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Does Megan's Law Work? A Theory-Driven Systematic Review

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Abstract

How can the goal of evidence based policy be pursued in those policy domains where the evidence base is partial, fragmented, lopsided and contested? How can the goal of evidence based policy be pursued in respect of programmes that have long, complex, diversified and locally autonomous implementation chains? These are two of the most pressing problems facing systematic review methodology and they are the questions confronted in this paper. The US sex offender notification and registration programme (known as Megan's Law) forms the case study for this demonstration project. The law was rushed onto the statute books following the murder of Megan Kanka by a released sex offender living anonymously in her community. The initiative was driven by public outrage, and evidence on its effectiveness has only trickled in as an afterthought. Unsurprisingly, that data is uneven in respect of coverage, inquiry methodology and quality of research. Responsibility for implementing the activating registration and notification programme lies in many hands (policy makers and police and probation officers and the public), with the result that Megan's Law varies from state to state, county to county, official to official. In these circumstances, a systematic review of the evidence has to rely on an analytic strategy that matches the available evidence to each step of the programme theory. The programme is broken down into its many component assumptions and each one is evaluated utilising the variations that have occurred from jurisdiction to jurisdiction. Such is the logic of the 'theory-driven' approach to research synthesis, which is pioneered in this paper.

Key words: Evidence-based policy; systematic reviews; theory-driven evaluation; theories-of-change; sex offender registration; community notification; Megan's Law.

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Does Megan's Law work? A theory-driven systematic review

"From now on, every state in the country will be required by law to tell a community when a dangerous sexual predator enters its midst. We respect people's rights, but today America proclaims there is no greater right than a parent's right to raise a child in safety and love. Today America warns: If you dare to prey on our children, the law will follow you wherever you go, state to state, town to town. Today, America circles the wagon around our children. Megan's Law will protect tens of millions of families from the dread of what they do not know. It will give peace of mind to our parents." (Levi, 2000: 582, quoting remarks by President Clinton (1996) in the Bill signing ceremony for Megan's Law)

Introduction

This paper is an attempt to see if the evidence base can make itself heard in one of the most emotionally and politically charged areas of public policy. The policy initiatives under scrutiny here are the US 'sex offender registration and community notification programmes'. These interventions have quite a long history and in their present form have been harnessed via several pieces of federal legislation - e.g. the 1994 Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the 1996 Pam Lychner Sexual Offender Tracking and Identification Act, and the 1996 President's Directive. However, the great moral driving force behind the legislation was, of course, Megan's Law (1996). Megan Kanka was raped and killed by Jesse Timmendequas, one of three released sex offenders who, unbeknown to her parents, lived in their neighbourhood. Within months, following an enormous public outcry, New Jersey passed emergency legislation for a mandatory community notification system for convicted sex offenders. Within a very short number of years all fifty US states had followed suit.

This paper is an attempt to review the evidence systematically in order to see if the registration and notification programmes have worked. The importance of this question speaks for itself. Megan's Law constitutes one of the most rapid transformations in US federal and state law. There is little sign that the public outrage that drove these changes has abated. And thanks to history's grim capacity to repeat itself, there have been calls for a Sarah's Law in the UK. What is more, registration and notification initiatives are a sub species of naming and shaming programmes, which have become a favoured apparatus of the times for dealing with social problems right across the policy spectrum. For all these reasons, it is clear that the time is ripe for a cool look at Megan's Law, in order to review to what extent and in what respects and in what circumstances it has worked.

This paper, perhaps above all, is an attempt to face a methodological challenge. Systematic reviews of the available research have become the instrument of choice for evidence based policy. But it is an instrument in the making. Whilst it is greatly admired, it is now widely recognised that the meta-analysis approach of evidence based medicine cannot provide a model for systematic review that will be as effective

in other policy domains. Clinical evidence is positively copious and decidedly sleek. By and large, treatments are well defined, trials are tightly controlled and replications abound. But as soon as one moves beyond the medical field and into welfare, education and criminal justice policy, the picture changes. Initiatives become complex, impossible to manipulate experimentally and the devil to replicate. This is precisely the challenge facing the reviewer of Megan's Law. The evidence is patchy, lopsided, disparate, and contested. There is an avalanche of commentary on dealing with sex offenders in the 'plague or panic' genre, but only a single investigation (Schram and Milloy, 1995) that can claim to be a full outcome inquiry of the effects of community notification. And that study, as we shall see presently, is decidedly inconclusive.

My various tasks thus presented, let me describe how they will be tackled. In the first section of the paper I pick up the methodological challenge. I describe a 'theories-of-change' strategy for systematic reviews. Theories-of-change approaches (Connell et al, 1995) are a member of the family of theory-driven approaches to evaluation research. They have been developed to evaluate programmes with long and complex implementation chains and the key idea, put very simply, is to put a microscope to each and every link in the chain. The method has found favour in the evaluation of community development programmes in the US (Connell and Kubisch, 1998) and Heath Action Zones in the UK (Judge, 2000). Heretofore, its usage has been confined to summative or developmental evaluations of ongoing programmes. My suggestion here is that the same logic can be used in reviewing bygone evidence. Registration and notification programmes take an arduous journey though the hands of numerous stakeholders. There are many, many accounts of the detailed linkages in this chain of command. And, thus, in my estimation, registration-and-notification interventions provide an ideal test case for examining the potential of a theories-of-change systematic review.

The second section of the paper goes on to present the 'theory' of Megan's Law. All social programmes are theories. They begin in the heads of the policy makers, and pass through the hands of programme practitioners, and (if all goes well) drive into the hearts and minds of the subjects of the intervention. These theories are iterative, describing the various administrative staging posts, practical stepping stones, and stakeholder actions and reactions that must occur if the anticipated programme outcome is to obtain. Accordingly, the task here is to articulate how the architects of Megan's law perceived the precise chain of events whereby i) 'offender registration' goes on to inform ii) 'community disclosure', which then invites iii) 'public sanction', which in turn goes on to control iv) 'offender response'. These theories are drawn from the legislation, guidelines and documentation that accompanied the development of Megan's Law, as well as more general expectations that drive naming-and-shaming policies.

The third, and major, section of the paper goes on to test these theories. As noted above, a thorough search of the published evidence reveals only the single quasi-experimental study comparing the recidivism rates of matched groups ('notified' and 'anonymous') of released sex offenders. It is, moreover, a somewhat tentative study with a rather inconclusive outcome. There is, however, much detailed administrative, legal, and technical material, and some formal process research on the various links in the implementation chain. And, since it is the passage from identification to disclosure

to sanction to reaction that is of interest here, it is possible to commence the process of testing and refining the theory presented in the previous section. As we shall see, the registration-and-notification process has not always behaved as the policy makers have anticipated. Megan's Law as a piece of legislation meets with mixed fortunes as a piece of practical policing. But so it is with all programmes, and by reviewing the expectations against the actuality at each point in the implementation chain we have a tool that allows us to explain the overall fortunes of Megan's Law.

The concluding section serves as a summary. The results of the review are appraised for their policy and methodological implications. The review strategy described here is theory-driven and this means the findings come in the form of refinements to that theory. There is no simple arithmetic verdict to be had on whether Megan's Law has worked; rather the purpose of the exercise is to identify points of strength and of weakness in the implementation chain. These provide the policy maker with vital evidence for future policy formation – for example, how to remodel such interventions (in the US) or how, if at all, to initiate them (in the UK).

I. Theories of Change

Evaluation research has become increasingly pluralistic in its research strategies as practitioners have sought to find ways of researching social programmes, which themselves have multiplied in their ambition and complexity over the years. No doubt the same change will occur with methods of systematic review. This section advocates one important evaluation approach that may be profitably imitated and added to the review portfolio.

For many years now, a group of evaluators have recommended theory-driven research approaches (Bickman, 1987; Chen and Rossi, 1992; Pawson and Tilley, 1997; Rogers et al, 2000; Weiss, 1997). The starting point in all these efforts is an understanding of what social programmes are *not*. They are not treatments, swallowed whole like some sort of communal medicine. They do not work passively, in and of themselves. Rather they work actively, offering subjects resources and reasons to change their behaviour. And whether they work (or not) depends on how subjects choose to respond to the choices on offer. Given that social programmes have causal powers of this nature, it is always necessary for researchers to delve into the 'black box' of an intervention and to investigate the processes that actually shift the reasoning and behaviour of participants.

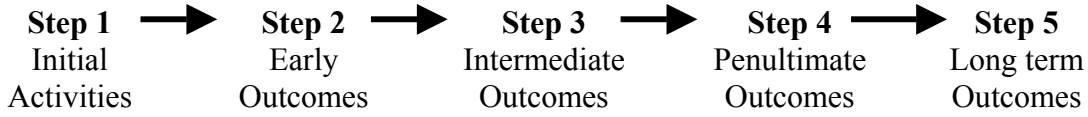
Thus we arrive at the core idea of theory-driven evaluation. The key is to make explicit the underlying assumptions about how an intervention is supposed to work – the 'programme theory' – and then to use this theory to guide evaluation. There are some differences within the family of theory-driven approaches on how to articulate that theory and in what form to express it, but these need not detain us at this point. In this instance, I want to promote the advantages of a theories-of-change approach to evaluation and its application to systematic review.

The approach was developed by Connell et al (1995) for use in the evaluation of comprehensive community initiatives. These are known as community development programmes in the UK, one of their features being that different stakeholders are empowered to shape and reshape the programme as it passes through their respective

hands. Another vital feature is that the chain of command is a particularly long one, perhaps involving central, regional and local government funders and policy makers, and then local education, health, welfare and police practitioners, as well as community leaders, activists and residents. Unsurprisingly, no two community programmes are ever quite the same, making life particularly difficult for the evaluator.

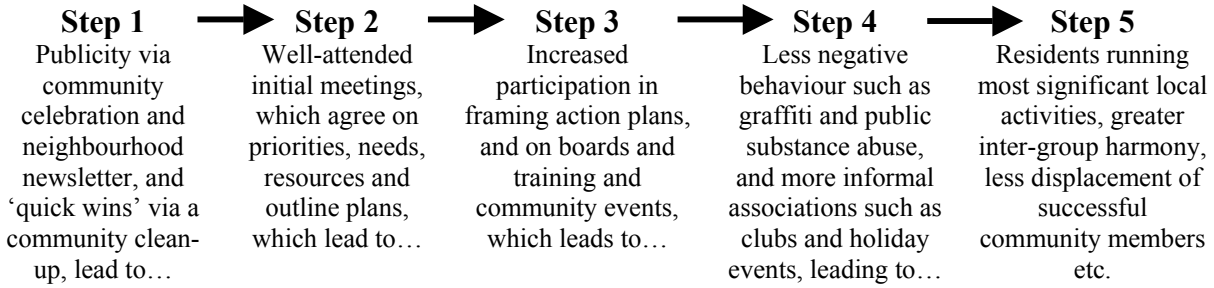
Connell et al thus recommend that a process of 'theory mapping' be put in place in order to identify all the key intervention milestones under conjecture within the initiative, as a prelude to having them tested. Their basic claim is that 'using a theories-of-change approach to plan and design the initiative should increase the likelihood that the stakeholders in the initiative will have clearly specified its intended outcomes, that the initiative will be implemented, and that it will be responsive to context and changing conditions' (Connell et al, 1995: 12). The research process begins with 'surfacing and articulating' the working assumptions about how the programme will lead to the proposed goals, and all key stakeholders co-construct plans as in Figure 1:

Figure 1: Theories of change - the implementation chain



Each stage itself is likely to have a number of stepping stones. Accordingly, a theory 'grid' is produced in enormously high resolution, which lists requisite attitudinal shifts as well as measurable activities en route to the goal of community regeneration. For illustration, I reproduce just a small part of the grid on the matter of engaging community support. To this end, a community programme may plan the stages portrayed in Figure 2:

Figure 2: Hypothetical stages in community development programmes



The goal of this participatory planning process is to generate a theory-of-change that is viewed by its stakeholders as 'plausible', 'doable' and 'testable' (Connell et al, 1995: 12). Having all of the stepping stones specified 'up front', as the authors put it, helps to strengthen the scientific case for ascribing subsequent changes in outcomes to the activities included in the initiative. While this strategy cannot eliminate all alternative explanations of a particular outcome, it aligns the major actors in the initiative with the standard of evidence that will be convincing to them.

This evaluation logic can be used in a variety of ways. It can address the classic outcome question – did the programme work? If the long term outcomes do occur as per theory, one has a strong case for attributing the change to the programme, because one can check through the data on the intermediate milestones to verify that they were in fact in place. But one can also use the method developmentally, in something like the classic action research mode. That is to say, one can inspect the programme as it builds for weaknesses and indeed breaks in the chain. If an initiative moves smoothly from A to B to C, but some intermediate objective D fails to fire, then the evaluators and community participants can re-examine this initial segment of the programme theory, attempt to fathom its misconceptions, suggest remedies, and try them out in practice.

And, so this paper argues, one can also use the method retrospectively. The conditions for using a theories-of-change strategy of systematic review are as follows. Clearly, one needs a programme that finds wide usage and has prompted much observation and research. One also needs a 'long, thin' intervention, which passes through many hands on its way to its intended goal. One also needs a programme whose theory has been articulated clearly in terms of legislation, constitution and regulation. One also needs a programme that has operated with variations and with internal development, in order to be able to examine the conditions for successful progress down the chain.

If there be such a programme, then the review research design is straightforward:

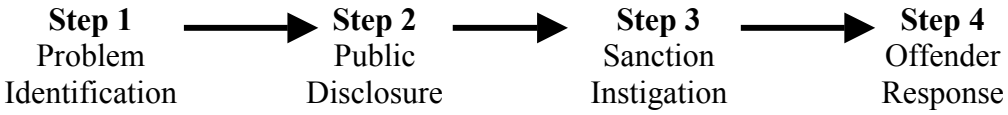
- Surface and articulate the programme theory by reviewing all formal and informal statements of its purpose, logistics, strategies, and decision points.
- Present a model of the intended implementation chain as it passes though initial activities, intermediate and long term outcomes.
- Collect data, in the form of case studies, about each of these points in the implementation chain.
- Analyse the veracity of the programme theory, seeking flows and blockages, and attempting to show how early outputs condition progress down the chain.

Let us give it a try.

II. The 'Theory' of Megan's Law

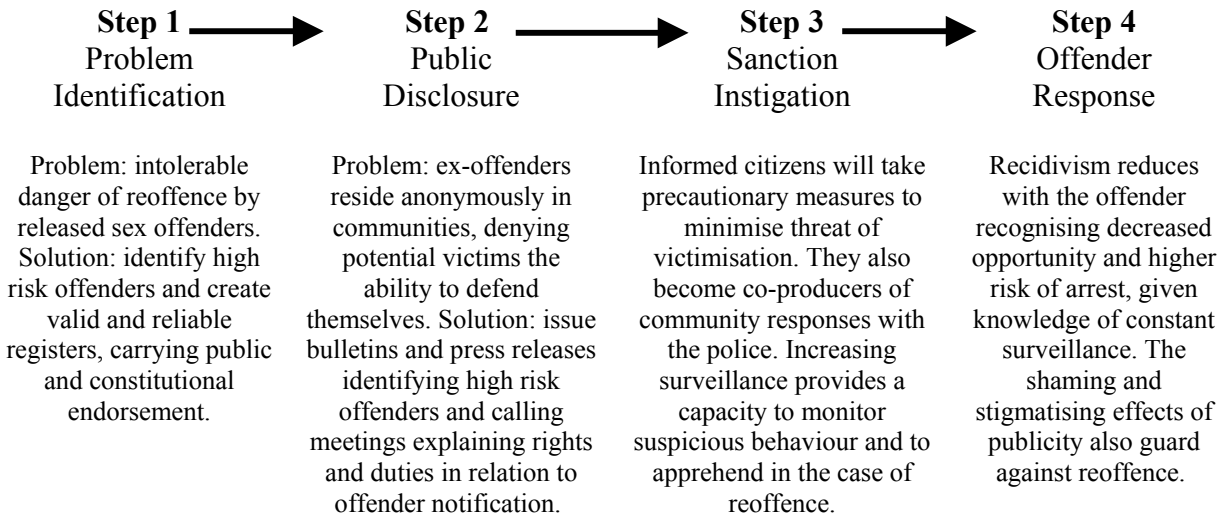
How is sex offender registration and community notification supposed to work? Although the basic idea behind such schemes is often rendered as a couplet (naming *and* shaming) in actuality, there are *four* prime stakeholders (released offenders, responsible bodies, wider public, the media) and *four* major stages in public disclosure programmes. The basic implementation chain is set out in Figure 3, which is presented in the theory-of-change motif:

Figure 3: The registration and notification implementation chain



All interventions begin with the policy maker's diagnosis of a problem as well as its embryonic solution, and the art of policy implementation is to keep as many as possible of the other stakeholders 'on message' as the intervention flows into practice. Success depends on having the appropriate mechanisms in place to pass on that message. Some, perhaps most, social programmes offer incentives and resources to change behaviour. But Megan's Law is supposed to work through information, condemnation, persuasion, publicity and surveillance, and these are difficult tools to manage. I begin with an initial synopsis (Figure 4) of the key tasks at each stage, which I then want to fill out by looking at some of the statutes, planning documentation, guidelines, notification bulletins and so on, which will give a deeper picture of the intended theory.

Figure 4: Megan's Law - basic programme theory



My next task is to surface and articulate this theory in rather more detail, using the words of its legislation and regulation. My information comes from documents and procedural guidelines on the enactment and enforcement of the sex offender registration laws, both at federal and state level. I also plunder the extensive commentary upon them in the *Law Reviews* of the major U.S. law schools. In addition, I examine the notification bulletins themselves, as well as the publications of key agencies such as the National Institute of Justice (NIJ), the Center for Sex Offender Management (CSOM), and the Washington State Institute for Public Policy. My method has been to comb all of these 'declarations of intent', parsing out the key programme theories and illustrating them with typical quotations. Clearly, there is a matter of judgement on whether I have captured the policy objectives accurately. Policy makers in criminal justice matters tend to be well versed in legislative clarity and, by and large, my method is to express their ideas in their own words. I do not, therefore, consider that I am making any overly contentious statements here, though I will return to the issue in the general conclusion on methodology.

Before we get to the step-by-step claims on the workings of Megan's Law, I begin with a couple of general themes that pervade the legislation. All of the above literature stresses the need for a criminal justice and general public partnership in dealing with the repeat sex offender problem:

> Community notification reflects the perception that registration alone is inadequate to protect the public against released sex offenders and that notification provides the public with a better means of protecting itself. (NIJ, 1997: 1)

All of these bodies, moreover, view the intervention as creating several lines of defence against sex offenders, with the steps in the programme depending one upon the other, and the goals being met cumulatively:

> The goals of the registration laws include increasing public safety, deterring offenders from committing future crimes, and providing law enforcement with additional investigative powers. (CSOM, 1999: 9)

Step 1

Coming to the more specific stages in the implementation chain, I begin with the basic theories underlying 'registration'. These programmes begin by creating registers of potentially dangerous sex offenders about to be released from prison and back into the community. Put like this, it may seem an administrative preliminary to the main task of protecting that community. As we shall see, however, classification is not just a technical issue. So, what are the main objectives of registration?

It is possible to get a first glimpse of the priorities involved by considering the opening propositions from the Alaskan legislation of 1994. This statement is taken from Matson and Lieb's (1996: 6) review of Megan's Law across fifty states and is described by them as 'typical':

> The legislature finds that: (1) sex offenders pose a high risk of re-offending after release from custody, (2) protecting the public from sex offenders is a primary government interest, (3) the privacy interests of persons convicted of sex offences are less important than the government's interest in public safety.

What we have here is a first sight of the domain theories driving the registration element of the process, namely 'risk to the public' and 'moral and constitutional authority'.

Risk

'Risk to the public' is the key concept that underlies all registration procedures. The basic idea is that 'an agency identified by the state (e.g. law enforcement, probation, parole, prosecutor) determines the level of risk an offender poses and then implements a notification plan that reflects the level of risk.' (NIJ, 1997: 5). As Poole and Lieb (1995: 10) put it in their account of the thinking behind the Washington registers, 'the information is intended to help the public assess the offender's risk with more precision than is possible when someone is identified simply as a sex offender.'

Accordingly, the basic task of registration is to draw up a 'statutory definition of the sexually violent predator' (Poole and Lieb, 1995: 7). This is no straightforward distinction to make, with the New Jersey *Attorney General guidelines* (Whitman and Farmer, 2000: Exhibit E: 2) giving an example of the kind of tricky distinction the law has in mind:

> If, for example, one is dealing with a compulsive exhibitionist, although there might be a high likelihood of recidivism, the offense itself is considered a nuisance offense. Hence the offender's risk to the community would be considered low, consistent with the low legal penalties associated with such offenses. Conversely, with a violent offender who has a history of substantial victim harm, even a relatively low likelihood of recidivism may result in a moderate or high risk to the community given the seriousness of reoffense.

This gives a first identification of some of the complexities with which risk classification has to deal. Not only have there to be some clear definitions of what constitutes the high risk offender, there also have to be reliable and valid operational procedures to put them into practice in appraising each offender. In addition there are also practical steps to be undertaken to ensure that the process is efficient and that all high risk cases are entered and maintained on the register.

We will inspect these practicalities head on in the main body of the review. It is sufficient here to note that the notion of risk is taken to be the key identifier of the problem at hand and that the problem is squarely identified with the individual pathological person. Megan's Law assumes that there is a group of released offenders who are by and large beyond treatment and are to be considered permanently dangerous. It is the job of registration to identify those who make up this unreformed sector, who then require enduring management. This is the first 'theory' identified in our model and in the review section it will be first up in the examination of how well the ideas fare in practice. Are the risk assessments actually performed on exit from the prison gate sound enough to sustain the rest of the process?

Moral and constitutional authority

Identifying high risk offenders is not the only goal of the registration process, however. Megan's Law is not just a technical piece of legislation. As can be seen in the Alaskan declaration that opened this section, the laws are also framed in terms of the rights of the community over the rights that these particular individuals have to privacy. This moral and constitutional authority must also be present if the registration apparatus is to make an impact on the public, and if the public is to act on the information. Kahan (1996: 653) explains the implicit 'theory' at work here:

> …shaming penalties are also emerging…because they do something that conventional alternative sanctions don't do: express moral condemnation. Such penalties, one court explained, "inflict disgrace and contumely in a dramatic and spectacular manner". This dimension of meaning sets shaming penalties apart from fines and community service, which seem unsatisfactory precisely because they condemn the offender's acts only equivocally.

The argument here is that the success of the complex regulatory apparatus that follows registration depends on the moral and constitutional force summoned at the start of the implementation chain. Megan's Law was born out of human tragedy and the huge wave of emotion that followed it, demanding that 'something must be done'. Alongside the technical apparatus of registration and notification thus runs an emotional pathway, which begins with outrage and ends, as the presidential address

put it, with 'peace of mind'. In the course of the implementation chain, opprobrium and condemnation must be transformed into management and control.

Notification, as we have seen, involves a denial of privacy to a whole class of citizens and so a key requirement at the first stage is to take a tight constitutional hold of this process. If this initial stepping stone is put in place, then the subsequent restrictions placed on these former offenders also have a good chance of holding. The theory being reconstructed here is thus declamatory; blame is apportioned and, for it to stick, it has to be seen to be apportioned justly.

> [Such laws] are imposed by an agent invested with the moral authority of the community: they denounce the wrongdoer and his conduct as contrary to shared moral norms and they ritualistically separate the wrongdoer from those who subscribe to such norms. (Kahan, 1996: 636)

Again, we await the evidence to see if these conditions are met.

Step 2

Step two in Megan's Law consists of the bridging point at which the registration information is made public, prior to the public becoming involved in the management of these high risk offenders. The basic assumption at work, as enshrined in federal legislation, is to 'allow enforcement agencies to release the relevant registration information, when release of information is necessary for public protection' (Matson and Lieb, 1996a: 6). The dual task at this stage is to disclose information and then pass on suggestions as to how that information might be acted upon. Again, there are 'technical' and 'emotional' streams to the process.

Exposure to threat
The first objective of public notification is a continuation of the risk theory identified at stage one. The assessment of risk has to be articulated and explained to the public at large. Let me repeat an earlier quotation from the NIJ here, drawing attention to its final phrase: 'an agency identified by the state (e.g. law enforcement, probation, parole, prosecutor) determines the level of risk an offender poses *and then implements a notification plan that reflects the level of risk.*' (1997: 5). In other works, a high-fidelity communication process needs to be put in place to warn of the threat posed by high risk offenders. We will come to the details presently, but basically a 'tier system' is put in place in which the higher the threat posed, the more information is held on the offender and the more effort is put into its dispatch to the public.

Accordingly, the theories present at step two are no more and no less than basic tenets of communication theory. The notification process 'should reach the widest possible audience in the least amount of time'; it 'should give community members concrete information about the offender'; it 'should ensure that all vulnerable citizens have been reached'; and so on (CSOM, 2001: 8).

Public information and education
There is also, of course, a qualitative aspect to such communication. Part of the message and part of the challenge is to summon all the nascent moral condemnation present in respect of sex offenders, and to channel it appropriately. The notification

procedures thus also tend to have a public information and education function. Rights and duties have to be explained. The theories at work here can be read directly off the pages of the notification bulletins. Matson and Lieb reproduce one such bulletin (1996b: 22; included in the printed version of this Working Paper as Appendix 1), and I extract a few, key passages here. The central theory is up there in block capitals:

THIS NOTIFICATION IS NOT INTENTED TO INCREASE FEAR, RATHER IT IS OUR BELIEF THAT AN INFORMED PUBLIC IS A SAFER PUBLIC

To many an untutored eye (including mine, when I first caught sight of it) the bulletin looks a little like a 'wanted poster' – thanks to the classic 'mug shots' of the offender. The bulletin seeks to disabuse us of this at once and tutors:

HE IS NOT WANTED BY THE POLICE AT THIS TIME

The notification bulletin also anticipates some unintended consequences of the stir of emotions caused by such publicity, and warns 'Citizen abuse of this information to threaten, intimidate or harass registered sex offenders will not be tolerated.' The reader will also observe some passages of general information and advice, and many policy makers in the area stress that notification is a key moment for public education. The CSOM (2001: 15), for instance, promotes the following theory of notification:

> The opportunity to educate the public may be the most powerful aspect of the recent community notification efforts. Education should focus on: the fact that victimisation data indicate that most sex offenders remain undetected in the community, that most people are victimised by someone they know, and that known sex offenders are often under the supervision of the criminal justice system; the steps the criminal justice system can and cannot take to control these offenders; and methods to protect oneself and one family from sexual victimisation.

Keeping control of public information ideas is, of course, notoriously difficult. This is especially so, one speculates, when high emotion is aroused. In the main body of the review we will examine the evidence on whether the above ambitions are realised.

Step 3

Here we come to expectations about the safeguards and sanctions that are envisaged as a result of the notification orders. No single line of defence is foreseen. In general, public and police are seen as co-producers of the measures against the released offenders. The following six themes come to the surface regularly in the law enforcement agencies' accounts of what is supposed to happen.

Partnership

A familiar starting point crops up again in most of the official literature on community response; namely the theory that police action alone is insufficient to contain such concealed and infrequent offences. This dual responsibly is located most closely at step three. The CSOM's (2001: 11) report provides a state-by-state profile of the multi-agency response to notification. A fairly typical entry is as follows:

> In Connecticut, a team of individuals that includes probation and parole officers, law enforcement, victim advocates, and sex offender treatment providers have developed a multi-disciplinary approach to community education and notification…Advocates help shift the focus of the notification laws from merely informing the public about known offenders in their neighbourhoods to preventing future sexual victimisation.

Surveillance
The most basic intended consequence of notification is to open eyes. Information exchange within the community is seen, perhaps above all, as a process of 'knowing thine enemy'. The police surveillance apparatus is much expanded through informal public scrutiny, or as Bedarf (1995) puts it, '…under hundreds of watchful eyes it is more difficult for a sex offender to escape into anonymity'.

Protective action
Another control measure is community self-protection. This is postulated as follows: 'by informing the public about the presence of a sex offender in the community, neighbours will be able to protect themselves from sex offenders by keeping themselves – and their children – out of harm's way' (NIJ, 1997: 2). According to Freeman-Longo (1996a) of the sexual abuse prevention and information centre called Safer Society, 'the core premise of such laws is that by increasing community awareness, parents will be able to inform their children about who is dangerous and whom to avoid'. The registrants also have exclusions placed on their movements, with schools and recreational areas being designated 'safe areas', perhaps subjected to additional 'playground watch' activity.

Preventative action
Citizens are also given powers to inform upon and raise doubts about subjects, in order to apply in time the stitch that will save nine. This is thought to add another defensive layer to the containment approach. 'Notification is also thought to improve public safety because the public will be able to identify and report risky behaviors by sex offenders (e.g. conversing with children, buying sex oriented magazines) that might escalate into criminal behaviour if ignored' (NIJ, 1997: 2).

Evidence building
If, despite the public's attempts at self-protection, reoffence occurs then notification is expected to perform a rather different role: 'if a sex offence is committed and no suspect is located, the registry can be used to identify potential suspects who live in the area, or who have a similar pattern of crime' (Matson and Leib, 1996a: 6).

Investigation and prosecution
It is also anticipated that the notification data can assist further down the line in police action. Alabama state law puts it thus:

> The legislature further finds that the law enforcement agencies' efforts to protect their communities, conduct investigations and quickly apprehend criminal sex offenders are impaired by the lack of information about criminal sex offenders who live within their jurisdiction and that the lack of information shared with the public may result in the failure of the criminal

> justice system to identify, investigate, apprehend and prosecute criminal sex offenders. (CSOM, 1999: 1)

Step three theories, then, envision a range of responses on the part of the community. In this case the model will be tested to see if these, or a quite different set of reactions, are forthcoming from neighbourhoods with a former sex offender in their midst.

Step 4

All the prior stages are now foregathered and we come to their intended effect on the released offenders. Once again, the project architects anticipate a diverse response, based upon varying degrees of rational calculation and self-reflection on the part of the offender.

Risk and effort
The classic strategy of 'situational crime prevention' attempts to lodge in the mind of the potential offender knowledge of: a) the increased 'risk' of being caught, and; b) the increased 'effort' needed to continue with the offending behaviour. Both of these notions can be found in the background legislation. 'Another intended effect of the registration is psychological. Once registered, offenders know they are being monitored. Many law makers argue that such knowledge discourages sex offenders from reoffending' (Matson and Leib, 1996a: 7). On a similar theme, Freeman-Longo (1996b) surfaces the theory that 'it is believed that such laws will reduce the likelihood that the sexual offender will reoffend because everyone will know of his past, and because of this, he will have a more difficult time luring his potential victims'.

'Acceptance' of guilt and readiness for treatment
Many incarcerated sex offenders resist treatment and some continue to deny culpability. Notification is said to provide a spur to draw back from such viewpoints, both before and after release. During incarceration, there is now an incentive for offenders to admit to sex crimes and show improvement under treatment in order to demonstrate that they no longer deserve the highest levels of notification ('acceptance of guilt' is taken as a key sign of rehabilitation). The same mechanism can be invoked against released offenders at the lower levels of notification:

> The threat of [full] community disclosure is the greatest contribution of notification as a tool for managing sex offenders in the community…the threat of notification can act as a catalyst to participate actively in treatment, remain constructively in employment, and comply with special conditions of their placement. (English et al, 1996)

Shame and contrition
The above consequences are theories based on the reactions of a calculating, not to say cunning, offender. Another psychological theory at work at this point reckons that a brush with Megan's Law will have a far more direct consequence, and this harks back to the intentions of some of the original authors of the legislation:

> There is no reason to think that sexual offenders feel shame only when confronted by familiar neighborly faces. On the contrary, there is much reason

> to think such offenders will suffer a hard psychic blow regardless of the setting in which they are exposed. The fact that one's sexual activities have been exposed has a way of lodging itself inescapably in one's consciousness. (Whitman, 1998: 1065)

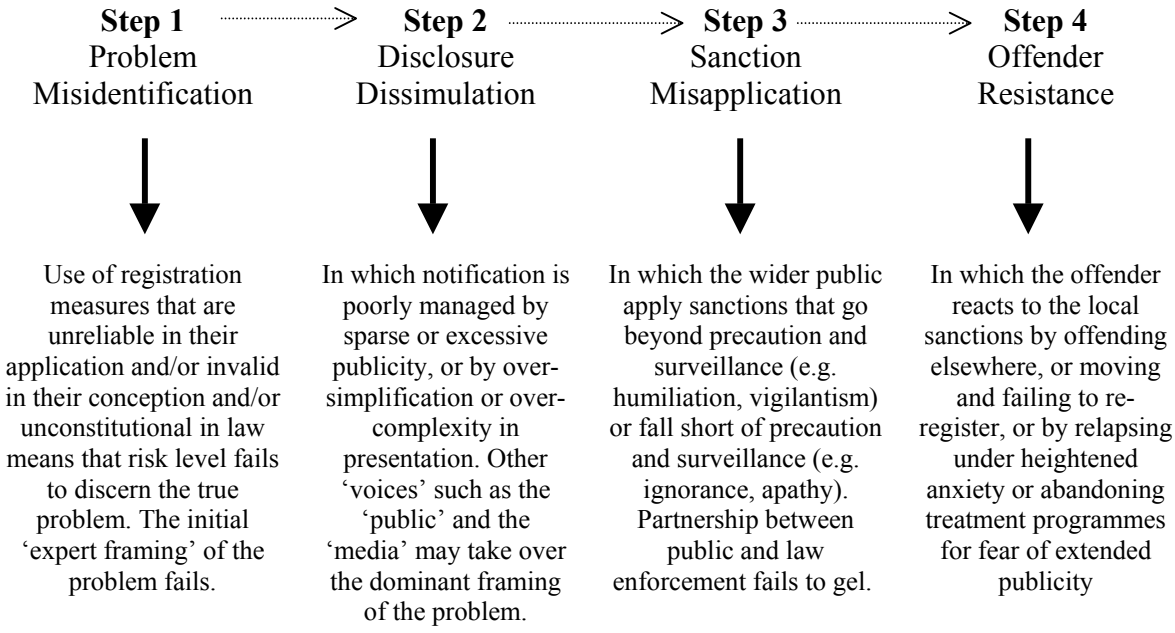
If all else fails

The final potential action of the programme on the offender, of course, is neither prevention, nor cure, but arrest. It is assumed that in some, perhaps very few, cases the offender just cannot be deterred. Recall that the initial theories about risk, including that of the US Supreme Court in 1997, regard some sex offenders as 'suffering from volitional impairments rendering them incapable of self-control' (Presser and Gunnison, 1999: 303). In such instances, the default position is that the information trail created by Megan's Law will make subsequent re-arrest and reconviction more likely. The quotation from the Alabama's registration statute above is one of many emphasising detection as a fall back to deterrence.

The above, then, constitutes the basic 'theory' of Megan's Law as seen through its legislation and the eyes of its key architects. Programme theories are always contested, of course, both on paper and in practice. It would be perfectly possible to provide a contrasting account to the 'official line', which hypothesises the potential ways in which Megan's Law mis-identifies offenders, mis-communicates risk, mis-applies sanctions, and mis-controls recidivists. Moreover, as legislation and practice has developed through the fifty states, much of it has been concerned to iron out certain of these unintended effects (CSOM, 2001). I summarise some of these concerns in Figure 5 which depicts where, when and how Megan's Law may misfire rather than travelling the intended implementation chain.

These rival theories, of course, also surface in the review process. Sometimes they are articulated in 'alternative manifestos' (e.g. National Center on Institutions and Alternatives, 1996; Edwards and Hensley, 2001). These sources often present a full-blown normative framework in which to understand the problem of sex offence (the first of these two references operates from the 'standpoint of the ex-offender', the second offers a 'therapeutic jurisprudence' model). There is, however, no need for me to spell out these alternative paradigms, for this is neither a philosophical nor an ethical inquiry about the nature of sex offending. This is a review of what happens to Megan's Law in practice rather than on paper. Hence in Figure 5, I merely extract some schematic alternatives of what *may* happen 'when good laws go bad', and leave the evidence to sort out which is which.

Figure 5: Unintended consequences of registration and notification



III. Registration and Notification under Review

This section sets out my systematic review of the available evidence on the efficacy of Megan's Law. As will be immediately obvious, it does not resemble the formats employed in Cochrane and Campbell reviews. There is no data extraction form, there is no attempt to assess each study against a supposed hierarchy of evidence, and there is no attempt to aggregate statistically the results of the enquiries (there being only one outcome study). Evidence is culled from very diverse studies; some are formal evaluations but others have administrative, legal, and educational functions.

Accordingly, the review strategy is to use each source as a fragment of evidence about precise points in the implementation chain described in the previous section. This means that I have only one criterion of the methodological status of the studies I utilise, namely that they are 'fit for purpose'. Does the information illuminate our understanding of the theory-of-change assumed at each point of the registration and notification chain? There is much more to be said about the methodological legitimacy of this strategy, but this is better left to the conclusions. The review, naturally enough, follows the four stages identified in the previous section and begins with the evidence on the registration process.

1. Problem Identification

The first stage in all 'naming and shaming' interventions is that of collecting and compiling information on the problem in question. In the present instance, that task is one of creating a 'sex offender register'. And in this section I want to examine the existing evidence in relation to the theories extracted above, namely:

- Does the registration process identify the problem correctly (especially in terms of 'risk' posed)?

- Does the registration process carry the moral and constitutional warrant to justify the notification and management procedures that follow?

Examined closely, one finds a mighty string of judgements involved in the compilation of the register. Sex offences are many and varied, and sex offenders come in a variety of shapes and forms. The choices to be made at registration are thus far from straightforward and, as we shall see, the implications of each decision have the capacity to impact way down the implementation chain. All states have detailed registration requirements and, unsurprisingly, there is considerable diversity in the way that information is assembled. There are some comprehensive accounts of state-by-state differences, the most notable one being by Matson and Lieb (1996a), in the form of a huge matrix comparing the stage-by-stage procedures of each legislature at each of eight decision points as in Figure 6.

Each question yields a number of possible answers, the information load is considerable, the number of potentially contentious judgements is correspondingly high, the diversity of practice is significant, and the seeds for contention about the veracity of the registers are sown. I have hypothesised that this stage of the process works well from the point of view of the policy maker if the decisions involved in enumerating the problem gain official blessing and find broad public support. Information processing that is seen as valid and reliable is much more likely to be regarded with confidence as an explanation of the problem, and in conveying potential solutions. In particular, the challenge facing registration is to assess 'the offender's risk to the community with more precision than is possible when someone is identified simply as a sex offender'.

Is this how registration works? What does the evidence have to say on this point? I have no space to rehearse material from all eight decision points here, so let me concentrate on the material that exists on just three of the most fragile links in sequence outlined in the table.

Figure 6: The decisions involved in creating sex offender registers

1. Which type of offender and offences should be registered?
2. What information should be collected on each offender?
3. Which administrative body should be responsible for the registration?
4. What is the optimal duration required for registration?
5. How should the registration of out-of-state offenders be handled?
6. What is the best process for the verification of information on the offender?
7. How can authorities ensure the offender complies with and updates registration?
8. What are the appropriate penalties for non-compliance?

i) Who should be registered?

Risk calculations in sex crimes are notoriously difficult. Identifying which previous offenders are the likely perpetrators of future offences against children is clearly the key and most daunting challenge faced by the registration process. No one knows the actual rate of *reoffence* in child sex abuse. It appears to have a much lower and slower profile than that found in non-sex offences. Grubin (1997) cites the UK *reconviction*

rate at 13% of child molesters per five years, compared to 50% per two years for other offenders, and this seems to be consistent with US and Canadian data (National Center on Institutions and Alternatives, 1996).

Sex offenders who prey on the young range from homicidal psychopathic sadists to nuisance offenders inappropriately attached to children. The variation in the likelihood of individuals reoffending, and in the danger they pose, is acknowledged in the US registers via a rating system that is applied in the majority of jurisdictions. Sex offenders are classified Tier 1 (low risk), Tier 2 (moderate risk), and Tier 3 (high risk). The method of assignment to these categories differs widely across different states.

Presser and Gunnison (1999: 301) describe the range of methods in play at the time of submission of their paper as follows:

> Some states (e.g. California) rely solely on criminal history. Some states defer to the determination of one law enforcement official, such as the county prosecutor (Pearson, 1998). Some (e.g. Georgia) automatically subject certain sex offenders, such as paedophiles, to notification requirements. Finally, some states use actuarial risk instruments (Cannestrini 1998; Goodman 1996). [NB: the references in this quotation are not claimed for this paper]

Hebenton and Thomas (1997: 29) give us a glimpse of some further detailed nuances of assessments as follows:

> …the Washington Association of Sheriffs and Police Chiefs developed criteria to assign a Level I status to offenders with a non-violent offence occurring within the family: a Level II status if the crime happens outside the family and the offender committed multiple offences at different times, or the offence was violent: and a Level III status if the offender had a history of predatory crimes, expresses a desire to re-offend, or is diagnosed as a sexual predator. Oregon has taken a scoring system approach, which makes an offender susceptible to wider disclosure who fits three of nine criteria on a Risk Assessment. The criteria are: history of offending; threats of coercion; stranger to victim; use of weapons; predatory behaviour; prior non-sexual criminal history; forcible rape; use of a weapon during the commission of the offence; men who molest boys (multiple male victims).

Local autonomy is a feature of much US state legislation and this too is a feature of risk classification. Poole and Lieb (1995: 9), give the following example in relation to some Washington counties:

> Many jurisdictions rely primarily on the state's assessment. Others supplement the state's assessment with additional investigatory work. Thurston and Scohomish counties, for example, have full-time detective(s) devoted to independently assessing each registered sex offence. An interagency committee is used in some jurisdictions to conduct risk assessment. In Yakima County, agency representatives from the city and the school meet with county law enforcement to determine the offender's risk level.

Already it can be seen that classifying risk by criminal history is to attempt to derive a simple ranking using an imprecise instrument on a multifaceted phenomenon. It is evident from the brief selection reviewed here that a multiplicity of different procedures have been put in place to meet this end. According to the instrument used, quite different offences may trigger entry into the high risk category, often not limited to crimes against children, and thus departing somewhat from the intended purview of Megan's Law. The key point about such classifications, however, is that in themselves they cannot carry firm indications of future risk of offending. Indubitably, the likelihood of committing a sex offence is shaped by previous behaviour. But it will also depend on the offender's dispositions on release, whether he has received or learned from treatment, his current mental health and, of course, opportunity (the very concern of community notification).

Given this, it is clear that risk categories relying solely on previous records may contain some strange bedfellows (if I may be forgiven a rather unfortunate metaphor). Lonbom (1998) quotes an Assistant Bureau Chief in the Illinois State Police as follows:

> We have some great stories. We registered an 86-year-old man in a nursing home, a quadriplegic and an individual in the Federal Witness Protection program. We even registered a man currently in a coma, so I think the program has been pretty aggressive.

As with many other implementation processes that will be examined in this review, risk estimation has become more sophisticated since the early days of Megan's Law. The task is becoming professionalised with, for instance, the Bureau of Justice holding national conferences on the standardisation of risk assessment, and the State of New Jersey producing detailed *Attorney General guidelines for law enforcement for the implementation of sex offender registration* (Whitman and Farmer, 2000). With professionalism, however, comes expert recognition of the limitations of risk registers. Thus whilst actuarial calculations can be made more sophisticated and carry information on more and more variables, they remain actuarial calculations in that they are based on population tendencies rather than individual assessments (Winick, 1998). If the other route is travelled, namely individual clinical and psychological profiling, variation in classification is still a problem because of the inadequate specialist clinical resources available and the diversity of personnel and psychological paradigms applied (Quinsey et al, 1998).

Measuring risk remains the first great bone of contention in Megan's Law. As we shall see, decisions made on this point ripple through the entire process and, as I have tried to show, these decisions are inevitably contested. Let me finish with a couple of latest twists to the tale, which also affirm that awkward conclusion. Matson and Lieb's (1996b: 7) survey of the views of Washington law enforcement officials notes that some jurisdictions modify the established risk calculations, abolishing the middle category, so that 'an offender is simply classified "dangerous" (Level III) or "not dangerous" (Level I)'. This seems to be a pragmatic decision based, as far as I can tell, on the idea that all notification and monitoring efforts are located at Level III and so the other distinctions are rather irrelevant in practice. Contrast this with an academic view based on a 'therapeutic jurisprudence model' (Edwards and Hensley, 2001: 99) which yearns for ever increasing rigour and suggests:

1. In systems that use 'risk tiers', three tier (or fewer) models should be replaced with four or five tier systems; and 2. A viable and meaningful system of periodic, offender-initiated risk reassessments should be incorporated into the overall management and classification system.

ii) What information on the offender should be recorded?
Matson and Lieb's (1996a) review of state laws also reveals wide discrepancies in the volume of information kept on record for each convicted offender. All states have on file information on the nature of the offence and, of course, monitor the name and address of the offender. States, however, vary from minimal record keeping of this kind (e.g. Maine in 1991, Georgia in 1994) to ones that attempt a fuller profile (e.g. California in 1995), listed by Matson and Lieb as follows: 'fingerprints', 'palm print', 'photo', 'drivers license number', 'vehicle description', 'criminal history', 'occupation', 'employer's address', 'scars', 'marks', 'tattoos', as well as 'blood' and 'saliva' samples for DNA analysis. More recent police and corrections advice in Washington State (Hebenton and Thomas, 1997: 10) recommends the inclusion of additional material on 'alias used', 'social security number', 'modus operandi of previous offences', 'employment history', 'previous criminal contacts' and 'history of substance abuse'.

A rather simple but very solid point can be made on the basis of this evidence. This inconsistency of record keeping may lead to differences in the ability to monitor registrants. As with the introduction of all new procedures, one might expect the consistency and completeness of this information to improve over time. But this move to comprehensive profiling of the offender then prompts a rather subtler point about the eventual usage of the records. Recall that we are pursuing a theory-of-change approach here in order to see how successfully one part of a process triggers another. If the purpose of the records is to assist members of the community in keeping surveillance over sex offenders in their midst, then much of the information listed above is redundant. The public cannot keep tabs on an offender on the basis of palm prints and saliva samples. The full records resemble, and are indeed based upon, the 'index systems' and 'offender profiles' used in all policing processes. 'Sizing up' previous offenders and knowing their favoured 'MOs' are some of the standard ways of hunting for suspects. But this, of course, is not what the Clinton address had in mind in terms of parental 'piece of mind', for such information serves the purpose of crime detection rather than crime prevention. Later in this review we will see if this distinction shows up in evidence about how registration is acted upon.

iii) How to ensure compliance with registration?
Attention shifts here to the later stages of the registration process. Recall that registration normally occurs on the release of the offender from prison. Formally speaking and probation requirements aside, released offenders also become 'free citizens' at the very same time and this is reflected in the fact that they, the *registrants*, are responsible for maintaining and updating their own initial registration. It is not too challenging to perceive the inherent problems in this and I rely on a passage from Hebenton and Thomas's (1997: 12) review as a first illustration of a few of the difficulties and discrepancies that ensue:

> Whilst compliance rates initially seem to be low following the enactment of state registers, evidence from Washington suggests that compliance rates improve as offenders become better acquainted with the new law. Initial rates in 1990 of 57% increased to 76% in 1991 and were over 80% in 1992 (Washington Institute for Public Policy, 1994), even though concerns were being expressed about the lack of resources to find defaulters…In Oklahoma a compliance rate as low as 30% has been reported and in some other states (California) low rates appear to be to be perceived as relatively unproblematic because registration requirements allow the potential to use non-compliance as a reason for detaining offenders in suspicious circumstances. Failure to register or comply with updating requirements (either knowingly or negligently) draws a wide range of sanctions…from $50 (West Virginia) to $10,000 (Wisconsin) fines, and from 30 day (Mississippi) to 5 year periods of imprisonment (Alaska)…There is only very little data available on prosecution across states, but it would appear that, at present, only a minority of cases of non-compliance result in prosecution…and in practice prosecutions for non compliance do not take place unless the offender repeatedly fails to register.

Other evidence of this sort can be found (Bedarf, 1995; Earl-Hubbard, 1996). The former reports, for example, that in Tennessee, 28% of offenders move without registering again. And whilst the picture is clearly an evolving one as police authorities move to correct these loopholes, it is clear that there is further unreliability in the registration process on the matter of compliance with registration. Even if we were to assume compliance rates at the high end reported here, this points to distinctive gaps in the circle of wagons been drawn around children. There seems little here to stop the determined paedophile from moving on and removing himself from registration. And in view of what we know about the long periods that may occur between sex offences (Marshall, 1994), it seems that registration failures and out-of-state movements are likely to blunt the potential efficacy of surveillance efforts (a point that will be returned to in step 3).

I shift at this point to the other main hypothesis informing the investigation of this first stage of Megan's Law. The key is whether the initial framing of the problem as embedded in the registration information is sufficiently robust and authoritative to marshal all stakeholders to act upon that information. Does the registration data have sufficient moral and legal clout to drive and direct community action on sex offenders? I have reviewed above some of the many technical queries about the validity and reliability of the registration data. And indeed Megan's Law has been subject to considerable public debate and criticism on these very points (Bedarf, 1995; Kabat, 1998; Winick, 1998). Perhaps more to the point here, it has been subject to many constitutional challenges in US state and federal courts. More to the point still, however, is its survival in the face of almost all such challenges and adjudications. The end result is that, imperfect as they are, the definitions and classifications that make up the registration process have rolled forth into the public domain.

Empirical evidence on this point comes from many sources (Levi, 2000; Earl-Hubbard, 1996; NIJ, 1997) and, for brevity's sake, I rely largely on Levi and NIJ for a cross section of examples of how the registration process has been protected in law. A great many constitutional challenges (e.g Doe versus Poritz, 1995) have been brought by claimants, whose release from prison has involved judgements about their

capabilities of making a social adjustment, but who have then found themselves on the receiving end of high risk registration. This has led to challenges that:

> a) since harassment and vigilantism often follow public disclosure, Megan's Law constitutes punishment beyond the end of a sentence; and
> b) the inaccuracies and inconsistencies associated with the assessment into Tier 3 mean that risk classifications have no constitutional basis

Some states have also attempted to implement Megan's Laws retroactively and apply high risk notification to offenders who had already been dealt with by the law prior to the notification acts. The challenge here is that:

> c) ex post facto application represents double jeopardy for offenders who have already been sentenced or, indeed, served their time

a) On the matter of whether the notification laws were conceived as punishment the Supreme Court of New Jersey concluded as follows:

> The Registration and Notification Laws are not in themselves retributive laws, but laws designed to give people a chance to protect themselves and their children. They do not represent the slightest departure from our State's or our country's fundamental belief that criminals, convicted and punished, have paid their debt to society and are not to be punished further. They represent only the conclusion that society has the right to know of their presence not to punish them, but in order to protect itself…The characteristics of some of [these offenders], and the statistical information concerning them, make it clear that despite [any integration into communities], reoffense is a realistic risk, and knowledge of their presence a realistic protection against it. (Levi, 2000: 580, quoting Doe v Poritz)

In a similar vein, the same court ruled against the notion that community notification was a 20th century form of posse-raising that had the effect of rendering Megan's Law a *de facto* punishment:

> We do not perceive in the case a society clamoring for blood, demanding the names of previously-convicted sex offenders in order to further punish them, but rather families concerned about their children who want information only in order to protect them. Presumably, some citizens will harass, and presumably they will be prosecuted, but we believe that overwhelmingly our citizens are law-abiding citizens. We do not share the certainty of the dissent in the probability of community reaction that would gut the protective purpose of these laws and convert them into punishment. We decline the case on this assumption. (Levi, 2000: 591 quoting Doe v Poritz)

Such decisions tend to rehearsed court-by-court and state-by-state, and other jurisdictions came to even blunter conclusions, as witnessed by the shrug of the state's shoulders in the very next judgement:

> Whilst being sent to Coventy/boycotted, being ostracized within a community, or being excluded from participation in certain areas of community life may

> have a drastic effect on an individual, they cannot be labelled as an attempt by the government to extend retribution beyond a convict's period of imprisonment. Such a reaction by the community to an individual because of his erstwhile offense might occur even in the absence of laws such as Megan's Law. The government cannot enjoin or preclude a community's response to conduct which that community finds deplorable or its treatment of those who carry out such conduct. (Artway v. Attorney General of New Jersey, 1995, quoted in Levi, 2000: 597)

b) On the matter of whether the risk assessments have a basis in law, the courts seem to regret and recognise the some of the difficulties but once again rule against any notion of unconstitutionality:

> The Court finds it somewhat disturbing that the Legislature in its wisdom did not provide prosecutor offices with any additional resources to implement thorough risk assessments. (Doe versus Poritz, quoted in Levi, 2000: 593)

But it then supports the legal basis of the prosecutor's decisions by first of all denying that there is a firm statistical base for the classifications:

> We realize the generality of the standard against which the court will decide the correctness of the Tier level decision, but given the unavoidable uncertainties in the entire area, we do not believe it is realistic to impose requirements of proof of some statistical differentiation of the risk of reoffense. (Doe versus Poritz, quoted in Levi, 2000: 594)

It also rejects any particular form of clinical expertise for the classification system, referring to the mental health research base as 'conflicting in its conclusions'. From the judicial point of view, the concern is that if based on psychology and psychoanalysis, hearings on Tier classification would become 'long drawn out contests between experts' (Doe versus Poritz, quoted in Levi, 2000: 594).

The result is that the practical knowledge and experience of prosecutors are upheld as the basis for determination of risk. Should this be still be questioned and a judicial review obtained, then risk is firmly maintained as a legal concept, since '[j]udges are particularly well suited to the delicate task of weighing and balancing the private and public concerns inherent in risk assessment, and thus the level of notification merited by a particular case' (Doe versus Poritz, quoted in Levi, 2000: 593).

c) On the question of 'retroactivity', the courts seem to 'have gone back and forth on the issue' (NIJ, 1997). This NIJ report gives an account of the New Jersey Courts in 1995, which originally upheld the ruling that retroactive Tier 1 classification was constitutional, whilst declaring that Tiers 2 and 3 could not be applied retrospectively. This latter part of the decision was 'vacated' and then reversed on appeal during 1996. However, the Tier 2 and 3 judgement was later reinstated, at which time the NIJ's account draws to a close, pending further appeals. A similar, if less tortuous, process seems to have gone on in most states. The broad conclusion on constitutionality thus seems to be that community notification laws are generally immune from legal challenges, except those based on retrocativity, provided due process has been observed.

Let me be clear about the point being made in examining these constitutional arguments. Legal opinion is bitterly divided about their appropriateness and fairness (e.g. Levi, 2000 versus Bredlie, 1996). But the even-handedness and moral rectitude of legal judgements are not the concern of this review. All that is being established here is the empirical point that pivotal court decisions have established the constitutionality of sex offender registration and notification for offenders currently in the system. Note further in this regard Matson and Lieb's (1996b: 5) account of Washington legislative hearings for the Community Protection Act. Law enforcement officials had expressed concern that information release might draw civil lawsuits. The Act addressed this concern directly by declaring 'civil immunity' for all notification decisions (short of gross negligence). Moreover, 'law enforcement is also relieved of liability when the community is not notified, or the notification is not exhaustive, and someone is victimised by the offender.'

In summary, let us consider what this evidence tells us about the first link in the implementation chain in respect of the initial expert framing of the problem of sex offences. More detail could have been added on further complexities and diversities of classification but I think the point is made adequately in terms of the materials reviewed here, namely that a large question mark is left about the reliability and validity of the completed registers as they reach the point of public disclosure. But this should not be taken to mean that the registers carry no authority. Quite the contrary because, as we have also seen, the evidence shows that in terms of content, and regardless of consequence, they are solidly protected in law. The notion of 'serious risk to the public' is instilled and legitimated by the registers but the registration process itself does not, and probably cannot, operationalise that precept adequately.

This is actually quite an unusual state of affairs. All so-called, naming-and-shaming policies begin by amassing data on the problem in hand, with the published information being intended to convey expert judgement to inform the public's reaction (Pawson, 2001). If, however, that judgement is questioned at the outset, as when school performance (league) tables are criticised for not being value-added, and their authority is somewhat tarnished, it is rare for the state to flex its legislative muscles in favour of the basic measurement apparatus. But this is precisely what has happened in the case of sex offender registration. No doubt there are profound contextual reasons for this. Huge moral imperatives have driven these sex offender policies, though their analysis, alas, is beyond the scope of this systematic review.

I conclude that the two broad theories that underpin the first stage of Megan's Law meet with mixed fortunes. The notion that the registers reflect risk, accurately and consistently and persistently, is hard to maintain. However, the moral and constitutional anchor for making such judgements has remained firm. I conclude, therefore, in language that, perhaps, is beyond the pale of systematic reviews, that sex offender registers enter the public domain rather like those muffled rail station announcements – hugely significant but hard to catch in the detail.

2. Public disclosure

What was new about Megan's Law was not the idea of registering sex offenders. Police, probation and prison authorities have held such records for many years. What was new was the idea of public disclosure, for the public's ability to act on the information was seen as the key element of community protection enjoined by the new law. I will describe the mechanics of community notification shortly but first let me issue a reminder of the evidence being sought in this section. With public disclosure, important new stakeholders enter the picture. These are, of course, 'the public' and, in particular, members of the neighbourhood in which the registrants are located. Also featuring in this stage of the process are other bodies with influence over public opinion and, of course, the role of 'the media' must be inspected in this regard. What we have seen in stage one (registration) is tight legal control over the definition and understanding of the threat posed by sex offenders against children, undermined somewhat by the conceptual and logistical problems in defining that risk. The task here is to uncover how the interpretation of danger to the public is transmitted onwards through the notification process, given the arrival of these new stakeholders.

As it was with registration, the transmission path of notification is complex and varied, but at its heart is a system specifically designed to mirror the Tiers in the risk system. Poole and Lieb (1995: 10) report the regulations of the Washington Association of Sheriffs and Police Chiefs, in which the type of notification is anchored precisely to the original level of registered risk as follows:

> *Level I:* Information is maintained within the law enforcement agency, and disseminated to other appropriate law enforcement agencies
> *Level II:* Includes actions taken for Level I, and may include notifying community groups and schools
> *Level III:* Includes actions taken at Levels I and II, and may include notifying the general public

This is the backbone of the 'Special Bulletin Notifications' employed in most states. Note that the qualifier 'may' is attached to these regulations, giving our first indication that the law allows considerable discretion on the details of notification.

Let me now get down to details by reviewing the evidence on how notification operates in practice. Recall that the theories in play at this point are about effective communication – how to optimise the reach of the notifications and how to ensure that the intended message is communicated. Some of the language of communication theory ('encode', 'transmit', 'decode') is useful in conceptualising this particular phase of the programme theory. Accordingly, my search strategy was to look for evidence on the transmission path from authorities to the public, in the following respects:

- How was the official view of the threat posed by sex offenders (and how to deal with it) encoded in the notification procedures?
- How was this risk-and-response theory transmitted, and was the medium of release conducive to its successful transmission?

- How was the official message decoded by the public on the receiving end of the notification?

Of these three questions, hard evidence on the third is much the most difficult to come by. But so it is in most communication research. Content and document analysis is strong in being able to show us how messages are compiled in different ways and how they carry the intentions of their authors, but work on 'audience comprehension' is more difficult and its achievements much more limited (Berger, 1998; Alasuutari, 1999).

Differences in the responsible body's intentions are undoubtedly reflected in the decisions made on the extent of disclosure. Zevitz and Farkas's summary (2000a: 376) is an interesting starting point, for it gives a pen picture of the polar positions on public disclosure:

> California and Florida provide an 'information on request' scheme. Private individuals may access binders or websites or CD-ROMs giving information on sex offenders living in their community. At the other extreme, one state (Louisiana) requires 'self-identification' in Level III cases, in which offenders must post notifications outside their own homes.

There is a glimpse here of public information being divulged to encourage quite different sanctions, 'notification-as-information' versus 'notification-as-mortification'.

The CSOM (2001: 5) report gives a more comprehensive account of state-by-state differences. These are summarised in a map (reproduced as Appendix 2 in the printed version of this Working Paper), in which states are classified according to whether they employ primarily 'active', 'restricted' or 'passive' information release. Nineteen states employ 'broad notification [in which] criminal justice officials actively and widely release information to the public'. Fourteen states 'utilize a limited type of information based on the need to protect an individual or vulnerable person from a specific sex offender'. Seventeen states 'utilize passive notification [requiring] citizens or community organizations to…seek out information themselves.

Trying to infer motives directly from the varying types of disclosure system is a dangerous business for the reviewer. Moreover, I have been unable to unearth any comparative research in which the various state authorities in question are questioned on the precise aims of their disclosure policies. However, it is possible to detect some of the intentions at work, simply by examining the explanatory text that accompanies the notifications. To do this, however, reaches the point where primary research takes over from secondary review and so I interpose the following as mere and brief speculation. Active notification seems to be grounded in political philosophies that stress the right-to-know and that embrace fully the idea that Megan's Law is about public surveillance. Passive notification may be a reflection of caution about the nature of the public response and an inclination to keep the law in the hands of law enforcement. No doubt, the fifty variations of US public policy yield some interesting permutations of these motives.

Lacking the contextual information to spell this out, this part of the review rests content with a theories-of-change conjecture that such diverse notification practices are likely to yield major differences in the potential of public response. Close public surveillance is unlikely to follow from restricted release of information. The public response to broad-band, high-volume disclosure may be more vigorous but harder to control. Not only does the review reveal significant 'between state' variation along the active/passive continuum; there is also considerable 'within state' variation. Those states favouring broad community disclosure will, of course, only apply such intensive Level III notifications to Tier 3 offenders. And, as we have already seen, the review evidence reveals wide distinctions on the definition of the high risk offender. A significant conclusion thus lurks in even this cursory information about the basic mechanics of notification. Across the US, there is little standardisation in the very aim of notification and thus no uniformity in the probability of high risk offenders being brought before the public's gaze.

Turning to the medium of notification, most states select from a standardised package of notification procedures. Here the review turns its attention to 'broad' notification only, since it is only in Level III that the public are directly targeted and it is the public's first grasp of notification that is under review at this point. The usual means of disclosure are: i) flyers and posters; ii) community notification meetings; iii) door-to-door visits; iv) press, radio and television releases; v) Internet access; or some combination thereof.

There is a limited amount of research and commentary on all of these media, most of it descriptive, and most of it produced by the authorities responsible for notification. I will review the material available on items i), ii) and iv) presently but first, it is worth considering the only source that I have uncovered which reckons to make an overall comparison of these different modes of notification. This comes from the CSOM (2001) report and is reproduced as Figure 7.

The comparison comes in the form of a table labelled most promisingly, 'Advantages and Disadvantages of Different Types of Notification'. For example, on 'media release' we are informed that one advantage is that it 'reaches the broadest possible audience in the least amount of time'. Corresponding disadvantages are that media release 'cannot assure that all vulnerable citizens have been reached', nor can it 'respond immediately to citizen questions'. One of the advantages of door-to-door distribution, by contrast, is that it 'allows law enforcement to personally address the concerns of the public', whereas it 'only notifies a small group of people – for example the sex offender may work in a different community than was notified'.

Figure 7: Advantages and disadvantages of the different types of notification

	Advantages	Disadvantages
Media release	• Reaches the broadest possible audience in the least amount of time; is more effective than notifying communities one household at a time.	• Unable to assure that all vulnerable citizens have been reached. • Unable to respond immediately to citizen questions about the situation or the law. • Media potentially will not print the information as requested. • Depending on the volume, the significance of each notification to the public may be lost.
Door to door distribution	• Allows law enforcement to personally address concerns the public may have about a sex offender. • Shows the community that law enforcement cares enough to take the time to warn them.	• Only notifies a small group of people. For example, the sex offender may work in a different community than was notified. • More time consuming and expensive (in terms of staff hours) than a media release.
Mailed or posted flyers	• More time efficient and less costly in terms of staff hours, when compared to door-to-door visits. • Reaches all targeted community members.	• Not able to personally address citizens' concerns. • No opportunity to educate the public.
Registration lists	• Cost effective; less resource intensive.	• Relies on citizens to actively seek out information – not everyone who is vulnerable will inquire. • Generally, these lists do not distinguish between high- and low-risk offenders.
Internet access	• Registries posted on the Web are easily accessible by membes of the public who have Internet access, making this an effective dissemination tool for law enforcement. • After initial startup costs, this is an inexpensive way to comply with federal requirements.	• Impersonal – not able to answer questions or inform citizens of the appropriate use of such information. • Inability to limit who accesses the information over the Internet. • Misidentification – there can be problems encountering offenders with the same name when searching. • Addresses and other information on registered sex offenders is frequently outdated and inaccurate. • Information is too broadly disseminated and may go beyond the scope of the intended audience. • Generally, these lists do not distinguish between high- and low-risk offenders.
Community meetings	• Gives community members concrete information about the offender and provides an excellent opportunity for community education. • In this forum, presenters counter misinformation, quell fears, discourage vigilantism, and offer actions that citizens can take to enhance their safety. • Provides opportunities for supervision officers, treatment providers, law enforcement officials, victim advocates, and others to work together to present information to the community.	• If not properly conducted, a "mob mentality" may emerge; presenters should be trained and a curriculum must be in place prior to conducting these meetings. • Unable to assure that all vulnerable citizens will attend or be reached.

This ‘evidence’ comes with no further annotation. The report does not make it clear whether the table is based on empirical work, the author’s opinion or existing review. Perhaps the instant way to characterise it is as ‘common-sense’. Slightly more charitably, one can refer to it as ‘tacit knowledge’. Even more positively, one notes that the report is authored by Scott Matson, probably the most prolific author on registration and notification. I enter this methodological aside here, because one of the current hot topics in systematic review is whether such tacit wisdom or practitioner understanding has a place in the evidence base.

My short answer to this question is that the status of all evidence depends on the use to which it is being put. Common-sense evidence will hold within its own tight confines. Hence these observations on the pros and cons of different notification media are hardly decisive assessments of Megan’s Law as a whole, or of the likely success of its notification aims, or even of what approach to notification works best. The pay-off from the ‘advantages and disadvantages’ table is thus simply further detailed evidence of diversity. We have already seen how the basic notification philosophy varies sharply and this bit of common-sense shows how the sub-mechanics of information release will lead to further fragmentation of the notification message. According to format, it will reach different ears, with differences in detail, in different circumstances. This then is a most constructive piece of evidence, when we come to consider whether the public can act on the notifications in a sustained manner.

Turning to the analysis of the specific modes of release of information, the review is only able to make headway on three and, even here, descriptive accounts prevail.

i) Notification bulletins

Matson and Lieb (1996b) describe the production of posters and flyers in Washington and include an actual example of a Level III Notification Bulletin (p22), which I have already examined, since it served the task of portraying one theory of notification as seen by the authorities.

Without attempting a content or discourse analysis of the encoding practices here, one can see that this particular notification attempts the following. The main body of the bulletin is given over to a description of the offender (photo, physical characteristics, distinguishing marks), block (not exact address) and his previous offences (description of latest offence, nature of conviction, type of victims, modus operandi). Emphasis is also given to the status of the warrant and the expectations it places on the public, including the key theory that the notification is not a wanted poster but is to be seen as a public safety notice. There is further advice on how to inquire about setting up block watches and increasing personal safety. There is also a warning about intimidation and harassment, and finally further general educational information on sex offenders and registers.

In short, there is an attempt in the space of a page to convey quite a complex and subtle message and thus an attempt to prompt a complex and subtle public response. Alas, there appears to be no research on how these bulletins are interpreted by community members. Given the aforementioned difficulties of research on ‘audience cognition’ and given the rather esoteric concerns of these communiqués, perhaps this is not so surprising. Hence, it is necessary to rest content with more tacit knowledge

on the variations in practice on these bulletins. It almost goes without saying that there are state-by-state and, indeed, county-by-county differences in the content and composition of these methods. Poole and Lieb (1995: 10) again make a useful point about local discretion in describing some variations from their neck of the woods:

> The production and distribution of flyers and press releases are frequently handled by staff other than detectives. In Bellingham, for example, the police department's Crime Analysis Section makes the flyers, while Seattle produces and mails bulletins through the police department's Crime Prevention Office. In the City of Yakima, staff from the public school design and distribute flyers via school children to their parents.

It is not difficult to imagine differences here in the nature of the message as produced in the staff room, squad room, and statistics office. Nor is it difficult to imagine differences in the readership of the flyers that drop through letterboxes or lurk in school bags. But, to repeat, I have found no hard information on the consumption of leaflets. So once again, the review merely points to the differences in production and their potential consequences.

ii) Community notification meetings

Rather more solid evidence is to be discovered on community notification meetings. These are perhaps the most considered strategy of the law enforcement authorities. Framing the 'risk and response' advice conscientiously is clearly at issue since the meetings are, and have to be, carefully managed affairs. The meetings capture a key stage in the Megan's Law programme theory because they embody the change from the identification of the problem to the identification of a solution, as well as the move from the criminal justice system to the general public. They encapsulate these shifts in a concentrated session of an hour or so, and so provide well positioned evidence on this phase of the programme theory. My search uncovered two accounts of public meetings, one rather cursory and one carrying more solid detail. Both, crucially, carry the first snippets of information on community response.

Matson and Lieb's (1996b) account begins with a picture of the agenda and ground rules for the meetings. 'The meetings begin with handouts of information about the offender and the law. The audience is first educated on the notification law, sex offenders in general and safety related issues. The specific offender is discussed and questions are answered'. Matson and Lieb write from a position within the Washington legislature and so are able to identify clearly the motives behind this form of presentation and, in particular, the 'educational' goals which come to the fore in this particular jurisdiction. The information content of the meetings is rich, and Matson and Lieb articulate in detail the programme theory in terms of the following 'desired results'.

Information is designed to show community members:

- 'that theirs is not the only neighbourhood with a resident sex offender'
- 'that large numbers of sex offenders will not reoffend and will hopefully become productive, law-abiding members of society'
- 'which crimes require an offender to register'

- ‘that you cannot identify a sex offender by looks, race, gender, occupation or religion’
- ‘that a sex offender can be anyone so precautions need to be taken at all times’
- ‘that treatment is not offered to every sex offender in prison’
- ‘that they have something in writing they can refer to when talking about safety to their children’
- ‘that children are far more likely to be victimised by a family member or some one they know than a stranger’
- ‘that knowledge is power and offer opportunities for further education’

And how do audiences react to this message? Matson and Lieb’s (1996b: 13-14) reportage on this is somewhat brief and seemingly obtained from audience ‘evaluation sheets’ as analysed by the police authorities. These show a ‘high degree of support regarding the community notification law at the meeting’, namely 8.5 average rating on a scale running from 1 (extremely critical) to 10 (fully supportive). However, we get our first glimpse of a more varied and circumspect response to the conduct of the meeting in another piece of data. Four grounds for ‘dissatisfaction’ were uncovered, as follows:

- Some audience members did not want sex offenders living in their neighbourhoods in the first place
- Some felt that notification was tantamount to picking on the offenders who (particularly if young) were not being given a fair chance
- Some felt that the policy amounted to, and resulted from, lack of direct supervision given to offenders
- Some felt that information should be released on all sex offenders including Level I

Matson and Lieb do not give the frequencies of the above responses, describing some of them as ‘outrage’, and revealing only the aggregate figure that ‘negative reactions were noted by law enforcement officers at 15 of the 22 most recent meetings’. Perhaps the most interesting feature of the responses is the cheek-by-jowl clash of liberal sentiment and conservative reaction. Community members clearly differ in their responses to notification, a pattern that is affirmed in our next study.

Zevitz and Farkas’s (2000b) paper focuses on the experience of residents who attend such gatherings. It is based on a formal survey of all people who attended notification meetings (22 sessions in all) in Wisconsin over a nine month period. The data are also supplemented with observational records from the meetings. The meeting themselves follow a format similar to the above and carry both the informational and educational functions previously described.

Once again there was a favourable ‘overall attitude’ to the meetings, with only 5% regarding them as ‘having little or no value’. However, the consensus disappears when it comes to somewhat closer reasoning on their purpose and success. Zevitz and Farkas (p399) asked attendees (in questions permitting more than one answer) about their assumptions on the ‘purpose of the meeting’ and what they anticipated ‘they would get out of it’. Percentages here do not add up to 100%, but the clash of perspectives can be seen in some of the reported answers on ‘purpose’; 59% said it

was ‘to inform the community about a specific offender being slated’; while 29% believed the intention was ‘to soften the reaction to placing a sex offender in the community’. Similar mixed views cropped up on their ‘hopes’ for the meeting; 80% felt it was ‘to acquire as much information as possible to safeguard against the threat posed by the offender’, 18% expected to remove or prevent the offender from residing in the neighbourhood, and 5% hoped to blame whoever it was who was responsible for placing the offender in the neighbourhood.

The researchers were also interested in whether the meeting had calmed fears about the specific offender. Following the meeting, 38% were more concerned, 27% were unchanged and 35% were less concerned than before. Unsurprisingly, these reactions correlate closely with the initial motivations in attending the meeting; ‘those attendees who came expecting to place blame on public officials and/or to prevent or remove the resident sex offender accounted for 67% of the more concerned than before category.’ (p401)

What we have here is a clear sign of a rump of citizens unwilling to remain ‘on message’ with the philosophy of the disclosure programme. Whether these are a small rearguard of activists who have made it their business to ginger up these particular meetings or whether they represent the solid seat of US opinion cannot be gleaned from this modest survey. The study does not claim to inspect a representative set of community meetings, nor does this review present the hail of percentages scattered above as the opinion of the US population. What is important about the research is that dissent is uncovered and that its roots are described with some precision:

> Thus, the perception on the part of the meeting attendees appears to be that the law and its agents, i.e. police and parole officials, provide few, if any, legal alternatives for dealing with sex offenders placed in their community. In one sense, the most significant finding of the notification meeting survey may be the inverse relationship that exists between those very factors that make notification meetings successful and high anxiety levels on the part of those in attendance. Many emerge from such meetings better informed, but with their anxiety and frustration still intact. However, now such feelings are focused on the offender. (p404)

iii) Media release

Zevitz and Farkas (2000b) note that attendance at the meetings they observed varied from ‘half-a-dozen to 108’. It is thus clear, despite this research providing a rare first hand opportunity for observing the intensive ‘negotiation’ of the purpose of public disclosure, that community meetings are not the major medium whereby notification reaches the public. The simplest and most common method of notification, at least in 96% of cases in Washington State (Matson and Lieb, 1996: 9), is the ‘media release’. Somewhat surprisingly, given the long tradition of research on media framing, there appears to be no specific research on how newspaper and television reports have responded to Megan’s Law notifications. There is, of course, plenty of research on the general issue of media reportage of sex crimes. There are some consequential lessons to be learned from this material and it is worth, with due and appropriate caution, trying to expropriate some of its findings for this review.

The standard discovery in content analysis of reportage in this area (Soothill and Walby, 1991) is the media's imposition of the 'master status' of 'sex abuser'. Study after study has shown that the diversity of behaviours and identities of people committing offences is often obscured (Vandebosch, 2000). The tabloid press favours terms like 'beast', 'monster', 'sex-fiend' and 'predator' to depict offenders. Similarly, victims are most often portrayed as innocent, randomly selected strangers whose lives are ruined. Even in the course of trials words like 'disclosure', 'perpetrator' and 'survivor' are used to report proceedings when 'allegation', 'accused' or 'complainant' are arguably more appropriate (West, 2000). In short, in some sections of the media, extremely simple explanatory frames highlighting the deeds of deranged individuals are preferred and are rehearsed over and again. Explanations venturing into the family history of offenders, their mental health and their interrelationships with victims are left to other media.

It is the implications of such reportage that are the concern here. As we have seen, Megan's Law seeks to work through persuasion. There is no denying that there will always be other interest groups in the persuasion business, seeking to encourage rather different ends from that of community management. One set of consequences of media attention might follow the offender. Labels like 'beast' and 'monster' applied in the mass media may have lasting effects. Braithwaite and Mugford (1994) point out that there are no 'ceremonies to decertify deviance'. A little more about this process is discussed in section IV.

The main concern voiced about such reporting, however, is its contribution to disturbances and vigilantism. As a brief aside here, I note the infamous campaign in the UK in which the *News of the World* took it upon itself to 'name and shame' sex offenders. Details of a handful of released offenders were published as part of a campaign for the introduction of a Sarah's Law. The reports were followed by significant local public unrest, including arson attacks on an entirely innocent family in a property previously owned by a sex offender (Buncombe, 2000). There are many even more extreme accounts in which mob passions appear to have led to the killings of blameless victims and the suicides of named offenders. The most bizarre of such cases was the one in which a 'paediatrician' was attacked as a 'paedophile', which whilst bringing a smile to most lips is a solemn reminder of some of the extremes of 'audience comprehension'.

We come to another methodological limitation of a theory-driven review here. The theory being pursued at this point is that sex offender notification is a public matter and that there are other powerful public voices present, generating alternative messages to blunt the 'classify, manage, educate' thrust of Megan's Law. This brief account of some of the 'media influence' material is thus apposite but very limited in its potential to test this theory. One reason for this is that the business of attribution remains unsolved in such research. It is relatively easy to demonstrate inflammatory language in newspaper reports and campaigns but difficult to show that this is the sole or even key trigger in subsequent disturbances. Indeed, it is positively misleading to use a uniform 'media influence' explanation in this particular area, for there are usually other sections of the media running counter campaigns about the evils of the posse-raising popular press (e.g. the very source of the 'arson' example above).

The manifest problem with this source of evidence, however, is that it is not about media response to Megan's Law notification as such. Knowledge of the general mores of sex abuse reporting is, of course, pertinent but does not get to one crucial point – namely that, in Megan's Law, notification becomes routinised. As we have seen, one oft-stated aim is to avoid arousing public fear by using notifications that inform and educate. Instead of the public experiencing once-in-a-lifetime contact, the idea is to promote a managed and considered community response to sex offending. However, the notion of using press releases to achieve this sits very uncomfortably with the well established capacity for sensationalism in parts of the press. Alas, there are no studies on how this very delicate balance is struck. There is little reason to suppose that the media act as passive carriers of notification but the review draws a blank on this particular issue.

A mid-point summary is perhaps appropriate here. What is attempted in this section is to review the manner in which notification is implemented and interpreted. The evidence points, above all, to variation – variation in the extent of public disclosure and variation in the preferred medium for passing on information, as well as variation in the public's welcome for the message and (perhaps) variation in the confounding effects of rival media messages. In short, communities on the receiving end of notification appear to take delivery of mixed messages. The next section considers how they act on them.

3. Community sanction

The review now turns to the evidence on how communities react to the presence of a notified sex offender in their locality. The programme theories under inspection here are that notification should increase opportunities for a community response in partnership with law enforcement and, in particular, that the prospects for surveillance, protective action, preventative action, evidence building and prosecution are all increased. Rival theories argue, by contrast, that the information disclosed is not widespread, clear or reliable enough to achieve these objectives. Opponents also tend to conjecture upon the latent consequences of disclosure, in particular the capacity for the victimisation of offenders and their families.

i) First-hand testimony

Unsurprisingly, this is the greatest area of contention about Megan's Law and the review needs to tread carefully in sorting evidence from wishful thinking. Much of the data on community response are anecdotal in form. But even here, there is a methodological issue for it has been argued that, when it comes to the experience people have of programmes, the evidence culled from first-hand experience has value in its own right and, by extension, in review. Let us examine two fragments of testimonial evidence in this respect:

> One man was released from prison in California and was doing well for three years [and] was subject to Megan's Law when it was implemented in California. He experienced the loss of three jobs and was run out of town twice. After flyers were distributed, the news media showed up at his door, and he was put on television. He knew of other cases in California where sex offenders also were affected by these laws, one had his car bombed the other committed suicide.

> While searching the Megan's Law CD-ROM for sex offenders in her zip code, a Northern California woman recognised a man who frequently played with children in the community swimming pool. The individual had previous convictions for lewd and lascivious acts with children. After interviewing one of the girls seen playing with the offender, officials learned that he had also lived with a woman and her two young children in violation of his probation. After further investigation by the Sheriff's Department, the man was arrested and charged with child molestation, violation of probation, and failure to properly register as a sex offender. Recently, the offender was sentence to six years in prison.

The first of these accounts comes from long list of 'problems and blatant abuses' of sex offender notification marshalled together in a paper by Freeman-Longo (2001). He advocates treatment and primary prevention, and gathered these cases from 'professional contacts' and a "list-serve requests" run by The Association for the Treatment of Sexual Abusers and The Centre for Sex Offender Management'. The second is from the web pages of many 'testimonials' gathered together from their own files by the Office of the California Attorney General (2002) and is included alongside further information on the 'Law at Work' and 'How to Protect Yourself & Family'.

There are many, many other individual and collective testimonials of this kind. They are, incidentally, the first items that come up via the 'public' search engines on 'Megan's Law'. What function should they serve in review? It is obvious that the reviewer cannot go back and check the veracity of each claim and each experience. Nor, is it sensible to attempt to clock up negative and positive testimonials, for it is clear that proponents of the law have certainly more resources and, perhaps, more emotion at their disposal (and indeed even a rough and ready 'anecdote count' bears this out).

Anecdotal evidence of this kind is far from worthless, however, for once again it supports exceedingly well the anchor proposition of this research, namely that Megan's Law is met with contrasting choices and actions at each point in the chain. But what the review seeks ideally here is more evidence on the pattern of those decisions made by members of the community. Are sightings of inappropriate behaviour common (as in the second testimony)? Is backlash the norm (as in the first testimony), or a rarity? And what about the other measures expected by the programme theory? Do parents vet baby-sitters and form safety clubs? Does police and probation monitoring increase? For answers to such questions, I sought out research relying on somewhat bigger samples and obtained from the classic social science research sources of surveys, administrative summaries and secondary analysis of the available data. This portion of the search located three surveys, two directed at law enforcement and one at the public.

ii) Law enforcement opinion

Matson and Lieb's (1996a) survey was aimed at the 55 jurisdictions (39 counties, 16 cities) in Washington State. Respondents included county sheriffs, chiefs of police and police detectives (like so much else here, responsibility for filling in the questionnaire seems to have been left to local discretion). The survey began by

attempting to establish some base line estimates of how many current offenders were subject to notification in the state (11% of an overall total of 9912 registered sex offenders). It then sought details on some of the mechanics of notification (risk determination, information released, method of dissemination, community meeting organisation) and the picture here confirms the earlier discussion of the considerable local autonomy prevailing at each stage of the process. Differences are charted right down to the preferred method for organising 'Q&A' sessions in community meetings, with some allowing questions through the sessions but most holding them back 'as a measure of maintaining control'.

There is a short section of analysis on 'harassment' of the notified, reporting that twenty-two jurisdictions post warnings that citizens are advised that legal action will be taken against those responsible. Respondents 'recalled 33 incidents of harassment since the implementation of the law. Given the total number of notifications (942), harassment followed 3.5 percent of all notifications'. Brief details are given of these incidents, which ranged from arson to e-mail threats. It is noted that the incidents extend to family members and that no prosecutions have followed from them.

The survey report concludes with a section on 'law enforcement assessment of community notification'. This is a highly condensed analysis, grouped by the authors into four plus points and four minuses. The positives echo the Megan's Law programme theory closely in that its capacity for increasing surveillance, creating awareness, deterring future crimes and promoting child safety are echoed by respondents. The negative points concern overreaction and harassment, as well as problems with inter-agency collaboration and workload. Since the analysis, however, is shorn of frequencies and percentages of officers holding such views, or case examples of the advantages and difficulties at work, the study gets us no further than the customary picture that notification has both intended and unintended consequences.

iii) Probation/parole opinion

The other survey of practitioners concentrated on probation and parole personnel (Zevitz and Farkas, 2000c). It takes us to Wisconsin as well as to those with day-to-day responsibilities for supervising sex offenders. Surveys were distributed to 128 officers, 77 of whom responded. Questions (closed and open-ended) focused on training, responsibilities and workload. Particular reference was made to the changing duties brought about by Megan's Law in terms of how Special Bulletin Notification cases (SBNs) added to the caseloads. Let me begin with the conclusion:

> This case study of the impact of sex offender community notification in Wisconsin has provided a rich source of empirical information on how corrections respond to legislatively informed reform. Findings indicated that although the law's primary goal of community protection is being served, there is a high cost for corrections in terms of personnel and budgetary resources. Supervision, home visits, collateral contacts with landlords and employers and escort of sex offenders consume a large portion of the agent's work week. Probation/parole agents also bear the onus of locating housing in the community for sex offenders who have undergone extended community notification. This task has proven time consuming and frequently frustrating. Consistent with a containment approach to the management of sex offenders, a

> major focus of corrections has been to put into place the external controls of enhanced supervision and community surveillance. Agents find themselves heavily involved in community notification meetings for SBN sex offenders. Furthermore, caseloads are high, given the inordinate amount of time required in sex-offence supervision. Yet, despite these heavy demands, agents and unit supervisors were found to be well trained and strongly motivated to do the job. The quality of supervision is high and the public is being well served by these professionals. No better evidence of this can be found in the very low recidivism rates for SBN cases.

I provide a good deal of high-premium space for this quotation because it represents yet another dilemma for the systematic reviewer (this one anyway). This conclusion seems to me to run somewhat counter to the data provided in the same article. The paper does indeed provide detailed evidence of the diverse activities that have to be carried out in the name of community management and shows that SBNs only add to that activity. This is demonstrated quantitatively through numerous estimates of workload increases, and qualitatively as the respondents describe their resentment of the additional tasks.

However, it is far from clear that a picture of high morale is being presented in all this, still less the reassurance that the legislation's primary goal is being served. And it is most certainly not the case that very low recidivism rates are demonstrated, for no data are presented on that issue. Reported remarks on the law to the effect that it 'added more work to already overworked agents', and that 'there is more pressure to spend greater amount of time (baby sit) with SBN cases – simply because they are SBN cases', might suggest weary frustration rather than strong motivation. Indeed, the longer illustrative examples in the paper such as the tale of trying to house the multiply re-evicted offender (p15) as well as the datum showing that '32 out of the 77 respondents provided statements about their problems with offenders' residences', are reported as difficulties still 'requiring resolution'.

I am trying deliberately to prick the readers' attention at this stage, some of whom may be thinking, 'is he about to tell the authors what they found?'. In fact, I am trying to grapple with one of the most difficult aspect of secondary interpretation, namely, 'how to deal with the original author's inferences?'. The whole point of this essay is to try to move away from the picture of systematic review as the business of hoovering up the available factoids and presenting them as one giant fact. The findings of any individual piece of research will be laced indelibly with its author's interpretations in the form of hypotheses selected and analyses preferred. As systematic review seeks to move to embrace qualitative research, tacit knowledge and all the rest, it seems foolish to argue otherwise.

This does not mean that we cannot separate evidence from interpretation, nor does it mean that the reviewer has the choice of buying into (as objective), or buying out of (as flawed), each individual piece of analysis. What has to be done is to weigh each piece of evidence in the light of what the original author is trying to make of it *and* in terms of what the reviewer is trying to make of it. At the bottom line, reviewers have to draw their own conclusions but they also have to avoid their own analysis going beyond what the original data will permit. In this particular case, I am arguing that Zevitz and Farkas appear to be saying of the world of probation and parole, that

'implementation is tough – but all is well'. And what I am trying to extract from the report is *not* the inference 'implementation is tough – and all is a mess'; rather, I am aiming to steer to a lowest common denominator, namely that 'implementation is tough – and being worked through unevenly'.

The reason for this methodological interlude is that this particular paper is pivotal for this element of my analysis. It is the nearest thing we possess to a process evaluation of the day-to-day implementation of Megan's Law. What it shows (reviewer's inference coming up) is that there is a considerable gap between the programme theory about 'co-production and a community/law-enforcement response' and the actuality of putting this into place. The agents under research in this piece bear the brunt of establishing that partnership, and they are saying things like 'I don't think management understands the huge number of collateral contacts necessary for a sex offender caseload – family of defendant, victim's family, D.A., clinician, employer and so on' (Zevitz and Farkas, 2000c: 18).

The key point here is that Megan's Law is an unfunded mandate (Poole and Lieb, 1995); no financial support is sanctioned by these legislative changes. In such circumstances, partnership responses cannot be expected to spring forth from thin air. What might be expected, as a first response, is that professionals adapt existing practices to the new demands, and this, I suspect, is the main lesson about implementation in this case study. The gap between the programme theory and the practitioner's response is met piecemeal, the priorities decided by a mixture of push and pull.

Zevitz and Farkas's report demonstrates this two step forward one step back scenario with a range of illustrations. One of the key intentions of Megan's Law is to pick up on suspicious behaviour and tighten up parole violations. On this matter the Wisconsin research shows, for example, that in the same period 12% of SBN cases were subject to revocation (returned to institutional confinement) for rule violations as opposed to 7% of non-SBN cases. Greater attention is also paid to 'prerevocation' penalties for minor violations (stepping up monitoring by electronic monitoring and placements in halfway housing) at a rate of 58% SBN versus 44% non-SBN, and 30% SBN and 16% non-SBN respectively. However, the unintended effects of Megan's Law also create 'immediate-response' work when publicity gets out of hand. The following percentages of agents report 'difficulties' in respect of location of housing for offenders (66%), relations with the media (40%), lags in offender information (31%), and pressure from superiors due to the high profile nature of SBN cases (13%).

Other cases found in the search seem to follow this pattern of professionals prioritising their response to Megan's Law, concentrating on the most adaptable aspects of established practice and on emergency response. Here I draw on a range of grey literature 'progress reports' and secondary comments thereupon (e.g. Oregon Department of Corrections, 1995; McAlinden, 1999), which contain what might be described as passing references to implementation issues. The NIJ (1997) overview called upon a range of telephone interviews with 13 practitioners in eight states. Of this small sample the author states that:

> Almost every respondent reported that doing notification is a time consuming business and burdensome. The Thurstone County detective in Washington said, 'At the beginning no one realised the staffing implications of this legislation, it's a monster…A prosecutor in New Jersey reported that notification takes so much time that her office has been able to arrange for notification of only 70 of a backlog of 184 offenders who were already in the community after the law was passed. Her office gives priority to processing new offenders because the by statute notification has to be completed within 90 days after a prosecutor's office is notified of the impending release. Only when she is caught up with these new cases can she try to work down the backlog of offenders already in the community.

For one final example of the priorities in professional response, I note some evidence that emerges simply as a consequence of doing a review. No one, to my knowledge has conducted a study of the growth in advice on preventative action (one of the standard programme theories). As one moves from one state's attorney general's web-site to another, it is clear that such information (at least in electronic form) has mushroomed. The web pages for California (http://caag.state.ca.us) include typical information and advice on 'How to protect yourself and your family'. There is also much borrowing of, and cross-referencing to, other standard sources such as the mass of preventative information stockpiled at the site of the National Center for Missing and Exploited Children (www.missingkids.com).

I conclude that these somewhat patchy sources of information provide us with a picture of the somewhat patchy implementation of Megan's Law by the professionals responsible for managing community response. This adds to the review's stock-in-trade message about diversity along the implementation chain. On this occasion it is perhaps possible to venture a little more explanation in that the priorities of the response seem to be guided by: i) cranking up existing professional practices; ii) 'fire brigade' actions on unanticipated consequences; and iii) assimilation of readily available materials. What is less clear is how much these priorities have brought the authorities' activities with the SBNs to the public's attention. One key theory of Megan's Law is about the production of practitioner/community joint response and I turn now to the evidence on how the public has responded to notification.

iv) Community response

Given that what is unique about Megan's Law is the involvement of the public, it is perhaps surprising that public response to notification is little studied. I tackle the issue via three sources here: the first provides a survey-derived overview of community opinion; the second is a secondary study relating to the specific issue of the community's capacity for surveillance; and the third is a picture of community harassment of offenders, which I try to piece together from existing reviews.

The most comprehensive of these sources is a survey of Washington citizens (Phillips, 1998). This used a 400 resident telephone sample, obtained by random digit dialling, which sought opinions on: 'the respondent's familiarity with, opinion of, and reaction to the law, as well as their understanding of the law's purpose, and their beliefs about its importance'. The drawback of this sampling frame, for the present purpose, is that it does not select out only those community members who have direct experience of a notification in their particular locality. Indeed, 'only about a third of residents were

aware of released sex offenders living in their communities'. Its advantage is that the moderately large sample size does allow for comparisons within the ranks of citizens, and so the author is able to say a little about *who* responds in what way.

Opinions on the existence and worth of the law were on the whole positive, if somewhat divided, in ways that the review has already illustrated – so I concentrate here on what people say they have actually done in response to Megan's Law. I concede the task of compression to the author, by relying on the whole of her summary of this aspect of her findings:

> Gender and age seem to be significant variables in several of the residents' reactions to learning about convicted sex offenders living in their communities. For example, more than eight out of ten females indicated they were at least somewhat frightened by learning about a convicted sex offender living in their communities, while males reported the near-opposite reaction. Likewise almost the same ratio of females reported being at least somewhat angered by learning about a convicted sex offender living in their communities, while less than half of males reported the same. About 78 percent of 30 to 40 year olds, but only 53 percent of 51 to 65 year olds indicated they were frightened by learning about a convicted sex offender living in their communities.
>
> The vast majority of respondents indicated that they were more safety conscious and had heightened awareness of their surroundings as a result of community notification – females more than males, and 30 to 40 year olds more than any other age groups. In addition, respondents with only some college education or an associated degree were more likely than those with other levels of education to report that they had heightened awareness of their surroundings.
>
> Nine out of ten males but fewer than six out of ten females indicated community notification had no effect on the likelihood of their going out alone. In addition, more that 80 per cent of 18 to 29 year olds reported no change, while over 40 per cent of 30 to 40 year olds indicated that they were less likely to go out alone.
>
> Over half of the respondents with children reported no change in the likelihood of their leaving children with babysitters as a result of community notification. While not quite half reported that they were less likely to leave children unsupervised, almost that many reported no change in leaving their children unsupervised. Respondents who were aware of convicted sex offenders living in their communities more often indicated no change in their likelihood of leaving children unsupervised.
>
> While more than eight out of ten respondents indicated no change in their involvement in community activities, two out of three indicated that they were more likely to report suspicious behaviors. Females were far more likely to report suspicious behaviours. In addition, those *not* aware of sex offenders living in their communities were more likely to report suspicious behaviours. (Phillips, 1998)

As ever in survey research, some issues are clarified here and some further puzzles are created by this data. No doubt, the mixed bag of findings tells us as much about community divisions as it does about Megan's Law. No doubt, some of the contradictions emerge because these are reported actions rather than observations of deeds done. No doubt, some of the surprising findings about lack of change in baby-sitting and unsupervised play are explained by the fact that the parents' responses call upon huge amounts of tacit knowledge about their present arrangements, which are simply not brought to the surface in the bald questions of a telephone survey.

The immediate conclusion to be drawn from this evidence is that something does indeed stir in communities that are in receipt of a notification but that this response is not concerted. Some commentators have suggested that this may be because some citizens are actually reassured by notification and take it to mean that the authorities have a grip on the problem. There is little sign of this in Phillips's data, with the divergent response being due, more probably, to inertia. Some community members go bowling alone, some party on, some fret behind closed doors and some join together in bringing up kids. Each group seems to base their responses on adaptations to these norms rather than any collective transformation.

This is probably as close as one gets to a safe inference about the Washington survey. What it lacks, and what is completely lacking in all research in this area, is an inquiry into just how many members of the community create and join in active and planned systems of surveillance. How many know the offender by sight? How many make it part of their business to observe his movements? How many street watches are created? How many take part in playground watches? How many meetings are called in response to notification (or how many calls for further action are there in response to the official notification meeting)? How many know the police and probation officials in charge of the case?

To this point I have resisted the more-research-is-needed call, since it is the duty of the reviewer to make the best of the available material. But it is clear that since Megan's Law depends on the idea of the community taking on much of the surveillance duties, that some closely worked case studies of the step-by-step mechanics of neighbourhood response are still sorely needed.

There is, however, one study that has a great deal to teach on the programme theory that 'under hundreds of watchful eyes it is more difficult for a sex offender to escape into anonymity' (Bedarf, 1995). A 'simulation' exercise by Petrosino and Petrosino (1999) takes on the difficult task of trying to estimate the difference Megan's Law makes to the capacity of the public to defend itself against predatory attacks. Recall that registers were created largely in response to stranger-predatory crimes, which are relatively rare and obviously difficult to predict. This research thus attempts to answer the question 'in what percentage of sex attacks will notification give the victim (or their family or community) a prior chance to observe the threat and thus to avoid or avert it?'

Evaluating 'preventative measures' provides research with one of its toughest tasks, for it amounts to trying to put a figure on what-might-have-happened-but-did-not. The research, moreover, was conducted in Massachusetts, the last of all states to bring

Megan's Law to the statute books. The researchers thus had no current registrations upon which to work. Given all these difficulties, Petrosino and Petrosino confronted the task ingeniously by working backwards from actual offences, seeking to discover retrospectively how many current offenders *would have been* under surveillance given the newly prevailing arrangements. Their estimate is as follows:

> Using secondary data on 136 criminal sexual psychopaths, the authors found that 27 percent of the sample had a prior conviction that met the requirement of the Massachusetts Registry Law before their most recent sex crime. Of these 36 offenders who would have been eligible for the registry, 12 committed a stranger-predatory offence: 24 offended against family, friends or co-workers.

It is assumed here that first offenders or (more accurately) those without a record are untouched by the notification process. It is supposed, furthermore, that notification has little protective effect on the victim's 'associates', who will in all likelihood already know of the previous convictions.

Petrosino and Petrosino's next step was to examine the modus operandi of the twelve stranger-predatory offenders (who would in future become registrants) in order to estimate the likelihood of aggressive, proactive warnings getting to potential victims, and the victims being able to defend themselves. In half a dozen of these cases, it was thought unlikely that the victim could have been forewarned or forearmed by notification because these six offenders were from out-of-state, and a couple of them just ignored outright the community's capacity to respond (kidnap from a public place). The simulated notification chain thus ends with six victims who might have had a realistic chance of responding to warnings. It is useful to represent these findings (Figure 8) as a theories-of-change sequence, for they tell an important tale about the interdependence of the steps of the programme.

Figure 8: The diminishing target of Megan's Law in Massachusetts

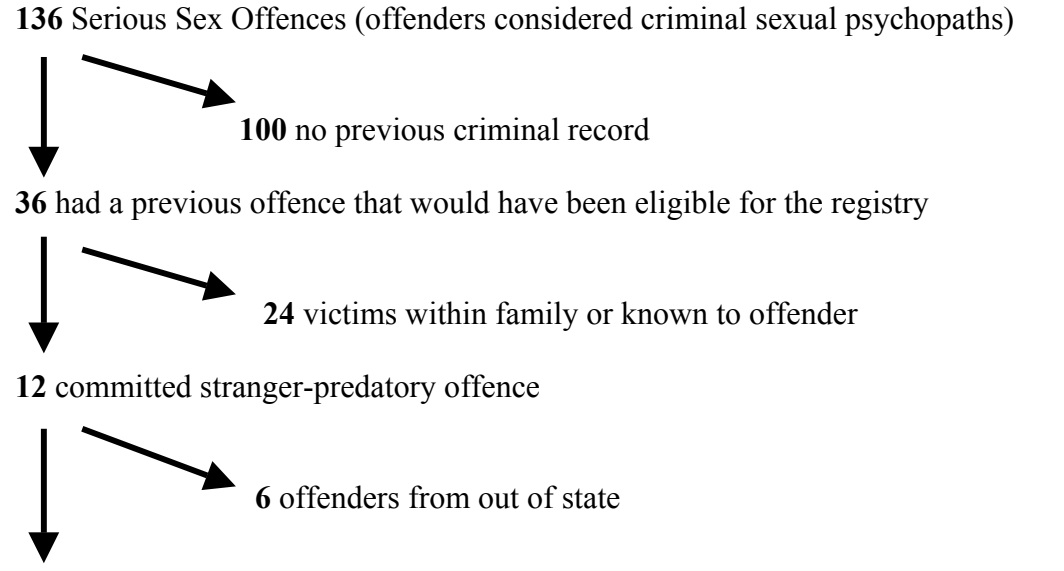


Figure 8 works from the perspective of offenders and their deeds up to present conviction. It shows how Megan's Law deals with only a limited proportion of sex offenders from the total population. This review has worked along the chain of events after conviction. It shows that there are differences in how offenders are treated in terms of: the reliability of risk assessment; the accuracy and maintenance of the registers; the types and reach of notification; the rival interpretations of notification; the nature and durability of practitioner response; and the manner and extent of community response.

A further percentage of potential re-offenders will, no doubt, escape from notice during this sequence and it represents a further narrowing in the opportunity for public surveillance down from the 6 out of 136 estimated here. It is not clear, of course, whether the pattern of offences depicted in the Massachusetts' data is representative of sex crimes in general. Nor is it possible to say, of course, what percentage of the repeat predatory offenders then go on to escape the purview of Megan's Law within the inner mechanics of registration and notification. But what this evidence on the offence and programme profile does indicate is that supporters of the law should not pin all of their hopes on public surveillance.

v) Community harassment

In this final sub-section on community response, I examine one of the 'negative' hypotheses, which makes the case for the failure of Megan's Law because of its range of unintended consequences. Perhaps above all, critics have rounded on the fact that notification may lead to vigilantism rather than vigilance. 'Corrections' the world over does not have an outstanding record of information provision and so it has proved difficult to come by clear and transparent data on this issue. No systematic records are kept (or at least issued) on this matter, and information varies (as ever) from state to state. A typical source has already been examined in the earlier paragraph from Matson and Lieb's (1996b) survey of law enforcement in Washington State. The reader may recall the estimate given in that report that harassment occurred in '3.5 percent of all notifications'.

It is now appropriate to supply the caveats, the first of which is on the tricky subject of definitions. In the Washington example, the cases ran from arson to e-mail threats. And in the general run of these episodes, incidents are variously described as 'threats', 'victimisation', 'vigilantism', 'harassment', 'annoyance', 'persecution', 'intimidation', 'bullying' and so on. Some alleged incidents are against the person, some are against his family, some are against his property, some are violent and some are non-violent. Given the relative lack of action in response to these incidents, there seems to have been little effort to even get to the first base of codifying terminology, agreeing on operational terms and so forth. In short, the supposition must be that we are peering into one of the murkiest corners of the 'dark figure of crime' (Maguire, 1997).

To make matters worse, much of the published information on this issue seems to come from 'reported responses' in which an official has been asked to estimate the number of cases, rather than the data being taken directly from routine records (c.f. the Washington survey again). I do not appear to be the first reviewer to meet this problem and so I offer a range of other 'reported estimates' collected at second and third hand:

- In New Jersey, 135 community notifications produced one instance of physical assault reported to the authorities and four reports of threats, harassment or other non-violent actions. (1998)
- In Oregon, less than 10 per cent of those offenders subject to notifications experienced some form of harassment. (1993-1995)
- In Wisconsin, 23 per cent of law enforcement agencies reported incidents of harassment of sex offenders since the law took effect. (1997-1999)

The above come from the CSOM's (2001) report. The earlier NIJ (1997) report refers to some of these same sources but also relies on even more informal telephone estimates:

- The Thurstone County detective had heard of only one minor harassment, such as when a young teacher called an offender a pervert.
- The police officer in Seattle was aware of only two incidents in six years.
- An experienced probation officer in Oregon recalled only one example of harassment, when someone had written angry words on an offender's automobile windows.
- Respondents in Washington State and Oregon reported that whatever intimidation had occurred has declined over time.

In the next section, I will extract some estimates on the same issue drawn from offenders. On comparing them, the conclusion that harassment lies in the eye of the beholder will spring to mind. I will return to the matter of harassment in the conclusion but note here that, definitional vicissitudes apart, it is not beyond the wisdom of law enforcement to give better estimates of harassment than these, and so the real problem is one of will.

This thought brings me to the summary statement on this section of the implementation chain. The programme theories under inspection here rely on a number of responses including improvements in partnership building, protective action, preventative action, evidence building, and prosecution success, as well as the prospects for surveillance. We have seen that there are stirrings of action in most of these arenas. But for some of them the evidence is strong and for some it is rather weak. And for some, it is simply not there. These spurts and blockage, of course, have profound implication for the efficacy of Megan's Law. We need to examine the final stakeholder, however, before it can be discovered where the biggest dividends lie.

4. Offender response

In this final section, I look at the evidence on the effects of Megan's Law on offenders. Ultimately, the answer to the does-it-work question lies here but, as ever, the review has no simple answer to draw about offender response. Sex offenders, even high risk sex offenders, are diverse and so are their reactions to being held before the spotlight of publicity. This section thus follows the standard format of testing some of the theories about why offenders might be controlled by Megan's Law (increased risk and effort, guilt acceptance, shame and, failing these, arrest and further conviction). It

also covers some of the hypothesised unintended consequences (relapse, displacement, self-destructive behaviour).

i) Outcome evidence

The obvious starting point here is data on re-offence and this brings us to the one and only outcome study (Schram and Milloy, 1995) to approximate to the so-called gold standard of the controlled comparison. Clearly, this is one of those fields in which the random application of subjects to experimental and control groups is impracticable and ethically dubious. Megan's Law having been adopted, it would be impossible to sample a group of high risk offenders about to be released and subject some of them to community notification and others to an unpublicised control condition.

What the researchers actually apply, therefore, is a quasi-experimental design, which compares the recidivism rates of members of the first group of sex offenders released under Washington's notification regime (1990-1993) to those of a 'matched' sample selected from offenders released prior to the enactment of the new law. The matching was performed by ensuring that each group had the same overall spread of single and multiple offences and the same array of victim types. Recidivism rates were calculated by tracking each offender from release, the key comparison being performed in terms of the percentage re-arrested from each group for a sexual offence within four and a half years of release. The headline results from the study are as follows:

- At the end of the 54 months at risk in the community, the notification group had a slightly lower estimate rate of sexual recidivism (19%) than the comparison group (22%). This difference was not found to be statistically significant.
- Although there were no significant differences in overall levels of general recidivism, the timing of re-arrest was significantly different for the notification and comparison groups. Offenders subjected to community notification were arrested for new crimes much more quickly than comparable offenders who were released without notification. (Schram and Milloy, 1995: 3)

Before I discuss the policy implications of these findings a brief comment is in order on their methodological merits. Quasi-experimentation is normally criticised precisely because it is 'quasi'. The null result, in this instance, might be due to some unrecognised difference between the groups that was not picked up in the matching. Although the two groups had similar victim profiles, it might be that the experimental group had a preponderance of other characteristics that allowed them to resist the new notification regime. My inclination, however, is not to place too much weight on this type of speculation in this instance. The subtitle of the report refers to it as 'a study of offender characteristics' and Schram and Milloy go to unusual lengths in describing the composition and estimating the risk potential of each group.

From the point of view of a theories-of-change analysis, however, the study has a completely different weakness. It is a 'black box' analysis (Pawson and Tilley, 1997: 30) and so we have little information on the different regimes that the two groups experience, other than the fact that they are pre- and post-notification. Now the one thing that this review has established indisputably is that Megan's Law is not a singular condition or treatment but a bloomin', buzzin' mass of ideas, procedures and mechanisms. Some of its elements seem to have the capacity to prevent recidivism,

others may fail to touch offenders whilst other may lead to displacement and still other may to lead them to snap. In the same manner the pre-notification group do not experience an 'absence of treatment' but the pre-existing concoction of corrections strategies, which also will have had their strengths and weaknesses. In short, since virtually no information is provided on the regime differences, the problem with the design is that we cannot identify what it is about Megan's Law that has the capacity to produce change (or in this case why the balance of characteristics in the new regime failed to bring about a change in recidivism rates).

There is however, a stunning clue within Schram and Milloy's results that may be a pointer to the composition of the particular regime change. Reoffence remained unchanged but the speed of arrest quickened in the post-1990 group. This is tantamount to saying that the regime change favoured detection rather than prevention. The authors are loath to speculate on this, pondering only whether a future investigation might ask 'if sex offenders who are subject to a level III notification are watched rather more closely after the law' and suggesting that a 'qualitative study of changes in law enforcement and community behaviour' might supply the evidence in this respect.

Well, this is not a qualitative study but it has provided information on the way in which law enforcement, probation and parole have geared up existing practice. Much more information on offenders is registered, penalties for failing to maintain registration have been established, responsibility for securing housing has been introduced, electronic tagging and tracking for minor violations have been augmented, and so on. In short and in the immortal phrase of the probation officer quoted earlier – the authorities have to 'baby sit' with Level III cases 'simply because they are SBN cases'. We cannot, of course, go back to Washington in the early nineties and check out if these were indeed the types of changes that occurred in police and probation activity. I would suggest, however, that this result, together with the typical additional surveillance provided by the authorities, begins to make a case for the primary strength of Megan's Law being on the detection side – not quite where it was intended.

Coming back to the major implication of Schram and Milloy's study, it provides little comfort that sex criminals have any less propensity or ability to commit repeat offences as a result of the law. The rates of sexual recidivism, at approximately 20% over 4.5 years, were depressingly consistent with other studies of adult sex offenders. There is no need to be entirely pessimistic about such a conclusion however. Experimental studies are fundamentally weak on external validity and this is a small study conducted in one jurisdiction, perhaps before the law had much of a chance to mature. Black box studies cannot be generalised because we do not know enough about the composition of the before and after regimes, and so cannot compare them to the regime changes elsewhere, which we know anyway are characterised by diversity. Nevertheless, as the authors point out, this is a 'disappointing' outcome and it is, moreover, the only outcome study we have to go on.

ii) Process evidence

Working with the tools that are available means that it is necessary to press once more into the inner mechanics of the process and see if there is any more specific evidence on the manner in which offenders have responded to Megan's Law. Although it

comes at the end of the chain in this review, the offenders' brush with registration and notification occurs all the way along the implementation chain, and the search suggests that offenders find ways of offering resistance all along the way.

Even at pre-release, it appears that the wiliest of inmates may attempt to circumvent the law. 'Sex offenders do not particularly want notification to occur, and even those who were previously resistant to treatment are acknowledging their deviant behavior and attending and working harder at treatment' (Pullen and English , 1996). This could be seen as a positive, with the threat of notification being a mild form of coercion into treatment. However, the authors go on to point out some hidden depths in certain of the inmates' reasoning. In Oregon, after notification was first enacted 'there was a huge scramble among offenders to admit to their crime'. The inmates' ploy, it seemed, was to attempt to demonstrate that they were sufficiently on the road to recovery that they did not need to be subject to the highest levels of public notification. According to some schools of sex offender treatment, acceptance of responsibility is the first sign of rehabilitation, and this little theory was not lost on some offenders it seemed.

The most obvious way to avoid notification is to skip registration and I return here to one of the most significant unintended consequences of Megan's Law. I have already covered a rather threatening gap in the implementation chain, which is the failure of a significant number of offenders to re-register on moving residence. In the material on phase one of the process, I presented some fragments from the records of various states suggesting that compliance with re-registration has been lopsided and incomplete. This was used as one piece of evidence to show that Level III notifications did not give a comprehensive and reliable picture of the actual threat posed by released sex offenders. Here, I return to the same data, patchy as it is, as a sign of one rather sinister form of offender resistance. No one knows, of course, whether the failure to register on moving is mere forgetfulness, or an attempt to escape from harassment, or the beginnings of a plan to reoffend. However, putting this evidence together with that of the previous section (Petrosino and Petrosino, 1999) on the proportion of out-of-state offenders demonstrates that absconding malevolently is a genuine problem.

I now return to the sequence, examining the one study that concentrates on the offenders' experience of community notification per se. Zevitz and Farkas (2000a) conducted in-depth interviews with 30 designated Level III offenders, who had been released to the Wisconsin system of news media releases, flyers and community notification meetings. They were asked about post-release experiences of work, housing, family and friends, as well as their overall reactions to the law. The interview format was the open-ended question which, of course, takes the information flow along the respondents' favoured path. In also takes us into the teeth of the methodological problem summed up in the phrase 'well, they would say that, wouldn't they'.

The authors provide three summary points of information. One is a table of 'problems reported by sex offenders', reproduced here as Figure 9. The second is the rather stark synopsis that 'All but one of the interviewed subjects stated that the community notification process had adversely affected their transition from prison to the outside world' (Zevitz and Farkas, 2000a: 381). The third provides another viewpoint on the

matter of media reportage, on which it was possible to make only little headway in section two. 'More than anything, sex offenders were disturbed with media coverage of their post-release circumstances. Publicity about the details of their crimes, including those situations where family members had been victims, greatly disturbed respondents' (Zevitz and Farkas, 2000a: 389).

Figure 9: Problems reported by sex offenders

Problem	**Percentage reporting**
Exclusion from residence	83
Ostracized by neighbour/acquaintances	77
Threats/harassment	77
Emotional harm to family member(s)	67
Loss of employment	57
Added pressure from probation/parole agent	37
Vigilante attack	3

These figures contradict blatantly the estimates from 'official sources' of community backlash, even taking into the account the struggles over definitions and methods noted in the previous section. But this is a essentially a qualitative study and thus primarily intent on telling the stories behind these figures, and in telling them in the words of the offenders. We are back with the issue of testimony, and the difficulties of weighing anecdote in the balance of evidence. My 'rule' here is to take both evidence and inference into account and on that basis a review can have little quarrel with the following:

> *Evidence:* 'My daughters went to school and had a situation where there was a newspaper that was on the table and some of the kids came back up to my oldest daughter and basically started teasing her, saying, 'You know, I heard that your daddy played sex with you.' The impact of that goes beyond measure.'
>
> *Inference:* These experiences illustrate how people other than sex offenders may be hurt by the public disclosure process. (Zevitz and Farkas, 2000a: 384)

Perhaps the most interesting data emerge when the subjects are asked to cogitate on the effects of supervision in the community. This prompts responses that are particularly noteworthy given the strategy of this particular review. What is elicited are a series of direct reflections on the basic theory of community notification. One rejoinder that emerged was a consideration upon 'the surveillance partnership' and in particular the offenders' perceptions of the difference between community and practitioner capabilities in handling the sex offender. I begin with two offenders talking about their neighbourhoods (Zevitz and Farkas, 2000a: 383).

> Just wondering…do they know? It kind of induces paranoia, you get all worried every time you see someone looking at you like they read it. You think – they know. You wonder, if someone confronts me, what am I going to say?

> It's very scary, a frightful situation – to have your life put in the hands of inexperienced people. And the community has no experience as far as I'm concerned with dealing with sex offenders. And all they see is a sex offender.

In contrast to this, Zevitz and Farkas (2000a: 384) claim that 'Nineteen interviewees characterized their relationship with their probation/parole agent as "supportive and fair", while the other eleven described their dealing with agents in less favourable terms. The latter group felt that their agents tried to place unnecessary constraints on them, to vilify them to law enforcement and the general public, and to generally "make their lives hell"'. A piece of offender testimony that catches this ambiguity in the relationship is as follows:

> It seemed like in a lot of ways she [parole officer] was unavailable and it seemed to me that the workload was too great. I mean if you're going to put somebody on that level of restriction – of knowing specifically where they are every minute of the day and you make a decision to do that. Consequently, you need to accept the responsibility that you are completely controlling a person's movements and you need to make yourself available for that. (Zevitz and Farkas, 2000a: 385)

This is also an interesting comment on the potential contradiction within Megan's Law between reparation-in-the-community and surveillance-by-the-community, a point made at a more philosophical level by Presser and Gunnison (1999). The Wisconsin study goes on to draw out further tensions between community notification and treatment as seen from the offender's point of view, Some view neighbourhood knowledge about their offences as part of the therapeutic regime of being 'open and honest'. Some regard constant community surveillance as the message 'Why am I even alive?', leading to thoughts of 'I can't change, so why even try?'.

Finally, on the key issue of reoffence, Zevitz and Farkas (2000a: 387) report that 'only a few thought that the new law on community notification would prevent reoffending'. Respondents reach this conclusion in rather different ways:

> If you're going to reoffend, it doesn't matter if you're on TV, in newspapers, whatever, you're going to reoffend. And there's nothing to stop you. It's a choice you make…The only person that can stop it is the sex offender himself. And that's one of the choices he makes. If he chooses not to offend anymore and he chooses to take part in treatment and deal with the situation like a real human being and to have empathy in his life then he won't reoffend.

> If these people know you're a sex offender and keep saying – keep pointing at you and everything else. Everything breaks under pressure, everything. No matter what. No matter how strong he thinks he is. You taunt a dog long enough, no matter how calm and cool – calm and collected that dog might have been the whole time, it might have been the most loving dog with children and everything else, but if you taunt that dog long enough, it's going to bite. And that's exactly what this law does. It makes John Q. Public taunt sex offenders. And sooner or later something is going to snap.

The above gives a flavour of a classic qualitative study of one set of stakeholders' responses to a programme. It provides eloquent testimony about one group of offenders' opposition to Megan's Law. But, they would say that, wouldn't they? Moreover, one could argue that offenders whose modus operandi often involves being manipulative and scheming, ought to be able to run rings around a mere social scientist. So how should such a study be tallied up alongside the other evidence? Again, this is all a matter of being careful with inferences. The foolish inference is the instant inference that because these 30 men say that Megan's Law will not reduce offending, then it will not reduce reoffending. Similarly, they would say that harassment of various kinds is commonplace, and the tabled percentage of problems experienced is no more reliable as a general picture than the highly approximate sketch culled from the recollections of law enforcement officers.

Nevertheless, what the study does show is that the offenders have some rather powerful theories in their own heads (and thus, alas, in their own hands) about notification and about the nature of sex offending. These ideas contradict squarely the assumptions that lie behind policy makers' theories, and correspond only in part to the parole perspective. Megan's Law is not just about physical containment but is also an attempt to plant ideas. Offenders are not at one in terms of their emotional response but there is relatively little evidence here of 'shame', 'contrition', 'acceptance of guilt' and 'readiness for treatment'. This, together with the 'disappointing' outcome study on reoffence, calls into question some of the deeper-rooted aspiration of Megan's Law.

Conclusions

Substantive

First, let me weigh up what I see as the main policy implications of the review. These operate at a level between that of Caesar's judgement (thumbs-up or thumbs-down for the entire intervention) and the minutiae of operational recommendations (e.g. risk categories should be revised from three to five; compliance with annual re-registration might be improved by providing the documentation on the offender's birthday, etc.).

Despite this wish to avoid any 'overall verdict' on the findings, I am sorely tempted to paraphrase Rousseau's argument (made about an attempted shaming campaign to reduce duelling!); 'The state could never order members of society to regard private persons either with respect or contempt, for public opinion formed its own opinion about the merit of private persons over which the state could not have the slightest influence.' This insight, which I owe to Whitman (1998), provides an interesting parallel for registration and notification programmes. At root, community notification is the state's attempt to harness moral condemnation of one group of private citizens. The public actually responds with a mixture of absolute contempt and merciful respect, as well as all emotions in between. Whilst the review indicates that it would be quite wrong to say that Megan's Law does not have the'slightest influence', it is also clear that citizens indeed come to their own opinions at every point of implementation and that these are not always what the state has in mind. Programmes that wrestle with private emotions, it seems, are bound to have mixed fortunes.

This brings me to the conclusions that I do wish to emphasise. I have tried to stress how Megan's Law is a programme with a long implementation chain that passes through many hands. Rather subtle plans and theories underlie the attempt to transform moral condemnation into offender management by passing influence along the chain from legislators to practitioners to neighbours and, finally, to offenders. At each stage the stakeholders have a decision to make on how to respond to the programme strategy and the review has shown clearly that these are almost always split decisions. Sometimes the key stakeholders follow the policy maker's intentions and oftentimes they do not.

Megan's Law is iterative in its impact. One decision follows another and the cumulative impact is simply the sum of those decisions. The overall outcome of Megan's Law is thus – multiplicity. The complexity of decision making compounds at every point with the result that there is little guarantee of uniformity between cases as they proceed through the registration and notification process. Differences in implementation occur from state to state, county to county, official to official, neighbour to neighbour. The result is that offenders with identical records will, in all probability, fare differently as they pass through the process in different contexts. And this is not a happy outcome in this domain where lack of precision can have disastrous consequences. Risk may be assessed with finesse or by fiat, registration may be painstaking or lax, notification may hanker after education or mortification, communities may tolerate offenders in their backyards or they may harass them, offenders may assess the risks and head for treatment or vanish to prowl elsewhere. Megan's Law raged onto the statute books, and it remains a mountain torrent with cases being dashed hither and thither as they hurtle through each of these decision points.

Such a summative conclusion (and such a fanciful metaphor) is, I suspect, not really what the policy maker wants to hear. The exception, perhaps, is the senior decision maker faced with the assessment of whether to implement a notification programme in the first place. The UK does not have to live with fifty different state jurisdictions but its criminal justice system, its practitioners, its communities and its offenders are hardly uniform. Because it has paid attention to the decision structure of Megan's Law, this review highlights the multiplicity of judgements involved in a programme in a way that is ignored in other modes of systematic review. Hence the big question about whether Sarah's Law would work is indeed about whether an entire assessment, management and containment framework could be put in place with outputs at each stage sufficiently reliable and predictable so that offenders would actually be under more sustained control.

In this respect, the answer provided here about the perils of complexity is entirely to the point. I have emphasised that Megan's Law is the sum of its cumulative decisions but I have only considered the evidence on what I have taken to be the decisive choices. Between and betwixt such major decisions on risk levels, registration requirements, notification strategies and so on lie the practical judgements, adjustments and rules-of-thumb needed to put them into practice. For instance, a decision always needs to be made on the 'radius' of notification – where should the bulletins be targeted? Communities and neighbourhood are socially defined and this makes the border drawing exercise difficult. According to one prosecutor, 'we look at how far the offender has to travel to buy cigarettes' (reported in NIJ, 1997). I have

chosen not to test this particular theory for, despite its patent weakness on non-smokers, I figure that it is not decisive to the overall fate of the programme.

Nevertheless, the point is made that each of the major steps under analysis here is underpinned by dozens of minor decisions (should we apply a receipt-and-signature process for each notified household? what do we do if there is no householder present?) And the picture that comes back from this review is one of decision making complexity compounding decision making complexity. Practitioners can only respond at every stage with a different admixture of pragmatism and urgency, and the ensuing unpredictability of delivery is a point not to be disguised from policy makers. (Incidentally, one state's answer to the household receipt issue can be found in the New Jersey Attorney General's guidelines (Whitman and Farmer: 2000: 42)).

The conclusions with a more precise policy pay off lie in the use of the theory-of-change review strategy. Actions and decisions made in the early stages of the process reverberate right down the implementation chain. One decision should react harmoniously with the next but, as is usually the case in evaluative research, one learns more from points of discord. The review has uncovered many instances where inconsistency at one point triggers an unanticipated outcome later in the sequence. I now want to draw together some substantive conclusions, which highlight the major points of consternation in decision making and draw out some of the sequential consequences of these. These are summarised in Figure 10. This can be regarded as a summary of the evidence on Megan's Law. To be precise, it is a summary of the fate of some of the key programme theories of Megan's Law.

This summary also speaks to the matter of how Megan's Law may be improved in its operation. Tightening the procedures at each of the decision points would reduce the inconsistency and ambiguity, which is the most disconcerting aspect of the programme. 'Easier said than done', is a familiar cry from practitioners (especially under-funded ones) at such suggestions. And, indeed there is not always a clear path to an unequivocal gain at each of these stages. Improving the coverage and accuracy of registration is clearly a win-win situation, for all else depends on knowing the identity and whereabouts of the offenders. Standardising the mode of notification to either 'active' or 'passive', by contrast, is unlikely to be uniformly profitable – because the evidence cuts both ways. Standardising decision making on risk assessment is a must but there remains little agreement on the predictive accuracy of the different approaches, and arguably there never will.

It remains a matter of history on the extent to which these changes are already flowing to resolve the picture of multiplicity presented in this review. It remains a matter of judgement as to whether working with the parts will make the whole sufficiently strong. It remains a matter of political judgement as to the level of acceptable performance; there is a political voice echoing thrrough the entire episode which says that one life saved by these laws is enough to make them worthwhile, and on the merits of that proposition the evidence cannot decide.

Figure 10: Megan's Law - decisions and consequences

Decision point	Immediate, intermediate and long term consequences
Risk assessment	If risks could be assessed perfectly there would be no need for Megan's Law. Risk assessment tends to the piecemeal and goes well beyond the original target of predatory offences against children. Large amounts of management resources and emotional energy are drawn into the containment of so-classified 'high risk' cases that may be better handled via a more diverse response.
Registration maintenance	There have been difficulties in maintaining complete registers, with loss of compliance over time and on change of address. This provides an opportune loophole for dangerous offenders who are the very target of the law.
Registration details	Depth of record keeping varies significantly. The nature of the comprehensive registrations is such that they are more likely to assist detection than prevention and there is some evidence that Megan's Law operates more successfully to this end.
Registration legitimacy	Megan's Law champions public safety over the offenders' rights to privacy. This moral authority has survived many constitutional challenges and it legitimises the shaming of offenders. Much of the public (but few offenders) accept the legal basis and moral force of such denouncements.
Notification – active or passive	Notification practices vary widely from 'aggressive, proactive publicity' to the 'legitimate interests and inquiries only'. This represents a trade-off in consequences with the former risking increased levels of community harassment and the latter risking failure to reach the vulnerable.
Notification – mode	Notification is by bulletins, flyers, meetings, door-to-door visits, press, radio and television releases, and Internet access. These have similar trade-offs to the above, plus a further one – the more public the media the less control of the message.
Community response – partnerships	Megan's Law was an 'unfunded mandate'. It requires a complex multi-agency response but provides little extra resources to this end. The notified communities differ, with some lacking the culture of concerted community action, with the result that response is left mostly to practitioners and individual members of the public.
Community response – practitioners	Practitioners remain pivotal in enacting the law. Priorities shift to gearing up existing custom and practice in supervision, as well as emergency response to adverse consequences of the law. The evidence shows enhancement in containment activities and in safety promotional activities.
Community response – the public	Public testimony reveals responses varying from red-handed witness of further offence to bloody-minded attack on former offenders. Estimation of the balance of responses is unclear but the opportunities for surveillance are low given the inefficiency of the registers and the pattern of offending. Harassment is significant but practitioner and offender estimates of its seriousness differ.
Offender response	The main effect of the law lies with the offender-at-large. All of its measures meet with complex and diverse reactions. Compliance with registration differs. Efforts at more intensive supervision meet with mixed response. Treatment does not sit easily with public surveillance. Given their complex emotional baggage, there is little evidence of the efficacy of a direct shaming effect of the intervention. The effect on recidivism rates is still unknown.

Methodological

I conclude, where I began, with some remarks on the methodological trials and tribulations of conducting such a review. This exercise is intended to show that there is more than one way of doing a review and more than one way of doing it systematically. In particular, I have taken on the challenge of trying to use different types of evidence, for this particular review would have stalled on the starting blocks if the gold standard of randomised controlled trials had been a requirement.

Some after-match thoughts are now required, first of all on the issue of the quality of the evidence utilised in the review. In the opening section, I eschewed the standard approach of applying a universal measure of the quality of each study utilised, prior to letting its findings speak, i.e. the Campbell/Cochrane 'hierarchy' approach (Davies and Boruch, 2001). I have, incidentally, also departed from a second-wave approach to the quality standards debate (Peersman et al, 1999: Popay et al, 1998). This approach also takes to heart the idea that different forms of evidence are needed in review. But it has stood firm with the 'standards' canon and seeks to establish, for instance, an additional set of quality standards for qualitative research which are then used, Cochrane-like, to qualify or disqualify studies before the real business of analysis commences.

I have taken the view that different fragments of evidence are needed to test out the multifarious links assumed in the registration-and-notification theories. These fragments come from a whole variety of reports, actually rather few of them claiming to be full-blown evaluations or academic research pieces. My methodological gold standard has thus been the rather unusual one of whether the fragment of evidence (and not the whole study) is 'fit for purpose'. The working rule is thus – does this piece of information constitute useful evidence to refine that portion of the theory under test? Such a methodological approach rests on the extremely high probability (in this case well founded) that no one report on a complex intervention can be comprehensive and cover its every aspect equally well. An important corollary is that evidence might also be culled with profit from otherwise slight or otherwise partisan reports, which contain some nuggets of very solid evidence.

Such an approach does not mean that I take every piece of information gathered on trust and regard all data as possessing equal merit. Part of the fit-for-purpose judgement is to attempt to take on board the purpose for which, and the standpoint from which, the evidence was originally manufactured. Having contemplated these, the reviewer may want to use the evidence rather than the inference. Let me briefly revisit three occasions where I have attempted this manoeuvre.

1. On the constitutionally of Megan's Law I have used some material from Levi about the legality of post-sentence punishment, which provides evidence of the judicial view that Megan's Law is not a punishment. Levi takes this as a sign of the state's 'withdrawal from accountability for crime control' (2000: 578). I take the judgements to uphold and establish the moral sanction that sustains the law through some awkward corners of implementation.

2. On media influences on framing the interpretation of high risk sex offenders, I have used material that is one stage removed from notification. Research on sex crime reporting shows its usage of the 'master status' notion of the sex fiend, and explains it in terms of 'ideological hegemony' or of the simplifications wrought by 'news values'. Lacking any direct material on the media response to notification, I used this phalanx of evidence to suggest that influential quarters of the media are unlikely to share in the educational functions of notification.

3. On parole and probation officers' implementation of Megan's Law, I took on board Zevitz and Farkas's (2000b) evidence about their tactical and selective

response, without acquiescing in what I took to be a somewhat rosy conclusion that morale was high and recidivism was under check.

Are these correct inferences? I think so but it is, of course, open to other readers and reviewers to challenge these interpretations. And no doubt, in time, they will. The point is that it is impossible for me to contemplate some pre-assigned and broadly-agreed set of rules that would allow reviewers to weed such studies out in advance of producing an analysis. Fit-for-purpose judgements have to be tailored to the inference at hand and have to be made *within the analysis*.

My final piece of self-appraisal concerns what I perceive as the main weakness of the review. This research forms part of a wider effort to rethink some principles of evidence based policy along realist lines. Readers tortured by my previous endeavours in this respect may have been surprised by the fact it has taken more than fifty pages for 'realism' to get onto the agenda (Pawson and Tilley, 1997; Pawson, 2002a, 2002b). I have termed this a theory-driven or a theories-of-change review. To be sure, these are the mother and the second cousins of realism, but why did not I attempt a realist review?

Simple, it cannot be done with the primary materials available on this intervention. Let me explain. Realist research depends on the explanatory trinity – contexts, mechanisms and outcomes (CMOs). Programme outcomes are explained by the action of mechanisms, which only fire properly in conducive contexts (Pawson and Tilley, 1997). This study has noted outcomes galore – short term, long term, intended, unintended, usually mixed, mostly disappointing. It also trades heavily on mechanisms; the theories-of-change are mechanisms. Megan's Law works towards its mixed fortunes though a series of mechanisms such as 'public outrage', 'shaming', 'intelligence gathering', 'education', 'surveillance', 'containment' and so on.

But I have been able to gather or utilise very little systematic information on context. Context is used only in a residual way in this analysis. It is mostly expressed and understood through the idea of 'difference', in that it has been shown that all the various programme theories operate diversely across different jurisdictions. States operate with different regulatory frameworks, which involve delegation of the details of responsibility down to county level, which in turn puts different sets of officers in charge of implementing the intervention. This local autonomy operates right though the programme from risk assessment to revocation practices. Contextual influences thus pervade the process: jurisdictions that employ risk assessment based entirely on previous record are likely to register the old and the infirm; jurisdictions that keep a tight hold on registers have a greater chance of maintaining surveillance; jurisdictions that employ broad notification practices promote more surveillance and more harassment; communities carrying different age profiles will vary in both fear of offence and likelihood of changing behaviour. The research has provided scores of such examples, which have led to the review's main conclusion that implementation variation undermines a law whose key mechanism is the provision of accurate and timely information.

What is not possible, however, is to gather evidence systematically on these contextual influences. The fragments of evidence about variation within step one of the process are not culled from the same states/counties/officials as those that tell of

differences at step two, and so on. Some jurisdictions keep cropping up in the materials (New Jersey, Washington, Wisconsin and so forth) and some appear less frequently (California, Louisiana, Alaska and so on). But some do not appear at all. A rich understanding of contextual influence requires being able to make use of systematic comparisons. The reviewer has had to make use of whatever comparisons show up. This allows a broad theory to emerge from the evidence compiled here that Megan's Law works more successfully through 'parole management' and 'detection' rather than 'shaming' or 'public surveillance'.

These may turn out to be significant inferences, but the research cannot tell us which precise configurations of legislation, law enforcement and community action will best promote these mechanisms. Review can never bring finality to policy deliberation, but I feel that the deliberations prompted by this approach might be rather more fruitful than those in which programme theories do not get an airing.

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