

elements of change

highlighting trends and issues in the criminal justice system

VOL. 4 / NO. 2

The Debate Over Sex Offender Community Notification

Registration makes information about sex offenders available to law enforcement and criminal justice agencies to facilitate criminal investigations. Notification goes further by making information about individual sex offenders accessible, either freely or by request, to individuals and organizations in the community. The proliferation of community notification laws clearly reflects a public perception that registration alone is inadequate to protect against released sex offenders. But, community notification is controversial because it makes public certain, typically protected, criminal justice information. The information available to the public and the method of distribution varies from jurisdiction to jurisdiction. To assist in understanding the controversy, the table below outlines some of the basic pros and cons of community notification. *(continued on page 2)*

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pros

SEX OFFENDER COMMUNITY NOTIFICATION

cons

The threat of notification can act as a catalyst for sex offenders to participate in treatment and comply with conditions of probation/parole.

Notification may encourage community members to report suspicious behavior, thereby suppressing criminal behavior. Likewise, the presence of notification may deter future acts of sexual violence because increased surveillance leads to a greater risk of detection.

Being able to warn residents about a sex offender may prevent those residents from becoming victims.

Notification can be a useful tool for educating the public about sex offenders, revealing specific risk behaviors and correcting false rumors and assumptions.

Notification can improve communication and promote interaction between the criminal justice system and the community through collaborative sex crime education and prevention activities.

Notification can increase criminal justice collaboration and coordination, bringing together probation, parole, law enforcement, prosecutors, and the victim community, making public safety activities more effective.

Notification may incite excessive community fear or anger, resulting in vigilantism or other criminal activity.

*Notification may create a false sense of security in communities, leading residents to conclude they know about the sex offenders in their midst when, in fact, a resident is more likely to be sexually abused by a parent, relative, or acquaintance than by a stranger.**

*Notification and registration lists can lead the public to believe these (registered) sex offenders are the most dangerous. Since rape is the most underreported crime, most sex offenders never come to the attention of authorities.***

General, nonspecific notification may cause offenders to change their residence without registering again (referred to as "going underground"), or may encourage them to offend in areas outside the notification zone.

Sex offender registries may contain inaccurate or outdated address information because the ongoing verification of address information requires significant law enforcement resources. Even when addresses are verified on-site, the offender may relocate the next day.



* According to *Rape in America: Report to the Nation* (Crime Victims Resource and Treatment Center, 1992), 22% of sexual assaults were committed by strangers, 46% were committed by relatives, and 29% were committed by acquaintances (3% refused to answer). 84% of these victims did not report the crime to the police.
 ** *Rape in America: Report to the Nation* reported that fewer than 15% of women surveyed who survived a sexual assault reported the crime to the police.
 Source: Finn, P. (1997). *Sex Offender Community Notification*. U.S. Department of Justice, Office of Justice Programs, National Institute of Justice.

Sex Offender Community Notification in Colorado

Sex offender registries are active in all fifty states, and all but three states (NM, NB, KY) have enacted some form of sex offender community notification. Sex offender registration and notification are encouraged at the Federal level by the Wetterling Act.

Colorado has had sex offender registration laws in effect since 1994. Currently, Colorado has a *passive* community notification system which allows citizens to access sex offender registries through law enforcement upon request. This year the Colorado Legislature is considering a bill (HB99-1260, sponsored by Representative Tool and Senator Anderson) proposing *active* community notification. This bill outlines a community notification system based on offender risk and grounded in community education. Under the proposed new law, local law enforcement would lead education teams into communities to proactively notify citizens of high risk sex offenders living nearby. (As of this printing, HB99-1260 had passed both Houses and was waiting the Governor's signature.)

Some Things You Can Do if You Are Notified a Sex Offender Is Living in Your Community:

- **Review your family's safety plan.** Your children and your family need to know what to do if anyone -- family, friend, acquaintance, neighbor, or stranger -- exhibits sexually inappropriate behavior.
- **Look for more information.** Ask the contact person on the notice for more information (public meetings, local resources, etc.).
- **Find out if the sex offender is being supervised.** Ask the person or organization who notified you whether this sex offender is being supervised by a probation or parole officer. Through this officer, you may be able to get more specific information about the risk the sex offender may pose to you.
- **Consider talking to the sex offender.** If you *already* know and have close contact with the offender (i.e., family member or friend), let the person know that you are aware of his past and are watching his actions today.
- **Notify the police if you see the sex offender in a suspicious situation.** If you see the sex offender engaged in suspicious or dangerous behavior, call the police or probation/parole officer. Your watchfulness may keep the sex offender from getting into a situation where he has an opportunity to reoffend. On the other hand, making threats or taking revenge only pushes the offender into hiding, where it is easier for the offender to return to abusive behavior.

SEXUAL ABUSE: What to Watch out for when Adults Are with Children

Do you know an adult or older child who:

- Refuses to let a child set any of his or her own limits?
- Insists on hugging, touching, kissing, tickling, wrestling with, or holding a child even when the child does not want his affection?
- Is overly interested in the sexuality of a particular child or teen (e.g., talks repeatedly about the child's developing body or interferes with normal teen dating)?
- Manages to get time alone or insists on time alone with a child with no interruptions?
- Spends most of his/her spare time with children and has little interest in spending time with someone their own age?
- Regularly offers to babysit many different children for free or takes children on overnight outings alone?
- Buys children expensive gifts or gives them money for no apparent reason?
- Frequently walks in on children/teens in the bathroom?
- Allows children or teens to consistently get away with inappropriate behavior?

If you answered "yes" to some of these questions, talk to that person. If you are uncomfortable, but don't see these signs, trust your instincts and ask questions.

Source (left and above):
Tabachnick, J. (ed.) (1998). *Child Sexual Abuse: Facts about Abuse and Those Who Might Commit It*. STOPITNOW!, Haydenville, MA.

American Indians & Crime

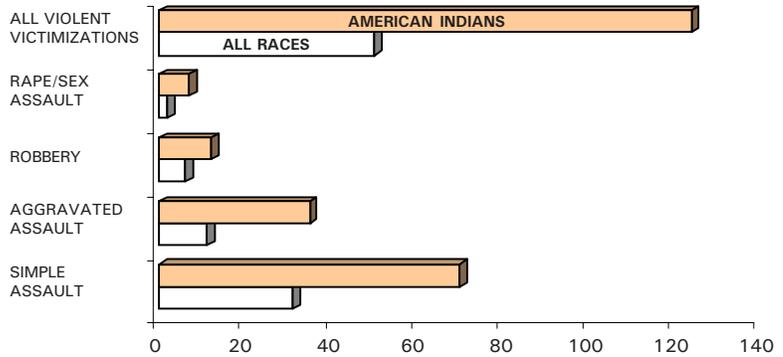
AMERICAN INDIANS ARE VICTIMS OF VIOLENT CRIMES AT MORE THAN TWICE THE RATE OF ALL U.S. RESIDENTS AND ARE MORE LIKELY TO EXPERIENCE INTERRACIAL VIOLENCE. AMERICAN INDIANS REPRESENT JUST UNDER 1 PERCENT (ABOUT 2.3 MILLION) OF THE TOTAL UNITED STATES POPULATION.*

The violent victimization rate for American Indians (124 violent crimes per 1,000 American Indians) was more than twice the rate for the nation (50 per 1,000).

For all four types of nonfatal violent victimizations (rape/sex assault, robbery, aggravated assault, simple assault), American Indians experienced higher than average annual rates of victimization.

Each year approximately 150 American Indians are murdered, which is close to the per capita rate in the general population.

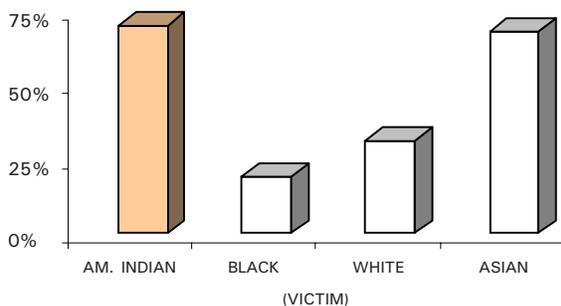
AVERAGE ANNUAL RATE OF VIOLENT VICTIMIZATIONS, AMERICAN INDIANS VS. GENERAL U.S. POPULATION
average rate per 1,000 persons age 12+, 1992-96



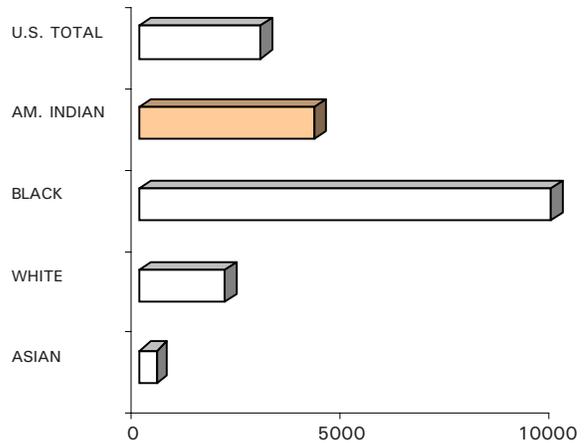
Approximately 7 in 10 violent victimizations of American Indians involved an offender who was described by the victim as someone of a different race, a substantially higher rate of interracial violence than experienced by white or black victims.

Approximately half of the violent victimizations experienced by American Indians involved an offender with whom the victim had a prior relationship, about the same percentage as found among other victims of violence.

PERCENT OF VIOLENT VICTIMIZATIONS THAT WERE INTERRACIAL BY RACE OF VICTIM*
average annual percentage, 1992-96



RATE OF OFFENDERS UNDER CORRECTIONAL SUPERVISION OR CONTROL BY RACE*
rate per 100,000 adults, 1997



On any given day an estimated one in 25 American Indians 18 years and older (4% of this group) is under the jurisdiction of the nation's criminal justice system. This is 2.4 times the rate for whites and 9.3 times the rate for Asians but about half the rate for blacks.

* American Indians include Alaska Natives and Aleuts. Also, note that for this study, people of Hispanic origin were categorized into one of four racial groups (white, black, American Indian, Asian) based on how the participants identified themselves. Source: Greenfeld, L.A., and Smith, S.K. (1999). *American Indians and Crime*. U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. Washington, D.C. Complete and abbreviated report available at <http://www.ojp.usdoj.gov/bjs/abstract/aic.htm>.

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