

*SEX OFFENDER REGISTRATION
&
COMMUNITY NOTIFICATION*



AN INFORMED COMMUNITY
IS A
SAFER COMMUNITY

*HISTORICAL PERSPECTIVE
OF SEX OFFENDER REGISTRATION
&
COMMUNITY NOTIFICATION*

□ JACOB WETTERLING ACT

□ MEGAN'S LAW

□ ADAM WALSH ACT



Community Notification

Jacob Wetterling Act

- On October 22, 1989, 11 year old Jacob Wetterling was abducted by an armed, masked man
- Intensive search and investigation by local police & FBI did not locate Jacob
- In 1994, Congress mandated all states and territories set up sex offender registration by 9/13/97
- In 2016, as part of a plea agreement, Daniel Heinrich, confessed, provided details of the crime and led authorities to Jacob's gravesite

Community Notification

Megan's Law

- 7 year old Megan Kanka lured into neighbor's home under a ruse to see a puppy
- Megan was sexually assaulted and murdered
- Megan's body was found in nearby park several days later
- Jesse Timmendequas, a twice convicted sex offender was arrested
- Megan's Law mandates sex offender community notification.
- Megan's Law passed May 17, 1996. Amended Jacob Wetterling Act

Community Notification

- Adam Walsh Child Protection and Safety Act of 2006
 - In July 1981, Adam Walsh, age 6, was abducted from a Florida department store while his mother shopped in an area of the store less than 75 feet away. Walsh's mother returned in under 10 minutes, but could not find her son.
 - Adam's body was never located but proof of his death was found two weeks later.
- Pedophile and convicted murderer, Ottis Toole confessed to the abduction and murder of Adam Walsh
- The Adam Walsh case was solved December 17th, 2008 (27 years later)

Community Notification

- Adam Walsh Child Protection and Safety Act of 2006
 - Covers states, territories, the District of Columbia, and Native American tribal areas
 - Establishes uniform and comprehensive sex offender registration and notification requirements
 - Authorized new programs and initiatives designed to combat:
 - Crimes against children
 - Expands sex offender registries
 - Ensure sex offenders are held accountable for their crimes
 - Prevent child pornography
 - Make the internet safer for children through authorizing Project Safe Childhood



*Phoenix Police Department
Sex Offender Notification Unit*

Implemented on June 1, 1996

Sex Offender Notification Unit

RESPONSIBILITIES

- Track sex offenders in the city of Phoenix
- Maintain and update files on each offender
- Search for offenders who abscond
- Coordinate with other L/E agencies on the registration and community notification on offenders
- Complete the standardized risk assessment to determine offenders risk level
- Make the necessary community notification on level 2 & 3 offenders and SB 1286

Sex Offender Notification Unit

RESPONSIBILITIES (cont.)

- Investigate all registration related crimes on offenders residing in Phoenix and arrest or submit for the appropriate charges to the prosecuting authority
- Educate the public on the Sex Offender Registration & Notification Laws
- Investigate tips on possible sex offender violations

Community Notification

Determining Threat Level (Risk Assessment Screening Tool)

- All agencies must use the standardized Arizona Risk Assessment
- Evaluates 19 different criteria
- Designed to predict sex offense and general risk of recidivism
- Criteria is evaluated and assigned a point value
- Points totaled for notification level

Community Notification

RISK LEVELS OF OFFENDERS

- Level 0 Registration Only
(conviction prior to June 1, 1996)
(may be subject to community notification requirements)
- Level 1 “Low Risk to community”
(in-home notification only)
- Level 2 “Intermediate Risk to community”
(mandatory community notification)
- Level 3 “High Risk to community”
(mandatory community notification)

Community Notification

Understanding the Risk Levels

(Examples)

- Level 0 1990-convicted of Molestation X3 no other felony convictions since (no community notification)
- Level 1 1997-arrested for Molestation X3, Plea to one count; no other felony convictions (in-home notification only)
- Level 2* 1997 conviction of Molestation. No other felonies (mandatory community notification)
- Level 3* 1997-Molestation conviction- 20 yr. old having consensual sexual relation with 15yr old. Other non-sex felonies (mandatory community notification)

*subject to community notification

Community Notification

- Community notification is regulatory, not punitive
- Intent is not to threaten, harass, or intimidate the offender
- Law enforcement DOES NOT have the legal authority to dictate where offenders may or may not live
- What the legislature gives they can take away
- An informed community is a safer community

Community Notification

Registered Sex Offenders in Arizona (azdps.gov)

- Arizona has approximately 14,488 registered sex offenders
- Local Registered Sex Offenders:
 - The City of Phoenix has more than 13,000 assigned “registered” sex offenders

Community Notification

Who Are The Sex Offenders In The Community???

- Can't tell by looking
- They are everywhere and from all socio-economic backgrounds
- The DPS Web Page does not include those who were convicted prior to the law going into effect
- Doesn't include those who have yet to be caught
- Doesn't include those convicted and still incarcerated

Community Notification

- Requirements for sex offenders:
 - The offender has 72 hours, excluding weekends/holidays, to complete a change of address. Failure to comply is a Class 4 Felony
 - Sex offenders visiting/vacationing in Arizona are required to register if they are staying in Arizona for more than 10 days
 - Transient sex offenders are required to update their address (cross streets) every 90 days
 - Sex offenders are required to update their photo with MVD annually

Community Notification

- **Citizens have a vested interest in seeing offenders succeed.**
- **Offenders need stability**
 - In their work, social life, and housing
 - Many sex crimes can be crimes of power and control
 - Lack of stability results in loss of control which MAY lead to them reoffending
- **Some offenders are glad the community will be notified**



Community Notification

A.R.S. 13-3827 Requires AZ DPS to maintain the internet sex offender website and verify the name, address and photograph of each offender in Arizona on an annual basis

- Website provides search to view all published offenders within an area, by offender's name, city, non-compliant, internet names/email
- DPS has a feature to allow users to register for e-mail alerts in their area


A.R.S. 13-3825 Community Notification- requires mandatory notification for level two and three offenders to the surrounding neighborhood, appropriate community groups, area schools and prospective employers. Notification consists of a flyer with offender's photograph, address and a summary of the offender's status and criminal background

What citizens can do to protect themselves and their kids

- **Keep open communication with children**
 - Teach them parents/guardians need to be informed of any inappropriate touching (or anything that makes them uncomfortable)
 - Assure them they will be believed
- Be vigilant of the activity in your neighborhood
- Use the information on the flyer and on the DPS sex offender website to keep informed and to be the eyes and ears of police, probation and parole
- Contact the detective and/or probation officer listed on the flyer if you observe any suspicious behavior involving the offender

Community Notification Resources

- Phoenix OffenderWatch Web Page
<http://www.icrimewatch.net/index.php?AgencyID=55581>
- OffenderWatch
www.offenderwatch.com
- National Center for Missing and Exploited Children
<http://www.missingkids.org>
- National Sex Offender Public Website
www.nsopw.gov
- Arizona Sex Offenders
www.azdps.gov



A.R.S. 13-3727
Unlawful Residency – 1000 Ft Rule

- It is unlawful for a person who has been convicted of a dangerous crime against children or who has been convicted of an offense committed in another jurisdiction that if committed in this state would be a dangerous crime against children and who is required to register pursuant to ARS 13-3821 and who is classified as a level three offender to reside within one thousand feet of the real property comprising any of the following:

Unlawful Residency – 1000 Ft Rule

- A private school or a public school that provides instruction in kindergarten programs and any combination of kindergarten programs and grades one through eight
- A private school or a public school that provides instruction in any combination of grades nine through twelve
- A child care facility

Unlawful Residency – 1000 Ft Rule

- Does not apply to:
 - A person who established residence before September 19, 2007 or before a new school or child care facility is located
 - A person who is a Minor
 - A person who is on Probation
 - A person who's Civil Rights have been restored
 - A person who has not been convicted of a subsequent offense in the previous ten years, excluding any time the person was incarcerated in any federal, state, county or local jail or prison facility

Unlawful Residency – 1000 Ft Rule

- Measurements shall be made in a straight line in all directions, without regard to intervening structures or objects, from the nearest point on the property line of a parcel containing the person's residence to the nearest point on the property line of a parcel containing a child care facility or a school
- A person who violates this section is guilty of a class 1 misdemeanor

*Phoenix Police Department
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