As “Megan’s Law” turns 15, are we any safer?

New Jersey is currently out of compliance with the landmark sexual offender law named after slain Hamilton girl, Megan Kanka.

Megan Kanka
A seven-year-old girl from Hamilton, N.J., who was raped and murdered by her neighbor in 1994.

MEGAN KANKA
In 1994, the body of 7-year-old Megan Kanka was Dumped in Mercer Park.

WHAT HAPPENED TO MEGAN?
It was a warm afternoon in late July, 1994, when a seven-year-old girl named Megan Kanka was beheaded across the street by her neighbor, a 33-year-old man named Jesse Timmond-Requa. He asked her if she wanted to see his new puppy. Once she was inside his house, he raped her there, slammed her head into a dresser, strangled her to death with a belt, then put two plastic bags over her head to prevent blood from getting on the carpet and raped her again. Finally, he shoved her body into a toy box and dumped it next to a portable toilet in Mercer County Park.

The murder-rape of Megan Kanka inspired local and national outrage that ultimately led to the creation of “Megan’s Law.” The law requires that a database of registered sex offenders be maintained and that when a dangerous sex offender moves into a community, its residents be informed. In 1996, then President Bill Clinton passed a federal law that required every state to follow New Jersey’s lead.

Fifteen years later, New Jersey, like many states, is out of compliance with its own law. The problems are many: maintaining the sex offender registry and notification system is expensive, trying to find locations for sex offenders to live is increasingly difficult, many psychologists who specialize in sexual behavior believe that many sexual offenders are not able to change, and the premise of the law—that informing people of danger will help them keep safe—has been criticized by legal and law enforcement officials alike.

CAN THE LAW BE ENFORCED?

Even if Governor Christie was able to find the funds to bring New Jersey back into compliance with “Megan’s Law,” a growing body of evidence suggests it is difficult for the police to ensure total enforcement of the law.

The logistical complications of enacting sex offender notification and registry laws have been highlighted in recent weeks through a series of incidents in California which operates under a variation of “Megan’s Law” known as Jessica’s Law. The law is named after a nine-year-old girl from Florida who was raped and then buried alive by her 47-year-old neighbor, John Couey, in 2005.

Once individuals are classified, the prosecutor’s office starts the notification process based on risk assessment. In the case of moderate to high-risk offenders, the prosecutor’s office notifies the public by posting information on the state’s Internet registry. In addition, law enforcement officials go door to door and post flyers to let people know that a sex offender is moving into their area.

Parents complained to local law enforcement, but the Police Chief, John Hunt, was informed by the Alameda County district attorney and the California attorney general that there were no provisions in “Jessica’s Law” for removing or punishing Donnelly.

Shib’s article notes that, “For Mr. Donnelly’s housing decision to be considered a violation of state law, ‘there has to be a punishment attached’” according to Nancy O’Malley, the Alameda County district attorney. She went on to say that “Jessica’s Law never assigned a punishment.”

Shib quotes Police Chief Hunt as saying: “I was amazed. You have this law that was overwhelmingly voted in and determined to be constitutionally, and then you find out there’s no bite to it. It’s all bark and no bite.”

In some situations, Donnelly’s actions could amount to a parole violation and land him back in jail, but as the Rutgers University 2008 study points out, “Only 32 percent of [sex] offenders were paroled whereas 68 percent maxed out, leaving the prison with no post-incarceration supervision requirements other than those imposed by Megan’s Law.” When offenders are not on parole they must register and keep their address information up to date, but in many states there is no punishment for offenders who simply move into restricted areas. “Megan’s Law is primarily concerned with providing information, not punishment.”

A recent report conducted by Administrative Offices of the Court shows that as of June 2009 in the state of New Jersey, 5,102 individuals failed to register with local police.

Maureen Kanka says she thinks there needs to be better education of judges and better enforcement of the law. “Too many times I hear that an offender will fail to register, and once they catch him they will slap him on the hand,” Kanka says.
As "Megan's Law" turns 15, are we any safer?

New Jersey is currently out of compliance with its own landmark sex offender law, named after slain Hamilton girl, Megan Kanka. Why did this happen?

In an article entitled "Would 'Megan's Law' Have Saved Megan?" published in the New Jersey Law Journal on July 8, 1996, senior reporter Louis B. Schlesinger notes that "in fact, interviews on a police report make clear that neighbors living within at least eight houses of the Cefelli house [where Timmendequas lived] were aware that [Joseph Ce- felli] was a convicted sex offender. Those interviewees also all witnessed some of the actions against him."

O'Brien goes on to suggest that "even the Kankas may have known about Cefelli, if not about Cefelli's housemate, Timmendequas. O'Brien’s remark that "four neighbors say they believe that the Kankas--of 32 Barbara Lee Drive in Hamilton, N.J.--also knew that Cefelli, who lived diagonally across the street from them, was a convicted sex offender."" O'Brien quotes David Rocha, who was an American Civil Liberties Union (NJ) staff attorney at the time, saying that "the disclosure that neigh- boring had some knowledge un- about Cefelli, which seems to be premised on two choices, either you drive the offenders out, or you hide your children as prisoners in their own home." Rocha goes on to say, that "in reality, after a time people who go about liv- ing their lives, and will behave or respond in a variety of ways. But laws should be structured to set a social policy or solve a societal problem. Laws can’t solve individual problems, and policies shouldn’t be based on anecdote."

Many researchers believe that "Megan's Law" did nothing to protect children from sexual offenders prior to its enactment and notification laws, and those released after the laws went into effect also showed no difference in recidivism rates, but did find that new offenses were directed toward a different type once they had been commit- ted.

Sgt. William P. Baste- do who is currently in charge of the "Megan's Law" unit of the West Windsor Town- ship police says that the law is valuable to law enforcers, because "We know who the offenders are and where they are located." Knowing who to talk to when a child goes missing or is found dead, however, does not appear to be the original intent of "Megan's Law" and may not be what community members expect it to offer.

WHAT ARE THE COSTS?

Beyond questions of whether "Megan's Law" protects citi- zens or not, there is no doubt that it is expensive to carry out. In fact, the cost of compliance far outweigh the penalties for being out of compliance.

According to Justice Policy.org and a recent press release by David T. Schleidof Law Offices, "New Jersey's first-year outlay of $4,088,206 would vastly ex- ceed the $16,071 it stands to lose [in federal funding] if it fails to implement current sex of- fender registry and notifica- tion laws."

A 2008 study conducted by Rutgers University and the New Jersey Department of Corrections, through a grant from the National Institute of Justice, found that "the cost for Megan’s Law implementation during calendar year 2006 was esti- mated to be $1,557,978 [per county], whereas implemen- tation costs during calendar year 2007 totaled $3,973,932 for responding counties.

The fact that "Megan's Law" turns 15 this year is particu- larly significant because one of the provisions of the law allows offenders to petition to have their name removed after 15 years of registration.

The Rutgers University College of Criminal Justice, a minor- ity of registered sexual offenders, no matter what their likelihood for recidivism, suffer from social stigmatization, loss of relationships, and verbal and physical abuse.

Tewskbury also found that a majority of sex offenders reported negative consequences, such as expulsion from residences, stigmatization, threats and harassment, emotional harm to their family mem- bers, social exclusion by neighbors, and loss of em- ployment.

The sudden increase was likely tied to the new use of Global Positioning Satellites for the most dangerous offend- ers and the increased costs of surveillance.

In his 2003 book "Sexual Murder: Catathymic and Complul- sive Homicides" Schlesinger seeks to differentiate the vari- ous types of sexual murders pointing out that not all mur- derers that appear sexually moti- vated are and vice versa.

A survey of Mercer students shows that while few are aware of "Megan's Law," 40 percent of those who do believe that "Megan's Law" is ineffective for sexual offend- ers. Research suggests this may be true for sociopathic offend- ers and killers like Ted Bundy and Jeffrey Dahmer, but is not necessarily the case for all sex- ual offenders, including the 54 percent who do not re-offend as described in the Rutgers report.

Tewskbury also found that a majority of sex offenders reported negative consequences, such as e- xclusion from residences, threats and harassment, emotional harm to their family mem- bers, social exclusion by neighbors, and loss of em- ployment.

"Megan's Law" turns 15 this year is particu- larly significant because one of the provisions of the law allows offenders to petition to have their name removed after 15 years of registration.

The local Public Defense Attorney Michael Buncher said in an interview with the College Voice that so far he has worked with ten regis- tered sex offenders who have sought to have their names removed from the sex offender registry. Three of his clients have been denied, but six have been successful. One of Buncher's cases is still pending.

Jesse Timmendequas was sentenced to death in 1994 for the murder and rape of seven-year-old Megan Kanka. In 2007 New Jersey abolished the death penalty. "Megan's Law is now in prison for life without the possibility of parole. He has not given an interview in 15 years and denied an interview request from The Voice.

CAN THEY GET OFF THE LIST?

The Rutgers University and New Jersey Department of Corrections study published in 2008 revealed that "Megan- gan's Law" did nothing to reduce rates of recidivism among sex offenders, but the report notes that "New Jersey, as a whole, has experienced a consistent downward trend of sexual offender recidivism rates." The average sen- tence served by sex offend- ers is five years. Forty-six percent of those released are re-arrested (9 percent are re- arrested for a sex crime) and the average length of time to re-arrest is 51 months.

Louis B. Schlesinger, a professor of psychology at John Jay College of Criminal Justice in New York City, told the College Voice in a recent phone interview that, "Megan's Law did not change an offender's sexual arousal pattern," but that it may help some offenders "gain control over their behavior."

Richard Tewskbury of the Rutgers University and New Jersey Department of Corrections study published in 2008 revealed that "Megan- gan's Law" did nothing to reduce rates of recidivism among sex offenders, but the report notes that "New Jersey, as a whole, has experienced a consistent downward trend of sexual offender recidivism rates."

The average sentence served by sex offend- ers is five years. Forty-six percent of those released are re-arrested (9 percent are re-arrested for a sex crime) and the average length of time to re-arrest is 51 months.

Louis B. Schlesinger, a professor of psychology at John Jay College of Criminal Justice in New York City, told the College Voice in a recent phone interview that, "Megan's Law did not change an offender's sexual arousal pattern," but that it may help some offenders "gain control over their behavior."