

POLICE PERCEPTION OF THE EFFECTIVENESS OF
MEGAN'S LAW AGAINST SEX OFFENDERS

A Thesis
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Abstract

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Multiple studies have been devoted to the effect various legislative acts, such as Megan's Law, have had on sex offenders (Ackerman, Sacks, & Greenberg 2012; Bonnar-Kidd, 2010; Patrick & Marsh, 2011). Less attention, however, has been paid to law enforcement's opinion on the effectiveness of these acts. This is the focus of the current study. Do police find Megan's Law to be effective?

Law enforcement holds a key position in the criminal justice system. Police are the middlemen between lawmakers and the public. They enforce the laws designed by the lawmakers and interact with those affected by the law. Thus, they may observe the law's effectiveness. This may be especially true in the case of sex offenders, because each department determines how it will deal with offenders in their jurisdiction. Under Megan's Law, these offenders must register and notify their communities (Bonnar-Kidd, 2010). Police may also publish the offender's private information, such as their address, nature of their crime, and place of work, to protect the community.

They must also protect the offenders from the consequences of becoming a registered sex offender, which may include physical harassment from community members, property damage, and/or violence toward their families. What other unintended consequences are caused by Megan's Law? Do police find Megan's Law to be an effective tool that reduces sex offender recidivism or a catalyst for harassment? Does Megan's Law deter future criminality? These and other questions were addressed by this study.

This study attempted to survey twenty-five out of the 100 sheriff's departments in North Carolina. The survey questions ask officers' opinions on the effectiveness of Megan's Law, the dangerousness of sex offenders in their community, whether Megan's Law could be changed to be more useful to police, etc. The results indicate that law enforcement finds Megan's Law to be a useful tool, particularly in its ability to raise awareness within the community. Whether or not it is responsible for the low recidivism noted in each county is debatable. There is the possibility that sex offenders are being controlled by the increased awareness, but the law may also be fueling unnecessary phobia. According to police, Megan's Law can be used against individuals whom society does not categorize as a sex offender. Further, it may lead to isolation of the sex offender, which hinders reintegration.

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Chapter 1: Introduction

Watch any fictional crime show, and the public's attitude toward sex offenders becomes obvious. They are hated, feared, and shunned. Fans of the show applaud whenever the fictional law enforcement officer or detective roughs up and borderline abuses these offenders. What makes these offenders so much worse than the average criminal? Perhaps it is a combination of who their victims are and the belief they cannot be cured of their sexual desires.

Violent sex offenders target victims who have been seen as vulnerable, innocent, and in need of protection (Pinker, 2011). These victims are women and children. All rapists and child molesters are sex offenders, but not all sex offenders are rapists and child molesters. It is interesting that the media chooses to focus on these two crimes to represent this diverse population. Much of the media is fueled by fear. For example, news outlets (newspapers, news channels) will focus more heavily on one nasty road rage incident rather than reporting that the rate of car accidents has been in decline. This phenomenon will be discussed in detail later in this study.

Many members of the general public and even many researchers agree that sex offenders are incurable (Pickett, Mancini, & Mears, 2013). In fact, many people apply this opinion to all criminals. Even those of a more liberal persuasion tend to exclude sex offenders from the list of changeable criminals. This attitude may be due, in part, to a mentality shift that occurred in the 1970s. This shift began with a report by Martinson that is referred to as the "Nothing-Works" report (Welch, 2011). Martinson explained that

rehabilitative efforts were not having a significant effect on offenders, although this does not mean that rehabilitation was having no effect. This was interpreted to mean that the best treatment for these individuals was punitive measures (i.e. incarceration).

Since the Martinson report, public mentality has shifted away from supporting rehabilitation toward an emphasis on retribution. Retribution focuses on punishing an offender to repay his debt to society (Welch, 2011). This is still widely supported and may be perpetuating the false belief that the worse the punishment is then the less likely the offenders will recidivate. Thus, if sex offenders are incurable, it is best to incapacitate and shun them from society to punish them continually for their horrible crimes.

Much debate centers on “curing” sex offenders. Research has mainly focused on the causes of the sex offenders’ sexuality, psychological and environmental predictors of a sex offender, recidivism variables, victim choice and characteristics, and treatment (Jennings & Deming, 2013). Multiple studies have been devoted to the effect various legislative acts, such as Megan’s Law, have had on sex offenders (Ackerman, Sacks, & Greenberg 2012; Bonnar-Kidd, 2010; Patrick & Marsh, 2011). Less attention, however, has been paid to law enforcement’s opinion on the effectiveness of these acts. This is what the current study would like to explore.

Law enforcement holds a key position in the criminal justice system. Police are the middlemen between lawmakers and the public. They enforce the laws designed by the lawmakers and interact with those affected by the law. Thus, they may observe the law’s effectiveness. This may be especially true in the case of sex offenders, because each department determines how it will deal with offenders in their jurisdiction. Under Megan’s Law, these offenders must register and notify their communities (Bonnar-Kidd, 2010).

Police may also publish the offender's private information, such as their address, nature of their crime, and place of work, to protect the community.

Police have indicated that some community members abuse this public information by harassing the sex offenders and their families in the area (Gaines, 2006). Citizens do not want to live near or work with a registered sex offender. One consequence is that police end up spending valuable time and money protecting the sex offender from the community.

What other unintended consequences are caused by Megan's Law? Do police find Megan's Law to be an effective tool to reduce sex offender recidivism or a catalyst for harassment? These are the questions this study hopes to address.

This study will explore these questions by surveying twenty-five police departments in North Carolina. The survey questions will ask officers' opinions on the effectiveness of Megan's Law, the dangerousness of sex offenders in their community, and whether Megan's Law could be changed to be more useful to police. The police will be able to provide valuable insight, as they must use Megan's Law to protect their community and deal with any unforeseen consequences.

The present study will be presented to the reader as follows. Chapter 2, Literature Review, will provide a summary of past studies examining the public perception of sex offenders, as well as potential theoretical explanations for their treatment. Chapter 3, Methodology, will discuss the methods used in this particular study. The results of the data analysis will be presented in Chapter 4, Analysis, followed by a discussion of the findings and policy implications in Chapter 5, Discussion

Chapter 2: Literature Review

The term “sex offender” conjures to mind the stereotype of an old man wearing a trench coat luring an innocent child into a white, unmarked van with the promise of candy; however, the legally-designated term “sex offender” does not strictly refer to those who commit sexual offenses against a child; in actuality, sex offenders can include individuals who have committed a wide range of offenses. Sex crimes can include, but are not limited to, rape, molestation, indecent liberties, prostitution, and indecent exposure (Smith, 2007). The general public and lawmakers are most concerned with violent sex crimes, such as rape and child molestation, and, therefore, punish all those deemed sex offenders under the same type of punitive laws. It is foolish to blanket such a diverse population beneath laws intended to control the most dangerous among them.

Despite the stereotype, the majority of sex offenses are not committed by strangers. The Bureau of Justice Statistics (BJS) stated that approximately 25 percent of forcible rapes were committed by strangers, while the remaining offenses were perpetrated by individuals who had some type of relationship with their victims (Truman, n.d.). Further, the United States Department of Justice reported 97 percent of child molesters are known by their victims, and upwards of 47 percent of these perpetrators have familial ties with their victims (Douglas & Finkelhor, n.d.). Thus, the two most feared sex crimes are actually committed by those known and even trusted by victims. It is necessary to dispel some of these myths regarding sex offenders to better understand this population.

Public Perception of Sex Offenders

Understanding the public's attitude toward sex offenders has led to insight regarding the development of the punitive sex offender laws. Past research has investigated public perception of these offenders. Olver and Barlow (2010) examined public attitude toward sentencing, treatment, and the perception of dangerousness of sex offenders. Seventy-eight undergraduate students were given a survey to discern their attitude toward sex offenders and then given a personality test. The results indicated that public perception regarding the danger posed by sex offenders is inaccurate, and certain personality characteristics were linked with treatment of the offenders (Olver & Barlow, 2010). Certain personalities were more likely to overestimate the actual danger posed by sex offenders, leading to a desire for harsher punishment (Olver & Barlow, 2010). Those who rated high on open-mindedness were in greater support of a rehabilitative approach (Olver & Barlow, 2010). Thus, it is possible to assume that sex offenders are treated according to the cumulative social attitude, which is frequently misinformed. Creating policy in response to fear rather than fact is a poor approach to problem solving.

Public fear of sex offenders has multiple causes, including the media. Olver and Barlow (2010) and Gardner (2008) both indicate that the media plays an important role in the perception of danger. Both authors demonstrate that crime has been in decline, yet public fear has not decreased proportionally. Olver and Barlow (2010) attribute this to the moral panic caused by the media. This occurs when the media reports on a sensational sex offense story, causing people to overestimate the actual occurrence rate of sex crimes. According to Gardner (2008), there are a number of reasons for society's overestimation of danger. As a business, the media is geared toward profit. In the entertainment business, it is most

profitable to sensationalize a story. Gardner (2008) explains that the news is especially prone to report only unusual or extreme crimes. When reporting such incidences, the media suffers from “denominator blindness” (Gardner, 2008). Denominator blindness occurs when a reporter states that x number of people were killed but does not report how many were killed out of y number of people.

The media then perpetuates a vicious cycle of reporting related stories and crimes. This creates a feedback loop, wherein the media dramatizes an event, which piques the public’s interest, causing related stories to be reported (Gardner, 2008). Such stories are only included as part of a larger topic and are not actually out of the norm. Society perceives the onslaught of related stories to indicate a growing problem (Gardner, 2008). Ratings go up, so the media continues to report related stories. For these reasons and more, society’s perception of the danger of sex offenders is inaccurate, yet this fear has inspired support for the harsh treatment of offenders within prison, as well as legislation aimed at increasing public awareness and reducing recidivism once the sex offender is released to the community (Gardner, 2008).

Theoretical Explanations

Certain sex offender laws are relatively new, so, research is limited but much has been driven by public fear and control (Vásquez, Maddan, & Walker, 2008). There are potential theoretical explanations for this type of legislation. A significant amount of psychological research has focused on predictive characteristics of a sex offender, as well as treatment strategies. People want to cure sex offenders or else quarantine them from the public (Vásquez, Maddan, & Walker, 2008). Theoretically, in accordance with routine activity theory, barring a sex offender from potential victims will decrease the opportunity to

commit a sexual offense by decreasing access to victims (Cohen & Felson, 1979). Megan's Law also follows part of this theory; alerting the community to a sex offender's presence increases awareness, which may increase guardianship (protective measures) over potential victims. This, in turn, decreases the allure of the target and the opportunity to commit the crime. There is certainly logic behind the creation of Megan's Law.

Freeman (2012) explained that society's attitude toward sex offenders has prompted much political persecution. One theory that explains this phenomenon is social control (Welch, 2011). Social control is "the mechanism by which powerful groups consciously or unconsciously attempt to restrain and to induce conformity, even assent, among less powerful but nonetheless threatening segments of society" (Latessa, 2011, p.33). The dominant group in a society controls the minority through various means because the minority is viewed as a threat to the dominance of the majority (Latessa, 2011). Many researchers use similar theories to account for the evidence of racial disparity within the criminal justice system, wherein a dominant group—in this case whites or sexually normal individuals—uses legislation to control a minority group, such as blacks or the sexually abnormal (Robinson, 2009; Walker, Spohn, & Delone, 2007; Welch, 2011). American society is attempting to use community notification and sex offender registration to control an extremely diverse criminal population.

Pickett, Mancini, and Mears (2013) tested social control theory as an explanation of public perceptions of sex offenders. According to this study, the public is highly stereotypical in its beliefs about offenders. Offenders are often construed as monstrous, irredeemable, and predatory (Pickett, Mancini, & Mears, 2013). They are viewed as sick and incurable, which is why society supports a "get tough" attitude regarding these offenders.

Since they are seen as incurable, the public approves of harsh punishments that isolate sex offenders. Pickett, Mancini, and Mears (2013) found that public perception and stereotypes did impact support for punitive sex crimes laws, which gives credence to social control theory. Society, meaning the dominant group (sexually normal), feels threatened by sex offenders and attempts to control this group with prison and other legislation.

Regarding society's negative perception of sex offenders, classicism is another potential explanation. Classicism began with Beccaria's utilitarian approach to crime and punishment (Welch, 2011). Of importance to the treatment of sex offenders is the proposal that "punishment should be quick, certain, and commensurate with the crime," and "the true measure of crime should be the harm done to the rights and liberties of individuals in society, rather than vague standards of moral virtue" (Welch, 2011, p.41). This may be interpreted to mean that the punishment should fit the crime, and the damage of the crime should be determined by its violation of an individual's rights and liberties endowed by citizenship, not by its harm to morality (Welch, 2011).

For these reasons, sex offenders usually serve lesser sentences than murderers. Murder annihilates an individual's access to his or her rights and liberties through death, whereas sex crimes impose upon, but do not eradicate, an individual's rights (Robinson, 2009). Further, classicism and rational choice theory both posit that people have free will, meaning they choose and have power over their behavior (Welch, 2011). For sex offenders, this means that people will believe they chose to rape women, molest children, etc. This explains why society reacts to sex offenders with disgust; it is assumed that rapists and child molesters consciously choose to commit their crimes. Such behaviors are distinctly antisocial.

Criminal Justice System Management of Sex Offenders

The following section will discuss two key issues, which are legislation and community notification. It is important to note that the two main legislative acts that are discussed, the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Act (1994) and Megan's Law (1996), were passed in response to crimes committed against children, yet they affect the entire sex offender population (Freeman, 2012). The following section will also highlight the impact legislation and notification have on the sex offender and the unintended consequences of community notification and registration.

Sex Offender Legislation

According to Freeman (2012), the two most influential legislative acts are the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Act (1994) and Megan's Law (1996). When Jacob Wetterling was abducted, police did not have a comprehensive list of sex offenders to aid in their investigation (Freeman, 2012). The Jacob Wetterling Act now requires the states to create a registry for sex offenders (Freeman, 2012).

Seven-year-old Megan Kanka was raped and murdered by her neighbor, inspiring the creation of Megan's law (Freeman, 2012). Megan's Law requires information regarding sex offenders be made available to the public after a young Megan was abducted, sexually assaulted, and murdered by a known repeat offender (Freeman, 2012). States determine what will be made available and how. Information frequently includes a picture, address, and description of the crime. Since standardization was not required, states may vary in their application of these laws. Police become vital to understanding the effect of sex offender laws, as they must apply and enforce the laws.

According to Bonnar-Kidd (2010), sex offenders are tied down by multiple policies, including registration, community notification, civil commitment, global monitoring, and internet restrictions. Registration typically reveals the sex offenders' address, picture, and the nature of their crimes (Bonnar-Kid, 2010). While this is intended to protect and inform the public, it is frequently used to harass the sex offenders and their families (Gaines, 2006). This public knowledge makes obtaining a job exponentially more difficult (Bonnar-Kidd, 2010). Civil commitment has sometimes been considered an unconstitutional extension of confinement (King, 1999). All of these have negatively impacted the sex offender's ability to reintegrate. Patrick and Marsh (2011) indicate that labeled offenders are at an increased risk of recidivism and that the label may be more harmful than beneficial.

Labels can result in differential treatment. According to *Kansas v. Hendricks* (1996), there are circumstances in which the state may confine violent sex offenders indefinitely (King, 1999). In some instances, this occurs after offenders have served a majority of their prison sentence (King, 1999). There are several steps and conditions that must be met ultimately to deem the sex offender violent and a threat to society. Once steps are completed, the offender is committed to a mental institution, whereupon he or she will receive treatment until no longer considered a threat to society. The courts upheld that this indefinite confinement does not violate due process or double jeopardy, although it was not unanimous (King, 1999). In the dissent, there was discussion regarding the constitutionality of this decision. The goal of civil commitment is to treat the offender, but there is little incentive for treatment. Indeed, this confinement may be considered another form of punishment, and an extended one at that. Certainly there are benefits to removing a violent sex offender from

society, but indefinite confinement is not only borderline unconstitutional, it is also little more than an ill-disguised attempt to discriminate against and remove sex offenders.

Patrick and Marsh (2011) examined whether defendants charged with child sexual abuse were handled differently from other criminals within the federal court system. By collecting data on the entire child sexual offender population from the point of prosecutorial acceptance to sentencing, Patrick and Marsh (2011) obtained legal and extralegal data to compare against nonsexual offenders. Variables included charges, conviction, time served, race, and gender. Results indicated that sex offenders were not treated any more or less favorably than the general criminal population, which challenges the assumption that public perception and fear drives sex offender legislation. While this point is debatable, there is a plethora of research to support the challenges that sex offenders (and criminals in general) face after completing a prison sentence (exclusion from housing, job opportunities, harassment from the community; Welch, 2011).

This negative impact on the offender's ability to reintegrate is actually quite harmful to society in the long run. After prison, offenders suffer reduced earning potential, as these individuals are barred from many job opportunities (Robinson, 2009). Stigma further reduces earning potential, as ex-convicts are denied legitimate job opportunities in favor of those without a criminal record (Mbuba, 2012). This creates enormous pressure for those on parole because they must find a job within the specified period of time or risk being sent back to prison (Mbuba, 2012). The same problem exists in housing.

Two-thirds of offenders become homeless upon release, whereas only one-third of those entering incarceration were homeless (Mbuba, 2012). This number is likely even larger for sex offenders. With no job and no shelter, it is understandable why offenders

recidivate. With no legitimate job opportunities available, offenders return to crime as their only perceived option. Those unable to obtain a job or shelter may re-offend to be sent back to prison, not because prison life is enjoyable but because stigma has barred them from any other means of existence. Freeman's (2012), Gaines's (2006), and Vásquez, Maddan, and Walker's (2008) results support this finding. It appears that these laws enable harassment, which increases the likelihood of recidivism. The offender's desire to re-offend is precisely the phenomenon that Megan's Law is intended to reduce. Instead, it may be a contributing factor.

Ackerman, Sacks, and Greenberg (2012) examined whether or not sex offender legislation had a measurable effect on incidents of rape by studying rape data from 1970-2002 for significant changes. The results indicated that sex offender legislation did not have a statistically significant effect on rape. Thus, not only does legislation negatively affect the sex offender's ability to reintegrate, but there is also evidence to suggest that it has no impact on sex crimes.

Community Notification Laws

Community notification laws are intended to heighten public awareness, thereby arming the public against future offenses, yet research indicates that these laws do not reduce recidivism. Freeman (2012) examined the impact of sex offender laws on public safety in New York. This was completed by comparing recidivism rates for sexual and nonsexual offenses committed by sex offenders who were required to notify communities against those who were not. Freeman's (2012) results indicated that half of the sex offenders in the study recidivated, but only seven percent were arrested for a sexual offense. It does not appear that community notification laws were a particularly effective deterrent for recidivism.

Gaines's (2006) study examined the effect of sex offender registration and community notification on the law enforcement agencies responsible for providing such information. According to Gaines (2006), it is important to note law enforcement's reaction to registration and notification because officers hold a unique position in this process. Officers are responsible not only for public safety but also for the protection of the rights of the registered sex offenders. Further, officers may provide valuable insight on the impact of sex offender legislation on the community as well as the impact on sex offenders. This may provide information on issues of social control and unintended consequences (Gaines, 2006).

Gaines (2006) found that both citizens and officers indicated a need for sex offender laws, that citizens were generally happy with such services, and that police acknowledge that registration provides them with an excellent opportunity to educate the public about sex offenders. However, officers also noted a number of ways in which community notification and registration were harmful. First of all, community notification and sex offender registration increase police expenditures. Officers waste time responding to instances of harassment, and warn that, if abuse continues, the laws could be repealed.

Gaines (2006) also stated that registration increases the difficulty for sex offenders in maintaining housing and employment, as well as having a negative effect on personal relationships. Gaines (2006) cited several studies which exemplified the social stigma that registered sex offenders face from the community. In one incident, the family car of a juvenile offender was spray painted with the words "Die, baby raper." Other forms of harassment include physical assault, threats, destruction of property, eviction, etc., as well as similar treatment for family members. An unintended consequence is the effect this activity

has on police resources; police waste time, and energy moderating these episodes (Gaines, 2006).

Summary

In short, perceptions of sex offenders are frequently misguided due to fear, which has caused lawmakers to blanket sex offenders with potentially ill-fitting legislation. A number of theories seek to explain this fear, including social control and classical theory. While public fear is absolutely understandable, much of the literature supports the notion that these laws are more harmful than beneficial. However, the literature also highlights the fact that sex offender recidivism is the center of much debate. As discussed, registration and community notification increase the difficulties of reintegration, which can impact recidivism. Sex offender legislation could actually be provoking the very crimes it is intended to repress. Thus, sex offender legislation entreats further investigation.

Addressing factors involved in recidivism could improve efforts both to study and to prevent sex offender recidivism. Further, it is important to understand whether current laws are effective against sex offenders, making law enforcement officials an important source on this matter. Obviously, it is important to examine the impact of registration and community notification. Law enforcement holds a key position in this relationship, as they must enact the laws, protect society, and protect the sex offender. They are in the unique position of controlling the information available to the public and dealing with the unintended consequences of legislation. For these reasons, this study will focus on law enforcement's perceptions regarding the effectiveness of registration and community notification. The next chapter will discuss the methods used in this study.

Chapter 3: Methodology

The following section will discuss the processes and procedures used to conduct this study. The purpose of this study is to gain a qualitative and quantitative perspective on how Megan's Law affects sex offenders in North Carolina. This can be accomplished by accessing law enforcement's perspective about this legislation's implementation. This will inform future legislative decisions and perhaps dispel some myths. Examining how sex offenders are treated within their communities is a potentially important factor in recidivism.

Research Design

All 100 counties in North Carolina were organized on a list and numbered 1-100. Then, 25 were chosen using a random number generator. Those 25 counties were contacted through their sheriff's departments, the information for which—such as telephone numbers and email addresses—is available online. The sheriffs were contacted over the phone initially to ascertain which department/individuals were responsible for sex offender registration. These individuals were asked about their willingness to participate in this study, and then the departments were sent an email containing the survey. Each county's sheriff's department was given two weeks to respond. A reminder email was then sent to those departments that had not responded to the original email.

Sample

The study is set in North Carolina. The 100 counties stretch across a diverse geography, ranging from the warm beaches to cool mountains. North Carolina's own

website states that the cost of living, which includes housing, health care, utilities, etc., is below the national average, yet the GDP is tenth in the country (NC.gov, n.d.). Historically, North Carolina's economy was based on producing furniture, tobacco, and textiles (NC.gov, n.d.). Now, this list includes aviation, defense, information technology, and other service based industries. The labor force in North Carolina is skilled; 36 percent more productive than the average U.S. worker (NC.gov, n.d.).

In 2012, approximately 71.9 percent of North Carolina's population was white. Non-whites composed approximately 28.1 percent of the population; 22 percent are black, 2.5 percent are Asian, 1.5 percent are American Indian, and 2.1 percent were categorized as "other." As of 2013, there were 19,677 registered sex offenders in North Carolina. Of the registered sex offenders, 59.16 percent are white, 40.84 percent are nonwhite. This means that 0.45 percent of North Carolina's registered sex offenders are Asian, 34.85 percent are black, 1.48 percent are American Indian, and 4.06 percent are "other."

It is interesting to note that there is disparity between North Carolina's sex offender population and the national arrest rates provided by the UCR. Whites represent 71 percent of those arrested nationally for a sex offense but are only 59 percent of North Carolina's registered sex offenders. Meanwhile, nonwhites represent almost 29 percent of those arrested nationally but are nearly 41 percent of North Carolina's registered sex offender population. The majority of the sheriffs are white, middle-aged men.

The ten counties used for this study are as follows: Durham, Carteret, Craven, Pender, Camden, Rowan, Wilkes, Montgomery, Johnston, and Iredell. The demographic characteristics of the ten counties are similar to those discussed above for the entire state.

Measures

The survey utilized in this study (see Appendix A) was designed with the intention of investigating the methods of sex offender management in counties in North Carolina by law enforcement and the community reaction to these methods. Most, save for one, of the survey questions are open-ended to encourage a detailed and opinionated responses. The questions assess what method the department uses to notify its citizens of a sex offender, how dangerous the sex offenders are, and the effectiveness of Megan's Law. Other questions seek to discover any unintended consequences of Megan's Law. Finally, the last set of questions ask the respondent to rate Megan's Law as a tool for law enforcement. These questions are explained in more detail later in the paper.

All answers were examined qualitatively, meaning all data were initially examined without specific measures in mind, to determine running themes, opinions, or unexpected information. All counties were then compared and contrasted. When able, an officer's answer will be compared against hard data; for example, knowing the number of sex offenders in each county or rate of recidivism. An officer may approximate, but the actual number is available on the North Carolina sex offender registry. These methods will provide a qualitative and quantitative mix in analyzing the results.

Chapter 4: Analysis

The following chapter examines the survey responses. The region examined is North Carolina. There are 100 counties, from which 25 were chosen at random to be contacted. Each county has its own sheriff's department, which ranges in size from small to large depending on the location. After contacting and re-contacting over 60 sheriff's departments, only ten responded within the specified time period. Of those ten, only two contained detailed answers. This is understandable, as police have limited time to participate in extra activities outside of their normal duties.

While the desired number of responses was twenty-five, ten will be adequate to extract common and/or opposing themes, attitudes, and answers. Eight of the ten respondents were male. Responding officers were from the following counties: Durham, Carteret, Craven, Pender, Camden, Rowan, Wilkes, Montgomery, Johnston, and Iredell. In several instances, particularly for small counties, there were only one or two individuals in charge of sex offenders.

Carteret is located along the coast of North Carolina with a population of approximately 59,383 people (Welcome to an Engaged Community, n.d.). The location attracts a steady trickle of tourism, from which the county benefits (Welcome to an Engaged Community, n.d.). The sheriff's department is composed of 57 fulltime law enforcement officers, 30 civilians, and 82 fulltime staff (Welcome to an Engaged Community, n.d.). Craven, which is close to Carteret, spans approximately 735 square miles with an estimated population of 104,147 people (North Carolina County Map, n.d.). The sheriff's department

is involved with the community watch program within the county to aid in the reduction of crime (Sheriff of Craven County, n.d.). Camden is located in northeastern North Carolina with an approximate population of 6,885, which is the smallest population among the sample (North Carolina County Map, n.d.). The Pasquotank and North River provide ample waterfront, which caters to outdoor entertainment like boating and fishing (Camden County Sheriff's Office, n.d.). Local geography also includes farm and swamp lands (Camden County Sheriff's Office, n.d.).

Durham is described as a metropolitan seat, with a population of approximately 223,314 (Durham County: Home, n.d.; North Carolina County Map, n.d.). The sheriff's department is more heavily involved with the city of Durham and its residents, as opposed to the county (Durham County: Home, n.d.). Just north of Charlotte and with a population of 122,660, Iredell County is dotted creeks, mountains, and rivers (Welcome to Iredell County, n.d.). Lake Norman provides approximately 520 miles of waterfront, which encourages the outdoor entertainment market (Welcome to Iredell County, n.d.). The sheriff's department is involved with several community-based crime prevention and education programs (www.iredellsheriff.com, n.d.). Johnson County is described as rural, small-town, and friendly. With a population of approximately 121,965, Johnston is located within driving distance of both the Atlantic beaches and Blue Ridge Mountains (Johnston County, n.d.; North Carolina County Map, n.d.).

Montgomery County, with a population of 26,822, retains a small-town feel, but also has big business opportunities (County Quality of Life, n.d.; North Carolina Map, n.d.). Emphasis is placed on the county's transportation network, which contributes to the success of local businesses (County Quality of Life, n.d.). Residents may also escape to the

Uwaharrie National Forest to relax (County Quality of Life, n.d.). Pender, like much of North Carolina, enjoys a range of environments, from beaches to woodlands to rivers (Pender County, NC: Government, n.d.). Pender is located along the coast with an estimated population of 41,082 (North Carolina County Map, n.d.). Rowan is located near Iredell and is at the center of North Carolina's Piedmont (Rowan County - North Carolina, n.d.). The population is approximately 130,340 (North Carolina County Map, n.d.). Finally, Wilkes County is located near Boone, Hickory, and Winston-Salem (Wilkes County, North Carolina, n.d.). With a population of approximately 65,632, Wilkes is far enough away from the cities that it retains the feeling of an escape from the hustle and bustle, but it is close enough to benefit from the perks of these cities.

According to the North Carolina sex offender registry, there are 79 registered sex offenders in Carteret, 143 in Craven, 14 in Camden, 215 in Iredell, 208 in Johnston, 40 in Montgomery, 101 in Pender, 292 in Rowan, 127 in Wilkes, and 276 in Durham. Themes were developed as the data were reviewed. Common themes were highlighted in each survey, and it appears that certain questions garnered certain responses. For example, in response to questions pertaining to the dangerousness of sex offenders, nearly all officers stated that any sex offender may be a threat. This will be discussed further in the following sections.

Awareness

The first and most obvious theme was the importance of awareness within the community. The survey questions that addressed this theme were:

1. In your opinion, does Megan's law affect the sex offender's ability to reoffend?
Why or why not?

2. In what other ways does Megan's law impact the sex offenders?
3. In what other ways does Megan's law impact the public?

According to eight of the responses, Megan's Law increases awareness, which may decrease the threat of reoffending. One officer, in response to whether Megan's Law impacts an offender's ability to recidivate, explained that "it just makes it more difficult if the surrounding neighbors know who they are," which is a statement that advocates awareness in crime prevention. Yet another officer responded "it affects their ability by knowing location of the offender and the community also being able to know the offenders location. Community involvement is an extra set of eyes since law enforcement can't be over the offender 24/7." A second officer used nearly identical phrasing to answer the same question. This theme makes sense, as awareness is a key component in Megan's Law. Police track the whereabouts of registered sex offenders and relay this information to the community, who may then take precautionary measures.

Officers explained that the sex offenders were aware that their crimes were publicly known, and the community kept watch for unusual behavior. This notoriety may act as a deterrent for the sex offender. An aware and watchful community is a poor target for crime (Cohen & Felson, 1979). Community involvement was a common facet of awareness amongst the responses. In answer to how Megan's Law impacts sex offenders, one officer responded "it allows the community to be an extra set of eyes when law enforcement can't be there. Community involvement is such a plus." Several officers indicated that community involvement acted as an informal form of law enforcement.

Danger

The questions examined under this theme include:

1. Approximately how many sex offenders are registered to your county?
2. How serious a threat are sex offenders to your county?
3. What would you estimate the recidivism rate to be of sex offenders in your county?

Responses indicated that sex offenders are dangerous in theory, but, in reality, recidivism was very low. Most officers made a general statement about the danger of any sex offender to any community, but then state that, within their own community, sex offenders were not a serious threat. For example, one officer responded “well any sex offender is a serious threat;” a second stated, “any sex offender can be a threat to a community, but being able to track each offender does lessen the chance of the threat.” There were similar responses in nine of the ten surveys. The tenth merely explained that he was aware of only two seriously dangerous sex offenders in his county. All officers stated that recidivism was low. One officer stated that, in the last ten years, there has been only one instance of recidivism.

Consequences

Survey questions examined include:

1. In what other ways does Megan’s law impact the sex offenders?
2. In what other ways does Megan’s law impact the public?
3. If you were able to change Megan’s law, how would you change it?

One officer observed that the awareness generated by Megan's Law is a double edged sword: "it creates a phobia against offenders and makes it very difficult for them to obtain jobs or places to live. In my opinion, we have become sex offender crazy." Thus, awareness within the community can lead to isolation and problems reintegrating. Sex offenders have difficulty obtaining housing and employment due, in part, to the publicity of their crimes. He may also be indicating that Megan's Law causes unnecessary fear (phobia).

This same officer stated that "people charged with the crime who don't have the means to defend themselves are almost always convicted and placed on the registry." Perhaps this means that individuals of lower economic status are more likely to be charged with a sex offense because they lack the resources to fight the charges (money, attorney, social support). This may also mean that some individuals lack lawful means of defense. He goes on to describe two scenarios in which men were unfairly placed on the registry. The following paragraphs quote and discuss these two scenarios.

"A guy meets a girl in a bar, you have to be 21 to get in, she looks much older than she really is (not uncommon today) they sleep together. She gets pregnant. Law enforcement questions the man who, not knowing she was under age [sic] comes right out and admits sleeping with her. He gets a public defender, and is jailed. While in jail, they do a paternity test. He is not the father." In this first scenario, a man sleeps with a woman he meets at a bar after assuming she must be at least 21 to drink. Later, he is questioned by police and, not knowing the woman was underage, admits to having sex. While in jail, a paternity test reveals he is not the father. Regardless, he is charged with a sex offense because the law does not account for this type of situation. Essentially, this man's life was ruined because a girl was drinking underage and he chose to have sex with her. The question

is how do men prevent this type of situation? Obviously, he did not have the intent to sleep with a minor, and even if he asked to see her (presumably fake) I.D., he would still be held accountable. Perhaps the law is too black and white regarding sex offenses.

In the second scenario: “guy and girl in high school together (High school lovers). He is a year or two older. He graduates and goes off to boot camp. Comes back, they get together; she gets pregnant, but is still just under the age. The family is fine with it [sic] knowing they will marry, which they do. State of CA steps in and convicts him of the [sic] sex offense. They are still married 20 years later with more kids. He recently came to NC to train on Cherry Point, [sic] the base Commander found out he was a sex offender and literally had someone go to the woods to pull him out and send him back to CA.”

Change

Change was addressed by the question “if you were able to change Megan’s law, how would you change it?” Six of the ten officers would not change Megan’s Law as it is today. Those who would change Megan’s Law seem to desire lenience under mitigating circumstances. For example, there should be legal defense when the minor instigates sexual activity while hiding evidence of his/her age. Several officers indicated that it is unfair to punish an individual for a consensual relationship that existed while both parties were still underage. In other words, it is unfair to punish an 18 year-old for a relationship with a 15 year-old if the relationship existed when the 18 year-old was underage. It seems as though many officers would like to see some sort of protection put in place for those who commit sex offenses without malicious intent.

Only one officer suggested an addition to the law. On Halloween, children and families travel door to door in pursuit of candy. This journey could inadvertently expose

them to a resident sex offender. Thus, the officer suggested that North Carolina adopt a “lights out” precaution for sex offenders. This means that registered sex offenders would eliminate invitations for trick-or-treaters; for example, turning off their porch lights to indicate that trick-or-treaters are not welcome. Such precautions may be unnecessary, however. According to the research and common sense, community members know which houses to avoid. This suggestion does exemplify, on an individualistic level, the strength of the desire to protect potential victims through isolating the offender. The question that must be asked is whether or not an incident has occurred in the absence of a “lights out” law. If so, then it is a suggestion fueled by evidence. If not, then it is fueled by fear and fear is a poor policymaker (Gardner, 2008).

Effectiveness

Effectiveness was addressed in several of the survey questions, including:

1. In your opinion, does Megan’s law affect the sex offender’s ability to reoffend? 2.
2. On a scale of one to five how important is Megan’s law to law enforcement? One is not important, five is very important.
3. What aspect of Megan’s law do you think is most important to public safety?
Least?
4. What aspect of Megan’s law do you think is most useful for law enforcement?
Least?

Over half the officers indicated that Megan’s Law was an effective tool against sex offenders. Those who agreed reasoned that Megan’s Law increased awareness, which raised the community’s guard. Yet another reason that officers agreed that Megan’s Law was an effective tool to manage the threat of sex offenders is that it establishes a readily available list

of suspects. One officer explained that, when a sex offense has been committed and there is no suspect, the registry is a useful starting point. Only three disagreed, and two elaborated.

One officer explained that sex offenders were unaware of the law and their lives were not altered by registration. The other said “physically no. Mentally, maybe you would have to ask the offender. Why or why not? Does the fact you will get a speeding ticket mean you will not speed? Does putting a murderer in prison for 20 years then letting them out, and they don't have a registry, did any of that mean they will not kill again. You're dealing with people, [sic] there is no absolute way to curtail their actions short of locking them up or the death penalty. What's the difference between a Chihuahua and a pit bull? A Chihuahua is probably the most vicious dog out there. They simply cannot do much damage. Whereas you always hear about pit bulls, ‘My dog loves people or kids.’ The problem is [sic] like people you never know when one will bite.”

This response seems to indicate that sex offenders are, by nature, deviant, and a law is little more than a leash; it can control some offenders (like Chihuahuas), but others are more dangerous (pit bulls). Further, it is impossible to know when a new offender will “bite,” just as it is impossible to know who will commit a crime. This officer also points out the flaws in deterrence. Speeding tickets do not stop most speeders; perhaps Megan’s Law may not prevent new sex crimes. People are not easily controllable but are capable of doing terrible harm to one another.

Summary

Police rate Megan’s Law as an effective and handy tool. Whether or not it is responsible for the low recidivism noted in each county is debatable. There is the possibility that sex offenders are being controlled by the increased awareness, but the law may also be

fueling unnecessary phobia. According to police, Megan's Law can be used against individuals whom society does not categorize as a sex offender. Further, it may lead to isolation of the sex offender, which hinders reintegration. Yet, despite these consequences, police still classified Megan's Law as pragmatic.

Chapter 5: Discussion

The main finding of this study is, of those law enforcement surveyed, police do find Megan's Law to be a useful tool against sex offenders. Of particular use was the community awareness that the law created. Several officers described community awareness as an extra set of eyes. Awareness seemed to play a major part in the effectiveness of the law. Community awareness acted as an informal extension of law enforcement. The community kept watch for suspicious behavior among resident sex offenders while simultaneously raising defenses against future assaults.

Earlier research indicated that this hyped awareness could backfire on police in the form of physical assaults against the sex offender, his or her family, and/or property, but such consequences were not reported by the respondents (Gaines, 2006). One officer did indicate that Megan's Law may create a sex offender phobia within a community, ultimately causing the sex offender difficulty in pursuing a normal life. Arguably, most would believe this isolation to be beneficial. Sex offenders, at least child molesters and serial rapists, are frequently seen as incurable; their crime is driven by an internal sexual deviance, which is difficult for the law to control. Perhaps isolation prevents future crimes.

Isolation and fear are unusual in that they both may be a benefit and consequence of Megan's Law. Fear increases awareness, which may prevent future crimes. It may also lead to isolation, which affects the sex offenders' life opportunities. As is the case with many crimes, failure to reintegrate could lead to increased criminality. It may also lead to fewer opportunities to commit a sex crime. In contrast, for burglars, murderers, and drug abusers, a

case can be made that their offenses are driven by external forces. A burglar may be driven to crime by the social importance Americans place on material wealth, while a murderer may have sought revenge on a cheating spouse; a drug abuser may be using to self-medicate an unknown mental disorder (Welch, 2011). Their crimes may be, to some degree, driven by social or environmental forces, which are potentially changeable (Welch, 2011). Endow the burglar with valuable job skills, and he may obtain material wealth through more socially acceptable means. Punish the murderer, and teach him to control his anger. Clean up the drug abuser, and treat his underlying disorder. Sexual preference, however, is harder to control (Olver & Barlow, 2010). Further, most argue that it is a trait present at birth.

Several officers mentioned that Megan's Law creates a working list of suspects. This is most beneficial when a crime has been committed, but there is no immediate suspect. Officers can look up the proximity of a sex offender's home and/or work address to the crime. This does beg the question, however, whether or not such information could give law enforcement a kind of tunnel vision. With readily available suspects, perhaps police become overly focused on the known suspect. This is unlikely, but the possibility is worth acknowledgement.

When relaying the consequences of Megan's Law, several officers noted that statutory laws could be used unfairly. For example, parents could charge their daughter's boyfriend with statutory rape, despite the relationship being consensual. Further, there is little legal leeway for a man who sleeps with an underage individual unknowingly. Police felt this matter was too stringent; however, introducing room for interpretation may backfire. These laws exist, in part, to keep adults from sexually manipulating younger individuals. Providing leeway could lead to new forms of manipulation. For example, a man may know

for a fact that a girl is underage (perhaps due to previous acquaintance), but her presence at a bar could give him the legal defense necessary to avoid the charges. He still had intent, and he may even be dangerous, but the law provided him a backdoor. This is the trouble with grey area in laws.

How dangerous are sex offenders? Interestingly, every response indicated that sex offenders in general were a threat, but not within the officer's own community. There are many potential explanations. Megan's Law could be having a large impact on the rate of crime, although previous research did not seem to support this conclusion. Awareness and guardianship, as asserted by Routine Activity Theory (Cohen & Felson, 1979) may be diminishing crime opportunities. Regardless, this seemed to be the aspect of Megan's Law that police most appreciated. There is also the possibility, as one officer noted, that society has an irrational phobia of sex offenders. This fear may be exploited by the media and politicians to win viewership and support. In reality, sex offender may not be as pervasive a problem as American's have been led to believe. Unfortunately, the sample size of this study was too small to provide any definitive conclusions.

One advantage of this study was its attempt to seek police opinion. It is important to ascertain law enforcement's opinion of the laws and policies they are expected to uphold. This is largely because they directly observe these laws in action and can detail the ways in which they are effective or ineffective. There were, however, limitations to this study. The response rate was rather low, and the survey was intended to gather basic information. Further, it focused only on one state's use of Megan's Law. To fully understand how police use and view Megan's Law, it will be necessary to obtain information from a larger, more

diverse pool of participants. Increasing the number of participants should also increase the response rate by creating greater opportunities to respond.

In summary, this study found that police feel Megan's Law is a useful tool. This is partially because it increases community awareness and partially because it provides a readily available list of suspects. While there are consequences to the law, such as inhibiting reintegration or being applied unfairly, it nonetheless has its uses. This topic deserves further study, particularly because the label of "sex offender" is nearly unshakable and clearly damaging. These results are similar to Gaines's (2006) and Patrick and Marsh's (2011) studies in that both studies found the label of sex offender to be somewhat harmful.

To some extent, these findings were both supported and unsupported. When asked about the danger of sex offenders, police reported that, in general, they are a threat to society, and one officer explained that society had a phobia against sex offenders. This supports Olver and Barlow's (2010) results. Police went on to report that sex offenders within their community were actually not a significant threat, which contrasts with Olver and Barlow (2010). Several studies, such as Bonnar-Kidd (2010) and Ackerman, Sacks, and Greenberg (2012), indicated the sex offender legislation was ineffective against sex offenders.

In contrast, this study found that police say legislation like Megan's Law is an effective tool against sex offenders. In what way the tool is effective is still debatable. These findings should not be taken to mean that Megan's Law is an effective deterrent or an effective form of control. The surveyed police found it effective mainly in its ability to raise awareness, which *may* dissuade future sexual offenses through isolation and guardianship. It may also provoke unnecessary fear, which in turn fuels misinformed, potentially harmful

legislation. The question remains, if Megan's Law is a tool, how is it used and what does it fix?

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Appendix A
Sex Offender Survey

Please answer the following questions to the best of your knowledge. If you have any comments or questions, you may email back. When you are finished, save the document with your answers and email it back to me.

1. Approximately how many sex offenders are registered to your county?
2. How serious a threat are sex offenders to your county?
3. What methods do you use in your county to notify the residents of a sex offender who has moved there?
4. What would you estimate the recidivism rate to be of sex offenders in your county?
5. In your opinion, does Megan's law affect the sex offender's ability to reoffend?

Why or why not?

6. In what other ways does Megan's law impact the sex offenders?
7. In what other ways does Megan's law impact the public?
8. On a scale of one to five how important is Megan's law to law enforcement? One is not important, five is very important.
9. If you were able to change Megan's law, how would you change it?
10. What aspect of Megan's law do you think is most important to public safety? Least?
11. What aspect of Megan's law do you think is most useful for law enforcement? Least?

Thank you so much for taking the time to complete this survey!

Vita

Andrea Paige Salsman was born in Dallas, Texas, to Richard and Brenda Salsman. She moved to North Carolina in 1990. She graduated from Carolina Day School in 2008 and afterwards, enrolled at Appalachian State University. In May 2012, she was awarded a Bachelor of Arts degree in Psychology. In the fall of 2012, she entered Appalachian State's Master of Science program for Criminology and Criminal Justice. The M.S. was awarded in the spring of 2014. In the fall of 2014, she will be moving to Tallahassee to begin work on her Ph.D. in Criminology and Criminal Justice at Florida State University.