

## **Sex Offender Notification Lists**

Law enforcement agencies in Illinois are authorized to release a list of so-called sex offenders, including the last known address of each person.

The Illinois Press Association has received numerous calls from member newspapers. Can we publish the list? Should we publish the list? Do we assume legal liability if we publish the list? Do we publish specific home addresses, or use broader geographic descriptions, (i.e. 2400 Block of Main, near North side of Springfield, etc.)?

The legal issue is easy, however, the editorial issues are much more difficult, and while it is **not** the role of the Illinois Press Association to enunciate editorial policy for its members, the Illinois Press Association Board did ask that the pros and cons of publishing the list be addressed in this column.

### **THE UPSIDE**

The General Assembly has determined that the list of sex offenders should be made available to social service providers, schools and day-care centers, and should also be made available for publication. The list is no more than a compilation of public records.

The fundamental role of newspapers is to provide information to our readers. The publication and broad dissemination of public record information is basic to the newspaper industry.

Proponents of publication will also provide statistics on the rate of recidivism among sex offenders, and the need for this information so parents, teachers, baby-sitters, etc. can protect their children from the people on this list.

### **POTENTIAL PROBLEMS**

Several arguments have been advanced against publishing the list, or at least making some editorial changes to the list prior to publication.

Publication of the list serves no purpose other than to sensationalize the issue. The fact that Don Craven, a sex offender, convicted of aggravated sexual assault in 1986, lives of 1005 North Seventh Street in Springfield, does nothing to protect the children in the neighborhood.

- Parents should be alert to protect their children from these dangers anyway.
- Craven can travel out of his neighborhood to find his next victim, but the sex offender 10 blocks away could find his next victim in Craven's neighborhood.
- Craven has served his time and publishing his name is only further punishment.
- Vigilante attacks will expose Craven and his property to danger.
- Craven was convicted of a crime, but the underlying facts demonstrate that he engaged in a consensual sexual relationship with a 16 year old female. No force, no duress, none of the images commonly associated with "sex offender".
- The list is wrong, and Craven really didn't do it.
- The list is a compilation of information supplied by the sex offenders to law enforcement. The information is not verified by law enforcement. We do not trust these people with our children, but we expect them to tell the truth on a form.

Some newspapers have determined that these points, or others, are persuasive, and will not publish the list. Others have made some accommodation to counter these downside effects.

- Publish only general geographic descriptions (2400 block of Main) to minimize the possibilities of vigilantism.
- Include a description (from court records) of the nature of the acts leading to the conviction.

- Include a brief description of the underlying crimes included on the list (Criminal sexual assault is...).
- If mistakes are made by the law enforcement agency in compiling the list, give equal play to the correction, and highlight the impact on the wrongly identified individual or occupant of wrongly-described residence.
- If mistakes are made on the list, contact the appropriate law enforcement agency, and insist on an explanation -- for publication.

### **LEGAL ISSUES**

From this perspective, the decision is quite simple. The best two alternatives are:

1. Don't Publish the List.
2. Publish the List **Exactly** as it is released by law enforcement.

The publication of a statement by a law enforcement official or the publication of a record from a law enforcement agency is **absolutely** privileged against a claim of defamation or invasion of privacy, so long as the publication is a fair and accurate summary of the governmental action. Precise re-publication of the list, as released by law enforcement, should not result in any liability for the newspaper.

Any change to the list increases the likelihood of litigation and increases exposure to liability. Additional statements of fact detailing the nature of the crime could lead to mistakes and liability. Fudging on addresses could be dangerous. What if there are two people named Don Craven who live on the "near North side" of Springfield? How long would it take to hear from the other Don Craven?