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POLICY ISSUES

The North Carolina Online Sex Offender Registry: Awareness and Utilization by Childcare Providers

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This study examined childcare providers' usage of the North Carolina Sex Offender and Public Protection Registry. One hundred twenty three childcare providers in 76 counties in North Carolina were surveyed via telephone interview about their utilization of the registry Web site. Responses revealed that most providers knew about the registry (87.9%). However, over half of these providers (53.2%) did not access the Web site for work purposes. In addition, very few centers (3.2%) had a policy mandating that employees check the Web site. Based on the results of this study, the majority of childcare centers are not effectively utilizing the registry.

KEYWORDS *Amy Jackson Law, community notification, Megan's law, sex offender, sex offender registry*

The public generally regards sex offenders as a homogeneous group, capable of committing multiple sexual offenses. Specifically, studies have revealed that members of the public believe offenders are likely to have high rates of recidivism and low success rates for sex offender treatment (Brannon, Levenson, Fortney, & Baker, 2007; Farkas & Stichman, 2002). In addition, offenders are often viewed as violent sexual addicts who mainly target children (Quinn, Forsyth, & Mullen-Quinn, 2003). These views are

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reinforced by extensive media coverage of high profile and tragic criminal cases involving sex offenders. This in turn has led to outcries for increased punishment for sex offenders as well as increased protection of society. Supporting research has shown that when individuals pay more attention to crime in the media, specifically crimes committed by sex offenders, they are more likely to support specific criminal justice policies such as Megan's Law (Proctor, Badzinski, & Johnson, 2002). In addition, many of those who support community notification laws are fearful of being victims of personal crimes and sexual assault (Caputo & Brodsky, 2004). It is this fear, fueled by the portrayal of crime in the media, that has contributed to the increased support for the enactment of sex offender registration and community notification legislation.

HISTORY OF SEX OFFENDER REGISTRATION AND COMMUNITY NOTIFICATION LAWS

In 1994, the passing of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act mandated all states to create a registry for sexually violent offenders or risk losing federal funding. The intended purpose of the registry was to provide additional information to local law enforcement about sex offenders in their jurisdiction (Bureau of Justice Assistance, n.d.; Welchans, 2005). The Wetterling Act was modified in 1996 as a result of reaction to a highly publicized case involving the brutal sexual assault and murder of Megan Kanka. Megan's Law required states to make available to the general public the information on the registry (Goodman, 1996; Rudin, 1996). This information could be disseminated to the public in a number of ways, including press releases, informational flyers, telephone notification, community meetings, or Internet-based sex offender registries (Levenson, 2003; Levenson & Cotter, 2005; Matson & Lieb, 1996). The Pam Lychner Sexual Offender and Tracking and Identification Law was passed in 1996. This law mandated that the Federal Bureau of Investigation (FBI) establish a national database to track sex offenders in all 50 states (Federal Bureau of Investigation, n.d.). In addition, the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act of 2003 was enacted as a modification to the Wetterling Act (1994). This amendment required every state to establish and maintain Internet sex offender registries as the main means of community notification. States not abiding by the law would risk losing public funding. Today, every state as well as the federal government has an online public sex offender registry. In addition, sex offender registration has been extended to colleges and universities, with some schools even mandating that offenders affiliated with the school be placed on the school's independent online registry (Tewksbury & Lees, 2006).

ADVANTAGES AND DISADVANTAGES OF THE ONLINE SEX OFFENDER REGISTRY

Like any form of community notification, the online registry is intended to increase public awareness of sex offenders residing in the community. Some believe that this increased awareness will lead to a higher level of public safety. Sex offenders will be deterred from recidivating because they know the community is monitoring their behavior. In addition, advocates of this notification system believe that the community will be in a better position to protect children by being vigilant toward the offenders (Geffner, Franey, & Falconer, 2004; Lieb, Quinsey, & Berliner, 1998; Redlich, 2001; Zevitz, 2006).

Despite its praises, the online registry is not without criticism. With increased awareness comes increased fear. In extreme cases, individuals have targeted sex offenders on the public registry and their families with protests and violence. Some sex offenders have fled the community in fear of harassment. In other cases, private residences of law-abiding citizens have incorrectly been posted on the registry and innocent families harassed (Freeman-Longo, 2000; Montana, 1996; Zevitz & Farkas, 2000). Although vigilantism does occur, it should be noted that it does not appear to be as widespread as initially feared given the large number of individuals on the registry.

One of the challenges for individuals released from prison is reintegration into the community. For sex offenders, this is especially difficult. Registered sex offenders have been evicted from their residence and refused jobs or fired when employers found they were on the sex offender registry (Tewksbury & Lees, 2006). Thus, sex offenders can become isolated and overcome with depression, shame, and hopelessness as a result of being placed on the registry (Levenson, D'Amora, & Hern, 2007). Community notification can also have a negative effect on the community. It has been suggested that community notification may provide a false sense of security given that many individuals fail to resister or maintain current and accurate information on the registry. Furthermore, one should consider the fact that the registry contains only individuals convicted of a sex offense and omits offenders who have plead guilty to a nonsexual offense or have never been apprehended.

Despite the popularity of the sex offender registries, their effectiveness in reducing rates of sexual assault has been questioned. Professionals who evaluate and treat sex offenders do not believe the registry is an effective way to lower the occurrence of sexual abuse (Malesky & Keim, 2001). A 10-year review of the sex offender registries in 6 states found that the sex offender notification law had no effect on recidivism rates (Vasquez, Maddan, & Walker, 2008). Research has also shown that registering on these sites is not always enforced and that these online registries often include incorrect

information (Curtis, 2003; Levenson & Cotter, 2005; Tewksbury, 2002, 2006). This may be attributed to a number of reasons, including mistakes made by law enforcement in entering the information on the registry or noncompliance of sex offenders.

THE NORTH CAROLINA ONLINE SEX OFFENDER REGISTRY

Regardless of the aforementioned concerns, this notification system is operable in all 50 states. North Carolina, the state where this study was conducted, enacted its first registration law on January 1, 1996. The Amy Jackson law requires individuals with a reportable conviction to register with the North Carolina Sex Offender and Public Protection Registry (NCSOPPR). Reportable convictions include offenses against minors, sexually violent offenses, secretly peeping, or any attempt to commit these offenses. In 1998 and 2001, the law was rewritten to comply with standards outlined in the Wetterling, Kanka, and Lyncher laws. Additional revisions made in 2008 reduced the time period sex offenders have to report changes in individual registration information and banned sex offenders from specific Web sites visited by children, children's museums, playgrounds, childcare centers, playgrounds, etc. If sex offenders come within 300 feet of any location intended for the use, care, or supervision of minors, they can be charged with a felony (Cooper, 2008).

Adult sex offenders registered under the NCSOPPR are classified as offenders, aggravated offenders, recidivists, or sexually violent predators. The online registry provides registrants' names, conviction(s), current photograph, a statement indicating whether they are a student or intend to enroll, or if they are employed or intend to be employed at an institution of higher education. If the individual is affiliated with an educational institution, he or she must provide the name and address of the institution. Registered offenders, with the exception of first time offenders, are further subjected to lifetime registration and must verify their information every 90 days. Members of the public can sign up on the Web site to receive e-mails concerning specific offenders or about offenders who move into their neighborhood. In addition, effective December 2008, principals and day care providers have been requested to register with the NCSOPPR to receive e-mail notification when a registered sex offender moves within a one-mile radius of the licensed childcare center or school. At this time, the law does not include legal ramifications penalizing childcare providers who do not register (Cooper, 2008).

Researchers in North Carolina recently examined public awareness and perception of the NCSOPPR (Herman & Malesky, 2006). Of the 260 participants in this study, 57% had previous knowledge of the registry. However, only 27% of respondents with prior knowledge of the NCSOPPR had

actually accessed the Web site. The vast majority of these individuals accessed the Web site on only one or two occasions “out of curiosity” (Herman & Malesky, 2006). These findings suggest that although people know about the NCSOPPR, they are not utilizing the Web site for its intended purpose. One noted limitation of the Herman and Malesky (2006) study was the fact that the participants were all college students. While this population offers insight into awareness and utilization of the NCSOPPR, college students may not be considered the main target audience of the registry. It is likely that parents and childcare providers would be more inclined to access the Web site than college students.

The current study expanded on Herman and Malesky’s (2006) research by investigating childcare providers’ awareness and utilization of the NCSOPPR. Childcare providers are responsible for monitoring a large number of children on a daily basis. As of 2005, 24% of children ages four and younger in North Carolina received care in a center-based environment (day care, nursery, preschool, or Head Start). In addition, 16% of children received primary care from a nonrelative in a home-based environment (family care provider, nanny, babysitter, or au pair) (The Federal Interagency Forum on Child and Family Statistics, 2007). Given their responsibility for the children in their care, it would be expected that childcare providers frequently access the NCSOPPR for work purposes. However, based on the results of previous research, the authors of this study hypothesized that relatively few childcare providers would check the Web site on a regular basis.

METHOD

Participants

The listing of childcare providers on the North Carolina Division of Child Care Development Web site (<http://nccchildcare.dhhs.state.nc.us/general/home.asp>) was used to identify potential participating childcare centers for this study. The list included phone numbers and addresses of all registered childcare providers in the state. The researchers desired participant representation from across the state of North Carolina. Thus, childcare centers were randomly selected in each of the 100 counties in North Carolina using a random number service (<http://www.random.org>). Out of the 458 childcare providers contacted, 123 (26.9%) agreed to participate in this study. Providers who did not participate include those who did not have time (e.g., were the only provider with the children; $n = 118$), did not feel qualified ($n = 13$), or were not interested ($n = 57$). In addition, numerous phone numbers listed for providers were incorrect, disconnected, no longer in service, or there was no answer ($n = 147$).

Procedure

Participants were asked to participate in a brief phone interview addressing their knowledge of the NCSOPPR, access to the Web site while at work, work policy regarding the Web site, and other procedures in place to protect children at the day care center from sex offenders. After explanation of informed consent and confidentiality guidelines, participants consented over the phone. This study received University Institutional Review Board approval.

RESULTS

One hundred twenty three childcare providers completed the phone interview. Individuals who provided information for this study included directors, teachers, assistant directors, and receptionists (see Table 1). Half of the childcare centers were located in a private residence. Other locations included freestanding buildings, office buildings, churches, and public schools (see Table 1). One hundred nine centers (88%) had fewer than 100 children in attendance, with numbers ranging from 2 to 98 ($M = 22.5$; $SD = 24.6$). Other providers reported numbers of children in their care as high as 500 (11.2%). These respondents were likely directing services at multiple sites.

The majority of childcare providers had access to the Internet from their facility (69.4%) and knew about the NCSOPPR (87.9%) prior to participating in this study. However, only 37.9% of those who knew about the registry accessed it for "work purposes." In addition, only 3.2% of those who knew about the registry were required by work policy to check the NCSOPPR. Of those who were required, one provider reported checking the registry daily, one reported checking it monthly, one was unsure how often it was checked, and one provider reported checking it only when a new employee was hired. Childcare providers without Internet access reported having 3 to 200 children within their care ($M = 32.5$; $SD = 48.05$)

TABLE 1 North Carolina Childcare Providers Sample

	Childcare providers	Providers (%)
Employee Status (%)	Director	83.1
	Assistant director	6.5
	Teacher	7.3
	Receptionist	2.4
	Other	0.8
	Location of Center (%)	Residence
Freestanding building		32.3
Church		6.0
Public school		2.0
Other		8.9

while those with Internet access reported having 2 to 500 children within their care ($M = 49.46$; $SD = 87.63$).

If providers were not required to check the Web site but did so voluntarily, they were most likely to do so out of curiosity (29%). Of those who voluntarily accessed the NCSOPPR, 6% of childcare providers checked it weekly, 21% reported checking it monthly, 17.7% reported checking the NCSOPPR yearly, and 12% reported checking the Web site at random. It should be noted that several providers reported checking the Web site two or three times a year. Since this was not a response option, many of these providers elected to report checking the Web site monthly. Thus, it is possible that these results overrepresent the actual frequency that respondents checked the Web site.

Most childcare centers (62.9%) did not have a specific policy to follow if they found that a sex offender resided near their childcare facility. Those with a policy reported a variety of measures designed to protect the children in their care. Policies included confidentiality of client files, strict guidelines regarding who can pick up children from the center, and restrictions on who can enter the center. In addition, providers reported informing parents and staff or alerting police or social services if they were aware that a sex offender lived nearby their facility. Although not directly related to the online registry, other methods or procedures in place to protect children included background checks (78%) and finger printing of employees (26%) and installment of security systems (8%). In addition, one provider reported sex abuse and neglect training for all staff once or twice a year.

DISCUSSION

Childcare providers are responsible for the safety and protection of children under their supervision. In North Carolina, approximately a quarter of children ages four and younger receive care at a childcare center (The Federal Forum on Child and Family Statistics, 2007). Given their responsibility, one might expect that childcare providers would take all available precautions to ensure the safety of the children in their care. However, results suggest that although a majority of childcare providers have access to the Internet and know about the NCSOPPR, less than half access it for work purposes. Of those who do access the Web site for work, only a small percentage have a policy in place mandating that staff check the online NCSOPPR. Results of this study are consistent with prior findings (Herman & Malesky, 2006) and suggest that a substantial number of providers who voluntarily check the Web site do so out of curiosity.

Most childcare providers did not have a specific response policy in place if they find that a sex offender resides near their center. Those with a policy reported a variety of measures to protect children from sex offenders,

including confidentiality of client files, strict guidelines regarding who can pick up children from the center, and policies on who can come in and out of the center. These are fairly standard safety precautions that the authors recommend following regardless of who resides near the childcare center.

In addition, results revealed that over 30% of the providers did not have Internet access at their facility. These providers reported having anywhere from 3 to 200 children within their care ($M = 32.5$; $SD = 48.05$). This suggests that even some large centers do not have access to the Internet and therefore cannot access the NCSOPPR from work. However, effective December 2008, childcare providers were requested by the State of North Carolina to register with the sex offender registry to receive regular updates on sex offenders (Cooper, 2008). With over one-third of providers lacking Internet access, compliance with this request appears difficult for many centers. Although staff could check the registry from locations other than at their center, it does raise questions regarding the effectiveness of Internet based notification system when a large number of centers are without Internet access.

The online NCSOPPR was created to increase public awareness of sex offenders. Advocates of the online notification systems believe that parents and guardians will be in a better position to protect children by being vigilant toward the offenders listed on these Web sites (Geffner et al., 2004; Lieb et al., 1998; Redlich, 2001; Zevitz, 2006). Childcare providers should therefore utilize this notification system as a tool to protect the children in their care. However, results of the current study suggest that despite knowledge of the NCSOPPR, many childcare providers did not require employees to check the Web site. Furthermore, relatively few providers access the Web site for work purposes (i.e., check for offenders living in close proximity to the childcare center). In addition, less than half of childcare centers had a policy in place to protect children if they did discover that a sex offender lives near their facility.

As previously noted, it would be naive to believe that sex offender registry Web sites are a panacea for preventing sexual abuse. Some have questioned if this type of community notification will even impact the occurrence of sexual assault (Malesky & Keim, 2001; Petrunik, 2002; Tewksbury, 2002; Vasquez et al., 2008). However, given that this question has not been definitively answered at this time, the authors of the current study suggest that if this notification system is to remain operational, then its utilization by those who supervise children should be encouraged. One would be hard pressed to imagine a scenario in which this notification system would be effective if only a few individuals (especially those supervising children) are utilizing it. Based on the results of the current study, it is apparent that the majority of day care centers in North Carolina are not effectively utilizing the NCSOPPR.

Although some centers do not have Internet access, most of the staff members surveyed for this study can access the Internet from their childcare

center. Thus, the main barriers for utilization of this notification system by childcare providers appear to be lack of knowledge about the Web site and lack of motivation to access this Web site. Furthermore, and perhaps most disconcerting, the results of this study suggest that day care centers do not have a clear plan on how to use information found of the registry. The authors therefore recommend that educational efforts be made to inform day care centers about the NCSOPPR as well as to educate center staff regarding how best to use the information available on this Web site.

LIMITATIONS AND FUTURE RESEARCH

In order to reach a representative sample of childcare centers in North Carolina, participants were interviewed by phone. While the phone interviews were structured and allowed for open-ended responses, there were some limitations to the survey's design. When asked the question "How many children attend your center?" providers gave answers ranging from 2 to 500. It is likely that larger numbers were reported by directors in charge of multiple centers. Clarification of this question is needed to ensure the results are representative of children at one center and not multiple sites. Future questions could address if the director is in charge of one or more sites and if so, how many children are at a single location. In addition, some providers were unsure how to answer the question "How often do you check the Web site (NCSOPPR)?" Some providers reported checking the Web site two to three times a year. However, this was not an option, and thus many of these providers elected to respond as checking the Web site monthly. In the future, this question should be open-ended, allowing for a variety of responses.

It should also be noted that data were not obtained from 335 of the identified centers to be contacted. Furthermore, incorrect phone numbers, disconnected phone numbers, phone numbers no longer in service, and no answers accounted for approximately 45% of the 335 centers. It is possible that those who chose not to participate or who were unable to be contacted may have different views and experiences regarding the NCSOPPR. Thus, caution should be exercised when generalizing the results of this study to all childcare centers.

The current study addressed the preliminary question of whether or not North Carolina childcare providers are using the NCSOPPR. Results indicate that most providers are not accessing the NCSOPPR for work purposes and even fewer have policies mandating that employees check the Web site. Future research should address why childcare providers are not using the NCSOPPR. As previously mentioned, additional education and training for childcare providers could increase their utilization of the NCSOPPR. Given the recent passage of the law in North Carolina encouraging childcare centers check the registry, future research should investigate if this law has had

an impact on the number of centers that actually utilize this notification system. However, the most important question for further research, and perhaps the most difficult one to answer, is whether childcare center's staff access to the NCSOPPR actually has an impact on the occurrence of child sexual abuse in the state. The answer to this question will provide data to address the larger issue of whether this is effective legislation or simply a "feel good" measure that is diverting resources from more effective programs to decrease the occurrence of sexual assault.

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