based compliance operations and supporting the field offices in absconder investigations.

Across the site visits, state registry managers and personnel viewed the requirements for uploading data to NSOR as a routine part of their responsibilities. As described in the preceding results section, registry officials in several states noted system and process improvements related to enhancing accuracy and integrity of NSOR data. Others, particularly those operating highly decentralized systems with limited capacity to control the quality of locally entered data, described a range of resource and work process challenges connected to NSOR interfaces.

When asked about their uses of NSOR in their day-to-day work, state and local registry personnel indicated that they routinely consult the system as part of their general work processes, but frequently commented on issues such as the “clunkiness” of the user interface, the sporadic reliability of the data, inconsistent use of certain data fields (particularly the “offender status” field), and the system’s limitations as a means of accessing needed information. Coupled with this, many expressed a desire for a centralized repository that could support the inter-jurisdictional flow of information, both for the routine handling of in-state and out-of-state transfers and for supporting absconder investigations.

When asked about the utility of NSOR, one state-based field agent stated, “NCIC is dilapidated, ancient. In this day and age, it’s an embarrassment.” In another state, one registry analyst who interacts with NSOR on a daily basis highlighted the system’s limitations and expressed the need for a more robust mechanism for capturing and accessing needed information. The analyst stated that the system is “antiquated” and “clunky” and questions why it requires a whole line of code when “we live in the age of HTML.”

SEX OFFENDER REGISTRY TOOL (SORT)

The Sex Offender Registry Tool (SORT) is a freely available, comprehensive, and customizable registration and notification system, developed by the SMART Office via grant with IIR. SORT is designed specifically for use by state registration agencies – a separate system known as the Tribe and Territory Sex Offender Registry System (TTSORS) was developed specifically to meet the needs of tribal jurisdictions and U.S. territories.

Calibrated to SORNA standards, SORT is designed to meet the needs of both local agencies and state-level registry agencies. The platform provides local jurisdictions with both centralized access to their state system, query and reporting functionality, and the capacity to customize their public-facing websites in accordance with local needs. For state registry agencies, the system offers capacity for workflow rules that give state registry personnel the ability to check and validate locally entered information, as well as seamless interfaces with the NSOPW, NSOR, and the SEP. States adopting the system are provided with source code that allows modifications or expansion of functionality based on state needs.

SORT was initially deployed in 2011, and as of July 2019 was operating in nine jurisdictions (eight states and Puerto Rico). The SMART Office and IIR are also in the process of completing a new Net version of SORT, scheduled for deployment in 2020, with eight additional states considering adoption of this upgraded system.

NATIONAL SEX OFFENDER PUBLIC WEBSITE (NSOPW)

In 2005, pursuant to the provisions of the 2003 PROTECT Act, the DOJ established a website designed to provide a centralized series of links to state-run public sex offender websites. The following year, SORNA designated the website as the Dru Sjodin NSOPW, and called for an expansion of the site’s functionality. Following its establishment in late 2006, the SMART Office assumed responsibility from the Bureau of Justice Assistance (BJA) for the management of the new system.

Managed by the SMART Office via a grant with IIR, the [NSOPW](#) allows users to search the public websites of all participating jurisdictions utilizing a single query, based on a range of parameters, including registrant name, state, county, city, or zip code.³⁸ Based on this query, the system searches all participating public sex offender registries

³⁸ As of 2019, the NSOPW encompassed the registry systems from all 50 states, District of Columbia, five principal territories, and 151 tribal jurisdictions.

and returns a consolidated listing of results. From this listing, users may access the corresponding records within the applicable state systems. Additionally, the system includes geographic search capabilities that allow searches by specific addresses and performance of a radius search, although this functionality is limited to a finite group of states. As of mid-2019, approximately 36 state systems had adopted the NSOPW web service containing that functionality, increasing from 30 systems as of 2015.

In 2017, the SMART Office launched applications for iPhone and Android to provide mobile access to NSOPW resources. The system was subsequently updated to a new user interface launched in July 2019. Beyond its search functionality, the NSOPW includes a section dedicated to safety and education concerning sexual abuse and assault, including information surrounding prevention, identification, and response.

NSOPW Utilization Patterns

As indicated in Figure 19, NSOPW handled just under 15 million web sessions in 2018. This volume reflected a nearly 25 percent increase over the fairly steady levels of utilization over the prior three years. Although the precise reasons for this increase are not entirely clear, there are indications from Google Analytics data that this surge in traffic is most likely attributable to utilization by businesses rather than individuals.

Figure 19: NSOPW Web Traffic, 2015-2018

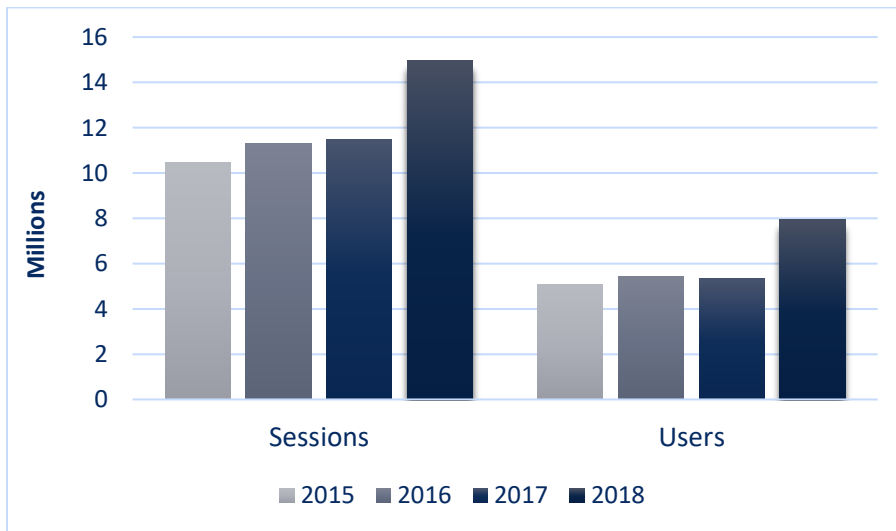
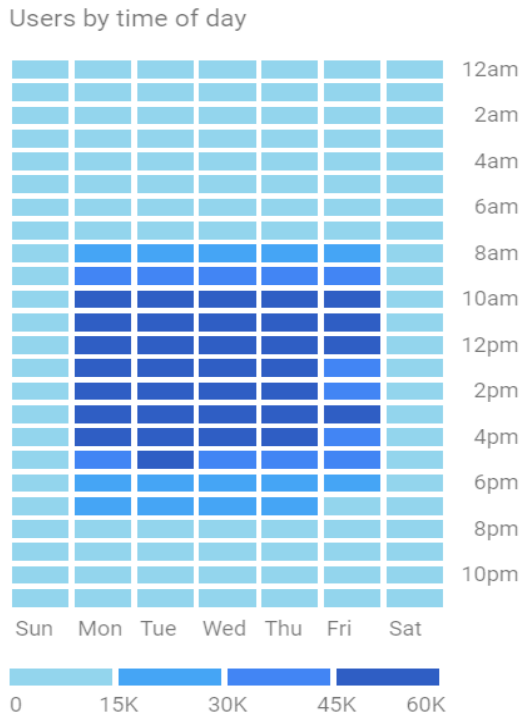


Figure 20 shows the temporal patterns of usage over a 90-day period in mid-2019. As reflected in the figure, use of the NSOPW is concentrated within standard working hours Monday through Friday, with the majority of searches taking place between 10 AM and 4 PM. Supplemental data drawn from the Google Analytics interface indicate that almost two-thirds of the web traffic on the site emanates from a limited number of Internet Service Providers (ISPs), and is concentrated within a limited group of geographic regions.

Figure 20: NSOPW Temporal Usage Patterns (May - July 2019)



Of the approximately 16 million sessions on the site between July 2018 and August 2019, approximately 3.9 million (24 percent) emanated from a single ISP operated directly by one of the nation’s largest background check companies. The surge in activity from this source began during the first quarter of 2018, corresponding with the overall increase in NSOPW traffic. Additional geographic analysis also shows a concentration of usage within a limited group of areas in Tennessee and California that are homes to other background check corporations, as well as significant levels of “off-hours” traffic emanating from India.

SUMMARY AND IMPLICATIONS FOR POLICY AND RESEARCH

The findings outlined in this report document significant progress toward SORNA's vision of a "comprehensive nationwide system" of sex offender registration and notification. They also indicate that this vision remains deeply relevant, and has been widely embraced among those involved in the day-to-day management of the nation's SORN systems. Notably, strong evidence of commitment to this vision, and to SORNA's broader public safety goals, is common across the states, independent of states' extent of alignment with SORNA standards.

At the same time, our findings identify a series of ongoing challenges related to each of these areas and offer insights that can help guide improved levels of partnership between the federal government and state and local jurisdictions. Although SORNA's broader goals as envisioned in 2006 are still highly pertinent, the conditions within the field have changed considerably. Overall, the nation's SORN systems are capturing a wider range of information, on far more registrants, and in a more consistent fashion than they were at the time of SORNA's passage. Concurrent with the growing volume of information, the interjurisdictional exchange of that information has increased exponentially, amidst a burgeoning culture of information sharing and enhanced collaboration among federal, state, and local agencies. Finally, while technological potential has not been fully leveraged, state investments in their registry platforms and in ancillary technology have offered more robust tools to manage the expanded array of information and respond to mounting resource challenges within the field.

This concluding section synthesizes our key findings, and places them into the context of both federal and state SORN policy. The section is fundamentally forward-looking, presenting considerations for policymakers as they deliberate refinements that can further SORNA's stated vision to establish a "comprehensive national system" of sex offender registration and notification. We also consider the relevance of the current study to the general body of SORN policy research and offers directions for additional research that can inform the advancement of policy in this critical area.

AREAS OF PROGRESS

PROGRESS TOWARD SORNA STANDARD IMPLEMENTATION

Although only one-third of states have received SI designations from the SMART Office, our nationwide analysis indicates significant state progress toward implementation of SORNA standards. For 13 of the 14 standard areas, at least half the states have met implementation thresholds, and for nine of the standard areas, 75 percent of states have met these thresholds. Additionally, 92 percent of states meet implementation thresholds for at least half of the 14 SORNA standard areas, and more than two-thirds meet the thresholds for ten or more standards. In total, of the 692 standard determinations made by the SMART Office, approximately 77 percent were found to be consistent with the purposes of SORNA -- a figure that has likely increased as states have continued to make adjustments in the years following the reviews that formed the basis for our analysis.

Since SORNA's passage, virtually all states have altered their policies in a manner that has contributed to bringing the nation's disparate SORN systems into closer alignment across many dimensions. Overall, implementation of the SORNA standards has:

- Enhanced uniformity in public registry website information;
- Expanded and produced greater regularity in the data elements collected across jurisdictions;
- Encompassed a broader range of registrant locations (e.g., capturing where registrants live, work, and go to school); and
- Enhanced registration requirements, including those related to timeframes for updating information, verification frequency, duration of registration, and penalties for non-compliance

Collectively, these findings suggest that many of the goals established through SORNA surrounding the strengthening of requirements within state-based SORN systems have been successfully achieved.

PROGRESS TOWARD IMPROVED INFORMATION SHARING

Looking beyond these aggregate results, findings from our case studies indicate that the process of SORNA implementation has played a significant role in the continued evolution of state-based SORN policies and practices. Although progress toward standard implementation has slowed in recent years, states' continued improvements to their SORN systems and processes has expanded their capacity for efficient flow and exchange of information within and across jurisdictions. Regardless of a state's formal implementation status (i.e., SI or NSI), all states in our study were found to have made substantive refinements to their statutes, technology, and operational practices, with many of these improvements guided directly or indirectly by SORNA requirements.

On the operational front, the SORNA implementation process has served as a catalyst for greater consistency of practice surrounding the management of offender relocations, as well as work process improvements that have expanded record digitization and enhanced the consistency of information within NSOR. Through their own resource investment, and with support from federal grant programs and the USMS, states have also refined their systems of data quality assurance, deployed field-based technology, expanded training and technical support for local jurisdictions, improved cross-system data interfaces, enhanced their methods of community notification, and expanded field-based support for compliance efforts. Throughout this analysis, we have highlighted a range of examples and model practices in these and other areas, encompassing both states that have been deemed as "SORNA implemented" and those that have not. Based on the experiences of the ten states that we visited, our findings indicate that state-based SORN systems are far more robust, reliable, and effective than they were prior to SORNA's passage.

Beyond highlighting these operational and technological improvements, our case studies identified a broader shift in orientation related to the priority of interjurisdictional exchange of information – a development that many stakeholders attribute to SORNA. Across the states, we found consistent and ample evidence of a "culture of information sharing" in which state and local agencies have worked to build more effective collaborations and modes of interjurisdictional coordination. Independent of a state's SORNA implementation status, the type of technology used, or specific state laws or policies, personnel involved in the day-to-day management of SORN systems conveyed a nearly uniform attunement to SORNA's broader vision of improved interjurisdictional coordination.

IMPACTS OF FEDERAL SUPPORT AND RESOURCES

Many of the initiatives, improvements, and enhancements referenced above have been facilitated and supported through a variety of federal resources. Since the passage of SORNA, a range of initiatives managed through both the SMART Office and the USMS have been instrumental in supporting state efforts to strengthen their SORN systems and policies.

As SORNA's central coordinating entity, the SMART Office has fulfilled a broad range of functions related to the fulfillment of SORNA's vision. Although charged with reviewing and certifying state adherence to SORNA requirements, the office has approached this task through a collaborative framework, rather than serving simply as "enforcers" of the standards. Throughout our site visits, state registry officials described the ways in which SMART Office policy advisors have worked in partnership with jurisdictions to promote forward progress toward standard implementation consistent with each state's unique circumstances.

The financial resources allocated by the SMART office, both through the competitive SORNA grant program and policies allowing non-implemented states to recapture Byrne JAG money to invest in and improve their systems, have supported ongoing improvements to state SORN systems. As reflected in both our nationwide analysis and through our case studies, these funds have been instrumental in promoting states ability to improve data quality, enhance technological capacity, improve registry enforcement, and a range of other functions connected to the achievement of SORNA's goals.

Under SMART Office auspices, a number of information technology initiatives have also been instrumental in promoting the exchange of information across jurisdictions, strengthening state-based registry systems, and

streamlining public access to sex offender information. The SEP, despite some challenges and limitations, has augmented the range of tools available to facilitate the transfer of information across states. The development of the SORT, a comprehensive, SORNA-calibrated, and freely available registration system platform for use within the states, has offered states an affordable alternative to building their own registry systems. Currently operating in nine jurisdictions (eight states and Puerto Rico), under active consideration by several more states, and in the midst of a conversion to a more flexible and accessible programming framework (.NET), the SORT system is positioned to assume a growing role in advancing SORNA's vision of promoting greater consistency of data standards and seamlessly linking the nation's disparate web of registry systems.

The Dru Sjodin NSOPW has been developed in a manner that is largely fulfilled the vision as contemplated by SORNA. Over the years, the system has enhanced its geographic search functionality, added a companion mobile application, and expanded the range of public education materials related to the prevention and identification of sexual abuse and assault. One notable finding reflected in this report pertains to the varied audiences for NSOPW information. Specifically, although the system does serve as a resource portal for the general public, it appears that the dominant users of NSOPW information are likely those using the system in a professional capacity, specifically for the performance of back ground checks on potential employees or volunteers, including those connected to youth serving organizations.

The work of the USMS, particularly through the agency's SOIB, has also been instrumental in strengthening SORN systems within and between the states. While primarily tasked with coordinating interstate compliance and absconder apprehension efforts, the USMS role has evolved over time to encompass a range of additional formal and informal functions in service to SORNA's goals. Interviews with state and local registry personnel revealed the myriad ways in which the USMS has served as a resource for state and local jurisdictions, including the provision of personnel, training resources, and funding to support compliance and enforcement efforts.

AREAS OF CHALLENGE

RESOURCE CHALLENGES

A prominent theme identified across our study sites related to the resource pressures faced by agencies charged with operating the nation's SORN systems, with both state and local stakeholders describing significant and growing "bandwidth" challenges. While the focus and extent of these pressures varied across jurisdictions, these demands may be associated with three primary sets of cost drivers - registrant population, registrant transactions, and operational activity.

Registrant population: Based on estimates from the National Center for Missing & Exploited Children, the nation's population of registered sex offenders has grown by approximately 50 percent, since SORNA's passage, from under 600,000 in 2006 to over 900,000 in 2018. Over that period, growth has been stable at between 20,000-25,000 new registrants added each year, indicating that the figure will surpass one million registrants within the next few years. Moreover, as established by prior research and confirmed by our findings, SORNA implementation has contributed to an expansion in the proportion of lifetime registrants within many states, suggesting that this population will almost inevitably compound over time. While this growth is likely to be felt across jurisdictions, it will be particularly pronounced among larger and more populous states.

Registrant transactions: Consistent with SORNA's intent, registerants are required to update a broader range of personal information, and in a more frequent and timely fashion, than they were in 2006. The associated expansion in "triggering events" requiring information updates has in turn increased average "per registrant" transaction volume, and along with this, the registry management workload demands associated with verification, data entry, and data quality assurance. Although some of these impacts have been mitigated through deployment of kiosks and related technology, the increased volume of face-to-face transactions has placed additional administrative workload demands on state agencies and local law enforcement.

Operational activity: As reflected throughout this report, SORNA has produced greater attunement to the needs associated with the interjurisdictional exchange of information, and has effectively “raised the bar” of expectations surrounding the scope and timeliness of information exchange. Coupled with this, enhanced attention to compliance enforcement and the tracking of absconders is also produced a growth in operational activity in this area. While these developments are fully consistent with SORNA’s intent, they have also come with a price tag, as state and local jurisdictions must balance these needs with other priorities.

Although these resource pressures may not all be fully attributable to SORNA, the [cost model](#) presented in our analysis illustrates how virtually all of the salient factors noted above connect in some way to SORNA standards and their implementation. The convergence of a steadily growing registrant population and an expanded range of administrative and operational requirements -- whether undertaken in response to SORNA or independently through state initiative -- has exerted growing pressure on state and local resources, and is likely to continue to do so. Managing these increasing demands is contingent on policies that support the ability of jurisdictions to effectively prioritize the deployment of personnel resources and to harness the potential of technology to mitigate some of these growing needs.

SORNA IMPLEMENTATION CHALLENGES

As noted above, states have collectively made significant progress toward the implementation of SORNA standards, with 77 percent of all SMART Office standard determinations meeting acceptable thresholds. Our findings suggest that “SORNA implementation” should be understood as more than a simple binary designation (i.e., SI and NSI states), and that most states have made considerable progress toward meeting SORNA standards, consistent with each jurisdiction’s distinctive legislative, legal, bureaucratic, and intergovernmental conditions.

SORNA implementation has different implications for each state

Findings from the nationwide assessment illustrate the diverse shape and contours of the SORNA implementation picture. Viewing the 50 states across the 14 standard areas, it is clear that each state has adopted a different approach that is calibrated to their unique jurisdictional needs. Even among the states that have achieved SI status, one can see significant differences in classification frameworks, registration reporting requirements, mechanisms for relief from registration, and other factors. Looking across the various standards, few states operate systems that are identically calibrated, even based on SORNA standards. The significant number of standards identified as “does not deserve” suggest that states have applied various pathways and mechanisms to meeting the spirit of SORNA requirements, but that each state has adopted its own parameters for managing sex offenders within that jurisdiction.

Findings from our ten state case studies offer added perspective on these cross-state differences, demonstrating how SORNA implementation is a significantly “heavier lift” for some states than others. Among those states designated by the SMART Office as SI, some were able to achieve that designation through limited incremental policy adjustments, while others required major realignments of their policies and systems. Similarly, among the NSI states, we found some with pre-SORNA policies and practices that were generally consistent with SORNA’s general framework, and others that were deeply invested in, and committed to, systems that diverge from SORNA in some fundamental ways. As a corollary, the experiences reflected in our case studies suggest that most successful movement toward implementation of SORNA standards has been incremental in scope, and that attempts at more major policy revisions have been considerably more difficult.

The SORNA implementation experiences of Michigan and Pennsylvania, as outlined in our analysis, serve as instructive case studies reflecting the challenges of implementing major changes to SORN policies. As both cases illustrate, legislative passage of “SORNA-like” statutes represent just the first step in a complex process. After making the necessary statutory adjustments and being granted SI status, these states faced a range of operational and legal issues as they set about to implement their new policies. Michigan has been precluded by federal court rulings and ongoing legal challenges from implementing key elements of its revised policy. Pennsylvania, also in response to successful legal challenges, was forced to backtrack on some of its statutory changes, and subsequently lost its substantial implementation designation. From the perspective of similarly situated states that

have to date resisted making such major SORN policy changes, these experiences illustrate some of the significant challenges and impediments that they might face in pursuing a similar path.

Remaining challenges and barriers related to SORNA standards

In the aggregate, states have met SORNA thresholds for about 77 percent of standard determinations. Moreover, our case studies identified instances in which states have continued to make modest incremental progress in areas such as expansion of reportable data elements, capturing of palm prints or DNA samples, or adjusting timeframes for updating of information. In these and similar areas, potential remains for marginal progress toward addressing some of the remaining 23 percent of variation from the standards.

However, our findings suggest that a majority of this variation is tied to a limited series of particularly challenging and persistent issues. While some are isolated and idiosyncratic, most issues are shared across multiple states and, in many instances, are deeply entrenched within state policies and practices that predated SORNA. Hence, it appears that many barriers to SORNA implementation progress may be fundamental and systemic in nature, and difficult to surmount. In terms of magnitude, three areas in particular emerge as subjects for policy consideration.

First, our findings suggest that SORNA's retroactivity provisions continue to present ongoing operational and legal challenges for many states. In the nationwide analysis, "does not substantially disserve" emerged as the modal designation for the retroactivity standard (Standard 7), covering 80 percent of all states and two-thirds (67 percent) of states that have received substantial implementation status. This finding indicates that a vast majority of states have remained unable to bring their laws into compliance with the letter of the SORNA guidelines, generally in response to constitutional considerations.

Beyond legal constraints on retroactive application of registry requirements, states have also faced a series of attendant operational challenges. In several states we visited, registry systems have established different sets of rules for varying groups of registrants, depending upon their year of conviction. This, in turn, has typically led to a confusing web of rules and requirements applied to different registrant "epochs." Collectively, these circumstances seem to call for changes in federal law that would allow the SMART Office latitude to bring this standard more in line with legal realities in states and reflective of judicial guidance that has defined the contours of state policies in this area.

A second commonly shared issue associated with persistent divergence from SORNA standards pertains to the aspects of the guidelines related to registration of juveniles. Despite a number of adjustments to the guidelines and supplemental guidance provided by the SMART Office that has enhanced state flexibility in this area, the matter of juvenile registration remains an impediment to implementation for many states. Of the 21 states that failed to meet the standard related to registerable offenses (Standard 2), all but one of these failures was, either in whole or in part, due to the state's failure to include certain juveniles within its covered population. In our case studies, states facing this challenge to implementation cited resistance among policymakers to placement of youth on the registry, particularly in the absence of some form of judicial discretion.

A third major source of deviation from SORNA requirements stems from constraints on states' ability to utilize risk-based methods for establishing certain registration requirements and/or for determining eligibility for relief from registration. While SORNA does not preclude states from utilizing risk assessment systems for certain purposes tied to registration (e.g., prioritizing compliance enforcement operations, establishing supplemental reporting requirements or community notification mechanisms), such systems cannot be applied in a manner that would override SORNA's minimum requirements tied to conviction offense. Hence, states that use non-conviction criteria to exclusively establish duration of registration, frequency of required updates, and inclusion on the public registry have generally been called upon to significantly revise their established systems in order to achieve SORNA compliance.

States within our case studies utilizing risk assessment methods for determining some registry-related requirements have generally done so strategically and in the context of a coherent public safety rationale. Washington, for example, applies risk assessment in the context of a "blended" model, which establishes the

duration of registration on conviction offense, and determines frequency of verification and the release of information to the public based on a structured risk assessment protocol. The system is widely viewed by the stakeholders as an integral element to their system and its design, and as the primary means through which local law enforcement agencies allocate and prioritize their resources, and target their efforts surrounding compliance enforcement and community notification. In Iowa, the state has integrated risk assessment into their processes related to relief from registration requirements (the state's one remaining area of deviation from SORNA standards), viewing this mechanism as a "safety valve" to address individual cases in which registration may no longer be warranted. In California, which has integrated risk scores into its registry for several years as part of its comprehensive model of sex offender management, the planned adoption of risk-based mechanisms for registration relief beginning in 2021 will help that state manage the mounting operational demands associated with managing the largest population of registrants in the nation.

In all these instances, risk-based approaches to establishing certain registration requirements have been deployed in direct service to, and not counter to, community safety objectives. Additionally, in consideration of the aforementioned resource challenges, this particular dimension of SORNA standards is viewed by many as integral to state ability to institute "safety valves" to manage the challenges of a growing registrant population.

LIMITATIONS OF EXISTING FEDERAL INFORMATION TECHNOLOGY

Since SORNA's passage, states have invested considerably in upgrading their SORN information technology platforms to capture a growing array of registrant information, improve data quality, support field-based enforcement operations, and promote interjurisdictional exchange of information. These state efforts have been enhanced through various federal initiatives, including SORNA grant programs, NSOPW improvements, and deployment of tools such as SORT and the SORNA Exchange Portal (SEP).

At the same time, however, stakeholders across the states identified multiple persistent and common information-sharing challenges, with many linked to the growing volume of interjurisdictional transfer activity. Across our site visits, state and local officials across our site visits commonly expressed the need for more efficient nationwide systems through which critical registrant information can be easily exchanged and accessed. Included among these data needs were court records, supplemental offense information (e.g., victim age), and other information needed for both law enforcement purposes (e.g., compliance enforcement, absconder investigations) and administrative purposes (e.g., determining registration requirements).

Among many stakeholders, there remains a sense that state advances in improving their information technology has outpaced those of the federal systems, particularly the NSOR. Designed as flat data file providing access to current individual records on a case-by-case basis, NSOR is widely viewed by those in the field as having minimal utility as either a reliable repository of actionable information or as an analytic and operational planning tool. Specific issues raised by field-based registry personnel included challenges with the system's user interface, the sporadic reliability of the data, constraints of certain data fields (e.g. offense fields, "offender status" field), and the system's inability to generate reports and capture and maintain historical information.

The SEP is regarded as a useful tool and resource for many in the field. However, the system was viewed by others as a "band-aid" solution that is not fully integrated with other systems for sharing and exchanging registrant information. Although the system's usage has grown, study findings indicate that its utility remains constrained by uneven use across jurisdictions, non-standardized information, and lack of local access.

In light of these limitations, many case study participants raised the need for expanded federal investments in information technology that responds to field-based operational needs. When asked about their recommendations for federal policy that would support their registry management and enforcement capabilities, several registry officials expressed a need for a centralized, shared platform that would embed "portal-like" functionality within a more informationally robust and user-friendly version of NSOR. Others raised the possibility of more decentralized frameworks, including those employing direct system-to-system data sharing protocols and distributed ledger (e.g., blockchain-based) solutions.

In this context, strategies to continue promoting adoption of the SORT system may serve as a pivotal link in promoting greater uniformity and efficiency surrounding the exchange of information, particularly if combined with uniform data exchange protocols that would allow the seamless transfer of data between states using the SORT platform. Additionally, for states that have invested in development of their own customized systems, a revitalized effort to establish shared data exchange protocols could succeed if accompanied by federally-supported technical assistance programs that might address some of the knowledge and resource gaps identified through the SIRS experience.

SUMMARY: KEY CONSIDERATIONS FOR FEDERAL POLICY

In conclusion, the developments in the information-sharing landscape over the past 14 years carry important implications for the evolution of federal SORN policy. The findings presented in this report suggest that continued progress toward SORNA's goals calls for consideration of policy strategies in four main areas:

1. The findings underscore the **critical role of federal resources and support for state initiatives and interstate enforcement efforts**. SORNA grant programs have enhanced states' technical capacity, and have been instrumental in fostering innovation, but work remains to be done at both the federal and state levels to maintain this momentum. In addition, the USMS provides a needed infusion of resources to address absconder enforcement, and has helped bridge some of the jurisdictional gaps by bringing different registration entities together. Collectively, these resources have been integral to SORNA's success, and continued federal support in these areas can promote further advancement.
2. The findings point to the need for specific **expanded federal investment in information technology** calibrated to field-based operational demands. To date, state investments in technological enhancements have generally outpaced those of the federal government. Particularly amidst growing resource demands, effectively integrating the disparate web of state SORN systems calls for federal leadership in promoting shared technological solutions, whether through investment in enhanced centralized mechanisms or facilitation of decentralized solutions. It is particularly essential that such efforts be conducted with the active input of states and other SORNA covered jurisdictions.
3. The findings offer insights that can inform **refinements to the SORNA standards**, and an attendant evaluation of the role of these standards in advancing SORNA's broader policy goals. Findings suggest that such refinements should be calibrated to advance the goals of inter-jurisdictional consistency while also recognizing the limits of standardization among the states. Specific factors to be considered include the variation in structural design of state SORN systems, differential and sometimes intractable state challenges associated with meeting certain SORNA standards, and the varied approaches and model practices that states have adopted to meeting SORNA's broader public safety objectives. Consideration should also be given to the study's finding that states' levels of adherence to current SORNA standards are largely independent of the effectiveness of state information sharing practices and state commitment to SORNA's broader vision and public safety goals.
4. Finally, findings underscore the importance of ongoing federal efforts to **build and strengthen the community of practice** among federal, state and local agencies and personnel engaged with SORN activities. The bridge-building roles assumed by both the SMART Office and USMS have been integral to promoting interjurisdictional communication, and have facilitated the sharing of model practices, and collective addressing of common challenges. Such efforts are central to states' continued progress toward SORNA's goals, and should be maintained and expanded in the years to come.

IMPLICATIONS FOR RESEARCH

In our opening review of the research literature, we challenged the prevailing framework for evaluating the public safety impacts of SORN policies, highlighting the limitations of relying solely on direct measurable reduction in levels of offending. Rather than considering policies and their impacts in a "standalone" fashion, our alternative model framed SORN policies and systems as one set of tools operating within a broader system of sex offender community management and the public safety ecosystem. As such, we suggested that the effectiveness of SORN

policies and systems is more appropriately evaluated by examining the role that they play within this larger system, rather than their capacity to produce unilateral impacts.

In putting forward our alternative model, we also challenged the common conceptualization of SORN policies as “black boxes” that operate in a uniform fashion and are circumscribed solely by their statutory parameters. The analysis contained within this report highlights the significant limitations of viewing SORN policies and systems in this fashion. Our findings underscore the substantial variation in both the ways in which policies are structured from a statutory perspective and the ways in which they are implemented on the ground. Future research examining these policies should remain attuned to these critical points of divergence across systems, and to be aimed at evaluating and assessing the relative utility and impacts of varying models and approaches to sex offender registration and notification.

In sum, the findings of this study underscore the need for future lines of inquiry that – in contrast with the “silver bullet” metric that has been applied to the evaluation of SORN policies – examine the role of SORN systems within the broader context of sex offender community management, and explore whether, and under what conditions, registration information may aid in achieving the broader goals of sex offender management and systems of public safety writ large.

A FINAL WORD

During the course of this project, the research team had the privilege of meeting and engaging with more than 150 stakeholders involved in the day-to-day management and operation of SORN systems across the United States. Although employing various approaches and models, this group was unified in its commitment to facilitating the exchange of timely, relevant, and meaningful registry information that can be effectively applied to meeting public safety objectives. Throughout this report, we have attempted to synthesize and present the wide range of perspectives and experiences that were so generously shared by these dedicated public safety professionals.

Across the states we visited, we were routinely impressed by our study participants’ remarkable level of openness and willingness to share their experiences and perspectives regarding areas of both success and challenge. Reflecting on this, it became apparent that, beyond gathering information in service to our project, we also were providing a forum for those who are on the front lines of carrying out SORN policies and whose voices are not always reflected in the policy discourse. In this report, we have done our best to bring some of those voices forward for consideration by both state and federal policymakers.

REFERENCES

- Anderson, A. L., & Sample, L. L. (2008). Public Awareness and Action Resulting From Sex Offender Community Notification Laws. *Criminal Justice Policy Review*, 19, 371-396. doi:10.1177/0887403408316705
- Bandy, R. (2011). Measuring the impact of sex offender notification on community adoption of protective behaviors. *Criminology & Public Policy*.
- Boyd, J. (2011). *Letter to Linda Baldwin, Director of SMART Office, August 17, 2011*. Austin, TX
- Boyle, D. J., Ragusa-Salerno, L. M., Marcus, A. F., Passannante, M. R., & Furrer, S. (2013). Public Knowledge and Use of Sexual Offender Internet Registries: Results From a Random Digit Dialing Telephone Survey. *J Interpers Violence*, 29(10), 1914-1932. doi:10.1177/0886260513511698
- Braun, V., & Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative research in psychology*, 3(2), 77-101.
- Center for Sex Offender Management. (2007). Enhancing the Management of Adult and Juvenile Sex Offenders: A Handbook for Policymakers and Practitioners. Retrieved from www.csom.org/pubs/CSOM_handbook.pdf
- Charmaz, K. (2006). *Constructing grounded theory: A practical guide through qualitative analysis*: sage.
- Duwe, G., & Donnay, W. (2008). The impact of Megan's Law on sex offender recidivism: The Minnesota experience. *Criminology*, 46(2), 411-446.
- Freeman, N. J., & Sandler, J. C. (2010). The Adam Walsh Act: A false sense of security or an effective public policy initiative? *Criminal Justice Policy Review*, 21(1), 31-49.
- Gaines, J. S. (2006). Law enforcement reactions to sex offender registration and community notification. *Police Practice and Research*, 7(3), 249-267.
- Government Accountability Office. (2013). *Sex Offender Registration and Notification Act: Jurisdictions Face Challenges to Implementing the Act, and Stakeholders Report Positive and Negative Effects*. Retrieved from Washington DC: <http://www.gao.gov/assets/660/652032.pdf>
- Harris, A., Lobanov-Rostovsky, C., & Levenson, J. (2016). Law Enforcement Perspectives on Sex Offender Registration & Notification: Summary Report.
- Harris, A. J., & Lobanov-Rostovsky, C. (2016). National Sex Offender Registration and Notification Act (SORNA) Implementation Inventory: Preliminary Results. *Lowell, MA: University of Massachusetts Lowell*.
- Harris, A. J., & Cudmore, R. (2018). Community experience with public sex offender registries in the United States: A national survey. *Criminal Justice Policy Review*, 29(3), 258-279.
- Harris, A. J., Levenson, J. S., Lobanov-Rostovsky, C., & Walfield, S. M. (2018). Law enforcement perspectives on sex offender registration and notification: Effectiveness, challenges, and policy priorities. *Criminal Justice Policy Review*, 29(4), 391-420.
- Harris, A. J., & Lobanov-Rostovsky, C. (2010). Implementing the Adam Walsh Act's sex offender registration and notification provisions: A survey of the states. *Criminal Justice Policy Review*, 21(2), 202-222.
- Harris, A. J., Lobanov-Rostovsky, C., & Levenson, J. S. (2010). Widening the Net The Effects of Transitioning to the Adam Walsh Act's Federally Mandated Sex Offender Classification System. *Criminal Justice and Behavior*, 37(5), 503-519.
- Letourneau, E. J., Levenson, J. S., Bandyopadhyay, D., Sinha, D., & Armstrong, K. S. (2010). Effects of South Carolina's sex offender registration and notification policy on adult recidivism. *Criminal Justice Policy Review*, 21(4), 435-458.
- Levenson, J. S., & Harris, A. J. (2011). 100,000 sex offenders missing... or are they? Deconstruction of an urban legend. *Criminal Justice Policy Review*, 0887403411415398.

- Logan, W. A. (2009). *Knowledge as power: Criminal registration and community notification laws in America*: Stanford University Press.
- Maguire, M., & Singer, J. K. (2011). A false sense of security: Moral panic driven sex offender legislation. *Critical Criminology*, 19(4), 301-312.
- Megan's Law, Pub. L. No. 104-145 (1996 May 17, 1996).
- Miller, J. (2005). *The status of qualitative research in criminology*. Paper presented at the Workshop on interdisciplinary standards for systemic qualitative research, Michele Lamont. Arlington, Virginia.
- Mustaine, E. E., Tewksbury, R., Connor, D. P., & Payne, B. K. (2015). Criminal justice officials' views of sex offenders, sex offender registration, community notification, and residency restrictions. *Justice System Journal*, 36(1), 63-85.
- National Consortium for Justice Information and Statistics. (2009). *SEARCH Survey on State Compliance with the Sex Offender Registration and Notification Act (SORNA)*. Retrieved from <http://www.search.org/files/pdf/SORNA-StateComplianceSurvey2009.pdf>
- Petteruti, A., & Walsh, N. (2008). *Registering Harm: How sex offense registries fail youth and communities*. Retrieved from <http://www.justicepolicy.org/research/1939>
- Prescott, J., & Rockoff, J. E. (2011). Do sex offender registration and notification laws affect criminal behavior? *The Journal of Law and Economics*, 54(1), 161-206.
- Sandler, J. C., Freeman, N. J., & Socia, K. M. (2008). Does a watched pot boil? A time-series analysis of New York State's sex offender registration and notification law. *Psychology, Public Policy, and Law*, 14(4), 284.
- Tewksbury, R., & Jennings, W. G. (2010). Assessing the impact of sex offender registration and community notification on sex-offending trajectories. *Criminal Justice and Behavior*, 37(5), 570-582.
- Tewksbury, R., & Mustaine, E. E. (2013). Law-enforcement officials' views of sex offender registration and community notification. *International Journal of Police Science & Management*, 15, 95-113. doi:10.1350/ijps.2013.15.2.305
- U.S. Department of Justice. (2011). *Supplemental Guidelines for Sex Offender Registration and Notification*. Retrieved from https://www.smart.gov/pdfs/SORNAFinalSuppGuidelines01_11_11.pdf
- U.S. Department of Justice SMART Office. (2016a). Global Survey of Sex Offender Registration and Notification Systems. Retrieved from <http://www.smart.gov/pdfs/GlobalOverview.pdf>
- U.S. Department of Justice SMART Office. (2016b). Substantial Implementation of SORNA. Retrieved from https://www.smart.gov/substantial_implementation.htm
- Vásquez, B. E., Maddan, S., & Walker, J. T. (2008). The influence of sex offender registration and notification laws in the United States: A time-series analysis. *Crime & Delinquency*, 54(2), 175-192.
- Wright, R. G. (2003). Sex offender registration and notification: Public attention, political emphasis, and fear. *Criminology & Pub. Pol'y*, 3, 97.
- Zevitz, R. G. (2006). Sex offender community notification: Its role in recidivism and offender reintegration. *Criminal Justice Studies*, 19(2), 193-208.
- Zgoba, K., Veysey, B. M., & Dalessandro, M. (2010). An analysis of the effectiveness of community notification and registration: Do the best intentions predict the best practices? *Justice Quarterly*, 27(5), 667-691.
- Zgoba, K. M. (2004). Spin doctors and moral crusaders: the moral panic behind child safety legislation. *Criminal Justice Studies*, 17, 385-404. doi:10.1080/1478601042000314892

APPENDIX A: CASE STUDY STATE PROFILES

STATE PROFILE: ALABAMA

BACKGROUND OF REGISTRATION AND NOTIFICATION IN ALABAMA

Alabama first passed legislation requiring individuals convicted of qualifying sexual offenses to maintain registration in 1967. The following description highlights some of the legislative changes that have taken place in the state over the years. At the time of the original legislation, the registration requirement applied to a limited number of offenses. This initial registration mandate remained largely unchanged until 1996, when the state enacted the Alabama Sex Offender Registration and Community Notification Act (ASORCNA).

In 1999, the Community Notification Act was amended to create several new code sections, including a section for juvenile offenders. The following year, additional amendments were made pertaining to residence and employment restrictions. Several more bills were passed over the following years to revise and amend Alabama's sex offender registration and notification processes. In 2011, Alabama became compliant with the requirements of the Adam Walsh Act with Senate bill 296. Following additional legislative changes in subsequent years, Alabama created AnnaLyn's Law in 2018.

Alabama has experienced few successful challenges to its sex offender registration and notification laws. These rulings address issues of ex post facto and due process, including the labeling of "sex offenders" on state identification cards.

CURRENT REGISTRATION AND NOTIFICATION REQUIREMENTS

Alabama currently operates an offense-based, single-tiered registration system. All individuals convicted of qualifying sexual offenses are required to maintain lifetime registration and verify their registration information with local law enforcement on a quarterly basis. A statewide residence restriction prohibits adult registrants from residing within 2,000 feet of a school, childcare facility, resident camp facility, former victim's residence, or the residence of a victim's family members. Registrants are also prohibited from residing with a minor unless the minor is the registrant's child, stepchild, grandchild or sibling.

Juveniles convicted of sexual offenses are also required to maintain registration and submit to risk assessments. However, the registration requirement for juveniles may be waived by the court and juvenile information is not made available to the public via the online registry. Out of state registrants establishing residence in the state or accepting employment or enrollment must immediately report to local law enforcement in the county of residence, employment or enrollment.

Qualifying registrants may petition for relief from registration requirements if the victim of the offense was above the age of 13, was not more than four years younger than the registrant, and the qualifying incident did not involve force.

Community notification is conducted by local law enforcement who are required to notify all community members residing within 1,500 feet (this distance may vary across cities and pertains only to notification) of the declared residence of a registrant. The Alabama Law Enforcement Agency (ALEA) also maintains a public registry website, through which members of the public may gain access to registrant information.

Registration Process

Local law enforcement officials conduct registration and verification for registrants and forward the information and relevant forms to ALEA. Upon conviction or release from incarceration for a sexual offense, individuals must immediately report to the local law enforcement agency or county sheriff where they intend to reside. Local law enforcement initiates registration in their locally operated OffenderWatch system as well as complete paper forms that will be sent to the Sex Offender Registry Unit. County Sheriffs also collect this information and enter it into or verify it in the system.

While local law enforcement use OffenderWatch, Alabama's current state-level registry system is called ALEAnet 4.7. After receiving hard copy forms by mail, registry staff enter the new registrations into ALEAnet's pending work queue. Registry staff at ALEA go through each new record in the pending queue and ensure that the information fields align with National Crime Information Center (NCIC) reporting requirements. ALEA staff also geocode every address, using a geocoding tool provided by the SMART office. On a nightly basis, updates to registry information in ALEAnet are synced to NCIC. After approving the new record for publication on NCIC, registry staff also print out a copy of each new record and file it for the duration of the registrant's life.

Registered Sex Offender Population

As of August 2018, Alabama's sex offender registry database contained information on 21,125 registrants. 15,504 of these were active registrants. This includes 13,599 adult registrants, 1,368 juvenile registrants, and 314 youthful offenders (adjudicated delinquent and under the age of 21). 13,297 registrants were residing in the community, while 2,207 were incarcerated. Additionally, 176 registrants were declared non-compliant and 1,519 were deceased. See Table 3 in appendices below for more information.

REGISTRY STRUCTURE AND INFORMATION FLOW

Registration information is maintained by the Alabama Sex Offender Registry Unit which is housed under the State Bureau of Investigation in the Alabama Law Enforcement Agency (ALEA).³⁹ ALEA was established in 2013, by Senate Bill 108, through the consolidation of 12 different law enforcement agencies and functions. Among its units is the State Bureau of Investigation, which further consists of three separate divisions: Criminal Investigation, Criminal Justice Services, and the Alabama Fusion Center. The Sex Offender Registry is maintained by the Criminal Justice Services Division, along with the Compliance & Incident Reporting Units, Criminal Records Identification Unit, and the Latent Print Unit.

Additionally, the Office of Prosecution Services (OPS), which is not housed under ALEA, provides support to the registry and serves as a resource for law enforcement, prosecutors and the general public, regarding SORNA. OPS has served a central role in implementing the requirements of SORNA in the state and helping Alabama to meet the criteria for substantial implementation.

ALABAMA AND SORNA IMPLEMENTATION

Alabama received a substantial implementation designation by the SMART Office in 2011. Table 2 provides a brief overview of the state's implementation status for each standard. The state currently meets all requirements for 11 of the 14 SORNA standards and has adopted provisions that do not substantially disserve the requirements of the remaining 3 standards. The following description summarizes the 2011 review but does not reflect the changes that Alabama has subsequently made to their sex offender registration system.

Alabama exempts community notification requirements for certain youthful offender's if adjudicated for rape in the second degree. This provision does not substantially disserve SORNA requirements, according to SMART. Additionally, the state deviates from SORNA's retroactivity requirements by only requiring juvenile and youthful offender adjudicated after July 1, 2011 to comply with SORNA requirements. Lastly, the state deviates from SORNA's community notification requirements as notification is not provided when a registrant begins employment or attendance at a school in a jurisdiction.

³⁹ <https://app.alea.gov/Community/wfSexOffenderSearch.aspx>

Alabama Implementation of SORNA Standards

| Section | SORNA Status | Variation(s) from Standards |
|--|--------------|---|
| I. Immediate transfer of information | M | N/A |
| II. Offenses that must be included in the registry | DSND | State may adjudicate an offender as a youthful offender and the sentencing court may exempt said offender from community notification if adjudicated delinquent of rape in the second degree. |
| III. Tiering of Offenses | M | N/A |
| IV. Required Registration Information | M | N/A |
| V. Where registration is required | M | N/A |
| VI. Initial Registration: Generally | M | N/A |
| VII: Initial Registration: Retroactive classes of offenders | DSND | State deviates from SORNA's retroactivity requirements by requiring youthful offenders and juveniles adjudicated delinquent prior to the enactment of AL's sex offender registration and notification act to register for 10 years from the date of release while those adjudicated after July 1, 2011 are required to register per SORNA requirements. |
| VIII: Keeping the registration current | M | N/A |
| IX: Verification/ Appearance Requirements | M | N/A |
| X: Registry Website Requirements | M | N/A |
| XI: Community Notification | DSND | State does not provide notification when an offender begins employment or school attendance in a jurisdiction per SORNA requirements. |
| XII: Failure to register as a sex offender: state penalty | M | N/A |
| XIII: When a sex offender fails to appear for registration | M | N/A |
| XIV: When a jurisdiction has information that a sex offender may have absconded | M | N/A |

SMART Office Review conducted in 2011

M – Meets All Requirements

DSND – Does Not Substantially Disserve Requirements

DNM – Does Not Meet Requirement

Alabama Registered Sex Offender Population

| | Total | Active | Adult | Juvenile | Youthful Offender | Non Resident | Incarcerated | Residing in Community | Non Compliant | Inactive | Deceased |
|----------------------|--------|--------|--------------------|--------------------|--------------------|--------------------|--------------------|-----------------------|--------------------|--------------------|--------------------|
| December 2006 | 7,978 | N/A | Info not available | Info not available | Info not available | Info not available | Info not available | Info not available | Info not available | Info not available | Info not available |
| December 2007 | 9,459 | N/A | Info not available | Info not available | Info not available | Info not available | Info not available | Info not available | Info not available | Info not available | Info not available |
| December 2008 | N/A | N/A | Info not available | Info not available | Info not available | Info not available | Info not available | Info not available | Info not available | Info not available | Info not available |
| December 2009 | 11,658 | 11,277 | Info not available | Info not available | Info not available | 125 | 589 | 10,688 | 6 | 4 | 252 |
| December 2010 | 12,922 | 11,274 | Info not available | Info not available | Info not available | 753 | 1,045 | 10,229 | 74 | 415 | 480 |
| December 2011 | 14,033 | 11,495 | Info not available | Info not available | Info not available | 1,377 | 1,318 | 10,177 | 245 | 530 | 631 |
| December 2012 | 15,174 | 11,876 | Info not available | Info not available | Info not available | 1,901 | 1,424 | 10,452 | 468 | 591 | 806 |
| December 2013 | 16,556 | 12,784 | Info not available | Info not available | Info not available | 2,144 | 1,833 | 10,951 | 300 | 680 | 948 |
| December 2014 | 17,546 | 13,371 | Info not available | Info not available | Info not available | 2,359 | 1,897 | 11,474 | 154 | 739 | 1,077 |
| December 2015 | 18,544 | 14,040 | Info not available | Info not available | Info not available | 2,524 | 2,050 | 11,990 | 138 | 809 | 1,171 |
| December 2016 | 19,577 | 14,700 | Info not available | Info not available | Info not available | 2,696 | 2,146 | 12,554 | 154 | 874 | 1,307 |
| December 2017 | 20,548 | 15,192 | Info not available | Info not available | Info not available | 2,883 | 2,131 | 13,061 | 167 | 1,048 | 1,425 |
| August 2018 | 21,125 | 15,504 | 13,599 | 1,368 | 314 | 3,007 | 2,207 | 13,297 | 176 | 1,095 | 1,519 |

STATE PROFILE: CALIFORNIA

BACKGROUND OF REGISTRATION AND NOTIFICATION IN CALIFORNIA

California established sex offender registration in 1947, codified under Penal Code § 290.46, becoming the first state in the United States to do so. The following description highlights some of the legislative changes that have taken place in the state over the years. In 1994, the legislature passed a new law requiring the California Department of Justice to establish a telephone line for public inquiries regarding sexual offenders. In 1996, California enacted Megan’s Law, which authorized the California Department of Justice to notify the public about certain registrants who were deemed high risk or serious.

In 1999, the legislature applied registration requirements to any out-of-state residents who had been convicted of a sexual offense and were employed in California. It also required individuals who had multiple residential addresses to register in each jurisdiction. The same year, Senate Bill 1275 required registrants to report any and all work information to the registry. This information is updated annually or upon any changes to employment. However, the registrant’s employer information could not be made available to the public.

California has experienced some substantial challenges to its sex offender registration law in recent years. Registry staff mentioned two particularly significant rulings, which impacted registration processes in the state. In *People v. Mosely* (2010), the defendant, Mosely, appealed the registration decision, arguing that the judge, and not a jury made the finding and that the residency restrictions imposed on registrants as a result of Jessica’s Law are punitive and constitute a criminal penalty. The Court of Appeals ruled in his favor and found the registration requirement to be invalid. The California Supreme Court found that the residency restriction did not constitute a punishment for the purposes of the case and further held that a registration order unsupported by jury findings is not deemed invalid. The California Supreme Court, therefore, reversed the Appeal Court’s decision.

In *In Re Taylor* (2015), the California Supreme Court concluded that blanket enforcement of the residence restriction to all parolees in San Diego is a violation of registrants’ right to be free of arbitrary and oppressive action, and is, therefore, unconstitutional. While the parole board retains the authority to impose restrictions on individual parolees, a blanket application of the residence restriction does not serve to enhance the safety of minors.

CURRENT REGISTRATION AND NOTIFICATION REQUIREMENTS

California currently maintains a “single-tier” registry system, with most individuals required to register for life. Registrants are subject to annual verification, except those designated as sexually violent predators who must verify their information every 90 days, and transient registrants who are required to report for verification every 30 days. Sexually violent predators and those designated as serious paroled sexual offenders are prohibited from residing within 1/4th of a mile of schools.

Juveniles adjudicated for qualifying sexual offenses are also subject to registration. Out-of-state registrants must also register in California within five days of establishing residence or beginning work or school in the state. Individuals convicted of minor sexual offenses whose charges were dismissed may obtain a Certificate of Rehabilitation, which absolves them of their duty to register. In the case of serious offenses (e.g. offenses involving a minor or in the case of multiple offenses), only a gubernatorial pardon may relieve an individual of the duty to register.

In most cases, the probation department conducts risk assessments on individuals convicted of sex offenses prior to sentencing. Probation departments are required to provide risk assessment and modus operandi information to the California Department of Justice. Registrants’ risk is reassessed prior to release from incarceration and risk information is made available to the public for certain registrants. Individuals sentenced to parole or probation must also participate in the state’s containment model, whereby they are required to undergo polygraph tests,

treatment with certified providers, and additional risk assessments. Risk level does not currently impact community notification.

In 2021, California will undergo a major revision to the registry system pursuant to SB-384. After the implementation of the new registration system, the state will operate a three-tiered, offense-based registry. Tier I registrants will be required to register for a minimum of 10 years, Tier II registrants for a minimum of 20 years, and Tier III registrants will be required to register for life. Juvenile registration will also be tiered under the new system with Tier I requiring a 5-year registration period and Tier II requiring a minimum registration of 10 years. Under the new registration system, risk assessment information will be taken into consideration for community notification, and Tier I and Tier II registrants who meet certain requirements may petition for relief from registration.

Registration Process

Prior to release from incarceration, individuals are required to complete a pre-registration. During this process, the California Department of Corrections and Rehabilitation (CDCR) provides a form for the registrants to fill out, which is mailed to the Sex Offender Registration Unit and the local jurisdiction where the registrant is expected to reside. The Department of Justice handles all data entry into the California Sex and Arson Registry (CSAR). Upon receipt of the pre-registration form, registry staff enter registrant information into CSAR and send a copy of the form to local law enforcement where the registrant intends to reside. This pre-release process does not constitute registration, rather the goal of is to inform individuals of their registration duties and notify local law enforcement of the individual's pending registration duty. Upon release from incarceration, individuals must report to local law enforcement to complete registration.

The California Sex and Arson Registry (CSAR) is maintained by a dedicated IT unit, within the Department of Justice. The system was developed by the IT unit and implemented in 2010. In addition to CSAR, the registry unit also utilizes the CalPhoto Image Vault (CPIV), the state's image database for mugshots. The CPIV interfaces in real time with CSAR and the Justice Identity Management System (JIMS), a database of staff user accounts and credentials. New users submit a user agreement to JIMS in order to gain access to CSAR. JIMS also provides access to other criminal justice systems including JADE, CalPhoto, and the Automated Criminal History System (ACHS).

The registry system receives information from multiple external database feeds. CDCR provides daily incarceration/release information and risk assessment information on a monthly basis. The registry system also interfaces with the Department of Motor Vehicles (DMV) on a daily basis to sync license suspension, address change, and death information. Registrant name changes are also obtained through the DMV feed. Another monthly feed with the Multi-Health Systems (MHS) provides the registry system with hospital information.

CSAR provides data to the public Megan's Law website. Depending on the offense of conviction, a registrant's full address may be listed on the public site. Most listed registrants on the public site fall into the "Full Address" category. Information on "Zip Code Only" and "No Post" registrants is only available for law enforcement and authorized JIMS users to access. In addition to providing information to the public site, CSAR also provides information to the National Sex Offender Registry (NSOR), the National Crime Information Center (NCIC) and the telecommunications system. Updates to these systems are made in real time.

Registered Sex Offender Population

As of May 2018, there are 106,118 registrants in California, excluding those who were convicted out of state. 77,199 of these registrants are currently residing in the community and 6,616 are considered transient. The registry categorizes registrants based on the level of information made available on the public website. 62,814 registrants are categorized as "Full Address" registrants, indicating that their full address is available on the registry. 13,822 registrants are classified as "Zip Code" posts, meaning only their zip code is available to the public. A third category of registrants, which includes juveniles, are those whose information is not posted to the public registry site. Employment and vehicle information is not made available to the public for any registrants.

REGISTRY STRUCTURE AND INFORMATION FLOW

The California Sex Offender Registry is housed under the California Department of Justice in the Bureau of Criminal Identification and Investigative Services – Identification and Registration Branch.⁴⁰ The registry is divided into two primary sections, which are each further divided into two subunits. The Registration Resource Center and Records Management section houses the Registration Resource Unit and the Records Management Unit. The Assessment Section houses the Assessment Unit and the Risk Assessment and Record Validation Unit. The registry is also supported by a dedicated Information Technology (IT) unit housed under the California Sex and Arson Support Section.

CALIFORNIA AND SORNA IMPLEMENTATION

The California Department of Justice submitted a substantial implementation packet to the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) in January of 2015. Table 1 provides a brief overview of the state’s implementation status for each standard. The SMART Office determined that California’s current registration system meets all requirements for 3 of the 14 SORNA standards and has adopted provisions that do not substantially disserve requirements for 4 additional standards. However, the state did not meet requirements for the remaining 7 standards and is, therefore, not deemed substantially implemented. The description below summarizes the 2015 review but does not reflect the changes that California has subsequently made to their sex offender registration system.

California did not meet requirements for Standard I due to the state’s privacy laws. SORNA requires registration information to be sent to all other jurisdictions where an individual is required to maintain registration. However, California privacy laws prohibit sending registration information to certain tribal jurisdictions who do not have clearance by NCIC. California only requires certain juveniles adjudicated delinquent to register as sexual offenders. The list of offenses requiring juveniles to register in California does not encompass the registration requirements put forth by SORNA Standard II. For Standard VIII, the state does not require immediate updates for certain types of information or a 21-day advance notice of international travel, nor does the state provide advance notification of international travel to the US Marshals, as required by SORNA.

Additionally, California bases its quarterly registration requirements partly on a risk assessment, rather than entirely on offense of conviction, thereby failing to meet requirements for SORNA Standard IX. Depending upon the offense of conviction, the state displays varying levels of registrant information on the public registry site. As a result, certain types of information are not displayed on the public registry site, as required by SORNA under Standard X. SORNA also requires dissemination of initial and updated registration information to members of the community. While California does update its public registry site with new and updated information, there is no systematic method of community notification for initial and updated registrations, as required by Standard XI. Lastly, California does not have a standard practice to investigate instances of noncompliance by registrants, as required by SORNA under standard XIV.

⁴⁰ <https://www.meganslaw.ca.gov/>

California Implementation of SORNA Standards

| Section | Status | Variation(s) from Standards |
|--|--------|--|
| I. Immediate transfer of information | DNM | State does not send registration information to certain tribal jurisdictions (due to privacy laws). SORNA mandates registration information to be sent to all other jurisdictions where the offender is required to maintain registration |
| II. Offenses that must be included in the registry | DNM | State does not require certain adjudicated delinquent juveniles to register, as required by SORNA |
| III. Tiering of Offenses | M | N/A |
| IV. Required Registration Information | DNSD | State does not require collection of a photocopy of offenders' license, copies of passports and immigration documents, professional licensing information, temporary lodging information and certain types of vehicle information, as required by SORNA. |
| V. Where registration is required | DNSD | State requires non-resident sex offenders employed or working in the state to register only if required to register in their state of residence, compared to SORNA's requirement of registering all non-resident offenders |
| VI. Initial Registration: Timing and Notice | DNSD | State requires offenders who are sentenced but not incarcerated to provide proof of registration within 6 working days, compared to SORNA's stipulation of a 3-day window to register. |
| VII: Initial Registration: Retroactive classes of offenders | M | N/A |
| VIII: Keeping the registration current | DNM | State does not require immediate updates of certain types of information, as required by SORNA; state does not require 21-day notice of international travel and does not provide intended travel information to US Marshals, as mandated by SORNA |
| IX: Verification/ Appearance Requirements | DNM | Certain offenders are required to verify on a quarterly basis. However, this is partly based on risk determination, rather than solely on offense of conviction. |
| X: Registry Website Requirements | DNM | State does not follow SORNA requirements for publishing certain registration information, instead, state displays different amounts of information, depending upon offense of conviction |
| XI: Community Notification | DNM | State does not have a system of proactive community notification for initial offender registrations or updates, as required by SORNA |
| XII: Failure to register as a sex offender: state penalty | DNSD | First failure to register offense does not trigger a sentence of one year or longer, as set forth in SORNA. However, subsequent FTR offenses do trigger such a sentence. |
| XIII: When a sex offender fails to appear for registration | M | N/A |
| XIV: When a jurisdiction has information that a sex offender may have absconded | DNM | State lacks one standard policy to investigate registration noncompliance, local registries have individual practices for handling noncompliance |

SMART Office review conducted in 2015

M – Meets All Requirements

DNSD – Does Not Substantially Disserve Requirements

DNM – Does Not Meet Requirements

STATE PROFILE: FLORIDA

BACKGROUND OF REGISTRATION AND NOTIFICATION IN FLORIDA

Florida's registration and notification statutes are primarily codified under Title XLVII (Title 47), Chapter 943. Additional registration requirements are found in Chapter 944 and laws regarding sexual predators are codified under Title XLVI, Chapter 775. The following description highlights some of the legislative changes that have taken place in the state over the years. Florida first began requiring individuals convicted of sexual offenses to register in 1993. At the time, the registry was primarily used for law enforcement purposes and only individuals deemed sexual predators were required to register. In 1995, registrant information was made available to the public via an online registry for the first time.

In 1997, the legislature tasked the Florida Department of Law Enforcement (FDLE) with maintaining the state sexual offender registry. The same year, the state also made significant revisions to the original legislation and provided new registration and notification requirements. Post office boxes could no longer be used as an address for registration and individuals residing in mobile homes, trailers, motor vehicles or manufactured homes would need to provide additional information to law enforcement. This included vehicle information and a description of their residence. The same applied to registrants who resided on vessels and houseboats. Registrants intending to relocate were now required to notify the Sheriff in their area of residence 48 hours before the move. The Sheriff was responsible for reporting this information to the Department of Law Enforcement, who would notify local law enforcement in the jurisdiction the registrant planned to move to. The Department of Law Enforcement was also tasked with creating a system to verify addresses of all nonincarcerated sexual predators and offenders. Several other changes have been made to enhance the state's SORN statutes in subsequent years.

CURRENT REGISTRATION AND NOTIFICATION REQUIREMENTS

All persons convicted of a qualifying sex offense are subject to lifetime registration in Florida, but the frequency of registration (biannual or quarterly) is dependent on their conviction offense, making it a single-tiered registration system. There is a statewide residence restriction of 1000 feet depending on conviction offense and date of conviction in Florida. Additionally, municipal ordinances, probation restrictions or court orders may impose such restrictions. However, residency restriction are not a function of registration and do not apply to all those required to register.

Juveniles who were 14 years of age or older at the time of offense and adjudicated delinquent for a qualifying sex offense must maintain registration as a sexual offender. Any juveniles convicted as an adult for a qualifying sexual offense are also required to register for life. Out of state registrants are required to report to law enforcement within 48 hours of establishing temporary, permanent or transient residence in Florida. Registrants with certain convictions can seek relief through the courts from the requirement to register after twenty-five years from their release from sanctions date. Additionally, the state does have a designation for sexual predators, which applies to individuals convicted of sexually violent offenses or those civilly committed under the Florida Jimmy Ryce Sexually Violent Predator Act. In either case, individuals must also have a written court order designating them as a sexual predator.

While risk assessments are conducted as a requirement of the courts for civil commitment procedures and determinations, they are not used to determine registration requirements. All registrants are subject to the same rules and procedures, regardless of risk assessment scores. The default registration frequency is biannual, with some sexual offenders required to register quarterly, depending on their conviction offense; all sexual predators are required to report on a quarterly basis. Registrants are required to report to the Sheriff's office within 48 hours of release from incarceration. Community notification is primarily conducted through the state registry website. Members of the public may also sign up for email notifications through the Florida Offender Alert System. Local

law enforcement may conduct additional public notification in a variety of ways – this is mandatory for sexual predators and authorized for all others.

Registration Process

Registration information is reported to FDLE through several channels, including the Department of Corrections (DOC), Department of Juvenile Justice (DJJ), the Department of Highway Safety and Motor Vehicles, and local law enforcement. Initial registration is completed at Sheriff's offices or the DOC or DJJ and forwarded to the SOR Unit. In the case of new registrants coming into the system through the Department of Corrections, information is sent to FDLE upon conviction. A record is then created in the FDLE system at the time of sentencing, even if the registration period has not yet begun. Before individuals are released from incarceration, the DOC requires them to sign a registration form, which is then sent to FDLE. DOC also sends FDLE a nightly transfer of information identifying individuals that have been released and/or are now under supervision. Upon release, individuals are required to report to the Sheriff's Office within 48 hours to complete an initial registration. All registrations are electronic and updated in the FDLE system in real time. FDLE then verifies that the registrant address is mapped correctly. FDLE is responsible for creating records for out-of-state registrants and obtaining their information from the originating state.

Registrant Population

Over a ten-year period, the registry has seen a 52% increase in the registrant population. As of 2015, there were a total of 67,167 registrants in Florida. 55,981 of these registrants are classified as sexual offenders and 11,186 are deemed predators. See Table 5 in appendices for more information.

REGISTRY STRUCTURE AND INFORMATION FLOW

The Florida Sex Offender Registry is maintained by the Florida Department of Law Enforcement (FDLE), housed under the Office of Statewide Investigative Services, Enforcement and Investigative Support (EIS) Bureau, in the FDLE Investigations and Forensic Sciences Division.⁴¹ Within EIS, one supervisor oversees the registration and data management unit. This unit conducts primary registry operations, oversee all databases, and acts as a liaison with the Information Technology (IT) department to communicate registry system needs and issues with IT. A team of analysts field phone calls, conducts quality control checks and provides information to other units regarding potential violations.

There is a dedicated Absconder Unit, which handles all cases of absconded registrants. Absconder Unit staff members work with local law enforcement to locate individuals who have absconded. The Absconder Unit contains four Regional Inspectors, who oversee Miami, Fort Myers, Polk County, and the Tampa area.

Another unit within the division is the Policy and Case Analysis Team (PCAT). PCAT conducts reviews for cases of uncertainty regarding a qualifying offense and duty to register. For instance, individuals relocating to Florida who were not required to register in their originating state may have their cases reviewed by PCAT to determine registration requirements. One other unit housed with the registry handles administrative business and two units are involved with missing person cases.

FLORIDA AND SORNA IMPLEMENTATION

In 2009, Florida submitted a substantial implementation package to the SMART office. Table 4 provides a brief overview of the state's implementation status for each standard. The state currently meets requirements for 12 of the 14 SORNA standards and has provisions that do not substantially disserve requirements for 2 standards. The

⁴¹ <https://offender.fdle.state.fl.us/offender/sops/home.jsf>

following description summarizes the 2009 review but does not reflect the changes that Florida has subsequently made to their sex offender registration system.

Florida does not place certain statutes within the minimum tiering structure per SORNA requirements. The state also includes only certain recidivists as sexual offenders. These divergences were accepted by SMART as not substantially disserving the requirements of Standard IV regarding tiering of offenses. With SMART Office approval, the state also permits registrants to report changes of employment online and only requires registrants to immediately update permanent, temporary, and transitory residences lodging and vehicle information. Email and instant message addresses must be reported within 48 hours of (initial) use. Per Standard IX, SORNA requires employment changes to be reported in person and immediate updates for email addresses, instant message addresses and any other internet or telephone related designations. Florida's system allows registrants who are not under the supervision of DOC or DJJ to register this information either by reporting in-person to the local sheriff's office or via a secure online system. All changes must be reported within 48 hours after the change, regardless of the reporting method. SMART has deemed these changes as not substantially disserving requirements and therefore, acceptable.

Florida Implementation of SORNA Standards

| Section | Status | Variation from Standard(s) |
|--|--------|---|
| I. Immediate transfer of information | M | N/A |
| II. Offenses that must be included in the registry | M | N/A |
| III. Tiering of Offenses | DNSD | State does not place certain statutes within minimum appropriate SORNA tiers; state also only includes certain recidivists as sexual offenders, which does not fully meet SORNA requirements |
| IV. Required Registration Information | M | N/A |
| V. Where registration is required | M | N/A |
| VI. Initial Registration: Generally | M | N/A |
| VII: Initial Registration: Retroactive classes of offenders | M | N/A |
| VIII: Keeping the registration current | DNSD | State permits offenders to report change of employment online, compared to in-person required by SORNA; state only requires offenders to immediately update temporary lodging and vehicle information, while SORNA also requires immediate updates on email addresses, instant message addresses and any other designations used in internet communications, postings or telephone communications |
| IX: Verification/ Appearance Requirements | M | N/A |
| X: Registry Website Requirements | M | N/A |
| XI: Community Notification | M | N/A |
| XII: Failure to register as a sex offender: state penalty | M | N/A |
| XIII: When a sex offender fails to appear for registration | M | N/A |
| XIV: When a jurisdiction has information that a sex offender may have absconded | M | N/A |

SMART Office review conducted in 2009/2010

M – Meets All Requirements

DNSD – Does Not Substantially Disserve Requirements

DNM – Does Not Meet Requirements

Florida Registered Sex Offender Population

| | Total Registrants | Offenders (non predator) | Sexual Predator |
|--------|-------------------|--------------------------|-----------------|
| Jul-04 | 32,198 | 27,438 | 4,760 |
| Jul-05 | 35,228 | 29,947 | 5,281 |
| Jul-06 | 38,251 | 32,342 | 5,909 |
| Jul-07 | 44,698 | 38,278 | 6,420 |
| Jul-08 | 49,316 | 42,136 | 7,180 |
| Jul-09 | 52,421 | 44,686 | 7,735 |
| Jul-10 | 54,710 | 46,466 | 8,244 |
| Jul-11 | 57,126 | 48,079 | 9,047 |
| Jul-12 | 59,019 | 49,440 | 9,579 |
| Jul-13 | 61,849 | 51,687 | 10,162 |
| Jul-14 | 64,496 | 53,837 | 10,659 |
| Jul-15 | 67,167 | 55,981 | 11,186 |

STATE PROFILE: IOWA

BACKGROUND OF REGISTRATION AND NOTIFICATION IN IOWA

Iowa's legislation pertaining to the operation of a sex offender registry is codified in Chapter 692A. Iowa established its sex offender registration system on July 1, 1995. The following description highlights some of the legislative changes that have taken place in the state over the years. The initial legislation required individuals convicted of certain sex offenses to register their addresses with law enforcement and outlined the general registration process. Registration fees, civil penalties, and penalties for non-compliance were also specified. Iowa notified community members of a registrant moving into a neighborhood, but registrant information was only accessible and searchable to law enforcement personnel, until 2000 when the Iowa Sex Offender Registry became public.

No major changes were made to the original legislation until 2002, when residence restrictions were implemented, prohibiting registrants convicted of an offense against a minor from residing within 2000 ft of schools or childcare facilities. In 2005, further amendments were made requiring sexually violent predators to submit DNA samples prior to release from incarceration, and be photographed, annually, for the registry.

In 2009, another significant update was made to the original legislation, following the 2006 Adam Walsh Child Protection and Safety Act. Sexual offenses were classified into three tiers and the registration requirement was updated to include individuals convicted of any tier I, II or III offense. The new legislation clarified and defined language related to the sex offender registry and increased the relevant information reported by registrants to include 21 distinct pieces of information. Employment and residence restrictions were updated and a new protocol was established concerning the duties of law enforcement with regards to registering individuals and enforcing compliance.

CURRENT REGISTRATION AND NOTIFICATION REQUIREMENTS

Iowa operates a three tier, offense-based registry. Offense type determines length of registration, while tiering is primarily used for determining frequency of verification. Iowa statutes mandate two different registration durations; 10 years and lifetime. Convictions for a subsequent sexual offense or an aggravated offense will change a 10-year registration requirement to a lifetime requirement. Annual verification is required for Tier I registrants, biannual for Tier II, and quarterly verification for Tier III registrants.

Registrants are also required to report changes in addresses, employment, cohabitants, telephone numbers, and email addresses as they happen. Registrants who were convicted for specific offenses involving a minor are prohibited from residing within 2,000 feet of any school or daycare center.⁴² The state does not prohibit registrants from using social networking websites, however, they must report all internet identifiers to the registry.

All juveniles convicted of qualifying sexual offenses are required to register in Iowa, unless the requirement is waived by the juvenile court. Visiting registrants from out-of-state must register within 5 days of entering Iowa. Any nonresident registrants who are employed or enrolled in school in Iowa must also comply with the state's registration requirements.

Registrants may petition for relief from registration requirements by filing a Petition for Modification and provided certain conditions have been met. These include successful completion of all treatment programs, a valid risk assessment and a determination of low risk of recidivism. Tier I registrants must also be on the registry for 2 years before petitioning for removal and Tier II and III registrants must be registered for at least 5 years. Upon the registrant's petition, the court may grant a hearing where the county attorneys where the registrant was convicted and resides, as well as the victim, are notified.

⁴² The current law applies this restriction only to individuals convicted of an "aggravated offense against a minor."

Registration Process

An initial registration record for someone convicted of a registerable sex offense is entered into the ISOR “pending queue” in several ways. The first and most common path is through the DOC. When an individual is convicted of a registerable sex offense and begins a period of incarceration, DOC personnel enter a record into ISOR. This record is designated “inactive” until the individual is released to the community. The second path is when an initial registration form is completed at a county Sheriff’s office by someone who has been given a term of probation or has relocated to Iowa without notifying their home state. The third path is initiated by the SOR unit when they are notified through the SORNA portal that a registrant is planning to relocate to Iowa. All information entered into the pending queue is forwarded to DCI’s SOR Unit, which verifies all registrant information before approving it as formal record. This record is also linked to NCIC and NSOR as well as to the public website.

The SOR Unit, along with Sheriff’s Departments and other local law enforcement, are responsible for maintaining RSO records for the duration of their time on the registry. After the record is designated as active, staff from the SOR Unit are responsible for providing monthly reports to the 99 counties in Iowa about who is scheduled to register in their locale that month. The SOR Unit also supplies local law enforcement and the 4 Field Agents with information regarding compliance issues, absconders, and other enforcement-related intelligence as needed. For example, the SOR Unit monitors and maintains tips and information provided by the public through the public registry website and funnels this information to the appropriate local level enforcement agency and Field Agent.

Sheriff’s Departments and local law enforcement also facilitate record maintenance by making entries into the ISOR pending queue when verifying residency and personal information, and providing updates reported by registrants. In about 10% of counties, paper forms are still used and are faxed or mailed to the SOR Unit where the record is updated. All entries go into the pending queue and are verified and approved by the SOR Unit.

Registrant Population

As of February 2017, Iowa had a total of 5,551 registrants. 5,486 of these registrants were compliant with registration requirements. 65 individuals were categorized as absconders, as their whereabouts were unknown. The registry received 61 new registrants and removed 61 compliant registrants from the website. An additional 23 registrants completed the required time period for registration and were categorized as expired. For additional information see Table 7 in appendices below.

REGISTRY STRUCTURE AND INFORMATION FLOW

The Iowa Sex Offender Registry is managed by the Division of Criminal Investigation (DCI), a division of the state’s Department of Public Safety.⁴³ DCI’s Sex Offender Registry (SOR) Unit is managed by a Special Agent in Charge, who oversees a staff of civilians and sworn officers.

Civilian staff manage a range of Iowa Sex Offender Registry (ISOR) functions, including verifying registrant information, fielding inquiries from both law enforcement and members of the public, and managing interstate transfer of information (including use of the SORNA Exchange Portal). Civilian staff also serve as a training resource for registry users at the county and local levels. In particular, civilian staff train Department of Corrections (DOC) personnel who are responsible for creating a new record in the ISOR system when a convicted sex offender enters prison. The SOR unit also employs a full-time project manager who reports directly to the Special Agent in Charge, and who is responsible for overseeing information technology related to registry operations, including data management reporting and interface with the state’s Office of Chief Information Officer (OCIC) and the registry’s primary software vendor, Computer Projects of Illinois (CPI).

In addition to the civilian staff, the SOR Unit includes four Field Agents who are sworn officers. The Field Agents are each assigned a region of Iowa, and work in conjunction with county and local law enforcement agencies on issues related to registry compliance and enforcement. Field Agents also work closely with the U.S. Marshals assigned to

⁴³ www.iowasexoffender.gov

the region on special operations related to compliance and enforcement, including “sweeps” and cases of absconders.

Other state personnel work closely with the SOR unit. The Department of Public Safety (DPS) Attorney addresses legal issues for the SOR unit regarding daily operations, and changes per any new legislation. A legislative liaison for DCI also works closely with the Special Agent in Charge to bring any policy amendments to each legislative session related to sex offender registration.

IOWA AND SORNA IMPLEMENTATION

Iowa submitted its initial SORNA implementation package to the Department of Justice in August 2011, followed by a revised document in July 2013, and the SMART Office completed its review in December 2013. Table 6 provides a brief overview of the state’s implementation status for each standard. The description below summarizes the 2013 review but does not reflect the changes that Iowa has subsequently made to their sex offender registration system. Additional details provided by the state are footnoted below.

The state met 6 of SORNA’s 15 standards and adopted provisions that do not substantially disserve 8 standards. Iowa does not meet SORNA standards in one area. The sole factor preventing Iowa from meeting the criteria for substantial implementation of SORNA is the relief from registration provision outlined in Section IX.C. In this subsection, SORNA allows for Tier I and certain Tier III registrants to be relieved from registration if certain conditions are met. Under Iowa’s current system, Tier I registrants are eligible to petition for a modification in their registration requirements two years after the date of the beginning of the requirement to register, and Tier II and Tier III registrants are so eligible three years after the date of the beginning of the requirement to register. All registrants are eligible to petition for a reduction, as long as they are on probation, parole, special sentence, or any kind of conditional release” (SMART Office, 2013).⁴⁴

⁴⁴ Currently, any registrant may petition for modification due to *State v. Iowa District Court for Story County*, 843 N.W.2d 76 (Iowa 2014).

Iowa Implementation of SORNA Standards

| Section | Status | Variation(s) from Standards |
|--|--------|--|
| I. Immediate transfer of information | DNSD | State has 5-day window for processing registry changes, compared to 3 days required by SORNA. |
| II. Offenses that must be included in the registry | M | N/A |
| III. Tiering of Offenses | DNSD | State has minimum of 10 years of required registration, compared to 15-year minimum set by SORNA. However, most RSOs are under lifetime registration and for most others, “special sentence” provisions are in place to extend beyond the 10-year minimum. |
| IV. Required Registration Information | DNSD | Photographs required annually for all RSOs, compared to upon all registration updates as required by SORNA. Provisions are in place for photos to be re-taken more frequently at discretion of registry officials. |
| V. Where registration is required | M | N/A |
| VI. Initial Registration: Generally | DNSD | State has 5-day window for initial registration and for RSOs to report changes in registry information, compared to 3-day window set forth by SORNA. |
| VII: Initial Registration: Retroactive classes of offenders | DNSD | State does not recapture offenders who are incarcerated for, or who otherwise re-enter the criminal justice system because of a non-sexual crime. |
| VIII: Keeping the registration current | DNSD | RSOs do not automatically have to appear in person to change their name, unless the sheriff’s office (the registering agency) invokes its right to require it. Additionally, the state allows RSOs 5 days update registration information, rather than 3 days as required by SORNA. State also does not set forth a timeframe for RSOs to notify registry officials of their intent to travel to another country (SORNA requires 21-day notice), although it does require such notification. |
| IX: Verification/ Appearance Requirements | DNM | State’s sole substantive departure from SORNA requirements is attributable to the state’s provisions that allow RSOs to petition for reduction in registration after 2 years for Tier I and after 3 years for Tiers II and III, in contrast with SORNA’s more stringent set of conditions. State meets section’s requirements related to frequency of registry updates and does not disserve section’s provisions related to duration of registration, as noted in Section III above. |
| X: Registry Website Requirements | DNSD | State exempts from the public registry certain categories of offenders who were under 20 years of age at time of their offense. Public website also does not display work, school, or vehicle license plate information, although such information is available to public through other means. |
| XI: Community Notification | DNSD | State’s automated notification system does not provide notifications of RSO employment or school information. |
| XII: Failure to register as a sex offender: state penalty | M | N/A |
| XIII: When a sex offender fails to appear for registration | M | N/A |
| XIV: When a jurisdiction has information that a sex offender may have absconded | M | N/A |
| XV: Tribal considerations | M | N/A |

SMART Office review conducted in 2013

M – Meets All Requirements

DNSD – Does Not Substantially Disserve Requirements

DNM – Does Not Meet Requirements

Iowa Registered Sex Offender Population

| | Total Registrants | New Registrants | Compliant Registrants Removed | Registrants Time Period Expired | Whereabouts Unknown |
|-------------|-------------------|-----------------|-------------------------------|---------------------------------|---------------------|
| 2008 | 5,355 | 666 | 1,083 | 502 | 4% |
| 2009 | 4,955 | 721 | 499 | 514 | 3% |
| 2010 | 5,081 | 605 | 323 | 411 | 3.6% |
| 2011 | 5,364 | 624 | 265 | 270 | 4% |
| 2012 | 5,554 | 640 | 325 | 295 | 3.6% |
| 2013 | 5,927 | 605 | 238 | 354 | 3.6% |
| 2014 | 5,884 | 658 | 412 | 297 | 3.6% |
| 2015 | 5,352 | 725 | 1,360 | 306 | 3.6% |
| 2016 | 5,377 | 716 | 913 | 293 | 3.6% |
| 2017 | 5,586 | 768 | 843 | 379 | 3.6% |
| 2018 | 5,807 | 665 | 870 | 281 | 3.6% |

STATE PROFILE: MICHIGAN

BACKGROUND OF REGISTRATION AND NOTIFICATION IN MICHIGAN

Michigan first established its sex offender registry in 1995, with the passage of the Michigan Sex Offenders Registration Act (SORA), MCL 28.721 et seq. The following description highlights some of the legislative changes that have taken place in the state over the years. The original legislation required all individuals convicted of a qualifying sexual offense to register their address with their local law enforcement agency. The Act also designated Michigan State Police as the official custodian of the registry. An amendment was made to this Act in 1995, requiring certain registrants residing in Michigan for more than 14 days to register with a local agency.

In 1996, the Public Sex Offender Registry was established, a website providing basic information on certain registrants in Michigan. Initially, the public could only access this information by visiting a local law enforcement agency, but in 1999, the website was made public so that members of the community could access information on registrants online. Further amendments were also made to the initial legislation in 1999, which expanded the list of registerable offenses, and required individuals to register for a certain number of years and to report any change in address. The 1999 amendment also made it mandatory for certain registrants to verify their address four times a year. Several changes were made to the initial legislation in subsequent years. These amendments included the establishment of registration requirements for juveniles, registration fees and penalties, and required the public sex offender registry to include a photograph of each registrant.

In 2011, Acts 17 and 18 were passed to bring Michigan to compliance with SORNA, according to the regulations set forth by the Adam Walsh Act of 2006.

In 2012, in the case of *Doe v. Snyder*, six plaintiffs filed suit against the state of Michigan claiming the 2006 and 2011 amendments to the SORA creating exclusion zones for registered sex offenders and applying it retroactively violated the ex post facto clause in the US Constitution. In 2016, the Sixth Circuit ruled in favor of the plaintiffs, but the ruling only applied to those six individuals. Subsequently, a second suit was filed as a class action lawsuit to extend the ruling in *Doe v. Snyder* to the remaining 44,000 registrants in Michigan. The current pending suit claims that legislation cannot be applied to individuals whose conviction date occurred prior to the legislation enactment. The suit also examines provisions in the legislation that some of SORA's reporting requirements are "unconstitutionally vague" and make normal behaviors criminal conduct. As a result, the first *Doe* ruling asserted that the registrant must intend to violate SORA rather than violating in the process of common conduct. Finally, the suit claims that some of the reporting requirements around online activity violate the First Amendment.

CURRENT REGISTRATION AND NOTIFICATION REQUIREMENTS

The state currently operates a three-tiered, offense-based registry. Tier I registrants are required to register for 15 years, with annual verification. Tier II registrants must register for 25 years, with biannual verification and Tier III registrants are required to maintain registration for life and verify their information on a quarterly basis.

Juveniles adjudicated of qualifying offenses must also register; however, juveniles under 14 are not required to register. Out of state registrants who are employed or enrolled in school in Michigan are required to maintain registration, as well as any registrants establishing a temporary residence in the state.

Certain registrants may petition for relief from registration, provided all qualifying conditions are met, and a court hearing is satisfied. The only mechanism for relief from registration is through the courts. Over the years, legislators have removed indecent exposure cases from the registry and permitted individuals convicted of "Romeo and Juliet" cases to petition for removal.

In 2014, changes in the law required registrants to verify their information in their birth month instead of biannually. Registrants also have the entire month to register, whereas before they only had 15 days. An annual fee requirement was also established.

Registration Process

In Michigan, registration is conducted between the conviction and sentencing phases of the court process. The Department of Corrections (DOC) is the agency primarily responsible for initial registration. This registration is suspended or designated inactive in the computer system until the registrant is released from prison. Upon release, the registrant reports to their local Sheriff's Office or MSP post to verify their registration information.

Registrants coming to Michigan from another state are directed to go to their local Sheriff's office, local police department or MSP post within 3 business days to register their address. If a registrant is coming to the state for a vacation of more than 7 days, they must also report an address. Typically, incoming registrants call the SOR Unit for information on registration processes. The SOR Unit will ask the registrant to bring all relevant paperwork with them, as it can be a challenge to obtain records and establish duty to register. Staff check the SORNA Portal and OffenderWatch to see if the incoming registrant has reported. If the record is unclear, they will notify MSP to conduct a compliance check. For outgoing registrants, they supply relevant information to the registrant's new state upon request.

The SOR OffenderWatch database interfaces with the Law Enforcement Information Network (LEIN) which provides criminal justice information such as active warrants and an individual's criminal history. The system also syncs with NCIC on every transaction conducted.

Registered Sex Offender Population

As of July 2017, Michigan has 43,661 active registrants, 3,993 of which are deemed non-compliant. Additional information is presented in Table 9 below.

REGISTRY STRUCTURE & INFORMATION FLOW

The Michigan Sex Offender Registry is maintained by the Michigan State Police.⁴⁵ Civilian staff conduct data entry and oversee management of the Sex Offender Registry Unit, while sworn state troopers serve as regional representatives, conduct compliance and enforcement activities, and complete local level registrations.

The Sex Offender Registry Unit (SOR) manages the processes and procedures for implementing the sex offense registration code in Michigan. They serve as a source for other states and provide information to the Michigan State Police (MSP). They have a civilian staff, including a manager, a project manager who oversees OffenderWatch, a general office assistant, analysts, and technicians. A quality assurance analyst position has also been added in recent years. Four analysts each serve a segment of the state to conduct investigations into non-compliant registrants. They also conduct investigation into legal application of registration, which they will affirm with the legal counsel. The technicians are responsible for juvenile registrant information, incoming registrants to Michigan, notifying other states of outgoing registrants, and managing the SORNA portal. Technicians conduct second party checks on all data going into the registry. The SOR Unit reports to the MSP. SOR Unit staff see themselves as the "resource and support" for the state police in registry operations. The SOR Unit manages the data quality and accuracy. They will assist with absconder investigation and record information in OffenderWatch, especially notes about any warrant issued.

State law enforcement (which includes MSP, Sheriff's offices, and local police departments) is responsible for issuing warrants for non-compliant registrants, conducting residence checks, handling violations of registration by filing incidence reports, and collecting registration and verification information. In 2017, the MSP reorganized and included the Michigan Emergency Support (ES) Team in compliance operations. There are four troopers who oversee compliance and partner with SOR Unit Analysts to develop cases. The troopers each have segments of the state and engage in training, compliance checks, and obtain warrants.

MICHIGAN AND SORNA IMPLEMENTATION

⁴⁵ https://www.michigan.gov/msp/0,4643,7-123-1878_24961---,00.html

The Michigan Department of State Police submitted an implementation package to the SMART Office on April 19, 2011. Table 8 provides a brief overview of the state's implementation status for each standard. Upon review, the SMART Office determined that the State of Michigan has substantially implemented the requirements of SORNA, with some acceptable deviations. The description below summarizes the 2011 SMART Office review but does not reflect the changes that Michigan has made to their sex offender registration system. Additional details provided by the state are footnoted below.

The state meets all requirements for 11 of the 14 standards, put forth by SORNA. Michigan deviates slightly from SORNA requirements, with regards to tiering of offenses. The state classified crimes against nature or sodomy, with a victim under the age of 18 as a Tier II offense. Under SORNA, this is classified as a Tier III offense, due to its inclusion of sexual acts with minors. Michigan also allows registrants to petition for relief from registration upon determination that a conviction or disposition for a certain offense was the result of a consensual sexual act. This allowance is deemed to correspond with the exception in 42 U.S.C. 16911(5)(c). Lastly, no Tier I registrants are listed on the public registry site in Michigan.⁴⁶ SORNA allows for such exemptions, provided the individual did not commit a specified offense against a minor. However, Michigan's Tier I classification does include registrants whose victims were minors. The SMART Office has deemed all the aforementioned deviations as permissible and not substantially disserving the requirements of SORNA.

⁴⁶ As of June 1, 2013, Tier I's convicted of MCL 750.145C, 750.335a (if victim is a minor), 750.349B, 750.536J and any individual convicted of more than one count of a Tier I offense are all on the public registry website.

Michigan Implementation of SORNA Standards

| Section | Status | Variation(s) from Standard |
|--|--------|---|
| I. Immediate transfer of information | M | N/A |
| II. Offenses that must be included in the registry | M | N/A |
| III. Tiering of Offenses | DNSD | State lists “crime against nature or sodomy, with a victim under the age of 18” as a Tier II offense, while SORNA categorizes this as a Tier III offense |
| IV. Required Registration Information | M | N/A |
| V. Where registration is required | M | N/A |
| VI. Initial Registration: Generally | M | N/A |
| VII: Initial Registration: Retroactive classes of offenders | M | N/A |
| VIII: Keeping the registration current | M | N/A |
| IX: Verification/ Appearance Requirements | DNSD | State allows offenders to petition for relief from registration if the court determines that a conviction (or disposition) for a specific listed offense was the result of a consensual sexual act between the offender and the victim; this provision corresponds to the exception in 42 U.S.C. 16911(5)(c) and therefore ruled as not diserving the purposes of SORNA |
| X: Public Registry Website Requirements | DNSD | Delay in implementation of necessary changes to public SOR website; state also exempts all Tier I sex offenders from its public registry, including offenders convicted of offenses against minors |
| XI: Community Notification | M | N/A |
| XII: Failure to register as a sex offender: state penalty | M | N/A |
| XIII: When a sex offender fails to appear for registration | M | N/A |
| XIV: When a jurisdiction has information that a sex offender may have absconded | M | N/A |

SMART Office review conducted in 2011

M – Meets All Requirements

DNSD – Does Not Substantially Disserve Requirements

DNM – Does Not Meet Requirements

Michigan Registered Sex Offender Population

| Month/Year | Total Active | Public Site | Compliant | Non Compliant |
|----------------|--------------|-------------|-----------|---------------|
| January 2015 | 41,534 | 37,946 | 28,140 | 2,106 |
| February 2015 | 41,574 | 37,996 | 28,116 | 2,129 |
| March 2015 | 41,600 | 39,090 | 28,048 | 2,219 |
| April 2015 | 41,647 | 38,114 | 28,076 | 2,269 |
| May 2015 | 41,667 | 37,078 | 28,078 | 2,313 |
| June 2015 | 41,793 | 37,508 | 28,309 | 2,240 |
| July 2015 | 41,802 | 38,346 | 28,255 | 2,372 |
| August 2015 | 41,898 | 38,442 | 28,171 | 2,589 |
| September 2015 | 41,958 | 38,486 | 28,231 | 2,533 |
| October 2015 | 42,000 | 38,521 | 28,372 | 2,507 |
| November 2015 | 42,062 | 38,586 | 28,410 | 2,580 |
| December 2015 | 42,071 | 38,575 | 28,560 | 2,518 |
| January 2016 | 42,123 | 38,602 | 28,454 | 2,704 |
| February 2016 | 42,159 | 38,661 | 28,337 | 2,902 |
| March 2016 | 42,214 | 38,730 | 28,238 | 3,014 |
| April 2016 | 41,223 | 38,734 | 28,195 | 3,082 |
| May 2016 | 42,272 | 38,810 | 28,218 | 3,132 |
| June 2016 | 42,325 | 38,875 | 28,394 | 3,039 |
| July 2016 | 42,724 | 38,961 | 28,835 | 3,172 |
| August 2016 | 42,765 | 39,021 | 28,454 | 3,277 |
| September 2016 | 42,807 | 39,059 | 28,855 | 3,236 |
| October 2016 | 42,899 | 39,092 | 29,036 | 3,127 |
| November 2016 | 42,972 | 39,132 | 29,104 | 3,071 |
| December 2016 | 43,048 | 39,180 | 29,069 | 3,265 |
| January 2017 | 43,116 | 39,215 | 28,931 | 3,550 |
| February 2017 | 42,826 | 39,212 | 28,405 | 3,808 |
| March 2017 | 42,998 | 39,383 | 28,082 | 4,195 |
| April 2017 | 43,363 | 39,374 | 28,461 | 4,174 |
| May 2017 | 43,471 | 39,449 | 28,645 | 4,133 |
| June 2017 | 43,583 | 39,562 | 28,767 | 4,072 |
| July 2017 | 43,661 | 39,711 | 28,819 | 3,993 |

STATE PROFILE: MISSOURI

BACKGROUND OF REGISTRATION AND NOTIFICATION IN MISSOURI

Missouri implemented its sex offender registry in January 1995 under Chapter 566 of the Revised Statutes of Missouri. The following description highlights some of the legislative changes that have taken place in the state over the years. In 1997, changes were made to the original legislation pertaining to the types of offenses which require registration. Further amendments were made with the passage of House and Senate Bills in 1998, 2000, 2002, 2003, 2004, and 2006. These bills enacted changes relating to civil commitment, protection of children, registration requirements and definitions of sexual offenses.

A 2008 Senate Bill implemented numerous measures to bring Missouri into compliance with the regulations set forth by SORNA. The new legislation also implemented residence and presence restrictions for registrants. Registrants were now required to provide the registry with online identifiers and prohibited from residing within 1,000 feet of school's/childcare facilities or from knowingly being within 500 feet of any school buildings. Additionally, juveniles adjudicated of sex offenses were required to maintain registration and penalties were enacted for those who violated any of the measures. Though Missouri was not fully compliant at the time, the state has now substantially implemented SORNA.

In 2009, additional changes were made, which prohibited registrants from knowingly being within 500 feet of or making contact with children under the age of 18, knowingly being within 500 feet of public parks/swimming pools or serving on an athletic team (in any capacity) which had at least one member under the age of 17. A minor amendment was made to the legislative text in 2014. Registrants can obtain relief from registration by filing a court petition asserting they meet all the conditions for removal.

CURRENT REGISTRATION AND NOTIFICATION REQUIREMENTS

Missouri currently operates a three-tiered, offense-based registration system, generally consistent with those delineated in SORNA. Tier I registrants are required to register for 15 years, Tier II for 25 years and Tier III for life. Verification frequency varies by tier, with annual verification for Tier I, biannual for Tier II and quarterly for Tier III. Registrants are prohibited from residing within 1,000 feet of any public school, private school or childcare facility.

Juveniles over the age of 14, who are convicted as adults are also required to maintain registration, typically until the age of 21 (this may vary based on the facts of the case). Out of state registrants who are visiting (for 7 days in a 12-month period), employed or enrolled in the state must register within 3 days of entering the state. Qualifying registrants may petition for relief from registration after 10 years. Community notification is primarily conducted through the registry website.

Registration Process

Individuals adjudicated of sex offenses and subject to registration must report to the Chief Law Enforcement Officer of the County or city not within a County where they plan to reside, work or would otherwise be required to register. County employees, typically civilians, will collect the registration form, DNA, photos, and fingerprints from the registrant. If the registrant is leaving the jurisdiction, local registry staff will update the database and the information moves to the new county. If the offender is moving out of state, the information is entered in the National Sex Offender Portal for information sharing with other jurisdictions. Individuals released from prison are instructed to report for registration within 3 business days. The SOR unit has given access to prison officials, which allows for information to be updated almost immediately.

Individuals moving from other states who have been convicted of a sex offense must register in Missouri regardless of their registration status in their home state. Compliance and enforcement activities are conducted by the registering official of the county or city not within a county. The registering official will often prepare compliance checks with the assistance of local city police, MSHP and the USMS.

Registrant Population

Currently, Missouri has 15,579 registrants. For additional information on the registrant population, see Table 11 in appendices for additional details.

REGISTRY STRUCTURE & INFORMATION FLOW

The Missouri Sex Offender Registry is managed by the Missouri State Highway Patrol (MSHP), Criminal Justice Information Services (CJIS) Division.⁴⁷ The unit is comprised of civilian and sworn staff. Civilian staff are responsible for registry-related operations and they report to a sworn MSHP staff member who oversees the unit. Each unit staff member is responsible for data management relating to a segment of the state as broken up by counties. The civilian staff in the unit manage data received by counties, check the quality of information, request court documents, enter data into the National Sex Offender Registry (NSOR), and compile criminal histories on registrants in the Missouri Uniform Law Enforcement System (MULES) and the National Crime Information Center (NCIC). One-unit member handles the incoming registrant requests through the SORNA Portal, and another is responsible for mailing out verification notices to registrants. The unit is also responsible for compiling information on registrants who are non-compliant or absconders.

MISSOURI AND SORNA IMPLEMENTATION

In 2010, Missouri submitted a SORNA implementation package to the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking (SMART) but did not meet the requirement for substantial implementation. In 2011, the Missouri State Highway Patrol (MSHP) submitted supplemental information regarding Missouri's registration scheme. Based on the new information, the SMART office reconsidered its original decision and Missouri was deemed to have substantially implemented SORNA. Table 10 provides a brief overview of the state's implementation status for each standard. The description below summarizes the 2011 SMART Office review but does not reflect the changes that Missouri has made to their sex offender registration system. Additional details provided by the state are footnoted below.

Missouri currently meets SORNA requirements for 11 of the 14 standards and has implemented provisions that do not substantially disserve the requirements of the remaining 3 standards⁴⁸. Missouri places all state statutes in accordance with the minimum appropriate SORNA tiers, except for forcible rape, sexual assault, forcible sodomy and deviate sexual assault. At the time of the compliance review, Missouri required lifetime registration with bi-annual verification for these offenses, rather than quarterly in-person verification, as required by SORNA.

Per the fourth standard, SORNA requires jurisdictions to collect certain information from registrants. In the initial review, Missouri was deemed to not collect and keep certain registrant information, including criminal history and DNA samples. Since then, the state updates all relevant policies and forms to capture the necessary information. However, the SMART review letter noted that Missouri does not capture registrant photographs more than once per year⁴⁹. This deviation was not deemed substantially disserving of SORNA requirements.

Due to the aforementioned deviations, Missouri's policies and procedures were also deemed to not substantially disserve the requirements of the ninth standard – verification/appearance requirements.

⁴⁷ <https://www.mshp.dps.missouri.gov/MSHPWeb/PatrolDivisions/CRID/SOR/SORPage.html>

⁴⁸ Missouri has subsequently implemented new legislation that should ensure full SORNA compliance. Registry officials have submitted an update to SMART.

⁴⁹ The state now collects registrant photographs based on tiers. Tier I registrants are photographed annually, Tier II semiannually and Tier III quarterly.

Missouri Implementation of SORNA Standards

| Section | Status | Variation(s) from Standard |
|--|--------|--|
| I. Immediate transfer of information | M | N/A |
| II. Offenses that must be included in the registry | M | N/A |
| III. Tiering of Offenses | DNSD | State requires biannual verification for forcible rape (adult victim), sexual assault, forcible sodomy (adult victim) and deviate sexual assault, rather than quarterly verification per SORNA requirements |
| IV. Required Registration Information | DNSD | State has not amended its code to allow offender photographs to be updated more than once a year, SORNA requires offender photographs to be updated annually for Tier I, biannually for Tier II and quarterly for Tier III offenders |
| V. Where registration is required | M | N/A |
| VI. Initial Registration: Generally | M | N/A |
| VII: Initial Registration: Retroactive classes of offenders | M | N/A |
| VIII: Keeping the registration current | M | N/A |
| IX: Verification/ Appearance Requirements | DNSD | State deviates on certain verification and update requirements (mentioned in Section III & IV) |
| X: Public Registry Website Requirements | M | N/A |
| XI: Community Notification | M | N/A |
| XII: Failure to register as a sex offender: state penalty | M | N/A |
| XIII: When a sex offender fails to appear for registration | M | N/A |
| XIV: When a jurisdiction has information that a sex offender may have absconded | M | N/A |

SMART Office review conducted in 2011

M – Meets All Requirements

DNSD – Does Not Substantially Disserve Requirements

DNM – Does Not Meet Requiremen

Missouri Registered Sex Offender Population

| | Total Registrants | New Registrants | Removed |
|-------------|-------------------|-----------------|---------|
| | 11,220 | 45 | N/A |
| 2007 | 11,405 | 185 | 9 |
| | 11,779 | 374 | 12 |
| 2009 | 12,139 | 360 | 19 |
| | 12,538 | 399 | 28 |
| 2011 | 13,153 | 615 | 30 |
| | 13,929 | 776 | 29 |
| 2013 | 14,441 | 512 | 19 |
| | 14,789 | 348 | 20 |
| 2015 | 15,256 | 467 | 24 |
| | 15,573 | 317 | 23 |

STATE PROFILE: NEW MEXICO

BACKGROUND OF REGISTRATION AND NOTIFICATION IN NEW MEXICO

New Mexico first established sex offender registration in 1995 codified under Chapter 29, Article 11A. The following description highlights some of the legislative changes that have taken place in the state over the years. The early iterations of the registration system included only predicate offenses. In 1999, the original legislation was amended to include more registerable offenses and make certain information available to the public. Over the years, several amendments have been made to the expand New Mexico's registration and notification procedures.

New Mexico has not experienced many substantive legal challenges to its SORN laws. Participants discussed one important case which impacted registration criteria. In *Brown v. Montoya*, Brown sought a court order to remove his name from the registry and the sex offender probation unit, which was granted. As a result of the case ruling, the legislation was amended to include sexual intent as a criterion for offenses requiring registration.

CURRENT REGISTRATION AND NOTIFICATION REQUIREMENTS

The state currently operates a dual tiered, offense-based registration system. Due to different iterations of the law, there are three categories of registrants. Individuals convicted under the 1995 registration law are required to register for 10 or 20 years with annual verification. Those convicted under the 2005 law are required to maintain registration for 10 years with annual verification or for life with quarterly verification. Lastly, those convicted under the 2013 law are required to register for 10 years with biannual verification or lifetime with quarterly verification.

Juveniles adjudicated for sex offenses are not required to register unless they are designated a "youthful offender" who is subject to adult sanctions, are not amenable to treatment or rehabilitation and are not eligible for commitment to institution for children with developmental disabilities or mental disorders. Individuals convicted in another state and coming to New Mexico are required to register within 5 days of establishing residence, the start of employment, or school enrollment within the state. In terms of community notification, licensed daycares, elementary schools, middle schools, and high schools within a one-mile radius of an offender's residence are notified (this does not apply to all registrants). There is no process for early relief from registration and no statewide residence restriction law.

Registration Process

If an individual appears for registration as scheduled, a record is created in OffenderWatch by the registering Sheriff. Currently, the state uses OffenderWatch to manage the sex offender registry. This change was initiated in 2013. Prior to this, the state used an in-house Oracle-based system. The original system was a central database housed at DPS and only registry staff completed data entry tasks. All records were initiated in the system by DPS, upon receipt of paper records from local law enforcement via mail or fax.

Under the new system, a new record is accessible to the SOR program coordinators at DPS, who can review the entire record and any accompanying court documents. The registry staff then create hard copy files for each record and conduct data quality checks on each form. In the event of verifications or updates, the registry staff receive modification reports in OffenderWatch, which they also conduct data quality checks on to ensure that all fields have been filled out.

Registrant Population

The current total registrant population in New Mexico is 3,046 with the majority of offenders being lifetime registrants.

REGISTRY STRUCTURE AND INFORMATION FLOW

The New Mexico Sex Offender Registry is maintained and operated by the New Mexico Department of Public Safety (DPS).⁵⁰ The Sex Offender Registry Unit is housed under the Law Enforcement Records Bureau (LERB) and overseen by a Bureau Chief. LERB additionally oversees the Missing Persons, Criminal History and National Crime Information Center (NCIC) units. The Department of Corrections is responsible for notifying DPS prior to an individual's release from incarceration. This is typically done via email to DPS. The SOR program coordinators at DPS then notify the county to which the individual is returning. If the individual fails to appear for registration, he/she is considered an absconder and sheriffs will reach out to state police or generate a warrant informing DPS that the registrant has failed to comply. Registry staff in New Mexico estimate the number of absconded offenders to be very low, citing one or two instances in the prior six months.

NEW MEXICO AND SORNA IMPLEMENTATION

The Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) initially reviewed New Mexico's implementation packet in October 2011. In 2013, the state requested another review, having revised state statutes. Table 12 provides a brief overview of the state's implementation status for each standard. Currently, the state has not met the criteria for full substantial implementation of SORNA. The description below summarizes the SMART review and does not reflect the changes that New Mexico has subsequently made to their sex offender registration system. Additional details provided by the state are footnoted below.

According to the second implementation review conducted by SMART, New Mexico currently meets all requirements for four SORNA standards and has adopted provisions that do not substantially disserve requirements for eight standards. The state does not meet requirements for Standard II, as juvenile registration is currently discretionary in the state, and for Standard X, as New Mexico excludes certain offenders from the public registry site, which are required to be displayed on the public registry under SORNA.

⁵⁰ [NM Sex Offender Registry Site](#)

New Mexico Implementation of SORNA Standards

| Section | Status | Variation(s) from Standards |
|--|--------|---|
| I. Immediate transfer of information | M | N/A |
| II. Offenses that must be included in the registry | DNM | State’s registration of juveniles is discretionary, rather than mandatory, as required by SORNA. |
| III. Tiering of Offenses | DNSD | State classifies certain offenses as “10-year” which require a tier classification to comply with SORNA requirements. They also retained 20 year and lifetime tiers. |
| IV. Required Registration Information | DNSD | State does not capture all required registrant information |
| V. Where registration is required | DNSD | State does not register offenders convicted in state who intent to reside elsewhere |
| VI. Initial Registration: Timing and Notice | DNSD | State requires registration within five days, rather than three as required by SORNA |
| VII: Initial Registration: Retroactive classes of offenders | DNSD | State policies encompass those who have been sentenced on or after July 1995, or who were serving sentences for sexual offenses as of that date, or those on probation or parole. |
| VIII: Keeping the registration current | DNSD | State requires updates to be made within five days, rather than immediately as required by SORNA and allows for 30-day notice of international travel, rather than SORNA’s 21-day requirement |
| IX: Verification/ Appearance Requirements | DNSD | State requires high level offenders to register for life and others to register for ten or twenty years, rather than SORNA’s three tier, 15, 25 and lifetime requirements. ⁵¹ |
| X: Registry Website Requirements | DNM | State does not display information on offenders convicted of certain offenses, as required by SORNA |
| XI: Community Notification | DNSD | SORNA requires dissemination of certain registration information to agencies and the community; state has implemented email notification system and alternate procedure for members of the community to request registrant information. |
| XII: Failure to register as a sex offender: state penalty | M | N/A |
| XIII: When a sex offender fails to appear for registration | M | N/A |
| XIV: When a jurisdiction has information that a sex offender may have absconded | M | N/A |

SMART Office review conducted in 2013

M – Meets All Requirements

DNSD – Does Not Substantially Disserve Requirements

DNM – Does Not Meet Requirements

⁵¹ State requires registration for 10 or 20 years or life depending upon the date of conviction

STATE PROFILE: PENNSYLVANIA

BACKGROUND OF REGISTRATION AND NOTIFICATION IN PENNSYLVANIA

Pennsylvania passed its initial sex offender registration legislation in 1995 with Act 24 codified under 42 Pa.C.S. § 9799, which came to be known as Megan’s Law. The following description highlights some of the legislative changes that have taken place in the state over the years. Act 24 required individuals convicted of sexual offenses to maintain registration with local law enforcement upon release from incarceration and required basic registrant information to be made available to the public. The Act also established the State Board to Assess Sexually Violent Predators.

In 1996, the state made changes to the original legislation and applied registration requirements to out-of-state registrants with Act 46. Act 152 was passed in 2004 (enacted from Senate Bill 92), which imposed duties on the Attorney General to conduct an annual performance audit of numerous state agencies in relation to Megan’s Law compliance. This was also the first time that registrant information was made available to the public on the Internet. Additionally, this act also established new penalties for individuals who failed to register properly and enhanced notification policies. State police was required to notify local agencies when a registrant moved from one municipality to another while local agencies were required to notify certain community members when a registrant was due to move into their area.

In 2006, Act 178 authorized the Sexual Offenders Assessment Board to impose special conditions for the supervision/monitoring of certain registrants, such as GPS monitoring. The Board was also instructed to apply for federal funding to enhance the usage of GPS in the supervision of a registrant, as provided in the Adam Walsh Child Safety and Protection Act of 2006. In 2011, Senate Bill No. 1183 was signed, which was also known as the Adam Walsh Bill. This legislation required juveniles adjudicated of certain offenses to register. The list of sex offenses requiring registration was also expanded. The passage of the Adam Walsh Bill also brought Pennsylvania into compliance with the Adam Walsh Child Protection and Safety Act of 2006. There were minor amendments made in 2012 and 2014.

Pennsylvania has experienced numerous legal challenges and rulings related to its SORN laws. In *A.S. v. Pennsylvania State Police (2016)*, The Pennsylvania Supreme Court ruled that an individual must commit a qualifying offense after conviction for a prior sexual offense, in order to be designated a lifetime registrant, and the plaintiff’s petition for removal was approved. After the ruling, the Pennsylvania registry reviewed registrant files and determined that the court decision could potentially impact 5,992 registrants. 3,205 of these files were reviewed in 2016 and 16 individuals were removed from the registry. 1,080 registrants were reclassified from Tier III to Tier II or I as a result of the court ruling. After all reviews, 2,109 registrants were deemed ineligible for reclassification and remained Tier III registrants.

In *Commonwealth v. Hainseworth (2013)*, the Pennsylvania Superior Court ruled in favor of Deono Hainseworth in a case involving the application of SORNA ex post facto. In 2012, SORNA became effective and stipulated that individuals on probation or parole for a sexually violent offense conviction must maintain registration. Prior to the December 20, 2012 SORNA implementation date, Hainseworth filed a motion to terminate his supervision, as he would otherwise become subject to registration requirements. The trial court denied his petition; however, it was declared that Hainseworth was not subject to registration under SORNA. The Commonwealth appealed this decision; however, it was upheld in Superior Court.

In *Commonwealth v. Muniz (2017)*, the Pennsylvania Supreme Court found that registration requirements implemented under SORNA guidelines were unconstitutional when applied to individuals whose offense predated the enactment of the law. The appellant was convicted of two counts of indecent assault but absconded prior to sentencing. He was later apprehended on a separate charge in Rhode Island. In the interim, the state of Pennsylvania had replaced Megan’s Law III with SORNA, which required the appellant to maintain lifetime registration as opposed to ten years under the previous legislation. The case eventually made its way to the

Supreme Court, which ruled that retroactive application of SORNA was unconstitutional. 17,000 registrants were impacted by the decision of the Court and House Bill 1952 sought to address the resulting issues. This ultimately led to the enactment of Acts 10 and 29 in 2018. These legislative acts changed registration requirements and relief from registration provisions for certain registrants.

CURRENT REGISTRATION AND NOTIFICATION REQUIREMENTS

Pennsylvania currently operates a three-tier, offense-based registry for registrants convicted on or after December 20th, 2012. Registrants convicted prior to this date are classified as 10-year or lifetime offenders, effective after the ruling in *Commonwealth v. Muniz*. There are two additional designations of Sexually Violent Predator (SVP) and Sexually Violent Delinquent Child (SVDC). Tier I registrants must register for a minimum of 15 years and report for verification on an annual basis. Tier II registrants are required to register for 25 years, with biannual verification and Tier III registrants must register for life with quarterly verification. All individuals with an SVP or SVDC designation must register for life and report for verification on a quarterly basis.

As a result of a recent legal challenge, Pennsylvania no longer requires juveniles to register, unless classified by the court as a SVDC. Individuals convicted of sex offenses visiting from out of state must comply with registration requirements based on their assigned tier classification. There is no process of relief from registration for adult registrants.

Registration Process

Post SORNA, individuals convicted of qualifying sexual offenses are required to register at the time of sentencing. This is handled at the local level by county probation officers. The registration information is sent to the registry unit, where legal assistants review each registration record to determine registration requirements and to ensure the data is complete and accurate. Registrant information is then entered into the PA SORT system and relevant information is posted to the public registry site. When registrants appear for verification or to report updates, the information is transmitted to the registry unit via PA SORT. Registry staff conduct data quality checks on the information before posting to the public website and disseminating to law enforcement.

Registrant Population

As of 2016, the Pennsylvania registry contained information on 32,051 registrants. 20,488 were active registrants while 11,563 were deemed inactive. In total, the registry experienced an 8.3% increase in the registrant population from the previous year. See Table 14 in appendices below for additional information.

REGISTRY STRUCTURE AND INFORMATION FLOW

The Pennsylvania Sex Offender Registry is maintained by the Pennsylvania State Police.⁵² The registry is known, in Pennsylvania, as the Megan’s Law Section and is housed under the Bureau of Records and Identification. The unit is managed by two supervisors, who oversee a staff of civilians and sworn officers. The civilian staff consists of legal assistants and clerical staff. The Clerical Section is responsible for information pertaining to “established offenders”, or those who are already active in the registry system. The clerical section is managed by two supervisors, a civilian clerical supervisor and a sworn officer.

Clerical staff are responsible for checking the validity of registrant information in the system, processing necessary paperwork in the event of an arrest and sending out verification letters to registrants, reminding them of their approaching verification dates. Returned letters are forwarded to the legal assistants, who determine whether an investigation should be initiated. The Legal Assistant Section is managed by two civilian supervisors and consists of eleven staff members. Two legal assistants are assigned to manage all cases with a Sexually Violent Predator designation. The primary responsibility of the legal assistants is to manage new registrations, for both resident and

⁵² <https://www.pameganslaw.state.pa.us/>

visiting registrants. Legal assistants evaluate all new registrations to determine registration classification level and requirements. The legal assistant staff members also work in conjunction with local law enforcement to ensure all individuals who are required to register have done so.

PENNSYLVANIA AND SORNA IMPLEMENTATION

Pennsylvania submitted an implementation packet for review in July of 2012 and are deemed to have substantially implemented SORNA. Table 13 provides a brief overview of the state's implementation status for each standard. Based on the review letter from the SMART office, Pennsylvania currently meets all requirements for 10 of the 14 SORNA standards. This review found that the state had adopted provisions that do not substantially disserve requirements for the remaining 4 standards. The description below summarizes the 2012 review and does not reflect subsequent changes the state has made to their sex offender registration system.

Under Standard II, Pennsylvania does not have a state offense equivalent for a non-forcible sex act with a minor 16 or 17 years old, as required by SORNA (it is worth noting that Pennsylvania statute prohibits such sex acts). As a result of this, certain registrants from other jurisdictions may not be captured in the states registration system. Pennsylvania also does not capture one federal offense, Title 18 U.S.C., Section 2245 (Offenses Resulting in Death) under its current registration scheme. Under Standard III, Pennsylvania classifies statutory sexual assault and institutional sexual assault as Tier II offenses, compared to Tier III under SORNA. Under Standard IV, Pennsylvania captures most of the registrant information required by SORNA, except for transient/day labor employment information. Lastly, under Standard VII, Pennsylvania deviates slightly from SORNA requirements in terms of retroactive registration of registrants. The states registration system does not capture registrants who are currently incarcerated, on supervision, or re-entering the criminal justice system for a non-sexual felony offense that have a qualifying sexual offense predating April 21, 1996, nor those who have completed registration requirements for a prior sexual offense. Additionally, the state's juvenile registration requirements apply only to four categories of juveniles: 1) youths adjudicated delinquent on or after December 20, 2012, 2) those under court supervision for a previous adjudication, 3) adjudicated delinquent in another jurisdiction, and 4) those required to register in another jurisdiction based on a juvenile adjudication.

As noted earlier, in 2018 the Pennsylvania legislature passed a series of provisions changing certain registration requirements and extending provisions for relief from registration, in response to the 2017 *Commonwealth v. Muniz* ruling by the Pennsylvania Supreme Court. Upon review of these changes, the U.S. Department of Justice determined that the relief from registration provisions were inconsistent with SORNA requirements, and rescinded Pennsylvania's substantial implementation.

Pennsylvania Implementation of SORNA Standards

| Section | SORNA Status | Variation(s) from Standard |
|--|--------------|--|
| I. Immediate transfer of information | M | N/A |
| II. Offenses that must be included in the registry | DNSD | State does not have equivalent offense for SORNA requirement of a non-forcible sex act with a minor 16 or 17 years old; state may not capture some offenders from other jurisdictions due to lack of equivalent non-forcible sex offense; state does not capture one federal offense (Title 18 U.S.C., Section 2245) |
| III. Tiering of Offenses | DNSD | State classifies statutory sexual assault and institutional sexual assault as Tier II offenses, compared to Tier III under SORNA |
| IV. Required Registration Information | DNSD | State does not capture transient/day labor employment information, as required by SORNA |
| V. Where registration is required | M | N/A |
| VI. Initial Registration: Generally | M | N/A |
| VII: Initial Registration: Retroactive classes of offenders | DNSD | State does not capture offenders who are currently incarcerated, reentered the system for a non-sex felony offense with a prior qualifying sexual offense (prior to 4/12/1996) or completed their registration requirements for a prior sex offense; state's juvenile registration statute applies only to juveniles who were adjudicated delinquent for an offense on or after 12/20/2012, adjudicated delinquent for an offense previously but remain under court supervision, enter the state after being adjudicated delinquent in another jurisdiction for a comparable offense or are required to register in another jurisdiction or foreign country due to a juvenile delinquency adjudication and enter the state |
| VIII: Keeping the registration current | M | N/A |
| IX: Verification/ Appearance Requirements | M | N/A |
| X: Registry Website Requirements | M | N/A |
| XI: Community Notification | M | N/A |
| XII: Failure to register as a sex offender: state penalty | M | N/A |
| XIII: When a sex offender fails to appear for registration | M | N/A |
| XIV: When a jurisdiction has information that a sex offender may have absconded | M | N/A |

SMART Office review conducted in 2012

M – Meets All Requirements

DNSD – Does Not Substantially Disserve Requirements

DNM – Does Not Meet Requirements

Pennsylvania Registered Sex Offender Population

| | | 2015 | 2016 | 2018 |
|---------------------------|---------------|------------------|------------------|---------------|
| SORNA Offenses | Tier 1 | 2,856 | 3,635 | 1,882 |
| | Tier 2 | 2,113 | 2,898 | 1,339 |
| | Tier 3 | 12,286 | 12,034 | 2,041 |
| | SVP | 1,522 | 1,867 | 483 |
| | SVDC | 51 | 54 | 54 |
| Pre-SORNA Offenses | 10-year | Info unavailable | Info unavailable | 3,793 |
| | Lifetime | Info unavailable | Info unavailable | 6,358 |
| | Pre-SORNA SVP | Info unavailable | Info unavailable | 1,683 |
| | Out of State | Info unavailable | Info unavailable | 3,272 |
| | Total | 18,828 | 20,488 | 20,905 |

STATE PROFILE: TEXAS

BACKGROUND OF REGISTRATION AND NOTIFICATION IN TEXAS

The Texas legislature passed Senate Bill 259 in 1991, establishing a sex offender registration program and designating the Department of Public Safety (DPS) with oversight. The following description highlights some of the legislative changes that have taken place in the state over the years. At the time of the original legislation, the registration requirement was applicable to a limited number of offenses and was only in effect for the duration of an individual's probation or parole supervision. Since then, the Texas legislature has modified the registration program to include more registerable sex offenses and expand the registration duration. Over the years, several amendments have been made to expand the original legislation, which include creating new offenses, providing penalties and establishing registration requirements around internet usage, motor vehicle operation. Legislation has also been modified to encompass juvenile delinquency, repeat offenders and sexual predators.

Texas has not experienced many legal challenges relating to the sex offender registration program, as many cases are settled at the trial court level. However, a few significant legal challenges affecting registration were noted during by registry staff. The first three cases test the authority of Texas to require registration from individuals moving there from out of state. In *State v. Garcia* (2010), the Texas Court of Appeals upheld a lower court ruling that registrants convicted in other states must have a determination that their criminal charge is substantially similar to a Texas sex offense in order to have duty to register. In *Prudholm v. State* (2008), in interpreting the term "substantially similar" the Court created a three-pronged test, asserting that there must be a high degree of likeness, a similar degree of public interest and a similar impact.

These rulings were also confirmed in *Texas Department of Public Safety v. Anonymous* (2012). The final case addresses issues of retroactive application of sex offender registration legislation. In *Reynolds v. State of Texas* (2014), the Texas Court of Appeals upheld Reynold's 1990 conviction and maintained that the retroactivity clause did apply to the appellant. A recent case, *Fisk v. State* (2019), abandoned the second and third prongs of the Prudholm test and ruled that an offense is substantially similar if the elements display a high degree of likeness to a Texas offense.

CURRENT REGISTRATION AND NOTIFICATION REQUIREMENTS

The Texas Sex Offender Registry is maintained and operated by the Texas Department of Public Safety (DPS).⁵³ The state operates a multi-tiered, offense-based system. There are several types or categories of registration utilized by the state. Lifetime registration is required of certain individuals, based on the offense of conviction or in the case of sexual recidivism. "Post-ten" year registration is another level, requiring individuals to register for ten years from the date of their release from incarceration or completion of probation or parole period. "Post-ten" year registration is based on a range of factors including the offense of conviction, the number of offenses, and the age of the registrant.

Non-sexual offenses usually require registration via court-ordered community-supervision, which is mandated based on court discretion and makes up a third category of registration. For court-ordered registration, the registration requirement terminates when the individual is no longer under supervision. Finally, the state has an extra-jurisdictional registration category, which applies to individuals from other jurisdictions who do not meet the criteria for registration. Individuals whose offense is not substantially similar to a Texas reportable offense but are required to maintain registration in the state they are from must also register in Texas under the extra-jurisdictional category only if the state has a reciprocal registration agreement or their offense is Federal, military, or from a foreign country.

The state also employs a multi-level approach to verifying registrant information. Civilly committed registrants or those designated Sexually Violent Predators must verify with the Sheriff's Department every 30 days, Registrants

⁵³ <https://records.txdps.state.tx.us/SexOffenderRegistry>

with more than one Sexually Violent offense are required to verify every 90 days, and all other registrants must verify on an annual basis.

Juveniles adjudicated of sex offenses are also required to register until the 10th anniversary of the registrant's disposition or until the registrant completes the terms of the disposition, whichever is later. Juvenile registrants are also required to verify annually.

Seven days prior to release from incarceration, registrants must also submit to a risk assessment, typically conducted by the Texas Department of Criminal Justice. The state utilizes both Static-99R by which registrants are assessed as low, moderate, or high risk and risk information is made available to the public. A registrant can also apply for an individual risk assessment from a counselor approved by the Council on Sex Offender Treatment (CSOT) if their offense makes them eligible to petition the court for deregistration.

Community notification occurs in several ways. All registrant information is made available to the public via the sex offender registry website with postcard notification to the local community for civilly committed and high-risk registrants. Local law enforcement agencies may also publish registrant information for high risk individuals in newspapers, periodicals, or circulars in the area where a registrant intends to reside. The state does not utilize residence or presence restrictions for any registrants. However, local ordinances and community supervision and parole laws may establish "child safety zones" within a city or town, which certain offenders are prohibited from entering.

Registration Process

When individuals required to register are released from incarceration, their information is not yet on the registry. Texas Department of Corrections and Texas Juvenile Justice Department are the state agencies responsible for conducting risk assessments on outgoing registrants and completing a fingerprint card. Each agency mails copies of the sex offender registration form to DPS and local law enforcement, respectively. Once the registration form copy arrives at DPS, it goes through Front End Scanning (FES), which is an archival and processing system. Data entry technicians extract the registration form from FES and enter the information into the registry system. At this stage, if there is information missing, they create an electronic "sticky note" and forward the issue to the Field Representative tasked with overseeing that geographic area. Registrant information cannot be made public on the website until any issues with the registration form are resolved. Field Representatives conduct follow-ups with the relevant local and state agencies to resolve any issues.

Once all relevant information is obtained and entered into the system, the form is archived and may be searched for in FES with a State ID (SID). As of March 2017, registry officials estimate they receive 104 new registration records per week.

In addition to the registry, DPS maintains a Computerized Criminal History (CCH) database. The system is currently on its third iteration, having undergone revisions and updates over the years. CCH contains fingerprint data for all individuals with a Texas arrest. There are registrants who are not on CCH, as a result of not having a Texas arrest. For Texas offenses, at the time of arrest, a record is initiated in CCH using a set of fingerprints. Once an individual is flagged as a sex offender in CCH, the information migrates into the sex offender registry and merges with the information from the registration form. The CCH system and sex offender registry system are linked through the SID numbers.

Registered Sex Offender Population

As of July 2018, there are 92,315 active registrants in Texas. 5,665 of these registrants are classified as high risk, 36,965 are classified as moderate risk and 27,660 as low risk. 425 registrants are civilly committed and 21,600 do not have a risk level. As of June 2018, there are 3,434 juveniles on the registry. According to registry officials, the number of absconders in recent years has consistently been below 3,000. Please refer to Table 16 in appendices for more information.

REGISTRY STRUCTURE AND INFORMATION FLOW

The Texas Sex Offender Registry is housed in the Department of Public Safety, parallel to the Special Crimes and Criminal Records units. The SOR Unit is operated predominantly by civilian staff and includes data quality managers, supervisors, information technology staff, and Field Representatives who are responsible for coordination of information across the state. The SOR Unit also liaises with legal counsel devoted to resolving deregistration discrepancies and the Criminal Investigations Division for non-compliance and absconder investigations.

TEXAS AND SORNA IMPLEMENTATION

The Texas Governor's Office and Department of Public Safety submitted an implementation packet for review to the SMART Office on June 27, 2017. Table 15 provides a brief overview of the state's implementation status for each standard. Currently, Texas does not meet the requirements for substantial implementation of the Sex Offender Registration and Notification Act (SORNA) of 2006, on account of not meeting 5 of the 15 required standards. The description below summarizes the 2017 SMART office review but does not reflect subsequent changes that Texas has made to their sex offender registration system. Additional details provided by the state are footnoted below.

For Standard VI, SORNA requires initial registration to occur within 3 days of release from incarceration or entering the state from another jurisdiction. However, Texas requirements state that individuals convicted of a sex offense must register within 7 days of release from incarceration or entering the state. For Standard VIII, involving keeping registration current, Texas does not require in-person updates from registrants for changes in name, temporary domicile, employment or school attendance, and permits registrants to update this information in 7 days. SORNA requirements mandate such information to be updated in person and within 3 days. Furthermore, Texas does not require registrants residing in Texas who are employed or enrolled in school in other jurisdictions to appear immediately in person to update any changes to employment or enrollment information as required by SORNA. SORNA also requires registrants to provide advance notice 21-days prior to international travel, which Texas does not require.

The state's registration and verification requirements do not comply with SORNA requirements for a three-tiered registration system, with annual, bi-annual, and quarterly verification. Thus, Texas does not meet requirements for Standard IX, relating to verification requirements. Texas statutes also differ from SORNA requirements for Standard X as the state does not post sex offender safety resource links⁵⁴ and criminal history⁵⁵, employer⁵⁶, and vehicle information for registrants on the public registry site. Lastly, Texas does not have policies mandating that originating jurisdictions be notified when an individual fails to appear for registration per the requirements of Standard XI.

⁵⁴ Links are available on the public site at: <https://records.txdps.state.tx.us/SexOffenderRegistry/Home/Content>.

⁵⁵ Criminal history information is available to law enforcement and the public through a separate website provided by DPS.

⁵⁶ Employer information is non-public by statute, however, it is available to law enforcement entities.

Texas Implementation of SORNA Standards

| Section | Status | Variation(s) from Standard |
|--|--------|---|
| I. Immediate transfer of information | M | N/A |
| II. Offenses that must be included in the registry | DNSD | State does not require registration for deferred adjudications in other jurisdictions; exempts certain juveniles from registration |
| III. Tiering of Offenses | DNSD | State requires 10-year registration with annual verification for certain offenses, which require minimum 15 (with annual verification) or 25-year (with biannual verification) registration per SORNA requirements |
| IV. Required Registration Information | DNSD | State does not collect and keep certain criminal history, palm prints, passports, immigration documents, photographs, temporary lodging, dates of travel, text of registration offense and vehicle information per SORNA requirements |
| V. Where registration is required | M | N/A |
| VI. Initial Registration: Timing and Notice | DNM | State notifies offenders of duty to register with seven days after released, rather than three days as required by SORNA |
| VII: Initial Registration: Retroactive classes of offenders | DNSD | State does not require individuals convicted prior to September 1, 1970 to maintain registration |
| VIII: Keeping the registration current | DNM | State does not require in person updates of certain information and 21 days' advance notice for international travel, per SORNA requirements |
| IX: Verification/ Appearance Requirements | DNM | State does not adhere to SORNA requirements for verification and registration appearances |
| X: Registry Website Requirements | DNM | State does not display criminal history, employer information, vehicle information and links to sex offender safety resources on public website |
| XI: Community Notification | DNSD | State does not notify law enforcement in each jurisdiction of changes to offender's information (this functionality is currently being developed) |
| XII: Failure to register as a sex offender: state penalty | M | N/A |
| XIII: When a sex offender fails to appear for registration | DNM | State does not have procedures to notify originating jurisdictions when an offender fails to appear for registration |
| XIV: When a jurisdiction has information that a sex offender may have absconded | DNSD | State does not have official procedures to investigate absconders |

SMART Office review conducted in 2017

M – Meets All Requirements

DNSD – Does Not Substantially Disserve Requirements

DNM – Does Not Meet Requirements

Texas Registered Sex Offender Population

| | June 2012 | June 2013 | June 2014 | June 2015 | June 2016 | June 2017 | June 2018 |
|---------------------------|-----------|--------------------|-----------|-----------|-----------|-----------|-----------|
| Active Registrants | 70,696 | 77,432 | 81,180 | 84,270 | 87,686 | 90,968 | 92,095 |
| Delinquent | 2,029 | Info not available | 2,887 | 2,936 | 2,819 | 2,644 | 3,434 |
| High Risk | 7,006 | 6,970 | 6,652 | 6,299 | 6,067 | 5,846 | 5,681 |
| Moderate Risk | 26,720 | 29,936 | 31,350 | 33,013 | 34,355 | 35,554 | 36,828 |
| Low Risk | 15,791 | 18,413 | 20,272 | 22,383 | 24,165 | 25,740 | 27,447 |
| No Risk Level | 20,946 | 21,834 | 22,596 | 22,231 | 22,723 | 23,423 | 21,715 |
| Civilly Committed | 233 | 279 | 310 | 344 | 376 | 405 | 424 |

STATE PROFILE: WASHINGTON

BACKGROUND OF REGISTRATION AND NOTIFICATION IN WASHINGTON

Washington's sex offender registry laws are codified under RCW Chapter 9A.44 and RCW 4.24.550. The following description highlights some of the legislative changes that have taken place in the state over the years. In 1990, the state passed a civil commitment law, which applied to "sexually violent predators." This law was part of the 1990 Community Protection Act. Since the passage of the act, several amendments have been made to enhance the original legislation. In 1994, the recommended length of time and geographic area for public notification were specified. In 1995, new sections were added for registration of individuals under federal jurisdiction and those found not guilty by reason of insanity under RCW Chapter 10.77. Two years later, the state adopted a risk assessment tool and added kidnapping and unlawful imprisonment to the list of offenses requiring registration. In 2002, the legislature designated the Washington Association of Sheriffs and Police Chiefs (WASPC) with the task of developing a public registry site.

Additional amendments in subsequent years included changes to community notification procedures, registration and verification requirements and the addition of new registerable offenses.

CURRENT REGISTRATION AND NOTIFICATION REQUIREMENTS

Washington currently operates a "hybrid" classification system that utilizes both offense and risk assessment to establish registration requirements. To determine length of registration, the class of felony is considered. Class A felonies result in lifetime registration, class B felonies result in 15-year registration and class C felonies result in 10-year registration. Misdemeanor offenses are classified separately and carry a registration duration of 5 years.

Regarding the latter, risk assessment is utilized for establishing other requirements such as verification frequency and community notification requirements including inclusion on the state public website. Initial risk assessment for offenders releasing from prison is conducted by the End of Sentence Review Committee (ESRC), which consists of members from a variety of state and local government departments. The results of the initial assessment and level recommendations are provided to the registrant's county of residence where the local law enforcement agency assigns the final risk level. Juveniles releasing from state or local custody or transferring through interstate compact are assessed by the Juvenile ESRC subcommittee using the Washington State Sex Offender Risk Classification Tool (WSSORLC). Out of state adult and juvenile registrants are assessed by local law enforcement in their county of residence using the Static 99R and WSSORLC.

Verification is conducted in person at the registrant's place of residence as opposed to requiring the individual to verify at the Sheriff's Office. Verification frequency is based on the registrant's risk level, with annual verification for Level 1 registrants, biannual for Level 2 and quarterly for Level 3 registrants. Individuals registering as transient are required to check in weekly. RCW 9a.44.130 requires juvenile registration. Juvenile registrants are verified on the same schedule as adult registrants.

Out of state registrants visiting (for more than 10 days), employed, enrolled as a student or carrying on a vocation in the state are required to register within 3 business days. Washington does not have a statewide residence restriction for individuals convicted of sexual offenses who have completed probation or parole supervision.

Registration Process

Individuals subject to registration must report in person to the Sheriff's Office to initiate registration. Registrants leaving the jurisdiction must notify the local Sheriff who then notifies the new jurisdiction and retains authority over the record until the registrant has registered with law enforcement in the new jurisdiction. Individuals leaving Washington are documented through OffenderWatch which initiates a message to the state that the registrant reports moving to through the SORNA Exchange Portal. The record is retained by the county until confirmation that the registrant has registered in the reported state. Reviews for risk reclassification are conducted by local law enforcement where the individual is registered.

The local agencies are responsible for conducting address verifications and community notification activities, as supported by the county Sheriff. Most notifications are done by press releases or flyers mailed to residences. Information on Level II and III registrants, transient registrants and non-compliant registrants is posted on the Washington State Sex Offender Public Website, administered by WASPC.

Registered Sex Offender Population

As of June 2019, the Washington sex offender registry contained information on 20,132 registrants.

REGISTRY STRUCTURE AND INFORMATION FLOW

The Washington Sex Offender database is administered by the Washington Association of Sheriffs and Police Chiefs (WASPC).⁵⁷ Each county in Washington submits information to the OffenderWatch database which interfaces with the Washington State Patrol, who maintains the official Washington State Sex Offender Registry. Per statute, WASPC developed and maintains a Model Policy to assist jurisdictions with implementing SORNA regulations consistently. All data entry and management occurs at the county level, including registration, collecting court records, DOC records, and any other pertinent information relevant to the registrant's risk.

WASHINGTON AND SORNA IMPLEMENTATION

Washington submitted a substantial implementation packet to the SMART office in July 2011. Table 17 provides a brief overview of the state's implementation status for each standard. Per the compliance letter issued by SMART, the state met all requirements for 5 of the 14 SORNA sections, did not meet requirements for 4 sections, and had adopted provisions that did not substantially disserve requirements of the remaining 5 sections. The description below summarizes the 2011 review and does not reflect the changes that Washington has made to their sex offender registration system. Additional details provided by the state are footnoted below.

Under Section II, regarding offenses that must be included in the registry, Washington does not capture offenses committed in the District of Columbia, a U.S. territory or tribe, unless the offense is substantially similar to a Washington sex offense⁵⁸. According to SMART, these deviations do not substantially disserve the requirements of Section II. Washington's classification for the majority of offenses does not align with the SORNA tiering structure, and the state does not capture all registration information as required by SORNA. As a result, the state does not meet requirements for Section III and IV. The state's registration requirement does not apply to recidivists who commit non-sexual offenses and registration requirements do not mandate immediate updates for certain information changes per SORNA requirements. These provisions were found as not substantially disserving the requirements of SORNA standard VII and VIII. Washington also does not meet minimum registration duration requirements, does not base in person verifications on offense of conviction, and does not make certain types of registrant information available to the public. Due to these deviations Washington was found to not meet the requirements of sections IX and X. Additionally, the state does not monitor or use the SORNA Exchange Portal and does not provide certain types of public notification, as required by SORNA⁵⁹. These deviations do not substantially disserve the requirements for SORNA standard XI, per SMART's review. Lastly, the state has also adopted provisions that do not substantially disserve requirements for section XII as Washington's registration scheme carries a 12-month community custody sentence for first time failure to register cases (SORNA requires an imprisonment term of greater than one year for failure to comply).

⁵⁷ <https://www.waspc.org/sex-offender-information>

⁵⁸ Currently WA does require registration for such offenses if the offender is required to register by the sentencing court.

⁵⁹ WA receives messages on offenders who report an intent to move to the state. Messages are sent via OffenderWatch to other states when offenders move from WA.

Washington Implementation of SORNA Standards*

| Section | Status | Variation(s) from Standards |
|--|--------|--|
| I. Immediate transfer of information | M | N/A |
| II. Offenses that must be included in the registry | DSND | State's registration scheme does not capture offenses committed in the District of Columbia, a U.S. territory or tribe, unless the offense is substantially similar to a Washington sex offense ⁶⁰ |
| III. Tiering of Offenses | DNM | State's classification for most offenses does not align with SORNA's tiering structure |
| IV. Required Registration Information | DNM | State's registration requirements do not capture driver license information, internet identifiers, palm prints ⁶¹ , passports, immigration documents, phone numbers, vehicle information and professional licensing information, as required by SORNA |
| V. Where registration is required | M | N/A |
| VI. Initial Registration: Generally | M | N/A |
| VII: Initial Registration: Retroactive classes of offenders | DNSD | State's registration scheme does not apply to individuals who re-enter the system due to non-sexual offenses ⁶² |
| VIII: Keeping the registration current | DNSD | State does not require immediate updates for changes in vehicle information, email addresses, instant message address and other internet identifiers; state does not require registrants to provide 21-day advance notice of international travel ⁶³ |
| IX: Verification/ Appearance Requirements | DNM | State does not meet requirements for minimum registration durations and does not base in person verifications upon offense of conviction |
| X: Registry Website Requirements | DNM | State does not make offender's employment, school and vehicle information available to the public |
| XI: Community Notification | DNSD | State does not use SORNA Exchange Portal for interjurisdictional change of residence, employment or enrollment; state does not provide public notification when a registrant begins employment or school attendance in an area; state does not provide email and direct notifications regarding residences of Level II and III registrants ⁶⁴ |
| XII: Failure to register as a sex offender: state penalty | DNSD | State mandates 12-month community custody sentence for first failure to register conviction while SORNA requires a maximum term of imprisonment greater than 1 year for failure to comply |
| XIII: When a sex offender fails to appear for registration | M | N/A |
| XIV: When a jurisdiction has information that a sex offender may have absconded | M | N/A |

SMART Office review conducted in 2011

*Table 1 summarizes the 2011 substantial implementation review and does not reflect the changes that Washington has made to their sex offender registration system. Additional details are footnoted below.

⁶⁰ State recognizes any federal, military or tribal offenses that require registration from the sentencing jurisdiction regardless of comparison.

⁶¹ Criminal history is reviewed through a process at DOC, which will identify anyone with a registerable offense not currently registered in WA

⁶² Palm prints may be taken at time of fingerprinting

⁶³ The 21-day advance notice was implemented in 2015

⁶⁴ Currently state does utilize Exchange portal and emails are provided to individuals registered for notification through the SOR public website. Information is also provided in newspapers and mailed fliers.

APPENDIX B: INTERVIEW PROTOCOLS & CODING SCHEMES

SITE VISIT INTERVIEW PROTOCOL

RESPONDENT AND AGENCY BACKGROUND

- Please briefly describe the scope of your agency's role in the implementation or management of (state name)'s sex offender registration and notification system
- Please briefly describe your current professional role as it relates to the implementation or management of (state name)'s sex offender registration and notification system
 - How long have you performed these roles?
 - Were you involved with sex offender registration and/or sex offender management activities prior to assuming your current role? If so, could you please describe this experience?

STATE SORNA IMPLEMENTATION EXPERIENCE

- What is (state's name) SORNA implementation status?
- What improvements have been made to your state's systems in response to SORNA?
- What challenges has your state faced regarding SORNA implementation?
 - Was (state name) able to overcome these challenges and if so, how?
- How many registrants are in (state's name)?
 - Do you have any historical data or information about your registrant population that you can share?
- What is your state's general process for managing the sex offender registry?
- How does your state's registration system compare to general SORNA practices across the country?

INFORMATION SHARING AMONG LAW ENFORCEMENT SYSTEMS AND AGENCIES

- Based on your experience, could you describe the ways in which the (name of state) sex offender registration system generally facilitates sharing of sex offender information between law enforcement agencies?
 - How is information shared within your state (local, county, state agencies, tribal)?
 - How is information shared when sex offenders move into or out of your state?
 - How is information shared with federal law enforcement agencies, such as the U.S. Marshals Service and the FBI?
 - In particular, how does your state share information related to absconders?
 - What is your state's process for handling international travel by registered sex offenders?
- What is your understanding of the goals of the Sex Offender Registration and Notification Act (SORNA) related to the sharing of information among law enforcement?
 - To what extent do you believe your state has met these goals?
- Based on your knowledge and experience, what changes in information-sharing practices have occurred in (name of state) in the years since SORNA's passage?
 - What have been the most significant areas of improvement?
 - What have been the most significant implementation challenges?
 - Could you provide examples from your experience?
- Are you familiar with the SORNA Exchange Portal?
 - (if "yes") What has been your experience with the use of the portal?
 - How is information shared from the portal with local registering officials?
- In what ways, and to what extent, do you think that your sex offender registration system improves the ability of law enforcement to effectively monitor offenders in the community?
 - Have you seen improvements in the system's capacity to fulfill this function in the years since SORNA's passage?
 - How is registration information used for criminal investigation, and have you identified any sex crime suspects through registry information?
 - How useful and reliable is the information in the sex offender registry? Is there information you would like to have as a part of the registry that you don't currently have?

- Do you have any recommendations for how (name of state)'s sex offender registration system could be improved to be made a more effective monitoring tool for law enforcement?

INFORMATION SHARING WITH THE PUBLIC

- Based on your experience, could you describe the ways in which the (name of state) sex offender registration system facilitates sharing of sex offender information with the general public?
- What is your understanding of the goals of the Sex Offender Registration and Notification Act (SORNA) related to the sharing of information with members of the public?
 - To what extent do you believe your state has met these goals?
- What specific information is made available to the public? How is the information provided to the public?
- In what ways, and to what extent, do you think that your sex offender registration and notification system improves the provision of sex offender information to the community?
 - Have you seen improvements in the system's capacity to fulfill this function in the years since SORNA's passage?
 - How do you think the public uses the registry information?
 - Do you feel like the public has a good understanding of the registry information and sex offenders in general?
 - Do you have any recommendations for how (name of state)'s sex offender registration system could be improved to be made a more effective and reliable tool for public information and promoting public awareness?

COST AND RESOURCE REQUIREMENTS

Issues related to the costs associated with sex offender registration and notification systems have often been raised in the context of policy deliberations.

- What do you see as the most significant cost and resource challenges associated with (state)'s sex offender registration and notification system?
- In general, do you feel that (state)'s sex offender registration and notification system receives sufficient levels of resources to fulfill its functions?
 - In what areas do you feel additional resources should be invested?
 - In what areas do you feel there are opportunities for greater efficiencies?
- How was the original mandate to develop and implement a sex offender registry paid for?
- Are any state funds appropriated for the development and management of the sex offender registry?
 - What has happened to those funding levels over time?
 - What costs are borne by the state and what types are borne by local and county jurisdictions?
- What additional costs has the state incurred to implement SORNA?
- Did (state name) take advantage of federal grant funding (Adam Walsh Act Implementation Grants)?
- Are you aware of any assessments or analyses that have evaluated the costs associated with the (state) sex offender registration and notification system?
 - (If yes, inquire about availability of these analyses)

AMERICAN PROBATION AND PAROLE ASSOCIATION FOCUS GROUPS

In order to understand the various perspectives in the room, we'd like to ask you a few basic questions about your work.

DEMOGRAPHIC INFORMATION

1. **Do you work in probation or parole?**

Probation Parole

2. **What is your role?**

Officer/Agent Supervisor

Other (Please specify) _____

3. **Are you assigned to specialized sex offender unit?**

Yes No

If no, what proportion of your caseload are registered sex offenders?

Less than 25% 25% - 50%

50% - 75% More than 75%

4. **Approximately how many years have you been involved working in the field of community supervision?** _____

a. **If you work in a specialized sex offender supervision unit, how long have you worked in that capacity?** _____

5. **What state do you work in?** _____

6. **Of the offenders who are under your supervision, approximately what proportion reside in the following types of areas? (check one box for each line)**

| | Less than 25% | 25%-50% | 50%-75% | More than 75% |
|----------------|---------------|---------|---------|---------------|
| Urban area | | | | |
| Suburban areas | | | | |
| Rural areas | | | | |

Focus Groups are expected to last 60-90 minutes. Below are study focus areas with probing questions if necessary.

INTRODUCTIONS (5-10 MINUTES)

Tell us who you are, where you work, and what your role is. If work or have worked directly supervising sex offenders, briefly describe that experience.

(Probing questions to guide participants if needed:

- Tell me about sex offender management and supervision within your agency and jurisdiction.
- Management and organizational structure: Where do you fit within this structure?
- General range of duties
- Inter-agency coordination (e.g. institutional corrections, law enforcement, local/county agencies)
- The sex offender population under your supervision)

SPECIALIZED VS. NON-SPECIALIZED UNITS (5-10 MINUTES)

Does your jurisdiction use specialized sex offender case management units?

Probing questions: If yes/no, modify probing questions to gain information on:

- *How do these units operate?*
- *Model of case management*
- *Who is a part of the units?*

What are the typical backgrounds and qualifications of officers?

- *Probing question: are there qualifications you think officers should have?*

What types of training do these officers/agents [or yourself] undergo?

- *Is there training you think would benefit officers?*

STANDARD CONDITIONS OF SUPERVISION (5-10 MINUTES)

What conditions of supervision for sex offenders are considered standard? Which are special conditions?

Probing Questions:

- *How are standard conditions determined (legislative, non-legislative, individualized)?*
- *If individualized, what process or information do you use to determine conditions?*

EVIDENCE-BASED PRACTICES (20-30 MINUTES)

What Evidence-based practices (EBPs) do you use specific to sex offender case management?

Risk/Need Assessments

What methods does your jurisdiction use to evaluate sex offender **risk and needs**?

Probing Questions:

- *Is this only at initiation or over the course of supervision?*
- *Do you personally assess risk and needs?*
- *How do you use an offender's risk assessment in their supervision?*
- *Over course of supervision (i.e. progress)*
- *How do you communicate this risk to your clients?*

Treatment

What models of treatment does your jurisdiction use?

How does your agency or jurisdiction coordinate and collaborate with clinical treatment providers?

- *How do you personally interact with treatment providers?*
- *Under what conditions do sex offenders pay for their treatment?*

REGISTRATION AND NOTIFICATION (10-15 MINUTES)

Please briefly describe how, if at all, your (probation/parole) agency is involved with the operation of your state's sex offender registration and notification system.

- *Are staff in your agency responsible for direct entry of data in the registry system?*
- *Do staff in your agency regularly exchange information or coordinate efforts with registry personnel?*
 - *Probing scenarios:*

- *When an offender is being released from prison onto supervision and needs to register*
- *When offender is coming off of supervision*
- *In cases of noncompliance with supervision and/or registration requirements (including cases involving absconders)*
- *Other scenarios?*

Over the past ten years or so, have you observed any changes in your state's system of sex offender registration and notification?

- *What has improved?*
- *What challenges have emerged?*

CHALLENGES, SUCCESSES, & FUTURE OF SUPERVISION (20-30 MINUTES)

- *What are the most significant challenges facing your jurisdiction surrounding the effective management of sex offenders in your jurisdiction?*
- *What are your jurisdiction's most significant areas of success?*
- *Where do you see your jurisdiction going in the future?*
- *Is there anything else you feel we should know about?*

SEX OFFENDER MANAGEMENT AND SUPERVISION (SOMS) ADMINISTRATIVE SURVEY

This survey should be completed by someone who has some measure of knowledge and oversight over the management of sex offenders under supervision of your agency

AGENCY INFORMATION

The following questions concern general information about your agency.

1. In which state or territory are you located? (Will provide a selection list)
 2. Which of the following best describes your agency's jurisdiction?
 - a. Local
 - b. County
 - c. State
 - d. Federal
 - e. Other (specify)
 3. Which of the following functions does your agency oversee? Check all that apply.
 - a. Probation supervision
 - b. Parole supervision
 - c. Jail custody and facility management
 - d. Prison custody and facility management
 - e. Other re-entry or offender reintegration services (specify)
 4. Approximately how many total employees within your agency are involved in community-based supervision and/or re-entry direct service delivery?
 - a. Less than 100
 - b. 100-500
 - c. Over 500
-

RESPONDENT INFORMATION

The following questions concern general information about your role in the agency.

5. What is your current title?
6. Approximately how many years have you worked in your current position?
 - a. 0 to 5 years
 - b. 6 to 10 years
 - c. 11 to 15 years
 - d. More than 15 years
7. Which of the following functions related to sex offender management and supervision in your jurisdiction are included in your scope of responsibilities? Check all that apply.
 - a. Development of protocols or policies
 - b. Managerial oversight
 - c. Budget or financial oversight
 - d. Staff training
 - e. Human resources (e.g., employee recruitment and hiring)
 - f. Interaction with legislators
 - g. Interaction with the general public
 - h. Program evaluation

8. Beyond those listed above, do you have any other responsibilities related to sex offender management and supervision? (Yes/No/Not sure)
 - a. If yes, please specify.

INVOLVEMENT IN REGISTRATION AND NOTIFICATION

The following questions concern how your agency is involved with the registration and notification process in your jurisdiction.

9. Is your agency involved in any aspect of sex offender registration and notification process within your state? (Yes/No/Not sure)
 - a. If yes: Please indicate the extent to which your agency personnel is involved in the following aspects of sex offender registration & notification. (Routinely involved/Occasionally involved/Rarely or never involved/Not sure)
 - i. Initiating registration for new probationers and/or parolees
 - ii. Routine updates of registry information
 - iii. Direct entry of data into the registry system
 - iv. Participation in registry address verification operations or other dimensions of registry enforcement
 - v. Participation in community meetings on registered sex offenders in the community
 - vi. Involvement in other forms of public notification activities
 - vii. Coordination and collaboration with state agency charged with managing the sex offender registry
 - viii. Coordination and collaboration with county and local law enforcement involved in registration
 - ix. Coordination and collaboration with US Marshals Service surrounding registry enforcement
10. Is your agency personnel involved in any other aspects of sex offender registration and notification not indicated above? (Yes/No/Not sure)
 - a. If yes, please specify
11. As noted in the initial consent to participate, your response to this survey will remain confidential, and your identity (and that of your agency) will not be disclosed. However, it would be helpful for us to have the ability to follow up with you to clarify certain responses in this survey. Additionally, we would like the opportunity to share survey results with those who have responded. If you are willing to be contacted for follow-up or are interested in receiving the results of this survey, please provide your name, phone number, and email below.
 - a. (Check) I am interested in receiving copies of the results of this survey.
 - b. (Check) I am willing to be contacted for purposes of clarifying information pertaining to this survey response.
 - c. Name
 - d. Phone Number
 - e. Email

CODEBOOK

| Name | Description |
|---|---|
| Cost and Resource Requirements | Nodes related to cost and resource requirements associated with SORN |
| Budget Concerns | When a respondent mentions resources in terms of money, dollars, or value. |
| Costs | When a respondent refers to monetary costs to the RSO or to the budget. |
| Grant | When a respondent mentions grants or grant money, including what grant money has been used for. |
| Resource Deficiencies | When a respondent mentions resource deficiencies like personnel or funding limitations |
| Data Access | When a respondent mentions issues related to data access |
| Data Accuracy | When a respondent discusses practices and concerns associated with data accuracy |
| Data Consistency | When a respondent mentions data consistency across jurisdictions |
| Data Management | Nodes related to data management |
| Crime Comparisons | When a respondent mentions comparing crimes or tiers between states for proper registration. |
| Incoming Offenders | When a respondent mentions offenders that are incoming to their state from another state. |
| Outgoing Offenders | When a respondent mentions offenders that are leaving their state to another state. |
| Quality control | When a respondent mentions data quality checks |
| Tiering | When a respondent mentions tiering, including the process of tiering and tiering levels. |
| Verification | When a respondent mentions verification and enforcement, including compliance checks |
| General Concern | General concerns related to RSOs in the community. |
| Information Sharing Public | Nodes on sharing information with the public |
| Public Correspondence | When a respondent mentions public inquiries or tips |
| Public Website | When a respondent refers to the public facing sex offender registry site |
| Social Media | When a respondent mentions social media, both for SOR units and RSOs themselves. |
| Information Sharing SOR | Nodes on information sharing with other jurisdictions |
| Collaboration with other state agencies | When a respondent mentions collaboration or information sharing with other state agencies (e.g., BOP, state police, SWAT teams, DOC, DMV, etc.). |
| Information Sharing | When a respondent discusses information sharing between departments, systems, or states, |
| Other state models | When a respondent mentions other state registry models and practices |
| Information Systems | Nodes on information technology systems |
| AFIS | When a respondent specifically refers to "AFIS" |
| AlaCourt | When a respondent specifically refers to "AlaCourt" |
| ALEA | When a respondent refers specifically to "ALEA" |
| Automation | When a respondent specifically mentions "automation" or "automated" |
| CCH | When a respondent specifically refers to "CCH" |
| Computer system issues | When a respondent mentions technical issues with a computer system (e.g., linking between systems, lack of information, lack of computer skills, etc.). |
| CPI | Computer Project of Illinois. |

| | |
|----------------------------|--|
| Criminal History Records | When a respondent mentions criminal history records or accessibility of criminal history information for RSOs. |
| CSAR | When a respondent specifically refers to "CSAR" |
| LEIN | When a respondent specifically refers to "LEIN" |
| LETS | When a respondent specifically refers to "LETS" |
| Mapping | When a respondent mentions mapping or geocoding of RSOs. |
| NCIC | When a respondent mentions The National Crime Information Center (NCIC), including linkages between NCIC and local systems and how information is reported to the FBI. |
| NSOR | When a respondent specifically to "NSOR" |
| Offender Watch | Offender Watch, the Sex Offender Registry tool used in Michigan. |
| SORNA Portal | When a respondent specifically refers to the SORNA Exchange Portal |
| SORT | The Sex Offender Registry Tool (SORT) is a sex offender management application provided by the U.S. Department of Justice and the SMART office to assist the states in implementing SORNA registry system requirements. |
| Talk with other systems | When a respondent mentions communication between different registry systems |
| Technology | When a respondent mentions technology related to SORN |
| VCIN | When a respondent specifically mentions "VCIN" |
| Vercidex | When a respondent specifically mentions "Vercidex" |
| VICAP | When a respondent specifically mentions "VICAP" |
| VINE link | When a respondent specifically mentions "Vine link" |
| Legal Issues | Nodes around legislative or legal concerns |
| Consequences of SO Laws | When a respondent mentions collateral consequences of SO laws and policies |
| High Profile Cases | When a respondent mentions high profile crimes (e.g., the Jessica Lunsford case). |
| Laws Changing | When a respondent discusses laws changing, including how they change and the effects of those changes. |
| Legal Challenges | When a respondent mentions legal challenges that RSOs have brought against the registry. |
| Legislative Issue | When a respondent mentions the passing of laws or the legislative process, including specific instances of legislative problems. |
| Loopholes | When a respondent mentions loopholes in a SO law or policy |
| Modification | When a respondent mentions modification provisions related to SO laws |
| Romeo & Juliet Laws | When a respondent specifically mentions Romeo and Juliet laws, or cases of statutory rape when both members engaging in consensual sexual intercourse are teenage (13-19). Romeo and Juliet laws generally stipulate a certain age gap between the older alleged offender and the younger alleged victim. The specific age gap varies from state to state. |
| Local Issues | Nodes regarding local issues pertaining to SORN |
| Local Control | When a respondent mentions local enforcement wanting control over certain tasks or what tasks the local enforcement has control over. |
| Local Court Issues | When a respondent mentions local court issues. |
| Local Differences | When a respondent mentions variation among locals |
| Local discretion | When a respondent mentions local law enforcement discretion when enforcing SORN |
| Local Registration issues | When a respondent mentions registration issues at the local level |
| Zero Tolerance | When a respondent specifically mentions "zero tolerance". |
| Offender Compliance | Nodes about RSO compliance issues/stats |
| Absconders | When a respondent specifically mentions "absconder(s)" or an Absconder Unit. |

| | |
|-------------------------------|--|
| Failure to Register | When a respondent specifically mentions RSOs failing to register, including the process for identifying and verifying failure to register. |
| GPS | When a respondent mentions Global Positioning System (GPS) or Electronic Monitoring (EM). |
| RSO Compliance | When a respondent mentions RSO compliance |
| Warrants | When a respondent mentions warrants for RSOs, including warrant issuing responsibilities and processes. |
| Personnel Roles | Nodes about registry personnel roles and responsibilities |
| Attorney for SOR Unit | Identifying when a respondent is the legal counsel for a SOR Unit. |
| Civilian SOR Unit personnel | Identifying when a respondent is civilian personnel of SOR Unit and their roles. |
| Community Corrections | When a respondent specifically mentions probation, parole, or other community corrections agency. |
| Courts | When a respondent mentions the court system, rulings, prosecution, or the court's responsibilities in registering. |
| Dept of Corrections | Whenever a respondent mentions the Department of Corrections (DOC), including their roles, collaboration, or specific personnel. |
| FBP | When a respondent mentions the Federal Bureau of Prisons; BOP |
| ICE | When a respondent mentions Immigration and Customs Enforcement; immigration issues |
| IIR | Institute for Intergovernmental Research |
| Local Registry Personnel | When a respondent mentions local registry personnel |
| Marshals | When a respondent mentions the US Marshals or the respondent is a Marshals representative |
| Policy-Legislative Role | When a respondent mentions the role of policymakers and legislators |
| Prior Job | Description of prior jobs of respondents. |
| Project manager | When a respondent discusses the role of project managers |
| Prosecutors | When a respondent mentions prosecutors or prosecution. |
| SOR Unit Staffing & Resources | When a respondent mentions SOR unit structure, staffing and resources |
| SOR Unit Supervisor | When a respondent mentions SOR unit supervisors and their role or is a supervisor |
| Sworn SOR unit staff | When a respondent mentions or is a sworn SOR unit staff member |
| Politics | When a respondent mentions politics related to SORN or the registry |
| Reform | Discussions of various reforms; federal; state and local |
| Registry | Nodes about registry-specific functions and processes |
| Investigations | When a respondent mentions investigations or investigating RSOs, including investigation responsibilities and processes. |
| Notification | When a respondent mentions community notification or notification related to RSOs |
| Registry Exemptions | When a respondent mentions exemptions from registration requirements |
| Registry Process | When a respondent mentions the process of registration and notification |
| Registry Relief | When a respondent mentions relief from registration policies and procedures |
| Registry Users | When a respondent mentions users of registry websites |
| Registry Violations | When a respondent mentions penalties and processes associated with registration violations |
| Risk Assessments | When a registrant mentions risk assessments |
| Residency Restrictions | When a respondent mentions residency restrictions |
| RSO Issues | Nodes about registry related to registrants |
| Female RSOs | When a respondent mentions female registrants |
| Homeless RSO | When a respondent mentions homeless or transient RSOs. |
| Juvenile Sex Offense Issues | When a respondent mentions juveniles convicted of a sex offense. |

| | |
|-----------------------------|---|
| Natural Disasters | When a respondent mentions SORN issues related to natural disasters |
| Net Widening | When a respondent mentions “widening the net” |
| RSO Border Issues | When a respondent mentions border issues faced by registrants |
| RSO Communication | When a respondent mentions communication with registrants |
| RSO Confusion | When a respondent mentions registrant confusion regarding the law |
| RSO DNA | When a respondent mentions DNA testing and data |
| RSO Employment | When a respondent mentions registrant employment |
| RSO local concentration | Concentration of RSOs in a local jurisdiction; clustering |
| RSO Photos | When a respondent mentions registrant photos |
| RSO Registration Fees | When a respondent mentions registration fees |
| RSO Registry Challenges | When a respondent mentions challenges associated with the registry |
| RSO Reports | When a respondent mentions any reports |
| RSO Treatment | When a respondent mentions registrant treatment |
| RSO vehicles | When a respondent mentions registrant vehicles and associated policies |
| RSO-LEO Relationships | When a respondent mentions registrant and local relationships |
| Rural RSO | When a respondent mentions RSOs living in rural areas. |
| Sovereign Citizen | When a respondent mentions sovereign citizen, who take the position that they are answerable only to their particular interpretation of the common law and are not subject to any government statutes or proceedings. |
| RSO Post-Conviction | Nodes about RSOs post-conviction |
| Reentry Planning | When a respondent mentions pre-release reentry plans for registrants |
| SO Management in Community | When a respondent mentions registrant management within the community |
| SORNA Implementation | Nodes about SORNA implementation processes |
| Compliance Checks or Sweeps | When a respondent mentions compliance checks in person or through the computer system or the process of compliance checks (i.e., who is doing the checks, how the checks happen, etc.). |
| LEO Resistance to Registry | When a respondent mentions local enforcement official resistance to the registry or handling RSOs. |
| Post SORNA | When a respondent mentions the registry after the passage of SORNA |
| Pre SORNA | When a respondent mentions the registry prior to SORNA |
| SORNA Improvement | When a respondent mentions improvements related to SORNA |
| SORNA Non-Compliance | When a respondent mentions non compliance per SORNA requirements |
| Training | When a respondent mentions training, including training RSOs on how to register or officials on how to manage portal systems. |
| Tribal issues | When a respondent mentions tribal issues (e.g., different registration systems). |
| SVP | Nodes about registrants with a sexually violent predator designation |
| Civil Commitment | When a respondent mentions civil commitment of SOs. |
| Sexual Predator | When a respondent mentions registrants with a sexual predator designation |
| Victim's Issues | When a respondent mentions victim’s issues (e.g., victim rights, victim advocacy, etc.). |

GLOSSARY

| Acronym | Description |
|---------|--|
| SORNA | Sex Offender Registration and Notification Act |
| SORN | Sex Offender Registration and Notification |
| SOR | Sex Offender Registry |
| SMART | Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking |
| DOJ | Department of Justice |
| NIJ | National Institute of Justice |
| BOI | Bureau of Investigation |
| USMS | United States Marshals Service |
| NSOPW | National Sex Offender Public Website |
| NCIC | National Crime Information Center |
| NSOR | National Sex Offender Registry |
| AG | Attorney General |
| DOC | Department of Corrections |
| NSOTC | National Sex Offender Targeting Center |
| SORT | Sex Offender Registry Tool |
| CJIS | Criminal Justice Information Services |
| ALEA | Alabama Law Enforcement Agency |
| FDLE | Florida Department of Law Enforcement |
| OPS | Office of Prosecution Services |
| DA | District Attorney |
| DPS | Department of Public Safety |
| MSHP | Missouri State Highway Patrol |
| MSP | Michigan State Police |
| WASPC | Washington Association of Sheriffs and Police Chiefs |

APPENDIX C: SUPPLEMENTAL TABLES & CHARTS

STATE LEVEL IMPLEMENTATION BY STANDARD SECTION – SI STATES

| State | I | II | III | IV | V | VI | VII | VIII | IX | X | XI | XII | XIII | XIV |
|----------------------------------|---|----|-----|----|---|----|-----|------|----|---|----|-----|------|-----|
| Substantially Implemented | | | | | | | | | | | | | | |
| Alabama | 3 | 2 | 3 | 3 | 3 | 3 | 2 | 3 | 3 | 3 | 2 | 3 | 3 | 3 |
| Colorado | 3 | 2 | 3 | 2 | 3 | 2 | 2 | 2 | 2 | 2 | 2 | 3 | 3 | 2 |
| Delaware | 3 | 3 | 2 | 3 | 3 | 3 | 2 | 3 | 2 | 3 | 2 | 3 | 3 | 3 |
| Florida | 2 | 2 | 2 | 2 | 3 | 3 | 2 | 2 | 3 | 3 | 2 | 3 | 3 | 3 |
| Kansas | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 |
| Louisiana | 3 | 2 | 2 | 2 | 3 | 3 | 2 | 2 | 3 | 3 | 3 | 3 | 3 | 3 |
| Maryland | 3 | 2 | 2 | 3 | 3 | 3 | 3 | 3 | 2 | 3 | 3 | 3 | 3 | 3 |
| Michigan | 3 | 2 | 2 | 3 | 3 | 3 | 3 | 3 | 3 | 2 | 3 | 3 | 3 | 3 |
| Mississippi | 3 | 3 | 3 | 2 | 3 | 3 | 3 | 3 | 2 | 3 | 3 | 2 | 3 | 3 |
| Missouri | 3 | 3 | 2 | 2 | 3 | 3 | 3 | 3 | 2 | 3 | 3 | 3 | 3 | 3 |
| Nevada | 3 | 2 | 2 | 2 | 3 | 3 | 2 | 2 | 3 | 2 | 3 | 3 | 3 | 3 |
| Ohio | 3 | 2 | 2 | 2 | 3 | 3 | 2 | 2 | 2 | 3 | 3 | 3 | 3 | 3 |
| Oklahoma | 3 | 2 | 2 | 2 | 3 | 3 | 2 | 2 | 2 | 2 | 3 | 3 | 3 | 3 |
| Pennsylvania | 3 | 2 | 2 | 2 | 3 | 3 | 2 | 3 | 3 | 3 | 3 | 3 | 3 | 3 |
| South Carolina | 3 | 3 | 3 | 2 | 3 | 3 | 3 | 2 | 3 | 3 | 3 | 3 | 3 | 3 |
| South Dakota | 2 | 3 | 2 | 2 | 2 | 3 | 2 | 2 | 2 | 2 | 2 | 3 | 3 | 3 |
| Tennessee | 3 | 2 | 2 | 2 | 3 | 3 | 2 | 2 | 2 | 2 | 2 | 3 | 3 | 2 |
| Wyoming | 3 | 2 | 2 | 2 | 3 | 3 | 2 | 3 | 2 | 2 | 3 | 3 | 3 | 2 |

Key for Table Values

| | |
|---|--|
| 3 | State meets SORNA requirements |
| 2 | State does not substantially disserve SORNA requirements |
| 1 | State does not meet SORNA requirements. |
| 0 | State not evaluated due to missing information |

STATE LEVEL IMPLEMENTATION BY STANDARD SECTION – NSI STATES

| State | I | II | III | IV | V | VI | VII | VIII | IX | X | XI | XII | XIII | XIV |
|--------------------------------------|---|----|-----|----|---|----|-----|------|----|---|----|-----|------|-----|
| Not Substantially Implemented | | | | | | | | | | | | | | |
| Alaska | 2 | 1 | 2 | 2 | 3 | 3 | 2 | 1 | 1 | 2 | 1 | 1 | 3 | 3 |
| Arizona | 1 | 1 | 2 | 2 | 1 | 1 | 3 | 1 | 1 | 1 | 3 | 3 | 3 | 1 |
| Arkansas | 3 | 1 | 2 | 2 | 3 | 3 | 2 | 2 | 1 | 1 | 3 | 3 | 3 | 3 |
| California | 1 | 1 | 3 | 2 | 2 | 2 | 3 | 1 | 1 | 1 | 1 | 2 | 3 | 1 |
| Connecticut | 3 | 1 | 1 | 2 | 3 | 2 | 2 | 1 | 1 | 2 | 3 | 3 | 3 | 2 |
| Georgia | 3 | 1 | 2 | 2 | 3 | 3 | 2 | 1 | 1 | 1 | 2 | 3 | 2 | 2 |
| Hawaii | 3 | 1 | 2 | 2 | 3 | 3 | 2 | 2 | 1 | 2 | 2 | 3 | 3 | 1 |
| Idaho | 2 | 2 | 2 | 2 | 3 | 2 | 2 | 2 | 1 | 1 | 2 | 2 | 3 | 3 |
| Illinois | 1 | 2 | 1 | 2 | 3 | 3 | 2 | 1 | 1 | 1 | 1 | 3 | 3 | 3 |
| Indiana | 1 | 1 | 1 | 2 | 2 | 1 | 2 | 1 | 1 | 2 | 2 | 3 | 1 | 2 |
| Iowa | 2 | 3 | 2 | 2 | 3 | 2 | 2 | 2 | 1 | 2 | 2 | 3 | 3 | 3 |
| Kentucky | 1 | 1 | 1 | 1 | 3 | 2 | 2 | 1 | 1 | 1 | 1 | 3 | 1 | 1 |
| Maine | 3 | 1 | 1 | 2 | 3 | 3 | 1 | 2 | 2 | 2 | 2 | 3 | 3 | 2 |
| Massachusetts | 3 | 1 | | 1 | 3 | 2 | 2 | 1 | 1 | 1 | 1 | 2 | 3 | 3 |
| Minnesota | 2 | 2 | 1 | 1 | 3 | 2 | 2 | 1 | 1 | 1 | 1 | 3 | 3 | 2 |
| Montana | 3 | 2 | 3 | 1 | 3 | 3 | 2 | 2 | 1 | 1 | 1 | 3 | 3 | 2 |
| Nebraska | 3 | 1 | 2 | 3 | 3 | 3 | 2 | 2 | 3 | 3 | 2 | 3 | 3 | 3 |
| New Hampshire | 2 | 1 | 2 | 1 | 3 | 2 | 2 | 2 | 2 | 1 | 2 | 2 | 3 | 2 |
| New Jersey | 1 | 1 | 3 | 2 | 3 | 1 | 2 | 1 | 1 | 1 | 1 | 3 | 3 | 2 |
| New Mexico | 3 | 1 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 1 | 2 | 3 | 3 | 3 |
| New York | 1 | 1 | 1 | 1 | 1 | 1 | 2 | 1 | 1 | 1 | 1 | 3 | 1 | 2 |
| North Carolina | 1 | 2 | 1 | 1 | 2 | 3 | 2 | 1 | 1 | 1 | 2 | 3 | 3 | 3 |
| North Dakota | 2 | | 1 | | 3 | | | | 1 | 1 | | 3 | | 3 |
| Oregon | 3 | 2 | 1 | 2 | 3 | 1 | 2 | 1 | 1 | 1 | 1 | 2 | 3 | 2 |
| Rhode Island | 1 | 1 | 1 | 1 | 2 | 2 | 2 | 1 | 1 | 1 | 1 | 3 | 1 | 1 |
| Texas | 3 | 2 | 2 | 2 | 3 | 1 | 2 | 1 | 1 | 1 | 2 | 3 | 1 | 2 |
| Utah | 3 | 1 | 2 | 2 | 3 | 2 | 2 | 2 | 1 | 1 | 2 | 2 | 3 | 2 |
| Vermont | 3 | 1 | 1 | 1 | 3 | 1 | 2 | 1 | 1 | 1 | 2 | 3 | 2 | 2 |
| Virginia | 3 | 1 | 2 | 2 | 3 | 3 | 2 | 3 | 2 | 2 | 2 | 2 | 3 | 2 |
| Washington | 3 | 2 | 1 | 1 | 3 | 3 | 2 | 2 | 1 | 1 | 2 | 2 | 3 | 3 |
| West Virginia | 1 | 1 | 1 | 1 | 2 | 1 | 3 | 1 | 1 | 1 | 1 | 2 | 3 | 3 |
| Wisconsin | 1 | 2 | 1 | 1 | 3 | 1 | 2 | 1 | 1 | 1 | 2 | 2 | 3 | 3 |

Key for Table Values

| | |
|---|--|
| 3 | State meets SORNA requirements |
| 2 | State does not substantially disserve SORNA requirements |
| 1 | State does not meet SORNA requirements. |
| 0 | State not evaluated due to missing information |

STATE LEVEL SORN IMPLEMENTATION BASED ON SECTION AND IMPLEMENTATION STATUS

| Section | All | | | SI | | NSI | | |
|--|------------|---------------|--------------|------------|---------------|------------|---------------|--------------|
| | M n (%) | DNSD n (%) | DNM n (%) | M n (%) | DNSD n (%) | M n (%) | DNSD n (%) | DNM n (%) |
| 1: Immediate transfer of information | 31 (62) | 8 (16) | 11 (22) | 16 (89) | 2 (11) | 15 (47) | 6 (19) | 11 (34) |
| 2: Offenses that must be included in the registry* | 7 (14) | 21 (43) | 21 (43) | 6 (33) | 12 (67) | 1 (3) | 9 (29) | 21 (68) |
| 3: Tiering of offenses* | 8 (16) | 26 (53) | 15 (31) | 5 (28) | 13 (72) | 3 (10) | 13 (42) | 15 (48) |
| 4: Required registration information* | 6 (12) | 32 (65) | 11 (22) | 5 (28) | 13 (72) | 1 (3) | 18 (58) | 12 (39) |
| 5: Where registration is required | 42 (84) | 7 (14) | 1 (2) | 17 (94) | 1 (6) | 24 (75) | 6 (19) | 2 (6) |
| 6: Initial registration: generally* | 28 (57) | 12 (25) | 9 (18) | 17 (94) | 1 (6) | 11 (36) | 11 (36) | 9 (29) |
| 7: Initial registration: retroactive classes of offenders* | 9 (18) | 39 (80) | 1 (2) | 6 (33) | 12 (67) | 3 (10) | 27 (87) | 1 (3) |
| 8: Keeping the registration current* | 10 (20) | 20 (41) | 19 (39) | 9 (50) | 9 (50) | 1 (3) | 11 (36) | 19 (61) |
| 9: Verification/appearance requirements | 9 (18) | 14 (28) | 27 (54) | 8 (44) | 10 (56) | 1 (3) | 4 (13) | 27 (84) |
| 10: Registry website requirements | 12 (24) | 14 (28) | 24 (48) | 11 (61) | 7 (39) | 1 (3) | 7 (22) | 24 (75) |
| 11: Community notification* | 15 (31) | 22 (45) | 12 (25) | 12 (67) | 6 (33) | 3 (10) | 16 (52) | 12 (39) |
| 12: Failure to register as a sex offender: state penalty | 38 (76) | 11 (22) | 1 (2) | 17 (94) | 1 (6) | 21 (66) | 10 (31) | 1 (3) |
| 13: When a sex offender fails to appear for registration* | 42 (86) | 2 (4) | 5 (10) | 18 (100) | 0 (0) | 24 (77) | 2 (7) | 5 (16) |
| 14: When a jurisdiction has information that a sex offender may have absconded | 28 (56) | 17 (34) | 5 (10) | 15 (83) | 3 (17) | 13 (41) | 14 (44) | 5 (16) |

STATE SELECTION MATRIX

| State | SI Status | Registrant Rankings* | Program Using | Tribal (PL-280) | Portal Utilization Level** |
|----------------|-----------|----------------------|----------------|-----------------|----------------------------|
| Alabama | Y | M | OffenderWatch | Y | S |
| Alaska | N | S | Custom | Y | S |
| Arizona | N | M | Offender Watch | N | N/A |
| Arkansas | N | M | Custom | Y | N/A |
| California | N | L | Custom | Y | N/A |
| Colorado | Y | M | Custom | N | N/A |
| Connecticut | N | S | Offender Watch | N | S |
| Delaware | Y | S | Custom | Y | S |
| Florida | Y | L | Custom | N | L |
| Georgia | N | M | SORT | Y | N/A |
| Hawaii | N | S | Custom | Y | S |
| Idaho | N | S | Custom | N | S |
| Illinois | N | M | Custom | Y | S |
| Indiana | N | M | Offender Watch | Y | S |
| Iowa | N | S | Custom | N | M |
| Kansas | Y | S | SORT | N | M |
| Kentucky | N | M | Custom | Y | S |
| Louisiana | Y | S | Offender Watch | N | M |
| Maine | N | S | Custom | N | S |
| Maryland | Y | S | Custom | Y | S |
| Massachusetts | N | M | Custom | N | S |
| Michigan | Y | L | Offender Watch | N | L |
| Minnesota | N | M | Custom | Y | S |
| Mississippi | Y | S | SORT | N | S |
| Missouri | Y | M | Custom | Y | M |
| Montana | N | S | Custom | N | S |
| Nebraska | N | S | Custom | N | N/A |
| Nevada | Y | S | SORT | N | S |
| New Hampshire | N | S | Custom | Y | S |
| New Jersey | N | M | Offender Watch | Y | S |
| New Mexico | N | S | Offender Watch | N | S |
| New York | N | L | Custom | N | N/A |
| North Carolina | N | M | Custom | Y | N/A |
| North Dakota | N | S | Custom | N | N/A |
| Ohio | Y | M | Offender Watch | Y | M |
| Oklahoma | N | S | Custom | N | S |
| Oregon | N | M | Custom | N | S |
| Pennsylvania | Y | M | SORT | Y | S |
| Rhode Island | N | S | Custom | N | S |
| South Carolina | Y | M | Offender Watch | Y | M |
| South Dakota | Y | S | Custom | N | S |
| Tennessee | Y | M | Custom | Y | S |
| Texas | N | L | Custom | Y | S |
| Utah | N | S | Offender Watch | N | M |
| Vermont | N | S | Offender Watch | Y | S |
| Virginia | N | M | Custom | Y | N/A |
| Washington | N | M | Offender Watch | N | M |
| West Virginia | N | S | Custom | Y | N/A |
| Wisconsin | N | M | SORT | Y | S |
| Wyoming | Y | S | Offender Watch | N | S |
| Washington DC | N | S | Custom | Y | S |

STATE BY STATE IMPLEMENTATION SUMMARY

| State | SMART Review Completed | Meets N (%) | Does Not Substantially Disserve N (%) | Does Not Meet N(%) |
|---------------------------------------|------------------------|-------------|---------------------------------------|--------------------|
| Substantially Implemented: | | | | |
| Alabama | Jul 2014 | 10 (71) | 4 (29) | - |
| Colorado | Nov 2013 | 5 (36) | 9 (64) | - |
| Delaware | Mar 2010 | 10 (71) | 4 (29) | - |
| Florida | Dec 2009 | 7 (50) | 7 (50) | - |
| Kansas | Jul 2011 | 14 (100) | 0 (0) | - |
| Louisiana | Apr 2011 | 9 (64) | 5 (36) | - |
| Maryland | Jul 2011 | 11 (79) | 3 (21) | - |
| Michigan | May 2011 | 11 (79) | 3 (21) | - |
| Mississippi | Jul 2011 | 11 (79) | 3 (21) | - |
| Missouri | Dec 2011 | 11 (79) | 3 (21) | - |
| Nevada | Feb 2011 | 8 (57) | 6 (43) | - |
| Ohio | Sep 2009 | 8 (57) | 6 (43) | - |
| Oklahoma | Feb 2017 | 7 (50) | 7 (50) | - |
| Pennsylvania | Sep 2012 | 10 (71) | 4 (29) | - |
| South Carolina | Jul 2011 | 12 (86) | 2 (14) | - |
| South Dakota | Apr 2010 | 5 (36) | 9 (64) | - |
| Tennessee | Sep 2011 | 5 (36) | 9 (64) | - |
| Virginia | Aug 2017 | 7 (50) | 7 (50) | - |
| Wyoming | Apr 2011 | 7 (50) | 7 (50) | - |
| Not Substantially Implemented: | | | | |
| Alaska | Nov 2015 | 4 (29) | 5 (36) | 5 (36) |
| Arizona | Nov 2015 | 8 (57) | 2 (14) | 4 (29) |
| Arkansas | Nov 2013 | 7 (50) | 3 (21) | 4 (29) |
| California | Jan 2016 | 3 (21) | 4 (29) | 7 (50) |
| Connecticut | Oct 2015 | 5 (36) | 5 (36) | 4 (29) |
| Georgia | Oct 2015 | 4 (29) | 6 (43) | 4 (29) |
| Hawaii | Jul 2012 | 5 (36) | 7 (50) | 2 (14) |
| Idaho | Jan 2012 | 3 (21) | 10 (71) | 1 (7) |
| Illinois | Jul 2016 | 5 (36) | 3 (21) | 6 (43) |
| Indiana | Jun 2016 | 1 (7) | 6 (43) | 7 (50) |
| Iowa | Dec 2013 | 5 (36) | 8 (57) | 1 (7) |
| Kentucky | Oct 2011 | 2 (14) | 2 (14) | 10 (71) |
| Maine | Aug 2012 | 5 (36) | 6 (43) | 3 (21) |
| Massachusetts | Jul 2010 | 4 (29) | 3 (21) | 6 (43) |
| Minnesota | Sep 2016 | 3 (21) | 5 (36) | 6 (43) |
| Montana | Apr 2013 | 7 (50) | 4 (29) | 3 (21) |
| Nebraska | May 2010 | 9 (64) | 4 (29) | 1 (7) |
| New Hampshire | Jul 2011 | 2 (14) | 9 (64) | 3 (21) |
| New Jersey | Jul 2016 | 4 ((29) | 3 (21) | 7 (50) |
| New Mexico | Oct 2013 | 4(29) | 8 (57) | 2 (14) |
| New York | May 2015 | 1 (7) | 2 (14) | 11 (79) |
| North Carolina | Nov 2016 | 4 (29) | 4 (29) | 6 (43) |
| North Dakota | Nov 2011 | 3 (21) | 1 (7) | 3 (21) |
| Oregon | Jul 2011 | 3 (21) | 5 (36) | 6 (43) |
| Rhode Island | Jan 2016 | 1 (7) | 3 (21) | 10 (71) |
| Texas | Oct 2017 | 3 (21) | 6 (43) | 5 (36) |
| Utah | Mar 2014 | 3 (21) | 8 (57) | 3 (21) |
| Vermont | Oct 2016 | 3 (21) | 4 (29) | 7 (50) |
| Washington | Aug 2011 | 5 (36) | 5 (36) | 4 (29) |
| West Virginia | Dec 2016 | 3 (21) | 2 (14) | 9 (64) |
| Wisconsin | Apr 2016 | 3 (21) | 4 (29) | 7 (50) |