

Demographics and Classification of Sexual Offenders and Associations with Non-Compliance of the Tennessee Sexual Offender Registration Laws

Michael Montgomery¹

Abstract

This research examines demographic variables that may influence the compliance of Tennessee sex offenders with the Tennessee Sexual and Violent Sexual Offender Registration, Verification and Tracking Act of 2004. The independent variables analyzed were tier level of conviction, race, age and gender. Sampling included selecting 400 sex offenders from each of Tennessee's four grand regions to include offenders from the west, east, middle, and northeast regions for a total of 1600 participants. Data analyzed was secondary data from records acquired from the Tennessee Bureau of Investigation. Chi-Square Statistics was used to determine the statistical significance across the variables in regards to compliance of the Sex Offender Registry. The results showed that all of the demographic variables achieved statistical significance with the dependent variable. The overall findings revealed that sex offenders who were male, black, and convicted of a Tier I offense were most likely to violate the Tennessee Sex Offender Registry laws.

Introduction

The purpose of this study is to examine what demographic factors are associated with a sex offender's non-compliance with the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking Act of 2004 Law. This research will analyze variables that may affect compliance in an attempt to understand why Tennessee sex offenders violate the sex offender registry. The demographic factors to be examined are: gender, age, and race of the sex offender, and a further demographic will be the offender's sexual offense classification (tier level which is based on the crime committed) for Tennessee. According to the Vera Institute of Justice, 636,000 registered sex offenders populate the United States (2008). On average, that is about one in every 500 Americans. High-profile sex crimes stories continue to appear in the headlines. This leads us to the question how well sex offender registry laws are working. The Washington Institute for Public Policy compared recidivism rates among offenders who adhered to their registration requirements and those who did not. It was discovered that sex offenders that already had a failure-to-register conviction averaged a recidivism rate that was 50 percent higher than offenders who had complied with registries. In addition, the rate of recidivism increased for felony offenses from 22.9 percent to 38.5 percent (Velazquez, 2008). The relationship between these findings and the effectiveness of registration remains unclear. Lawmakers began as early as 1990 to attempt to reduce the prevalence of sex crimes by creating the Jacob Wetterling Crimes against Children Act and Sexually Violent Offender Registration Act (Bonnar-Kidd, 2010). This act was created to track sex offenders and reduce sex offender recidivism. There were a variety of policies created to increase the general public's awareness about offenders that re-offend. The passage of these sex offender laws was initiated because the policies continued to be popular with the general public (Kernsmith, Craun & Foster, 2009). Congress passed the Jacob Wetterling Crimes against Children and Sexually Violent Offender Registration Act (Jacob Wetterling Act) in 1994.

¹PhD, Tennessee State University, USA. E-mail: mmontgomery@tnstate.edu

His abduction drew nationwide attention to sex offenders. Jacob's parents formed the Jacob Wetterling Foundation and in 1994 it became the Jacob Wetterling Act, which gave states a three year deadline to implement a sex offender registry or lose some of their grant funding provided by the Edward Byrne Memorial Program. Even though sex offender registration laws differ from state to state, the leading state criminal justice agency in most states is responsible for that state's registry, e.g., the state police (Scholle, 2000). The Tennessee Sex Offender Registry began in 1995, and the Tennessee Bureau of Investigations (TBI) is the criminal justice agency for Tennessee. When this registry was initially established, there were only 700 registered sex offenders. Offenders did not report face to face with anyone, TBI was considered the registering agency. The offenders were mailed a monitoring form quarterly (March, June, September and December), and were required to mail the form back noting any address changes. Megan's Law modified the Wetterling Act in 1996. The requirements of this law were that law enforcement agencies make sex offender registries available to the public. There was huge support for this law, primarily because of the notion that sex offenders will recidivate (Levenson & Tewksbury, 2009). In 2004, the Tennessee legislature passed the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking Act. This law changed the responsibility of registering sex offenders from Tennessee Bureau of Investigations to local law enforcement, mandating that all sex offenders that were required to register report in person. According to Tennessee Code Annotated § 40-30-201(14) *registering agency* is defined as sheriff's office, police department, campus police, the Tennessee Department of Correction or the Probation and Parole. *Report* is defined as appearing before the responsible law enforcement agency.

July 27, 1981, six year old Adam Walsh disappeared while at a local shopping mall with his mother. His remains were later found; however, his killer has never been identified. After his abduction his family, the Walshes, created the National Center for Missing and Exploited Children. John Walsh continued to fight for stricter sex offender laws (Enniss, 2008). Then in 2006, the Adam Walsh Child Protection and Safety Act became law. The federal government's role was increased in reference to sex offender laws and policy. This was the beginning of federalization for sex offender registry policy, and it required states to create and maintain sex offender registration and notification programs. The idea behind the Adam Walsh Act was to increase sentences for federal sex offenders, incarceration of sex offenders, background checks, child pornography, investigative, and prosecutable resources (Wright, 2008). The definitions used in the Wetterling Act were broadened by the Adam Walsh Act. The Adam Walsh Act created more complex laws for sex offender registration and notification. Sex Offender Registry requirements were outlined in Title I of the Sex Offender Registration and Notification Act (SORNA) (Enniss, 2008). Over the last two decades, sex offender management by state or local government has been under the supervision of the federal government to the outline and operation of a sex offender registration and notification (SORN) system (Harris, Lobanov-Rostovsky & Levenson, 2010). The order of legislation over the past twenty years has allowed congress to set into place a constant development of SORN- related mandates on states and is recognized for combining federal jurisdictions over SORN systems across the United States (Logan, 2009).

In 2008, the U.S. Department of Justice released specific guidelines for SORNA compliance attempts within covered jurisdictions (U.S. Department of Justice, 2008). Separating sex offenders into three tiers (classifications) was included in these guidelines. These federally designed regulations initiated the federal basics for the SORNA minimum requirements, such as the length of registration, updates, and notifications (Harris, Lobanov-Rostovsky & Levenson, 2010). SORNA applied three tier levels based on the severity of the offense committed (Enniss, 2008). The length of registration in regard to tier-level could vary from fifteen years to life. These tiers also determine how often an offender will report to their registering agency (Wilson, 2008). The uniform standards for the tier level classification added to the federal criminal codes and were based on the severity of the offense. Offenders classified at the Tier I level are required to register for 15-years and are required to annually report. Tier I offenses are usually sexual convictions that are categorized as misdemeanor convictions, and the penalty is less than one year imprisonment. A 25-year registration is required for Tier II offenders and they are required to report semiannually and the penalty is usually more than 1 year of incarceration. Tier II level offenses involve sexual abuse and sexual exploitation of minors. Lastly, Tier III offenders are required to register for life and report quarterly. The penalty is usually more than one year of incarceration (see table 1). Convictions include sexual assaults (aggravated), offenses against children under the age of 13, and kidnapping of minors (unless committed by a parent or guardian) (U.S. Department of Justice, 2008).

Table 1: Uniform Tier Classification

Tier- Level	Length of Incarceration	Length of Registration
Tier I	Less than 1 year	15 years
Tier II	More than 1 year	25 years
Tier III	More than 1 year	Lifetime

In 1995, when Tennessee began its registry, Tennessee did not classify their offenders according to their sexual crimes. The offenders were all grouped together. Presumably, as a result of Tennessee's easygoing laws, sex offenders continued to move into the state. However, in 2004, the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking Act of 2004 Law was established. Then in July 2011 is when Tennessee began to classify their sex offenders. The "Sexual Offender" became Tier I, the "Violent Offender" and the "Violent Juvenile Offender" became Tier III. Tennessee does not have a Tier II level of classification. According to the Center for Sex Offender Management (1999), sex offender registration laws were designed to deter offenders from committing more crimes, and to increase public safety. The display of highly publicized sexually committed cases by repeat offenders in past years prompted state legislatures to endorse laws that increase social influence on these offenders. State and federal laws have been executed that require sex offenders to register with law enforcement. The Tennessee Act also stated that sex offenders must register prior to being released from incarceration or when placed on community supervision. The Department of Correction, jail, or sentencing court is responsible for registering offenders when released on sentences of probation. They are also responsible for informing the offender of their requirement to report to local law enforcement. According to Tennessee Code Annotated § 40-39-203, an offender who is incarcerated in the State of Tennessee has to be registered forty-eight hours prior to being released, and has forty-eight hours to register or report to local law enforcement after he is released. This would involve completing and signing a TBI Registration/ Reporting and Instruction form.

It can become extremely challenging to acquire accurate information such as an address or employment for a sex offender. Sex offenders often prefer not to give any identifying information that can be used to monitor their activities. Some states have reported that at least 45 percent of sex offenders give inaccurate or missing registration information. All states have the same accuracy problems. Unless sex offenders give the correct information and adhere to the registration laws, it is hard to ensure 100 percent accuracy of registrations (Center for Sex Offender Management, 1999). A sex offender's measure of compliance will vary from state to state. In the state of Tennessee, the number of violations committed measures a sex offender's compliance. According to Tennessee Code Annotated § 40-39-208, there are nine possible violations. Violations shall include, but not be limited to:

- (1) Failure of an offender to timely register or report;
- (2) Falsification of a TBI registration form;
- (3) Failure to timely disclose required information to the designated law enforcement agency;
- (4) Failure to sign a TBI registration form;
- (5) Failure to pay the annual administrative costs, if financially able;
- (6) Failure to timely disclose status as a sexual offender or violent sexual offender to the designated law enforcement agency upon re-incarceration;
- (7) Failure to timely report to the designated law enforcement agency upon release after re-incarceration;
- (8) Failure to timely report to the designated law enforcement agency following reentry in this state after deportation; and
- (9) Failure to timely report to the offender's designated law enforcement agency when the offender moves to another state.

A sex offender who violates any of the above listed violations is in violation of the Tennessee Sex Offender Registry. The first offense is a Class E Felony and is punishable by probation or diversion. The second offense is punishable by a fine of six hundred dollars or less and involves incarceration of at least 180 days. And the third offense or more is punishable by a fine of one thousand dollars and at least one year of incarceration. When a sex offender violates the Sex Offender Registry, the venue is with the agency that declares the offender in violation, and prosecution is at the discretion of that county's District Attorney.

Statement of the Problem

The research question for this study is what demographic factors are associated with a sex offender's non-compliance of the Tennessee Sex Offender Registry? The purpose of this paper is to examine what influence tier level (classification), race, age and gender have on the non-compliance of the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking Act of 2004. The Tennessee Sex Offender Registry has over 19,200 registered sex offenders. A portion of these offenders does not comply with the regulations of the registry which is a concern to the citizens and local law enforcement. Tennessee's sex offenders populate 95 counties that are divided into four grand regions; west, middle, east, and northeast. Sex offenders are required to inform local law enforcement of address changes, jobs, schools, etc.; however, sometimes that doesn't happen. One of Metro Nashville's Police Department's tasks is to eliminate sex offender registration violations. In 2011, Davidson County issued 385 warrants for sex offenders who did not comply with the Tennessee Sex Offender Registry. Overall, there were 499 arrests for registration violations in Metro Nashville Davidson County (Greenberg, 2012). Public registration has an enormous effect on all aspects of the lives of sex offenders and their families. There are a number of after-effects of sex offender registration as well as notification laws that can explain why sex offenders risk sanctioning for failing to register rather than deal with the ramifications of the daily life of being a registered sex offender (Wagner, 2011). Sex offenders are one of the most despised members of society. They commit outrageous crimes against the most vulnerable persons and are known to recidivate. Sex offenders are also perceived to resist or avoid rehabilitation. Society will not tolerate these types of criminals. There are specific laws in place to protect society from sex offenders. These laws have become stricter and apply to a variety of offenders. For example, residency laws which mandate where sex offenders can live upon release from incarceration. Twenty-two states currently have some form of residency law that restricts where sex offenders can live.

These restrictions range from 1000-2500 feet, and they include residing near schools, bus stops, or daycare centers (Agudo, 2008). According to Chief Attorney Sandra Norman-Eady, Alabama, Iowa and Oklahoma's laws state that a sex offender may not live or work within 2,000 feet of a school or child care facility. Arkansas, California and Minnesota restrictions are based on the offender's tier level or seriousness of the crime (2007). One of the most difficult tasks a sex offender will face is finding affordable but legal housing. Sex Offenders can be found living in a variety of neighborhoods, however, they are more likely to be found living in areas that are known to have economic disadvantages, lack physical resources, social capital, and have levels of social disorganization (Levenson & Tewksbury, 2009). Sex offenders have been known to become homeless because of housing restrictions. These restrictions have been known to force sex offenders to cluster in certain areas (Wagner, 2011). Tennessee does not allow three or more sex offenders to live in the same residence (T.C.A. § 40-39-211(h)(2)(A)). Smaller communities are beginning to pass laws that prevent sex offenders from living near them, leaving sex offenders with only a few options. States like Texas, Kansas, and Georgia now market certain subdivisions to ensure that sex offenders do not live near them. This type of subdivision has not only become popular, but is legal under federal law; sex offenders are not protected under the Federal Fair Housing Act. When one community passes legislation preventing a sex offender from being able to live within its borders, it has a domino effect as other neighborhoods will pass the same laws to insure they do not receive the unwanted sex offender in their neighborhood. This eventually will bar sex offenders from living and working in broad regions (Wagner, 2011).

When offenders become homeless it can be the result of multiple factors. First, some sex offenders are disowned by family members or are not allowed to live with supportive family because of housing restrictions. Even if family members or landlords are willing to house an offender, some laws may prevent the sex offender from living there. For example, a new 2,000-foot housing restriction in California has resulted in four to five times as many homeless sex offenders; those numbers continue to increase as the restrictions begin to apply retroactively (Wagner, 2011). Some Iowa registered sex offenders live in a rural motel because of the 2000-foot rule. Some of Iowa's largest cities have become virtually off limits to sex offenders who are forced to live in groups away from their families. Others sleep in their vehicles, and some have even disappeared (Davey, 2006). Sex offender restrictions keep growing without factual evidence that communities are safer as a result. Most states have residence restrictions in place. Each state will have its own version, restricting where sex offenders can live, work, seek treatment, or be physically present. The central regions of the country and the northeastern portion have not been too quick to adopt sex offender residence restrictions on a state-wide level. Some of these states have passed restrictions based on mobility but not residence. These states rely on judges or probation and parole officers to implement residence restrictions.

Usually, state-level residence restrictions apply only to adult sex offenders and they impose proximity restrictions on offenders depending on their victim's age. The most popular zone size is 1,000 to 1,500 feet and the violations range from civil injunctions to misdemeanors to felony charges, which is the most common of the three (Meloy, Miller & Curtis, 2008). There haven't been many studies on the relationship between housing and sex offending, therefore the results are mixed. In Arkansas, it was found that 48% of sex offenders lived near schools, day care centers, and parks compared with 26% of sex offenders convicted of sex crimes against adult victims (Walker, Golden, & Van Houten, 2001). The authors hypothesized that offenders who were determined to re-offend might purposely find living arrangements near their potential child victims. However, in Colorado it was found that sex offenders that re-offended while on some type of supervision were randomly scattered throughout the study area and did not seem to live closer than non-offenders to schools or child care centers (Colorado Department of Public Safety, 2004). And according to the Minnesota Department of Corrections, a sex offender's residence near schools and parks was not a factor in recidivism or the safety of the community (2003). According to the Tennessee Code Annotated § 40-39-211, no sexual offender (regardless of classification) or whose victim was under the age of 18 shall knowingly establish a residence, obtain sexual offender treatment or attend a sexual offender treatment program, or accept employment within one thousand feet of the property line of a school, day care center (any child care facility), public park, play-ground, recreation center or public athletic field available for use by the general public. These restrictions only apply to offenders whose crimes were against minors.

In addition to living restrictions, there are certain places where all sex offenders are not permitted. No sexual offender can be on the premises of a school, day care, public park, playground, recreation center or public athletic field, when children under the age of eighteen are present. They cannot stand or sit idly at these locations. The offender can not come within one thousand feet of the property line of these places, unless there is a legitimate reason for being there. A legitimate reason, would be a parent teacher conference or dropping off or picking up their child with written permission (T.C.A. § 40-39-211(d)(1)(B)). If an offender violates these restrictions it is a class E felony with a fine of at least three hundred fifty dollars and incarceration for no less than ninety days. The second violation's fine is at least six hundred dollars and incarceration of one hundred eighty days. And the third or subsequent violation is has a fine of no less than one thousand one hundred dollars and incarceration of at least one year (T.C.A. § 40-39-211). Every state's law is different. Some states require sex offenders to report factors that other states do not. In an effort to monitor sex offenders effectively and to comply with SORNA regulations, the Tennessee Sex Offenders Registry has made many changes since 1995. According to T.C.A. § 40-39-203, the registry now requires sex offenders to report any changes to their registration/ reporting record within 48 hours. This information is collected to maintain an updated centralized record system of sexual offender registration. The Tennessee Bureau of Investigations (TBI) Sex Offender Registry may receive information from any credible source and may forward this information to the appropriate law enforcement agency for investigation and verification.

For example, the TBI Sex Offender Registry may receive a tip that a sex offender has given the wrong physical address. The registry will forward this information to the designated law enforcement agency responsible for the offender. According to Sample and Bray (2003) sex offenders do not change. They are more dangerous than any other criminal offender because they exhibit a greater degree of compulsion for their crimes. Society should never excuse sex offender behavior. This perception of danger provides justification for current sex offender laws and the penalties for sex offenders. In 2007, the U.S. Department of Justice reported 248,280 sexual assaults, attempted rapes, and rapes against persons twelve years old and older (Wagner, 2011). According to the U.S. Department of Health and Human Services, there were 70,252 reports of sexual abuse of children in 2008 (U.S. Department of Health & Human Services Administration, 2008). In an attempt to protect society from sex offenders, unique laws have been passed. Many were a result of cases like; Megan Kanka, Adam Walsh, Jessica Marie Lunsford, and Chelsea King (Wagner, 2011). These laws are designed to identify sex offenders and restrict their actions once they are released from incarceration. However in an attempt to accomplish these goals, new sex offender laws have been found to have excessive sanctioning that may have ruined the intended goals. Sex offender registries will post a sex offender's picture, current address, employers and physical descriptors on the internet for the public to view, making it hard for the offender to live a normal life. There is usually no distinction between dangerous and non-dangerous offenders and the descriptions of the crimes are not listed. Some neighborhoods hold public meetings warning the members in the community of each sex offender's arrival (Wagner, 2011).

Laws regarding sex offenders in the United States are usually inspired by high profile cases dealing with children. These cases usually involve sex and murder. This has led to a demand for complete community protection measures against predatory sex offenders (Hannem & Petrunik, 2007). We must understand how laws impact communities and individuals, because Sex Offender Registration and Notification (SORN) is going to be a part of our society for many years to come. Something to consider, after being released from incarceration sex offenders (convicted felons) may have to depend on family members for money, housing and support (Travis, 2005; Travis & Waul, 2003). We must also realize that there are life long repercussions as well. These repercussions typically refer to negative outcomes that accompany criminal justice sanctioning. Repercussions are most likely to affect offenders, families, employment, housing, and parental roles. The stigma attached has also affected families of criminal offenders (Hirsch et al., 2002; Travis & Waul, 2003). Not many studies have addressed the impact of SORN laws on the families of convicted sex offenders. Levenson and Tewksbury (2009) interviewed family members of sex offenders and discovered that the same employment problems for the RSO became a problem for the family member. Housing disruption was higher for families of RSO's to whom residential restriction laws applied. The restricted living areas created a housing crisis within the family. Family members living with the sex offender were more likely to be threatened and harassed by neighbors. The children of offenders were also affected. They received negative attention; more than half (58%) said they were treated differently by other children at school, or that their friendships had been impacted in some way (78%) because of public notification. Unfortunately, more than half the children reported that they had been mocked or teased and had feelings of depression, anxiety, fear, or anger (Levenson & Tewksbury, 2009).

We know that for any ex-offender to survive in the free world there has to be some type of support system in place. However, family members of sex offenders have been known to experience a variety of emotions. These emotions include; depression, hopelessness, and frustration. The decision to remain in contact with a sex offender can lead to the destruction of relationships with other relatives. Many family members have faced economic hardships as a result to the sex offender's limitations imposed by probation or registration status. The intrusion by parole or law enforcement agents, subjected the family members to the same scrutiny as the sex offender (Levenson & Tewksbury, 2009). The person who has been incarcerated and not allowed to successfully reenter society is more likely to continue the same criminal activity they did before. When society's reaction to sex offenders is to stigmatize, segregate, and exclude, they are left with limited opportunity for achieving respect and affiliation. A sex offender who is attempting to not offend needs to maintain a positive self identity. The stigma of labeling is an important part of this process. Without some concrete recognition of their reform, many ex-offenders might not be able to resist from committing the same crime (Wakefield, 2006). We should be concerned that sex offenders are often unable to effectively comply with sex offender registration laws even when they attempt to do so in good faith. Government officials are struggling to ensure compliance with these laws as the number of individuals required registering and the length of time they must register continues to grow. The stigma associated with registration explains why sex offenders are willing to risk non-compliant penalties for not registering rather than deal with the personal problems of being branded as a sex offender and the restrictions of sex offender registration requirements (Wagner, 2011).

Law enforcement's concerns and opinions are often neutral because they are not as emotionally involved as the victims or the offenders. This is why their perspective of sex offender registration and community notification is important. Law enforcement agencies are not only responsible for community safety; they also have to protect the rights of registered sex offenders. Even though sex offenders have been convicted of a variety of crimes, it is the police perspective that will clarify how the communities respond to different types of sex offenders (Gaines, 2006). Parents often describe the goal of community notification as "providing as much information as possible to safeguard against any potential threats posed by sex offenders" (Zevitz et al., 2000a, p. 399). Some residents have reported that notifications have increased their anxiety because information about offenders is not usually accompanied by information about protecting oneself or one's children from assault (Caputo, 2001, Zevitz et al., 2000a). Unfortunately, some states only notify the public about high risk sex offenders, but other states notification process includes information about all registered sex offenders (Levenson, Brannon, Fortney & Baker). Prior to 2007, Tennessee only released information on certain offenders; it had two registries; a public and a confidential registry. In 1985, the California legislature passed a bill that required the California Department of Justice to study the effectiveness of the state's sex offender registration requirements. In 1988 the study found that nearly 75% of registered sex offenders who were convicted in the few years prior to the study had registered.

However, a closer look at the basis for this conclusion reveals that the actual compliance rate is probably significantly lower. The study revealed that only 54.3% of the sex offenders convicted in 1973 were registered in 1988. An analysis of the registrable sex offense conviction data from 1981 demonstrated that 72.2% of those offenders were on the Sex Registration File. Thus, the report optimistically concluded, compliance is improving and "full compliance is not an unreasonable goal" (Bedarf, 1995, page?). The length of the registration requirement depends on the severity of the crime. An offender's duty to register may expire, however the initial registration data usually remains on file indefinitely (Bedarf, 1995). For example, when Tennessee removes an offender from the Sex Offender Registry, the offender is no longer required to register and all of his information is deleted from the database, however his file is then stored in a different location. In Tennessee, sex offenders classified as Tier I offenders (least violent) are at some point eligible to be removed from the registry, providing they have complied with all the rules and regulations. Tennessee Code Annotated § 40-39-207(c) states; that if a sex offender has not has not been convicted of any additional sexual offenses during a ten-year period and that the offender has substantially complied with the registry, the TBI shall remove the offender's name from the Sex Offender Registry. The offender is then no longer is no longer required to register. This gives some sex offenders an incentive to comply with the rules of the registry. However, if an offender is denied release from the registry based on substantial noncompliance, the offender may not petition again for five years. Some offenders are never removed because they just can't comply with the rules.

Hypotheses

The primary hypothesis for this thesis is that offenders who and classified as Tier I offenders, are middle aged, black males, are are more likely to be in non-compliance with the Tennessee Sex Offender Registry.

The secondary hypotheses are:

1. Offenders classified in Tier I are more likely to be in non-compliance than Tier III offenders.
2. Black Offenders are more likely to be in non-compliance than offenders of other races.
3. Middle aged offenders more likely to be in noncompliance than any other offender.
4. Male sex offenders are more likely to not be in compliance than female offender

Methodology

Quantitative secondary data was used to gather information for this study to determine what factors influence the non-compliance of Tennessee Sex Offenders in reference to the Tennessee Sexual and Violent Sexual Offender Registration, Verification and Tracking Act of 2004.

Participants and Sampling

The sample for this research was taken from the Tennessee Sex Offender Registry database in October of 2012. The sample consisted of 1600 sex offenders taken from four grand regions of Tennessee: west, middle, upper east, and east. From each of the four regions, four counties were purposely chosen, totaling 16. Next, from these 16 counties 100 offenders were chosen, for a total of 1600 sex offenders. The larger counties in each region were chosen first to ensure that there would be 100 sex offenders from those particular counties. As for the remaining counties, some were too small to have 100 offenders; therefore, additional registries from various law enforcement agencies were used to complete the sample of one hundred for each of the four counties. With regard to Region, 25 percent was taken from each region. See Table 1 for the sample for the four grand regions and table two for a description of the sample.

Table 1: Frequency Distribution of Sample

Variable	Attribute	Frequency	Percent
Region	West	400	25.0
	Middle	400	25.0
	East	400	25.0
	Upper East	400	25.0
Tiers (classification according to crime)	Tier I (Least Violent)	552	34.4
	Tier III (Violent)	1048	65.5
Race	White	1242	77.6
	Black	358	22.4
Age	1600 Sex Offenders	20-89	Min- 20 Max- 89 Mean- 49
Gender	Male	1548	96.8
	Female	52	3.3
Compliance	Complied	1163	72.7
	Non- Compliant	437	27.3

Variables

In this research the independent variables were: tier level, race, gender, and age. The dichotomous dependent variable was compliance with the Sex Offender Registry. It was proposed that tier level, race, gender and age will affect the compliance of a Tennessee Sex Offender. The level of measurement of the independent variables for this research included; tier level (classification based on crime) - nominal; race-nominal; age- interval; and gender- nominal. The level of measurement for the dependent variable was at the nominal level.

Results

The researcher ran a single report for each of the 16 counties chosen for the sample. The reports consisted of the total amount of sex offender required to register in each county. The researcher then searched each offender in the Sex Offender Registry database and the Department of Correction database to determine if he or she was currently or had previously been in violation of the sex offender registry. The offender's region, tier level, age, race, and gender were also noted. This data was then entered into an PAWS spreadsheet for analysis. Chi- Square was the statistic used to determine the statistical significance across the variables. Chi- Square was used in this research because all of the independent variables were measured at the nominal level, except for age, which was collected at the interval level. The dependent variable was also measured at the nominal level. Chi-Square is a good hypothesis testing statistic for nominal level variables. According to the analysis, there was a statistically significant relationship between each independent variables and the dependent variable. Tables 2 – 5 reveal the crosstabs of each variable as correlated with the compliance or non-compliance with the Tennessee Sex Offender Registry data. For each of the tables below, the number of offenders who were compliant or non-compliant with the Registry is provided to display the raw numbers related to each of the attributes of the independent variables. Next to the raw numbers is the percentage of the total number of each attribute.

Table 2: Crosstabs of Tier Level Associated with Compliance with the Sex Offender Registry

Tier Level	Tier I	Tier III	Total
Compliant	379(69%)	784(75%)	1163
Non- Compliant	173(31%)	264(25%)	437
Total	552	1048	1600

Table 2 shows that the greatest number of offenders is Tier III offenders, but the greatest percent of offenders in non-compliance is Tier I offenders. This supports the hypothesis that a higher percentage of Tier I offenders are in non-compliance with the Registry.

Table 3: Crosstabs of Race Associated with Compliance with the Sex Offender Registry. N=1600

Race	White	Black	Total
Compliant	932(75%)	231(65%)	1163
Non- Compliant	310(25%)	127(35%)	437
Total	1242	358	1600

Table 3 shows that the greatest number of offenders is White, but the greatest percentage of offenders in non-compliance is Black. This supports the hypothesis that a higher percentage of Black offenders is in non-compliance with the Registry.

Table 4: Crosstabs of Age Associated with Compliance with the Sex Offender Registry

Age	20-30	31-40	41-50	51-60	61-70	71-89	Total
Compliant	79(90%)	183(64%)	360(72%)	322(73%)	172(84%)	47(87%)	1163
Non- Compliant	16(10%)	109(36%)	143(38%)	123(27%)	35(16%)	11(13%)	437
Total	95	292	503	445	207	58	1600

Table 4 shows that the greatest number of offenders is in the 41–50 age category, and the greatest number and percentage of offenders in non-compliance is in the 41–50 age category. This supports the hypothesis that more offenders in the 41–50 age category, or middle-aged offenders, are in non-compliance with the Registry.

Table 5: Crosstabs of Gender Associated with Compliance with the Sex Offender Registry

Gender	Male	Female	Total
Compliant	1118(72%)	45(87%)	1163
Non- Compliant	430(28%)	7(13%)	437
Total	1548	52	1600

Table 5 shows that the greatest number of offenders is males, and the greatest number and percentage of offenders in non-compliance are males. This supports the hypothesis that male offenders are more in non-compliance with the Registry. The following summary table (Table 6) displays the level of significance for each demographic variable as correlated with compliance or non-compliance with the Tennessee Sex Offender Registry. Note that all variables achieved statistical significance at the Alpha level of .05. This indicates that there are differences in region, tier level, race, age, and gender related to compliance with the Registry.

Table 6: Significance Levels of the Variables Associated with Compliance. N=1600

Variables	Significance Level
Region	.026
Tier Level	.007
Race	.000
Age	.048
Gender	.023

Alpha level = .05

Summary of Findings

The summary of the findings is that each of the null hypotheses can be rejected, as the alternate hypothesis was correct. As a profile for Tennessee sex offenders, we can say that Tier 1 offenders who are Black, who are male, and are 41 to 50 years old are most likely to be in non-compliance with the Registry.

Conclusion

Our nation is attempting to deal with sex offenders by tracking their residences and compliance with specific regulations and laws. This segment of the offender population is likely to capture the attention of the public and legislative bodies for many years to come. Many states are re-examining their legislation pertaining to sex offenders to determine its effectiveness and good empirical evidence should be the basis on developing new laws.

It was hypothesized in this research that region, tier level, race, age, and gender would effect the compliance of a sex offender's registration in regards to the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking Act of 2004. The results found in this research showed that there are several factors that influence a sex offender's non-compliance in Tennessee. An offender's tier level conviction was statistically significant in this research as it relates to a sex offender's compliance. It was found that offenders that are classified as Tier III (violent) offenders are more likely to be in non-compliance status when compared to a Tier I (least violent) offender. The race of an offender was statistically significant. Of the 1600 sex offenders sampled, 1,242 were white sex offenders and 358 were black. However, black sex offenders had a higher percentage of non-compliance. This is very surprising considering the disproportionate amount of white offenders. This could possibly be because white sex offenders are more likely to live in neighborhoods that are more organized and have less crime, whereas black offenders tend to live in high crime areas that are disorganized socially (Tewksbury, 2009). Middle aged (41-50) sex offenders were statistical significantly more likely not to comply with the sex offender registry when compared with other aged offenders. This contradicts an article published by the Forensic Psychology that stated criminals usually stop offending as they grow older (Franklin, 2010). Lastly, male offenders are more likely to be in non-compliance. These results were not that overwhelming because there were 1,548 male sex offenders in the sample and only 52 female offenders. The Tennessee Sexual and Violent Sexual Offender Registration, Verification and Tracking Act of 2004 was created to enhance Tennessee's ability to track the residences of sex offenders. However, Tennessee continues to deal with non-compliant sex offenders.

Implications for Criminal Justice

This study can be used to help correctional and law enforcement agencies better supervise sex offenders in Tennessee. For example, the Board of Probation and Parole requires some of their Tier III (violent) offenders to wear Global Positioning Systems (GPS). This device assists the officers in monitoring violent sex offenders' movements. California conducted a study on high-risk sex offenders on parole and discovered that sex offenders placed on GPS monitoring had an extremely lower recidivism rate than those that were not. The effectiveness of the monitoring device was studied using 516 high-risk parolees who were released from prison between January 2006 and March 2009. The offender's were tracked for one year after their release from prison. The results showed that parolees not on the GPS device had committed new crimes and returned to custody at a rate of 38 percent more the offender that was wearing the device. GPS monitoring involves the use of satellites to determine the location of a sex offender. Considering the results of this study perhaps these devices could be utilized in Tennessee for the Tier I (non-violent) offender sex offender (Bulman, 2013). Often times a parole or probation officer is subject to have a large case load. The hiring of officers to specifically conduct home visits with the sex offenders could be a good method of verifying compliance. This would allow the officer to concentrate and counsel sex offenders that meet the profile in this research. A counseling session with the offender on a regular basis would identify specific problems an offender is having before the offender becomes non-compliant. Knowing the profile of a non-compliant sex offender can be an advantage, because it gives law enforcement personnel an idea of which sex offenders to monitor closely.

The penalty in Tennessee for not complying with the sex offender registry is a Class E felony, and a sex offender could get as much as one year in jail. There are offenders in Tennessee that continue to violate the registry in spite of this. This penalty is apparently not deterring sex offenders from violating the registry. Legislation should consider creating stricter sentences. Tennessee's Sex Offender Registry website provides pertinent information about sex offenders for the public. However, it does not indicate when the offender is in violation. The Sex Offender Registry should look at possibly flagging offenders when they are in violation or have absconded (avoiding the registry) from the registry. This would alert the public to be on the look out for the offender. Creating a Sex Offender Alert program could be beneficial to law-enforcement. Every time a sex offender is in violation or is found to be in non-compliance, the news's media can display the offender's photograph, conviction information and the county in which the offender has failed to comply. Text and e-mail alerts can also be sent out to subscribers.

Future Research

Future research on this topic is needed. These studies should include the specific laws and variables that contribute to sex offender's non-compliance. Surveying law-enforcement officers, sex offenders or family members of sex offenders would also give a general idea of what areas of the law should be changed. Legislators often make laws based on incidents. A sex offender's viewpoint can enable law makers and law enforcement to better understand how sanctioning may or may not have an effect on an offender's registration (Tewksbury & Lees, 2007).

In Tennessee sex offenders are required to pay a one hundred and fifty dollar fee each year. Some offenders may be declared indigent and be exempt from paying the fee only if deemed indigent by law enforcement, but what about the offender that is not considered indigent. Does the requirement to pay the fee cause the offender to not comply? What are the fee requirements in other states? Does this variable affect offenders in other states? States like Alabama, California, Florida, Georgia, Illinois, Indian, Iowa, Kentucky, Louisiana, Ohio, Oklahoma, Oregon, and Tennessee have living restrictions. Sex offenders are not allowed to reside within in a specific proximity of a school, park, daycare, or school bus stop (Tennessee does not include bus stops). Illinois has the least distance requirement, which is 500 feet; however the most common is 1,000 to 2,000 feet (Levenson & Cotter, 2005). How many of these states have compliance problems because of this variable? What portion of Tennessee's non-compliant sex offenders does this law affect? More research is definitely needed to determine what factors are associated with a sex offender's non-compliance with not only Tennessee laws, but other states laws as well. The overall goal of sex offender registration and the policies that mandate them is to protect the public. If a system is not working properly, there has to be steps taken to make corrections. Many laws created are based on highly publicized cases preceding it. It is recommended that further research is necessary to find out what other factors affect a sex offender's compliance. Hopefully the unfortunate crime will not happen before we find the answer.

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