



# Georgia Department of Audits and Accounts

## Performance Audit Operations

Russell Hinton, State Auditor

Leslie McGuire, Director

### Why we did this review

The purpose of this audit was to evaluate the accuracy of information in Georgia's Sexual Offender Registry, assess the usefulness of the registry for law enforcement purposes, and determine if the registry meets the needs of the public. To meet our objectives, we worked with staff from numerous state and local government agencies including the Georgia Bureau of Investigation, the Georgia Department of Corrections, the Sexual Offender Registration Review Board, and county sheriffs' offices.

This report did not address larger issues of sex offender management in Georgia, including the effectiveness of residency restrictions and other enforcement issues, except as they affect database accuracy and completeness.

### Who we are

The Performance Audit Operations Division was established in 1971 to conduct in-depth reviews of state programs. The purpose of these reviews is to determine if programs are meeting their goals and objectives; provide measurements of program results and effectiveness; identify other means of meeting goals; evaluate the efficiency of resource allocation; and assess compliance with laws and regulations.

Website: [www.audits.ga.gov](http://www.audits.ga.gov)

Phone: 404-657-5220

Fax: 404-656-7535

## Georgia's Sexual Offender Registry

### Opportunities exist for improving Registry's accuracy and usefulness

#### What we found

The basis of Georgia's Sexual Offender Registry (SOR) is an outdated and inflexible computer system, resulting in a registry that does not fully meet the needs of law enforcement or the public. The SOR should provide law enforcement with an efficient and effective method of monitoring sex offenders and investigating sexual offenses; its associated website should inform the public of risks presented by sex offenders. However, each contains incomplete, inaccurate and outdated information regarding the number and characteristics of offenders living or working in an area.

We found that the SOR does not contain all information that is required by state law and collected from offenders. Offenders are not always added in a timely manner; once added, their physical descriptions and photographs are not updated often enough. The registry also contains many data entry errors, including in data fields such as street address and city that would impact the reliability of geography-based search results. Regarding the SOR website, it does not provide complete information for the public, such as the offender's risk to reoffend or those offenders working or going to school in a particular area. It also does not inform the public that most sex crimes are committed by acquaintances of their victims, not unknown registered sex offenders.

The issues identified result in different consequences for law enforcement and the public. For example, sheriffs may be aware of the sexual offenders in their counties, but they cannot rely on the database as a tool for managing offenders or investigating crimes. Instead, they employ an inefficient practice of maintaining separate, local databases of area offenders. The errors in the database and the incomplete information on the state website may misinform the public about the number of offenders and the threat posed by offenders in their community.

The SOR deficiencies should be addressed in a variety of ways, including improvements in the use of technology, changes to state law, and improved management and/or practices in the agencies that have responsibilities for the SOR – the Georgia Bureau of Investigations (GBI), the Department of Corrections (GDC), the Sexual Offender Registration Review Board (SORRB), and the sheriffs’ offices.

The SOR’s technology appears to be a primary contributor to the deficiencies identified. In fact, several practices that we identified as problematic are only in place because limitations in SOR technology compelled the agencies to create a cumbersome “work around”. The SOR is maintained on a mainframe system that is not easily adapted, resulting in a SOR that does not contain all information required by frequently changing state law. In addition, the system does not allow for adequate transfers of information from other agencies, such as GDC, that often possess information that is more up-to-date than the SOR. The database does not contain adequate validity controls, which would reduce data entry errors and ensure that reported addresses are valid, nor does it contain an adequate method to track who changed specific information. Finally, the SOR has only limited automated notification functions, resulting in a greater reliance on telephone, email, and fax communications between sheriffs’ offices than should be necessary.

Amending several provisions in state law would also improve the maintenance of the SOR. Currently, sheriffs are required to maintain local SOR websites, resulting in the creation of 160 “official” taxpayer-funded sites. Each time an offender moves to or within a county, the sheriff is required to update two databases. When only one is updated, the public is presented with conflicting information. The SOR law should also clarify which agency has the authority to determine registry eligibility and which agency is responsible for updating the status of re-arrested offenders. SOR law should also be amended to require that offenders convicted of a sexual offense against an adult prior to July 1, 2006 be subject to the SORRB risk classification process. Finally, state law could also be changed to facilitate the sharing of information currently maintained by two state agencies – the State Board of Pardons and Paroles (SBPP), which classifies sex offenders for its own purposes, and the SORRB.

Regarding state and local agency practices, we identified a number of improvements that could be made by most entities.

- GBI, which has primary responsibility for the SOR and the state website, should take a proactive role in managing the program. We found that the program’s policies and procedures, performance monitoring, and management oversight need to be improved.
- GDC has recently taken a number of steps to improve its identification and registration of offenders. However, we found that GDC management should improve its oversight of the practices of facilities and probation offices, which inconsistently meet registration deadlines.
- SORRB should take a number of steps to improve the efficiency of its operations, including coordinating with GDC and SBPP to ensure that SORRB investigators do not independently obtain court records already in possession of a state agency and better utilizing existing software for the management of its workload.
- Sheriffs are responsible for updating offender addresses on the state SOR and should ensure that they are updated in a timely manner. In addition, sheriffs who maintain a separate local SOR website (as required by state law) should ensure that both the state SOR and local website are updated with the correct address information.

## Table of Contents

<b>Audit Objectives</b>	1
<b>Background</b>	1
History and Purpose of Sex Offender Registries	1
Georgia's Legislation	3
Georgia's Registration Process	4
Georgia's Sex Offender Population	8
Costs of Sex Offender Registration	8
<b>Findings and Recommendations</b>	9
Georgia's system for registering sex offenders requires significant improvements to meet the needs of law enforcement and the public.	9
The computer system used to store the state SOR is outdated and inflexible to the extent that it must be replaced in order for the Registry to meet the needs of state agencies and local law enforcement.	10
Current SOR laws hinder the maintenance of a complete and accurate Registry, limiting its effectiveness as a tool for law enforcement and the public.	16
GBI's SOR website requires improvements to functionality and visual appearance in order to provide users with better access to useful information.	19
GBI has not established adequate management controls over SOR program operations.	22
GDC largely meets its responsibilities regarding the maintenance of a complete and accurate sex offender registry, but the agency could make improvements in its monitoring and documentation.	26
Recent changes in SOR legislation will require collaboration between GDC, GBI, and the Georgia Sheriffs' Association (GSA) to ensure the accuracy of registration information on incarcerated sexual offenders.	29
The state's sex offender classification process is hindered by ineffective relationships between agencies, inefficient management practices within the SORRB, and the state SOR law.	30
Sheriffs' compliance with their responsibilities for maintaining an accurate state registry has been mixed.	35
The Georgia Sheriffs' Association has made a significant contribution to the development of standard procedures for sheriffs' sex offender registration, but continued efforts are required to enhance consistency and ongoing compliance.	36

Appendix A: Objectives, Scope, and Methodology	38
Appendix B: Registration Information and Location	41
Appendix C: Registered Sex Offenders (RSO) by County, Gender, and Number Incarcerated, as of July 2010	43
Appendix D: GBI SOR Website as of July 2010	47

## Audit Objectives

The purpose of this audit was to evaluate the accuracy of information in Georgia's Sexual Offender Registry (SOR), assess the usefulness of the registry for law enforcement purposes, and determine if the registry meets the needs of the public. To meet our objectives, we worked with the staff from the Georgia Bureau of Investigation (GBI), the Georgia Department of Corrections (GDC), the Georgia Sexual Offender Registration Review Board (SORRB), and county sheriffs' offices.

It should be noted this audit does not address larger issues of sex offender management in Georgia, such as the effectiveness of residency restrictions and other enforcement issues, except as they affect database accuracy and completeness. Appendix A contains a detailed description of our Scope and Methodology.

## Background

### History and Purpose of Sex Offender Registries

Over the past 20 years a series of high profile sexual assaults against women and children has garnered national attention and brought about significant changes in federal and state sexual offender laws. Four major federal laws have passed, each named for the victim whose assault prompted the legislation. The Jacob Wetterling Act, passed in 1994, required states to establish registration programs for sex offenders, including life-long registration for offenders classified as sexually violent predators. Megan's Law (1996) required states to establish public sex offender registries and community notification programs. Also passed in 1996, the Pam Lychner Sexual Offender Tracking and Identification Act required the U.S. Attorney General to establish a national database of sex offenders. Finally, in 2006, Congress passed the Adam Walsh Child Protection and Safety Act. The Act provided minimum standards for public sex offender registries, established a three-tier classification system based on offense, and required sex offenders to periodically verify registration information. (More information on the Adam Walsh Act is provided on page 2.)

State sex offender registries (SORs) are lists of names, addresses, and other information about individuals residing within the state who have been convicted of particular crimes. Exactly who is required to register and the extent of registration detail provided depends on state law requirements and technical capabilities of the listing agency.

For law enforcement, sex offender registries allow officers to identify, monitor, and manage sex offenders in their jurisdictions. Sex offender registration creates a mechanism for 'keeping track' of convicted sex offenders and provides authorities with a starting point when investigating sex crimes. Studies indicate that registration assists law enforcement agents to apprehend suspects more quickly for new sex crimes than those not publicly identified. However, registries are only useful if the information contained within is accurate. For this reason, most law enforcement agencies verify a portion of the information through in-person contacts with the registered offenders.

### ***Adam Walsh Act***

The Adam Walsh Child Protection and Safety Act (AWA) is a federal law that requires each state to maintain a sex offender registry and notification program. The 2006 law established offender classification tiers and requirements for registration, defined penalties for non-compliant offenders, created assistance programs to aid states with compliance, and required states to participate in the Dru Sjodin National Sex Offender Public Website.

The AWA classifies sexual offenders into three tiers based on criminal conviction. Tier I offenders, which are presumed to be the least likely to reoffend, are required under AWA to register for 15 years and report annually for address verification, or re-registration. Tier II offenders are required to register for 25 years and report for re-registration every six months. Tier III offenders, which are those offenders believed to pose the most significant risk to society, are required to register for life and must report for re-registration every three months. The act also defines where and when sex offenders must register. Sex offenders, including juveniles who were at least 14 years of age or older at the time of the offense, must register in each jurisdiction where the offender resides, is employed, or attends school within three days of being released from prison. Registered offenders are also required to update changes to registration information no later than three days from time the information changes. Failure of a sex offender to register or update registration information results in imprisonment for a period not to exceed 10 years.

States were expected to fully implement all requirements of the legislation by July 2009. States that were not compliant within two years risked a 10% reduction in U.S. Department of Justice JAG/Byrne grant funds. States were allowed to request extensions, provided efforts had been made toward compliance. To assist states with compliance, the law established several assistance programs.

Not all states have elected to pursue compliance with the legislation because of concerns regarding some of the law's requirements. In fact, as of March 2010, Ohio was the only state to have substantially implemented AWA. Sex Offender Management Boards in California and Colorado, in contrast, have recommended their states not participate in AWA. The requirement to register juveniles has been widely criticized, as has assigning risk level based on conviction type rather than research-based evaluations of an offender's likelihood to reoffend. Lifelong registration and retroactive registration requirements have also been criticized by state officials. For many states cost is a significant concern, because avoiding the penalty imposed by the Justice Department does not offset the costs to state and local jurisdictions for complying with the law, particularly costs to upgrade technology.

In 2006, Governor Sonny Perdue created Georgia's Adam Walsh Act Work Group to evaluate the financial impact and necessary policy changes for Georgia to become compliant with the federal law. The Work Group, led by the Criminal Justice Coordinating Council, is made up of representatives from agencies across Georgia's criminal justice community, including GBI, the Sexual Offender Registration Review Board, Department of Corrections, the Board of Pardons & Parole, Department of Juvenile Justice, Georgia Sheriffs Association, and the Office of the Governor. The Work Group submitted an extension for Georgia for the July 1, 2010 compliance deadline. The extension, which was granted, is effective until July 27, 2011. In the extension request, the Work Group noted several areas where Georgia statutes do not currently meet AWA standards, including registration of all juvenile and misdemeanor offenses, retroactivity, and how often offenders are required to verify registration information. No legislation was passed during the 2010 session of the Georgia General Assembly to address these issues.

For the public, access to a sex offender registry is generally provided through a public website and other methods of notification. State SOR websites provide a subset of the information included on a state's registry. Websites usually include an offender's name, address, photograph, basic physical description, and information about the related offense. Additional information that may be provided in a registry website includes an offender's risk classification and a profile of past victims (approximate age, gender). Websites may also provide the ability to map sex offender locations or enable citizens to sign up for email notifications about sex offender movement. Even when SOR website information is limited, the public can be helpful to local law enforcement agencies by keeping them informed of questionable or suspicious actions by registered sex offenders in their neighborhoods.

## Georgia's Legislation

Georgia's SOR was created in 1996 with the implementation of O.C.G.A. 42-1-12. The law has been amended numerous times, with the most significant changes occurring during the 2006 legislative session. During that session, the law was re-written and three new statutes were added: 42-1-13 (Review Board), 42-1-14 (risk assessment classification), and 42-1-15 (residency restrictions). In May 2010, the Governor signed HB 571, which made a number of changes to the SOR law. Code sections 42-1-16 through 42-1-19 were added. The legislation added provisions for the registration of homeless offenders, changed some reporting requirements for registered offenders who move between counties, reduced minimum sentences for non-compliance, created or expanded opportunities for appeal of registration requirements, and changed the effective date of some residency restrictions. Collectively, the SOR laws define who qualifies as a sex offender and outline the responsibilities of registered offenders and the state and local parties involved in the creation and maintenance of the Sexual Offender Registry.

The SOR laws list the types of offenses that require registration. These include those termed a "dangerous sexual offense," such as rape, sodomy, aggravated sexual battery, and child molestation. They also include, among others, "criminal offense(s) against a victim who is a minor," which includes solicitation of a minor to engage in sexual conduct, kidnapping of a minor [except by a parent], and any conduct which, by its nature, is a sexual offense against a minor. Due to changes made over time, the offenses prompting registration vary depending on the date of conviction.

Registered sex offenders face several requirements for compliance. Violations may result in a new felony conviction and imprisonment of 1 to 30 years. Offender requirements include the following:

- **Registration and updates** – Each offender must provide required information to GDC, register with the sheriff of his residence county within 72 hours of release, and ensure that the sheriff's office is informed of any changes to required information. (Changes to residence address are required to be updated 72 hours prior to a move.) Moves to other counties require notification to both the new and previous sheriff.
- **Re-registration** – Each offender must renew registration annually, reporting to the sheriff's office 72 hours prior to his birthday for photographs and fingerprinting. Offenders classified as sexually dangerous predators must renew registration twice per year.
- **Electronic monitoring** – Each offender classified as a sexually dangerous predator is required to wear an electronic monitoring device for life. State law requires the offender to pay the costs of monitoring. The associated fees are paid to GDC if offender is on probation, the Board of Pardons and Paroles (on parole), or the local sheriff (if no state supervision).
- **Residency and location restrictions** – As of May 20, 2010, residency restrictions are based on an offender's conviction and incarceration status at various dates (e.g., prior to 2003, after July 1, 2006.) For those to whom the law applies, an offender may not be allowed to reside within 1,000 feet of any "child care facility, church, school, or area where minors congregate."

Similarly, registered offenders may not be able to work or volunteer at a child care facility, school or church; neither can they work or volunteer within 1,000 feet of same. In addition, sexually dangerous predators may not be employed or volunteer at any business or entity within 1,000 feet of “an area where minors congregate.”

Georgia's sex offender law also mandates responsibilities for the Georgia Bureau of Investigation, Georgia Department of Corrections, the Sexual Offender Registration Review Board, and Georgia sheriffs. In addition, state law requires the Departments of Education, Early Care and Learning, and Human Services to disseminate sex offender information to specified recipients (e.g., schools, child care centers, and long-term care facilities) on an annual basis.

### ***Who should be registered?***

Determining whether an individual convicted in Georgia should be placed on the sex offender registry is a complicated process because of nuances in the state's sex offender law. For those convicted of offenses such as rape or child molestation, identification for inclusion on the registry is relatively simple. GDC must only ensure that the offense occurred after the sex offender act's effective date or that the offender was arrested for a new crime after the act's effective date (which makes the older sex crime a registerable offense). Identification of offenders convicted of other crimes is more complex. Crimes such as aggravated assault or false imprisonment may require registration, but it depends on the nature of the assault and/or the age of the victim. These determinations may require additional information from the courts or district attorneys, which can take days or weeks to obtain. Depending on the circumstances, individual decisions may require review by GDC legal staff.

Determining whether an offender convicted in another state should register in Georgia can be even more complicated due to variations in sex offender law and criminal codes in each state. In addition, GBI has the added difficulty of obtaining relevant documentation from out-of-state entities. According to GBI, many decisions regarding registration eligibility for those moving to Georgia are ultimately made by the agency's attorney “after significant review of information obtained by GBI program staff.”

## **Georgia's Registration Process**

As discussed above, a number of agencies have responsibilities that must be fulfilled in order for the SOR and public website to be complete and accurate. Georgia's database contains a significant amount of information that must be obtained and/or updated, including name, Social Security number, date of birth, race, sex, height, weight, hair and eye color, photo, and address (see **Appendix B** for complete listing). How this registry information is added or changed (and by which entity) depends on where in the registration process the change occurs. We have identified four phases:

1. *Initial Registration* – Individual is identified as an offender, required information is collected, and offender is added to the database;
2. *Classification and Risk Assessment* – Information on a registered offender is reviewed and his risk to reoffend is determined and noted in the database;
3. *Maintenance* – Information in the Registry is verified and updated as necessary for the duration of registration; and
4. *Removal* – Offender is removed from the Registry.

As previously noted, the law determines the responsibility of each entity during each phase of the registration process, including the communication of information between entities. **Exhibit I** contains an overview of each phase, while additional detail is provided below.



<b>Exhibit 1 Overview of Agencies' SOR Responsibilities</b>				
	<b>Initial Registration</b>	<b>Classification and Risk Assessment</b>	<b>Maintenance</b>	<b>Removal</b>
GBI	<ul style="list-style-type: none"> <li>- Serves as contact for other states who have sex offenders moving to Georgia</li> <li>- Adds offenders moving to Georgia to the Registry</li> </ul>	<ul style="list-style-type: none"> <li>- Updates offender classification on the Registry (currently only note if offender is a predator)</li> </ul>	<ul style="list-style-type: none"> <li>- Sends reminders to offenders that they are required to report to sheriff within 72 hours of birthday (every six months for predators)</li> </ul>	<ul style="list-style-type: none"> <li>- Removes offenders from the Registry upon death, order from Superior Court or other legal review, or deportation</li> </ul>
GDC	<ul style="list-style-type: none"> <li>- Identifies offenders sentenced in Georgia</li> <li>- Collects offender info and informs offender of state sex offender laws</li> <li>- Adds offender to Registry through GDC's information system</li> </ul>	<ul style="list-style-type: none"> <li>-Notifies SORRB of pending releases 8 months in advance</li> <li>-Notifies SORRB of sentences to probation</li> </ul>	N/A	<ul style="list-style-type: none"> <li>-Requests removal based upon order from Superior Court or other legal review</li> </ul>
Sheriffs	<ul style="list-style-type: none"> <li>- Contacts GBI when offenders report but are not yet on the Registry</li> </ul>	<ul style="list-style-type: none"> <li>- Updates offender classification on their local registry websites</li> </ul>	<ul style="list-style-type: none"> <li>- Updates offender address whenever it changes</li> <li>- Updates offender information as a result of annual (semi-annual for predators) re-registration</li> </ul>	<ul style="list-style-type: none"> <li>-Submits death certificates to GBI as applicable</li> </ul>
SORRB	N/A	<ul style="list-style-type: none"> <li>- Classifies offenders as Level I, II, or Sexually Dangerous Predator. Submits results to GBI, Sheriff and others</li> </ul>	<ul style="list-style-type: none"> <li>-Notifies Sheriff and GBI if changes made to classification as a result of appeals</li> </ul>	N/A

**Source:** Review of state law and agencies' policies and procedures

### Initial Registration

Most offenders on the SOR are from Georgia and have been identified as required to register by GDC staff. If incarcerated, an individual is processed as a sex offender by a GDC Sex Offender "Point of Contact" just prior to release from the facility. If sentenced directly to probation, he is processed by his GDC Specialized Probation Services officer. Once GDC identifies an individual for inclusion on the SOR, the offender must fill out a six-page Sexual Offender Registration Notification (SORN) form<sup>1</sup> that captures the information required for the Registry and explains registration requirements to the offender. (Appendix B lists the information collected in the SORN.) Data from the SORN are entered into GDC's SCRIBE information system, which transmits a file with that information to GBI each night, for update in the CJIS network, completing the registration process. GDC staff also fax a copy of the SORN to GBI to be archived. (GBI uses the hard copy forms to address problems with failed transmissions and to retain documentation of information not maintained in the database.) According to GDC procedure, once a prisoner is registered and prior to release, GDC staff email a "Sexual Offender Release Form" to the sheriff's office in the county where the offender will reside upon release.

<sup>1</sup> The SORN form itself was created and is updated as needed by the GBI.

Before an offender moves to Georgia<sup>2</sup>, GBI is supposed to be notified of the offender's intent to relocate by the out-of-state registry or law enforcement jurisdiction. GBI requests that the current jurisdiction have the offender complete and fax Georgia's SORN to GBI prior to his arrival. If that does not occur, the offender will complete a SORN if he checks in at the sheriff's office in the Georgia county in which he will reside. The sheriff's office submits a copy of the registration form to GBI. GBI conducts research to determine whether the offender is required to register in Georgia. If the offender is required to register, GBI enters the SORN information into the registry database. A confirmation is provided to the home state's registry staff, so that their registration database can be updated with the offender's new address.

### Classification/Risk Assessment

Since 2006, the SORRB has been tasked with classifying offenders as Level I, Level II, or Sexually Dangerous Predator before they leave prison or when they are sentenced directly to probation. The SORRB is also addressing the backlog of offenders that were not classified prior to being placed on the SOR. SORRB classifications are based on assessments of the propensity for the offender to commit another sexual offense, as determined by the Board's clinical staff using research-based risk assessment tools and evaluation methods. Between June 2007 and August 2009, distribution of classifications was as follows<sup>3</sup>:

- Level I (lowest risk) – 838 offenders, (67% of total assessments)
- Level II – 342 offenders, (27%)
- Predator (highest risk) – 68 offenders, (5%)

Classification information is currently not part of the SOR database, except for a Y/N field for "predator", which is updated by GBI staff upon notification by the review board. The public registry website contains a single Absconder/Predator field that lists an offender as "ABSCONDER", "PREDATOR", or "NO". State law requires that sheriffs' local websites contain the classification assigned by the SORRB as well as an explanation of each classification level.

### Maintenance

Sheriffs have primary responsibility for maintaining the accuracy of listings for sex offenders in their jurisdictions, even for those offenders housed in a state prison or on parole or probation. This responsibility lasts for the duration of the offender's residence in that county, and as long as an offender is required to be registered. GBI staff takes general responsibility for updating SOR data fields that are not accessible to sheriffs and for correcting errors identified by others who do not have access to the system. The maintenance of the SOR begins with an offender's initial contact with the sheriff's office and continues through required annual or semi-annual re-registrations.

- *Registration Verification* – Upon first reporting to the sheriff's office, an offender is required to complete and sign another SORN. Authorized sheriff office personnel then update information on the Registry through CJIS. Concurrently, sheriff staff provides the offender with copies of applicable

---

<sup>2</sup> If an offender is still on parole or probation in his home state but requests to move to Georgia, his transfer is covered by Interstate Compact and his registration in Georgia will be managed by GDC.

<sup>3</sup> Figures do not add to 100% because of rounding.

laws, obtains fingerprints and photographs of the offender, adds the offender to the Sheriff's website, collects a \$25 notification fee, and determines if residence and employment plans are compliant with state law. If the offender fails to report within 72 hours of release from prison (or sentence to probation), the sheriff's office is expected to update the Registry with "address unknown" and to request an arrest warrant. The change to the address field labels the offender as an absconder within the SOR database and on the state SOR website.

- *Required Updates* – Sheriffs are also responsible for ensuring that the information maintained in the Registry remains accurate. The offender is required to report to the sheriff any change in residence 72 hours prior to a move, and any other change in required information within 72 hours after the change. Sheriffs have a similar time frame to update the information in the state Registry once they have been notified of a change. The sheriff must also verify that changes to an offender's residence or employment are in compliance with state law.
- *Re-Registration* – Based on the residence information in the Registry, GBI sends notifications to all offenders in the state, reminding them to renew their registration as required. When offenders report to renew their registration, the sheriffs' office updates all information<sup>4</sup> collected during the initial registration and inputs address changes into the Registry within 48 hours. If the offender fails to re-register within 72 hours of his birthday, (and six months afterwards if a sexual predator) the sheriff's office is expected to issue a warrant for failure to register and update the offender's status in the Registry as an absconder.

The Georgia Sheriffs' Association (GSA) provides regular training on sex offender management to sheriff office staff. It also sponsors the Sex Offender Registration Task Force, a group of regional sheriffs' representatives who provide training and technical assistance to their counterparts.

### Removal

GBI is the only agency with the authority to remove offenders from the Registry. Sexual offenders are normally removed only upon death, deportation, or order from Superior Court or other legal review. In the event of an offender's death, the sheriff's office or GDC notifies GBI and provides a death certificate as evidence. If the offender is deported, GBI removes him from the Registry upon confirmation of deportation. Offenders convicted of less severe crimes may petition the superior court of jurisdiction to be removed from the Registry ten years after completion of sentence. Successful petitions must be forwarded to GBI to ensure removal.

If an offender moves out of Georgia, the sheriff's office informs the jurisdiction of the offender's new residence and alerts GBI of the offender's intent to move. GBI and the other state are informed via the CJIS network when the sheriff has updated the offender's record with an out-of-state address. GBI then sends a notification letter to the other state. The offender will be removed from the Registry's public website but will remain on the registry database.

---

<sup>4</sup> While required to take a new offender photographs each year, sheriffs do not upload the photos to the state registry. They are forwarded to GBI officials who determine if the photo needs to be updated.

## Georgia's Sex Offender Population

As detailed in Exhibit 2 and Appendix C, there are approximately 17,500 sexual offenders on Georgia's Sexual Offender Registry, 11,000 of which reside in Georgia communities. The rest have moved out of state or are in custody for charges unrelated to a sexual offense, for SOR-related offenses such as failure to register, or for new sexual offenses. In Georgia, incarcerated offenders are not registered until release from prison; GDC records indicate at least 6,000 more sex offenders are currently in state custody for a first sexual offense and are not yet registered. On average, sex offenders are between 26 and 45 years old, and approximately 60% are Caucasian. Less than 500 registered offenders are female. Because most offenders are registered for life, the number of registered offenders in the state is projected to increase significantly over time.

Exhibit 2 Projected Increases in Georgia's Registered Sex Offenders							
	2006	2007	2008	2009	2010 (projected)	2020 (projected)	2030 (projected)
Offenders	12,498	14,491	16,136	17,527	19,080	34,600	50,120

Figures are as of September of each calendar year.  
**Note:** Projections assume an average increase of 1,550 offenders added to the database each year, and no additional changes to legislation that could affect registration duration or eligibility.

## Costs of Sex Offender Registration

We were unable to determine all of the costs associated with maintenance of the state's sex offender Registry, but Exhibit 3 includes budget and expenditure estimates from the state entities most involved in the SOR. Our survey of Georgia sheriff's offices indicates a wide range of resources devoted to sex offender management. Offices reported spending anywhere from less than an hour per week to more than 400 hours per week, only in part dependent on the number of registered offenders in each county.

Exhibit 3 Estimated State Agency Costs for SOR Activities			
	FY 2008 Actual	FY 2009 Actual	FY 2010 Budget <sup>3</sup>
GBI <sup>1</sup>	\$283,666	\$291,274	\$276,000
GDC <sup>2</sup>	330,364	342,158	340,000
SORRB	<u>335,807</u>	<u>704,206</u>	<u>906,000</u>
Total	<u>\$949,837</u>	<u>\$1,337,638</u>	<u>\$1,522,000</u>

**Source:** PeopleSoft, Salary and Travel

1. GBI's expenses include reported program costs and the cost to mail annual verification forms to all registered sex offenders.
2. GDC's costs are based on salary and travel costs for the Sex Offender Administration Unit for FY08-09, and estimated salary only for FY10.
3. Preliminary budget figures as of September 2009 for GBI and SORRB

## Findings and Recommendations

### Georgia's system for registering sex offenders requires significant improvements to meet the needs of law enforcement and the public.

As it currently operates, the Sexual Offender Registry (SOR) does not fully meet the needs of law enforcement and the public. We found inaccurate and incomplete information within the state's registration database, insufficient or inaccurate information on the websites provided to the public, and a variety of management problems within and among the state and local agencies responsible for registration and maintenance of registration information. The state can address the problems we identified by improving the quality of technology, streamlining current SOR legislation, and improving management processes at the state and local level.

The problems that we identified affect law enforcement and the public differently. For law enforcement, the problems limit the GBI Registry's usefulness as a law enforcement tool and result in significant inefficiencies. For example, sheriffs' offices depend on local databases and files (re-created every time an offender moves, works, or attends school in another county) because the state SOR neither captures all relevant information nor has the capability to perform all useful searches that might be needed by an investigator. For the public, the SOR problems provide inadequate information as to the number of offenders regularly in their communities and the risks posed by registered offenders and others. The public also cannot rely on the state's website for a current offender photo, physical description, or risk classification.

- **Database Problems** – The state's SOR database does not offer complete information about individual sex offenders. Inaccuracies frequently occur in address fields and physical descriptions and access to enter or retrieve information is severely limited. The database does not include all information that offenders are required by law to provide upon registration. Much of this information is important to law enforcement for sex crime investigation and offender management. Any evidence of intentional address inaccuracies is hard to identify, while accidental data entries are easy to make. Finally, access to the system is so restricted that the individuals with the most current information must rely on others to enter and retrieve data.
- **Website Problems** – Over a hundred sex offender registry websites are operated by GBI and local Georgia sheriffs. These websites require duplicate data entry to populate and often contain discrepancies in the completeness and accuracy of information presented. GBI's SOR website, host to approximately 8 million offender searches a year, does not contain contextual information important to the public's perception of risk and its information is poorly presented. Further, it provides information only on those registered offenders residing in a county; the public cannot identify those offenders who go to school or work in that county.
- **Agency Process Problems** – We identified a number of inefficiencies in agency processes that contribute to the problems with the SOR database. For example, significant delays occur in GBI's addition of out-of-state offenders to the Registry. Local variations exist in how quickly GDC

registers offenders released from prison or sentenced to probation. Risk classifications performed by SORRB do not keep up with the tide of new sexual offenders and classification results are not adequately communicated to the public. Sheriffs are not consistent in their maintenance and updates of registry information.

The current Registry's inadequacies exist for a variety of reasons. Some of these are inherent to the process of registering sex offenders and are not unique to Georgia. For example, to a great extent, effective sex offender registration relies on the cooperation of sex offenders themselves. Also, coordination among state and local law enforcement, corrections agencies, and other state entities is difficult to accomplish but critical to success. Georgia's SOR problems begin with outdated technology, particularly within GBI's registration database, that impedes the effective flow of information among agencies and requires a number of inefficient "workarounds" to adapt to. Additionally, current sex offender legislation creates a number of inefficiencies, although some were recently addressed by HB 571. Finally, all of the entities involved can improve their own processes to facilitate better management of information. The following findings detail the reasons the problems have occurred and recommend solutions.

**GBI's Response:** *GBI's responses to the audit's statements about the database, website and GBI's program operations are included at the end of each finding, as applicable (pages 16, 21, and 25). Overall, GBI cited a lack of funding and staffing as major obstacles to improvements in those areas.*

*GBI noted that for several years, "GBI management has endeavored to identify and overcome the many challenges that exist in operating the Sex Offender Program with statutory responsibilities split among many agencies and utilizing an obsolete computer system. The GBI has worked collaboratively with other involved state agencies and the sheriffs' offices in proposing solutions. It has sought federal and state funding to implement solutions. For the most part, these efforts have been unsuccessful."*

*"The GBI appreciates the care with which the auditors reviewed the program. As stated, the GBI intends to utilize information from the [report] to make improvements to the program procedures. It is the GBI's fervent hope that the [report] will result in sorely needed additional resources being provided to the program, which will benefit both law enforcement and the public. The appropriate allocation of resources, whether in the form of a new computer system or increased staffing, is the key to an improved State Sex Offender Program."*

**The computer system used to store the state SOR is outdated and inflexible to the extent that it must be replaced in order for the Registry to meet the needs of state agencies and local law enforcement.**

The computer program that GBI uses to maintain the state's SOR is of such obsolete technology and restrictive design that its limitations are the source of much of the inaccuracies and incompleteness we identified. Its current configuration imposes barriers both to data entry and data retrieval. As a result, the state Sexual Offender Registry does not meet the needs of the state and local agencies that register, monitor, and manage sex offenders.

When the SOR law was passed in 1996, GBI created the new database on an existing mainframe platform. GBI officials can enter individual records and generate database reports, while certain employees in sheriffs' offices can access individual offender records through Georgia's Criminal Justice Information System (CJIS) network. No other entities have been provided access to the database itself, though, as shown in **Appendix B**, a limited portion of SOR information is available on the GBI website.

We noted the following problems with ensuring that accurate and complete information can be entered into the registry database:

- **Inflexible data structure leads to incomplete and inadequate registry content.** The GBI's Sex Offender Registry database does not contain all information required to be obtained under state law, including information considered to be useful for sex offender management. Data elements remain virtually unchanged since originally defined in response to the 1996 law. According to GBI computer staff, additions of new fields cannot be made unless an existing data element is removed to make space. As shown in **Appendix B** not all elements required by current law are maintained in the database. An effective system would be easily adaptable to changes in law.

Legal compliance is not the only concern regarding the information stored in the database. In our survey, 86% of the sheriffs' offices responding stated that having access to additional information would facilitate monitoring and management of sex offenders; 90% noted that having access to additional information would be useful to general law enforcement; more than half noted they locally maintain information on aliases, vehicles, temporary addresses, and "scars/marks/tattoos", among other elements. This information is collected on the SORN form, but since it cannot be stored in the state SOR, sheriffs must maintain this type of additional information in their own electronic or paper files, which are not readily available to other jurisdictions. An effective system would provide the flexibility to add and modify data as users require.

- **Overly restrictive access impedes accuracy and delays updates.** Inaccuracies in the SOR can be partly attributed to the limited number of data fields that sheriffs are authorized to change. Currently, sheriffs' access is limited to updating residential, school and work addresses and indicating incarceration. They cannot update other relevant and changing information, such as the offender's photograph and current weight. A comparison of a sample of offender files on the state Registry and sheriff websites found that the photographs showed significant differences<sup>5</sup> for 19 of 69 offenders. The weight varied by more than 20 pounds for 13 of 53 offenders. An effective system would give users access to all fields for which they have the most current information.

Because the SOR database is accessed through the CJIS network, access to the SOR is currently limited to staff in sheriffs' offices that possess National Crime Information Center/GCIC certification. Generally, the officers responsible for registering, monitoring, and managing sex offenders do not

---

<sup>5</sup> Differences noted by the audit team included significant changes in hair length/color, facial hair, aging, or noticeable weight change.

have the certification necessary to look up or update information in the Registry. As a result, sex offender investigators and other law enforcement officers must request assistance to retrieve information from the Registry, or to have information changed. In our review of 14 counties demonstrating what appeared to be extremely high numbers of offenders delinquent at reporting, a majority cited limited access to the system as the cause of their failure to update the GBI Registry with more recent residence verification dates. An efficient system would give access to the users who most need it.

- **Inability to accept data transfers introduces opportunities for error and delays input of important information.** The technological limitations of the SOR are a barrier to the transfer of information to GBI from external entities. The GBI system is not equipped to accept the more current information often contained in systems operated by GDC and many sheriffs' offices. For example, local sheriffs must update information on each offender in their own system, and then separately update the state SOR. The duplication of efforts introduces opportunities for data entry error.

This inability also affects the timing of information entry into the system. From its own system, GDC can transfer only new registrations to the SOR. Bulk transfers of information on already-registered offenders are not accepted by the current SOR system and updates must be handled individually via the CJIS network. For this reason, GDC prison staff holds registration until just before or after an offender's release. This limitation introduces a lag between release and registration if registrations are rejected for technical reasons and prevents SORRB risk classifications from being entered before an offender's release. An efficient system would allow for transfers of current information to automatically update the database.

- **Inadequate validation processes increase likelihood of errors and increase risk of missed offenders.** Accurate reports are dependent on the entry of consistent information, but the SOR database has inadequate validation processes to enhance accuracy. Examples of validation processes include edit checks to limit the type of information entered in a field, automatic entry of city names based on zip codes, or built-in links to address databases that ensure offenders provide a valid address. The lack of these processes increases the likelihood of inaccurate results when searching the offender database. In a review of 50 address entries, we found 13 with errors that would cause the offender not to turn up if searched by street name. A similar problem exists when searching by city. For example, a citizen or officer searching for offenders in Ball Ground, Georgia would find 12 but would miss the 3 offenders listed as living in "Ballground". At a minimum, an effective system would guard against typographical errors. Ideally, the system would automate the entry and verification of as many fields as possible.
- **An incomplete "audit trail" reduces data reliability and impedes troubleshooting.** The current system identifies the last individual or location to make a change in a registry listing, and notes the date that change was made. However, the user cannot determine what fields were changed on that date or their previous values. Similarly, there is no way to determine the



effective date of an entry such as an address. These gaps increase the risk that newer information can be accidentally overwritten. This is especially likely because of local delays in updating the GBI system as discussed above. For example, an offender may be placed in County A's jail on Monday and his address immediately updated in the state SOR. However, on Wednesday staff in County B finally enter the offender's address provided two weeks earlier at his annual verification. The inability to document the source and timing of every change also limits the ability of GBI or local officials to act on incorrect information once it is identified. This limitation will also impede recommended efforts to improve the accuracy of the database. An effective database would allow tracking of every entry, its effective date, and its source.

In addition to the deficiencies related to entering information into the system, sheriffs' offices reported difficulties retrieving information once entered. These deficiencies include:

- **Limited notification functions force reliance on person-to-person communication among jurisdictions.** Sex offender legislation requires GBI to notify within 24 hours the sheriff of any county in which an offender resides, works, or goes to school when that information is added *or changed* in the Registry. Upon initial registration, the system provides automated notification to the sheriff in the county where the offender will be residing, but no notifications are sent when information changes. If an offender later provides a new residence address, or a school or work address, in another county, no message is sent. For this reason, the Georgia Sheriffs' Association recommends that the sheriff's office in the offender's current residence county contact the sheriffs of the counties containing any new addresses. An efficient and effective system would allow for complete reporting capabilities to all relevant parties.
- **Lack of user search/report ability impedes sex offender monitoring and management and impedes sex crime investigations.** The system provides no ability to create offender listings that are necessary for effective sex offender management. For example, no mechanism exists to identify all registered offenders residing, working, and attending school in a particular county. Officers cannot track delinquent verifications, find new information on absconders, or follow offenders in jail or prison. Instead of being able to search for relevant factors, the officer must know each offender's name or other identifier in order to bring up his registration information, and can look up only one offender at a time.

Because of this limitation, the Registry cannot be used as a tool to manage sex offenders at the local level. As a result, 55 of our 100 sheriffs' survey respondents use the GBI public website to list offenders in their counties, even though it contains less information. Another 31% use local websites or internal databases to pull lists of local offenders. In total, 97% of our respondents stated the need to create lists of relevant offenders as part of their sex offender management process. An efficient and effective system would provide for standardized and ad hoc reporting capabilities to pull information from the Registry as needed.

### ***Cobb County's Sex Offender Management System***

The Cobb County Sheriff's Office contracts with a private company to provide a web-based sex offender registration, management, and community notification system. Sheriff's Office administrative and law enforcement staff were enthusiastic in their support of the OffenderWatch® system and its benefits for both managing sex offender registration and investigating new sexual offenses. They stated that the system streamlines registration and address verification processes, offers law enforcement and the public detailed maps containing offender's addresses and locations of prohibited areas, provides community email alerts, and allows for the transmission of data from one jurisdiction to another. Additionally, the system collects and stores more information than the GBI database and makes notifications to other agencies and the public easier to disseminate.

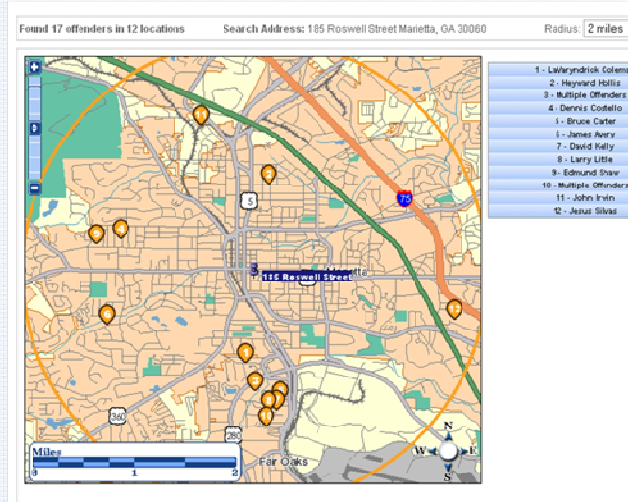
The OffenderWatch® system streamlines Cobb's annual registration process. Information already in the system is used to electronically populate forms, such as the 6-page SORN form. The system also produces a list of offenders required to re-register in a given timeframe, so that Cobb staff know which offenders to expect for re-registration. If required information is not captured, the system will alert the user. Once the annual re-registration is complete, the system provides the next scheduled registration date. Officers can also create lists of assigned offenders based on address, making visits to offender homes or workplaces easier to plan and organize.

In contrast to the limited information on the GBI SOR database, Cobb officials can use the law enforcement-only section to store detailed information on each offender, such as physical traits, scars, and tattoos; multiple photographs, addresses and phone numbers; vehicle history, aliases, email addresses and screen names, and more. Officers can also add notes to an offender's profile, including notes from investigations and address verification visits, expanded physical description details, conditions and restrictions of offenders on probation, past addresses, tattoos, and vehicles, and offense information, such as the type of offense and victim information. When a new sexual offense occurs, investigators can use the system to create a list of offenders matching certain criteria, such as physical description, vehicle make/model, or victim information.

If other jurisdictions are using Offenderwatch®, the system will provide automatic notification and sharing of information. When an offender moves to another OffenderWatch® county, the system notifies Cobb when the offender registers in the new county. Cobb officials can then share relevant information on file by transferring the offender's file to the new county. Also, when an offender reports to Cobb sheriff's office that they will be working or attending school in another county, the system automatically notifies that county if it is part of the OffenderWatch® network. Without OffenderWatch®, these notifications must be made via telephone or email.

The system also provides Cobb law enforcement officers and citizens detailed maps of offender locations. The Sheriff's Office worked with the vendor to input county-level GIS information and a list of restricted locations (e.g., schools, daycare centers). Sheriff's staff or the offender can create a map showing the offender's address with flags to identify restricted locations that may be nearby. This function can be used in locating a suitable residence for the offender that is not in violation of residency restrictions. On Cobb's website, citizens can enter their home address or other address of interest and generate a map pinpointing offenders in the area.

It should be noted that GBI cannot currently accept information transmitted from OffenderWatch® or any other system; therefore, Cobb staff must separately update the GBI Registry.



- **Limited search capabilities reduce access to and value of information contained in the Registry.** The need to search the registry database is not limited to sheriffs' management of sex offender registration. The system does not allow for ad hoc reporting in order to identify suspects in new sex crimes, for GBI and sheriffs to ensure data quality, or for providing relevant information to state agencies, state leaders, law enforcement, and the press. Search requests require a staff programmer to create and run them. An effective system would allow for real-time searches by any number of parameters without requiring programmer intervention.

Utilizing more current technology for maintaining the state SOR would enhance the management of the Registry, enhance public safety, and facilitate compliance with state law. It should be noted that GBI has made (unsuccessful) attempts to obtain state and federal funding to develop a new SOR system since 2006, citing some of the problems outlined above. However, it may not be necessary to design and develop a new system. Commercial sex offender registration programs are an option used by some other states and by local law enforcement agencies in Georgia and across the country. In fact, as of July 2010, almost 40 Georgia sheriffs were listed as using the product of one of these companies, WatchSystems, to maintain their sex offender information and local SOR websites (see the case study on the preceding page about Cobb County's upgraded technology solution).

#### RECOMMENDATIONS

1. GBI management should pursue the development or purchase of a new system, considering both state statute and the needs of SOR users, such as sheriffs' offices, GDC, and the Sex Offender Registration Review Board.
2. GBI should ensure its new system balances the need to maintain data security with the functional needs of the system's users. Access to the system should be tiered based on the user's role and the user's need to retrieve or submit relevant information.
3. GBI should ensure that any new system addresses the problems identified in this finding, and includes the following attributes:
  - a. Flexibility to add or modify fields as required
  - b. Ability to accept additions or updates transmitted by other systems in real time
  - c. Enhanced validation process, such as edit checks and address validations
  - d. Documentation of content changes with their sources identified by user and effective date
  - e. Expanded and easily-defined notification and reporting capabilities
  - f. Greater search capabilities
4. GBI should also consider our recommendations for improvements to its public SOR website (pp. 20-23) when determining the functionality required for its new system.
5. Because the successful implementation of a new SOR Registry affects multiple state and local government agencies as well as the public, GBI should ensure that

best practices are followed for system implementation. The agency should ensure all stakeholders' needs are considered.

**GBI's Response:** *"The GBI agrees with the Draft Audit Report's conclusion that the 'computer system used to store the state's SOR is outdated and inflexible to the extent that it must be replaced.'" GBI noted that it has previously made the same recommendation.*

*GBI also stated, "In the years prior to this Audit, the GBI has been proactive in its efforts to shed light on the computer issues identified by the auditors in Recommendations 1 to 3. GBI has identified each of these functionalities in previous briefing documents, presentations and grant applications." These documents were created and provided to various audiences including the Governor's Office and Georgia Board of Public Safety between 2005 and 2007.*

*"The GBI has sought either state or federal funds to develop and/or purchase a new computer system since 2005. These efforts have been unsuccessful. On June 30, 2010, the Governor's Office requested another one-year extension for compliance with the Adam Walsh Act. The programming for a new computer system will be dependent on the Governor's decision regarding compliance with Adam Walsh Act; however, regardless of that decision, a new system is sorely needed."*

*Regarding Recommendation 2 (system access), GBI stated that state and federal laws limit the ability to "submit information directly into the registry" to those individuals trained and certified to use the Criminal Justice Information System (CJIS)." GBI also noted that it is a resource issue for sheriffs' offices to determine how many staff members obtain NCIC/GCIC certification. "GBI has been seeking funding for a web-based system, which could enable users to update/access SOR records without requiring specific certification."*

*Regarding Recommendation 4 (website improvements), GBI agrees, subject to their comments at the end of our website finding on page 21.*

### **Current SOR laws hinder the maintenance of a complete and accurate Registry, limiting its effectiveness as a tool for law enforcement and the public.**

With passage of House Bill 571 during the 2010 session, the General Assembly made several changes to the state's sex offender laws; however, these changes did not address all provisions that make maintenance of an accurate and complete sex offender Registry difficult. Our review found that the state's SOR laws require duplication of effort, do not clearly assign responsibility for all tasks, and do not require the classification of all offenders. Addressing the following issues would facilitate the state's ability to maintain a complete and accurate sex offender Registry:

- **Remove requirement for local websites** – The requirement that each sheriff maintain a website listing local sex offenders is inefficient, resulting in a duplication of effort and the creation of up to 160 "official" state sex offender registries. Since sheriffs are responsible for updating the state SOR, a separate, local website requires sheriffs to update information in two locations. As discussed elsewhere in the report, we found numerous

examples of discrepancies between local websites and the state Registry. The sheriffs' offices had updated one site but not the other, diminishing the reliability of both. It should be noted that local websites can be beneficial, especially in those counties that have the resources and commitment to create a website with more comprehensive information than the state SOR website.

- **Set policy for inclusion of work and school information in state and local SOR websites.** Current Georgia law sets no standard for the inclusion or exclusion of this information, resulting in inconsistent information from one website to another. The GBI website provides neither work nor school information. However, we found that a few sheriffs post specific employment information, others list the offender in a search of his county of employment but do not give a work address; the balance do not provide any employment information.

While other states generally provide this information to law enforcement, they have established varying policies in determining whether a sexual offender's employment and education information should be made public. Some states have decided that this information is relevant to the public's assessment of risk, if an offender spends most of his day in an area outside his place of residence. Others limit this information, concerned that providing employment information makes it harder for offenders to find jobs, creating instability that may lead to recidivism. A December 2008 SOR website survey (stateline.org) found that at least 18 states listed employment information, but the level of detail varied. For example, one state showed just the city and state of employment, another provided the name of employer and the company's address.

- **Address subsequent incarcerations of registered offenders** – Prior to passage of HB571, offenders were required to meet registration requirements during subsequent periods of incarceration. Sheriffs in those counties with state prisons had to work with GDC officials to track the movement of incarcerated sex offenders in and out of their counties. The new legislation removes the compliance requirements while an offender is incarcerated, which is reasonable given that incarcerated offenders are not threats to the community and do not need to be monitored by a sheriff. However, some mechanism is needed to ensure that a registered offender's entry and release from incarceration are properly documented in the SOR.
- **Clarify authority for determining eligibility for Registry** – While the law states that GDC will register offenders convicted in Georgia, it does not specifically state that authority for determining eligibility resides with GDC. In fact, the SOR law requires that the clerk of the court send a copy of the offender's conviction to the SORRB, as if the clerk of the court is responsible for identifying sexual offenders. As noted on page 6, GDC currently identifies offenders sentenced in a Georgia court, but determining eligibility for the SOR is not a straightforward process. The criminal offense may not be the determining factor; instead, registration may be required by the nature of the act(s) and the age of the victim. These complicating factors can lead to disagreements between district attorneys and GDC, with sheriffs caught in the middle.

- **Adjust registration and reporting deadlines for sexual offenders sentenced directly to probation** – The requirement that these offenders be registered before placement on probation is impossible for GDC to meet. Current law requires offenders not be “released from prison or placed on parole, supervised release, or probation” until they are added to GBI’s registry. This is a reasonable requirement for all offenders except for a relatively small subset sentenced directly to probation without a period of incarceration. In these cases, GDC probation staff first obtains notification of the existence of these offenders when sentencing documents are received.
- **Expand risk assessment requirements** – The SORRB does not assess all of the populations required to register, which results in a group of offenders for which recidivism risk will never be determined. For those convicted of sexual offense prior to July 1, 2006, the SORRB can only perform risk assessments if the criminal act was against a minor. For example, while an offender convicted of rape of an adult (or released from prison for an earlier rape conviction) on or after July 1, 1996 is required to register as a sex offender, only those convicted for rape after July 1, 2006 are to be evaluated by the SORRB. A similar gap exists regarding the assessment of those sentenced directly to probation for a sexual offense.
- **Enable information sharing among agencies** – The SORBB, GDC, and the SBPP all obtain and review court documents and investigative files of sex offenders. However, information obtained by SBPP cannot be shared with the SORBB for its efforts to classify the risk of offenders. SBPP officials point to O.C.G.A. 49-9-53(b), which classifies all documents provided to the SBPP as “confidential state secrets” until declassified by the Board, as the reason that the information cannot be shared.

It should also be noted that the law’s provision for lifetime registration will contribute to a much larger Registry in the future. As shown in Exhibit 2 on page 8, the number of registered sex offenders has grown significantly since 2006 and is projected to double by 2020. (House Bill 571, passed during the 2010 session, provides expanded opportunities for low risk offenders’ eventual removal from the Registry upon appeal, but its impact on the projected increase is unknown at this time.) The larger the registry, the more resources sheriffs’ offices must devote to maintaining offender registration. Eventually, this will result in a large proportion of resources being devoted to offenders who were convicted decades earlier and classified as low risk by the SORRB, and who have not been arrested for a subsequent sexual offense.

#### RECOMMENDATIONS

1. The General Assembly should consider amending state law to make the creation of a sheriff’s website listing local sex offenders optional. Sheriffs should be able to link directly to their county’s offenders on the GBI site without the expense of maintaining a separate website. Sheriff’s offices or county governments should be able to maintain individual sites if they wish, especially given the current deficiencies of the state Registry and website.

2. The General Assembly should consider setting policy as to whether employment and school attendance information is made public on state and local websites.
3. The General Assembly should consider amending state law to make the sheriff responsible for updating the state SOR when a registered sex offender is incarcerated in a county jail. If transferred to state custody, GDC should be responsible for updating the SOR to reflect incarceration in state custody.
4. The General Assembly should consider clarifying which entity or entities has authority for determining if an offender is eligible for registration.
5. The General Assembly should consider consulting with GDC and sheriffs' representatives to determine feasible registration and reporting timeframes for those offenders sentenced directly to probation for a registerable sexual offense.
6. The General Assembly should consider modifying current sex offender legislation for the Sexual Offender Registration Review Board to ensure that all offenders required to register will have a risk assessment performed by SORRB.
7. The General Assembly should consider if the SORRB should be given an exemption allowing it to obtain information from the SBPP. The information could be limited to the same documents that it would otherwise receive from a third party, as opposed to SBPP-created documents that contain SBPP analysis of an inmate's eligibility for parole.
8. The General Assembly should consider revisiting the requirement for lifetime registration for all sexual offenders. In order to ensure that appropriate resources are devoted to higher risk offenders, low-risk offenders who have not reoffended for an extended period of time could be removed from the SOR.

### **GBI's SOR website requires improvements to functionality and visual appearance in order to provide users with better access to useful information.**

Although not required by state law, GBI officials created the state's SOR website to provide the public with basic information about the state's sex offenders. The website provides information such as an offender's photo, address, crime, and physical description, but it does not provide sufficient contextual information regarding the risk posed by sex offenders, an important aspect for a public site. As shown in **Appendix D**, it is also not well organized, giving poor placement to important links and prominence to less relevant information. The result is an inefficient tool for law enforcement and a poor resource for the public.

The limited attention given to design and management of the SOR website<sup>6</sup> is not commensurate with its use. The site hosts over 500,000 "page views" and approximately 8 million sex offender searches in one year<sup>7</sup>. The website is the only official resource where law enforcement and the public can access information on all

---

<sup>6</sup> [gbi.georgia.gov/00/channel\\_modifieddate/0,2096,67862954\\_87983024,00.html](http://gbi.georgia.gov/00/channel_modifieddate/0,2096,67862954_87983024,00.html)

<sup>7</sup> Sex Offender Program pages represent 70% of the activity on GBI's website, even without counting multiple searches performed by an individual user.

registered sex offenders in the state of Georgia. It is used by law enforcement to manage sex offenders and to review accuracy and completeness of local registry listings. Our sheriff survey indicates that 55% of sheriff's offices use the public website to obtain lists of all sex offenders in their county, and 81% listed it as a source of information used in managing sex offenders.

GBI's SOR website does not provide users with valuable contextual information<sup>8</sup> that can inform the public of the limitations of sex offender registries and explain how to use (or not use) the information. Sex offender registries do not guarantee the safety of the public; they simply provide law enforcement and the public with the residential address of offenders convicted of specific offenses. Georgia's website does not provide users with basic information on typical offender/victim relationships and limitations of the usefulness of a SOR for ensuring personal safety. As noted by California's Sex Offender Management Task Force<sup>9</sup>, community notification "is most effective when provided in the context of broader community education about abuse prevention, sexual victimization, sexual offenses, effective supervision and management of sex offenders." This is because studies have shown that approximately 90% of sexual offenses are perpetrated by someone the victim knows (e.g., family member, coach, teacher, etc.). In addition to offender listings, other state registries include resources such as safety tips and detailed "Things You Should Know" and "Myths and Facts" sections. Many of these resources are of great value to informing the public of the risk posed by sex offenders. The audit team found that 40 of 49 other states include contextual information regarding the use and limitations of information in sexual offender registries.

Additional misinformation comes from the way the SORRB's risk classification determinations are communicated on the GBI website. The U.S. Department of Justice (DOJ) has noted that, "for sex offender registries to be helpful tools, it is important that they provide the information the public needs to assess the threat posed to them by different sex offenders." In Georgia, SORRB's research-based assessments, which are based on an individual's background and criminal history, are critical to the public's understanding of risk posed by specific offenders. However, these classifications are poorly represented on GBI's website. A single field on the website designates an offender as "ABSCONDER," "PREDATOR," or "NO." Because GBI has set the field to default to "NO," this listing implies an offender is not a predator when in fact his risk to reoffend often has not yet been assessed, potentially providing the public a false sense of security. In contrast, GBI does not display the lower risk Level I or Level II classifications, which apply to over 95% of offenders assessed by SORRB. (By law, these classifications are required to be included on sheriffs' websites.) It should also be noted that because the display is limited to one of three options, the website cannot accurately designate a predator who has absconded; studies have shown a non-compliant predator poses the greatest likelihood to reoffend.

---

<sup>8</sup> As shown in Appendix D, GBI's main sex offender page does list these items at the very bottom of the page, amid other links: The Web address for Prevent Child Abuse Georgia is <http://www.preventchildabusega.org/html/demo/> and the Center for Sex Offender Management <http://www.csom.org/>.

<sup>9</sup> The Task Force's findings were based in part on information from the U.S. Department of Justice Center for Sex Offender Management.



Finally, the SOR website is poorly organized and the web pages do not maintain a consistent page layout and style throughout the main page and search pages. As part of our review, the audit team compared Georgia's sex offender website to those maintained by each of the 49 other U.S. states and over 60 Georgia sheriff's offices. In many cases, we found these agencies' websites to be simpler to navigate and better organized, making it easier to find desired information. GBI's SOR website contains information critical to law enforcement and the public at the bottom of several pages of scrollable text (**Appendix D**). By contrast, accepted guidelines suggest web pages be limited to one page, eliminating the need to scroll up or down. The most important aspect of the website is the link to the Sex Offender Search Page, where law enforcement and the public can search for offenders by name or location. This link, along with links to the Predator and Absconder search pages, is located on the side of the homepage in a small grey text box and again at the bottom of the excessively long page. SOR-related data files, which include downloadable registry data, a map of Georgia sex offenders by county, and summary statistics, are also located at the bottom of the page. Also of concern is that links to offender search pages on GBI's website takes users to a new window with an entirely different appearance. The GBI logo and links to other GBI pages are missing, as is important disclaimer information about the use of the search engine. This is a critical omission, because a number of sheriff sites link directly to the search page, as does the National Sex Offender Public Website [www.nsopw.gov](http://www.nsopw.gov).

#### RECOMMENDATIONS

1. GBI should add additional contextual content on both the home page and search pages so that users of the information are fully informed of the limitations of sex offender registries and the data contained therein.
2. GBI should make a clear distinction between predators and absconders on its website, and ensure that explanatory information is included about each.
3. GBI should implement scheduled content review to ensure that functionality is maintained over time.
4. GBI should work with the Georgia Technology Authority (GTA) to improve the organization of the public sex offender website. Many of the issues identified above can be addressed at minimal cost by working with GTA. GTA staff is available to assist state agencies in organizing website content so that users can easily locate valuable information.

**GBI's Response:** *The GBI acknowledges that the format and design of the public registry could be improved. Additionally, while basic useful information on the offender is provided, GBI will conduct and implement scheduled content reviews to improve functionality. The GBI has identified the need for a webmaster as a potential critical hire; however it is not known if funding will be available. The Georgia Technology Authority hosts and supports the public Sex Offender Registry website. Once final, the GBI will provide the report to GTA for their review and implementation of the recommended changes."*

*"The GBI has personnel assigned to a statewide working group created to improve agency websites. The GBI will utilize these Recommendations when making changes to its website. The GBI will also request assistance from GTA in implementing the identified 'minimal cost' issues."*

*Regarding the inclusion of Level I and Level II classification, GBI noted that only a small portion of offenders have been assessed by the SORRB and that providing this information may actually provide a false sense of security. GBI officials stated that even with additional information, the public can never accurately assess the risk posed by sex offenders. GBI will seek guidance on this issue as the current statute does require sheriffs to include risk assessment classification on their local sites.*

### **GBI has not established adequate management controls over SOR program operations.**

GBI's SOR program operations do not reflect a systematic management approach, resulting in staff that are generally reacting to problems rather than employing proactive approaches to prevent or identify them. This environment, which has contributed to several SOR deficiencies, could be addressed by improving the program's policies and procedures and improving management oversight of program operations.

Our review of GBI's SOR operations included reviewing a sample of transactions, such as adding and deleting offenders from the registry and processing transfers to other states, to determine if SOR personnel had met appropriate requirements. We also compared the program's written policies and procedures to requirements of state law and regulations, and the agency's data quality review process and the oversight of the SOR personnel by GBI management. Additional reviews of the GBI database itself and the public website are included in other findings.

Deficiencies noted during our review of GBI's SOR operations include:

- GBI did not consistently respond in a timely manner when sheriff's offices requested information on an offender's registration eligibility, resulting in registration delays, and, in one instance, completely losing track of a possible sex offender who moved to Georgia. When offenders arrive at a sheriff's office but are not already on the state registry, the sheriff's offices fax copies of registration information to GBI. GBI is expected to follow up with either GDC or other state law enforcement entities to determine the offender's registration eligibility. GBI places the faxed requests into a pile and works on them intermittently.
- Based on a review of GBI records related to a sample<sup>10</sup> of faxed registrations received in the fall of 2009, it took a median of six days for GBI to initiate follow-up with the appropriate agency. The timeframe was much longer in some cases. In one instance, nearly four months after the initial request, GBI could not locate the request or any follow-up GBI staff may have done. In another, an offender had not been entered into the registry several months after GBI was first notified the offender was required to register.
- GBI does not consistently mail out-of-state notification letters to other states. A review of the files of 20 offenders reportedly moving to an out-of-

---

<sup>10</sup> We could identify the date of GBI's first action in only 16 of the 22 cases in the original sample.

state address found that the state SOR representatives for five were not sent a notification letter as required by GBI policy. These letters are mailed to other state's law enforcement agencies to serve as notice that a sex offender registered in Georgia is relocating to their state. It should be noted that an electronic notification is sent through CJIS to the other state's primary law enforcement entity when an offender's address is changed to another state.

- GBI does not provide all relevant information in the notification letters that are sent to other states. In its notification letters, GBI does not provide an offender's risk classification level, even for those offenders classified as predators. This is not required by state law or GBI policy, but personnel in another state we contacted indicated that a predator designation in Georgia would automatically lead to a similar designation and increased monitoring of that offender in their state.
- GBI does not review SOR entries for obvious errors included in new registrations. As noted in an earlier finding, the database contains errors that would be mitigated by an updated technology solution. However, in the meantime, even a cursory review process would likely identify some errors. For example, we found thousands of instances in which the street number field contained the first several letters of the street name. In these cases, a person searching the registry by street name would not find all offenders living on that street. GBI administrators state that the Program "no longer conducts a cursory review due to loss of staff."

During our review of controls that should prevent and/or detect these deficiencies, we determined that a more systematic approach to managing the SOR program was necessary. Effective management requires the identification of the objectives of the SOR and a determination of the steps to meet those objectives. Objectives would likely include providing law enforcement and the public with the type and quality of information useful for decision-making. Compliance with state and/or federal laws is not the only factor to be considered. Once identified, program responsibilities and associated activities should be documented in policies and procedures and program activities monitored by GBI management.

#### **Policies and Procedures**

The policies and procedures for the SOR program are incomplete. State sex offender law requires GBI to establish operating policies and procedures concerning record ownership, quality, verification, modification, and cancellation. When adequately developed, policies and procedures encourage consistency in day-to-day operations, allow management to direct operations without having to be involved in every step, and provide employees with an understanding of individual and team responsibilities. Sound operating procedures also minimize the opportunity for fraud and allow a more seamless transition of responsibilities when there is a change in program personnel. Policies and procedures should clearly describe each process from start to finish, including management review of staff activities and any required follow-ups.

The U.S. DOJ *Center for Sex Offender Management* notes that agencies need procedures that "delineate a clear system for the collection and maintenance of thorough, accurate, and current information on registered sex offenders." In order to be an

effective tool for managing the program, the SOR policies and procedures must include all responsibilities delineated in state law and agency rules and regulations. Our review found responsibilities not covered in written policies, incomplete policies, and policies that do not consider potential inappropriate actions by staff. Examples include the following:

- Policies do not address how to remove an offender from the registry upon death, court order, or improper entry.
- Policies do not include methods for modifying or updating an offender record.
- Policies do not detail procedures for updating the SOR website each day.
- Policies do not include mailing quarterly list of offenders to each sheriff.<sup>11</sup>
- Policies often do not include an expected timeframe for employee action, such as updating offender photos and researching registration eligibility for offenders who report to a sheriff but are not already registered.
- Policies do not require management review of all SOR record deletions. While there is no evidence that this has occurred, unauthorized removal of an offender is an inherent risk.

### **Performance Monitoring**

Although its website states that GBI “makes every effort to ensure that the information contained in the Georgia Sex Offender Registry is accurate”, the agency does not produce performance reports that would allow an assessment of SOR data quality, nor does it have another formal review process to identify data problems. Instead, GBI officials rely on sheriffs’ offices, GDC, and the public to identify problems for correction.

Prior to September 2008, monthly reports detailed registry activity, such as the number of new offenders, photos received and entered, annual verification letters mailed and returned, number and reason for deleted records, and other items. If used properly, this information could assist program officials and GBI management to monitor registry accuracy and completeness. (It should be noted that only a single month’s activity was included in each report and that the inclusion of multiple months would have been more informative as to ongoing program performance.) In September 2008, GBI stopped compiling much of the information; management stated that the decline in performance reporting was due to staff reductions experienced at that time.

### **Management Oversight**

We found that GBI management should provide better oversight of SOR activities. Even when policies and procedures are in place, agency management must provide a level of supervision necessary to ensure that the program’s objectives are being met. This requires reviewing performance reports and taking steps to ensure that policies and procedures are being adhered to.

---

<sup>11</sup> Mailing quarterly lists of offenders to sheriffs is listed in GBI rules and regulations but not in policy. GBI officials indicated that they no longer provide the listings.

As noted above, monthly performance reports are vital to determining if the SOR program is providing a complete and accurate registry. Without adequate reports, management is unable to adequately monitor the quality and timeliness of work done by SOR program staff. One example of an activity that should be included in reports and reviewed by management is the practice related to determining the eligibility of a non-registered offender reporting to a sheriff's office. SOR program officials' current practice does not include maintaining a log of the initial request by the sheriff or the subsequent follow-up. Therefore, management is unable to review the appropriateness or the timeliness of employee activities associated with requests.

We also found that management is not ensuring employees are consistently following those policies and procedures that have been established. The audit team identified examples of policies and procedures in place but employees inconsistently following them, including documented delays in registering some offenders, omissions in updating offender's photographs, and failures to notify other states' law enforcement agencies of sex offenders moving to their state.

### RECOMMENDATIONS

1. GBI should develop complete policies and procedures for the Sex Offender Registry program, ensuring that all responsibilities outlined in state law, GBI rules and regulations, and GCIC operation bulletins are addressed. Efforts should be made to consider input from relevant agencies regarding ongoing problems. When performance aspects, such as timeliness, are not explicitly stated in the authorizing statute/rule, GBI should develop reasonable standards to ensure that expectations of program employees are clear.
2. GBI management and staff should resume reporting and reviewing performance data concerning registry-related activities and take appropriate action when problems are identified. These reports should also be aggregated over time to identify trends.
3. GBI management should develop processes to monitor the work done by SOR program staff. This includes ensuring adherence with policies and procedures already in place.

**GBI's Response:** *GBI officials indicated that they have effectively managed the SOR program, given the limited resources that are assigned to it. They noted that in August 2008 the program's staffing decreased from 6.5 to 3 positions, impacting the effectiveness of its operations. However, "the GBI agrees with the gist of the recommendations...as to the need for improved procedures."*

*With the benefit of information provided by the audit team, "the GBI is currently reviewing and will revise its procedure for researching and handling of pending cases." Regarding the two instances of untimely response, GBI concluded that they happened during a management and staff transition in September 2009. In this context, GBI also points out the complexity of determining registration requirements for out-of-state offenders and notes that 388 out-of-state offenders were added to the registry in fiscal year 2010. The GBI also advised that one of the two cases was an in-state offender and there were 1393 in-state offenders added in fiscal year 2010.*

*GBI stated that the out-of-state notification letters will be revised to include the predator status. Finally, GBI's response stated that it "should be noted that the GBI management team has recognized the gaps identified in the review and has directed that the procedural deficiencies be remedied in the first half of fiscal year 2011."*

**Auditor's Response:** We agree that program operations are impacted by the number of staff assigned, and GBI has a small staff assigned to the SOR program. However, with the exception of the monthly performance reports, we did not find that the issues in the finding were the result of a loss in staff. For example, the development of complete policies and procedures could have occurred in the years preceding the budget reduction. Additionally, current staff was able to make revisions to the existing policies and procedures during the audit.

Further, we cannot directly attribute the untimely responses we identified from a two-week sample in September 2009 to be the result of a management transition that occurred around the same time. We requested the list of incoming pending files be created because no such log existed as part of routine program management during the entire period covered by the audit. Well before September 2009, we observed a stack of "pending files"; extended observations and discussions with management and staff confirmed that no other process (such as a log) existed to ensure that all reported problems were followed up on in a timely manner. Our request to create a sample log and our efforts to track outcomes on the listed offenders was intended to demonstrate the effectiveness of the routine use of such management tools.

### **GDC largely meets its responsibilities regarding the maintenance of a complete and accurate sex offender registry, but the agency could make improvements in its monitoring and documentation.**

Improved monitoring of staff responsible for the identification and registration of sex offenders would likely improve the current inconsistent compliance noted in some prisons and probation offices. In addition, although GDC has developed reasonable processes for identifying and registering sex offenders, a few related practices are not adequately documented.

GDC is responsible for identifying and registering all sex offenders convicted in Georgia, whether they are sentenced to prison or directly to probation. The Department has created a Sex Offender Administration Unit to oversee or advise the different GDC parties that are involved in the process, depending on the offender's sentence.

- **Sentenced to prison** – Since 2007, four Sex Offender Classification Examiners review the record of every inmate upon entry to the prison system and again when scheduled for release. The examiners "flag" registerable sex offenders in the GDC information system as a reminder that registration will be required upon release. In order to streamline the registration process, in August 2008 GDC initiated a policy to send identified sex offenders to one of

eight “release” prisons approximately one year before release. GDC staff reports that number has since been reduced to five prisons. Upon release, specially-trained prison staff completes the offender’s registration process, which includes the offender’s entry onto the state’s SOR.

- **Sentenced directly to probation** – Specialized probation officers in each of the state’s 49 judicial circuits must identify and register sex offenders. GDC SOR staff report that recently, each circuit has also been assigned a sentencing specialist who reviews sentencing practices and ensures that sex offender sentences are handled appropriately.

GDC’s assignment of responsibilities for the identification and registration of sex offenders are reasonable. For the incarcerated population, GDC’s practice of limiting the number of examiners and release prisons reduces the risk of mistakes in identifying and registering offenders. However, these controls are harder to enact for the probation population. Given the short period allowed between sentencing and reporting to the sheriff’s office, it is necessary that GDC probation officers in all circuits be responsible for identifying and registering offenders.

While GDC’s policies and procedures regarding identification and registration of sex offenders are reasonable and well-documented, the agency does not have adequate monitoring processes to ensure compliance by program employees. For example, GDC does not review lists of released prisoners to ensure that all of those flagged for registration were actually registered upon release. Neither does it analyze offenders sentenced directly to probation to verify that all charges eligible for registration were properly identified. Our review indicates that such monitoring would be valuable in improving the accuracy and completeness of the sex offender registry, in facilitating the efforts of sheriffs and GBI, and in ensuring consistent practices among GDC staff.

In order to assess GDC’s sex offender identification and registration practices, we reviewed lists of offenders convicted of certain crimes that were released from prison or sentenced directly to probation during June through August 2009. As previously noted, Georgia law requires that offenders should not be “released from prison or placed on parole, supervised release, or probation” until they are added to GBI’s registry, but our analysis revealed that registration is often delayed beyond release. Approximately 71% of offenders were registered within the GDC system<sup>12</sup> by their release date, but 29% were registered after release. Ninety-six percent of offenders were registered within seven days of release. The average lag between GDC release date and entry on GBI’s registry varied considerably among prisons, indicating that practices are not consistent from location to location. For example, a private prison in southeast Georgia registered its offenders on average more than a day before release. In contrast, a prison in the southwestern part of the state, which released a similar number of offenders in the same period, registered them on average seven days after their release date. Our analysis of 43 offenders placed directly on probation revealed a greater delay in registrations. Although we acknowledged in an earlier finding that state law requiring offenders be registered prior to placement on probation is not feasible in these cases, a median time period of seven days from sentencing to registration is excessive.

The implications of delayed registration go beyond a lack of compliance with the

---

<sup>12</sup> Offenders are on the GBI registry the following day, following an overnight data transmission.

law. Offenders are required to report to the sheriff in the county in which they reside within 72 hours of release or sentence to probation. Those who comply will encounter problems completing their reporting requirements if GDC has not yet completed registration. These registration delays require additional effort on the part of staff at sheriff's offices, GBI, and GDC itself to resolve. Harder to measure, but of greater concern, is the impact that registration delays have on identifying and locating those offenders who choose not to comply with the law and intentionally fail to report to their local sheriff. Any registration delay represents a delay in recognizing that an offender has absconded.

In addition to needing improved monitoring of compliance with identification and registration practices, we found that the policies and procedures regarding the activities of the Sex Offender Administration Unit staff are not adequately documented. For example, documentation of classification examiner activities is limited to a three-page sheet containing the factors that should be considered when identifying offenders for registration. There are no procedures that detail the methods for distributing their workload or methods for locating the information necessary for making registration decisions. This documentation would help ensure consistent practices, especially when turnover occurs within the examiner positions.

It should be noted that the Sex Offender Administration Unit has recognized the gaps identified in our review and had included tasks addressing monitoring and procedural deficiencies in its 2009-2010 strategic plans.

#### RECOMMENDATIONS

1. GDC should improve its monitoring processes related to the identification and registration of sex offenders. The monitoring should be sufficient to ensure that all prisons and probation offices are identifying sex offenders and registering them within the timeframes required by state law and agency policy.
2. GDC should formalize the responsibilities and activities of the Sex Offender Administration Unit through the adoption of policies and procedures. Special attention should be given to documenting the role of the Sex Offender Classification Examiners.

**GDC Response:** *In its response, GDC stated that it is taking several actions to address items noted in the audit. Specifically:*

1. *Audit procedures for sex offender registration are currently under review by Probation Operations and Facility Operations in conjunction with the Office of Investigations and Compliance. Expected completion date is October 1, 2010.*

*Court Team and intake procedures for Probation Operations are currently under review by the Probation Operations Management Team. Expected completion date is October 1, 2010.*

*Evaluation and monitoring of Facility Operations release procedures for sex offenders will be increased through site visits by the Sex Offender Administration Unit. Implementation date is July 1, 2010.*



*Training programs are currently being revised with additional focus on the identification and registration of sex offenders within the timeframes required by law. Completion date is scheduled for August 1, 2010.*

2. *A review and evaluation of the responsibilities, job descriptions, and policies relating to the Sex Offender Administration Unit is currently underway and will be completed by October 1, 2010.*

**Recent changes in SOR legislation will require collaboration between GDC, GBI, and the Georgia Sheriffs' Association (GSA) to ensure the accuracy of registration information on incarcerated sexual offenders.**

HB 571, which became law on May 21, 2010, removes a requirement for sex offenders to abide by SOR conditions during periods of incarceration. This change eliminates an illogical practice and undue burden placed on sheriffs of counties with a state prison. However, the change will require GBI, GDC, and sheriffs (through the GSA) to develop new procedures to ensure proper registration and an accurate SOR upon an offender's release.

Prior to the change in the law, incarcerated offenders were required to meet all registration requirements, including annual address verifications with the local sheriff. Since offenders in state custody could not report to the sheriff's office, sheriffs of counties with a state prison worked with GDC to determine which registered offenders were in the state prison and ensure that registration requirements were met. This resulted in a disproportionate workload on several sheriffs' offices. For example, as shown in **Appendix C**, on a single day in July 2010, 92 of Johnson County's 126 registered sex offenders were actually residents of the state prison<sup>13</sup> in Wrightsville. We also found that the state and local sex offender registries often contained disparate information about the location of offenders in GDC custody. While sheriffs were responsible for updating the location of the offenders within their counties, they did not have easy access to the information maintained by GDC. Our comparison of a sample of offender listings on sheriffs' websites and the GBI registry found that 72% of discrepancies involved incarcerated offenders.

The legislative change provides an opportunity for the parties involved in sex offender registration – GDC, GBI, and sheriffs – to develop a new method for tracking registered offenders returned to prison. We can find no reason to use the SOR to track the location of an incarcerated registered offender. State law does not require new offenders to be added to the registry until they are released from prison, presumably because the offender is not deemed a risk to the public while incarcerated. However, once included on the registry, the offender's location (county) has been maintained, even if the offender moved in and out of the state prison system. As noted above, this inconsistency in maintaining registration information on incarcerated offenders has resulted in significant effort and considerable misinformation.

---

<sup>13</sup> It is possible that a small number of these offenders listed as "INCARCERATED" in Johnson County were in local jails rather than the state prison.

### RECOMMENDATIONS

1. GDC and sheriffs (via GSA) should work with GBI to create a mechanism to accurately reflect an offender's incarceration in state custody, without requiring sheriffs to list them as offenders residing in their counties. The SOR could show an additional county location of "GDC custody" that would be updated to the appropriate county upon re-release.
2. GBI should give "update" access to staff within the GDC Sexual Offender Administration Unit so that they can maintain accurate information on incarcerated offenders as needed.

**GDC Response:** *GDC, GSA and the GBI are actively working to create this mechanism.*

**The state's sex offender classification process is hindered by ineffective relationships between agencies, inefficient management practices within the SORRB, and the state SOR law.**

A vast majority of Georgia's registered sex offenders have not been classified by the Sexual Offender Registration Review Board. Our review found that the classification process would benefit if SORRB and other state agencies better shared information on sex offenders and if SORRB improved its own management practices. As noted on page 19, the SORRB law should also be amended to eliminate a loophole that allows many offenders to go unclassified.

#### ***How Risk is Assessed***

Research-based assessments (classifications) are the most reliable method to determine the risk posed by an individual sexual offender, but they require significant resources. Their use requires access to extensive background information on the offender, and qualified personnel to administer. These tools assign "points" to aspects of an offender's history and are used to compute a score indicating a high, moderate, or low risk to reoffend. For example, sexual attacks against strangers and a history of multiple offenses are high-risk indicators of recidivism.

Only 6% of approximately 20,000 convicted sexual offenders in Georgia have been assigned a risk classification. While approximately 5,000 offenders were added to the Registry between 2006 and 2009, the Board classified fewer than 1,600 in that period. During 2008 and 2009, SORRB classified an average of 48 and 55 offenders per month, respectively.

The SORRB has a staff of just eight, of which four are part time. Its size obviously limits the number of assessments that can be completed. However, we found several other issues that limit its effectiveness in fulfilling its responsibilities. The agency does not receive a list of offenders to be classified from a single

reliable source, which may result in offenders never appearing on SORRB's list for review. Also, the agency is one of three state agencies that review documents relevant to the offender's classification, resulting in a duplication of effort. Finally, SORRB does not utilize its own information effectively or assess its performance or that of its employees in an adequate manner.

- The SORRB list of pending classifications is based on a variety of potentially unreliable and inconsistent sources. While the SOR maintained by GBI is the state list of registered sex offenders, SORRB does

not use the database to identify offenders to be classified<sup>14</sup>. Instead, it depends on classification requests emailed, faxed, or mailed by hundreds of court clerks and sheriffs, as well as GDC and the State Board of Pardons and Parole. (As discussed on page 18, this practice is partly due to SOR law.)

While state law requires GDC to identify and register offenders convicted in Georgia, it also requires court clerks to identify these offenders and submit requests for classification. Sheriffs are required to notify SORRB when a sex offender moves to a Georgia county from another state. GDC, at random intervals, supplies the Board with a list of offenders due to be released or known to be released from prison within a specific time period. In addition, although this is not addressed in the law, staff of the Board of Pardons and Parole reports they send SORRB a list of sex offenders with tentative parole dates on a quarterly basis.

The varied sources and methods of notifying SORRB of needed classifications increases the likelihood that the SORRB list of pending classifications is not complete. In addition, due to data management problems listed below, information received from these sources is manually re-entered into SORRB's database, further increasing the likelihood of errors.

- SORRB staff spends considerable time acquiring documentation required for completing classification although these documents are also gathered or generated by two other state agencies for similar purposes. Completion of the risk assessment tools requires access to court sentencing documents, court-ordered evaluations, victim-witness statements, and investigative reports. SORRB staff states that the greatest barrier to increasing the volume of risk assessments they perform per month is the time it takes to obtain these documents from courts, local investigators, and district attorneys across the state. To address this issue, SORRB has hired one full-time and one part-time investigator to perform some of the labor required, allowing clinical evaluators to devote their efforts to the assessment process. However, as described below, two other agencies require access to the same documents, resulting in significant duplication of efforts among agencies, and unnecessary demands on court officials, law enforcement agencies, and district attorneys responding to repeated requests for the same documents:
  - GDC Sex Offender Classification Examiners (SOCE) in the Sex Offender Administration Unit obtain court documents, victim statements, and other reports in order to determine an offender's eligibility for registration. As noted on page 26, SOCEs screen all inmates entering the prison system and also those with pending release dates, to ensure that all offenders requiring registration have been properly flagged in the SCRIBE system. Factors that inform the registration process (such as the victim's age and gender) are also relevant to risk classification.

---

<sup>14</sup> Due to GBF's technology and processes, GDC does not formally register offenders until they are released from prison. SORRB law requires risk assessment six months prior to expected release date.

- **State Board of Pardons and Paroles (SBPP)** investigators obtain court and investigative documents whenever convictions result in incarceration. These documents allow for a preliminary assessment of an inmate's future eligibility for parole and to set (if applicable) a tentative parole date. According to agency officials, SBPP employs approximately 60 investigators in regional offices who obtain these documents in the months after sentencing. These documents are also used in SBPP-designed risk assessments prior to authorizing parole for a sex offender.

While GDC has given SORRB employees access to its SCRIBE system, SORRB staff do not have access to all relevant documents obtained by the SOCE. SBPP officials, who acknowledge their investigative summaries would prove useful to SORRB, have concluded that O.C.G.A. 42-9-53 does not allow sharing this information with SORRB staff. However, the code section does allow the sharing of records and documents that were public records at the time they were received by SBPP.

- **Ineffective use of software applications results in over-reliance on inefficient manual processes.** In March 2010, SORRB switched its offender database from Microsoft Access to Microsoft Excel. The audit team reviewed the files maintained on both systems and identified a number of missed opportunities to expedite operations and minimize risk of errors. For example, the database does not document which cases are currently under investigation so it can't be used for making assignments or tracking progress toward classification. In addition, letters notifying the offender of the outcome of the Board's risk assessment are filled out individually for each offender, although the software provides the ability to generate the letters automatically from elements in the database. To illustrate the lack of controls on data entry, offenders have been assigned the risk designation "Level 1" with five different spellings in the database. It should be noted that SORRB staff are in the process of outlining specifications for a new, customized database that could address some of these issues; we did not see evidence that a custom-designed system, costing hundreds of thousands of dollars, is necessary to meet the Board's needs.
- **A lack of individual and agency performance measures impairs the Board's ability to identify opportunities for improvement and to document needs for additional resources.** SORRB statute prescribes specific time frames in which classifications must occur. However, SORRB does not measure its performance against these standards. Similarly, the SORRB has not established adequate performance measures for investigators and evaluator staff. At the request of the Board, management has begun to develop job descriptions for each staff position, but to date no attempt has been made to measure employee productivity or set guidelines for acceptable output. Classification itself is currently performed by three part-time personnel. Without measuring the time it takes for various processes and then evaluating individual performance, it is difficult to determine how many staff hours are required to classify new releases, or to address its backlog of cases.

- **Management has not ensured adequate security over hard-copy and electronic files.** Hard-copy documents used to support risk assessments are maintained in unsecured folders for each offender. These folders, which may contain confidential material (regarding the offender and the victim), are stacked chest-high or stored in boxes on every available surface in a cubicle adjacent to SORRB workspaces within the Department of Behavioral Health and Developmental Disabilities<sup>15</sup> (DBHDD). Access to this area is not limited to SORRB staff. In addition, SORRB staff only occasionally backup the database for security purposes (approximately once a month). The lack of reasonable security precautions introduces the risk of infringement of private information, loss of important information, and the possibility of intentional data destruction or modification.

It should be noted that the Board and its staff have recently increased attempts to improve efficiency and effectiveness. Both groups attended a retreat in February 2010 intended to develop strategies for reducing backlog by improving productivity.

#### RECOMMENDATIONS

1. SORRB should use the state SOR to ensure that all relevant offenders are included on its list. In addition, it should largely rely on two sources to obtain its master list of offenders. Because GDC identifies and initially registers all offenders convicted in a Georgia court, SORRB should periodically obtain a list of all newly identified offenders from GDC (those sentenced to prison and directly to probation). Since GBI is aware of all offenders moving to Georgia, SORRB should periodically obtain a list of those offenders from GBI.
2. In order to reduce a duplication of effort and inefficient use of resources, SORB should work with GDC and the SBPP to make all relevant information available to appropriate parties. It should work with GDC to ensure that it has access to all available documents that can inform the classification process. Furthermore, as addressed in the recommendation on page 19, it should work with the SBPP and the General Assembly to create a legal exception allowing SORRB access to files relevant to its risk assessment process.
3. SORBB should ensure that its data management processes improve efficiency and effectiveness of its operations. Furthermore, it should end efforts to obtain a new database to manage a relatively straightforward process. Instead, SORRB should take steps to properly use off-the-shelf applications such as MS Access to manage its operations. It should be noted that the benefits of upgrading the state SOR far outweigh the benefits that might occur with a new database for the SORRB.
4. SORRB should take responsibility for ensuring the security and completeness of its data – both hard copy and electronic.

**SORRB Response:** *“Long before it was aware that Audit 09-18 was in progress, perhaps before the audit began, SORRB began an examination of its business processes in an effort to create a specific blueprint for improvement of its operations. The SORRB (board and staff) participated in*

---

<sup>15</sup> SORRB is currently administratively attached to DBHDD.

strategic planning sessions and identified the areas that need the most enhancements. Even before the draft results of this audit, SORRB was in the process of implementing strategies that parallel the recommendations of the audit team. Affirmation of SORRB's targeted changes through the audit's recommendations has provided validation that SORRB is heading in the right direction".

1. SORRB will work with GBI to obtain information about out of state offenders. SORRB access to information about the background of out of state offenders who move to Georgia is extremely limited. Because SORRB is not a law enforcement agency (nor should it be), access to criminal history information through the National Crime Information Center (NCIC) and Interstate Identification Index (III) is denied. In concert with the GBI (Georgia Crime Information Center) and other state and federal government associates SORRB has explored the possibility of legislative changes on a national level to allow access to sex offender criminal history records for the purpose of risk assessment. To date those efforts have been unsuccessful.
2. For years SORRB has worked tirelessly with GDC and the State Board of Pardons and Parole (SBPP) to identify a legal, viable avenue for exchange of information. The harsh reality that SBPP records are not available for SORRB access moved the Board to employ investigators to retrieve information from sources that are available for its review. To continue to lament about the lack of accessibility for the Board's convenience was folly and stymied the evaluators' progress so the Board opted to utilize investigators to gather the information and proceed with assessments. While SBPP records contain information that is accessible through other sources (court documents, etc.), these files also contain SBPP generated documents that would be extremely helpful to the SORRB evaluators in the assessment process. These documents, which are not available from any other source, would be the most beneficial to SORRB.

SORRB will continue to request GDC Sex Offenders Classification Examiners (SOCE) information.

While SORRB will continue to foster its interagency cooperation objectives, it will also continue its independence from perceived law enforcement attachment to maintain its neutral, non-punitive assessments of offenders' propensity to reoffend.

3. SORRB has relinquished funds encumbered for the development of an independent custom database. SORRB has opted instead to use regular operating funds for improvement and modifications of its current MS Access database.
4. SORRB staff is working diligently to identify office space independent of the Department of Behavioral Health and Developmental Disabilities. The current location is woefully insufficient in terms of location, magnitude, privacy and overall adequacy. This anticipated move will address the physical security of files (hard copy and electronic) as well as the confidentiality of SORRB operations.

**GDC Response:** In May of 2010 GDC began to supply the SORRB, each month, with a list of offenders releasing in 12 months. For example, in May 2010 GDC provided SORRB the list of offenders releasing in May 2011.

## **Sheriffs' compliance with their responsibilities for maintaining an accurate state registry has been mixed.**

State law gives sheriffs significant responsibilities regarding the management of sex offenders, including maintenance of both state and local sex offender registries. Our review found sheriffs' compliance with the provisions related to an accurate registry, as well as the related consequences, to be varied.

During our review, we reviewed sheriffs' sex offender websites and compared information on those sites to the state SOR. We also interviewed personnel from the Georgia Sheriffs' Association (GSA), several sheriffs' offices, and we surveyed all sheriffs. It was apparent from these interactions that the sheriffs' offices take their responsibility for managing sex offenders seriously. GSA has taken a leading role in educating sheriff staff about the changing requirements of state law and best practices in managing their sex offender population, and sheriffs' officials we spoke with were well-versed in the responsibilities and challenges that they face.

Despite these efforts and intentions, we did identify deficiencies in sheriffs' offices compliance with state law. Specifically, not all Georgia sheriffs maintain a local SOR website as required. Several counties had offenders whose last address verification date listed in the state SOR was more than a year old, and offenders' residence addresses listed on local and state sites were not always the same. We did not test sheriffs' compliance with suggested policies and procedures for communicating with one another when an offender is moving across county lines, but several sheriffs' offices reported that communication does not always occur.

The consequences of the deficiencies noted above may not be as significant as they might appear. For example:

- Our 80-county search for SOR listings on sheriffs' websites found that only 51 had a listing of sex offenders, as required by law. Another nine had only a link to the state SOR website. However, the negative effect of a sheriff not having a local sex offender listing is questionable. As we noted the finding on page 16, the maintenance of 159 local websites, in addition to the state website, is an inefficient use of taxpayer funds. Separate websites also lead to discrepancies when only one site has been updated. Finally, a county resident searching for sex offender information could easily find the GBI SOR website through any web search engine.
- Approximately 100 counties had at least one offender whose last address verification date was more than one year old in the state SOR. If an offender does not report at the designated one-year interval, he is considered an absconder and a warrant should be issued. However, when we contacted the 14 counties with the highest number or percentage of outdated verifications, a majority reported that the verifications had taken place but had not yet been entered into the state SOR. As noted previously, the delays were attributed by sheriff staff to overly-restricted access to the SOR database.
- A comparison of offender addresses on state and sheriffs' websites found that sheriffs are not always updating addresses in both databases. We found that 13 of 70 offenders had different addresses in the state and local

registries. In some cases, the differences were minor (e.g., different house number, missing apartment number, same address but different zip code, misspelled street name). In other cases, older address verification dates on the local website indicated that the local site was not being updated; the sheriff's office had recently verified the address listed on the GBI site. In all cases, both registries listed the offender as a resident of the same county; therefore, both addresses were entered by the same sheriff's office. While this makes the responsibility for the error clear, it also means that the sheriff's office would be aware of both listed addresses.

These issues of non-compliance would have the greatest impact on citizens' efforts to learn about local sex offenders. An individual may find different information depending on the registry accessed or the type of search executed. A greater concern would be sheriffs who are unaware of their sex offender population, but we did not find this to be the case for those sheriffs' offices we spoke with. When the audit team contacted a sheriff's office about an out-of-date verification or inconsistent address, personnel could often quickly provide an answer based on local files. Updating the state SOR or maintaining a separate, local public listing was a lower priority than other aspects of managing the population, such as making regular contact with some offenders or verifying that offenders are not violating residency and employment restrictions. Noncompliance is also affected by issues noted in earlier findings, such as the SOR's technological limitations and the mis-assignment of responsibilities in state law.

#### RECOMMENDATION

1. Sheriffs' offices should take necessary steps to ensure that they have properly implemented policies and procedures for sex offender management, such as the recommended policies developed by the Georgia Sheriffs' Association. These should include timely updating of the state SOR.

**The Georgia Sheriffs' Association has made a significant contribution to the development of standard procedures for sheriffs' sex offender registration, but continued efforts are required to enhance consistency and ongoing compliance.**

The Georgia Sheriffs' Association should be commended for its efforts to inform sheriff staff on their SOR responsibilities and to provide guidelines for ensuring consistent practices. Our survey indicates that a vast majority of sheriff offices in the state use or build on the GSA guidelines for managing sex offenders. Without the efforts of GSA and its Sex Offender Registration Task Force (SORTF), the state would have no assurance that sex offender registration was handled consistently across the state. However, because of ongoing judicial decisions regarding SOR legislation and frequent turnover in sheriffs' offices, continued efforts are needed to ensure that practices do not vary and requirements of the law are met.

According to representatives we spoke with, the effort to standardize procedures began when a group of metropolitan Atlanta sheriff's officers met to discuss anticipated changes resulting from the introduction of HB 1059 in 2005 (which became effective in 2006). Since then, GSA has sought clarification to ambiguities in



the law and worked with sheriffs' staff to develop and disseminate suggested standard procedures. GSA staff and the SORTF have also developed a program of quarterly regional training sessions specifically on sex offender practices, and for the past three years they have hosted an annual meeting that included representatives from related agencies including GBI, GDC, and SORRB. SORTF members are knowledgeable local sheriff's office personnel who serve as a point of contact for sex offender registry problems in each region. Each region is expected to hold three meetings a year to discuss registry laws and their enforcement.

The training and materials provided by GSA can only encourage use of standard procedures; the association has no enforcement authority. It exists to provide training and education for sheriffs and their staffs, and to work with the General Assembly on public safety and law enforcement issues. Even without enforcement capability, GSA and the SORTF have made a significant impact regarding the sex offender registry. In our survey, 94 of 98 counties reported they were aware of GSA's *Operational Guidelines* and *Model Sex Offender Policy*. Further, almost all respondents indicated they had used the documents as a basis for their local policies on sex offender management.

Despite its impressive coverage to date, it is important that GSA continue these efforts. The association is the sole source of SOR-related information to 159 county sheriffs' offices. Legal challenges to the current law result in ongoing changes regarding its enforcement<sup>16</sup>. In addition, staffing for SOR at the local level fluctuates with attrition and with the election of new sheriffs. For these reasons, ongoing training and information will be required. Increased use of technology and adjustments to the SOR legislation, as discussed in other sections of this report, will facilitate the Association's efforts.

#### RECOMMENDATION

1. GSA should continue to provide training and education to sheriffs regarding compliance with state and federal laws and adoption of best practices for sex offender management. In its training, it should consider the audit team's findings as reported on page 35.

**GSA Response:** *"We agree with the findings in regard to the Association and the sheriffs. Your recommendations are noted, and will be covered (again) in the upcoming training in August. ...the teamwork between GDC, GBI and GSA, and the frontline staff, aided in any success of managing sex offenders." GSA noted that GBI staff "has been very helpful to us and the sheriffs' offices, while struggling with the lack of resources".*

*"GSA will continue its efforts to work with the other agencies, including the [SORRB], and training our sheriffs' office in complying with state law."*

---

<sup>16</sup> For example, there are injunctions in place about certain aspects of residency restrictions such as school bus stops. As pending suits are settled, additional aspects of enforcement also change.

## Appendix A: Objectives, Scope, and Methodology

### Objectives

This performance audit examined the process by which sexual offenders are registered in Georgia, and the maintenance of the registry database. In addition to analysis of the information contained on the registry, we evaluated the policies/procedures, management initiatives, and performance related to sex offender registration in three state agencies: the Georgia Bureau of Investigation (GBI), the Georgia Department of Corrections (GDC), and the Sexual Offender Registration Review Board (SORRB). We made similar inquiries of the Georgia Sheriffs' Association and 159 county sheriff's offices. Specifically, the audit sought to achieve the following objectives:

1. Assess the accuracy of the information in the Georgia Sexual Offender Registry;
2. Assess the usefulness of the registry for law enforcement purposes; and
3. Assess whether the registry meets the public's need for information on sex offenders.

### Scope

The audit focused on the SOR database maintained by GBI with data input by GDC and sheriffs. It also included GBI's associated SOR website. We initially did not plan to assess the efficiency and effectiveness of the SORRB in our review, but ultimately included a limited evaluation of the Board's efforts because identifying potential risk to reoffend is particularly important to adequately informing the public of the threat posed by individual offenders.

Because of potential changes to state law and pending litigation, we did not address all aspects of Georgia's SOR law and associated enforcement (e.g., residency restrictions), except to provide some background context for the report. Also, we did not evaluate the compliance of the Department of Education, the Department of Early Care and Learning, or the Department of Human Services with their legal requirements to obtain and disseminate sex offenders' information to specified recipients on an annual basis.

The audit focused on registry activity between July 2006 and December 2009, because legislation effective in 2006 brought about many changes in the responsibilities of various state and local entities.

### Methodologies

We conducted this performance audit in accordance with generally accepted government auditing standards (GAGAS). Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

At GBI, we conducted interviews with SOR office and GCIC administrative and computer staff; reviewed GBI standard operating procedures as relates to SOR;

performed file reviews of relevant documents, and analyzed data from GBI's sex offender registry. At GDC, we conducted interviews with staff in its Sex Offender Administration and Information Services units; visited two state prisons and one probation office to observe sex offender registration and classification procedures; reviewed GDC standard operating procedures related to sex offender classification, registration, and management; and reviewed relevant electronic records. At SORRB, we conducted interviews with staff members and the Board chairperson, observed a Board meeting, and examined electronic and paper files maintained by SORRB staff.

To obtain input from Georgia sheriffs, we interviewed training and administrative staff of the Georgia Sheriffs Association; attended a regional SOR training session for approximately 40 county sheriff representatives; submitted a 12-page survey to SOR representatives in 159 sheriff's offices (receiving 100 responses); and interviewed at least 20 local SOR representatives in person or by telephone.

**To assess the accuracy of the information in the Sexual Offender Registry we performed the following tasks:**

- We obtained a full copy of the GBI registry database at two points in time (April 2009 and September 2009) and performed extensive analyses to characterize the information contained and assess its reliability and overall quality.
- We compared the extent of information in the GBI registry to the information required to be obtained from all sexual offenders, to the information displayed on GBI's SOR website, and to the information required for sheriffs to maintain on local websites.
- We compared information in the GBI database to data pulled from queries of GDC's SCRIBE information system.
- We compared information in the GBI database to information maintained in several samples of local sheriff websites.
- We evaluated the quality of policies and procedures and related monitoring and controls at GBI, GDC and among sheriff's offices to determine the extent they ensured accuracy of data entered into the registry.
- We explicitly tested some agency procedures to see if they were followed as written. For example, we reviewed samples of GBI files to review documentation of deletions from the registry and evidence of communications with other states. We also sampled GDC records compared with registry information to see if registration timelines were adhered to.

**To determine whether the Sexual Offender Registry was useful for law enforcement purposes we performed the following tasks:**

- We conducted a review of literature to determine the expected usefulness of sex offender registries to law enforcement.
- We reviewed Georgia Sheriffs' Association's (GSA) recommended policies and procedures for compliance with state law. We also reviewed training materials and other communications between GSA and sheriffs to ascertain the services provided to sheriffs regarding sex offender registration and management.

- We analyzed the results of our sheriffs' survey to determine overall law enforcement perceptions about sex offender registration in Georgia and to identify strengths and weakness of the current registration system.

To determine whether the Sexual Offender Registry was useful for the public we performed the following tasks:

- We conducted a review of literature to determine the expected usefulness of sex offender registries to the public.
- We attempted to determine the public's demand for registry information by tracking the number of related calls to GBI, the number of "hits" to the registry website, and the level of interaction between local sheriffs and the public on this subject.
- We compared information available on national, state, and local SOR websites to determine the consistency of information provided and to identify best practices.
- We evaluated the extent to which risk assessment information from the SORRB was available to the public.
- We evaluated the quality of information contained within the SOR website to determine if the public was provided adequate information in the proper context to accurately assess its risk from registered offenders and others.

## Appendix B: Registration Information and Location

	Sex Offender Information as Collected and Reported			Required information
	SORN FORM <sup>1</sup>	GBI REGISTRY	GBI WEBSITE	LAW <sup>2</sup>
<b>PHYSICAL DESCRIPTION/ DEMOGRAPHICS</b>				
Name				
Age <sup>3</sup>				
Date of Birth				
Place of Birth				
Race				
Sex				
Height				
Weight				
Hair Color				
Eye Color				
Scars/ Marks/ Tattoos				
Social Security Number				
Driver's License Number				
Driver's License State				
Fingerprints <sup>4</sup>				
DNA <sup>5</sup>				
Photograph <sup>6</sup>				
<b>ALIAS INFORMATION</b>				
Alias Name(s)				
Alias Dates of Birth				
Alias Social Security Numbers				
Additional Vehicle(s) Information				
<b>CRIMINAL HISTORY<sup>7</sup></b>				
Crime(s) committed requiring registration				
Age/Sex of Victim				
Additional Crimes				
Offense date				
Arrest Date				
Conviction Date				
County of Conviction				
State of Conviction				
Court of Conviction				
Registration Date				
Date of prison release				
Date placed on supervision				
Incarceration status				
Absconder status				
Risk Classification status <sup>8,9</sup>				
Probation status				
<b>RESIDENCE</b>				
Street Address				
City				
State				
Zip				
County				
Residence Verification Date				
P.O. Box/ Mailing Address				
Mobile Home Info (Motor Home/ Trailer)				
Manufactured Home Info				
Boat/Houseboat Info				

## Appendix B Continued

	Sex Offender Information as Collected and Reported			Required information
	SORN FORM <sup>1</sup>	GBI REGISTRY	GBI WEBSITE	LAW <sup>2</sup>
<b>REMARKS</b>				
Remarks				
<b>VEHICLE</b>				
Make				
Model				
Year				
Color				
Tag No.				
<b>EMPLOYMENT/ VOCATION/ EDUCATION</b>				
<b>Employer</b>				
Employment address				
City				
State				
Zip				
County				
Date of employment				
Employment verification date				
<b>Vocation</b>				
Vocation Address				
City				
State				
Zip				
County				
<b>Institute of Higher Learning</b>				
School Address				
City				
State				
Zip				
County				
School verification date				
Enrollment or Employment status				
<b>NOTES</b>				
<p>1) GBI's Sex Offender Registration Notification form (SORN) is filled out by offenders before release from prison or upon commencement of probation. Sheriffs also use the form when registered offenders move to their jurisdiction and when offenders update their registration annually or semi-annually. These forms are on file at GBI, GDC, and individual sheriff offices.</p> <p>2) O.C.G.A. 42-1-120 (a) (16) defines "required registration information." We have attempted to include any changes passed in the 2010 legislative session.</p> <p>3) GBI website provides year of birth only.</p> <p>4) Fingerprints are maintained by Sheriff of record.</p> <p>5) DNA samples are filed at GBI.</p> <p>6) Photographs are retained by Sheriff; Copies are sent to GBI and displayed on the SOR website.</p> <p>7) GBI's registry also documents several tracking numbers not shown here, such as the offender's FBI fingerprint number and GCIC number.</p> <p>8) GBI registry and website provides predator status only.</p> <p>9) Sheriff websites must include all classification determinations (not just predator designation) and also explain how SORRB classifies offender risk.</p>				

### Appendix C: Registered Sex Offenders (RSO) by County, Gender, and Number Incarcerated, as of July 2010

#	County	Female RSO	Male RSO	Total RSO	Incarcerated RSO	Incarcerated %
1	APPLING	1	28	29	6	21%
2	ATKINSON		18	18	3	17%
3	BACON		31	31	14	45%
4	BAKER		19	19	1	5%
5	BALDWIN	4	160	164	81	49%
6	BANKS	1	48	49	2	4%
7	BARROW	4	128	132	18	14%
8	BARTOW	4	147	151	25	17%
9	BEN HILL	1	48	49	4	8%
10	BERRIEN	1	51	52	6	12%
11	BIBB	3	280	283	76	27%
12	BLECKLEY	1	32	33	6	18%
13	BRANTLEY	2	32	34	3	9%
14	BROOKS		46	46	6	13%
15	BRYAN	2	32	34	1	3%
16	BULLOCH		71	71	11	15%
17	BURKE	1	79	80	6	8%
18	BUTTS	2	282	284	231	81%
19	CALHOUN		89	89	72	81%
20	CAMDEN	1	47	48	3	6%
21	CANDLER	1	40	41	2	5%
22	CARROLL	6	215	221	20	9%
23	CATOOSA	4	105	109	15	14%
24	CHARLTON		96	96	74	77%
25	CHATHAM	7	446	453	138	30%
26	CHATTAHOOCHEE	1	17	18	1	6%
27	CHATTOOGA		139	139	77	55%
28	CHEROKEE	7	174	181	22	12%
29	CLARKE	6	102	108	11	10%
30	CLAY		10	10	4	40%
31	CLAYTON	6	324	330	37	11%
32	CLINCH	1	16	17	3	18%
33	COBB	7	304	311	49	16%
34	COFFEE	1	165	166	97	58%
35	COLQUITT	5	102	107	7	7%
36	COLUMBIA	3	68	71	15	21%
37	COOK	1	48	49	1	2%
38	COWETA	5	105	110	1	1%
39	CRAWFORD	1	26	27	1	4%
40	CRISP	2	52	54	13	24%

### Appendix C Continued

#	County	Female RSO	Male RSO	Total RSO	Incarcerated RSO	Incarcerated %
41	DADE		25	25	3	12%
42	DAWSON	1	39	40	5	13%
43	DECATUR	3	84	87	24	28%
44	DEKALB	25	815	840	96	11%
45	DODGE	1	100	101	44	44%
46	DOOLY	1	144	145	110	76%
47	DOUGHERTY	5	256	261	67	26%
48	DOUGLAS	3	179	182	15	8%
49	EARLY		48	48	11	23%
50	ECHOLS	1	6	7	1	14%
51	EFFINGHAM	3	71	74	2	3%
52	ELBERT		45	45	5	11%
53	EMANUEL	2	64	66	9	14%
54	EVANS	4	23	27	4	15%
55	FANNIN	3	46	49	3	6%
56	FAYETTE	2	37	39	4	10%
57	FLOYD	12	182	194	31	16%
58	FORSYTH	3	80	83	5	6%
59	FRANKLIN	2	35	37	1	3%
60	FULTON	22	1,282	1,304	158	12%
61	GILMER	3	79	82	9	11%
62	GLASCOCK		1	1	1	100%
63	GLYNN	4	112	116	23	20%
64	GORDON	3	98	101	15	15%
65	GRADY	4	51	55	8	15%
66	GREENE	1	49	50	7	14%
67	GWINNETT	11	386	397	98	25%
68	HABERSHAM	9	50	59	16	27%
69	HALL	4	230	234	30	13%
70	HANCOCK	1	54	55	41	75%
71	HARALSON	5	88	93	8	9%
72	HARRIS	1	47	48	2	4%
73	HART		45	45	4	9%
74	HEARD	1	36	37	6	16%
75	HENRY	10	179	189	18	10%
76	HOUSTON	1	190	191	27	14%
77	IRWIN	2	32	34	5	15%
78	JACKSON	7	103	110	6	5%
79	JASPER	1	25	26	2	8%
80	JEFF DAVIS		24	24	3	13%



### Appendix C Continued

#	County	Female RSO	Male RSO	Total RSO	Incarcerated RSO	Incarcerated %
81	JEFFERSON		59	59	5	8%
82	JENKINS	1	17	18		0%
83	JOHNSON	1	125	126	92	73%
84	JONES	1	38	39	1	3%
85	LAMAR	2	27	29	8	28%
86	LANIER	2	40	42	10	24%
87	LAURENS	5	135	140	9	6%
88	LEE	1	45	46	25	54%
89	LIBERTY	5	95	100	7	7%
90	LINCOLN	1	15	16		0%
91	LONG		37	37	5	14%
92	LOWNDES	5	233	238	79	33%
93	LUMPKIN	2	48	50	5	10%
94	MACON		71	71	44	62%
95	MADISON	3	60	63	5	8%
96	MARION	1	30	31	3	10%
97	MCDUFFIE	1	48	49	3	6%
98	MCINTOSH	1	31	32	3	9%
99	MERIWETHER	3	60	63	7	11%
100	MILLER		22	22	2	9%
101	MITCHELL		146	146	79	54%
102	MONROE		48	48	7	15%
103	MONTGOMERY		33	33	7	21%
104	MORGAN		29	29	4	14%
105	MURRAY	3	77	80	6	8%
106	MUSCOGEE	9	285	294	55	19%
107	NEWTON	3	158	161	29	18%
108	OCONEE		16	16	3	19%
109	OGLETHORPE		26	26	5	19%
110	PAULDING	8	166	174	15	9%
111	PEACH	1	51	52	8	15%
112	PICKENS	3	56	59	3	5%
113	PIERCE	1	29	30	4	13%
114	PIKE		34	34	4	12%
115	POLK	5	81	86	5	6%
116	PULASKI	4	18	22	3	14%
117	PUTNAM	1	40	41	6	15%
118	QUITMAN		7	7	1	14%
119	RABUN		36	36	4	11%
120	RANDOLPH		31	31	6	19%

### Appendix C Continued

#	County	Female RSO	Male RSO	Total RSO	Incarcerated RSO	Incarcerated %
121	RICHMOND	5	325	330	46	14%
122	ROCKDALE		57	57	5	9%
123	SCHLEY		11	11	1	9%
124	SCREVEN	4	45	49	6	12%
125	SEMINOLE	1	25	26	5	19%
126	SPALDING	6	152	158	18	11%
127	STEPHENS	3	60	63	6	10%
128	STEWART		27	27	7	26%
129	SUMTER	3	60	63	7	11%
130	TALBOT		19	19	2	11%
131	TALIAFERRO		5	5		0%
132	TATTNALL	1	138	139	100	72%
133	TAYLOR	2	21	23	2	9%
134	TELFAR	2	62	64	37	58%
135	TERRELL		36	36	4	11%
136	THOMAS	2	104	106	18	17%
137	TIFT		57	57	12	21%
138	TOOMBS	2	41	43	5	12%
139	TOWNS		15	15	2	13%
140	TREUTLEN		24	24	3	13%
141	TROUP	5	144	149	14	9%
142	TURNER	2	25	27	1	4%
143	TWIGGS	1	21	22	1	5%
144	UNION		24	24	3	13%
145	UPSON	1	91	92	9	10%
146	WALKER	3	108	111	27	24%
147	WALTON	7	131	138	12	9%
148	WARE	3	121	124	70	56%
149	WARREN		18	18		0%
150	WASHINGTON		84	84	38	45%
151	WAYNE		76	76	6	8%
152	WEBSTER		7	7		0%
153	WHEELER	1	89	90	73	81%
154	WHITE	4	45	49	4	8%
155	WHITFIELD	6	174	180	13	7%
156	WILCOX		72	72	57	79%
157	WILKES	1	22	23	2	9%
158	WILKINSON	2	35	37	4	11%
159	WORTH	2	53	55	2	4%
<b>Totals</b>		<b>395</b>	<b>14,889</b>	<b>15,284</b>	<b>3,279</b>	<b>21%</b>

## Appendix D: GBI SOR Website as of July 2010

The screenshot shows the Georgia Sex Offender Registry website in a Mozilla Firefox browser. The browser's address bar displays the URL: [http://www.georgia.gov/00/channel\\_modifieddate/0,2096,67862954\\_87983024\\_001.html](http://www.georgia.gov/00/channel_modifieddate/0,2096,67862954_87983024_001.html). The website header includes the text "Official Portal for the State of Georgia" and a search bar with a "GO" button. A navigation menu at the top contains links for "Mobile", "FAQ", "Site Map", "Jobs", "Online Services", and "Contact Us".

The main content area features the Georgia Bureau of Investigation logo and the title "Georgia Sex Offender Registry". Below the title is a paragraph explaining the registry's purpose: "In accordance with O.C.G.A. § 42-1-12, the Georgia Bureau of Investigation (GBI) is the central repository for Georgia's Violent Sexual Offender Registry. The Georgia Bureau of Investigation makes every effort to ensure that the information contained in the Georgia Sex Offender Registry is accurate. As the information is continuously changing, the GBI makes no promise or any express or implied guarantee concerning the accuracy of this information. Please read the following FAQ before proceeding to the Georgia Bureau of Investigation Sex Offender Registry Search Page via the links."

On the left side, there is a vertical menu with the following items: "About Us", "Divisions & Offices", "Services", "Crime Statistics", "Obtaining Criminal History Record Information", "GAPS - Georgia Applicant Processing Service", "Georgia Sex Offender Registry", "Law Enforcement Links", "Prevent Child Abuse (PCA) Georgia", and "Georgia Criminal History Record Expungements".

On the right side, there is a section titled "FREQUENTLY ASKED QUESTIONS" with the sub-heading "1. WHAT IS A SEXUAL OFFENDER?". Below this, there are two bullet points:

- A person who has been convicted of a criminal offense against a victim who is a minor or any dangerous sexual offense; or
- A person who has been convicted under the laws of another state or territory, under the laws of the United States, under the Uniform Code of Military Justice, or in a tribal court of a criminal offense against a victim who is a minor or a dangerous sexual offense.

At the bottom right, there is a link that says "Read www.georgia.gov".

## Appendix D Continued

offense against a victim who is a minor or a dangerous sexual offense.

### 2. WHAT IS A DANGEROUS SEXUAL PREDATOR?

- A person who was designated as a sexually violent predator between July 1, 1996, and June 30, 2006; or
- A person who is determined by the Sexual Offender Registration Review Board to be at risk of perpetrating any future dangerous sexual offense.

### 3. WHO IS REQUIRED TO REGISTER?

- Persons convicted on or after July 1, 1996 of a criminal offense against a victim who is a minor.
- Persons convicted on or after July 1, 2006 of a dangerous sexual offense.
- Persons previously convicted of a criminal offense against a minor and may be released from prison or placed on parole, supervised release, or probation on or after July 1, 1996.
- Persons sentenced under the first offender act in Georgia, are required to register until the sentence is successfully completed.
- A nonresident sexual offender who changes residence from another state or territory of the United States to Georgia who is required to register as a sexual offender under federal law, military law, tribal law, or the laws of another state or territory, regardless of when the conviction occurred.
- A nonresident sexual offender who enters this state for the purpose of employment or any other reason for a period exceeding 14 consecutive days or for an aggregate period of time exceeding 30 days during any calendar year regardless of whether such sexual offender is required to register under federal law, military law, tribal law, or the laws of another state or territory.
- A nonresident sexual offender who enters this state for the purpose of attending school as a full-time or part-time student regardless of whether such sexual offender is required to register under federal law, military law, tribal law, or the laws of another state or territory.

### 4. WHO IS NOT REQUIRED TO REGISTER?

- If a person convicted of a sexual offense in Georgia was released from prison, placed on probation or supervised released before July 1, 1996, he/she is not required to register as a sexual offender.
- A person who was convicted of a misdemeanor sexual offense after June 30, 2001.
- Juveniles prosecuted in juvenile court are not subject to the registry.

### 5. WHO IS REQUIRED TO PAY A \$250.00 REGISTRATION FEE?

Read [www.georgia.gov](http://www.georgia.gov)

## Appendix D Continued

georgia.gov - Georgia Sex Offender Registry - Mozilla Firefox

File Edit View History Bookmarks Tools Help

http://www.georgia.gov/00/channel\_modifieddate/0\_2096,67862954\_87963024\_00.html

georgia.gov - Georgia Sex Offender ...

- Persons convicted of a dangerous sexual offense on or after July 1, 2006 are required to pay an annual registration fee of \$250.00 to the sheriff of the county where the person resides upon each anniversary.

### 6. WHO ENTERS THE SEXUAL OFFENDERS ON THE GEORGIA SEXUALLY VIOLENT OFFENDER REGISTRY?

- The sexual offender records are entered on the registry by the Department of Corrections and State Board of Pardons and Paroles. The Georgia Bureau of Investigation enters the sexual offender records for the sexual offenders who relocate to Georgia from another state.

### 7. HOW OFTEN IS THE GEORGIA SEXUALLY VIOLENT OFFENDER REGISTRY UPDATED?

- Sheriffs are responsible for updating all information provided by the sexual offender within two working days. The Sexual Offender Registry is updated daily with all record changes.

### 8. WHAT IS THE PROCESS FOR THE SEXUAL OFFENDER TO REGISTER?

- Any sexual offender required to register under this Code section shall provide the required registration information to the appropriate official before being released from prison or placed on parole, supervised release, or probation.
- The sexual offender must register with the sheriff of the county in which the sexual offender resides within 72 hours after the sexual offender's release from prison or placement on parole, supervised release, probation, or entry into this state.
- The sexual offender must renew the required registration information with the sheriff of the county in which the sexual offender resides by reporting to the sheriff within 72 hours prior to such sexual offender's birthday each year to be photographed and fingerprinted.
- In addition to the requirements of registration for all sexual offenders, a sexually dangerous predator shall also report to the sheriff of the county where such predator resides six months following his or her birth month and update or verify his or her required registration information.
- The sexual offender must also register in any other state where he or she is employed, carries on a vocation, or is a student.

### 9. WHAT HAPPENS WHEN A SEXUAL OFFENDER FAILS TO REGISTER?

Read [www.georgia.gov](http://www.georgia.gov)

## Appendix D Continued

georgia.gov - Georgia Sex Offender Registry - Mozilla Firefox

File Edit View History Bookmarks Tools Help

http://www.georgia.gov/channel\_modifieddate/0,2096,678623954\_87953024\_00.html

georgia.gov - Georgia Sex Offender ...

- Any individual who is required to register under this Code section and who fails to comply with the requirements of this Code section, or provides false information, or fails to respond directly to the sheriff within 72 hours of such individual's birthday shall be guilty of a felony and shall be punished by imprisonment for not less than ten nor more than 30 years.

**10. WHAT HAPPENS IF A SEXUAL OFFENDER CHANGES ANY OF THE REQUIRED REGISTRATION INFORMATION?**

- If the sexual offender changes any of the required registration information, other than residence address, the sexual offender shall give the new information to the sheriff of the county with whom the sexual offender is registered within 72 hours of the change of information; if the information is the sexual offender's new residence address, the sexual offender shall give the information to the sheriff of the county with whom the sexual offender last registered within 72 hours prior to moving and to the sheriff of the county to which the sexual offender is moving within 72 hours after the change of information.

**11. WHO SHOULD I CONTACT IF A SEXUAL OFFENDER HAS AN INCORRECT ADDRESS?**

- Sheriff of the county of sexual offender's residence.

**12. WHAT HAPPENS WHEN A SEXUAL OFFENDER RELOCATES TO GEORGIA?**

- The sexual offender must report in person to the Sheriff of the county of residence within 72 hours of re-locating to the State of Georgia.

**13. WHAT HAPPENS IF A SEXUAL OFFENDER MOVES TO ANOTHER STATE?**

- If an sexual offender changes residence to another state, the sexual offender shall register the new address with the sheriff of the county with whom the sexual offender last registered, and the sexual offender shall also register with a designated law enforcement agency in the new state within 72 hours after establishing residence in the new state.

**14. WHY CAN'T I FIND A SEXUAL OFFENDER'S RECORD ON THE REGISTRY?**

Read [www.georgia.gov](http://www.georgia.gov)

## Appendix D Continued

Several reasons may explain why a sexual offender is not shown on the registry;

- The sexual offender is deceased and therefore the record was deleted.
- The sexual offender you are checking on does not meet registration requirements.
- The sexual offender is a new registrant and the information has not been submitted at the time of inquiry.
- You have entered incorrect information to search for the sexual offender (for example, name or county).

**15. ARE JUVENILES REQUIRED TO REGISTER?**

- No, unless they are tried and convicted as an adult.

**16. HOW LONG DOES A SEXUAL OFFENDER REMAIN ON THE REGISTRY?**

- **LIFE Or**
- Per O.C.G.A. 42-1-12 (g) (1) "Any sexual offender required to register under this Code section who meets the criteria set forth in paragraph (2) of this Code section may petition the superior court of the jurisdiction in which the sexual offender is registered to be released from the registration requirements of this Code section. The court may issue an order releasing the sexual offender from further registration if the court finds that the sexual offender does not pose a substantial risk of perpetrating any future dangerous sexual offense.
  - (2) In order to petition the court pursuant to paragraph (1) of this subsection, the sexual offender shall:
    - (A) Have been sentenced pursuant to subsection (c) of Code Section 17-10-6.2; and
    - (B) Have had ten years elapse since his or her release from prison, parole, supervised release, or probation."

**17. WHAT COULD HAPPEN IF I HARBOR A SEXUAL OFFENDER?**

- "Any person who knows or reasonably believes that a sexual offender, as defined in Code Section 42-1-12, is not complying, or has not complied, with the requirements of Code Section 42-1-12 and

Read [www.georgia.gov](http://www.georgia.gov)

## Appendix D Continued

seeking such sexual offender to question him or her about, or to arrest him or her for, his or her noncompliance with the requirements of Code Section 42-1-12:

- (1) Harbors, attempts to harbor, or assists another person in harboring or attempting harbor such sexual offender;
- (2) Conceals, attempts to conceal, or assists another person in concealing or attempting to conceal such sexual offender; or
- (3) Provides information to the law enforcement unit regarding such sexual offender which the person knows to be false information

Commits a felony and shall be punished by imprisonment for not less than five nor more than 20 years."

**18. DOES GEORGIA PARTICIPATE IN THE NATIONAL SEXUAL OFFENDER PUBLIC REGISTRY?**

Yes, effective October 1, 2005. The web address for the national registry is [www.nsogpr.gov](http://www.nsogpr.gov).

[Download GBI SOR Data](#)

The web address for Prevent Child Abuse Georgia is <http://www.preventchildabusega.org/html/demo/>.

Center for Sex Offender Management - <http://www.esom.org/pubs/mythsfacts.html>

**Associated Document(s):**

[PDF Sex Offenders GA Map\\_06302010.pdf](#)  
Sex Offenders by County as of June 30, 2010

[DOC FINAL JUNE302010 QUARTERLY SUMMARY.doc](#)  
Summary of Sex Offender Information

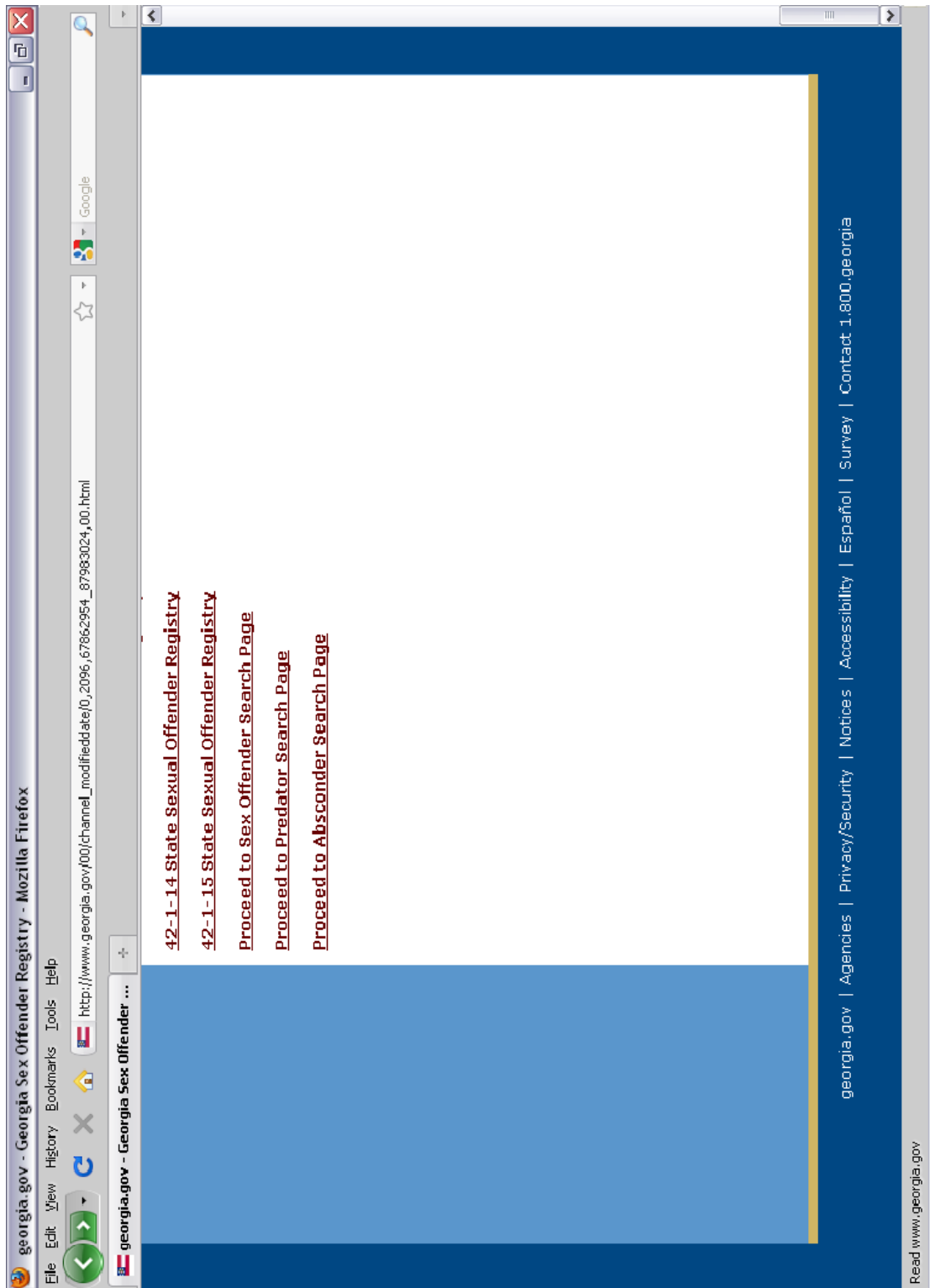
[42-1-12 State Sexual Offender Registry](#)

[42-1-13 State Sexual Offender Registry](#)

Read [www.georgia.gov](http://www.georgia.gov)



## Appendix D Continued



For additional information or for copies of this report call 404-657-5220.

Or see our website:

<http://www.audits.ga.gov/rsaAudits/>