

Sex Offenders and Interoperability in E-Government: A Qualitative Analysis of SORNA Compliance in Florida and Texas

Llonae Popley Ballintine¹, Denryl Luna², Monique Perez³, Ervin Bishop⁴, Lauren Kilgour⁵

¹Lehman College

²University of Tennessee at Chattanooga

³University of Arizona

⁴University of Baltimore-College Park

⁵University of Pittsburgh

Abstract

This study shares preliminary findings from an analysis of U.S sex offender databases, specifically Texas and Florida. Content and discourse analyses of federal standards set forth in the Sex Offender registration and Notification Act (SORNA), as well as Florida and Texas penal codes was performed to understand terminology, risk assessment policies, and registration requirements for offenders. Despite a difference in compliance status, Florida and Texas employed similar standards and data entry requirements in web-based registration databases. This study found that SORNA standards positively influenced data uniformity and interoperability between Florida and Texas databases and the National Sex Offender Public Website (NSOPW). This research is of broad significance to information science, as it centrally grapples with larger questions about information access, information policy, and information systems and design.

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Contact: b_llonae@yahoo.com, ybb534@mocs.utc.edu, mnperez@email.arizona.edu, ebishop25gmail.com, lak11@pitt.edu

1 Introduction

Law enforcement and government agencies have invested heavily in criminal databases as a means of tracking offenders and reducing crime. Criminal databases are used to store and maintain personal records and allow for the transfer of information across jurisdictions. In some cases, such as sexual offenses, information can be published online by law enforcement as a mean of alerting the public and encouraging monitoring of offenders.

In 2006, Congress passed the Adam Walsh Child Protection and Safety Act, which included the Sex Offender Registration and Notification Act (SORNA). Under the oversight of the Department of Justice's Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking (SMART), SORNA established a national registering system to "close potential gaps and loopholes that existed under prior laws, and to strengthen the nationwide network of sex offender registrations" (Department of Justice). SORNA included federal standards intended to be used by all states and U.S. territories. Specifically, SORNA attempted to address issues of interoperability related to consistency and uniformity in data sharing practices. Implementation of, and ultimate compliance with SORNA standards was left to the states.

While federal agencies do track criminal activities, the majority of criminal databases are operated and maintained at the state level. The National Sex Offender Public Website (NSOPW) relies on information provided by states or local jurisdictions. State databases experience challenges relating to jurisdictional limitations, consistency, and interoperability—the ability of different systems to communicate and share information. Landsbergen and Wolken Jr. (2002) highlighted the importance of interoperability, concluding that it "reduces the 'paperwork burden' on the citizen while streamlining work processes and enriching the formulation, implementation, and evaluation of policy." Interoperability between state databases is critical to the successful use of tools like the NSOPW. Lampland and Star (2009), however, highlight the complexity of "standards" in various circumstances:

There is always a kind of economy and ecology of standards surrounding any individual instance...the act of presenting a passport in a standard gesture, in a standard format, works for millions of people much of the time. But, of course, some people are stateless, some states'

legitimacy is questioned by other states, and some people (e.g., infants and prisoners) may be necessarily linked to others in order to enact standard citizenship. (p. 7)

While standards attempt to streamline and optimize how systems function, they can also complicate and challenge a system's goals. Furthermore, standards can act as legal rules that perpetuate inequity and discrimination. Attending to how standards are implemented is instrumental to considering the efficacy and ethical aspects of digital systems.

This study sought to compare SORNA's federal standards of sex offender registration and implementation at the state level. Particular attention was placed on considering how policy content and discourse are translated to web-based databases. Additionally, this study considers states' reactions to SORNA legislation, and identifies challenges faced by jurisdictions when implementing standards and pursuing system interoperability.

2 Methods

For the purposes of this study, Florida and Texas were selected for comparison with the federal SORNA standards. Florida and Texas were selected due to their large and diverse populations and relatively large number (total and per capita) of registered sex offenders. Florida and Texas also differed in compliance status. Florida complies with SORNA standards, whereas Texas opted out of compliance.

A content and discourse analysis of SORNA standards, as well as Florida and Texas penal codes was performed to understand terminology, risk assessment policies, and registration requirements. Similarities and key differences between the federal and state standards were identified in the context of each state's compliance status. Initial reactions to SORNA standards from Florida and Texas were evaluated using the 2009 SORNA Compliance Survey. Both states' sex offender databases were evaluated using a visual content analysis to identify how standards were implemented in web-based databases. Data representation elements, and data entry requirements for offenders were cataloged and compared.

3 Findings

In response to the federal campaign to implement SORNA standards, both Florida and Texas requested an extension to the soft compliance deadline of July 2011 in the 2009 SORNA Compliance Survey. Florida and Texas cited funding and legislative concerns as reasons for the desired extension. By 2012 Florida had implemented enough of SORNA standards to be considered in compliance. Conversely, Texas decided to forego compliance and not submit substantial documentation and reporting materials to the federal government. Texas projected significant costs to SORNA implementation, including \$38M in technical and staffing costs and an overall increase in the number of periodic registrations for previous offenders as well as new, non-previously-registered offenders (Brown, 2010). Texas also argued its existing risk assessment and registration requirements allowed for greater focus on high-risk offenders (North Carolina General Assembly, 2011). As a result, Texas faced a 10% reduction (\$2.2M) in its federal Byrne Justice Assistance Grant (JAG), which helps fund local courts and law enforcement programs (Prison Legal News, 2014).

Despite their differences in SORNA compliance, Florida and Texas employ very similar standards for sexual offenders. Both states define offenders according to SORNA standards. When compared with the implementation checklist offered to states by the federal government, Texas' requirements closely mirrored the SORNA standards. Additionally, both states required much of the same registration data in their respective databases (see Table 1). Texas' database was unique in that it included all photographs of offenders from initial registration in individual profile pages.

Florida and Texas both diverged from SORNA standards in their minimum registration requirements for different tiers of offense classification. Texas set a minimum registration requirement of 10 years for their Tier 1 (lowest level) offenders, as compared to SORNA's standards of 15 years. Setting a considerably harsher standard than stipulated in SORNA, Florida required lifetime registration requirement for all offenders, Tiers 1-3.

SORNA Requirement	Florida	Texas
Compliant with SORNA standards and requirements	X	
Criminal history information	X	X
Date of birth	X	X
DNA samples analyzed and submitted for entry to CODIS	X	X

Driver's license or identification card (photocopy)	X	X
Employment information	X	X
Fingerprints taken and submitted to IAFIS	X	X
Internet identifiers	X	X
Name	X	X
Palm prints taken and submitted to FBI central database	X	X
Passports and immigration documents	X	X
Phone numbers	X	X
Physical description	X	X
Professional licensing information	X	X
Registration forms signed by sex offenders acknowledging that they were advised of their registration obligations	X	X
Resident address	X	X
School name and address	X	X
Social security number	X	X
Temporary lodging information	X	X
Text of registration offense and provision of law defining the offense	X	X
Vehicle information of all vehicles owned or operated by the offender	X	X

Table 1. Comparison of SORNA and state standards for sex offender registration (Comparison of Texas and Florida's data available on online registry databases, compared to SORNA's implementation checklist for website requirements in condensed form. (Office of Justice Programs, 2009))

4 Discussion

Due to their difference in compliance status, it was expected that Florida and Texas would employ significantly different standards for sex offenders. Instead, this study found consistent similarities between the two states' registration requirements. Texas, while not fulfilling legal compliance, was clearly influenced by SORNA standards and either already utilized or implemented many of its recommendations. However, by foregoing legal compliance, Texas was able to choose which SORNA standards to implement and avoid significant costs and an overall increase in total registrations.

Florida's considerably harsher requirement of lifetime registration for all offenders, regardless of degree of offense, is likely a result of the state's direct connection to the Adam Walsh Act, which was named after Adam Walsh, who was abducted and murdered in Florida in 1981. Texas, conversely, did not have the same local connection and implemented registration requirements that were shorter or equivalent to those stipulated in SORNA.

The use of SORNA definitions and requirements was clearly evident in Florida and Texas state databases. Data uniformity and the resulting interoperability between state registration systems improved through the campaign to implement SORNA. As of 2015, more than 20 U.S. states and 80 Indian nation registration systems have submitted substantial implementation reports to the Department of Justice's SMART Office.

5 Conclusion

This study found that SORNA standards positively influenced data uniformity and interoperability between Florida and Texas sex offender databases and the NSOPW. Despite the difference in compliance status, data entry requirements in both states' web-based registration databases were very similar. Minor differences in state risk assessments existed, likely influenced by political and historical factors, were conveyed through registration requirements for varying levels of sexual offense. While this study found evidence that supports the use of federal standards to improve interoperability between local information systems, a larger sample of states and local jurisdictions is needed to strengthen its conclusions.

6 Future Research

As this research continues to develop, it will explore the following questions:

- a) How do sex offender databases impact offenders' community re-entry and rehabilitation processes?
- b) How do U.S. sex offender databases, and their attendant standards and protocols, compare with other nations' sex offender databases?

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