

RELIABILITY OF DATA IN THE SEX OFFENDER
AND CHILD PREDATOR REGISTRY

STATE OF LOUISIANA



PERFORMANCE AUDIT SERVICES
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LOUISIANA LEGISLATIVE AUDITOR
DARYL G. PURPERA, CPA, CFE

September 3, 2020

The Honorable Patrick Page Cortez,
President of the Senate
The Honorable Clay Schexnayder,
Speaker of the House of Representatives

Dear Senator Cortez and Representative Schexnayder:

This report provides the results of our performance audit of the Louisiana Bureau of Criminal Identification and Information within the Department of Public Safety's Office of State Police (LSP). The purpose of this audit was to evaluate the reliability of data in the Sex Offender and Child Predator Registry.

Overall, we found that the registry included all sex offenders we reviewed who were required to register. However, we found some issues with how registration activities were entered and documented in the registry and with the reliability of certain data.

For example, although multiple agencies can register and enter data on sex offenders, state law does not give any agency the responsibility for ensuring the information is reliable. While LSP has some processes to validate the data, and the Sexual Predator Apprehension Team in the Attorney General's office has issued guidance on how to enter data, neither can require other agencies to follow the guidance or correct data issues. As a result, managing agencies (local law enforcement agencies) were not always entering data into the registry consistently and in accordance with recommended guidance.

In addition, managing agencies did not always assign sex offenders to the correct tier. We found that 48 (60.8 percent) of the 79 sex offenders we reviewed were assigned to a tier not supported by court or other documentation in the registry. These tiers are important because they provide information to the public on the severity of the sex offense and specify how long an offender will remain in the registry. We also found that registration dates were not always entered correctly. That means sex offenders could be registering, paying fees, and remaining under managing agencies' supervision for a longer period of time than what is required by their offense.

We found as well that managing agencies did not always document when or if sex offenders updated their registration information as required by law. Twenty-one (70.0 percent) of 30 sex offenders we reviewed did not have registration updates documented in the registry.

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Documenting that sex offenders have updated their registration information is important to show the public offenders are complying with state law. In addition, we found that managing agencies' efforts to ensure offenders comply with the requirements, such as issuing arrest warrants when offenders do not show up to update their registration, were not always documented in the registry.

Employment data and deceased status were not always correct in the registry. For instance, we found that 19 (76.0 percent) of 25 offenders we reviewed had a job that was not included in the registry, and 54 (0.5 percent) of 11,312 sex offenders who were listed as active on the registry were actually deceased. To better ensure the registry is complete and accurate, LSP and other managing agencies could use data from other agencies, such as employment data from the Louisiana Workforce Commission and death data from the Louisiana Department of Health.

We also identified challenges managing agencies face in enforcing sex offender registry laws, including insufficient funding and enforcement of community notification requirements for indigent sex offenders.

The report contains our findings, conclusions, and recommendations. I hope this report will benefit you in your legislative decision-making process.

We would like to express our appreciation to the staffs of the Louisiana State Police, the Sexual Predator Apprehension Team within the Attorney General's Office, the Louisiana Department of Corrections, the Office of Juvenile Justice, sheriffs' offices, and municipal police departments for their assistance during this audit.

Respectfully submitted,



Daryl G. Purpera, CPA, CFE
Legislative Auditor

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Louisiana Legislative Auditor

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Sex Offender and Child Predator Registry State of Louisiana

September 2020

Audit Control #40180026

Introduction

We evaluated whether data in Louisiana’s Sex Offender and Child Predator Registry (Registry) is reliable.¹ State law² requires the Louisiana Bureau of Criminal Identification and Information within the Department of Public Safety’s Office of State Police (LSP) to develop and maintain the Registry. According to state law,³ the goal of the Registry is to assist in the efforts of local law enforcement agencies to protect their communities by providing the public with information about sex offenders. The public can access specific information on sex offenders through the LSP website.⁴

A Sex Offender and Child Predator Registry is an electronic database of information on convicted sex offenders residing, working, or attending school in Louisiana. Examples of sex offenses that require registration include:

- Rape
- Sexual battery
- Indecent behavior with a juvenile
- Computer-aided solicitation of a minor

Source: Prepared by legislative auditor’s staff using information from R.S. 15:541.

The reliability of data in the Registry is important because inaccurate and incomplete information can result in the public not being aware of the location or existence of sex offenders in particular areas. In addition, law enforcement agencies use this information to assist in investigating sex crimes. We conducted this audit because of inconsistencies we noted in sex offender data during the course of other audits, as well as issues identified by other states with the completeness and accuracy of their registries. For example, audits of sex offender registries in Missouri,⁵ Vermont,⁶ and Georgia⁷

As of February 13, 2020, there were **11,312** actively registered sex offenders on the Registry.

Source: Prepared by legislative auditor’s staff using information from the Registry.

also identified issues with the accuracy of information in their sex offender registries. In addition, a 2008 LLA audit identified issues with the completeness and accuracy of the Registry because of the fragmented sex offender registration process, and because state law does not give any one entity the authority and responsibility to ensure the Registry is complete and accurate.⁸

¹ For the purposes of this report, reliable means that the data was complete and accurate. The data fields we evaluated are detailed in our scope and methodology in Appendix B.

² R.S. 15:578

³ R.S. 15:540

⁴ <https://www.icrimewatch.net/index.php?AgencyID=54450>

⁵ https://app.auditor.mo.gov/Repository/Press/2018106384917.pdf?_ga=2.199800366.1259684588.1541782974-1257934157.1538484954

⁶ <https://auditor.vermont.gov/sites/auditor/files/files/reports/performance-audits/SOR-audit-report-7.16.2014.pdf>

⁷ <https://www.audits.ga.gov/rsaAudits/download/11000>

⁸ [https://lla.la.gov/PublicReports.nsf/E147D0F04240D722862574730063A2C6/\\$FILE/00001B22.pdf](https://lla.la.gov/PublicReports.nsf/E147D0F04240D722862574730063A2C6/$FILE/00001B22.pdf)

Multiple agencies play a role in registering sex offenders. The Department of Corrections (DOC) pre-registers adult⁹ sex offenders before they are released from incarceration, or when sentenced to probation. Sex offenders must then register¹⁰ in-person with local law enforcement agencies, such as the parish sheriff's office and municipal police department (managing agencies), who are supposed to enter all required information, such as name, sex, registration dates, offense, etc. into specific places in the Registry.¹¹ LSP is then responsible for transmitting Registry information to the National Sex Offender Public Registry¹² (federal registry). In addition, one year before a sex offender's registration period ends, the Sexual Predator Apprehension Team (SPAT) within the Attorney General's Office verifies that the registration end date is correct. Appendix C and D provide more detailed information on the different roles of agencies.

To conduct this audit, we obtained Registry data, including both information that is available on the public Registry (such as name, crimes, and associated addresses) and additional information available to managing agencies (such as court or other documents associated with the sex offenders' registration process). We also obtained data and information from the Louisiana Workforce Commission, LSP, the Louisiana Department of Health, DOC, and the Office of Juvenile Justice (OJJ) to assist in determining the completeness and accuracy of the Registry. In addition, we conducted a survey of all sheriffs' offices and select municipal police departments¹³ to obtain information on their practices and issues related to the registration and monitoring of sex offenders and the enforcement of sex offender registry laws. The objective of our audit was:

To evaluate the reliability of data in the Sex Offender and Child Predator Registry.

The results of our audit are summarized in the next section. Appendix A contains LSP's response to the report, and Appendix B contains our scope and methodology. Appendix C provides a summary of roles for agencies involved in the Registry. Appendix D provides a flowchart of the registration process. Appendix E provides a list of registerable sex offenses and their corresponding tiers. Appendix F provides the number of active sex offenders by managing agency and registration compliance status. Appendix G shows a map of active, registered sex offenders by parish, while Appendix H shows a map of the number of non-compliant sex offenders as a percentage of the total active, registered sex offenders for each parish. Appendix I provides the amounts distributed to each sheriff's office from that fund in fiscal years 2019 and 2020, and Appendix J provides the amount and purpose of allocated monies from the Sex Offender Technology Fund.

⁹ The Office of Juvenile Justice (OJJ) pre-registers juvenile sex offenders prior to their release.

¹⁰ At registration, the sex offender is required, among other things, to report a residence address and any addresses associated with any jobs the sex offender may have, any schools the sex offender attends, or any places in which the sex offender volunteers.

¹¹ *OffenderWatch* is the management system used by law enforcement agencies in Louisiana as well as 36 other states for their sex offender registries.

¹² Maintained by the U.S. Department of Justice and available to the public on the website: <https://www.nsopw.gov/>.

¹³ We surveyed only those municipal police departments that utilize *OffenderWatch* as their management system for the registration and monitoring of sex offenders or those that were recommended to be included in the survey by sheriff's offices because they use *OffenderWatch* in their management of sex offenders even though they do not have their own account in *OffenderWatch*.

Objective: To evaluate the reliability of data in the Sex Offender and Child Predator Registry.

We found that the Registry included all sex offenders we reviewed who were required to register.¹⁴ However, we identified issues with how managing agencies enter and document registration activities and with the reliability of certain data¹⁵ in the Registry. Specifically, we found that:

- **Although multiple agencies are involved in registering and entering data on sex offenders, state law does not give any agency the responsibility of ensuring that data in the Registry is reliable. While LSP has developed some processes to validate the data, and SPAT has issued guidance on how to enter data, neither can mandate that agencies follow this guidance or correct data issues.** As a result, managing agencies are not always entering data into the Registry consistently and in accordance with recommended guidance. This was also cited in our 2008 audit, but no changes to state law have been made to address this issue.
- **Managing agencies did not always assign sex offenders to the correct tier. We found that 48 (60.8%) of the 79 sex offenders we reviewed were assigned to a tier that was not supported by court or other documentation in the Registry. These tiers are important because they provide information to the public on the severity of the sex offense and dictate how long a sex offender remains on the Registry.** In addition, we found that registration dates were not always entered correctly. Incorrect registration dates could result in sex offenders registering, paying fees, and remaining under managing agencies' supervision for a longer period of time than required by their offense.
- **Managing agencies did not always document when or if sex offenders updated their registration information as required by law. We found that 21 (70.0%) of 30 sex offenders we reviewed did not have registration updates documented in the Registry.** Documenting that sex offenders updated registration requirements is important to demonstrate to the public that sex offenders are in compliance with state law. In addition, we found that managing agencies' efforts to bring these sex offenders into compliance, such as issuing arrest warrants when sex offenders do not show up to update their registration, were not always documented in the Registry.

¹⁴ We compared offenders marked as sex offenders in the Computerized Criminal History (CCH) database to sex offenders listed in the Registry. All sex offenders who were required to register as sex offenders were listed in the Registry.

¹⁵ See scope and methodology for what data fields we reviewed. We did not review the accuracy of addresses because 55 (96.5%) of 57 responding sheriff's offices indicated they conduct compliance checks to verify residential addresses.

- **Employment data and deceased status was not always correct in the Registry. For example, we found that 19 (76.0%) of 25 sex offenders we reviewed had a job that was not included in the Registry, and 54 (0.5%) of 11,312 sex offenders who were listed as active on the Registry were actually deceased.** To better ensure the Registry is complete and accurate, LSP and other managing agencies could use data from other agencies, such as employment data from the Louisiana Workforce Commission and death data from the Louisiana Department of Health.

In addition, we identified challenges managing agencies face in enforcing sex offender registry laws, including insufficient funding and enforcement of community notification requirements for indigent sex offenders. These issues are discussed in detail throughout the remainder of the report, along with recommendations to assist LSP and managing agencies in increasing the reliability of the data contained within the Registry.

Although multiple agencies are involved in registering and entering data on sex offenders, state law does not give any agency the responsibility of ensuring that data in the Registry is reliable. While LSP has developed some processes to validate the data, and SPAT has issued guidance on how to enter data, neither can mandate that agencies follow this guidance or correct data issues.

As mentioned earlier in this report, multiple agencies play a role in registering sex offenders and managing the Registry. Exhibit 1 provides an overview of these agencies and examples of their roles, while Appendix C and D provide more a detailed summary of these agencies' different roles.

Exhibit 1	
Examples of Roles for Agencies Involved in the Registry	
Agency	Example of Agency's Roles
Department of Corrections (DOC) and Office of Juvenile Justice (OJJ)	Pre-register sex offenders prior to being released from incarceration or when sentenced to probation by entering data into the Registry.
Parish sheriff's offices and municipal police departments (i.e., Managing Agencies)	Ensure and document sex offenders' in-person registration appearances and provide required information and documentation.
Louisiana Bureau of Criminal Identification and Information within the Department of Public Safety's Office of State Police (LSP)	Maintains the Registry and validates some data, such as whether fingerprints were obtained, any known vehicles or addresses were added, and whether a photograph of the sex offender was added, among other requirements.
Sexual Predator Apprehension Team (SPAT) within the Attorney General's Office	Reviews sex offender's file within one year of the sex offender's registration end date for compliance with sex-offender registration laws.
Source: Prepared by legislative auditor's staff using information from state law, DOC, OJJ, Sheriff's Offices, municipal police departments, LSP, and SPAT.	

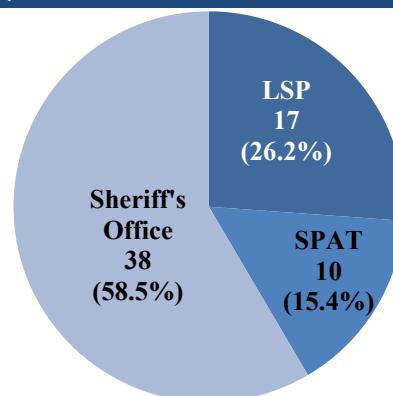
Our 2008 audit of the Registry found that Louisiana law did not provide any entity with the authority to ensure that the Registry was complete or accurate, and that the fragmented registration process weakened the ability to ensure the completeness and accuracy of the data. We recommended that the legislature consider whether state law should be strengthened to ensure that the data in the Registry is complete and accurate by including detailed language in law specifically assigning an agency the responsibility and authority to ensure the Registry is complete and accurate.

State law still does not designate any agency as responsible for ensuring the data in the registry is reliable. State law¹⁶ does require that LSP develop procedures and regulations for the collection of information to ensure the correct reporting of data to LSP. To help ensure correct reporting, LSP has established some validation processes¹⁷ to ensure that data entered into the Registry is correctly formatted, is not duplicated, and contains all the information required to be uploaded into the federal registry. Also, SPAT has developed the Sex Offender and Child Predator Registration Protocol (SOR Protocol) as best practice guidance on how managing agencies should be using the Registry to document sex offender information. In addition, one year before a sex offender's registration period ends, SPAT verifies that the registration end date is correct. However, neither LSP nor SPAT can require that managing agencies follow the guidance in the SOR Protocol or require that managing agencies correct identified data issues in the Registry.¹⁸ Throughout our review, we identified multiple instances where LSP or SPAT included notes to managing agencies in the Registry to correct errors, but neither agency has the ability to hold managing agencies accountable when they do not make corrections. For example, SPAT identified a sex offender who was removed from the Registry incorrectly and told the agency to correct it, but the managing agency still has not added the sex offender back.

Managing agencies that responded to our survey stated that they believe different entities are primarily responsible for ensuring that the Registry data is complete and accurate. For example, 38 (58.5%) of 65 managing agencies who responded to our survey stated that they believe that sheriffs' offices are primarily responsible for ensuring that the Registry data is complete and accurate, while 17 (26.2%) managing agencies believe it is LSP's responsibility. Exhibit 2 summarizes these responses.

Exhibit 2

Question: In your opinion, which agency is primarily responsible for ensuring that the Registry data is complete and accurate?



Note: We received 57 responses from sheriff's offices and eight responses from municipal police departments.

Source: Prepared by legislative auditor's staff using the responses by sheriffs' offices and select municipal police departments to the survey.

¹⁶ R.S. 15:580

¹⁷ Monthly National Sex Offender Registry Validations, 2nd Party Checks, National Crime Information Center Error Log Corrections, etc.

¹⁸ The only exceptions are: 1) LSP determines the tier for all out-of-state sex offenders; 2) SPAT determines the end of the registration period for sex offenders; and 3) When there is a question about which tier is to be assigned, SPAT serves as final authority to determine the tier assignment for the in-state sex offenders.

Managing agencies are not always following SOR Protocol when documenting their sex offender registration and monitoring efforts, which also contributes to issues with the reliability of Registry data. LSP stated as part of its response to the 2008 audit that the implementation of one system (i.e., *OffenderWatch*) to register sex offenders would enhance the overall accuracy of information by providing a tracking mechanism for each entry and change made. SOR Protocol advises managing agencies to use *OffenderWatch* to create a profile for each sex offender in the Registry, document all required information in specific locations within the *OffenderWatch*, and update required information each time sex offenders come for registration updates. Such updates should be accompanied by notes, making it clear what information was reviewed and confirmed by the sex offender on their most recent registration update. However, our survey results indicate that managing agencies use a combination of the Registry, hard copy files, and other software to document their sex offender registration and monitoring activities, as shown in Exhibit 3.

Exhibit 3		
Question: Where do you add notes (i.e., type or write relevant information) about a sex offender's initial registration and in-person required updates? Select all that apply.		
Survey Responses	Managing Agencies	Percent of Respondents
<i>Initial Registration</i>		
In the Registry	61	93.8%
In sex offender's hard copy file	36	55.4%
In software used by our law enforcement agency, other than the Registry	11	16.9%
Other	3	4.6%
Don't add notes	1	1.5%
<i>In-person Required Updates</i>		
In the Registry	53	81.5%
In sex offender's hard copy file	29	44.6%
In software used by our law enforcement agency, other than the Registry	6	9.2%
Other	2	3.1%
Don't add notes	1	1.5%
Note: We received 57 responses from sheriff's offices and eight responses from municipal police departments.		
Source: Prepared by the legislative auditor's staff using the responses by sheriffs' offices and selected municipal police departments to the survey.		

In addition, managing agencies often have multiple people who inconsistently input and update information in the Registry, which also contributes to data issues. According to our survey, on average, four people in a sheriff's office and two people at a municipal police department are tasked with entering information into the Registry.

Managing agencies are not always entering sex offenders' required information correctly in the Registry. State law¹⁹ requires that sex offenders provide specific information to the managing agency upon initial registration, such as first and last name, Social Security number (SSN), and date of birth. In addition, the *National Guidelines for Sex Offender*

¹⁹ R.S. 15:542

*Registration and Notification*²⁰ (National Guidelines) require that certain information, such as sex offender names, SSNs, dates of birth, etc., is included in the Registry. We identified 245 records in the Registry with blank or invalid SSNs (e.g., not containing nine digits or using invalid SSNs such as “123456789,” “999999999,” etc.), as well as three separate instances where the same SSN was entered for two different sex offenders. Also, two sex offenders had invalid dates of birth in the Registry, indicating that they are younger than 10 years old (born after 01/01/2010).

Having the correct required information in the Registry is important because it can allow LSP and managing agencies to accurately identify sex offenders who have failed to register. When analyzing whether all convicted sex offenders were registered as required by state law, we initially identified 236 offenders who had a sex offense conviction in the Computerized Criminal History (CCH) database²¹ but were not listed on the Registry. We reviewed 85 of these sex offenders and found that 49 of them²² actually were on the Registry but were not initially identified due to inconsistencies in the spelling of first or last names, the use of aliases, or different dates of birth or SSNs between the Registry and CCH data.²³ Correct Registry information is also important because it is needed by managing agencies and LSP to research other relevant information on sex offenders in various other state databases, as discussed later in the report.

Matter for Legislative Consideration 1: The legislature may wish to consider designating one entity, such as LSP, as responsible for ensuring the completeness and accuracy of the Registry, including giving it the authority to mandate that managing agencies comply with the SOR Protocol, state law, and National Guidelines. This entity should develop a process that systematically reviews the completeness and accuracy of Registry data and be given the authority to require that managing agencies make corrections based on this review.

Summary of Management’s Response: LSP stated that the current statutory scheme does not have a mechanism that authorizes one agency to compel another to comply with their respective responsibilities pertaining to sex offender registration and notification. In addition, LSP stated that this matter for legislation is not likely to achieve any more accuracy than currently exists without a mechanism to enforce compliance. LSP also stated that it does not have the personnel to assume this responsibility.

Matter for Legislative Consideration 2: The legislature may wish to consider requiring managing agencies to use the Registry’s electronic management system as their primary means of documenting and enforcing compliance with sex offender law requirements.

²⁰ <https://www.govinfo.gov/content/pkg/FR-2008-07-02/pdf/E8-14656.pdf>

²¹ According to R.S. 15:578, LSP is responsible for establishing and maintaining the Registry, as well as CCH.

²² We used the Department of Correction’s *Corrections and Justice Unified Network* (CAJUN) system, which is used to manage and track incarcerated individuals in Louisiana, to exclude individuals who were incarcerated at the time of our analysis. Incarcerated sex offenders are not legally required to actively update their registrations.

²³ The remaining 36 sex offenders were properly excluded from the Registry because these offenders were either incarcerated, were out of state, or were convicted of non-registerable sex offenses.

Summary of Management’s Response: LSP stated that while this matter for legislative consideration would assist with the overall accuracy of the Registry, the Legislature would need to include a remedy for situations in which the managing agency does not use the Registry’s electronic management system as their primary means of documenting and enforcing compliance with sex offender law.

Managing agencies did not always assign sex offenders to the correct tier. We found that 48 (60.8%) of the 79 sex offenders we reviewed were assigned to a tier that was not supported by court or other documentation in the Registry. These tiers are important because they provide information to the public on the severity of the sex offense and dictate how long a sex offender remains on the Registry.

State law²⁴ and National Guidelines require that sex offenders be classified into tiers based on the severity of their offenses, as shown in Appendix E. These tiers are important because they indicate to the public the severity of the sex offense and dictate how long sex offenders remain on the Registry and how often they have to update their registration, as summarized in Exhibit 4. Managing agencies input the registration start date into the Registry based on the date a sex offender registers with them, and set the registration end date 15 years or 25 years from the registration start date for Tier 1 and Tier 2 sex offenders, respectively. Since Tier 3 sex offenders must register for life, managing agencies select the “Lifetime” box in the Registry for them. State law²⁵ also requires sex offenders’ registration start dates to begin anew if they are incarcerated for a felony while actively registered. Incorrect registration start dates could result in a sex offender's registration end date being calculated incorrectly, which may cause sex offenders to register, pay fees, and remain under managing agencies supervision for a longer period of time than required by their conviction.

Exhibit 4			
Description of Tiers and In-Person Registration Update Requirements			
Tier	Examples of Offenses	Length on Registry	Registration Updates
Tier 1	Sexual battery of victim 18 and over, incest, indecent behavior with a juvenile, video voyeurism	15 years	Annually
Tier 2	Sexual battery when victim is under 18 years of age, possession of child porn, molestation of a juvenile, enticing of minor into prostitution	25 years	Semi-annually
Tier 3	Aggravated rape, sexual battery of a child under 13, trafficking of children for sexual purposes, molestation of a juvenile under age 13	Lifetime	Quarterly
Source: Prepared by legislative auditor’s staff using state law.			

²⁴ R.S. 15:544

²⁵ R.S. 15:544

Some managing agencies did not assign sex offenders to the correct tier. According to LSP, managing agencies assign tiers to sex offenders²⁶ during their initial registration based on conviction information in the sex offender's court documents, CCH, or CAJUN. State law²⁷ requires sex offenders to inform managing agencies of the crime they were convicted of, along with the date and place of the conviction. The National Guidelines also require that the Registry includes sex offenders' criminal history, such as offense statutes and the dates of all convictions. In addition, SOR Protocol recommends that managing agencies obtain and upload court documents and relevant information into the Registry. However, managing agencies do not always upload court documents and other information, and there is no systematic process for ensuring the accuracy of tier assignments early in the registration process.

To test the accuracy of the tier assignments, we compared each sex offender's tier to the sex offender's offenses listed on the Registry. We reviewed 79 sex offenders that appeared to be in the wrong tier based on the offense and tier listed and found that 48 (60.8%) of their tier assignments were not supported by court or other documentation, meaning they were potentially assigned to the incorrect tier.²⁸ Of these 48 sex offenders, 17 (35.4%) were assigned to a tier lower than what their records indicated they should have been assigned; however, SPAT would likely extend the registration period for these sex offenders during its review of sex offenders whose registration is due to expire within one year. This means that these 17 sex offenders were not required to appear for in-person updates as frequently as required by state law. The remaining 31 (64.6%) sex offenders were assigned to a tier higher than what their records indicate they should have been assigned, meaning they will be on the Registry for a longer period of time than they are supposed to be and be required to appear for in-person updates more frequently than required by state law.

For example, one sex offender committed sexual battery against a victim who was 18 years of age, which is a Tier 1 offense requiring registration for 15 years. However, this sex offender is assigned to Tier 3, requiring a lifetime registration, even though there is no documentation to support this tier.

Source: Prepared by legislative auditor's staff using documentation from the Registry.

By law,²⁹ SPAT reviews and finalizes a sex offender's registration end-date, which is based on a sex offender's tier, any felony convictions subsequent to the first sex offense, and the sex offender's compliance with registration updates and notifications. This review is typically done when a sex offender is one year away from the end of his registration period. However, since Tier 3 sex offenders are registered for life, SPAT would rarely review³⁰ their files unless requested by the sex offender or a managing agency. Systematically verifying the tier assignments of sex offenders early in the registration process would help ensure that sex offender

²⁶ Managing agencies assign tiers to sex offenders convicted in Louisiana, while LSP assigns tiers to out-of-state sex offenders.

²⁷ R.S. 15:542

²⁸ While the tier assignments were supported by documentation for 31 (39.2%) out of the 79 sex offenders we reviewed, some of the reasons for the tier assignment being different than the crime committed according to the Registry were as follows: SPAT determined that the criminal elements of the crime committed currently fall under an offense requiring a higher tier assignment, or the court documents do not specify the subsection of the offense under which the sex offender is convicted, resulting in a lower tier assigned.

²⁹ R.S. 15:544.2

³⁰ SPAT can run a report comparing sex offenders' listed offenses to their tier classification; however, this is not done on any particular schedule.

information available to the general public is more accurate and that sex offenders with more severe sex offenses appear for updates more frequently as required by law.

Some managing agencies did not enter correct registration dates for sex offenders. To test the accuracy of the registration dates, we calculated registration end dates based on the registration start dates and sex offenders' tiers and reviewed 25 Tier 1 and Tier 2 sex offenders whose registration end dates did not match our calculated dates. We determined that the registration end dates listed in the Registry were not documented correctly for 21 (84.0%) of these sex offenders.³¹ For example, three of these sex offenders had their registration period ending in the same year it started, and 10 (47.6%) were assigned a registration end date that is later than what it is supposed to be based on state law.

For example, one sex offender was convicted of failure to register, and his registration start date should have begun anew upon his release from incarceration. LSP put a note in the Registry, asking to be notified by the managing agency upon the sex offender's release so that the sex offender's registration start and end dates could be modified. However, there are no records in the Registry that LSP has been notified, and the registration start and end dates were not adjusted.

Source: Prepared by legislative auditor's staff using documentation from the Registry.

One potential cause for incorrect registration dates is that managing agencies may not enter all of a sex offender's felony convictions, or may enter such convictions in incorrect locations in the Registry. As stated earlier in the report, National Guidelines require that the Registry includes sex offenders' criminal history. In addition, SOR Protocol recommends that managing agencies document all sex offense convictions requiring registration and all felony convictions a sex offender might have in specific locations on the Registry because these convictions affect the sex offender's registration period. If the legislature chooses to make one entity responsible for the completeness and accuracy of the Registry, that entity should ensure that managing agencies properly input all felony convictions of sex offenders into the correct location in the Registry. That entity also should ensure that managing agencies upload court documents and input all relevant notes/information into the Registry to help ensure the accuracy of the Registry.

Recommendation 1: LSP should develop a process to systematically review tier assignments by managing agencies early in the registration process.

Summary of Management's Response: Although LSP agreed that there should be a process to systematically review tier assignments made by managing agencies early in the process, LSP disagreed that it should be the agency to develop and implement this process. LSP stated that it does not have the statutory authority to be the agency to make this determination. In addition, LSP stated that it does not have the personnel to review all in-state tier assignments early in the registration process.

Recommendation 2: LSP should establish additional edit checks in the Registry to allow locking certain fields in the Registry once they were adjusted by LSP or SPAT

³¹ The remaining four sex offenders' registration end dates were supported either by SPAT determination or by information that was not documented in the specific locations in the Registry recommended by SOR Protocol.

(e.g., tier, registration start date, registration end date, etc.) to help ensure that managing agencies do not change information after it is changed by LSP or SPAT.

Summary of Management’s Response: Although LSP agrees that the overall accuracy of the Registry may increase with the establishment of such edit checks, LSP does not agree that establishing this edit would be the most efficient manner to address this issue due to managing agencies sometimes needing to adjust information that had previously been locked.

LLA Additional Comments: The Registry currently has an edit check preventing managing agencies from changing registration dates for sex offenders with subsequent felony incarcerations if their profiles have been imported from another managing agency. Adding additional edit checks in the Registry would prevent records that should not be changed from being changed.

Recommendation 3: LSP should ensure that the Registry has edit checks that prevent the input of registration start and end dates with the same year or the changing of registration end-dates to dates in the past.

Summary of Management’s Response: Although LSP agrees that the overall accuracy of the Registry may increase with the establishment of such edit checks, LSP does not agree that doing so would be the most efficient manner to address this issue due to managing agencies sometimes needing to adjust information that had previously been locked. In addition, any decision to lock certain fields, such as registration beginning and end dates, would need to be made in consultation with SPAT.

Managing agencies did not always document when or if sex offenders updated their registration information as required by law. We found that 21 (70.0%) of 30 sex offenders we reviewed did not have registration updates documented in the Registry.

State law³² and the National Guidelines require that sex offenders appear in person at managing agencies to update their information, such as change of address, employment, annually renewed state ID, etc. The frequency of these in-person, periodic updates is based on the sex offender’s tier assignment and status. These updates are important because they serve as a method to monitor and verify the presence of each sex offender on the Registry. Exhibit 5 details these requirements.

³² R.S. 15:542; 15:542.1.1; 15:542.1.3; Attorney General’s *Opinion No. 08-0021*

Exhibit 5 In-Person Registration Updates Requirements	
Sex Offender	Registration Updates
Tier 1	Renew and update registration in person <u>annually</u> from the date of initial registration
Tier 2	Renew and update registration in person <u>every six (6) months</u> from the date of initial registration
Tier 3	Renew and update registration in person <u>every three (3) months</u> from the date of initial registration
Homeless	Renew and update registration in person <u>every 14 days</u> with the sheriff of the parish (or parishes if resides in more than one parish) in which they are homeless from the date on which the sex offender initially appeared to register
Out-of-State without assigned tier	Until the determination of proper "tiering" is made, the sex offender must update registration in person <u>every three (3) months</u> from the date of establishing a residence in Louisiana
Incarcerated	Must register upon release from incarceration and update registration in accordance with assigned tier
Committed to a Secure LDH facility*	Must register upon release from confinement and update registration in accordance with assigned tier
* Similar to incarcerated sex offenders, these sex offenders do not have the liberty to come and go on their own accord.	
Source: Prepared by legislative auditor's staff using state law and AG Opinion.	

According to SOR Protocol, all sex offenders should be set up on a verification cycle in the Registry to determine how often the sex offender must update his registration. However, we identified 62 active sex offenders who were not set up on a verification cycle in the Registry. Maintaining an accurate verification cycle for every sex offender provides an organized method to track when each sex offender last verified their registration information and when he/she is next due for an in-person registration update. Because the last verification date is provided to the public on the Registry's website, not keeping this information current could make it appear to the public that the sex offender is non-compliant and that the managing agency is not appropriately enforcing sex offender registration laws.

In addition, we reviewed 30 active sex offenders (10 from each Tier) whose Registry records indicated that the sex offenders were overdue to update their registration information. We found that registration updates were not performed as frequently as required by law for 21 (70.0%) of these sex offenders.³³ SOR Protocol also recommends that managing agencies change sex offenders' status to "non-compliant" when sex offenders fail to comply with the requirements of sex offender registration laws, and document any efforts, such as issuing arrest warrants, to bring these sex offenders into compliance on the Registry. However, we found that managing agencies did not always document their efforts to bring sex offenders into compliance, as 16 (76.2%) of the 21 non-compliant sex offenders did not have arrest warrants listed in the Registry for failure to update their registration. Appendix F shows active sex offenders by

³³ We also found that the recorded registration updates for the remaining nine sex offenders actually were supported by information that was not documented in the specific locations in the Registry recommended by SOR Protocol or the sex offenders were either incarcerated or housed in the secured medical facility.

managing agency and compliance status. Exhibit 6 provides examples of identified registration issues in the Registry.

Exhibit 6		
Examples of Registration Issues		
Issue	Description of the Issue	Examples
Registration records for some sex offenders showed them to be non-compliant in updating their registration for at least two months.	21 (70.0%) of the 30 sex offenders were not compliant with their registration updates for at least two months, based on information provided in the Registry.	Six sex offenders had no documentation of updating their information in the Registry, and four sex offenders had no records of registration or updates since being released from incarceration.
Registration records for some sex offenders showed that their compliance and status were not always updated correctly in the Registry.	15 (71.4%) of the 21 non-compliant sex offenders were incorrectly marked as compliant in the Registry even though they had been non-compliant for a range of 56 days to 11 years.	One Tier 3 sex offender has not updated his registration for 11 years because he believed that his registration ended, but he was still marked as compliant and active in the Registry. Two of the 30 reviewed sex offenders were deceased but still marked as active and compliant in the Registry. One of these sex offenders has been deceased since 2012.
Efforts to bring sex offenders into compliance are not always documented in the Registry.*	16 (76.2%) of 21 non-compliant sex offenders did not list arrest warrants for failing to register for non-compliant sex offenders in the Registry.	One of these 21 sex offenders had no record of updating his registration since 2017, had no warrant for his arrest listed in the Registry, and was not even listed as a sex offender on the public website.
Registration records for some sex offenders showed that their registration was not updated as frequently as required by law.**	Identified examples of such instances.	We identified Tier 2 and Tier 3*** out-of-state sex offenders who had work-only registrations that were updated annually, instead of semi-annually and quarterly (respectively) in the Registry, as required by law. There were no registration updates in the Registry for two Tier 1 and Tier 2 sex offenders admitted to nursing homes, which are not secure medical facilities.
<p>* Based on the results of our survey of sheriff's offices, 22 out of 57 (or 38.6%) sheriffs' offices stated that most instances of non-compliance result in attempts to bring the sex offender into compliance, with arrests reserved for more serious cases.</p> <p>** Through our reviews, we identified this issue separate from the 30 sex offenders reviewed for this analysis.</p> <p>*** These Tier 2 and Tier 3 sex offenders were assigned tiers and managed in the Registry.</p> <p>Source: Prepared by legislative auditor's staff using documentation from the Registry.</p>		

Documenting registration updates for each sex offender is important because SPAT uses these records to review and approve an official registration end date as required by state law.³⁴ Ensuring that each sex offender's registry information is properly updated not only maintains compliance with the law, but could also help to prevent sex offenders from committing additional crimes by timely informing the public of their presence. If the legislature chooses to make one entity responsible for the completeness and accuracy of the Registry, that entity should ensure that managing agencies properly document sex offenders' registration updates as well as document efforts to bring non-compliant sex offenders into compliance. Appendix G shows a map of active, registered sex offenders by parish, while Appendix H shows a map of the number of non-compliant sex offenders as a percentage of the total active, registered sex offenders for each parish.

³⁴ R.S. 15:544.2

Employment data and deceased status was not always correct in the Registry. For example, we found that 19 (76.0%) of 25 sex offenders we reviewed had a job that was not included in the Registry, and 54 (0.5%) of 11,312 sex offenders who were listed as active on the Registry were actually deceased.

LSP and other managing agencies currently have access to CCH and CAJUN to look up information related to sex offenders. However, they do not have access to other databases that may assist in ensuring the Registry is more complete and accurate. For example, LSP and other managing agencies currently rely on sex offenders to self-report any jobs they may have, and there is no formal process to identify sex offenders who die while on the Registry. Gaining lookup access to or obtaining employment and death data would allow LSP and managing agencies to proactively identify employment that is not reported by sex offenders and deceased sex offenders.

LSP and managing agencies could use wage data from the Louisiana Workforce Commission to verify employment, as 19 (76.0%) of 25 sex offenders we reviewed had employment that was either not reported to their managing agency or not added to the Registry by the managing agency. State law³⁵ and National Guidelines require sex offenders to provide managing agencies with the name and physical address of their place of employment when they register. If a sex offender's employment does not have a fixed location where the sex offender works, the sex offender must provide information with as much specificity as possible regarding the different locations where the sex offender works, including travel routes the sex offender may use during the course of work. Any changes regarding their employment must be reported to the managing agency within three business days of the change. According to SPAT's best practices, the managing agencies should input the addresses for each sex offender's employment in a specific location in the Registry because that information is displayed on the Registry's public website, and this information is required by law.

On a quarterly basis, the Louisiana Workforce Commission (LWC) receives reports from employers in Louisiana detailing who they employ. We compared sex offenders who, according to the Registry, did not have any job from January 1, 2016, through June 30, 2019, and matched them to LWC data to determine if they were actually employed at any point during this time. We identified 421 sex offenders who, according to LWC data, were employed during this period but not have any employment listed in the Registry. Because some managing agencies may collect employment information but not enter it in the correct location in the Registry, we further reviewed 25 of these sex offenders and found that 19 (76.0%) either did not report their employment to the managing agency or the managing agency did not add the employment information to the Registry. In the other six (24.0%) cases, the sex offender reported their employment to the managing agency, but the employment information was not entered completely or accurately into the Registry.

³⁵ R.S. 15:542

LSP and managing agencies could use vital records data to verify whether sex offenders are deceased, as we identified 92 (5.5%) of 1,665 sex offenders listed as deceased had no documentation to support that status. In addition, we identified 54 sex offenders who were deceased but were listed as active in the Registry. According to SPAT’s best practices, if a managing agency learns that a sex offender is deceased, such as from a family member or newspaper, the managing agency should obtain a death certificate or other official document (coroner’s report, incident report detailing death, or CAJUN status as deceased) and upload these documents to the Registry. However, we found that of the 1,665 sex offenders listed as deceased, 92 (5.5%) did not have the required documentation in the Registry to support their deceased status. Information and communication within 16 of these sex offenders’ profiles in the Registry show LSP asking the managing agency to upload documentation verifying the death of the sex offender who was marked as deceased. However, this was not done by the managing agency. As a result, all 16 of these sex offenders’ status remained as being “deceased” on the Registry even though there was no documentation supporting this status. It is important to confirm sex offenders’ deaths because once a sex offender is marked deceased, managing agencies do not attempt to bring them into compliance with registration and other sex-offender requirements, and their names are removed from the Registry’s public website.

One sex offender who was listed as deceased but did not have the required supporting documentation was marked as deceased and removed from the Registry’s public website based on a phone call from the sex offender’s girlfriend.

Source: Prepared by legislative auditor’s staff using documentation from the Registry.

The Louisiana Department of Health’s Office of Vital Records (Vital Records) receives death data and death certificates from coroners throughout Louisiana for deaths occurring in their respective parishes on an ongoing basis. We used this data to determine whether any sex offender listed as active on the Registry was actually deceased and found 54 sex offenders who met this criteria. Of these, 30 (55.6%) should have been identified as deceased by the managing agency at the end of the sex offenders’ tier verification cycle, when the sex offender is required to update their registration in person. Three of these sex offenders have each been deceased for more than 16 years. Also, managing agencies identified nine of these sex offenders as non-compliant after they missed their in-person registration update. However, the managing agencies did not identify these sex offenders as deceased because there is no specific policy directing managing agencies to check for death certificates from Vital Records when a sex offender does not report for verification. In some instances, we saw that the managing agency did request a death certificate from Vital Records, although this was not done for all sex offenders.

LSP could use data systems available at other state agencies to ensure completeness and accuracy of the Registry. Sex offenders are required to update their driver’s license or identification card every year, and this license or card is required to identify the sex offender as a sex offender. In addition, sex offenders are supposed to report any vehicles they own or use to their managing agencies. LSP could use information contained within these systems to ensure that sex offenders are complying with these requirements, helping to ensure the completeness and accuracy of the Registry.

Recommendation 4: LSP should obtain access to Louisiana Workforce Commission's database to ensure it proactively identifies jobs held by sex offenders.

Summary of Management's Response: Although LSP agrees that obtaining access to LWC's database would allow for the proactive identification of jobs held by sex offenders, LSP does not agree that it should be the entity that obtains such access because it is the managing agency's responsibility to obtain information pertaining to a sex offender's employment.

Recommendation 5: LSP should obtain access to the Vital Record's Louisiana Electronic Event Registration System (LEERS) to look up death certificates if a sex offender does not report for verification to ensure timely identification of deceased sex offenders.

Summary of Management's Response: Although LSP agrees that obtaining access to LEERS would allow for more timely identification of deceased offenders, LSP does not agree that it should be the entity that obtains such access because it is the managing agencies responsibility to obtain information confirming a sex offender's death.

Recommendation 6: LSP should determine if lookup access to other databases could assist in the completeness and accuracy of the Registry.

Summary of Management's Response: Although LSP agrees that obtaining access to other databases could assist with the overall completeness and accuracy of the Registry, LSP does not agree that it should be the entity that makes this determination.

Managing agencies face challenges enforcing sex offender registry laws, including insufficient funding and enforcing community notification requirements for indigent sex offenders.

Lack of sufficient funding and personnel, as well as high staff turnover, are some of the reasons for the issues identified in this report. In addition, managing agencies are required to enforce sex offenders' community notification requirements,³⁶ but when a sex offender is indigent, managing agencies have to find funds to pay for such notifications or put the community at risk by not notifying them of sex offenders living or working in their community. Sex offender registry laws do not state what needs to be done if a sex offender is indigent and cannot pay for community notifications.

³⁶ R.S. 15:542.1 requires adult sex offenders to mail out community notifications to neighbors every five years; juvenile sex offenders are exempt from this requirement. R.S. 15:542.1.2 further mandates that whenever sex offenders move, they must complete new notifications and the five-year notification period begins anew at this time. We did not analyze the community notification process because it was outside of our audit scope.

The resources available to managing agencies for the enforcement of sex offender registry laws depend on the size of the parish and sex offender population within that parish. The Sex Offender Registry Technology Fund (SORTF) provides funding to sheriffs' offices based on the population of convicted sex offenders who are residing in the parish and who are active sex offender registrants in that parish.³⁷ For example, as shown in Appendix I, East Baton Rouge Parish Sheriff's Office, which manages 894 active sex offenders, received a total of \$31,963 from SORTF in fiscal year 2020, while the Caldwell Parish Sheriff's Office, which manages 24 active sex offenders, received only \$837. SORTF funds are used for any technological needs each sheriff's office may have related to enforcing sex offender registry laws. Based on the results of our survey of sheriff's offices, some sheriff's offices stated that SORTF funds help them with equipment and training, but do not cover all expenses involved in enforcing sex offender registry laws, such as salaries for personnel. Furthermore, municipal police departments do not receive any SORTF funds to cover costs associated with sex offender registration, despite being required to register sex offenders within their jurisdiction, as shown in Appendix J.

Not all managing agencies consistently collect fees from sex offenders to defray the costs of maintaining sex offenders' records. State law³⁸ requires sex offenders to pay an annual registration fee of \$60 to managing agencies³⁹ to defray the costs of maintaining these sex offenders' records. Although most managing agencies stated that they collect these fees from sex offenders residing in their jurisdiction, many stated that they do not collect fees from sex offenders who are employed and attending schools in their parishes but reside in another parish. Specifically, survey responses showed that 26 (45.6%) of 57 sheriffs' offices and six (75.0%) of eight municipal police departments do not collect these fees from sex offenders working in their jurisdiction but residing in another jurisdictions. In addition, 49 (86.0%) of 57 sheriffs' offices and six (75.0%) of eight municipal police departments do not collect these fees from sex offenders attending school in their jurisdiction but residing in another jurisdictions. Based on our interviews with some managing agencies, they believe that sex offenders working but not residing in their jurisdiction are not required to pay registration fees even though state law allows them to. Exhibit 7 shows these results.

³⁷ Louisiana Code of Criminal Procedure, Article 895.1

³⁸ R.S. 15:542

³⁹ Except the campus law enforcement agency of an institution of postsecondary education

Exhibit 7				
Question: Do you collect registration fees from the following sex offenders?				
Survey Responses	Number of Sheriff's Offices Responding No or N/A	Percent of Sheriff's Offices Responding No or N/A	Number of Municipal Police Departments Responding No or N/A	Percent of Municipal Police Departments Responding No or N/A
Residing in your jurisdiction	1	1.8%	0	0.0%
Working in your jurisdiction, but residing in another	26	45.6	6	75.0
Attending school in your jurisdiction, but residing in another	49	86.0	6	75.0
Total Responses Received	57		8	
Source: Prepared by the legislative auditor's staff using the responses by sheriffs' offices and selected municipal police departments to the survey.				

Interviews with LSP, SPAT, and some managing agencies indicated that managing agencies, especially from smaller, rural parishes, do not receive sufficient funding from either the SORTF or \$60 annual fees assessed on sex offenders to fund adequate personnel dedicated to monitoring sex offenders and keeping complete and accurate sex offender records on the Registry. In addition, managing agencies also experience significant staff turnover, which results in a learning curve for new staff. Based on the results of our survey, 13 (22.8%) of 57 sheriff's offices responded that they do not have a dedicated sex offender unit or division. Of the 44 (77.2%) sheriff's offices that do have a dedicated unit, only 22 (or 50%) have sworn law enforcement personnel dedicating at least 75% of their time to sex offender registration, sex offender monitoring, and enforcement of sex offender registration laws. Some managing agencies stated on our survey that they need additional funding to improve their sex offender registration and monitoring. For example, one agency stated that a problem managing agencies from smaller or rural parishes encounter is the lack of funding or personnel, resulting in personnel responsible for sex offender registrations also being responsible for numerous other duties and unable to dedicate 100% of their time to just sex offender duties.

Since state law does not address indigent sex offenders, some managing agencies use their limited funding to pay for community notifications for sex offenders who cannot afford to comply with this requirement. State law⁴⁰ requires each sex offender to mail out community notifications to neighbors every five years,⁴¹ informing residents of the crime for which the sex offender was convicted, as well as the sex offender's name, residential address, physical description, and photograph. Based on the results of our survey of sheriff's offices, community notifications can cost anywhere from \$110 to \$1,800, depending on the size of the population that needs to be notified. If sex offenders fail to notify the community of their presence, they can be convicted of failure to notify and have their time on the Registry extended.

⁴⁰ R.S. 15:542.1

⁴¹ Whenever a sex offender moves, the sex offender must send a new Community Notification, and the five-year period would begin anew at that time.

However, the Louisiana Supreme Court⁴² ruled that sex offenders can only be convicted of failure to notify if they willfully refused to pay or failed to make sufficient efforts to acquire the resources to pay for and send these community notifications. According to SPAT, in light of this Louisiana Supreme Court decision, sheriff's offices have to determine where to pull funds from to pay for community notifications for indigent sex offenders because they are also a matter of concern to public safety. Since many managing agencies from smaller, rural parishes already face funding issues regarding sex offender registration, sex offender monitoring, and enforcement of sex offender laws, having to pay for community notification adds additional strain on their budgets and could potentially put their community at risk.

Matter for Legislative Consideration 3: The legislature may wish to consider including provisions concerning indigent sex offenders in the sex offender registry laws, including as it relates to the payment of community notifications.

Recommendation 7: LSP should ensure that the SOR Protocol provides guidance to managing agencies about sex offenders' obligation to pay the annual registration fee of sixty dollars in order to defray the costs of maintaining the record of the sex offender.

Summary of Management's Response: LSP disagreed and stated that managing agencies can contact their local district courts to determine the rules regarding indigency in their respective jurisdictions. LSP further stated that it is not clear in state law that it is responsible for the provisions of R.S. 15:542.

LLA Additional Comments: LSP could provide guidance to the managing agencies in the SOR Protocol about sex offenders' obligation to pay the annual registration fee for those sex offenders that do not claim indigency. The SOR Protocol could also advise managing agencies to contact their district courts to determine the rules regarding indigency in their respective jurisdictions.

⁴² *State of Louisiana v. Tori Jones*

APPENDIX A: MANAGEMENT'S RESPONSE



JOHN BEL EDWARDS
GOVERNOR

KEVIN W. REEVES, COLONEL
DEPUTY SECRETARY

State of Louisiana
Department of Public Safety and Corrections
Public Safety Services

August 21, 2020
HQ-1-386

Mr. Daryl G. Purpera
Legislative Auditor
Post Office Box 94397
Baton Rouge, LA 70804-9397

RE: Performance Audit of the Louisiana State Police Sex Offender and Child Predator Registry

Dear Mr. Purpera:

I would like to express my appreciation to you and your staff for meeting with us to discuss the performance audit of the Louisiana State Police Sex Offender and Child Predator Registry conducted on behalf of the Louisiana Legislative Auditor.

The Louisiana State Police will remain dedicated in continuing to work with the managing agencies and SPAT to ensure compliance with policy, procedure, and state and federal law as it relates to the management of the Registry.

The Louisiana State Police looks forward to working with you and your staff in the future to improve all aspects of public service for the citizens of Louisiana.

Sincerely,

A handwritten signature in blue ink, appearing to read "Col. K. W. Reeves".

Colonel Kevin W. Reeves
Deputy Secretary, Public Safety Services
Superintendent, Louisiana State Police

cc: Lieutenant Colonel Bob Brown, Louisiana State Police
Lieutenant Colonel Layne Barnum, Louisiana State Police
Major David McClendon, Louisiana State Police
Captain Mark Richards, Louisiana State Police

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Louisiana State Police
Legislative Audit Response
Department of Public Safety
Sex Offender and Child Predator Registry
Executive Summary

Recommendation 1: LSP should develop a process to systematically review tier assignments by managing agencies early in the registration process.

Although LSP agrees that there should be a process to systematically review tier assignments made by managing agencies early in the registration process, LSP does not agree that it should be the agency designated to develop and implement such a process. LSP does not have the statutory authority under current sex offender registration laws to be the agency that makes the determination whether the tier assignment for a sex offender with a Louisiana state district court conviction is correct or not. Although LSP reviews tier assignments when performing a review of pre-registration accounts, 2nd party checks, or validations, if there is any question about the tier assignment of an offender with an in-state conviction, LSP will defer to the Attorney General's Office, Sexual Predator Apprehension Team ("SPAT"), as La. R.S. 15:544.2(C) provides that SPAT is the entity that makes the determination regarding the length of time that a sex offender with an in-state conviction is required to register and notify in Louisiana. La. R.S. 15:544.2(C) states, "whenever there is a question regarding whether an offender, convicted or adjudicated in a Louisiana state court of an offense requiring registration and notification pursuant to the provisions of this Chapter, as a fifteen-year, a twenty-five year, or a lifetime registrant, the Sexual Predator Apprehension Unit Team of the Department of Justice shall have the authority to make determinations regarding the appropriate time period of registration in accordance with the provisions of this Chapter." Therefore, requiring LSP to develop a process to systematically review the tier assignments of all sex offenders with in-state convictions early in the registration process without amending current statutes to give LSP the authority to do so would not be appropriate as the Attorney General's SPAT Unit has the final authority to make a final, binding determination regarding the tier classification of all in-state sex offenders. LSP only has the statutory authority to make the initial, binding determination regarding an out of state sex offender's obligation to register and notify pursuant to the authority granted to it in La. R.S. 15:542.1.3. Should a sex offender seek to challenge his obligation to register and notify, La. R.S. 15:544.1 allows for the filing of a petition for injunctive relief or declaratory judgment in the 19th Judicial District Court.

Additionally, even if LSP had the statutory authority to review all in-state tier assignments early in the registration process, LSP currently does not have the personnel to do so as there are only four (4) criminal records analysts who work within the Registry on a daily basis – three (3) criminal records analyst IIIs and one (1) criminal records analyst IV supervisor. There are currently approximately 20,600 files contained within Offender Watch. Without additional personnel and funding for those additional positions, LSP would not be in a position to review the tier classifications of all in-state sex offenders.

Recommendation 2: LSP should establish additional edit checks in the Registry to allow locking certain fields in the Registry once they were adjusted by LSP or SPAT (e.g., tier, registration start date, registration end date, etc.) to help ensure that managing agencies do not change information after it is changed by LSP or SPAT.

Recommendation 3: LSP should ensure that the Registry has edit checks that prevent the input of registration start and end dates with the same year or the changing of registration end-dates to dates in the past.

(Due to the similarities in Recommendations #2 and #3, LSP submits one combined response.)

Although LSP agrees that the overall accuracy of the Registry may increase with the establishment of edit checks that would lock certain fields once those fields were adjusted by LSP and/or SPAT, LSP does not agree that doing so would be the most efficient manner to address issues relating to certain fields being changed by managing agencies after having been adjusted by LSP and/or SPAT as there are instances in which the managing agency would need to be able to adjust information that has previously been locked. For example, there are instances in which the managing agency would need to be able to adjust an offender's registration start date, such as when an offender's registration begins with a new date pursuant to La. R.S. 15:544(D). In these scenarios, because the offender is required to report in person at the sheriff's office and not to LSP or SPAT, the sheriff's office would need the ability to adjust the initial registration date. If the sheriff's office does not have the capability to adjust registration start dates in those situations because the field is locked, they would need to contact LSP and/or SPAT each time they need to do so. As set forth in its response to Recommendation #1, LSP does not currently have the personnel to provide that type of support to the managing agencies.

Pursuant to La. R.S. 15:544.2(A) and (B), SPAT is statutorily mandated to registration end dates for sex offenders with fifteen (15) and twenty-five (25) year registration obligations. Therefore, any decision to lock certain fields, such as registration beginning and end dates, would need to be made in consultation with SPAT.

Recommendation 4: LSP should obtain access to Louisiana Workforce Commission's database to ensure it proactively identifies jobs held by sex offenders.

Although employment addresses are published on the Registry, LSP does not currently review employment information. Therefore, although LSP agrees that obtaining access to the Louisiana Workforce Commission's database would allow for the proactive identification of jobs held by sex offenders, LSP does not agree that it should be the entity (or only entity) that obtains such access as it is the managing agency's responsibility to obtain information pertaining to a sex offender's employment (or lack thereof).

As LSP does not currently have access to the Louisiana Workforce Commission's database for purposes of the Registry, it would need to contact the Workforce Commission to determine whether it can have access and if so, what type. Ideally, the managing agencies should obtain access to the Louisiana Workforce Commission's database so that the managing agency can determine the accuracy of the employment information provided by the offender. Although LSP could inquire about the managing agencies obtaining access to this database, it cannot enter into any agreement on behalf of the managing agencies nor require them to obtain access to the database on their own. Furthermore, even if LSP were able to assist the managing agencies with securing access, it can only provide guidance and recommendations to the managing agencies to use the database.

If LSP were to obtain access to the Louisiana Workforce Commission's database and the managing agencies did not, the managing agencies would have to contact LSP each time they needed information pulled from the Workforce Commission's database. As set forth in its response to

Recommendation #1, LSP does not currently have the personnel to provide that type of support to the managing agencies.

Although access to this database would improve the ability of the involved agencies to check the accuracy of employment information provided by the offender, it would not allow the managing agencies (or LSP) to verify information provided by offenders who may be employed but work for cash.

Recommendation 5: LSP should obtain access to the Vital Record's Louisiana Electronic Event Registration System (LEERS) to look up death certificates if a sex offender does not report for verification to ensure timely identification of deceased offenders.

Although LSP agrees that obtaining access to the Vital Record's Louisiana Electronic Event Registration System (LEERS) would allow for the more timely identification of deceased offenders, LSP does not agree that it should be the entity (or only entity) that obtains such access as it is the managing agency's responsibility to obtain information confirming a sex offender's death as the managing agencies are responsible for monitoring when a sex offender is due to report for his registration and would typically be the first agency involved in the registration process that would be provided information about the potential death of a sex offender.

If LSP obtains access to LEERS, LSP would also be able to use the information contained in LEERS during validations. Ideally, the managing agencies should also obtain access to LEERS so that the managing agency can confirm the offender's death without having to contact LSP to do so as LSP does not currently have the personnel to provide that type of support to the managing agencies. Although LSP could inquire about the managing agencies obtaining access to LEERS, it cannot enter into any agreement on behalf of the managing agencies nor require them to obtain access to the database on their own. Furthermore, even if LSP were able to assist the managing agencies with securing access, it can only provide guidance and recommendations to the managing agencies to use LEERS.

Recommendation 6: LSP should determine if lookup access to other databases could assist in the completeness and accuracy of the Registry.

Although LSP agrees that obtaining access to other databases could assist with the overall completeness and accuracy of the Registry, LSP does not agree that it should be the entity (or only entity) that makes this determination. Although LSP is statutorily mandated to maintain the Registry and perform specified functions, both the managing agencies and SPAT also have responsibilities to the Registry. LSP, in conjunction with the managing agencies and SPAT, should collaborate to determine what additional databases, if any, could assist with the performance of their various responsibilities. However, even once those databases are identified and access obtained, LSP can only provide guidance and recommendations to the managing agencies but does not have the authority to enforce the managing agencies to use these database(s).

Recommendation 7: LSP should ensure that the SOR Protocol provides guidance to managing agencies about sex offenders' obligation to pay the annual registration fee of sixty dollars in order to defray the costs of maintaining the record of the offender.

LSP does not agree that it should ensure that the SOR protocol provides guidance to the managing agencies about sex offenders' obligation to pay the annual registration fee as La. R.S. 15:542(D) establishes offenders' obligation to remit the annual registration fee and the circumstances under

which the offender may not have to remit the fee. Specifically, La. R.S. 15:542(D) provides that the “offender shall pay to the appropriate law enforcement agencies with whom he is required to register, except for the campus law enforcement agency of an institution of postsecondary education, an annual registration fee of sixty dollars to defray the costs of maintaining the record of the offender.” La. R.S. 15:542(D) also provides the framework under which the offender may not be required to remit all of the \$60 annual registration fee. La. R.S. 15:542(D) states “[t]he payment of such a fee shall be made in accordance with any rule regarding indigency adopted by the judges of the judicial district court in the jurisdiction or as determined by criteria established by the Department of Public Safety and Corrections.”

Managing agencies can contact their local district courts to determine the rules regarding indigency in their respective jurisdictions. Furthermore, for purposes of sex offender registration and notification, La. R.S. 15:541 does not define “Department of Public Safety and Corrections.” Although the Office of State Police is found within the “Department of Public Safety and Corrections,” when LSP is referenced for purposes of sex offender registration it is referred to as the “Bureau.” Therefore, it is not clear in statute which section of the “Department of Public Safety and Corrections” the legislature intended to establish the criteria referenced in La. R.S. 15:542.

Matter for Legislative Consideration 1: The legislature may wish to consider designating one entity, such as LSP, as responsible for ensuring the completeness and accuracy of the Registry, including giving them the authority to mandate that managing agencies comply with the SOR Protocol, state law, and the National Guidelines. This entity should develop a process that systematically reviews the accuracy and completeness of the Registry data and be given the authority to require that managing agencies make corrections based upon this review.

Although LSP is statutorily mandated to establish and maintain the Registry, both the managing agencies and SPAT have statutorily established roles within the Registry. The current statutory scheme does not have a mechanism that authorizes one agency to compel another to comply with their respective responsibilities pertaining to sex offender registration and notification.

The proposed Legislative fix offered for consideration by the auditor is not likely to achieve the level of accuracy sought, or any more accuracy than currently exists without a mechanism to enforce compliance.

Additionally, as set forth above, LSP does not currently have the personnel to assume the responsibility as the entity responsible for ensuring the completeness and accuracy of the Registry in the manner described herein.

Matter for Legislative Consideration 2: The legislature may wish to consider requiring managing agencies to use the Registry’s electronic management system as their primary means of documenting and enforcing compliance with sex offender law requirements.

Although requiring managing agencies to use the Registry’s electronic management system as their primary means of documenting and enforcing compliance with sex offender law requirements would assist with the overall accuracy of the Registry, should the Legislature make it a statutory requirement, it would need to include a remedy for situations in which the managing agency does not do so.

In closing, Louisiana State Police – Bureau of Criminal Identification and Information (LSP BCII) will continue to work with the managing agencies to ensure compliance with policy, procedure, and state and federal law as it relates to the management of the Registry. LSP BCII will also continue to provide managing agencies training and support resources to address reoccurring deficiencies, as well as training for new Registry managing agency personnel. LSP BCII will work with the managing agencies and SPAT to identify any new technologies or outside resources that would contribute to the increase of accurate information relevant to the Registry.

APPENDIX B: SCOPE AND METHODOLOGY

This report provides the results of our audit on the reliability of data⁴³ in the Sex Offender and Child Predator Registry (Registry). We conducted this performance audit under the provisions of Title 24 of the Louisiana Revised Statutes of 1950, as amended. This audit covered sex offenders included in the Registry as of February 13, 2020, although some analyses may analyze information outside of this scope as needed. Our audit objective was:

To evaluate the reliability of data in the Sex Offender and Child Predator Registry.

We conducted this performance audit in accordance with generally-accepted *Government Auditing Standards* issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide reasonable basis for our findings and conclusions based on our audit objective. We believe the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective. To answer our objective, we reviewed internal controls relevant to the audit objective and performed the following audit steps:

- Researched relevant federal and state laws regarding the Registry.
- Obtained policies, procedures, and other documents from Louisiana State Police (LSP) regarding the Registry.
- Interviewed staff from LSP, Sexual Predator Apprehension Team (SPAT) within the Attorney General's Office, Department of Corrections (DOC), Office of Juvenile Justice, and multiple sheriff's offices and municipal police departments.
- Surveyed sheriff's offices and selected municipal police departments charged with managing sex offenders within their own jurisdictions.
- Obtained Registry data from *OffenderWatch*, which contains information such as identifying information about the sex offender, crimes committed, verifications performed by managing agencies, and investigative notes concerning the history of the sex offender, among others.
- Obtained read-only access to the *OffenderWatch* Live System, which contains documentation and information such as identifying information about the sex offender, crimes committed, verifications performed by managing agencies, investigative notes concerning the history of the sex offender, court and registration documents, among other information and documentation.

⁴³ For the purposes of this report, reliable means that the data was complete and accurate.

- Obtained Computerized Criminal History (CCH) data from LSP, which contains criminal history information for offenders of all crimes in Louisiana.
- Obtained data and lookup access to information from other state agencies, such as employment data from the Louisiana Workforce Commission, death record information from the Louisiana Department of Health, and incarceration information from DOC.
- Performed basic data reliability tests on the Registry fields used to draw conclusions in this report, such as Social Security numbers (SSN), dates of birth (DOB), etc.
- Using data from the Registry and other state agencies, we compared the data to determine the completeness and accuracy of the Registry. We also used lookup access to confirm the validity of the results. The following analyses were performed:
 - **Completeness Analysis:** We analyzed whether all sex offenders convicted in Louisiana were registered as required by state law and identified 236 offenders who had a sex-offense conviction in the CCH database but were not listed on the Registry. We reviewed 85 of these sex offenders and found that 49 sex offenders were actually on the Registry but not initially identified due to inconsistencies in the spelling of first or last names, the use of aliases, or different DOBs or SSNs between the Registry and CCH data. When performing the Completeness Analysis, we excluded the following CCH records from the analysis: (1) without offense description, disposition description, or conviction statute because these are the fields that would indicate whether the sex offender should be listed on the Registry; (2) with Disposition Effective Date or Case Sentence Date prior to 08/15/1999 because judges could waive sex offense registration requirements at that time; (3) with multi-state offenses to exclude sex offenders with out-of-state sex offense convictions; (4) with test records; (5) with deceased sex offenders; and (6) with R.S. 14:46, 14:46.1, or 14:46.2 convictions because these convictions are registerable sex offenses only if a victim is a minor.
 - **Tier Assignment Analysis:** We analyzed sex offenders convicted in Louisiana by comparing each sex offender's tier to the sex offender's offenses listed on the Registry. We initially found 414 sex offenders who had a tier assignment that did not match the offense or combination of offenses listed. Because some managing agencies may collect offense information but not enter it in the correct location in the Registry, we selected 79 of these 414 sex offenders for review to determine if documentation existed elsewhere in the Registry to support their listed tier. We found that 48 (60.8%) of the 79 sex offenders' tier assignments were not supported by court or other documentation, meaning they may have been assigned to the wrong tier. Of these 48 sex offenders, 17

(35.4%) were assigned to a tier lower than what their records indicated they should have been assigned. The remaining 31 (64.6%) sex offenders were assigned to a tier higher than what their records indicate they should have been assigned. When performing the Tier Assignment analysis, we excluded the following Registry records from the analysis: (1) marked as test or sample; (2) associated with managing agencies other than sheriff's offices or the New Orleans Police Department to avoid including a duplicate count of sex offenders in our analysis (although city police departments have access to the Registry and manage sex offenders within their cities, sheriff's offices have primary jurisdiction over all sex offenders within their respective parishes for the purposes of Sex Offender Registry laws, with the New Orleans Police Department being the only exception); (3) associated with sex offenders convicted in other states; (4) without conviction statute; and (5) without Conviction and Release dates; (6) misdemeanor convictions because these convictions are not registerable sex offenses.

- **Registration Duration Analysis:** To test the accuracy of the registration dates, we calculated registration end dates based on the registration start dates and sex offenders' tiers and reviewed 25 Tier 1 and Tier 2 sex offenders whose registration end dates did not match our calculated dates. Offense records for some sex offenders had blank release dates. In these situations, we compared the registration start date to the most recent conviction date. Also, we excluded those records where the recorded registration start date was within three business days of the most recent release date as required by law. We identified 169 Tier 1 and Tier 2 sex offenders whose registration end dates were not correct based on the sex offender's tier. We selected 25 of these sex offenders for review and determined that the registration end dates listed in the Registry were not supported for 21 (84.0%) of these sex offenders. When performing the Registration Duration Analysis, we excluded the following Registry records from the analysis: (1) marked as test or sample; (2) associated with managing agencies other than sheriff's offices or the New Orleans Police Department to avoid including a duplicate count of sex offenders in our analysis; (3) associated with inactive sex offenders; (4) without registration start date; (5) associated with sex offenders convicted in other states; (6) listing registration start dates prior to sex offenders' dates of birth; (7) listing registration start date prior to 08/15/2006, when a registration start date started being reset anew for new felony convictions; (8) with no clearly marked severity of the conviction because misdemeanor convictions are not registerable sex offenses; and (9) without Convicted and Release dates.
- **Registration Updates Analysis:** We analyzed sex offenders who were at least two months late to update their registration. We identified 731 active sex offenders that had been non-compliant with their required verification cycle for at least two months when we received the data. We selected 30

of these 731 sex offenders (10 sex offenders from each tier) for review and determined that 21 of these 30 (or 70.0%) reviewed sex offenders were not updating their registration as frequently as required by law. In addition, we identified 62 active sex offenders who were not set up on a verification cycle in the Registry. When performing the Registration Update Analysis, we excluded the following Registry records from the analysis: (1) marked as test or sample; (2) associated with managing agencies other than sheriff's offices or the New Orleans Police Department to avoid including a duplicate count of sex offenders in our analysis; (3) without registration start dates; (4) associated with registration start dates prior to 06/18/1992, when registration of sex offenders started in Louisiana; (5) listing registration start dates prior to sex offenders' dates of birth; and (6) without Last Verified date.

- **“Deceased” Sex Offenders Marked as “Active” Analysis:** The Louisiana Department of Health's Office of Vital Records (Vital Records) receives death data and death certificates from coroners throughout Louisiana for deaths occurring in their respective parishes on an ongoing basis. We used this data to determine whether any sex offender listed as active on the registry was actually deceased and found 54 sex offenders who met this criteria. Of these, 30 (55.6%) should have been identified as deceased by the managing agency at the end of the sex offenders' tier verification cycle, when the sex offender is required update their registration in person. When performing this analysis, we excluded the following Registry records from the analysis: (1) inactive sex offenders as of 10/17/2019, (2) with initial registration dates after 6/30/2019, (3) with invalid SSNs, and (4) associated with managing agencies other than sheriffs' offices or the New Orleans Police Department to avoid including a duplicate count of sex offenders in our analysis.
- **“Deceased” Sex Offenders without Supporting Documentation Analysis:** We found that of the 1,738 sex offenders listed as deceased, 92 (5.3%) did not have the required documentation in the Registry to support their “deceased” status. Information and communication within multiple sex offenders' profiles in the Registry show LSP asking the managing agency to upload a death certificate, coroner's report, or police incident report to verify the death of the sex offender that the managing agency had marked as deceased. However, this was not done by the managing agency. When performing this analysis, we excluded the following Registry records from the analysis: (1) inactive sex offenders as of 10/17/2019, (2) with initial registration dates after 6/30/2019, (3) with SSNs, and (4) associated with managing agencies other than sheriffs' offices or the New Orleans Police Department to avoid including a duplicate count of sex offenders in our analysis.
- **Employment Verification Analysis:** On a quarterly basis, the Louisiana Workforce Commission (LWC) receives reports from employers in

Louisiana detailing who they employ. We identified sex offenders who did not have any job listed on the Registry from January 1, 2016, through June 30, 2019, and compared their records to LWC data to determine if they did have employment during this time. We identified 421 sex offenders who had a job according to LWC data but did not have any job entered in the Registry. Because some managing agencies may collect employment information but not enter it in the correct location in the Registry, we reviewed 25 of these 421 sex offenders in more detail. We found that 19 (76.0%) of the 25 sex offenders had a job according to LWC data but either did not report it to the managing agency or the managing agency did not add the employment information to the Registry. In the other six (24.0%) cases, the sex offender reported the job, but the managing agency did not completely or accurately enter this information into the Registry. When performing this analysis, we excluded the following Registry records from the analysis: (1) inactive sex offenders as of 10/17/2019, (2) with initial registration dates after 6/30/2019, (3) with invalid SSNs, and (4) associated with managing agencies other than sheriffs' offices or the New Orleans Police Department to avoid including a duplicate count of sex offenders in our analysis.

- Assumptions Used When Performing Analyses:
 - According to SOR Protocol, only convictions for offenses requiring registration should be included in the Offenses table. Therefore, we assumed that all offenses listed in the Offenses table are for registerable offenses unless the offenses are clearly identified as a non-registerable sex offense. For example, R.S. 14:44 “Aggravated kidnapping” is only registerable if it’s an aggravated kidnapping of a minor under 18 years old. Therefore, we assumed that if this offense is listed in Offenses table in *OffenderWatch*, it is for an aggravated kidnapping of a minor and therefore is a registerable offense. On the other hand, conviction of R.S. 14:91.2 “Unlawful presence of a sex offender” is not a registerable sex offense and does not impact the tier assigned to the sex offender.
 - If the sex offender record did not list a conviction date in the Offense table, we assumed that the sex offender was not convicted of this offense.
 - If a sex offender had multiple offenses with the same conviction date, we assumed that the sex offender had multiple offenses per conviction. If a sex offender had multiple offenses on different convicted dates, we assumed that the sex offender had multiple convictions.

APPENDIX C: SUMMARY OF ROLES FOR AGENCIES INVOLVED IN THE SEX OFFENDER AND CHILD PREDATOR REGISTRY

Multiple agencies play a variety of roles in registering sex offenders and ensuring that the data in the Registry is complete and accurate.

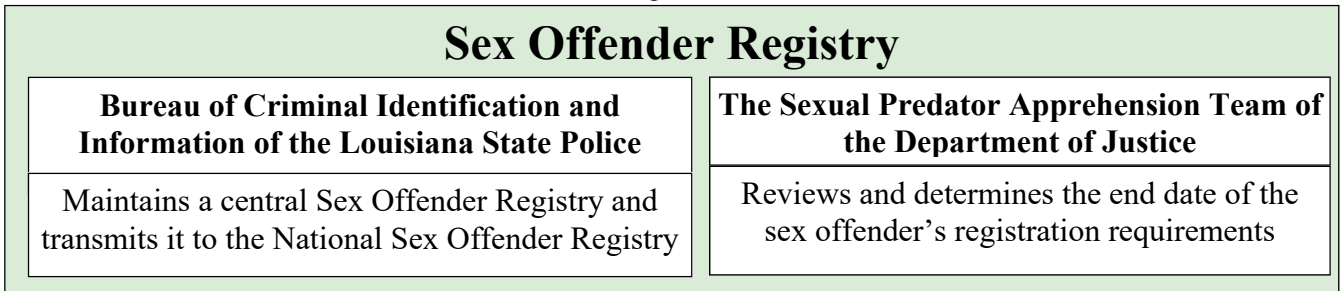
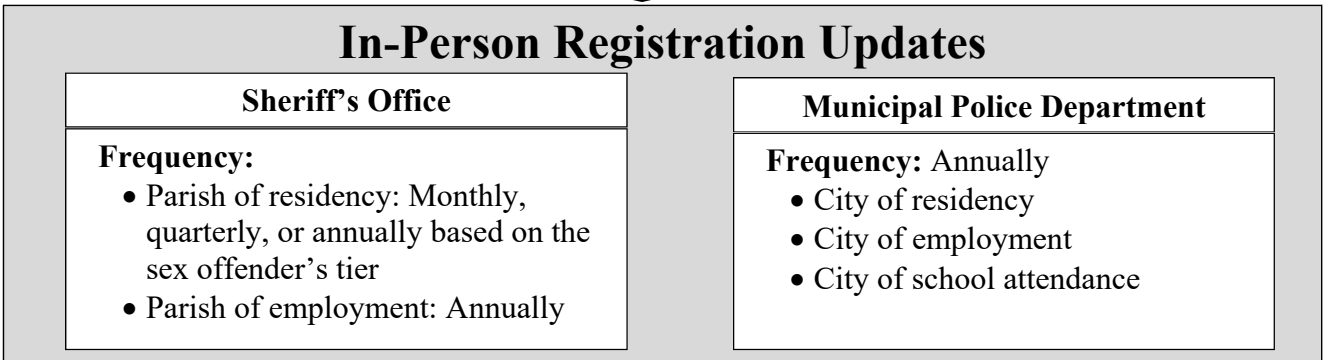
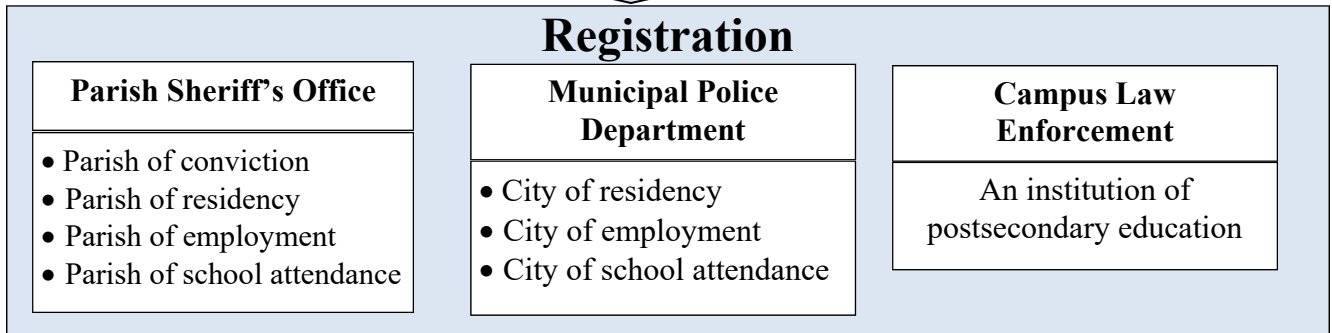
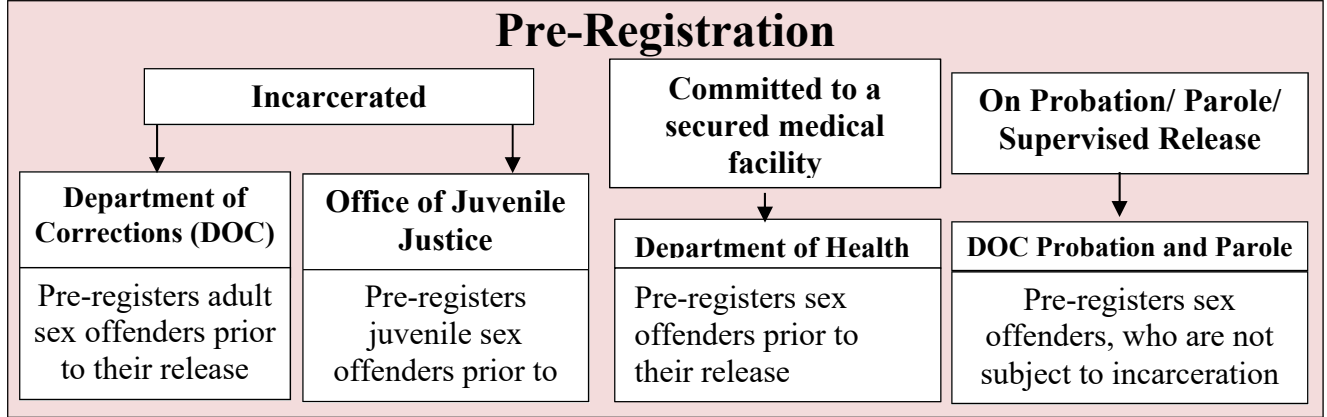
Agency	Summary of Agency's Role
District Courts	<ul style="list-style-type: none"> • Convict offenders of sex offenses • Notify sex offenders of sex offender registration requirements • Prosecute sex offenders of Failure to Register or Notify • Handle R.S. 15:544(E) motions for reducing the registration period for the following sex offenders: <ul style="list-style-type: none"> ○ Sex offenders maintaining a clean record for ten years of their registration may have a registration period of 15 years reduced to 10 years ○ Juvenile sex offenders adjudicated as delinquent for an offense requiring lifetime registration who maintain a clean record for 25 years may have their registration period reduced to a period of 25 years. • Handle R.S.15:544.1 petitions for injunctive relief or declaratory judgment by sex offenders* • Conduct indigence hearings for sex offenders
Department of Corrections (DOC)	<ul style="list-style-type: none"> • Pre-registers adult sex offenders before they are released from incarceration in state correctional facilities • Notifies offenders of sex offender registration and notification requirements • Ensures that sex offenders receive initial State ID and Driver's License with the sex offender label prior to their release
DOC Probation and Parole	<ul style="list-style-type: none"> • Pre-registers adult sex offenders when they are sentenced to probation, parole, or work release instead of incarceration • Pre-registers adult sex offenders before they are released from incarceration in local jails • Notifies sex offenders of sex offender registration and notification requirements
Office of Juvenile Justice	<ul style="list-style-type: none"> • Pre-registers juvenile sex offenders prior to their release from a secure facility • Assists juvenile sex offenders with their registration with the sheriff's office when they are released from a non-secure facility • Notifies juvenile sex offenders of sex offender registration and notification requirements

Agency	Summary of Agency's Role
Louisiana Department of Health (LDH)/ Office for Citizens with Developmental Disabilities	<ul style="list-style-type: none"> • Ensures that any resident convicted of a sex offense, who is committed involuntarily to a secure LDH facility (i.e., not free to come and go), registers with the appropriate law enforcement agency within 10 days prior to release
Sheriffs' Offices	<ul style="list-style-type: none"> • Register all sex offenders residing, employed, or attending an institution of postsecondary education within their parish • Assign tiers for all in-state sex offenders • Monitor and enforce sex offender registration requirements as required by state law • Notify sex offenders of sex offender registration and notification requirements • Assist sex offenders with sending out Community Notifications to neighbors • Conduct compliance checks to insure that sex offenders live at their registered addresses • Ensure that sex offenders are not living within prohibited zones as proscribed by R.S. 14:91.2 or working in a prohibited employment • Investigate tips and complaints from the public about sex offenders in their jurisdiction
Municipal Police Departments**	<ul style="list-style-type: none"> • Register all sex offenders residing, employed, or attending an institution of postsecondary education within their municipality • Assign tiers for all in-state sex offenders • Conduct compliance checks to ensure that sex offenders live at their registered addresses • Investigate tips and complaints from the public about sex offenders in their jurisdiction

Agency	Summary of Agency's Role
Louisiana Bureau of Criminal Identification and Information within the Department of Public Safety's Office of State Police (LSP)	<ul style="list-style-type: none"> • Ensures that the Registry is in compliance with federal SORNA requirements • Serves as the final authority for out-of-state sex offenders' tier determination • Prepares certifications of the sex offender's history of registration in R.S. 15:544(E) motions for early relief from registration and attends hearings to object when appropriate • Audits all sex offenders added to the Pre-Registration account to ensure: <ul style="list-style-type: none"> ◦ the completeness and accuracy of all data added to the Registry; ◦ the assignment of appropriate tiers to sex offenders; and ◦ that sex offenders' profiles on the Registry are imported by managing agencies once released from incarceration or to probation, parole, or work release. • Notifies federal law enforcement when sex offenders travel internationally • Assists in planning, hosting, and presenting classes at an annual state-wide Sex Offender Registration Enforcement Conference • Answers public questions about sex offender registration through the public website, 1-800 number, and emails • Handles petitions filed in the 19th Judicial District Court challenging the interpretation, applicability, or constitutionality of the sex offender registration statutes pursuant to R.S. 15:544.1
Sexual Predator Apprehension Team (SPAT) within the Attorney General's Office	<ul style="list-style-type: none"> • Determines the end of each sex offender's registration period • Serves as the final authority for in-state sex offenders' tier determination when there is a question about which tier is to be assigned • Handles all motions for early relief from registration filed in every parish of the state pursuant to R.S. 15:544(E) • Handles petitions filed in the 19th Judicial District Court challenging the interpretation, applicability, or constitutionality of the sex offender registration statutes pursuant to R.S. 15:544.1 • Has frontline prosecution duties related to the prosecution of sex offenses • Conducts in-service trainings for sheriffs' offices' personnel regarding sex offender registration and notification laws, as well as registration best practices • Assists in the planning, hosting, and presentation of classes at an annual state-wide Sex Offender Registration Enforcement Conference • Handles questions from local and state law enforcement agencies about statutory requirements for sex offenders
<p>*19th Judicial District Court **Municipality with a population in excess of 300,000 persons Source: Prepared by legislative auditor's staff using information from state law, DOC, OJJ, Sheriff's Offices, municipal police departments, LSP, and SPAT.</p>	

APPENDIX D: REGISTRATION PROCESS FLOWCHART

Sex Offense Conviction



APPENDIX E: LIST OF REGISTERABLE SEX OFFENSES AND CORRESPONDING TIERS

Legal Citation	Description
Tier 1	
R.S. 14:40.2	Felony Stalking when victim under 18 years of age unless perpetrator is parent or convicted under R.S. 14:40.2(B)(1)(b) and victim not more than 4 years younger than perpetrator
R.S. 14:43.1	Sexual Battery of victim 18 and over
R.S. 14:43.5	Intentional Exposure to AIDS
R.S. 14:45.1	Interference with Child Custody of a victim under 18 years of age and the defendant is not the parent of the victim
R.S. 14:46	False Imprisonment of a Victim under 18 years of age and the defendant is not the parent of the victim
R.S. 14:46.1	False Imprisonment with a weapon of a victim under 18 years of age and the defendant is not the parent of the victim
R.S. 14:78	Incest (Repealed by Acts 2014, No. 177, § 2; Acts 2014, No. 602, § 7, eff. June 12, 2014).
R.S. 14:80	Felony Carnal Knowledge [except if waived by court pursuant to R.S. 15:542(F)(2)]
R.S. 14:81	Indecent Behavior with a Juvenile
R.S. 14:81.4	Prohibited Sexual Conduct Between an Educator and Student
R.S. 14:89	Crimes Against Nature
R.S. 14:89.3	Sexual Abuse of an Animal (Second or subsequent conviction only)
R.S. 14:92(A)(7)	Contributing to the Delinquency of Juveniles
R.S. 14:106(A)(5)	Obscenity by solicitation of a person under age of 17
R.S. 14:283	Video Voyeurism
R.S. 14:283.1	Second Offense Voyeurism
R.S. 23:251(A)(4)	Minors under 16; Prohibited Employments or Occupations
Tier 2	
R.S. 14:43.1	Sexual Battery when a victim is under 18 years of age, except when prosecuted under 14:43.1(C)(2)
R.S. 14:43.3	Oral Sexual Battery
R.S. 14:78.1	Aggravated Incest under circumstances that were not defined as an “Aggravated Offense” (Repealed by Acts 2014, No. 177, § 2; Acts 2014, No. 602, § 7, eff. June 12, 2014)
R.S. 14:81.1	Pornography Involving Juveniles
R.S. 14:81.2	Molestation of a Juvenile or a Person with a Physical or Mental Disability (under circumstances not defined as Aggravated Offense)
R.S. 14:81.3	Computer Aided Solicitation of a Minor
R.S. 14:82.1	Prostitution; Persons Under 18 years of age

Legal Citation	Description
R.S. 14:83	Soliciting for Prostitutes when the persons being solicited for prostitution are under 18 years of age
R.S. 14:83.1	Inciting Prostitution when the prostitution involves persons under 18 years of age
R.S. 14:83.2	Promoting Prostitution when the prostitution being promoted involves persons under 18 years of age
R.S. 14:84(A)(1)	Pandering when victim under 18 years of age
R.S. 14:84(A)(3)	Pandering when victim under 18 years of age
R.S. 14:84(A)(5)	Pandering when victim under 18 years of age
R.S. 14:84(A)(6)	Pandering when victim under 18 years of age
R.S. 14:86	Enticing of Minor into Prostitution
R.S. 14:89(B)(1)	Crime Against Nature except when prosecuted under subsection (B)(2) or (3) and the victim is under 18 years of age
R.S. 14:89.1(A)(2)	Aggravated Crime Against Nature under circumstances not defined as an "Aggravated Offense"
R.S. 14:282	Operation of places of prostitution when the prostitution involves persons under 18 years of age
Tier 3	
R.S. 14:42	First Degree Rape occurring on or after August 1, 2015; Aggravated Rape occurring prior to August 1, 2015(Includes former 14:43.4 Aggravated Oral Sexual Battery prior to August 15, 2001)
R.S. 14:42.1	Second Degree Rape (formerly forcible rape)
R.S. 14:43	Third Degree Rape occurring on or after August 1, 2015; Simple Rape occurring prior to August 1, 2015
R.S. 14:43.1(C)(2)	Sexual Battery of Child under the age of 13 (Age of victim or that victim was a minor must be alleged in Bill of Information or Indictment)
R.S. 14:43.2	Second Degree Sexual Battery
R.S. 14:43.4	Aggravated Oral Sexual Battery (occurring prior to August 15, 2001) [repealed by Acts 2001, No.301, §2
R.S. 14:44	Aggravated Kidnapping of Minor under 18 years of age and the defendant is not the parent of the victim Juvenile: Aggravated Kidnapping of a child under the age of 13
R.S. 14:44.1	Second Degree Kidnapping of a child who has not attained the age of 18 and the defendant is not the parent of the victim
R.S. 14:44.2	Aggravated Kidnapping of a child and the defendant is not the parent of the victim
R.S. 14:45	Simple Kidnapping of a child who has not attained the age of 18 and the defendant is not the parent of the victim
R.S. 14:46.2(B)(2)	Human Trafficking of persons under 21 or when the services include commercial sexual activity or any sexual conduct constituting a crime under the laws of this state.
R.S. 14:46.3	Trafficking of Children for Sexual Purposes
R.S. 14:78.1	Aggravated Incest [repealed by Acts 2014, Nos. 77 and 607]
R.S. 14:81.2(C)(1)	Molestation of a Juvenile or a person with a physical or mental disability

Legal Citation	Description
	prosecuted under the provisions of R.S. 14:81.2(C)(1), (D)(1), or (D)(2)
R.S. 14:81.2(D)(1)	Molestation of a Juvenile or a person with a physical or mental disability prosecuted under the provisions of R.S. 14:81.2(C)(1), (D)(1), or (D)(2)
R.S. 14:81.2(D)(2)	Molestation of a Juvenile or a person with a physical or mental disability prosecuted under the provisions of R.S. 14:81.2(C)(1), (D)(1), or (D)(2)
R.S. 14:81.2(E)(1)	Molestation of a Juvenile under age of 13
R.S. 14:82.2(C)(4)	Purchase of Commercial Sexual Activity from person known to be under 18 years of age or from a person known to be a victim of human trafficking or trafficking of children for sexual purposes when the victim is under 21 years of age
R.S. 14:82.2(C)(5)	Purchase of Commercial Sexual Activity from person known to be under the age of 14
R.S. 14:89(B)(2)	Crime Against Nature when victim is under 18 years of age when prosecuted under the provisions of (B)(2) and (3)
R.S. 14:89(B)(3)	Crime Against Nature when victim is under 18 years of age when prosecuted under the provisions of (B)(2) and (3)
R.S. 14:89.1(A)(1)	Aggravated Crime Against Nature
R.S. 14:89.1(A)(2)	Aggravated Crime Against Nature involving prohibited relative as victim and involving sexual intercourse, 2nd degree sexual battery, or oral sexual battery OR when bill of information or indictment alleges any sexual offense in violation of subsection (C)(2)[victim under age of 13]. [Includes convictions under former R.S. 14:78.1 Aggravated Incest with these same elements]
R.S. 14:93.5	Sexual battery of the infirmed
Adjudicated Juveniles*	
R.S. 14:42	Aggravated or First Degree Rape
R.S. 14:42.1	Forcible Rape or Second Degree Rape
R.S. 14:43.2	Second Degree Sexual Battery
R.S. 14:44.1	Second Degree Kidnapping of a child under the age of thirteen (13)**
R.S. 14:44.2	Aggravated Kidnapping of a child under the age of thirteen (13)**
R.S. 14:89.1	Aggravated Crime Against Nature
R.S. 14:89.1(A)(1)	Aggravated Crime Against Nature as provided in R.S. 14:89.1(A)(1)
R.S. 14:89.1(A)(2)	Aggravated Crime Against Nature as defined by R.S. 14:89.1(A)(2) involving circumstances defined by R.S. 15:541 as an "aggravated offense" [involving Sexual Intercourse, Second Degree Sexual Battery, or Oral Sexual Battery]
<p>Note: Attempts and conspiracies to commit these offenses are included.</p> <p>*Any juvenile 14 years of age or older at the time of the offense who is adjudicated delinquent in juvenile court for the perpetration or attempted perpetration of or conspiracy to commit any of the above listed offenses. Per Attorney General's <i>Opinion</i> No. 09-0091, current registration laws do not apply to adjudicated juveniles unless adjudicated after January 1, 2008.</p> <p>**Age of the victim must be alleged in the Petition.</p> <p>Source: Prepared by the legislative staff using information provided by LSP.</p>	

APPENDIX F: ACTIVE SEX OFFENDERS BY MANAGING AGENCY AND REGISTRATION COMPLIANCE STATUS¹ AS OF FEBRUARY 13, 2020

Managing Agency	Total Number of Sex Offenders	Number of Compliant Sex Offenders	Number of Non-Compliant Sex Offenders	Percent Non-Compliant Sex Offenders (%)
Parish Sheriff's Offices				
Acadia Parish	164	159	5	3.0%
Allen Parish	51	49	2	3.9
Ascension Parish	156	156	-	-
Assumption Parish	56	55	1	1.8
Avoyelles Parish	166	157	9	5.4
Beauregard Parish	129	129	-	-
Bienville Parish	44	43	1	2.3
Bossier Parish	229	224	5	2.2
Caddo Parish	744	706	38	5.1
Calcasieu Parish	465	462	3	0.6
Caldwell Parish	24	24	-	-
Cameron Parish	20	20	-	-
Catahoula Parish	32	28	4	12.5
Claiborne Parish	36	35	1	2.8
Concordia Parish	80	63	17	21.3
De Soto Parish	94	94	-	-
East Baton Rouge Parish	894	814	80	8.9
East Carroll Parish	39	36	3	7.7
East Feliciana Parish	72	72	-	-
Evangeline Parish	122	119	3	2.5
Franklin Parish	79	75	4	5.1
Grant Parish	76	75	1	1.3
Iberia Parish	219	198	21	9.6
Iberville Parish	90	87	3	3.3
Jackson Parish	29	27	2	6.9
Jefferson Davis Parish	88	88	-	-

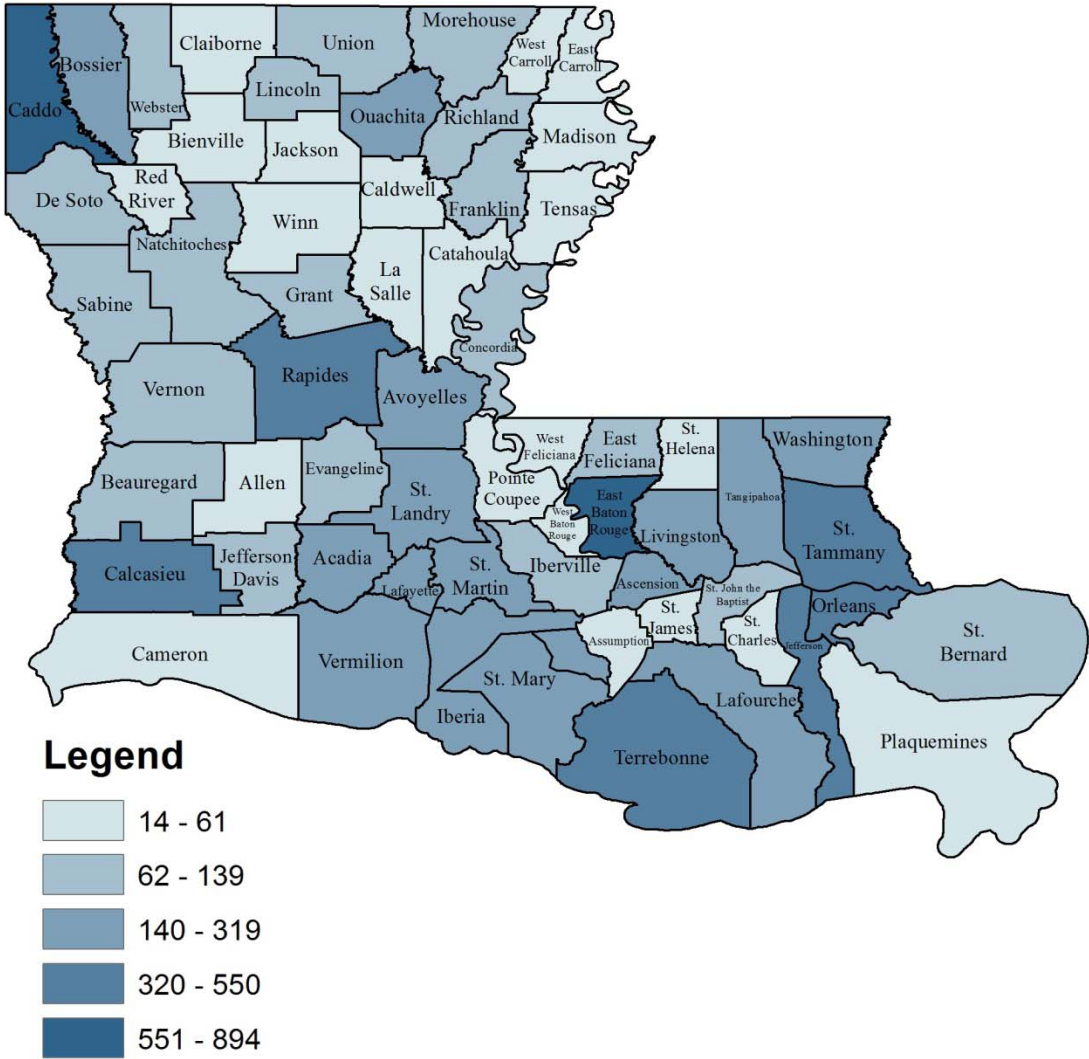
¹ A sex offender becomes non-compliant if he fails to register, periodically renew and update registration, provide proof of residence or notification of change of address or other registration information (e.g., employment), fails to provide community notification, fails to obtain State ID card as well as Driver's License with the Sex Offender designation on them, or knowingly provides false information to a law enforcement or other agency required to obtain registration information.

Managing Agency	Total Number of Sex Offenders	Number of Compliant Sex Offenders	Number of Non-Compliant Sex Offenders	Percent Non-Compliant Sex Offenders (%)
Jefferson Parish	494	464	30	6.1
Lafayette Parish	319	311	8	2.5
Lafourche Parish	267	254	13	4.9
LaSalle Parish	28	28	-	-
Lincoln Parish	89	83	6	6.7
Livingston Parish	277	267	10	3.6
Madison Parish	28	26	2	7.1
Morehouse Parish	76	73	3	3.9
Natchitoches Parish	82	77	5	6.1
New Orleans Police Department	550	495	55	10.0
Ouachita Parish	289	264	25	8.7
Plaquemines Parish	51	51	-	-
Pointe Coupee Parish	49	46	3	6.1
Rapides Parish	380	358	22	5.8
Red River Parish	28	28	-	-
Richland Parish	67	58	9	13.4
Sabine Parish	105	103	2	1.9
St. Bernard Parish	82	78	4	4.9
St. Charles Parish	61	58	3	4.9
St. Helena Parish	49	48	1	2.0
St. James Parish	36	35	1	2.8
St. John Parish	72	72	-	-
St. Landry Parish	201	201	-	-
St. Martin Parish	160	156	4	2.5
St. Mary Parish	172	171	1	0.6
St. Tammany Parish	417	404	13	3.1
Tangipahoa Parish	273	249	24	8.8
Tensas Parish	14	14	-	-
Terrebonne Parish	386	371	15	3.9
Union Parish	78	70	8	10.3
Vermilion Parish	169	169	-	-
Vernon Parish	139	138	1	0.7
Washington Parish	170	165	5	2.9
Webster Parish	137	136	1	0.7
West Baton Rouge Parish	40	39	1	2.5
West Carroll Parish	32	32	-	-
West Feliciana Parish	21	19	2	9.5
Winn Parish	35	33	2	5.7
Municipal Police Departments*				
Alexandria	214	197	17	7.9

Managing Agency	Total Number of Sex Offenders	Number of Compliant Sex Offenders	Number of Non-Compliant Sex Offenders	Percent Non-Compliant Sex Offenders (%)
Baker	32	31	1	3.1
Baton Rouge	549	537	12	2.2
Coushatta Tribe	1	1	-	-
Hammond	29	29	-	-
Lake Charles	191	191	-	-
Pineville	2	2	-	-
Sulphur	58	56	2	3.4
Other				
Louisiana OOS Pre-Registration Account	29	26	3	10.3
Louisiana Pre-Registration Account	85	78	7	8.2
Louisiana State Police	1	1	-	-
Total	11,312	10,788	524	4.63
*Not all municipal police departments utilize <i>OffenderWatch</i> as their management system for the registration and monitoring of sex offenders.				
Source: Prepared by legislative auditor's staff using information from <i>OffenderWatch</i> .				

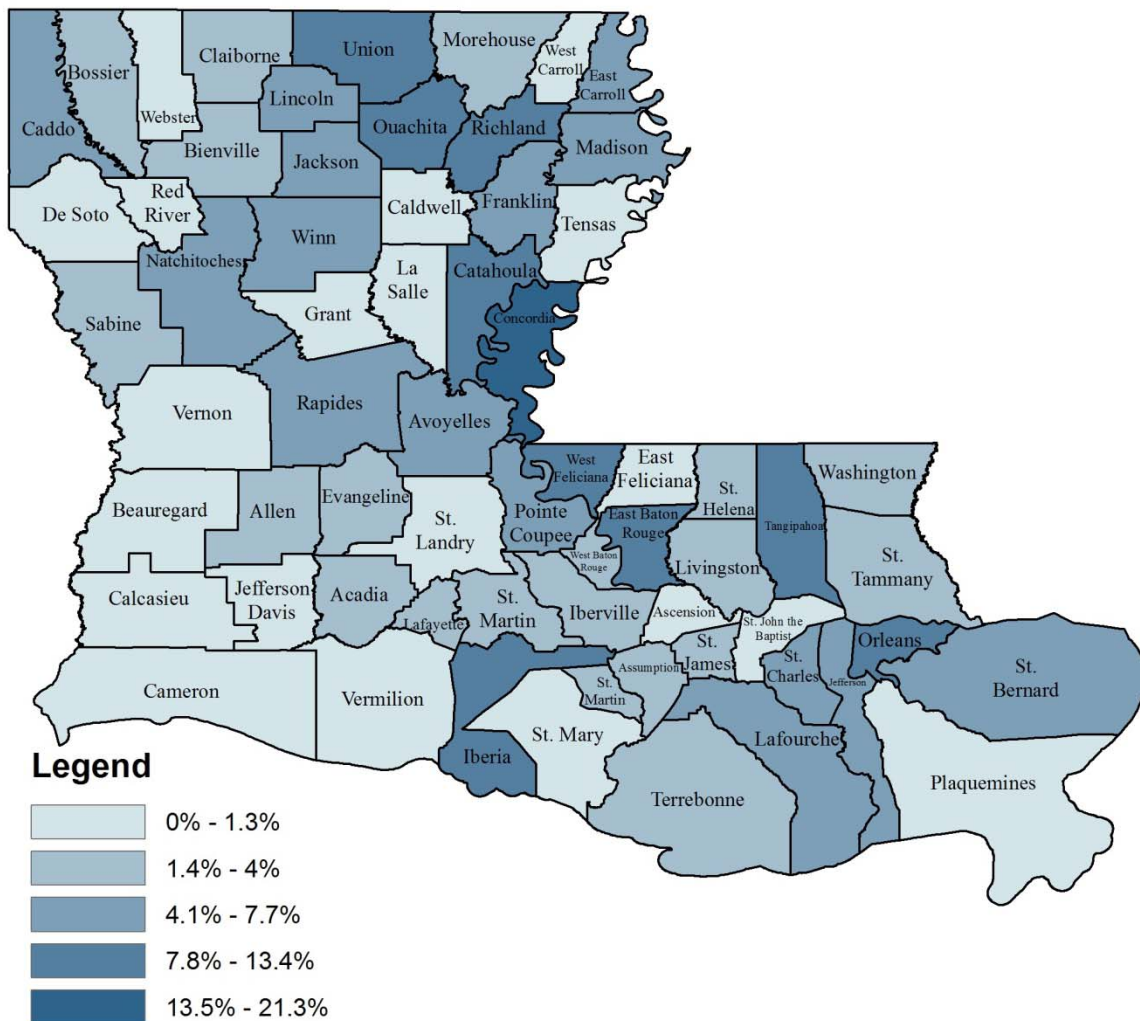
APPENDIX G: MAP OF ACTIVE, REGISTERED SEX OFFENDERS BY PARISH AS OF FEBRUARY 13, 2020

This map depicts the number of active, registered sex offenders for each parish based on the Registry data as of February 13, 2020.



APPENDIX H: MAP OF NON-COMPLIANT SEX OFFENDERS AS A PERCENTAGE OF TOTAL ACTIVE, REGISTERED SEX OFFENDERS BY PARISH AS OF FEBRUARY 13, 2020

This map depicts the number of non-compliant sex offenders as a percentage of total active, registered sex offenders for each parish based on the Registry data as of February 13, 2020.



APPENDIX I: AMOUNTS ALLOCATED TO EACH SHERIFF'S OFFICE FROM THE SEX OFFENDER REGISTRY TECHNOLOGY FUND IN FISCAL YEARS 2019 AND 2020

The Sexual Predator Apprehension Team (SPAT) within the Attorney General's Office distributes monies from the Sex Offender Registry Technology Fund to each sheriff's office based on the population of convicted sex offenders who are residing in the parish and who are active sex offender registrants in the respective parishes. SPAT advises each sheriff's office in the letter that accompanies the check that the funds are to be used for any technology needs related to registration any other costs associated with enforcing registration and notification.

Sheriff's Office	FY 2019	FY2020	Total*
Acadia Parish	\$6,332	\$5,832	\$12,164
Allen Parish	1,887	1,877	3,764
Ascension Parish	5,510	5,544	11,054
Assumption Parish	1,887	1,848	3,735
Avoyelles Parish	6,393	5,746	12,139
Beauregard Parish	4,871	4,677	9,548
Bienville Parish	1,705	1,559	3,264
Bossier Parish	8,189	8,171	16,360
Caddo Parish	27,458	26,708	54,166
Calcasieu Parish	18,235	16,949	35,183
Caldwell Parish	944	837	1,781
Cameron Parish	609	780	1,388
Catahoula Parish	974	1,011	1,985
Claiborne Parish	1,431	1,328	2,759
Concordia Parish	2,466	2,656	5,122
De Soto Parish	3,349	3,205	6,554
East Baton Rouge Parish	33,364	31,963	65,327
East Carroll Parish	1,065	1,126	2,192
East Feliciana Parish	2,405	2,425	4,830
Evangeline Parish	4,201	3,985	8,185
Franklin Parish	2,618	2,541	5,159
Grant Parish	2,862	2,945	5,807
Iberia Parish	8,128	7,738	15,866
Iberville Parish	3,379	3,176	6,555
Jackson Parish	974	1,039	2,014
Jefferson Davis Parish	3,196	2,945	6,141
Jefferson Parish	19,178	18,421	37,599

Sheriff's Office	FY 2019	FY2020	Total*
Lafayette Parish	\$11,416	\$10,943	\$22,359
Lafourche Parish	9,224	8,749	17,972
LaSalle Parish	944	895	1,839
Lincoln Parish	3,409	3,407	6,817
Livingston Parish	9,650	9,211	18,861
Madison Parish	1,492	1,386	2,878
Morehouse Parish	2,770	2,570	5,340
Natchitoches Parish	3,379	2,974	6,353
New Orleans Police Department	22,466	20,760	43,226
Ouachita Parish	10,776	10,134	20,911
Plaquemines Parish	1,919	1,819	3,737
Pointe Coupee Parish	1,887	1,704	3,591
Rapides Parish	13,516	12,964	26,480
Red River Parish	944	895	1,839
Richland Parish	2,496	2,627	5,124
Sabine Parish	3,683	3,696	7,379
St. Bernard Parish	2,618	2,627	5,245
St. Charles Parish	2,679	2,310	4,989
St. Helena Parish	1,827	1,646	3,472
St. James Parish	1,461	1,299	2,760
St. John Parish	2,618	2,627	5,245
St. Landry Parish	7,123	7,276	14,399
St. Martin Parish	5,479	5,197	10,677
St. Mary Parish	6,819	6,381	13,200
St. Tammany Parish	16,195	16,342	32,537
Tangipahoa Parish	10,137	9,499	19,636
Tensas Parish	518	462	979
Terrebonne Parish	14,551	13,426	27,977
Union Parish	2,679	2,541	5,220
Vermilion Parish	6,027	5,544	11,571
Vernon Parish	4,932	4,649	9,580
Washington Parish	6,971	6,756	13,727
Webster Parish	4,932	4,620	9,551
West Baton Rouge Parish	1,522	1,501	3,023
West Carroll Parish	1,187	1,126	2,313
West Feliciana Parish	1,248	1,184	2,432
Winn Parish	1,339	1,213	2,552
Total*	\$376,441	\$359,991	\$736,432

* The sum of the rows and columns may not equal the totals due to rounding.

Source: Prepared by legislative auditor's staff using information provided by Sexual Predator Apprehension Team (SPAT) within the Attorney General's Office.

APPENDIX J: SEX OFFENDER REGISTRY TECHNOLOGY FUND

According to Louisiana Criminal Code Article 895.1(F), a monthly fee of \$11 is imposed by the court on the defendants who are placed on the supervised probation. These fees are deposited upon receipt into special fund created in the state treasury known as the “Sex Offender Registry Technology Fund.” The money in this fund must be appropriated in the following way and for the following purposes:

Agency	Appropriation Amount Stated in the Law	Purpose Stated in the Law
Louisiana State Police	\$25,000	For the purposes of maintaining and administering the programs for the registration of sex offenders and special law enforcement initiatives.
DOC Probation and Parole	15% of the residual monies available for appropriation from the fund	Not stated.
Office of the Attorney General	\$250,000	(1) \$150,000 for personnel and other costs to assist and monitor sheriff participation in the utilization of the computer system and the administration of the sex offender and child predator registration and notification laws. (2) \$100,000 for the cost of maintenance of the computer system (i.e., <i>OffenderWatch</i>) of the sheriffs of the parishes for registration of sex offenders and child predators.
Sheriff Offices	Residual monies to be distributed to the sheriff of each parish, based on the population of convicted sex offenders who are residing in the parish and who are active sex offender registrants in the respective parishes. The Office of Attorney General must make this distribution based on data certified by the Undersecretary of DPSC to the recipient sheriffs who are actively registering sex offenders.	These funds must be used to cover the costs associated with sex offender registration and compliance.