

On the Loose

Convicted Sex Offenders Roaming Loose, Despite Registry Effort

By Dean Schaber, ABCNEWS.com



Oct. 23 — Convicted child molester Nathan Edlin is on the Bellevue, Wash., sex offender registry, but there is no address listed on the Web site, because for the fourth time Edlin has moved without telling police.

Though Edlin and all convicted sex offenders are required by law to report their addresses to local police or sheriffs, chances are that wherever you live, there are convicted sex offenders whose whereabouts aren't known to authorities.

According to a survey of law enforcement officials responsible for sex offender registries in all 50 states, police have lost track of one in 4 of the sex offenders who are supposed to be registered. The survey was conducted by Parents for Megan's Law, a group based in Stony Brook, N.Y., that recently received a federal grant to establish a national hotline to provide information about the lists.

"We should not have any expectation that the most cunning and devious of all criminals would come in and register their locations so that police and the public would know where they are," said Laura Ahearn, founder and president of Parents for Megan's Law.

‘A False Sense of Security’

It's a problem that law enforcement agencies across the country have taken notice of. In state after state, police, sheriffs and other agencies are calling for changes — whether it means updating computer software, increasing the coordination among local lists, increasing funding so departments can have officers assigned to keep track of sex offenders, or putting teeth in laws to punish absconders.

"It can give you a false sense of security," said Charles Onley, a research associate with the Center for Sex Offender Management, a program of the U.S. Justice Department.

"I'm sure the registry serves its purpose, but there's probably going to be a level of noncompliance. The question is what is an acceptable level, though I don't think the public's going to be too happy with any level."

Bellevue police said tougher laws to punish absconders might help bring down the level of noncompliance. As it stands, police say there is not much more than a rap on the knuckles for people like Edlin, who don't seem to want to keep officials informed about where they are.

"He has been uncooperative, to say the least," Bellevue police spokesman Michael Chiu said. "He has consistently and repeatedly moved without telling us."

After police caught up with Edlin the last time he absconded, he served just one month in jail, the police spokesman said.

"That's not a very stiff punishment, but that's up to the judge to decide," Chiu said. "Hopefully, this time he will get a little more."

In one way, though, the people of Bellevue have been lucky — Edlin is not suspected of committing any new sex crimes there, despite repeatedly ducking police.

Prosecutors say that was not the case with Mitchell Cummins, a man determined by a psychiatrist to be a sexual predator. Cummins stopped telling Thurston County, Wash., police of his whereabouts shortly after his release from prison late last year. In January he allegedly murdered a woman who tried to fight off his sexual advances.

Lack of Communication Compounds Problem

The extent of the problem was dramatized this summer in California, when a state audit of the sex offender registry found that some 23,000 people on the list were unaccounted for because their records had not been updated in at least one year. The records of 14,000 of those had not been updated in at least five years.

That audit was carried out after the state had mounted a concerted effort to locate missing sex offenders, after a report in January by The Associated Press that California law enforcement had lost track of about 39 percent of the more than 70,000 people on the list.

"California residents may check the database, yet have no idea they are living down the block from a dangerous sex offender, a possible scenario that violates the purpose and intention of Megan's Law," according to the audit. Sex offenders who fail to register or police failure to keep track of sex offenders is not the only problem, though.

In Michigan, for example, lack of communication between state agencies regarding information on the list may have contributed to a child being sexually abused.

A man convicted of sexually abusing a 12-year-old girl was able to get custody of his two adopted children, a 10-year-old boy and an 11-year-old girl, because there was no communication between the state Department of Corrections and the Family Independence Agency.

He allegedly sexually abused the boy this summer.

Different States Have Different Guidelines

All 50 states have some form of sex offender registry, in line with guidelines established by Congress under the 1994 Jacob Wetterling Crimes Against Children and Sexual Violent Offender Registration Program. In 1996, Megan's Law, named for a New Jersey girl who was sexually abused and murdered by a convicted sex offender, amended the Wetterling Act to set up guidelines for disclosure of the information on the registries to the public.

What information can be disclosed and to whom has been a controversial issue ever since, and states have chosen — or been forced by the courts — to deal with the issue in a variety of ways.

Information about the sex offender registry in your state can be obtained by calling the Parents for Megan's Law hotline at 888-ASK-PSML (888-275-7365).

There is also a national list, the National Sex Offenders Registry, coordinated and maintained by the FBI's Crimes Against Children Unit, which is based on information supplied by the states. Most states provide statewide Internet access to lists including names, addresses, photographs and criminal record of at least the so called Level III, or high-risk, convicted sex offenders.

In some states, such as Washington, local law enforcement is even directed to alert the community when a Level III offender moves into the neighborhood. Police there put out news releases and meet with neighborhood watch groups and school officials when a Level III offender moves into a community.

In others, though, lists can only be accessed at police stations, and in some counties the registries are only available as postings on bulletin boards in police or sheriff's departments or at post offices.

"Megan's Law in spirit guarantees that if a sex offender moves into your neighborhood, you're going to get notification, but it's not playing out that way," Ahearn said.

Seeking Stiffer Penalties for Absconders

Though a few states already had registries before the Wetterling Act, most of the lists were created during a period when state budgets were relatively healthy, and the financial problems state and local governments now face have taken a toll on enforcement.

"I think a lot of states thought they would have retake units to work on sex offenders who didn't register," Onley said. "When I came on five years ago there were a lot of cities that had units assigned to it, but when I called them back this year, there weren't many that still did."

In many states, though, law enforcement officials expressed as much concern about the laws regarding the registries and the punishments for convicted offenders who fail to report as they did about the level of staffing that their funding allowed.

While police in Bellevue and other communities in Washington are seeking stiffer punishment for absconders, law enforcement officials in Tennessee would like to see a law that would also allow them to post information gained from credible sources regarding the whereabouts of convicted sex offenders who disappear.

"You're relying on convicted felons to tell you where they are and even if you get credible evidence from another source, we can't use it," said Jeanne Broadwell, a spokeswoman for the Tennessee Bureau of Investigation. "Even if his parole officer says he's not really living at the address he says he's at, we can't use it."

Another problem is that current law in the state doesn't spell out who is responsible for keeping track of sex offenders. The TBI is working with state prosecutors to draw up a tougher law that would address both of these issues.

In Georgia, state officials recently reorganized their registry to create a separate list of all the absconders statewide. The change was announced on Sept. 23, when the Georgia Bureau of Investigation said there were 344 offenders missing. Since then, 28 have been located, according to John Bankhead, GBI director of public affairs.

"The statewide list is a key to keeping up with these guys, particularly with having photographs," Bankhead said. "We've got a very mobile society, so I think a statewide list is very important."

Some victims' rights advocates say they believe that Congress should pass legislation making all the registries uniform, but the issue is problematic.

"Criminal justice is a states' rights issue," said Mark Klaas, one of the most outspoken victims' rights advocates, whose daughter Polly was abducted and murdered. "[President] Clinton put the mandate down, he got every one of the states to adopt some kind of registry. I think they did a pretty good job. The problem with trying to legislate it even more [is] the states would cry foul."

In the meantime, local police struggle to keep their lists up to date. ■