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# Sex Offender Community Notification Laws: Are Their Effects Symbolic or Instrumental in Nature?

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Lisa L. Sample<sup>1</sup>, Mary K. Evans<sup>1</sup>,  
and Amy L. Anderson<sup>1</sup>

## Abstract

Researchers interested in public policy have noted that laws may have a symbolic or an instrumental function. The example of sex offender legislation is used to look for both instrumental and symbolic effects of this legislation. Although the symbolic effects of sex offender legislation have been examined by prior research, less is known about the instrumental effects of this legislation. This research examines the instrumental functions of sex offender legislation using survey data that asked about whether members of the public have checked the sex offender registry and the reasons behind their answer. The findings of this study suggest largely symbolic effects of sex offender registry legislation, and implications of this finding are discussed.

## Keywords

sex offender legislation, instrumental legislation, symbolic legislation, Nebraska sex offender registry

Scholars have long noted that crime control policies are often enacted based on “moral panics” or passed in response to perceived public fear of an increasing crime problem (Barak, 1994; Ben-Yehuda, 1990; Cohen, 1972). These crime control measures are often labeled as *symbolic* rather than *instrumental* policies in that they are not intended to change behaviors through direct influence on people’s actions (Edleman, 1988; Gusfield, 1963; Oliver & Marion, 2008). Rather, symbolic policies are those passed to appease public concern without necessarily influencing the behavior of citizens. When passed, these policies often enjoy widespread public support, yet scholars have found that symbolic policies are often not enforced and fail to provide substantial changes to the behaviors for which they are meant to address (Cohen, 1972; Gusfield, 1963; Oliver & Marion, 2008). Nevertheless, symbolic policies can provide three basic functions to

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<sup>1</sup>University of Nebraska at Omaha

Corresponding Author:

Lisa L. Sample, School of Criminology and Criminal Justice, University of Nebraska at Omaha, CB 218  
Omaha, NE 68182

Email: [lsample@mail.unomaha.edu](mailto:lsample@mail.unomaha.edu)

society: (1) they serve to reassure the public by helping to reduce angst and demonstrate that something is being done about a problem; (2) they can solidify moral boundaries by codifying public consensus of right and wrong; and (3) they become a model for the diffusion of law to other states and the federal government (Stolz, 1983).

Scholars often investigate the function of policy and law through a dichotomous lens, simply seeking to find either their symbolic or instrumental dimensions. Recently, however, some suggest laws can have both symbolic and instrumental effects (Grattet & Jenness, 2008). Policies can ease public fear, demonstrate legislators' desire to act, and have direct appreciable effects on people's behaviors. Moreover, some have found that symbolic law can be rendered instrumental under certain organizational and social conditions (Grattet & Jenness, 2008).

In an attempt to further explore the symbolic and instrumental functions of law, we use public opinion data to examine sex offender community notification laws. Specifically, we surveyed a random sample of Nebraska residents to determine the degree to which citizens access sex offender information, to explore the reasons behind citizens accessing or not accessing the information, and to identify the characteristics predictive of citizens' explanations for not accessing information. Although the symbolic functions of notification laws have previously been noted elsewhere (Anderson & Sample, 2008; Sample & Kadleck, 2008), few have directly examined the instrumental effects of these laws. Given that an intended purpose of notification laws was to provide citizens with sex offender information so they may better protect themselves, our research questions are intended to determine the degree to which notification laws engender this instrumental effect. By highlighting both the symbolic and instrumental functions of notification law, results from this study will add to the body of literature debating the dichotomous or simultaneous functions of crime control policies and law.

Sex offender community notification laws are uniquely well suited to assess symbolic and instrumental functions of law. Notification has largely been cast as a symbolic policy, one that serves to reassure the public through notification of sex offenders' whereabouts, so their behaviors can be monitored (Jenkins, 1998; Levenson, Brannon, Fortney, & Baker, 2007; Sample & Kadleck, 2008). Few scholars believe that this policy has any discernable "instrumental" effect on sex offenders' behavior (Avrahamian, 1998; Petrosino & Petrosino, 1999; Tewksbury, 2002). Notification laws, however, were not passed solely to address sex offenders' behaviors but rather to also encourage certain behaviors among citizens.

Most symbolic legislation directly addresses offender behaviors by placing responsibility for reducing those behaviors solely on the police, courts, or corrections departments. In contrast, notification laws provide sex offender information to the public, so citizens themselves can check sex offenders' whereabouts and take preventative measures to protect themselves from sexual attack. In this way, notification is meant to encourage the public's participation in their own safety by allowing them to access information so that they can visually identify sex offenders in the community, know where offenders reside, and monitor their activities in the community. Indirectly, notification laws may affect offenders' behaviors through the threat of increased informal surveillance, but it

is only through public action that these indirect effects may be realized. Public action, rather than offender action, is then the primary instrumental effect notification laws are trying to encourage, for it is through the threat of public action and increased informal surveillance can changes in offenders' behaviors be expected. For this reason, citizen opinion and action should be a measure against which the symbolic and instrumental functions of notification laws are assessed, in addition to offenders' behaviors, which is what has been lacking in contemporary literature and what the research design of this study is meant to accomplish.

## Background

In his seminal examination of the temperance movement, Gusfield (1963) introduces his dramatisitic theory of American politics and the passage of law. He explains that legislative action is often dramatic in nature, in that the action taken is intended to move an audience into a certain way of thinking rather than the action relating to an ostensible goal. In this way, law can be of either a symbolic or instrumental nature. Gusfield (1963) concludes that prohibition and temperance acted as symbolic, rather than instrumental, goals. The effect of this movement came from the significance the audience found in the action of prohibition itself rather than its effect on citizens' consumptive behaviors. Gusfield's (1963) research ultimately introduces the notion that government action and law can function ceremonially and be simply symbolic in nature rather than meant to achieve instrumental goals. The introduction of the dramatisitic theory, and the notion of "symbolic" law, has led several scholars to further define Gusfield's (1963) conceptions of the goals or functions of law (Cohen, 1972; Hawkins, 2002, Oliver & Marion, 2008).

Policies and laws are generally thought to have an instrumental purpose or effect when they result in changes to the behaviors of the people responsible for creating or alleviating a public problem, whether those people are criminal justice officials, citizens, or offenders (Grattet & Jenness, 2008; Oliver & Marion, 2008; Rosenberg, 1991). In contrast, policies and laws are often cast as symbolic in nature when policy makers pass them in an attempt to be seen in a favorable light by the public (Howard, 1999; Jenness, 2004). Their actions are meant to demonstrate an understanding of, and willingness to, address a perceived problem, even though they do not expect the policy or law to be enforced or appreciably affect the problem. Attempts to distinguish between the instrumental and symbolic effects of various policies and law have created a dichotomous vision of law's purpose (Grattet & Jenness, 2008), which is likely not the case. Policies and laws may be originally crafted to achieve both symbolic and instrumental functions. It is also possible that policies meant to achieve instrumental goals may have only symbolic effects on implementation or symbolic policies may evolve to have instrumental effects, which is what Grattet and Jenness (2008) found in their examination of hate crime law.

Grattet and Jenness (2008) investigated law enforcement action in response to the passage of hate crime legislation. They found that the law that was thought to be largely symbolic in nature engendered instrumental effects. They note that, although hate crime

law was often seen as unenforceable, it did have appreciable effects on enforcement practices, albeit conditioned by the organizational context of enforcement agencies. These scholars conclude that the nature of policies and laws should not be cast as solely either symbolic or instrumental but rather they provide a schematic to demonstrate both the symbolic and instrumental uses of policies and laws.

In much the same way as hate crime laws have been largely cast as symbolic in nature, so have sex offender policies. Many scholars have suggested that the passage of sex offender registration and community notification laws were the result of a "moral panic" about sex offending, particularly the victimization and sexually related homicides of children, thus making them symbolic in nature (Gavin, 2005; Hinds & Daly, 2000; Jenkins, 1998; Quinn, Forsyth, & Mullen-Quinn, 2004; Sample, 2006; Steinbock, 1995; Zgoba, 2004). These findings were reaffirmed through Sample and Kadleck's (2008) interviews with legislators regarding the passage of sex offender laws throughout the 1990s in Illinois. Illinois policy makers admitted that the passage of registration, notification, and civil commitment laws were meant to acknowledge public concern, express their understanding of the public's fear, and demonstrate their willingness to address the perceived growing sex offender problem. They also admitted that they believed these laws would have little to no appreciable effect on sex offenders' behaviors, but they believed their legislative actions would make citizens feel safer. These findings make it apparent that sex offender laws, at least in Illinois, were meant to serve a symbolic function, and any instrumental effects of these laws would be an additional benefit.

Further confirmation of the symbolic nature of notification laws can be found in the public's knowledge and support for these laws. Several scholars have found widespread public knowledge and support for sex offender registration and community notification laws (Anderson & Sample, 2008; Kernsmith, Craun, & Foster, 2009; Levenson et al., 2007; Martin & Marinucci, 2006; Phillips, 1998). For instance, although Anderson and Sample (2008) found that only about one third of Nebraska residents accessed the sex offender registry, the overwhelming majority knew of its existence and felt personally safer knowing registry information was available. Beck and Travis (2004), however, found that citizen notification was significantly related to increases in personal fear of victimization. Nevertheless, the public's support for the availability of sex offender information suggests an acknowledgement that policy makers are trying to address the problem, and this attempt can make some citizens feel safer irrespective of whether they access this information, thus further highlighting the symbolic function of sex offender notification. These findings, however, also bring to light the lack of instrumental effects of sex offender laws in that few citizens regularly access sex offender information.

Despite the apparent symbolic functions of notification laws, scholars have continued to try to determine the instrumental effects of notification laws, which have ultimately only served to reinforce their symbolic nature (Avrahamian, 1998; Petrosino & Petrosino, 1999; Sandler, Freeman and Socia, 2008; Tewksbury, 2002; Zevitz & Farkas, 2000). Researchers have often conceptualized the instrumental effects of sex offender laws as the degree to which they have some impact on sex offenders' behaviors (Levenson, 2006; Schram & Milloy, 1995; Zevitz, 2006). Few scholars find evidence of notification's ability to reduce reoffending (Duwe & Donnay, 2008; Prescott & Rockoff, 2008).

Most find limited or no significant effects of community notification on sex offenders' behavior (Adkins, Huff, & Stageberg, 2000; Levenson, 2006; Schram & Milloy, 1995; Walker et al., 2005; Zevitz, 2006). There is nothing in the literature to suggest, however, that law can have only one instrumental purpose or effect. A reduced rate of sexual offending is but one instrumental purpose inferred in notification laws. What is expressly stated in these laws is that they are intended to provide information to the public, so citizens could informally monitor offenders and protect themselves against sexual attack. For instance, as stated in the Nebraska community notification statute (NE 29-4002):

This information is to be used to provide public notice and information about a registrant so a community can develop constructive plans to prepare themselves and their family.

A more overtly expressed instrumental purpose of notification laws is to affect the behaviors of citizens, in terms of accessing information and taking preventative measure, and would therefore be another direct measure of the instrumental effects of notification beyond offenders' behavior.

Few scholars have directly investigated the degree to which notification laws have encouraged citizens to act on their own behalf. Beck and Travis (2004) compared protective behavior of citizens receiving sex offender information to that of those who had not been notified. They found that citizens receiving sex offender information were significantly more likely to engage in preventative measures and community reporting of questionable behaviors than those who did not receive registration information. Although this finding suggests some instrumental consequences of notification procedures, Anderson and Sample (2008) found that only 34% of citizens had accessed Nebraska sex offender registry information. Moreover, of those that had accessed information, only 37% reported taking any protective action. More recently, Anderson, Evans, and Sample (2009) reaffirmed these results and further found that, in 2008, several demographic factors predicted which citizens were more likely to access registry information and take preventative measures on their own behalf. Not surprisingly, registry information tended to be accessed by those with the most to gain from a defensive perspective—women, younger respondents, those who lived in an urban environment, and those with children at home. Regardless of the factors that predict citizen action, these studies leave some doubt as to the instrumental effects of community notification laws as measured by citizen action, particularly given the small proportion of citizens who accessed information.

This study builds on previous examinations by trying to determine the degree to which community notification laws encompass both symbolic and instrumental functions. As we believe the symbolic functions of notification have been well established (Anderson & Sample, 2008; Kernsmith et al., 2009; Martin & Marinucci, 2006; Phillips, 1998; Sample & Kadleck, 2008), this investigation focuses on the instrumental dimensions of the law. Specifically, this study replicates previous research that sought to determine the proportion of people who have ever accessed sex offender information. To better understand the relatively small percentage of people who access registry information, however, this study extends previous research by asking citizens why they

do not access information and examining the factors that predict citizen's explanations for inaction.

Several demographic traits have been shown to affect public opinion and citizen action with regard to notification laws (Anderson, Evans, & Sample, 2009; Kernsmith et al., 2009). Access to the Internet and general computer usage may also affect people's ability to access sex offender registries. As discussed above, gender and the presence of children influence citizens' willingness to access sex offender information, but marital status may influence citizens as well. Marriage may encourage some paternalistic tendency, particularly among men, to access information, so they can better protect their wives and children. In keeping in this vein, where citizens live also affect their odds of accessing information. The close proximity of residents in urban settings may make some feel more susceptible to strangers and sexual attack than those that live in sparsely populated areas. Also, there is likely greater Internet access in urban environments. Finally, education and income may well affect citizen behavior in that education and income often affect the areas in which citizens live. Lower levels of education and income may place citizens in areas they feel engender personal and property crime, thus making them feel less safe and more likely to access information to help protect themselves.

Citizens' ages may also affect the likelihood of accessing information. Seniors remain some of the most disconnected from the Internet, and they are also the individuals most likely to not use a computer in general (Fox, 2004). This would suggest that younger individuals may be more likely to access registry information than those 65 and older. An examination of the reasons why citizens do not access sex offender information, while controlling for demographic traits that may affect people's actions, will help to better understand why notification laws have limited instrumental effects and what we may do to better promote the instrumental functions of this law in the future.

## Data and Method

For this study, we examine responses to two specific contingency questions. First, an initial question asked respondents if they had ever accessed the state of Nebraska's sex offender registry using the Internet. Depending on respondents' answers (1 = *yes*, 0 = *no*), they were then asked one of two questions: Why *didn't* you access the state of Nebraska's sex offender registry using the Internet? or Why *did* you access the state of Nebraska's sex offender registry using the Internet? Answers to these questions are of central concern given that the Internet is currently a federally mandated tool for states to fulfill community notification requirements under the Adam Walsh Child Protection Act of 2006 and because they help assess the instrumental effects, or lack thereof, of sex offender community notification via the Internet.

### *Nebraska State Sex Offender Registry*

Nebraska uses a three-tiered notification system, which is based on a risk-assessment instrument that predicts offenders' likelihood to reoffend. The risk-assessment instrument

that places convicted sex offenders in tiers classifies sex offenders across 14 factors relevant to their risk to sexually reoffend. The 14 factors include such things as number of past charges and convictions, age of arrest for the first sex/sex-related conviction/adjudication, offenders' relationships to their victims, gender and age of the victims, and mental health diagnosis. Based on a summary score of these factors, sex offenders are notified of their respective risk levels and, theoretically, places those most likely to reoffend sexually in Level 3. For sex offenders assessed as low/Level-1 risk for reoffending, the state notifies only local law enforcement agencies likely to encounter the sex offender for the purposes of monitoring and investigations. If the risk level for reoffending is moderate/Level 2, schools, daycare centers, and religious and youth organizations that are in the registrant's county of residence are notified, in addition to local law enforcement agencies. For offenders assessed most at risk for reoffending, high/Level 3, the general public is notified through news media releases in the registrant's area and through the state's Internet registration website. Level-3 notifications, via the Internet, began in Nebraska in January 2000. Local law enforcement agents may use additional news releases, community meetings, or direct contact with citizens to provide additional notice of sex offenders' whereabouts in the community; however, the practice of Internet community notification is the focus of this particular study.

As Nebraska only informs citizens of Level-3 offenders or those offenders believed to pose the greatest threat to society, we believe the state is appropriate for our research purposes. Those offenders subjected to community notification theoretically align with public perceptions of the type of sex offender from which people would want to protect themselves and their families (i.e., pedophiles). In this respect, there is reason to believe the citizenry of Nebraska would have a vested interest in proactively accessing such information online because they should want to find out where the most dangerous offenders in their community live.

### *Sampling Design*

The sample for this study was comprised of respondents from the 2007 Nebraska Annual Social Indicators Survey (NASIS). The sample included telephone numbers of individuals listed in households who have a landline telephone number published in Nebraska telephone directories. As NASIS is intended to sample individuals, a probability process was used to select individuals to be interviewed in each household selected. During this process, interviewers asked whoever answered the telephone the number of adults living in the home and, based on a random selection by computer, the interviewer requested to speak with the adult who is the youngest, oldest, middle, and so forth. If the designated respondent was not present at home at the time of the call, the interviewer then asked what a good time would be to make a return call to the designated person. Weighting procedures were used to correct for sampling bias in order to return the sample to being representative of all eligible adults in the state.

Advantages to this type of sampling include fewer calls to reach the households than traditional RDD samples and the ability to send letters in advance of interviewers' calls

as mailing address information is appended to telephone numbers. Disadvantages include the exclusion of individuals who do not have a landline telephone number and landline owners who are not listed in the directories sampled at the time of sample generation. In addition, persons below 19 years of age, persons in custodial institutions, persons in group living quarters, persons on military bases and reservations, transient visitors to the state, and those without a landline were excluded from the study.

The sample was targeted at 1,800 respondents. A total of 5,901 telephone numbers were sampled, of which 4,743 were households. Only 11% of the phone numbers of homes resulted in a ring but no answer after 15 attempts and were, therefore, subsequently excluded from the sample. In total, of the 4,743 contacts made, approximately 38% households completed the survey resulting in a sample of 1,811 adult Nebraska residents aged 19 years or older. Put differently, 62% of the households that were successfully contacted refused to participate in the survey or failed to complete the survey. Our final consisted of 1,811 adult Nebraska residents aged 19 years or older. Appropriate weights were computed by the Bureau of Sociological Research (BOSR), the entity responsible for administering the NASIS, and used in all of our analyses. These weights allow for the NASIS to be considered a representative sample of individuals aged 19 and older living in the state of Nebraska.

### *Survey Instrument and Variables*

Data for this study were collected as part of a larger survey conducted in Nebraska that elicits responses on a number of social well-being questions. Generally, questions included in NASIS ask citizens' about their financial well-being, health and health care status, access to state parks and other social services in the state as well as their overall mental health status. In total, the survey instrument was 56 pages long and took about an hour to administer. We were allowed 1 minute of questions, which amounted to four questions on the 2007 survey. The interviewers collected data from respondents between February 2008 and August 2008 using a standardized survey instrument. All questions on the survey were closed ended; however, some questions had an option to choose "other-specify," which allowed the respondent to give an open-ended response.

*Independent variables.* The independent variables examined in this study included gender, age, marital status, education, children, income, race, and whether the respondent lived in a rural or urban area. These variables have previously been shown to affect citizen opinion and were created from the demographic information collected during the administration of the full survey. Demographic and other characteristics of the sample are presented in Table 1.

Gender was coded to represent females (0 = *male*, 1 = *female*). Age, in years, was a categorical variable and was coded as 1 = 19 to 24 years, 2 = 25 to 44, 3 = 45 to 65, and 4 = 65 and older. Similarly, marital status, was coded as 0 = *married*, 1 = *never married/single*, 2 = *divorced, separated, or married but living separately*, and 3 = *widowed*. No provisions were made on the NASIS survey to capture those that are unmarried but



**Table 1.** Demographic Characteristics of Sample (N = 1,811)

	Category	Frequency
Independent variables		
Gender	Male	896 (49.5%)
	Female	915 (50.5%)
Age range	19 to 24	215 (11.9%)
	25 to 44	662 (36.6%)
	45 to 64	611 (33.7%)
	65 and older	309 (17.1%)
	Missing	14 (0.7%)
Marital status	Married	1,264 (69.8%)
	Single/never married	323 (17.8%)
	Divorced, separated, living apart	131 (7.2%)
	Widowed	90 (5.0%)
	Missing	3 (0.2%)
Education	Less than college	527 (29.1%)
	At least some college	1,234 (68.1%)
	Missing	50 (2.8%)
Children	No children at home	965 (53.3%)
	Children at home	840 (46.4%)
	Missing	6 (0.3%)
Family income	Less than US\$20,000	136 (7.5%)
	US\$20,000 or more	1,552 (85.7%)
	Missing <sup>a</sup>	123 (6.8%) <sup>a</sup>
Race	White only	1,667 (92.1%)
	Other/multiple racial/ ethnic group(s)	129 (7.1%)
	Missing	15 (0.8%)
Urban/rural	City or town	1,447 (79.9%)
	Farm or open country	362 (20.0%)
	Missing	2 (0.1%)
Dependent variables		
Why not accessed? (n = 1,253)	Got information from another source	257 (20.5%) <sup>b</sup>
	No access to the Internet	134 (10.7%)
	No interest	744 (59.4%) <sup>b</sup>
	Other	118 (9.4%)
Why did access? (n = 541)	Safety	306 (56.5%) <sup>b</sup>
	Job obligations	56 (10.4%)
	Curiosity/personal interest	155 (28.7%) <sup>b</sup>
	Other	24 (4.4%)

a. Missing values were replaced with the variable mean (.9124) for analysis.

b. Responses used in logistic regression models. Response of interest was coded a 1 and all others were coded as 0.

cohabitating with a partner. Due to low cell counts during the initial analysis, the education variable was recoded into dichotomous variable for analysis. Specifically, respondents who indicated they had not received a college education were coded "0" whereas those with at least some college were coded "1." The variable *children* represented the presence of children at home (1 = *child below 19 years of age living at home*, 0 = *no children*). *Urban* was based on a single question asking respondents if they lived on a farm or in the open country or a city or town (0 = *farm or open country*, 1 = *city or town*).

The variable measuring *income* was based on a question that asked the respondents if the household income was less than US\$20,000 or more than US\$20,000 per year (1 = *household income more than US\$20,000*). This dichotomous measure of income was used rather than another categorical measure of income because the dichotomous measure had far less missing data than another categorical variable that was included on the survey. The still challenging amount of missing data on the dichotomous measure ( $n = 124$ ) was replaced with the variable mean (.9124).

Last, a dichotomous variable was created for *race* (1 = *White*; 0 = *Other/multiple racial/ethnic group[s]*). Initial response categories for race were the same as the U.S. Census where respondents could choose multiple categories. The responses were recoded so each participant fell into one of the following mutually exclusive categories: (a) White; (b) African American; (c) Hispanic/Latino; (d) Asian, Pacific Islander, or Hawaiian; (e) Native American; and (f) respondents who responded as Other or those who self-identified with more than one racial or ethnic category. Those that responded being White and no other racial or ethnic category made up approximately 92% of the sample, with the next largest racial/ethnic group being Hispanic (2.4% of the sample). Each other group was about 2% of the sample or less. This limited distribution of non-White respondents led to our decision to create a White/non-White dichotomous variable.<sup>1</sup>

**Dependent variables.** To determine if people had accessed the online state sex offender registry interviewers asked respondents if they had ever accessed Nebraska's sex offender registry (0 = *no*, 1 = *yes*). If respondents indicated they had *not* accessed the registry, they were then asked why they had not accessed the registry. Responses to the question were coded 0 = *received information from another source*, 1 = *no access to the Internet*, 2 = *no interest/don't care*, and 3 = *other-specify*. If the respondent wanted to provide an alternative explanation for not checking, they were able to provide an open-ended response. If respondents indicated they had accessed the registry, they were subsequently asked why they did so (0 = *safety*, 1 = *job obligations*, 2 = *curiosity or personal interest*, and 3 = *other-specify*). Again, if the respondent expressed an alternative reason for checking the registry, they were able to provide an open-ended response. Interviewers recorded any comments citizens gave while responding to the questions as direct quotes. Both contingency questions produced 142 responses that resulted in qualitative data.

### Analytic Technique

An initial multinomial regression was conducted due to the categorical nature of the dependent variables; however, low cell counts led to the recoding of the dependent

variables into four dichotomous measures based on the two most popular responses from each of the two questions. Logistic regression models were used to predict the characteristics of individuals who are at greater odds for providing the two most popular explanations as to why they did or did not access the sex offender registry online. The qualitative data were analyzed using a conceptual ordering technique. Conceptual ordering technique is the organization of data into categories based on the properties and description of the information (Strauss & Corbin, 1998), which ultimately was used to develop key themes. The themes provided additional support for the closed-ended responses.

## Results

When reporting results, logistic coefficients, odds ratios, standard errors, Wald statistics, and sample size for each question are presented in each corresponding table. A positive coefficient indicates an increase in the odds of the dependent variable occurring, whereas a negative coefficient represents a decrease in the odds. Due to limitations with the small sample size for the models, we chose  $p < .05$  as the cut-off value for statistical significance. After presenting descriptive statistics on the dependent variables, logistic regression was conducted on each of the recoded dependent variables. First, we explored the characteristics of the majority of respondents who said they did not access the registry because (a) they have no interest or (b) they indicated they received the information from another source. Next, we examined the characteristics of the respondents that did access the registry for (a) safety or (b) curiosity/personal interest.

### *Why Was the Nebraska State Sex Offender Registry Not Accessed?*

A majority (69.2%) of Nebraska residents indicated that they have never accessed the state sex offender registry, which suggests limited instrumental effects of community notification laws. When respondents were subsequently asked why they had not accessed the registry, a majority expressed they had no interest in the information (59.4%). Roughly, 1 in 5 respondents received the information from another source (20.5%), about 10% indicated that lack of access to the Internet was the reason for not checking (10.7%), and the remaining respondents provided an alternative explanation (9.4%). Our first model begins with predicting the characteristics of those people who did not access registration information because they had no interest (see Table 2).

To begin, there was no significant relationship between having no interest in checking the registry and the presence of children at home, marital status, race, or living in a rural or urban environment. The strongest predictor of indicating no interest in accessing the sex offender registry was the respondent's sex (Wald = 68.69,  $p < .01$ ). Specifically, men were more likely than women to report a lack of interest in accessing the registry. The next strongest predictor of having no interest in accessing sex offender registry information was the education variable, where the odds of indicating no interest were 1.63 times higher for those respondents who had received some college than those who had not received college education (Wald = 12.75,  $p < .01$ ). Similarly, those who reported an

**Table 2.** Logistic Regression for Did Not Access the Registry Because Had No Interest ( $n = 1,253$ )

Independent variables	Did not access = No interest		
	$b^a$	OR <sup>b</sup>	Wald
Female	-1.07 (.13)	0.35	68.69**
Age			10.04*
(19-24 years = reference)	—	—	—
25-44 years	-0.26 (.28)	0.77	0.84
45-64 years	-0.02 (.32)	0.99	0.00
65+ years	-0.57 (.35)	0.57	2.59
Marriage			2.62
(Married = reference)	—	—	—
Never married	0.23 (.26)	1.26	0.80
Divorced/separated	0.15 (.28)	1.17	0.31
Widowed	-0.34 (.30)	0.71	1.30
At least some college	0.49 (.14)	1.63	12.75**
Children at home	-0.09 (.16)	0.92	0.28
Urban	0.19 (.15)	1.21	1.52
White only	0.25 (.25)	1.29	0.99
Income of US\$20,000 or more	0.48 (.26)	1.62	3.41*
Constant	-0.01 (.51)	0.99	0.00

a. Standard errors in parentheses.

b. Odds ratios, or the  $\exp(b)$ , where a 1.0 represents even odds.

\* $p < .05$ . \*\* $p < .01$ .

annual household income of more than US\$20,000 were 1.62 times higher than those respondents who made less than US\$20,000 per year to indicate they had no interest in access sex offender registry information (Wald = 3.41,  $p < .05$ ). Last, the age variable overall was significant when reporting a lack of interest as an explanation for not accessing the registry.

A number of open-ended responses provided by the respondents offer further insight into why there is a general disinterest in accessing the sex offender registry online. For example, several respondents indicated, they “had no reason or no need to access” (Respondents 85, 94, 95, 248, 249, 251, and 246). In addition, respondents mentioned they “never thought about doing it” (Respondent 58) or “didn’t even know if it (the registry) existed, never really thought about it” (Respondent 160). Other respondents noted that accessing the registry was “not a concern to me at this time” (Respondent 70), “there is no interest at this point in time” (Respondents 100 and 247), or “if I needed to I would look, but there is no need to look” (Respondent 120). Last, some respondents mentioned that it was “not their responsibility to look” (Respondent 101) or that they were not “worried enough to access” (Respondent 155).

The second model examined which characteristics were related to respondents who did not check the registry because they received sex offender registry information from

**Table 3.** Logistic Regression for Did Not Access Because Received Information From Another Source ( $n = 1,253$ )

Independent variables	Did not access = Information from another source		
	$b^a$	OR <sup>b</sup>	Wald
Female	.78 (.15)	2.18	26.17**
Age			4.66
(19-24 years = reference)	—	—	—
25-44 years	.30 (.34)	1.34	0.75
45-64 years	-.14 (.38)	0.87	0.13
65+ years	-.12 (.42)	0.89	0.08
Marriage			3.17
(Married = reference)	—	—	—
Never married	-.44 (.31)	0.65	1.98
Divorced/separated	-.42 (.35)	0.66	1.46
Widowed	-.14 (.37)	0.87	0.16
At least some college	-.31 (.34)	1.25	1.86
Children at home	-.15 (.19)	0.86	0.58
Urban	-.17 (.18)	0.84	0.94
White only	-.92 (.27)	0.40	11.85**
Income of US\$20,000 or more	-.07 (.30)	0.93	0.05
Constant	-.71 (.59)	0.49	1.47

a. Standard errors in parentheses.

b. Odds ratios, or the  $\exp(b)$ , where a 1.0 represents even odds.

\* $p < .05$ . \*\* $p < .01$ .

another source (see Table 3). Only two variables, sex and race, were statistically significant when predicting a respondent who obtained sex offender information from an alternative source. The odds of this explanation were 2.18 times higher for women to offer than men, when controlling for all other independent variables. In other words, women were more likely to get sex offender information from an alternative source than were men. Also, there was a strong negative relationship with race, indicating that Whites are 60% less likely to receive registry information from another source compared to minorities.

From where might citizens obtain sex offender information if not from the Internet registry? A number of open-ended responses provided by respondents offer further insight. For example, several respondents indicated they were kept informed by neighbors (Respondents 131, 193, and 233) or by emails or mailings directly from law enforcement (Respondent 84 and 88) or they received the information from work (Respondent 136 and 145). Respondents also reported that they discovered the information in the newspaper (Respondent 161, 185, and 213) or on the news (Respondent 117). Additional respondents indicated they received the information from a spouse (Respondent 60, 107, 143, and 200).

There are additional open-ended responses worth mentioning with regard to why citizens do not access sex offender information. Although the urban/rural variable was not shown to be significant in the regression models, many respondents indicated that there was no need to check the registry because they “knew everyone in their neighborhood” (Respondent 63). One respondent said, “I believe checking (the registry) is important but I live in a small town and know the neighbors and if someone moved in I would know who it is” (Respondent 122). A similar comment was made by Respondent 238: “I have not checked because where I live is very, very rural.”

Additional responses suggest that some citizens assume that sex offenders only offend against small children and if they had small children they would then check. For example, respondents mentioned they “have no kids to worry about” (Respondent 64) or “I don’t have any kids at home, so no need to check” (Respondents 78, 87, 92, 97, and 150). Many respondents went further to explain, “I would check if I had small children” (Respondents 87, 92, and 150) or “all my children are grown up so I don’t need to check” (Respondents 132 and 241).

Surprisingly, several respondents voiced concern over the law itself citing they had not checked because they felt the law was “unconstitutional” (Respondent 66). One respondent said, “The law does more harm than it does good. It creates crime and makes people not be able to get jobs. Makes people not able to get housing, makes people not able to support their dependents and does no good. The law has not prevented a single offense and is just a device that makes people feel about a problem” (Respondent 135). Others are not sure “how helpful it would be even if they accessed the information” (Respondent 184) or believe “the law is an invasion of privacy, it singles out people for harassment” (Respondent 220). One respondent said, “if they (sex offenders) are there, they are there” (Respondent 66). Similarly, one respondent said she did not check because she “doesn’t feel threatened and keeps her children close and uses the buddy system, phone, and keeps pretty close tabs on kids and knowing the neighbors helps too” (Respondent 194).

Last, some respondents indicated they did not check because they feared they would respond inappropriately to the information provided. For example, one respondent said if he or she knew where sex offenders lived, “they would shoot them” (Respondent 114), whereas another respondent indicated that sex offenders “would be taken care of if they lived in the community” (Respondent 208). One respondent mentioned she would be “scared to find out if a sex offender lived close to her or her family so doesn’t bother to check” (Respondent 204).

### *Why Was the Nebraska State Sex Offender Registry Accessed?*

Only one third (30.8%) of Nebraska respondents indicated that they had accessed the Nebraska State sex offender registry online. Respondents who indicated they had accessed the state sex offender registry reported they had done so for safety (56.5%), curiosity or personal interest (28.7%), or job obligations (10.4%). Our third model examines which characteristics were related to respondents who indicated they had checked the registry for safety, the most popular response for checking (see Table 4).

**Table 4.** Logistic Regression for Accessed for Safety ( $n = 541$ )

Independent variables	Did access = Safety		
	$b^a$	OR <sup>b</sup>	Wald
Female	0.50 (.20)	1.64	6.18*
Age			4.29
(19-24 years = reference)	—	—	—
25-44 years	0.19 (.45)	1.21	0.18
45-64 years	-0.28 (.49)	0.76	0.34
65+ years	-0.02 (.67)	0.98	0.00
Marriage			5.21
(Married = reference)	—	—	—
Never married	-0.05 (.37)	0.95	0.02
Divorced/separated	0.83 (.37)	2.29	4.99*
Widowed	-0.12 (.99)	0.89	0.02
At least some college	-0.02 (.23)	0.98	0.01
Children at home	1.31 (.24)	3.69	28.80**
Urban	0.38 (.26)	1.47	0.15
White only	-0.11 (.38)	0.89	0.08
Income of US\$20,000 or more	0.77 (.47)	2.16	2.67
Constant	-1.94 (.82)	0.14	5.59*

a. Standard errors in parentheses.

b. Odds ratios, or the  $\exp(b)$ , where a 1.0 represents even odds.

\* $p < .05$ . \*\* $p < .01$ .

There was no significant relationship between checking the registry for safety and age, marital status, education level, race, and living in an urban or rural environment. The strongest predictor of checking the registry for increasing safety was, not surprisingly, the presence of children at home (Wald = 28.80,  $p < .01$ ). Children at home increased the odds of checking the registry for safety by 3.69 when compared to those individuals with no children at home. A similar significant relationship was found between checking for safety and respondents' sex (Wald = 6.18,  $p < .05$ ). Specifically, being a female increased the odds over one and a half times when compared to males checking for safety. Finally, those respondents who reported being divorced or separated were at increased odds for checking the registry to increase safety than compared to their married counterparts (Wald = 4.99,  $p < .05$ ).

Our final model examined which respondents were more likely to say they had checked the registry but did so out of personal interest and curiosity. Table 5 shows that only four characteristics were associated with explanations for checking the registry out of personal interest and curiosity; sex, children, marital status, and income. A strong negative relationship between the sex and the dependent variable suggests that women are 40% less likely to check the registry because of personal interest and curiosity when compared to men (Wald = 4.77,  $p < .05$ ). Similarly, having children at home reduced a respondents' odds of indicating they had checked the registry out of personal interest and curiosity

**Table 5.** Logistic Regression for Accessed Out of Curiosity/Personal Interest ( $n = 541$ )

Independent variables	Did access = Curiosity/ personal interest		
	$b^a$	OR <sup>b</sup>	Wald
Female	-0.47 (.22)	0.63	4.77*
Age			5.33
(19-24 years = reference)	—	—	—
25-44 years	-0.37 (.48)	0.69	0.62
45-64 years	0.18 (.51)	1.20	0.12
65+ years	0.00 (.68)	1.00	0.00
Marriage			8.77*
(Married = reference)	—	—	—
Never married	0.80 (.38)	2.22	4.49*
Divorced/separated	-0.74 (.42)	0.48	3.13*
Widowed	0.43 (.91)	1.54	0.23
At least some college	-0.09 (.25)	0.92	0.12
Children at home	-0.94 (.25)	0.39	14.60**
Urban	0.11 (.29)	1.11	0.14
White only	0.44 (.41)	1.56	1.16
Income of US\$20,000 or more	-1.21 (.49)	0.30	6.21*
Constant	0.79 (.85)	2.20	0.87

a. Standard errors in parentheses.

b. Odds ratios, or the  $\exp(b)$ , where a 1.0 represents even odds.

\* $p < .05$ . \*\* $p < .01$ .

(Wald = 14.60,  $p < .01$ ). Those respondents who reported an annual household income of more than US\$20,000 were 70% less likely to report checking the registry only because of personal interest and curiosity. Finally, marital status was found to be significantly associated with the dependent variable. Specifically, single respondents were at greater odds for indicating they had checked the registry out of personal interest and curiosity when compared to those respondents who were married. However, those respondents who were divorced or separated were at decreased odds when compared to married respondents for reporting personal interest and curiosity as an explanation for checking the registry.

Roughly, 4% of the subsample responded that they had accessed the online registry for other reasons beyond the closed-ended answers provided. Several respondents indicated in their open-ended answers that more than one category appealed to them indicating that they had accessed the registry for a multitude of reasons. For example, Respondents 10, 13, 47, 48, 55, and 56 indicated that had checked for the safety of family and friends as well as curiosity and personal interest. Likewise, Respondents 33, 34, 35, 36, 39, 41, 42, 49, and 50 indicated they had checked for personal safety and curiosity. Additional open-ended responses showed respondents had accessed the registry for the reasons in



which the legislation was intended. For example, Respondent 17 mentioned they accessed the registry “to check on my neighbor who is a registered sex offender.” Similarly, Respondent 53 checked because he or she were “just worried about them (sex offenders) being in the neighborhood and worried about my grandchildren.” Other respondents said they had checked because of the neighborhood in which they lived (Respondents 27 and 32) or they were asked to by a spouse (Respondent 37). Although a variety of reasons were offered as to why citizens accessed sex offender information, the fact remains that a majority of respondents had not accessed the registry and the majority of those indicated it was because they had no interest in the information.

## Discussion and Conclusion

A number of limitations can be cited for studies based on survey research, including selection bias and internal validity concerns. The availability of open-ended responses helps to address internal validity issues, whereas statistical techniques can try to address sample bias inherent in survey data obtained over the telephone. Strikingly, however, those willing to answer survey questions over the phone are likely to be more civic-minded in nature than those not willing to respond, which makes this study’s results even more puzzling. Two thirds of those people civic-minded enough to participate in Nebraska’s Annual Social Indicators Survey had not checked Nebraska’s sex offender registry. Twenty percent of those who reported they had not accessed information, however, stated that they received registry information from elsewhere beyond the Web. This finding suggests that, although these citizens did not proactively seek out this information as the law encourages, alternative notification methods beyond the Internet work to inform the public, and people may be receiving registry information whether they want it or not. Approximately, 30% of Nebraska citizens surveyed did appear to want to receive registry information and did proactively access this information on the Internet. Most of these stated that they did so to increase their own safety or that of their family, which is consistent with other such investigations (Beck & Travis, 2004).

Most Nebraska communities predominately rely on passive notification techniques to inform the public of sex offenders’ whereabouts. Passive techniques include placing sex offender information in local newspapers or on the World Wide Web. In these communities, citizens must be proactive to find sex offender information. Nebraska municipalities, however, are also allowed a variety of active notification techniques, including town hall meetings and door-to-door notification where citizens are informed in person as to sex offenders’ residences. Another active notification technique includes word of mouth, in which friends and family verbally share information they have gleaned about sex offender information. The fact that 20% of citizens received information even when they did not proactively seek it suggests that some communities may employ more active notification methods than others. It is possible that in smaller communities, interpersonal communication is better facilitated than in metropolitan areas, so these door-to-door visits, community meetings, and word-of-mouth communications alleviate proactive Internet use. This question deserves further investigation.

Nevertheless, the findings of this study suggest that there has been some citizen action, so it would seem that some instrumental effects of notification laws in Nebraska have been realized, but these are limited at best. It is likely that Nebraska legislators hoped that more than one third of the citizenry would take advantage of the availability of registry information, but they can still take some solace in the limited instrumental effects that have been accomplished. Moreover, to the degree that this 30% of people take protective actions and increase the informal surveillance of offenders, another instrumental effect may come to fruition—that of a reduction in reoffending. It is still important, however, to understand why two thirds of citizens surveyed did not proactively seek out sex offender information to better encourage the conditions needed to increase the utility of sex offender registries and engender greater instrumental effects.

Previous examinations have found that the overwhelming majority of residents in Nebraska were aware of the existence of Nebraska's sex offender registry, and its existence made them feel safer (Anderson & Sample, 2008), yet two thirds of Nebraska respondents in 2008 had still not accessed sex offender information, and the majority of those respondents reported that they had no interest in doing so. The disconnect between the public's desire and support for notification laws and citizens' lack of interest in accessing this information is likely explained by examining the core function of these laws. The inaction of two thirds of citizens to proactively access sex offender information suggests that the function of sex offender notification laws is largely symbolic in nature rather than instrumental. As symbolic legislative action is often intended to do, these laws demonstrated to citizens that policy makers were trying to address the problem, and for some, their passage has made them feel safer, yet these laws have had limited appreciable effects on citizens' behavior. The question now becomes whether there is something that can be done to encourage citizen action toward accessing information and thus stimulate a greater instrumental dimension to notification laws.

It is logical to assume that if more citizens accessed registry information, more preventative measures would be taken, increases in informal surveillance of offenders would occur, and thus a greater reduction in reoffending may be realized. It is then important to consider the factors that predict why people choose not to access information. This study found that men, those making more than US\$20,000, and those with some college education were more likely to demonstrate a lack of interest in accessing sex offender information than others. Moreover, the results suggest that when citizens do access sex offender information, it is in relation to concerns for personal safety. Given that men are less likely to be victims of sexual attack and those with some college education and having a higher income would be more likely to live in neighborhoods they deem as safe from crime, these results should not be surprising. In addition, women and minorities were more likely to report that they do not access sex offender information because they get it from elsewhere. To the degree that we wish to engender a greater instrumental dimension to notification law, these findings suggest law enforcement should review the other sources from which citizens get sex offender information and do a better job marketing the importance of accessing sex offender information for personal safety.

One way to increase citizen action with regard to obtaining sex offender information may be to explain to citizens how the information on sex offender registry website may be used to prevent victimization. Target hardening techniques, both for property and people, could be offered on registry websites. For instance, law enforcement could explain the merits of increasing the lighting in a neighborhood, putting up privacy fences around yards where children play, minimizing the time adolescents spend outside unsupervised after dark, and recommending the increased use of alarm systems for the home and cell phone GPS tracking for children. Law enforcement could then market these websites to citizens as crime-prevention mechanisms rather than simply advertising the availability of information.

Also, the empirical realities of sexual victimization should be shared with the public. These results suggest that people's perceptions of their neighborhood, as a function of their education and income, may affect their perceptions of victimization. On websites containing registry information, perhaps a review of the percentage of victimizations that occur at home, the relationship between victims and offenders, and the groups most likely to report being victims of sexual violence would help citizens understand that victimization can occur across neighborhoods and education and income levels. Moreover, websites could offer some indicators of child sexual abuse for which parents could watch and offer suggestions for ways to approach the topic of sexual abuse with children. The possibility of greater instrumental effects of notification laws are not being stifled due to lack of knowledge of sex offender registries, for most people are aware of registries' existence, but rather due to a lack of interest in the information offered. Perhaps only by educating the public as to the realities of sexual violence can we stimulate more interest in sex offender information.

At broader issue, however, is the degree to which crime control policies and laws can offer both symbolic and instrumental effects or at least the degree to which the implementation of symbolic legislation can achieve some instrumental functions. Like Grattet and Jenness' (2008) examination of hate crime legislation that suggested these largely symbolic laws directly affected the actions of law enforcement officers under some organizational conditions, it seems the symbolic nature of notification laws has somewhat evolved into directly affecting the actions of people. It remains unclear from this research under what community or organizational contexts notification laws may achieve greater instrumental effects. There are likely some changes to notification Internet sites that can be proposed or enacted to render these laws more instrumental in nature. These are relatively modest changes that can be attempted, and True, Jones, and Baumgartner's (2007) punctuated-equilibrium theory of stability and change in public policy would suggest that it is likely these changes can occur.

While studying the stability and occasional change in public policy, True et al. (2007) observed that both issue definition and agenda setting affect the ability for public policies to experience either change or stability. As issues rise and fall on the public agenda, reinforcement in the way public issues are defined over time creates obstacles to anything other than modest change because people's rational decision-making processes have already weighed various definitions of an issue and have settled on a favorable

one. In contrast, the questioning of a problem's definition and the amount and type of public attention it receives creates opportunities for reversals in policy outcomes. In this way, the punctuated-equilibrium theory suggests that it requires both a change in the way people come to define a problem and a change in the amount and type of attention the problem receives for even incremental changes to a public policy to take shape. With this in mind, it is possible that our rather minor changes to Internet sites could occur and likely explains why the only real change we have seen in notification laws over time has been their expansion.

Since the late 1980s, the only change that appears to have occurred in the definition of sex crimes or the attention they garner nationally is an expanding definition of what constitutes illegal sexual behavior and an increasing amount of media and legislative attention to these behaviors (Jenkins, 1998; Sample & Kadleck, 2008). According to the punctuated-equilibrium theory, these changes would prove to be obstacles to major legislative change and serve to simply reinforce the status quo. As original definitions of sex offenses have been expanded and subsequently reinforced on the public agenda through attention from policy makers and media, we have witnessed not only a stability in the core requirements of notification laws but also an expansion of these laws to all 50 states (Megan's law) and new federal legislation (Adam Walsh Child Protection Act of 2006) requiring Internet notification. Unless citizens in other states access sex offender information in greater proportions than found in Nebraska, however, it is likely that other state's notification laws, and notification under the federal Walsh Act, will also have limited instrumental effects and will be seen as largely symbolic in nature. So the question becomes, is it enough to pass policies and laws that are largely symbolic in nature, or should they try to achieve some instrumental goals as well? Also, is the one-third population who access Internet registry information enough to demonstrate an instrumental purpose to notification laws and justify the resources spent on this legislation?

Should American citizens be content with largely symbolic crime policies and laws that demonstrate policy makers' willingness to address problems, ease public fear, solidify public consensus of appropriate and inappropriate behavior, and provide a model of policies and laws for other states, or should they want more from crime control efforts? Is there a tipping point at which time the resources expended to adhere to symbolic laws and a point where the financial and human costs of the law become too high to continue to support legislation that is largely symbolic in nature? Who should make this judgment? Perhaps this is the role of scholarly research—to assist the public and policy makers in balancing costs and benefits of legislation and helping to identify ways to increase the instrumental effects of symbolic policies and laws. If instrumental effects cannot be achieved, or if these effects are limited at best, perhaps academics' greatest contributions will be to help policy makers determine a tipping point for the costs and functions of polices and laws and help them decide when enough legislation is enough.

### **Authors' Note**

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### **Note**

1. Although there is no reason to expect race differences in checking the registry, we include this variable because (a) race is typically included in similar research studies (Anderson et al., 2009; Kernsmith et al., 2009) and (b) many minority group members in Nebraska reside in urban environments.

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## Bios

**Lisa L. Sample** is an associate professor in the School of Criminology and Criminal Justice at the University of Nebraska at Omaha. Her research interests include the social, judicial, and political responses to crime.

**Mary K. Evans** is doctoral student in the School of Criminology and Criminal Justice at the University of Nebraska at Omaha. Her research interests include criminal justice policy and juvenile delinquency.

**Amy L. Anderson** is an associate professor in the School of Criminology and Criminal Justice at the University of Nebraska at Omaha. Her research interests include social context and juvenile delinquency.