

Issues & Ideas

Tracking Sex Offenders

By Alexis Simendinger

■ LexisNexis helps law enforcement agencies find convicted sex offenders.

■ All sorts of public records are sifted by criminal-locating search engines.

■ Registration laws help make high-tech bounty hunting a growth industry.

The Florida Department of Law Enforcement had almost given up hope of locating a convicted sex offender it had traced to Illinois before the trail went cold. Illinois investigators thought the man was dead, but Florida found him alive in Indiana last year and arrested him—not for a new sex crime but for failing to register in both Florida and Indiana as a sex offender.

Likewise, Alabama police were hunting for Danny Lewis Smith, a suspect in a series of burglaries. Coincidentally, his rap sheet included a conviction for a sex offense. Police located Smith an hour away and had him apprehended by U.S. marshals—initially not for the burglaries but for violating the state law requiring convicted sex offenders to register their whereabouts with local authorities.

As it turned out, it wasn't door-to-door, shoe-leather sleuthing that helped investigators capture these "missing" felony suspects; it was a high-tech fusion of information using new computer search tools refined by LexisNexis that enabled law enforcement officers to track them down. The data company's tracing effort focuses on the estimated 560,000 convicted sex offenders living, working, and moving around the country.

LexisNexis would like to become the pre-eminent private-sector partner in tracking known sex offenders, in much the same way that the National Security Agency is identified with the hunt for terrorists—as an intelligence clearinghouse capable of connecting elusive dots.

As a practical matter, hunting for sex offenders—everyone from Internet porn shoppers to much-publicized (and rare) violent sexual predators—has become a growth industry because of registration laws in every state and law enforcement's enthusiasm for data fusion.

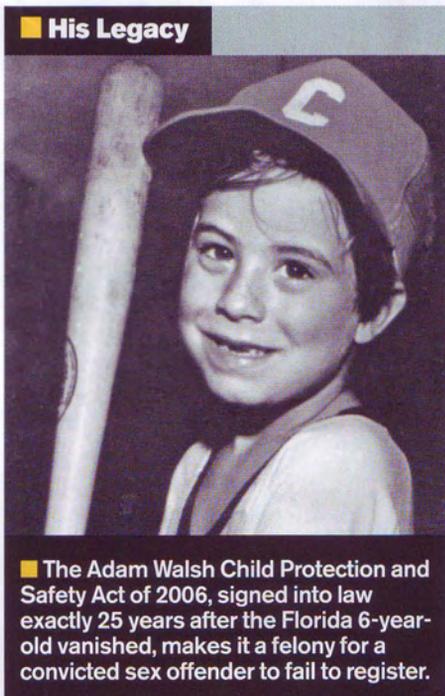
The special advanced search engines, access to which LexisNexis has sold to Alabama and Florida and is now pitching to others states, including Arizona, California, and Mississippi, were "built for law enforcement [and] bring together approximately 9,000 data sources from all over the country," said Brendan Peter, the company's special services senior director for industry affairs in Washington.

"All of our data is regulated under open-records statutes, which are very, very different from state to state," Peter explained during a recent demonstration in a conference room bare except for a poster warning staff to safeguard confidential information. The company's software enables individual jurisdictions to fuse "data sets," even information maintained within states, "to give them a more global picture of an individual," Peter said.

LexisNexis products, for instance, can visually map correlations between missing children and convicted sex offenders at known addresses, as well as those who may have resided in the area at one time. The maps can pinpoint the location of known child molesters in relation to schools and other places frequented by children.

By plugging an address into the LexisNexis search engine, investigators can view historical information about residents at a given location. LexisNexis even offers "jurisdiction alerts" that notify authorities when known sex offenders move into an area and fail to register on time. But the commercialization of data fusion and its use as a means of tracking human beings worries some legal, privacy-rights, and mental health experts.

"The consequences to everyone who lives in this society are pretty great," warns Lillie Coney, associate director of the Electronic Privacy Information Cen-



ter in Washington. "Sexual offenders won't be the only people who are caught out there on the other side. By targeting the next most egregious or unsympathetic group [after terrorists], it wipes away any questions that might be asked."

Eric Janus, interim president and the dean of William Mitchell College of Law in St. Paul, Minn., said, "It strikes me as one more step at privatizing what ought to be a law enforcement function." Janus, the author of *Failure to Protect: America's Sexual Predator Laws and the Rise of the Preventive State*, added, "It's sort of a bounty hunter mentality."

The fundamental assumption behind the states' registries is that convicted sex offenders remain dangerous, would-be recidivists even after they have served their time, and LexisNexis sales materials cite studies that support such fears. However, some expert analysis of Justice Department data suggests that it is the never-arrested, never-convicted sex offenders—in other words, those *not* in the registries and therefore not tracked—who are the worst repeat criminals.

By fusing available information, LexisNexis cross-references disparate information for its state clients. The company is limited, of course, to tracking *known* sex offenders. Experts and government studies agree that most sexual assaults are unreported and that most are committed by relatives or acquaintances of the victims who live in their communities.

What LexisNexis is doing to turn sex offender registries into crime-fighting tools is "a good start," said Kristen Anderson, deputy director of case analysis with the National Center for Missing and Exploited Children. "But the reality is that the majority of offenders are not convicted offenders. This is the most under-reported crime that there is."

The term "sex offender" loosely bundles various state definitions and includes juveniles, for whom lifetime criminal stigmas can be especially damaging. Some state laws de-

fine sexual "predators" but with variations. Individuals who must now register as sex offenders may have been convicted of crimes that involved consensual sex.

States are just beginning to sign agreements to voluntarily share sex offender data with each other, said Norman Willox, LexisNexis's chief executive of special services. The records sifted by the company in an effort to monitor offenders' activities include driver's licenses, lease information, property-tax records, court records, civil records, conditions of parole, voter-registration lists, Social Security numbers, known aliases, and information about so-called communities of interest, such as relatives, neighbors, employers, and known associates.

LexisNexis executives say that privacy and data integrity are hallmarks of their products. And they volunteered that the company's data fusion does not result in "profiling."

The fees that LexisNexis charges

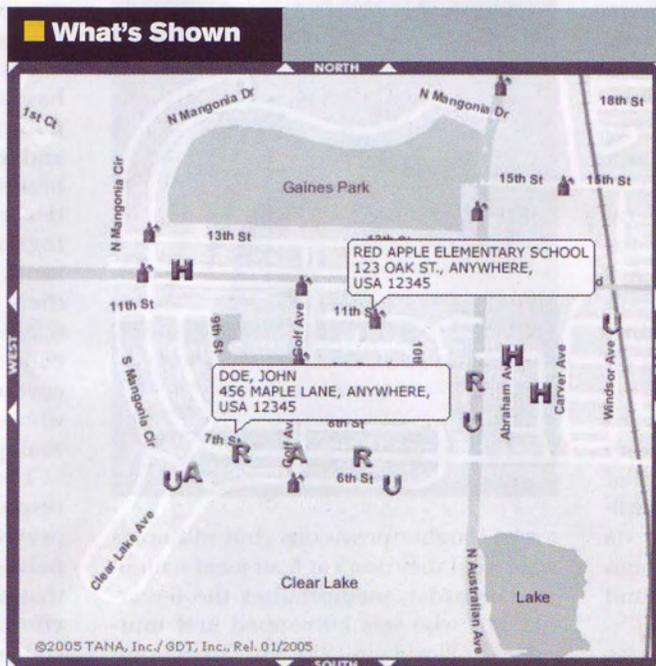
states and law enforcement agencies depend on the products used. The company's Advanced Sex Offender Search tool, married to its Advanced Investigative Solution product, could cost customers anywhere from \$100,000 to millions of dollars a year, according to company executives.

In Alabama next week, LexisNexis will show off its sex offender products to law enforcement officials at a wide-ranging, three-day conference under the auspices of the state's Criminal Justice Information Center, said Lynn Childs, who is organizing the event. (LexisNexis is footing the bill for the hospitality tent.) In November, Alabama will host an intensive training conference for personnel who will be using the company's sex offender tracking tools, she added.

Other information and security companies have entered the field, and many states are using multiple tracking programs. ChoicePoint says it can locate and verify sex offender addresses and raise red flags when registry addresses do not appear to match an offender's new address. It also allows law enforcement officers to map locations where sex offenders are registered, said Chuck Jones, the company's director for external affairs. Westlaw offers sex offender registry information from all 50 states, including names, aliases, physical descriptions, last known addresses, victims' genders, and sources of records, a spokesman said.

Yet another product in the sex offender identification field is V-soft, produced by Raptor Technologies in Houston. The company is marketing the pricey computerized system to schools (3,000 in 28 states, it says); it checks a visitor's government-issued photo identification, such as a driver's license, against sex offender registries. The IDs are swiped using a device that resembles a credit card reader, and if a match is found, V-soft will flash an "offender alert" warning school authorities of potential risks to students.

Because of a V-soft alert in late August, Torrence Ramone



LexisNexis's Advanced Sex Offender Search technology fuses billions of public and commercially available records and can instantly create maps of the known addresses of sex offenders, as well as the last known locations of missing children, to give law enforcement agencies data that can speed investigations. The maps can measure distances between known sex offenders and schools or day care centers. In this map, "R" means registered sex offender within a given radius; "U" means unregistered address for a known sex offender; "H" is historical (meaning previous) address of a sex offender; and "A" means an address thought to be connected to a sex offender.

Davis, a 22-year-old registered sex offender, was arrested in Maryland—a state that bars convicted sex offenders from school grounds—for trespassing after he tried to sign a 16-year-old girl out of Annapolis High School at the end of the school day at the request of her mother, the Annapolis *Capital* reported.

States began establishing sex offender registries in the 1990s to arm the public with specific information about convicted criminals. The goal, as the country reacted to a string of horrific child murders, was to alert citizens to criminals in their midst and thus help them to better protect themselves and their children. The registries have done little to educate the public about the causes of sexual assault, or to differentiate the risks of repeat crimes among a widely varied population of “sex offenders.”

Experts disagree about whether sex crimes are on the rise—Internet stalking of children by adults is a relatively recent threat—or whether they simply seem to be because they are more frequently reported by the news media these days. Wilcox, whose background is in law enforcement, says he thinks “the problem is growing,” and he points to the market for child pornography as a leading indicator.

Megan’s Law, enacted by the federal government in 1996 and named for Megan Kanka, a 7-year-old who was raped and murdered by a neighbor, made registries and public dissemination of Web-based information about offenders a requirement in all states.

In 2005, Florida enacted the Jessica Lunsford Law, establishing a mandatory 25-year sentence for anyone convicted of certain sex crimes against young children and requiring lifetime tracking via satellite. The law was named for a 9-year-old girl who was kidnapped, raped, and buried alive.

Thirty states have adopted provisions of Jessica’s Law. In approving Proposition 83 last year, California voters decided that convicted sex offenders of any sort should not live within 2,000 feet of such places as schools and parks where children regularly gather. California authorities this week finished notifying 2,700 paroled sex offenders that they risk being returned to prison if they do not pack up and move by mid-October.

In an effort to nationalize some of the restrictions embraced by states, Congress

and President Bush approved the Adam Walsh Child Protection and Safety Act in 2006, which organizes a federal database of sex offenders into three tiers of risk. The law makes an offender’s failure to register or to keep authorities apprised of his or her whereabouts a felony. It is backed by a maximum 10-year prison sentence for noncompliant sex offenders convicted of nonviolent crimes and sentences of up to 30 years for those convicted of even unrelated violent crimes.

The Adam Walsh Act, which lets states



■ **Kristen Anderson**

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■ **“The majority of [sex] offenders are not [previously] convicted offenders. This is the most under-reported crime that there is,” says the National Center for Missing and Exploited Children’s deputy director of case analysis.**

adopt tougher provisions (but withholds funding if they don’t at least meet national standards), memorializes the 6-year-old boy who was kidnapped and murdered in Florida in 1981. His father, John Walsh, helped create the National Center for Missing and Exploited Children, headquartered in Alexandria, Va. LexisNexis donates unlimited access to its products to the center, which uses a combination of databases and analytical skills to try to locate missing children. The National Center credits LexisNexis with helping it to find 146 children last year.

The center now deploys its own team of six trackers to locate missing sex offenders whose worst-of-the-worst cases

are forwarded by state officials. The effort (using LexisNexis products free) would appear to dull the company’s marketing edge, but Anderson of the National Center for Missing and Exploited Children says that states prefer to buy the products because they usually want control over their own investigations.

The Adam Walsh law gave the Justice Department’s U.S. Marshals Service a lead fugitive-hunting role. *National Journal* has learned that the Marshals Service hopes by late 2008 to secure appropriations to partner with the National Center for Missing and Exploited Children, as well as state, local, and international agencies (including Interpol), and federal law enforcers, such as the FBI, the Secret Service, and U.S. Customs and Border Protection, to create a National Sex Offender Targeting Center. “For us, there is no mission without the state and local agencies,” said Chief Inspector Robert Helwig of the Marshals Service’s Sex Offender Investigations Unit. “This is intended as an intelligence and analytical support center to identify, locate, and apprehend noncompliant sex offenders.”

For several years, the Marshals Service has conducted its own team effort, dubbed Operation FALCON (for federal and local cops organized nationally), to brainstorm with state and local authorities and to use multiple databases to nab fugitives on a host of outstanding warrants. The 2007 teams, which began their year in July, have apprehended 6,200 criminal suspects, including 521 convicted or accused sex offenders, according to spokesman Steve Blando, who calls FALCON “an effective force multiplier.”

These enforcers—and the politicians responding to calls from the public to prevent crime as well as punish criminals—are proceeding on the assumption that sex offender registries and tracking efforts are making society safer, but such conclusions so far are mostly anecdotal.

“Sex offenders are on the far frontier of privacy rights,” says Marcia Hofmann, a staff attorney in Washington with the Electronic Frontier Foundation, an organization that defends technologies as well as privacy rights, often in court. “They are an unsympathetic group of people, and law enforcement can do a great deal with their information without people complaining about it.” ■

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