

Law Enforcement Views on Sex Offender Compliance with Registration Mandates

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Abstract This exploratory mixed-methods study utilized data from 101 semi-structured interviews and a nationwide survey ($n = 765$) to examine law enforcement perspectives on sex offender compliance with registration obligations. Specifically, law enforcement views were explored regarding the definitions and frequency of non-compliance, its underlying reasons or causes, and challenges and practices relating to its detection and management. Findings indicated that defining sex offender non-compliance with registration mandates is no simple task, but underscored the need to differentiate between purposeful and intentional forms of non-compliance and those that are less so. Data also support prior research indicating that few sex offenders truly abscond, and that most non-compliers are easily located. Detection of registration violators occurs through a number of means, and officers rely on community members, fellow law enforcement agents, and supervision partners to help monitor and manage their registrants. Variation exists between and within jurisdictions in terms of definitions, compliance management practices, and enforcement strategies. Translated into the domains of policy and practice, findings suggest that, rather than framing non-compliance under a single umbrella of “failure to register,” law enforcement efforts might be enhanced through improved typologies of non-compliance that can help to prioritize the use of enforcement resources.

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Over the past two decades, state and municipal law enforcement agencies in the United States have been tasked with the increasingly complex role of managing registered sex offenders (RSOs) and ensuring RSO compliance with laws governing registration. Federal guidelines for sex offender registration and notification (SORN) systems were established by the Jacob Wetterling Act of 1994, and were subsequently refined by “Megan’s Law” in 1996 and the Adam Walsh Act in 2006. In the intervening years, sex offender management policy and its concomitant public safety implications have become a prominent priority for policymakers, law enforcement, and correctional supervision officers. A central part of this endeavor has involved efforts to develop systematic definitions, procedures, and sanctions related to registration compliance, which encompasses a complicated web of intersecting inter-agency data and roles related to the supervision of RSOs.

There is a small research literature which has focused on describing the scope and frequency of failure to register (FTR) crimes, understanding the relationship between FTR and recidivism risk, and identifying individual and community-level factors that predict FTR and absconding. This mixed-methods study presents findings from a series of interviews and a national survey examining law enforcement perspectives on sex offender compliance with registration obligations. The current analyses focus on promoting an in-depth understanding of the nature of registry non-compliance as well as sex offender management practices specific to registration enforcement. The current study contributes to our understanding of registration adherence by building on the existing research foundation to offer a richer and contextualized narrative of non-compliance through the eyes of law enforcement agents.

Background and Literature Review

The U.S. Population of Sexual Offenders

According to data published by the National Center for Missing and Exploited Children (NCMEC) in December 2015 there were 843,680 RSOs in the United States. The U.S. census-adjusted figures calculated the average rate of RSOs per 100,000 citizens to be 261, ranging from 116 in Maryland to 714 in Oregon. Notably, a substantial number of RSOs counted by NCMEC do not reside in the community, with about 4% deceased or deported, about 20% incarcerated or confined, and some double counted in multiple states (Ackerman, Harris, Levenson, & Zgoba, 2011; Ackerman, Levenson, & Harris, 2012; Harris, Levenson, & Ackerman, 2014). Registrants are overwhelmingly male (98%) and predominately white (66%), with the average American sex offender in his mid-forties (Ackerman et al., 2011). Approximately two-thirds of RSOs counted by NCMEC are found on public internet registries (Ackerman et al., 2011), suggesting that about one-third have been presumably designated as sufficiently low risk to exempt them from public registration. About 14% of RSOs on public registries have been specifically designated by states as high risk, predator, or sexually violent. About 15% have more than one sex crime conviction. The vast majority (90%) have had a minor victim, and about 33% have had victims under 10 years old. Most (87%) victims (adult and minor) are female (Ackerman et al., 2011).

Registration Compliance

Along with the growth of SORN systems, policymakers have placed increasing emphasis on ensuring RSO compliance with registration laws through expanded enforcement and prosecution. In 2006, the Adam Walsh Act (AWA) set forth guidelines that required states to implement a criminal penalty of imprisonment of at least one year for failing to comply with SORNA and as of mid-2016, more than 20 states were determined to have substantially implemented this penalty (Harris, Lobanov-Rostovsky, & Levenson, 2015). FTR has become the most common type of recidivism by RSOs in many states (Duwe & Donnay, 2010; Levenson & Shields, 2012; Levenson, Ackerman, & Harris, 2013). Nationally, state rates of non-compliance differ widely, with a national median rate of 2.7% of RSOs labeled as noncompliant or with whereabouts unknown, and an additional 2% of the nation's sex offenders believed to be transient or homeless (Levenson & Harris, 2012). The prominence of FTR in policy dialogues was driven partly by persistent media narratives claiming that large numbers of sex offenders are "missing," coupled with the presumption that FTR brings with it an increased danger to the community (Levenson & Harris, 2012). Law enforcement agents are typically supportive of SORN implementation and enforcement, though they have expressed some reservations about its effectiveness in preventing recidivism (Mustaine, Tewksbury, Connor, & Payne, 2015; Harris, Levenson, Lobanov-Rostovsky, & Walfield, 2016).

The Complexities of Defining Non-Compliance

It is widely assumed that "sex offenders often fail to register precisely so they can evade detection and in many cases, find new victims..." (Blumenthal, 2011, p. 1). Research suggests, however, that SORN non-compliance is a diverse and multi-dimensional phenomenon (Harris et al., 2014; Harris & Pattavina, 2009; Levenson & Harris, 2012; Levenson et al., 2013) and that it is not necessarily associated with recidivism (Duwe & Donnay, 2010; Levenson, Letourneau, Armstrong, & Zgoba, 2010; Levenson, Sandler, & Freeman, 2012; Zgoba & Levenson, 2012). Furthermore, definitional ambiguity complicates researchers' ability to empirically investigate the scope of the problem and its associated causes and consequences. Because an arrest for FTR can occur for various reasons and reflects a range of motivations, empirical investigations that have relied on FTR arrest data may miss important nuances that elucidate and contextualize the phenomenon. The term "FTR," for instance, is often used interchangeably with words like non-compliance and absconding, each of which reflect very different constructs.

An "absconder" is typically defined as a person who is under the supervision of the criminal justice system and whose whereabouts are unknown despite repeated attempts to locate them (Schwaner, 1997). Nationally, about 10% of probationers and parolees in the United States have absconded, but sex offenders are less likely to abscond than other types of offenders (Williams, McShane, & Dolny, 2000; Grattet, Petersilia, Lin, & Beckman, 2009). RSOs who do abscond from authorities seem to be different, however, from sex offenders who technically fall out of compliance but whose whereabouts are known. While some RSOs intentionally evade their duty to register and do not remain in their approved location, many other violations occur inadvertently or due to extenuating circumstances.

The Spectrum of Reasons for Non-Compliance

Beyond differences in the *types* of non-compliance, there is also evidence of a variety of reasons or motivations behind a lapse in compliance, other than deliberate attempts at evasion. First, it is likely that many violators are not willful, as most FTR offenders are easily found at their last known location and have not absconded (Duwe & Donnay, 2010; Harris et al., 2014; Levenson et al., 2010, 2012; Zgoba & Levenson, 2012). Some sex offenders may appear to be “missing” due to administrative errors or technological failures, inadequate or incomplete address information, data entry anomalies, lag times in updating registry information, unauthorized travel, or transience (Harris & Pattavina, 2009; Salmon, 2010). For instance, an audit of Vermont’s registry found substantial mistakes, of which three quarters were significant or critical in nature. Some offenders may carelessly neglect their duty to update registration information, but most remain in their known locations (Salmon, 2010). Anecdotal examples include missing one’s “check-in date,” or being hospitalized and unable to report to authorities. Idiosyncratic circumstances also may occur, like a registrant who checked in with police as required, and proudly related that he had enrolled in college, but was then arrested because he was unaware of his responsibility to inform the campus community of his registration status. Increasingly complex reporting requirements may be challenging for offenders with lower intellectual capabilities (Duwe & Donnay, 2010), and as registration mandates have become more intricate over the years, some RSOs may be more confused about what is expected of them.

Other sex offenders, however, might indeed be motivated to circumvent the collateral consequences of public disclosure, particularly for those who are subjected to community notification (Finn, 1997). Many RSOs report social isolation, harassment, depression and hopelessness as a result of the unique stigma of the sex offender label (Jeglic, Mercado, & Levenson, 2011). Extensive restrictions related to housing, education, and employment, along with lengthy durations of registration, may instigate some RSOs to flee with hopes of resuming a “normal” life. For instance, RSOs may not reside in public housing or with certain individuals (e.g., minors). A growing number of jurisdictions also utilize residence restrictions, which limit where RSOs may live based on a protective buffer zone between 500 to 2500 ft of locations that juveniles are likely to congregate (e.g., parks, schools). The housing that is available tends to be located in more socially disorganized and undesirable neighborhoods (Tewksbury & Mustaine, 2006; Zandbergen & Hart, 2006). In fact, homeless sex offenders are among those most likely to abscond from registration, purportedly due to inability to find housing accommodations (Levenson, Ackerman, Socia, & Harris, 2015). Furthermore, social services available to homeless individuals are typically unavailable to RSOs. An exploratory study conducted in four states found that three quarters of homeless shelters did not allow sex offenders – others would only accept a subset of RSOs, such as female or statutory rape offenders (Rolfé, Tewksbury, & Schroeder, 2016).

While research has found SORN and residence restrictions have had no impact on sexual recidivism despite significant collateral consequences to offenders (Levenson, 2008; Tewksbury & Jennings, 2010; Jeglic et al., 2011; Nobles, Levenson, & Youstin, 2012; Socia, 2012; Tewksbury, Jennings, & Zgoba, 2012), these policies are generally well supported by law enforcement and most believe them to be effective (Meloy, Boatwright, & Curtis, 2012; Tewksbury & Mustaine, 2013; Mustaine et al., 2015;

Harris et al., 2016). Interestingly, Tewksbury and Mustaine (2013) reported 81.5% of law enforcement officers would support residence restrictions even if there was no research to confirm the efficacy of the policy. Furthermore, in a study of criminal justice officials, Mustaine et al. (2015) indicated law enforcement held the most negative and cynical views regarding RSOs, were more supportive of SORN and residence restriction policies, and more likely to believe these policies are effective.

The Relationship between Registry Non-Compliance and Sex Offense Recidivism

Calls for stricter enforcement of sex offender registration laws have been predicated in part on the belief that those who avoid registration are most likely to sexually re-offend. Studies investigating the relationship between FTR and sexual recidivism, however, generally have not supported the premise that sex offenders with a history of FTR are more sexually dangerous than their compliant counterparts (Duwe & Donnay, 2010; Levenson et al., 2010, 2012; Zgoba & Levenson, 2012). FTR has been correlated with non-sexual recidivism and is more prevalent in those with a history of persistent and versatile criminal offending patterns. In Washington, FTR offenders were more likely to be re-arrested for general criminal or violent activity than new sex crimes, and sexual reoffending diminished as the incidence of general felony recidivism increased (Washington State Institute for Public Policy, 2006). Registration non-compliance and sexual reoffending seem to reflect different risk constructs, with FTR related to general self-regulation problems, criminality, or life-skills deficits, and sexual reoffending more likely to be driven by sexually deviant interests (Levenson et al., 2012).

Purpose of the Study

Although prior research has examined various dimensions of registry non-compliance as described above, and law enforcement agents have been surveyed about their views on sex offenders, SORN policies, and general SORN experiences (e.g. Mustaine et al., 2015; Harris et al., 2016), there has been virtually no systematic research eliciting the perspectives of law enforcement professionals about registry enforcement and non-compliance. Gaining a better understanding of how this critical group of stakeholders view, contextualize, and respond to RSO non-compliance can help to inform the development of more responsive policies and practices related to RSO monitoring and registry enforcement. In this context, the current study focuses on the following research questions:

- 1) How do law enforcement agents define non-compliance, and how often do they encounter it?
- 2) What do law enforcement agents perceive to be the motivations and reasons associated with non-compliance?
- 3) How do law enforcement agents identify and detect non-compliance?
- 4) What are the challenges associated with non-compliance, and how are these challenges managed?

Through both quantitative and qualitative data analyses, the study aims to provide a richer and more meaningful understanding of the perceived roles of law enforcement personnel in the context of managing sex offender compliance with registry mandates.

Considering the dearth of prior research examining law enforcement perspectives on SORN systems and their operation, the present study is exploratory in nature, and the results should be viewed in this context.

Methods

The study utilized a mixed-methods approach. Data collection occurred in two phases, beginning with a series of semi-structured interviews which then informed the national online survey. The current analyses were carried out as part of a broader study of law enforcement views on SORN generally, with initial results reported elsewhere (Harris et al., 2016). Three primary groups of respondents were recruited for both waves: 1) agency leadership; 2) uniformed personnel engaged in sex offender registration enforcement and/or management; and 3) civilian personnel engaged in duties related to sex offender registration. The survey and subject recruitment protocols for both phases were reviewed and approved by a university Institutional Review Board prior to data collection.

Semi-Structured Interviews

The first phase consisted of 105 interviews conducted in 2014 with law enforcement and civilian personnel. The sample was drawn from five U.S. states and two tribal jurisdictions, representing states that had substantially implemented SORNA (Colorado and Florida) and those that had not (California, Massachusetts, and Rhode Island). The majority of the participants were uniformed law enforcement (e.g., patrol officer, detective, command staff, 70.1%) and civilian employees (21.6%). A small proportion (8.2%) included agency leadership (i.e., sheriff, chief, or superintendent). Respondents varied in their law enforcement experience with 16 to 25 years as the modal category (37.5%). More than three quarters used their jurisdiction's sex offender registry daily or frequently in the course of their work (e.g., several days a week).

The vast majority of participants, 101, agreed to have their interviews transcribed. The interview data were analyzed using a multi-stage process. The data were first imported into NVivo into 15 thematic sections (e.g., non-compliance). Utilizing a grounded theory approach, the research team independently read each thematic section noting the emergent themes and areas of divergence and convergence among respondents (Corbin & Strauss, 2008). During each meeting, one member served as the lead facilitator and developed a master list of themes, concepts, and ideas identified, which were then consolidated into a set of hierarchical codes for each section which would then be refined at the next meeting. The Principal Investigator (PI) worked with two research assistants who applied these codes to the interview data using first an open and then axial coding process (see Corbin & Strauss, 2008 for a discussion). This allows for first creating categories to describe various phenomena (i.e., open) and then identifying the relationships and sub-relationships across them (i.e., axial) until saturation was believed to have been reached. This was done for both cross-cutting themes and topic-specific themes. As the coding scheme developed, sections were revisited until saturation was reached. All members of the research team had access to the master NVivo file with the coding scheme. No inter-rater reliability was calculated; when disagreements arose between the research assistants, the PI would resolve them. Five interview

prompts were utilized to elicit discussion on non-compliance (see Appendix A) for the following areas of interest: examples of types of non-compliance, frequency of non-compliance, reasons for non-compliance, locating ease and time required to find non-compliant offenders, and response (i.e., warrants, arrest, prosecution).

Survey

The nationwide online survey was informed by the themes acquired in the interviews and ensuing analysis, and was designed to build a comprehensive, multi-state understanding of the frequency and scope of various types of non-compliance and related activities. The survey was administered in Spring of 2015 and distributed to a commercial list of police chiefs and command staff in addition to county sheriffs, obtained through the National Sheriffs Association ($n = 11,761$). Of the 1485 individuals (15.6%) who consented to participate, only individuals who indicated that they monitored and enforced sex offender registry compliance (e.g. home visits, address verifications) were included in these analyses, leading to a final sample of 756 respondents (6.4%).

The sample included representation from 49 states (c.f., Hawaii), and from the District of Columbia with a greater proportion from the South (31.2%) and Midwest (30.3%). Respondents were primarily uniformed officers (63.5%) followed by agency leadership (26.2%) and civilians (8.3%). Over three quarters of respondents indicated they had more than 15 years of law enforcement experience. Nearly all of the respondents worked at either a local police department (52.1%) or a county sheriff's office (47.3%), and the remainder (<1%) were from state law enforcement agencies. Nearly half used or accessed information from the registry daily or frequently (49.5%) and approximately one third (36.5%) indicated they spent 25% or more of their time on sex offender management duties (Table 1).

Survey Measures

The interviews were designed to explore the experiences of law enforcement agents related to their encounters with sex offender registry non-compliance. Based on thematic analyses of the interviews using the grounded theory approach described earlier, two quantitative scales were devised for the national survey: frequency of non-compliance and reasons of non-compliance. In addition, questions were asked pertaining to the management of non-compliant offenders. These survey items, summarized in Tables 2 and 3, were designed to generate information about the frequency and scope of non-compliance phenomena attended to by law enforcement. For the frequency of experiences scale, respondents were asked to indicate how often the various items occurred on a scale ranging from 1 (rarely or never) to 5 (several times per week). An example is "Living somewhere in the general area other than his listed address." For the reasons for non-compliance scale, respondents were asked to assess six criteria established via the interviews, and to rate them from 1 (very uncommon) to 4 (most common). An example of an item is "Needs to move frequently and lacks a stable residence." Respondents were also queried on the management of non-compliance. For instance, these items asked about the jurisdiction's response to managing registry non-compliance, and what percentage generally resulted in formal charges.

Table 1 Respondent characteristics

	<i>n</i>	%
Panel A. Interviewee Characteristics (<i>n</i> = 105)		
Current Position		
Civilian	21	21.6
Uniformed	68	70.1
Agency leadership	8	8.2
Years in Law Enforcement		
0–15	31	35.2
16–25	33	37.5
26+	24	27.3
Location		
California	24	22.9
Colorado	37	35.2
Florida	15	14.3
Massachusetts	19	18.1
Rhode Island	7	6.7
Tribal	3	2.9
Panel B. Survey Respondent Characteristics (<i>n</i> = 756)		
Current Position		
Civilian	61	8.3
Uniformed	483	65.5
Agency leadership	193	26.2
Years in law enforcement		
0–15	173	22.9
16–25	321	42.5
26+	262	34.7
Agency Type		
Local	392	52.1
County/sheriff	356	47.3
Other	5	0.7
Time spent on SO management duties		
Less than 25%	480	63.5
25% to 50%	127	16.8
50% to 75%	58	7.7
More than 75%	91	12.0
Registry usage		
Rarely/never	88	11.6
Occasionally	294	38.9
Frequently	161	21.3
Daily/almost daily	213	28.2
Region		
South	252	33.3
Midwest	229	30.3
West	149	19.7
Northeast	126	16.7

Note. Some respondents were missing data

Results

In this section, we present basic summaries of the themes emerging from the interviews, followed by associated survey results.

Definitions of Non-Compliance

Within the interview data, respondents spoke of three broad forms of SORN non-compliance: 1) initial FTR; 2) failure to update information; and 3) provision of inaccurate information.

Initial Failure to Register

Law enforcement agents noted that initial FTR offenses typically occurred when RSOs moved out of one jurisdiction and did not re-register in a new jurisdiction following the move. For example, an officer in Colorado noted, “generally it’s when they move...sometimes they’ll call and they’ll say I’m going to move to this city, so we follow up within a week, and then the detective says I haven’t heard from him.” Also in this category was a failure of offenders to provide various types of required information other than addresses. Officers cited numerous examples of offenders who failed initially to provide vehicle information, employment status, social media accounts (Facebook), or email addresses.

Failure to Update Information

The second category, failure to update information, involved the failure of RSOs to apprise officers when pertinent data changed, such as their address, driver’s license, or employment, or to update this information in a timely manner. Many officers believed that neglecting to update information was the most common reason for non-compliance. Typically, this involved a change of address, but could include a missed requirement to re-register at designated intervals, as an officer from Colorado noted:

The major ones that we deal with are failure to report a change of address, you know when a sex offender moves within the city or leaves the city or leaves the state, we deal with those regularly and also sex offenders who don’t come in and register on their birthdays or on their quarterly registration dates if they’re quarterly registrants. Those are our main sources of non-compliance.

Provision of Inaccurate Information

There were instances where non-compliance was noted as resulting from the blatant provision of inaccurate or false information. An officer in California noted:

We had an individual that came into register, he was a new registrant, this was his first time registering with any law enforcement agency, so he’d gave some misleading information to the officer that was registering him, just kind of like, red flags went up so I went out there to his residence and did a compliance check and the address is not even an accurate address.

Frequency of Non-Compliance

The interview data suggested that perceived frequency of non-compliance is dependent upon varying conceptualizations of what constitutes non-compliance. In other words, officers who view any type of missed or erroneous reporting as a FTR will report higher frequencies of non-compliance than officers who take a more narrow view of non-compliance to include significant, egregious, or intentional acts of evasion.

Specifically, while some officers claimed that they addressed issues of non-compliance on a daily basis, others stated that it occurred several times a week, a few times a month, less than once a month, or in some cases, very rarely. An officer in Colorado noted:

I do it every day, we usually have a noncompliant list that comes out through our database and we basically go through that and check to see if somebody misses their registration date, then we start an investigation.

Another officer in a different jurisdiction in Colorado explained:

I'd say maybe a few times a month at the most. I'm pretty lucky, most of our sex offenders that are registered in my jurisdiction are very compliant. Most of them show up on time, they're giving me good information, they stay on top of it, and I think it's great, I look at compliance as a huge success in our area. I'd say maybe probably a few, maybe a handful up to a dozen a year that I might have to investigate for non-compliance as failure to register but honestly it's really, in my jurisdiction, there's not that many.

The incongruous remarks of these two officers are typical of similar contradictions that occurred throughout the interviews, suggesting that there is significant variation in the perceived frequency of non-compliance, even with jurisdictions located within the same state. Some officers opined that the number of non-compliant offenders in their jurisdiction was largely based on the size of their registry, with larger registries having greater numbers of non-compliant offenders. One officer in Massachusetts explained that because their registry was smaller, non-compliance was not as problematic in their jurisdiction, "Rarely, it's not the size of our list...I'm sure a larger city would spend more time on that but we have a manageable list to work with." For other law enforcement personnel, manpower and resources are a significant issue. One officer from Colorado commented, "We don't necessarily have the manpower to go out and physically look for these guys after we get warrants for them...and we let people know that there's an arrest warrant and hopefully these guys get contacted." However, a small number of officers also noted that managing non-compliance is a daily task as a result of extensive legislative mandates, with a Florida detective noting: "there's a whole list of what new laws are coming into play that are going to cause even more warrants to be generated."

Building on these interview findings, survey items asked respondents to indicate the relative frequency of the five most commonly cited forms of RSO non-compliance: failure to renew registration, living at an unlisted address, failure to inform when moving *into* a new area, absconding or moving *out* of the area, and failure to update non-address information. Results are presented in Table 2. Overall, respondents indicated that FTR was relatively infrequent. The most commonly cited reason was due to an offender's failure to update required non-address information such as changes in school or education, followed by failure to renew the registration. Respondents indicated that offenders who have absconded/moved out of the area without informing authorities was the least likely of the five items to occur.

Table 2 Frequency of experiences when dealing with non-compliance†

Item	M (SD)	Rarely or never N (%)	Once in a while N (%)	1–2 times per month N (%)	3–4 times per month N (%)	Several times per week N (%)
Failed to report as required by law to renew his registration	2.40 (.95)	90 (12.0)	404 (53.8)	151 (20.1)	79 (10.5)	27 (3.7)
Living somewhere in the general area other than his listed address	2.38 (.97)	109 (14.5)	379 (50.3)	159 (21.1)	84 (11.1)	23 (3.1)
Failed to inform law enforcement when moving into area	2.26 (.90)	112 (14.9)	436 (58.0)	121 (16.1)	65 (8.6)	18 (2.4)
Absconded/moved out of area without informing authorities	2.23 (.87)	110 (14.7)	446 (59.5)	119 (15.9)	58 (7.7)	17 (2.3)
Failed to update certain required (non-address) information such as internet identifiers, motor vehicle information, or changes in employment	2.56 (1.06)	88 (11.7)	348 (46.3)	168 (22.4)	100 (13.3)	47 (6.3)

Bolded cells represent the modal response

† Rarely or never = 1, Once in a while = 2, 1–2 times per month = 3, 3–4 times per month = 4, Several times per week = 5

Reasons and Motivations for Non-Compliance

In the interviews, officers provided detail about the apparent range of reasons and motivations behind non-compliance. The motives outlined by respondents were coded into two broad categories: *intentional* non-compliance and *unintentional* non-compliance. Within these categories, they presented a range of scenarios and explanations for non-compliant behavior.

Intentional Non-Compliance

Some law enforcement officers noted that registered offenders were regularly intentionally choosing to be non-compliant with registration. One of the most common motivations in this category was believed to be the desire of registrants to prevent others (family, friends, neighbors, employers) from discovering their information listed on a public website. These offenders were often described as being ashamed of their listing on the registry, and trying to hide their sex offense conviction from those around them. An officer in Massachusetts noted:

Now generally speaking, some do it because of embarrassment, they don't want to be a sex offender or they don't want that title and they want to be able to come and go wherever they want to live freely. Some do it because they know in public housing they can't live in public housing but their girlfriend lives in public housing so they give an alternative address because they got no other place to live so they need a place to live so they'll lie about being homeless but actually live in public housing, so they do stuff like that.

Some also noted instances in which RSOs were reluctant to register their information in order to protect their families. An officer in California explained:

There's the people that just don't want law enforcement to know where they are living and then there are those whose family members and such don't want their addresses to be on the registry, so if they're staying with mom, and mom makes it very clear, you don't say you're living here, cuz [sic] I don't want my neighbors to know that you're a sex offender, so they lie.

While the desire to hide their offense from those around them or to protect family members was viewed somewhat sympathetically, other offenders were described by law enforcement officers as miscreants who simply refused to comply with registration

requirements because they enjoyed breaking the rules. An officer in California explained:

I think they intentionally don't register, they lie about their registration status, because it's part of their personality, they enjoy like beating the system and getting over, oh they're never going to figure this out, so for some of them I think it's a game.

The idea that offenders were simply trying to “game the system” was echoed in the responses of several other law enforcement officers, including one from Colorado:

I think some of them game the system, I don't think any of it has to do with ignorance, it's either to game the system or laziness...people know when they have to register, they know every birthday that they have to come back in and register, they know quarterly registrations, they're given forms with the exact date, if they're organized it should not be a problem at all, and those that are organized, which are the majority of them, we don't have an issue with, the other people game the system because they don't want people to know they're offenders.

Similarly, it was noted that RSOs were unconvinced that law enforcement would pursue individuals who failed to comply, and that there would be few if any consequences for failing to register or update their information. A tribal law enforcement officer explained:

Yeah, I think because the SORNA is fairly new to our community that a lot of people that were first time registries really didn't take it seriously, I mean they thought it was just another process that they have to do and then we'll forget about it and leave them alone so getting them to comply with the registration requirements took some getting used to but once they've started complying with it they pretty much stayed compliant.

Some respondents did indicate that financial burden and the time required to register contributed to this as well. For instance, one Florida officer noted that the state requires RSOs to have a driver's license or identification card which identifies them as a registered offender. With each change in their address, the RSO must go to the DMV and pay for a new card to be issued. Similarly in Colorado, one individual noted that these same obstacles may contribute to non-compliance: “For a lot of these guys it's hard for them to find work, it's hard for them to find a place to live, you don't have a job, you don't have money, you can't find a place to live, what are you going to do?”

Unintentional Non-Compliance

While many officers attributed intentional behavior to offenders, they also acknowledged to a lesser extent, that RSOs sometimes accidentally neglect to comply with requirements. Several officers noted that offenders would simply forget to update their information or forget to register upon entering a jurisdiction. An officer in Colorado expressed this view, stating:

There are some that I think just genuinely forget. Some of the population that we deal with is not necessarily the most conscientious so yes, I think it's a minority, but I think there are some that honestly forget.

Officers noted that in other instances, offenders did not fully comprehend what was expected of them, especially given the apprehension and anxiety that is common when registering with law enforcement for the first time:

I think they're nervous to come in here, I think they are kind of overwhelmed especially if they are brand new to registering so I can see how they're not absorbing all the information that they're getting... we have had people who moved to a different room in a motel and then we contacted them and said you need to update your information, and they [said], I didn't know I had to do that, so there's a small percentage where they truly just didn't know and understand.

Some respondents also indicated registrants were confused by differing requirements when moving to a new jurisdiction. Specifically, offenders were still required to show up for their annual registration after the initial registration with the new agency, even if they had just done so, for instance, a month ago. As one officer from Colorado explained,

They're required if they move to a new jurisdictions that's considered their initial registration with that jurisdiction, well then they're required to come in and register on their birthday within 5 days before or 5 days after of their birthday for their annual registration. So even if that's within a month or a few weeks of each other they're still required to complete both, per state statute so I think that a lot of the times their initial registration and then two months later they have to come back in for their annual registration, they're like well I just registered with you guys and they don't understand the process to where that was just the initial registration.

Another officer from California described how an offender was not aware of the full process to register with both jurisdictions when moving:

Sometime it's that they just moved [away from a jurisdiction]. I have one guy who told me, well I moved but I didn't know that I had to go and tell you, I thought I just had to go tell my next policing agency that I moved into, and it's like no, you got to come tell me first, then you have 5 days to go tell the next agency you're moving in with them.

An officer in Florida suggested that offenders were not properly educated by authorities when returning to the community. He explained:

I think there is a lack of education by perhaps the probation people to define what it is, when you have to do it, where you have to go, nobody knows where to go so I think it's an education issue.

Respondents also noted other examples related to diminished capacity (e.g., intellectual limitations/lack of an education, mental health issues) or other extenuating circumstances (e.g., hospitalization, nursing/mental health facility, death in the family). An officer from Colorado noted:

Everyone once in a while it could be a situation where they were in the hospital or something, but we also let them know that if situations like that arise, that they really need to let us know because you know, if they're late, and it's over a couple of weeks, they're going to put a warrant out for them.

While not as common, some law enforcement officers explained that non-compliance can occasionally result from a system or technological error, such as data entry anomalies or lag time on the part of law enforcement or registration systems. These types of issues, once identified and investigated, were usually resolved quickly without consequence for the offender. An officer in Colorado noted that the backlog within their system sometimes leads to issues with registration, "sometimes we're off, they are not compliant because of us, we got backed up quite a bit, so they were not within their five days to register, and of course that's our error."

The survey presented six items describing possible motivations and reasons for non-compliance (see Table 3). This battery of questions measured the frequency by which law enforcement believed sex offenders did not comply with registration due to various underlying causes: a deliberate attempt to evade, apathy or indifference, functional impairment (e.g., mental health problems or intellectual limitations), ignorance of requirements, lack of a stable residence, and harassment from neighbors. Respondents collectively expressed that the most common cause was due to apathy or indifference, followed by a deliberate attempt to evade, and lack of a stable residence. Concern about neighbors finding out, functional impairment, and ignorance of specific requirements were all viewed as somewhat uncommon.

Table 3 Reasons for non-compliance[†]

Item	<i>M</i> (<i>SD</i>)	Very uncommon <i>N</i> (%)	Somewhat uncommon <i>N</i> (%)	Somewhat common <i>N</i> (%)	Most common <i>N</i> (%)
Made a deliberate attempt to evade detection	2.51 (.98)	132 (17.6)	239 (31.8)	247 (32.9)	133 (17.7)
Apathetic or simply indifferent to registration requirements	2.57 (.91)	95 (12.6)	258 (34.4)	272 (36.2)	126 (16.8)
Functional impairment due to mental health problems, cognitive deficits, or chronic substance abuse	1.99 (.87)	251 (33.3)	287 (38.1)	183 (24.3)	32 (4.2)
Unaware of specific requirements or has made an unintentional oversight	1.93 (.87)	286 (38.0)	266 (35.3)	172 (22.8)	29 (3.9)
Needs to move frequently and lacks a stable residence.	2.45 (.92)	133 (17.7)	240 (32.0)	287 (38.2)	91 (12.1)
Concerned about harassment from neighbors and is trying to “lay low”	2.10 (.94)	239 (31.7)	254 (33.7)	203 (27.0)	57 (7.6)

Bolded cells represent the modal response

[†] Very uncommon = 1, Somewhat uncommon = 2, Somewhat common = 3, Most common = 4

Identifying and Detecting Non-Compliance

Interview participants noted differing modes of establishing RSO non-compliance, citing three primary mechanisms: routine compliance checks, incidental contact with other law enforcement, and tips from the public.

Describing routine compliance checks, one detective from California noted: “[I] randomly picked 10 addresses in my area, geographically close, went out there and just door knocked on 10 homes, to verify if the people are still living there.” Sometimes other information was uncovered during these checks, such as a change in vehicle, phone number, employment, or enrollment in school. For example, one offender in Colorado lied about having a phone number and a vehicle but was caught during a compliance check with both in his possession.

It was also common for law enforcement officers to note that they were alerted to offenders who were non-compliant after these offenders had incidental interactions with other police, such as traffic stops or unrelated arrests. For example, one officer in Florida noted that he responded to an alarm at a mall and recognized a registered offender who had not notified the local police department that he was residing in the area. Another officer in California explained that his jurisdiction often finds out about non-compliance after being notified by another jurisdiction.

Usually it’s some other contact with law enforcement, either the law enforcement agency in a state that they came from will tell us, hey this person may have moved into your area, or they’ve committed a new offense and the victim or the victim’s family says yeah, he was a registrant in another state, he’s been living out here and he’s never registered.

Several officers suggested that tips from the public were also a significant source of information about offenders. An officer from California explained, “you get tips from the public, and my unit will follow up on those tips, we’ll go out and do door knocks and we’ll talk to the people,” while another in Colorado stated “you get the anonymous tips that somebody calls in and says hey this person has moved or this person is no longer living with me, I don’t think they’ve told you that they’ve moved.” The usage of the internet proved important, particularly surrounding social media. An officer from Florida commented, “The various tips that come in with Facebook and the Internet stuff seems to be big, where we get a lot of tips, you know, John Smith has a Facebook account and it’s not registered.”

Management and Challenges of Non-Compliance

Participants offered in-depth perspectives on how they and their jurisdiction managed offenders who were non-compliant and the challenges they experienced. Importantly, before a management strategy would be employed, many officers found it necessary to first clarify the causes of the lapse, to weigh the seriousness of it, and the risk posed by the RSO, assessed through a combination of level/designation (e.g., sexually violent predator), risk assessment tools (particularly in California), and experience working with this population. The strategies utilized to

respond to non-compliance seem to be determined by a strategic assessment of situational factors. Most officers felt the need to use resources judiciously, which involved a willingness to view non-compliance along a continuum of intentionality and severity. A small percentage of officers viewed non-compliance in a more rigidly defined dichotomous way, and responded accordingly.

Arresting and Issuing a Warrant

The most common point of divergence in reported practices surrounding non-compliance concerned the role of discretion related to the filing of formal FTR charges. Specifically, some respondents indicated that they routinely accounted for situational factors when determining whether to arrest or issue a warrant, while others conveyed less flexibility. As one law enforcement officer in California succinctly stated, there are “varying degrees of non-compliance,” which influence the action taken by local law enforcement to address wayward offenders. Many officers explained that the length of time that offenders were non-compliant largely influenced their response. An officer in Colorado described the dilemma officers faced when determining whether to pursue criminal charges, noting:

There seem to be some gray areas as to when a case should be pursued and when it shouldn't, do you arrest him on 5 days and 1 hour? Or do you wait 10 days or do you wait 8 days? And so we're playing that by ear and case by case depending on the circumstance of the case and if we feel it's appropriate.

Another officer from Colorado echoed this sentiment, explaining that the reason why an offender was non-compliant influenced his response.

There are some that I think just genuinely forget... I think we do a really good job of working with those guys. We will call a lot of the times, or at least attempt to contact the sex offender first and say hey you missed your date, you need to get in here immediately and if they're compliant at that point then we won't pursue charges.

Some officers explained that all offenders were not pursued to the same degree after being alerted of their non-compliance. Instead, many jurisdictions focused on those offenders who posed the greatest risk. An officer in California explained:

What we've found is we need to prioritize... we don't need to be filing cases on someone who forgot to come in on their annual if they're a low risk person, we need to focus on the ones that are high risk, or they've absconded from supervision.

A detective from Colorado, who is part of a two-man unit, noted that resource and manpower constraints limited their ability to locate offenders who were found to be

non-compliant. Rather than locating the offender themselves, numerous respondents indicated that a warrant would be issued in the hopes that the RSO has a routine contact with law enforcement.

As a Californian sergeant explained:

A lot of times we don't spend a whole lot of energy trying to locate them ourselves because we'll just file the paperwork and get a warrant, and then any law enforcement officer that stops them picks them up, and they get picked up for warrants, a lot of the ways we get people are through warrant arrests, and not through us actually finding them.

While many officers supported this viewpoint, others were less lenient. An officer in Florida stated:

There are exceptions where we have individuals in various types of institutions whether it's a nursing facility or mental health facility and they obviously can't make it to register... outside those categories, there's no reason in the world why they cannot register and why they should not have cases worked against them, extenuating circumstances aside.

Prosecuting Non-Compliance

When trying to pursue non-compliance cases, law enforcement officers noted that a major challenge was the inconsistent stance taken by prosecutors. They noted reluctance on the part of prosecutors to file some of these cases. An officer in Colorado explained:

There's a clause that basically says if there's any kind of hardship, then your sex offender may be extended [a certain] number of days, so that gives the DA's office a little bit of leniency as far as when they want to file these cases and when they'll accept them for filing. So if we have a sex offender that has been non-compliant and not registered for two days... that may or may not be enough days for the district attorney's office.

Some of our respondents indicated that the refusal of prosecutors to support these cases sometimes made it difficult to obtain warrants for non-compliant offenders. An officer in California explained that obtaining a warrant is often a lengthy and demanding process.

There's a lot of paperwork required to file a case, you have to get the original court certified court documents for the original sex offender, if they've had prior violations, you need to get those certified court documents, you need to get certified copies of previous registrations, to document that they actually have read

it and understood it, and how many times they've done it. You have to get a fingerprint comparison, so if the guy just walks into the station to register, and he says I moved 3 months ago, obviously it's a violation, but it's difficult to arrest him right then because you have to get so many documents.

While officers expressed frustration over the barriers to prosecution when pursuing non-compliant sex offenders, a need to efficiently utilize resources available was also reported as another commonly faced challenge. The resources required to track down non-compliant offenders were often not available, as outlined by an officer in California:

We just don't have the resources to be able to conduct surveillance and follow up and track down where they are, in between registration and all the other duties and already, you know, working cases, it's just, you do the best that you can with what you got.

The scarcity of resources to track down and apprehend errant RSOs was listed by many respondents as hindering their ability to effectively implement SORN. Ultimately, officers noted that they used limited resources to the best of their ability to detect non-compliance and locate non-compliant offenders. As a result, officers prioritized what they perceived to be cases in which the offender was a high risk to reoffend.

Following up on these general themes, the survey queried respondents about their non-compliance cases, summarized in Table 4. Only one in eight (12.1%) respondents indicated the department had an automatic arrest policy, regardless of the

Table 4 Managing non-compliance

Item	<i>N</i>	<i>%</i>	Cum. <i>N</i>	Cum. <i>%</i>
Managing registry non-compliance				
Any form of non-compliance results in automatic arrest, regardless of the circumstances.	90	12.1	-	-
Most non-compliance results in arrest, with some exceptions for minor lapses.	298	39.9	-	-
Most non-compliance results in attempts to bring the offender back into compliance, with arrest reserved for more serious cases.	185	24.8	-	-
Non-compliance is dealt with on a case-by-case basis.	173	23.2	-	-
Percentage of SO who have absconded and cannot be located within 72 h				
Less than 10%	447	59.9	447	59.9
10%–25%	132	17.7	579	77.6
26%–50%	66	8.8	645	86.5
51%–75%	53	7.1	698	93.6
76%–90%	26	3.5	724	97.1
More than 90%	22	2.9	746	100.0
Percentage of non-compliance cases resulting in formal charges				
Less than 10%	195	26.2	195	26.2
10%–25%	137	18.4	332	44.7
26%–50%	79	10.6	411	55.3
51%–75%	93	12.5	504	67.8
76%–90%	130	17.5	634	85.3
More than 90%	109	14.7	743	100.0

circumstances. However, 39.9% reported that most cases did result in an arrest while about one-quarter indicated that warrants were reserved either for more serious cases (24.8%) or dealt with on a case by case basis (23.2%). The vast majority (77.6%) indicated that less than 25% of sex offenders who absconded could not be located within three days. Approximately 60% of respondents reported that true absconders who can't be located within 72 h accounted for less than 10% of their FTR cases though a small percentage of officers (13.5%) indicated at least 50% of offenders could not be located. There was significant variation in the percentage of non-compliance cases that resulted in formal charges, with 26.2% indicating that this was less than 10% and 14.7% indicating this occurred more than 90% of the time. A majority of respondents (55.3%) indicated that fewer than half of their non-compliance cases resulted in formal charges being filed.

Due to the significant variation in the percentage of cases that result in formal charges, chi-square tests were utilized to further investigate this (full results not shown, but are available from lead author by request). A number of respondent level variables were significantly associated with the percentage of cases resulting in formal charges. Of the individuals who spent more time on SO management duties ($\chi^2(15, 756) = 31.41, p = .008, cc = .20$) and used their states registry more ($\chi^2(15, 756) = 30.73, p = .009, cc = .20$), a monotonic relationship was observed with respondents using the registry more and spending more time on SO management duties positively related to the percentage of cases resulted in formal charges. In others, the more an individual used the registry or spent time on these duties, they indicated a greater percentage results in formal charges. The current position was important as well as civilians and agency leadership indicated *fewer* cases resulted in formal charges ($\chi^2(10, 756) = 25.96, p = .004, cc = .19$). The relationship between reported filing of charges and years of experience in law enforcement did not reach statistical significance.

A number of macro-level (i.e., agency and state characteristics) were examined but only a few explained this variation. States that were determined to have substantially implemented AWA, had residence restrictions laws, anti-loitering zones, and the state's tier were not significant.¹ However, the size of the agency and the region were statistically significant. Specifically, respondents from smaller agencies with less than 25 personnel were less likely to bring formal charges relative to medium sized agencies (26 to 250) and large agencies (251+) which exhibited the largest effect size ($\chi^2(10, 756) = 40.49, p < .000, cc = .23$). Non-compliance cases from the South were the most likely to result in formal charges with other regions reporting similar results.

Discussion

This study analyzed law enforcement views about defining and enforcing non-compliance with sex offender registration. Our findings, generated through an extensive set of interviews and a national online survey of police and sheriff agencies, captured the perspectives of a geographically diverse sample of agency leaders as well as uniformed and civilian personnel involved in SORN administration, management, and enforcement. The analyses

¹ Results were consistent whether measured dichotomously (single versus multiple) or categorical (single, 2-tier, or 3-tier).

explored themes in several domains of registry compliance, including the definitions and frequency of non-compliance, the reasons or causes behind it, and challenges in detecting and managing violators. While regional or jurisdictional differences exist across the nation, the overall results give us an overarching set of common themes with which to inform our understanding of SORN compliance management.

First, defining sex offender non-compliance with registration mandates is no easy task. Though laws are ideally designed to reduce ambiguity, the reality is that broad definitions work less well in describing the phenomena of non-compliance because unique sets of circumstances occur under which offenders may fail to conform to their requirements. Many respondents concurred that non-compliance exists along a continuum, from fugitive absconding in rare scenarios to accidental tardiness on the other end of the spectrum. Most seemed to believe it important to understand the reasons or motivations behind non-compliance, differentiating between purposeful versus inadvertent failures to register. Law enforcement responses and actions taken are then typically dependent upon how an officer may define non-compliance and view attributions of culpability.

Related to these definitional challenges is the range of factors by which offender accountability for FTR is assessed. In other words, when offenders are viewed as deviously and willfully evading scrutiny, the enforcement response will typically be more austere than when offenders are perceived as failing to comply due to intellectual or mental health limitations, or when they are seen as basically conforming individuals who mistakenly or carelessly overlooked their registration duties. Although prior research suggests that law enforcement officers are supportive of SORN and have negative views of RSOs (Mustaine et al., 2015), officers were willing to provide some leeway to offenders who appear to be making authentic efforts to comply with the law. This finding suggests that despite the prevailing view of law enforcement towards RSOs and the laws pertaining to them, officers are willing to address non-compliance on a case-by-case basis, employing leniency where appropriate. Enforcement then becomes a more dynamic task, belying the conceptualization of compliance and non-compliance as dichotomous constructs, and requiring interpretation of a number of factors to determine the appropriate legal actions based on a continuum of potential responses.

Another emerging theme was the recognition that detection of registration violators occurs through a number of means, and that it really does take a village to realize the combined public awareness and law enforcement goals of SORN. Our respondents reported that they relied on tips from community members and fellow law enforcement and supervision partners to help monitor and manage their registrants. Delinquent offenders were often identified through incidental interactions with police officers and other public servants such as parole/probation agents. Effective sex offender management requires a team approach with input from the public and other agencies. However, usage of public sex offender registries remains limited, with the most comprehensive study finding only 45% used it within the past year and of those, 60% used it only once or twice, which was much higher than previously found (Harris & Cudmore, 2016).

Finally, variation between and within states was a salient feature throughout these data. Even within different jurisdictions participants reported various definitions, management practices, and enforcement strategies. A very small percentage indicated mandatory arrest policies for every lapse in compliance. Many respondents acknowledged that their enforcement policies were closely tied to the prosecutorial discretion in their local community, with some prosecutors viewed as less willing to issue warrants

or move forward in the judicial system with weak or less serious violation cases. There was also some discretion given by law enforcement agents as well, with many suggesting a willingness to offer second chances to those offenders perceived as lower risk, and more likely to enforce the law against antisocial or manipulative violators. Our respondents seem to take a cost-benefit approach to registration enforcement, prioritizing offenders who pose a greater threat to the community while recognizing that reintegration obstacles can sometimes contribute to FTR for otherwise law-abiding registrants.

Implication for Policy and Practice

The success of SORN is multifaceted but depends on resource considerations, both in terms of fiscal allocations and personnel. As registry numbers continue to increase with little attrition, the burden on law enforcement requires a team approach, with reasonable discretion to handle violations through a range of appropriate responses. Law enforcement agents take their duties very seriously, recognizing that the protection of the public is reliant on their ability to stay abreast of the movements and actions of the registrants they monitor. At the same time, many officers in our study spoke of the heterogeneity of the sex offender population and the spectrum of relative risk that exists among them, and the need to weigh these considerations in management and enforcement policies.

Areas for future research include empirical testing of the theoretical typologies of non-compliance described here, and further refinements in operationalization of concepts such as FTR and compliance management. As our understanding of SORN-related implementation practices becomes more sophisticated and refined, we begin to move away from a binary model of conceptualization, recognizing that SORN management and enforcement are in actuality very complex and reflect a diversity of skills, knowledge, and systemic conditions. As well, it is clear that few FTR cases involve absconding, which in fact emerges as only one small manifestation of non-compliance.

Study Limitations

Due to the lack of prior research in this area, the current study was exploratory in nature. Although the survey is based on a large national sample that is more broadly representative than any previous similar research, its overall response rate of 15.4% is somewhat lower than optimal, though in line with contemporary surveys, and it is possible that the perspectives and beliefs of survey participants do not represent those who chose not to respond. Finally, any interpretation of the findings presented here should consider that the study participants did not represent a cross-section of law enforcement, but rather specifically targeted subgroups who work closely with the registries and RSOs, and thus may be highly invested in SORN systems and their perceived success. Specifically, the majority of interview and survey respondents had worked in law enforcement for more than 15 years and may not represent those with shorter tenures.

Summary and Conclusions

Law enforcement faces a growing burden of sex offender compliance management as registries continue to grow with little attrition. The voices of law enforcement reveal

that FTR exists along a continuum of severity, that absconding is rare and that most RSOs are easily located, and that resources are conserved when sanctioning is reserved for those at highest risk and for those who purposefully and intentionally evade registry mandates. In order to reduce definitional ambiguity, it may be helpful to distinguish absconding from other types of FTR and inadvertent violations. Rather than sanctioning the array of non-compliance under a single umbrella of FTR, law enforcement efforts might be more efficiently utilized if degrees of non-adherence were codified and prioritized. A new generation of SORN policy reforms that comport with the realities of law enforcement practice is needed within a broader set of evidence-based sex offender management strategies. Future research should include a continuing elucidation of the constructs of FTR and absconding, and the association between various degrees of non-compliance and risk for future sexual and general recidivism.

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Compliance with Ethical Standards

Conflict of Interest The author(s) declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

Appendix

Appendix A. Interview Prompts

1. In your regular duties, have you had to deal with enforcement related issues, for example, dealing with non-compliance of sex offenders? Can you provide some recent examples of when you dealt with enforcement related to non-compliance?
2. How often would you say that you have to deal with non-compliance issues related to the sex offender registry? ... Daily, frequently but not daily e.g. several times a week, occasionally e.g. a few times a month, or rarely?
3. In those the non-compliance related cases that you've had to deal with, regarding the sex offender registry, what would be the general breakdown as to the major reasons for non-compliance? Can you describe some of your more common examples of non-compliance by those on the registry and the resulting reasons for the non-compliance (if you were able to find it out)?
4. For the overall cases of non-compliance that you can recall, would you say that most of them were easy or difficult to locate? On average, about how long would it take for you to locate a sex offender that was not in compliance?
5. How often would warrants be issued for non-compliance? Did you find the warrants to be helpful in locating those sex offenders that were not in compliance?

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