

# A Study of the Tennessee Sexual Offender Registry



Conducted by the Tennessee Bureau of Investigation's  
Statistical Analysis Center

September 2003



INTERNATIONALLY ACCREDITED SINCE 1994





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**LARRY WALLACE**  
Director

September 30, 2003

Ladies and Gentlemen:

I am very pleased to present the results of a study of the state's Sexual Offender Registry program administered by the Tennessee Bureau of Investigation. The study was conducted by TBI's Statistical Analysis Center at the request of the Statistical Analysis Center's Advisory Board.

The report contains an overview of Tennessee's Sexual Offender and Monitoring Law along with an explanation of its implementation by the TBI. It illustrates the limitations that our statute places upon the Bureau and how those restrictions negatively impact the Bureau's ability to run the Registry efficiently.

We are working with the District Attorney Generals Conference in an effort to strengthen Tennessee's laws in tracking sexual offenders in our state. I hope you find this study beneficial.

Sincerely,

Larry Wallace  
Director





## Sex Offender Registry Study

As of June 2003, there were a total of 6,139 people on the Sex Offender Registry (SOR). Of these, 1,789 offenders were on the Internet registry. The number of people on the registry changes constantly as new offenders are added and deleted. TCA § 40-39-106 (f) states: *For all sexual offenses committed on or after July 1, 1997, the information concerning a registered sexual offender set out in subdivision (f)(1)-(9) shall be considered public information. For all sexual offenses committed on or after October 27, 2002, the information concerning a registered sexual offender set out in subdivision (f)(10) shall be considered public information.*

Offenders will be deleted if their offense has been expunged, they move out of the state or if they die. This registry is maintained by the Tennessee Bureau of Investigation's (TBI) Tennessee Internet Criminal Information Center (TICIC). TBI is required by TCA § 40-39-104 to mail out Registration/Monitoring forms to all known sex offenders at least once every 90 days. The form requires verification of the offender's last reported address. If a person who is required to register is re-incarcerated, the monitoring requirements cease until the person is released. If two consecutive monitoring forms are sent back to the TBI marked "Return to Sender", the offender remains on the registry. However, the offender's release type code on the registry is changed to "unknown address". The monitoring forms are not mailed to offenders with "Unknown Address" in the release type code field.

Any offender who knowingly falsifies a sexual offender's registration/monitoring form or verification/monitoring form commits a Class A misdemeanor for the first offense, which is punishable by confinement in the county jail for not less than 180 days.

A sexual offender is defined in TCA § 40-39-102 (4) as *"a person who is, or has been, convicted in this state of committing a sexual offense or who is, or has been, convicted in another state or another country, or who is or has been convicted in a federal or military court, of committing an act which would have constituted a sexual offense if it had been committed in this state."*

A sex offense is defined in TCA § 40-39-102 (5) as *"the commission of any act that, on or after November 1, 1989, constituted the criminal offense of: Aggravated Rape; Rape, Aggravated Sexual Battery; Sexual Battery; Statutory Rape; Aggravated Prostitution; Sexual Exploitation of a Minor; Aggravated Sexual Exploitation of a Minor; Especially Aggravated Sexual Exploitation of a Minor; Incest; False Imprisonment of a Minor; Kidnapping of a Minor; Aggravated Kidnapping of a Minor; Especially Aggravated Kidnapping of a Minor; Rape of a Child; Sexual Battery by an Authority Figure; Solicitation of a Minor; Attempt, Solicitation or Conspiracy to commit any of the offenses enumerated within this subdivision; or Criminal Responsibility for facilitating the commission of, or being an accessory after the fact to any of the offenses enumerated in this subdivision."*

Some of the offenders, who are still on the registry, were convicted of offenses for which the TCA has subsequently been repealed. These repealed TCA offenses are noted on the graphs on the following pages.

The demographics of the entire Registry are charted on the following pages. A random sample of 445 offenders was pulled from the database resulting in a confidence interval of 6% with a confidence level of 99%. For each offender in this sample, a complete history of their activity was pulled to determine the number of times (if any) that the offender was out of compliance with the Registration/Monitoring requirements. A total of 26% of the offenders in the sample were always compliant with the registration/monitoring requirements.

The current status of the offender was checked through the Tennessee Offender Management Information System (TOMIS) and compared to the status shown in the SOR. Thirty-eight of the 445 were removed because it was determined that these offenders were initially charged with a sex crime outside of Tennessee. Therefore, there was no TOMIS information available on these offenders. An additional ten (10) offenders had been deleted during the time period, which left the remaining 397 offenders. The offender status in TOMIS and SOR matched for 63% of the offenders. The information that did not match was due in large part to the use of the Release Type Code field being used as a status field.

Information regarding offenders who have registered but who are out of compliance (i.e., regarding their reporting requirements) is sent quarterly to the District Attorneys General and to all Probation and Parole Officers. When TBI receives information about offenders who have never registered in Tennessee, this information is also mailed to the District Attorneys. The District Attorney General decides whether or not to forward the information to law enforcement (i.e., TBI, Sheriff, Police) to pursue prosecution on the non-compliant offenders.

Pursuant to a request from District Attorney General Williams Gibbons, TBI initiated Operation "Return to Sender" recently in Shelby County, Tennessee. The operation targeted sex offenders who were not in compliance with the sex offender reporting requirements (TCA 40-39-108). As a result of the operation, 136 sex offenders have been arrested by TBI, Shelby County Sheriff's Department, Millington Police Department, Bartlett Police Department, Germantown Police Department, and Memphis Police Department.

## **Summary**

In 1999, the current database was implemented by commercial vendors working with TBI staff. The database started with a base of approximately 3,200 offenders. The database has almost doubled in size since its implementation.

To avoid innocent citizens having their addresses posted on the Internet Sex Offender Registry, the law was changed in 2000. The TBI is required to change the incorrect

address to ‘Unknown’ after two consecutive monitoring report forms have been returned to TBI as ‘undeliverable’ to the offenders. (T.C.A. §40-39-104c). The database could not evolve with the change in the law due to budgetary constraints. Instead of creating a new field, an existing data field had to be utilized to indicate the ‘unknown address’ status. The current database is primarily used for information storage and not for statistical information retrieval.

Upon receipt of the list of non-compliant offenders, District Attorneys General may request affidavits from TBI concerning the individual sex offenders. Law enforcement agencies also request affidavits on a frequent basis. The Sex Offender Registry database does not allow for entry of the affidavit information and a separate database is maintained to track requested affidavits. The affidavit database is not compatible with the SOR database.

The operation of the Sex Offender Registry Program is guided by current state law and its inherent limitations.

### **Recommendations**

The Sex Offender Registry database is antiquated and therefore no longer compatible with current technology. It is recommended that strong consideration be given to replacing the current databases. The new database should incorporate all necessary components including but not necessarily limited to: easy data entry, easy statistical information retrieval, security considerations, and future expansion as needs are identified.

### **Additional Suggestions from the Statistical Advisory Center Board members included:**

Board of Probation and Parole (BOPP) develop a form for change of address when the offender notifies the supervising officer of the address change. The form would require the offender’s signature and would then be forwarded to SOR.

Check on the possibility of linking SOR and TOMIS using the TOMIS ID or TBI provide a flat file to the Board of Probation and Parole on a regular basis.

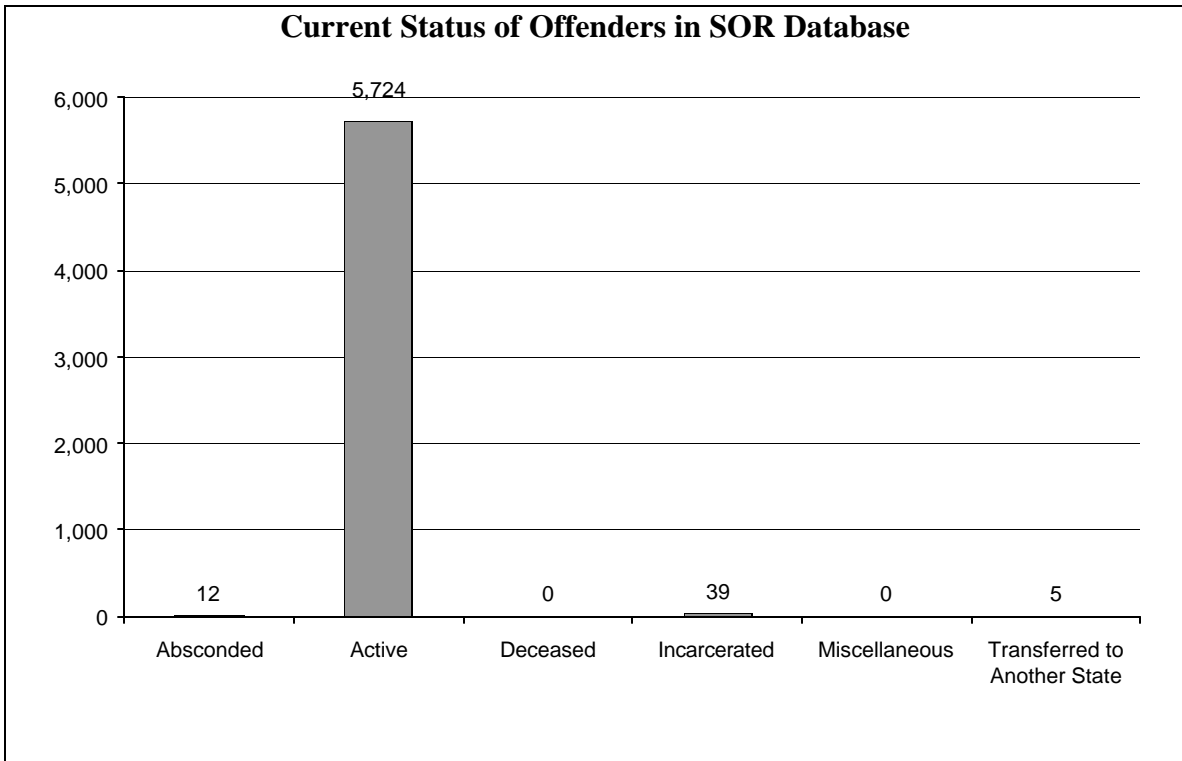
Have the Sex Offender Registry staff cross check on existing warrants on non-compliant offenders. This would include warrants in the District Attorneys General offices as well as warrants initiated by the Board of Probation and Parole.

TBI will provide the Board of Probation and Parole a flat file of the registry, which will be used to help track the offenders and monitor the change of address for reporting to TBI until such time as this function could be incorporated into a new database.

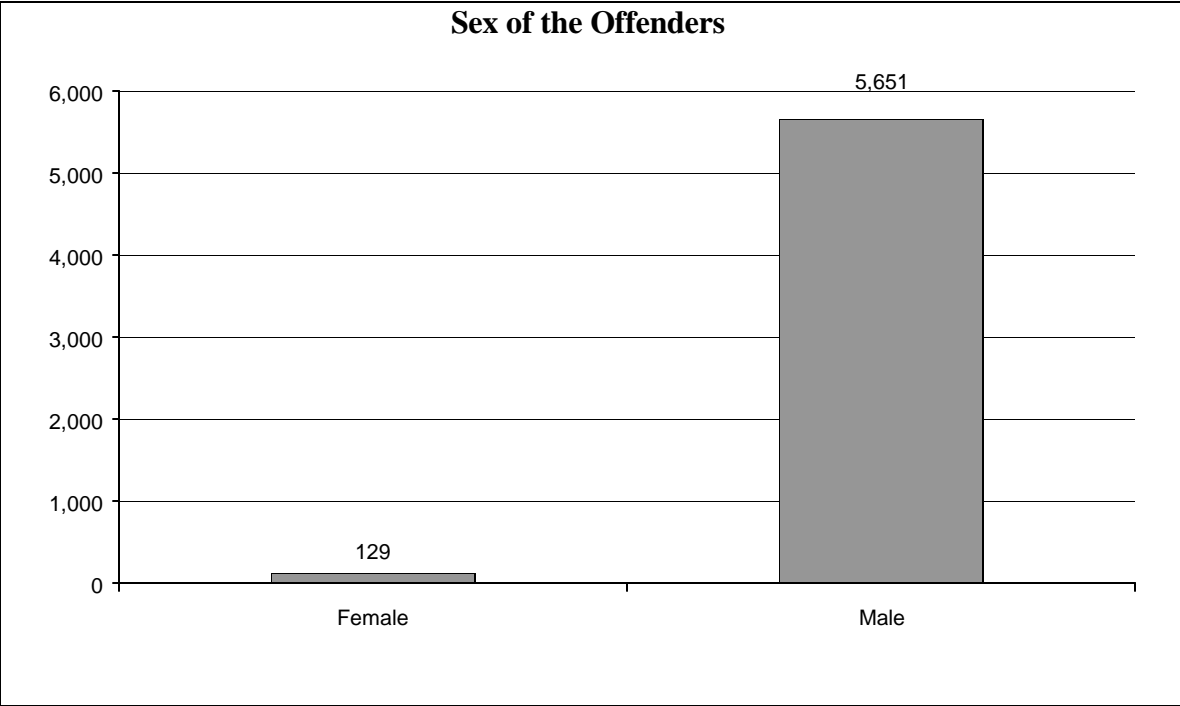
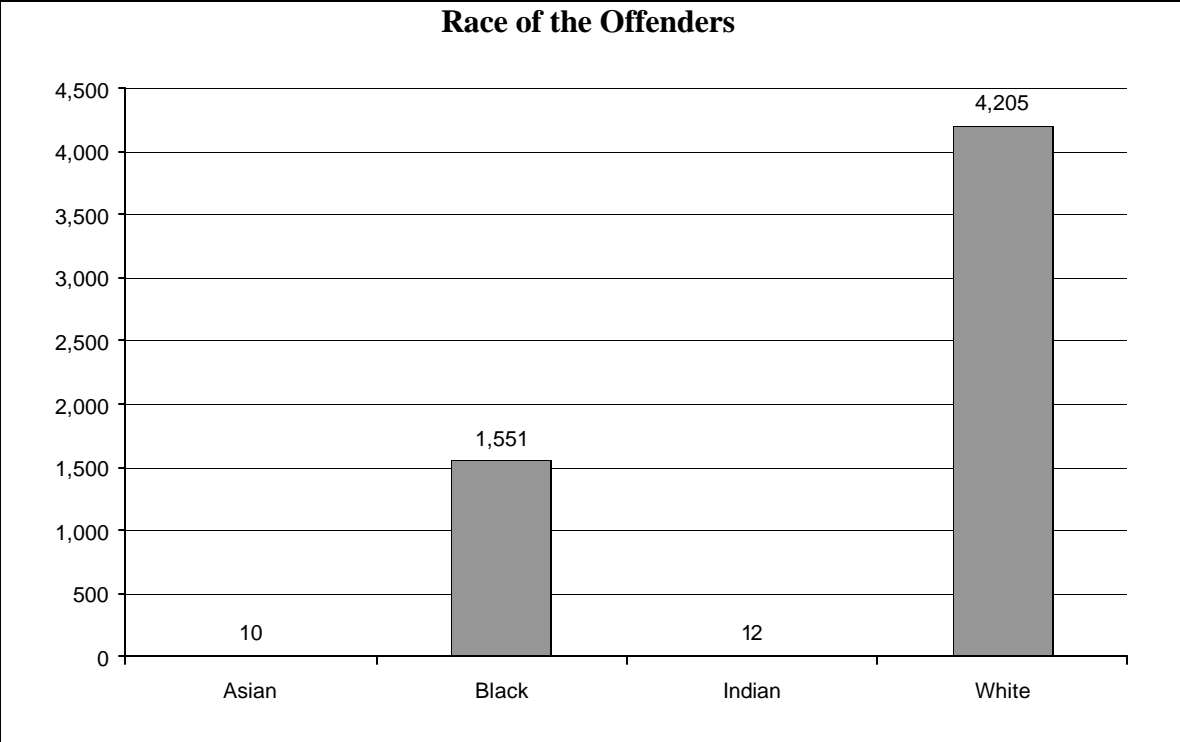
At the present time, resources are not available for the Sex Offender Registry staff to cross check warrants in the District Attorneys General offices. However, the Board of

Probation and Parole maintains a current list of the offenders under their supervision that have active warrants. This list can be made available to the Sex Offender Registry upon request.

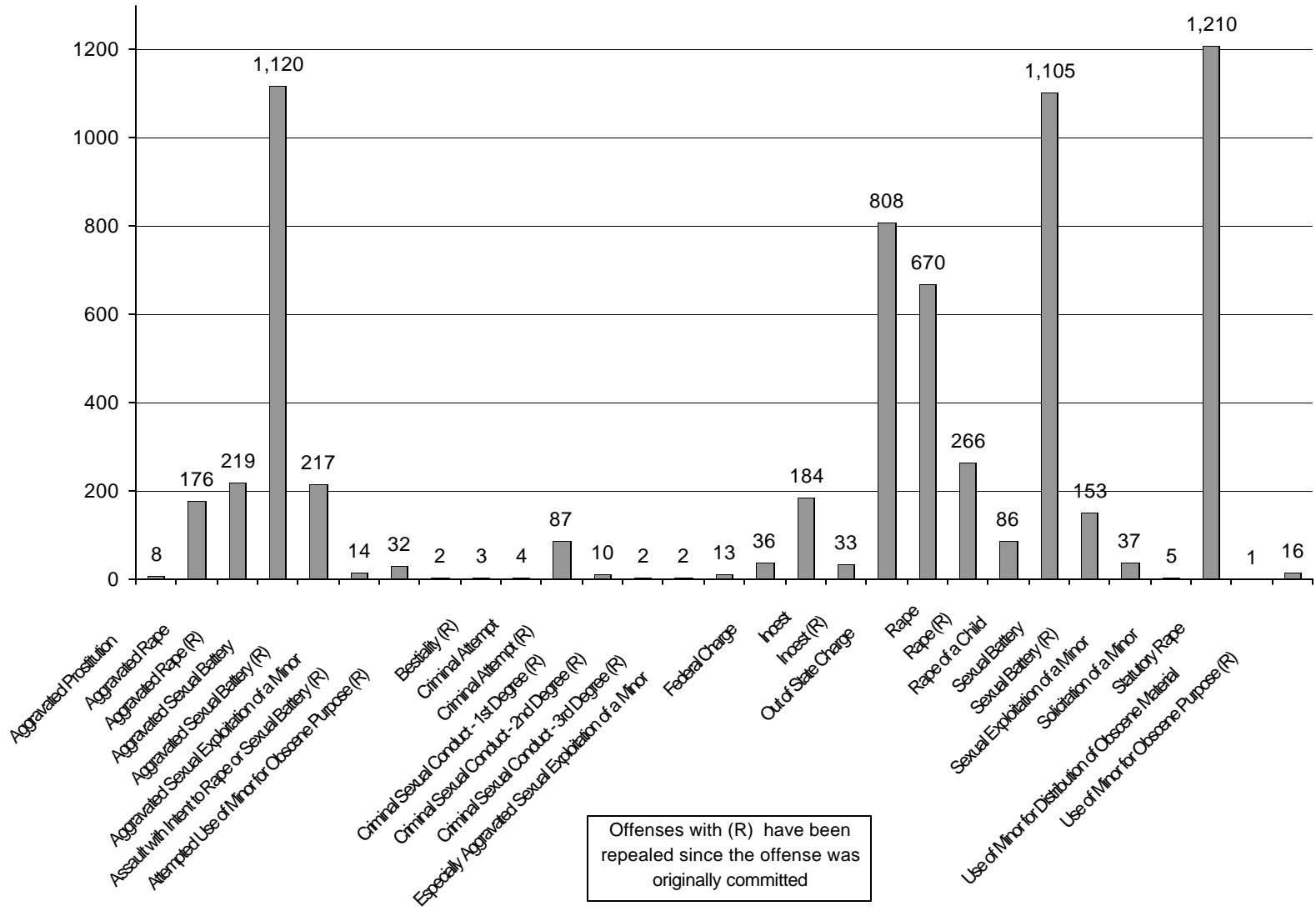
**The following charts are the demographics of the entire SOR Database.**







### Total Offenses Committed



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