



# A Better Path to Community Safety

## Sex Offender Registration in California

"Tiering Background Paper"

2014

CALIFORNIA SEX OFFENDER MANAGEMENT BOARD  
**A Better Path to Community Safety**

**SEX OFFENDER REGISTRATION IN CALIFORNIA**  
*“Tiering Background Paper”*

The California Sex Offender Management Board has determined that there is a better path to the goal of achieving enhanced community safety through sex offender registration and notification practices and recommends that key changes be made to the state’s laws in these areas of sex offender management.

CASOMB first recommended in its 2010 report to the Legislature that revisions to California’s registration laws are needed and recently selected the issue as one which deserves increased focus and effort. The effectiveness of sex offender registration policies and practices has also been the subject of national focus recently, with a variety of jurisdictions addressing the importance of updating registration practices to reflect new research and evidence based approaches. Modifying registration practices will, CASOMB believes, improve public safety in California by focusing effort and resources on more dangerous offenders.

**THE PRIMARY CONSIDERATIONS SUPPORTING THE NEED FOR CHANGE TO THE  
SEX OFFENDER REGISTRATION SYSTEM IN CALIFORNIA**

- 1. The goals of sex offender registration.**
- 2. The assumptions behind the sex offender registry.**
- 3. The current California picture.**
- 4. What is known now that wasn’t known then?**
- 5. What is still not known?**
- 6. The problems with California’s current registration system.**
- 7. The registry’s direct financial costs and cost-benefit ratio.**
- 8. Indirect costs and other considerations.**
- 9. Outline of the CASOMB proposal.**

*“Sex offender management is an extremely complex issue that continues to pose enormous challenges for state policymakers, who struggle to identify and implement effective and evidence-based policies and programs that are not merely reactions to individual tragic events. Myths about sex offenders continue to abound, such as the widespread belief that most victims are targeted by strangers, while in fact it is much more likely to be perpetrated by someone the victims know. These myths continue to influence policymakers and may have detrimental effects on public safety. Successful strategies must take into account current research on sex offender management, most notably the distinctions between various types of sex offenders and the different risk levels they pose to the public”.*

*(Council of State Governments REPORT)*

**1. The goals of sex offender registration.** The intent of registration was to assist law enforcement in tracking and monitoring sex offenders since they were viewed as the group most likely to commit another sex offense. It was thought that having their names and addresses known to law enforcement and - with the expansion of community notification - also available to the public would dissuade them from committing a new offense, enable members of the public to exercise caution around them, enable law enforcement to monitor them and, if necessary, solve new sex offense cases more readily. Although research suggests that use of a registry may help law enforcement solve sex crimes against children involving strangers more quickly [See End Note 1], US DOJ statistics tell us that most crimes against children (about 93%) are committed not by a stranger but by a person known to the child and his or her family, usually an acquaintance or family member. [2]

**2. The assumptions behind the sex offender registry.** A number of assumptions support the creation and maintenance of sex offender registries. Although these assumptions are widely held, accumulating scientific research on the actual realities makes it clear that these assumptions are, in almost every case, not accurate. [3] APPENDIX A provides information from selected recent research articles relevant to distinguishing the realities about sex offenders from the inaccurate assumptions. An extensive list of other references related to registration and notification is provided in APPENDIX B. Note that the following information is based upon currently available research and could change should new studies become available – as discussed in Section 5 below.

	<b>ASSUMPTION</b>	<b>WHAT THE RESEARCH SAYS</b>
1	Sex offenders are all alike and should be treated alike.	Sex offenders differ in many important ways, including their risk to reoffend. [4] [5]
2	The likelihood that a sex offender will re-offend does not change as time goes by.	The longer a sex offender remains offense free in the community, the less likely he is to reoffend. [6]
3	Most sex crimes are committed by previously identified sex offenders.	About 95% of solved sex crimes are committed by individuals never previously identified as sex offenders and so not registered. [4]
4	Most sex offenses are committed by persons who are strangers to the victim.	Approximately 93% of sex offenses against children are committed by persons known to the victim, not by “strangers.” [7]
5	Having a sex offender registry decreases the number of new sex crimes.	Research studies have found no relationship between having a registry and a decrease in sex offenses. [8]
6	A sex offender registry helps law enforcement solve new sex offense crimes.	One research study does indicate that a registry can help law enforcement apprehend the perpetrator more quickly. [9]
7	Public “notification” through a Megan’s Law website will make the public safer.	Little research has been done but one study indicates that a minority of citizens access the internet information and only a minority of those take any action. [10]

**3. The current California picture.** Since 1947, earlier by far than any other state, California has required “universal lifetime” registration for persons convicted of most sex crimes. (See Penal Code Section 290.) Though every other state has instituted some form of registration since then, California is among only four states which require lifetime registration for every convicted sex offender, no matter the nature of the crime or the level of risk for reoffending. Almost all other states use some version of a “tiering” or “level” system which:

- recognizes that not all sex offenders are the same
- provides meaningful distinctions between different types of offenders
- requires registration at varying levels and for various periods of time

There are nearly 100,000 registrants today in California, a number accumulated over the past 66 years since the Registry was created in 1947. In 2004 California began to provide pictures and other identifying information on the Megan’s Law website for about 80% of registrants.

([www.meganslaw.ca.gov](http://www.meganslaw.ca.gov))

**By the numbers - the present California sex offender registry.** There are about 98,000 registered sex offenders on California’s registry. About 76,000 live in California communities and the other 22,000 are currently in custody. Of these offenders, 80% are posted on the state’s Megan’s Law web site with their full address or ZIP Code and other information, depending upon the offense they committed. About 20% are not posted or are excluded from posting on the web site by law, again depending on the conviction offense. Posting on the web site does not take into account years in the community without reoffending, the offender’s risk level for committing a new sexual or violent crime, or successful completion of treatment. About one-third of registered offenders are considered “moderate to high risk” while the remaining two-thirds are “moderate to low risk” or “low risk.”

Local police departments and sheriff’s offices are charged with managing the registration process. Registered sex offenders must re-register annually on their birthdays as well as every time they have a change of address. Transient sex offenders re-register every 30 days and sexually violent predators every 90 days. Registration information collected by law enforcement is sent to the California Department of Justice (DOJ) and stored in the California Sex and Arson Registry. If an offender’s information is posted online and he fails to register or re-register on time, he will be shown as “in violation” on the Megan’s Law web site. When proof is provided by local law enforcement to DOJ of a registrant’s death, he or she is removed from the registry.

Every ten years since the Registry was first established has been marked by a dramatic increase in the number of registrants. The actual numbers and a graphic portrayal of the rate of increase are provided in **APPENDIX C**.

**4. What is known now that wasn’t known then?** As noted above, the original goal of registration was to assist law enforcement in tracking and monitoring sex offenders. Over time, registration was expanded to include community notification and also began to encompass a wider variety of crimes and behaviors. Due to these changes, research has focused on exploring the changes in sex

offender registration laws and this has resulted in a constantly growing body of research that has altered the perspective on sex offender registration. This research has made it clear that:

- The sexual recidivism rate of identified sex offenders is lower than the recidivism rate of individuals who have committed any other type of crime except for murder.
- Not all sex offenders are at equal risk to reoffend. Low risk offenders reoffend at low rates, high risk offenders at much higher rates.
- It is possible to use well-researched actuarial risk assessment instruments to assign offenders to groups according to risk level. (i.e. Low, Medium, High.)
- Risk of a new sex offense drops each year the offender remains offense-free in the community. Eventually, for many offenders, the risk becomes so low as to be meaningless and the identification of these individuals through a registry becomes unhelpful due to the sheer numbers on the registry. Research has identified differing time frames of decreased risk for the various categories of offenders (i.e. low, medium, high). [11]
- Research on both general and sexual offenders has consistently indicated that focusing on higher risk offenders delivers the greatest return on efforts to reduce reoffending.
- Completing a properly designed and delivered specialized sex offender treatment program delivered within the context of effective supervision reduces recidivism risk even further. In California, all registered sex offenders on parole or probation are now required by state law to enter and complete such a program.

***“... little research has evaluated whether registration and community notification laws make released sex offenders more law abiding than they would be without such laws, and whether these laws do, in fact, increase public safety. More recent research has ... found limited support for the effectiveness of registration and community notification laws to reduce sex offender re-arrest and reconviction rates.” [12]***

Registration – even though the courts have determined that it should not be classified as “punishment” – does bring with it multiple unwelcome impacts on registered offenders and on their families and children. These consequences include serious obstacles to finding appropriate housing – or any housing; obstacles to finding employment; obstacles to developing positive support systems; obstacles to developing close relationships; and obstacles to reintegrating successfully into communities. Such consequences attach to the requirement to register as a sex offender and can, in fact, exacerbate risk factors thereby actually increasing an offender’s level of risk for re-offense. An effective registration system needs to carefully identify who should be subject to these consequences for life, based on the risk of re-offense and risk of violence associated with the individual offender.

Effective policy must be based on the scientific evidence. Research on sex offender risk and recidivism now has created a body of evidence which offers little justification for continuing the current registration system since it does not effectively serve public safety interests. The research shows that, on average, after approximately 17 years living in the community free of any type of criminal offense, even high risk sex offenders are no more likely to commit a new sex offense than are individuals who had been convicted of some type of non-sexual crime. Moderate risk sex

offenders are no more likely than non-sexual offenders to commit a new sex crime after 10 to 14 years. [Refer to **APPENDIX D** for further explanation and graphic.] **In light of such research findings, California policy makers need to rethink the registration laws because society is actually better protected when attention is focused on those who truly present a risk while very low-risk sex offenders are permitted to develop stable lifestyles and move forward with their lives.** This includes offenders initially designated moderate risk who have demonstrated their reduced risk by living lives free of criminal activity for a designated period. And the registry would be better able to fulfill its intended purpose – assisting in the identification of those offenders who do pose an ongoing risk.

**5. What is still not known?** Although research has increasingly investigated and clarified many areas relevant to sex offender registration policies, other topics have proven more difficult to explore. One example involves understanding sexual offenses which have never been reported to authorities and therefore have never led to an arrest or conviction.

Sexual violence remains the most underreported crime in the United States today. In the case of adult sexual assault, only 15 percent of cases are reported to the authorities while in the case of child sexual abuse, only 12 percent of cases are reported to the authorities. [13] Furthermore, for many reasons, not every reported case leads to an arrest and conviction. So the population of convicted sex offenders clearly does not represent the total population of those who have committed one or more sex offenses. Not can there be certainty regarding other undetected sex offenses previously committed by convicted sex offenders.

Another emergent factor may prove to impact what is known about sex offender recidivism. Advances in other types of science have led to the development of law enforcement's ability to determine the perpetrators of many previously-reported but still-unsolved sex crimes through the analysis of an offender's DNA material recovered from the victim or at the crime scene. Thus the DNA of identified offenders can be matched with the DNA samples from thousands of other previously-unsolved sex crimes to determine the identity of the perpetrators. Because widespread use of this approach is in its early stages, it is not yet clear whether patterns will emerge which would be relevant to registration policies. Although it appears likely that those sex offenders identified by current actuarial instruments as high risk will be found to actually have committed many other sex crimes which had been previously unsolved, there is a possibility that different and unexpected patterns will be found. The necessary large-scale research has not yet been conducted.

Because they relate to matters that are not known or that are only beginning to become known, these factors may or may not eventually change what research has shown so far about sex offender recidivism. For now it seems best to accept the findings of the numerous large-scale studies that have been done while remaining open to the possibility that new knowledge may change the picture.

**6. The problems with California's current registration system.** California's system of lifetime registration for all convicted sex offenders has created a registry that is very large and that includes many individuals who do not necessarily pose a risk to the community. The consequences of these realities are that the registry has, in some ways, become counterproductive to improving public

safety. When everyone is viewed as posing a significant risk, the ability for law enforcement and the community to differentiate between who is truly high risk and more likely to reoffend becomes impossible. There needs to be a way for all persons to distinguish between sex offenders who require increased monitoring, attention and resources and those who are unlikely to reoffend.

**7. The registry's direct financial costs and cost-benefit ratio.** This proposed legislation is not about saving money, but about reallocating resources to better protect communities. It is very difficult to estimate the actual costs of maintaining the registry and the amount of savings if a different system was adopted. The largest costs are those incurred by local law enforcement, which must devote considerable time to the actual registration, re-registration and enforcement process. An extrapolation based on estimated costs in one large jurisdiction suggests that the statewide costs for registration by local agencies alone is about \$24,000,000 per year. This estimate did not include the cost of enforcement and compliance efforts by law enforcement agencies. Nor did it include other costs related to prosecution, incarceration and other related tasks. The public would be better served if a good portion of this cost was used to monitor higher risk offenders, instead of simply doing paperwork for all levels of offenders without having the resources to check on the accuracy of their registered addresses.

**8. Indirect costs and other considerations.** There are many unintended consequences and indirect costs associated with sex offender registration.

- Innocent families and children of offenders (including victims of intra-familial sexual abuse) also bear the consequences of lifetime registration since they can often be identified by the public. Adverse consequences also arise for employers, landlords, neighbors and others.
- There has been a proliferation of residence restrictions and exclusion zones for registered sex offenders in many jurisdictions in California. Violation of these can lead to criminal charges. The obstacles posed by registration status prevent many individuals from obtaining housing or employment and becoming functioning, contributing, tax-paying members of society.
- There is reason to believe that registration policies, especially lifetime registration, keep some victims, particularly family members of the offender, from disclosing the abuse because they wish to avoid the stigma that will impact their family and their own lives for a very long time. [14]
- The presence nearby of one or more registered sex offenders can drive down property values in a neighborhood and make houses difficult to sell. [15]

If the current registration system was effective in the ways intended, these might be considered part of the price to pay for the greater good. But, since the current registry does not attain its intended purposes, many of these unintended consequences are without justification.

**9. The proposal.** The California Sex Offender Management Board recommends overhauling the registration system for sex offenders in the state. The proposed new system would take into account the following considerations:

- A tiered system of registration should be introduced so that the length and level of registration matches the risk level of the offender
- In the future, all those convicted of a sex offense which currently requires registration would continue to be required to register. The list of registrable sex crimes would not change.
- The duration of registration would no longer be for life for each and every registrant, no matter what the type of crime or the risk level.
- Only high risk offenders, such as kidnappers, sexually violent predators and selected high risk offenders would be required to register for life.
- The Megan’s Law web site would display specified higher risk offenders.
- Local law enforcement would have the ability to notify the public about any registered sex offender posing a current risk to the public.

In the time ahead, with the assistance of individuals who have expertise in this area, CASOMB will thoughtfully work out the details of a policy to implement this proposal. The considerable body of scientific research now available will guide the policy.

TIER LEVEL	LENGTH OF REGISTRATION	WHO QUALIFIES FOR THIS TIER?	MEGAN’S LAW DISPLAY?	CAN REGISTRATION END SOONER?
Three	Lifetime	Sexually Violent Predators; kidnappers; offenders with repeat violent sex offenses; high-risk** sex offenders	Yes	No
Two	20 years	“Serious” or “Violent” * felony sex offenders who are not high-risk* sex offenders	Yes***	No****
One	10 years	Non “Serious” and non “Violent” sex offenders; all misdemeanor sex offenders	No	No

\* These are felony offenses described as serious or violent in PC 667.5 and 1192.7, plus 269 and 288.7.

\*\* High risk is defined as scoring 6 or above on the Static-99 or Static-99R.

\*\*\* Petition for removal from Megan’s Law public web site is permitted if the individual has not been convicted of a new sex offense or a new “Serious” felony or a new “Violent” felony offense after 10 years. The offender must continue to register for 20 years.

\*\*\*\* There may be certain very limited exceptions for youthful offenders.

The above criteria would be applied to all current PC290 Registrants as well as to individuals convicted of a registrable offense going forward.



# APPENDIX A

## SELECTED RESOURCE MATERIALS

**A frequently cited major research report conducted in New York state provides a great deal of helpful background information on the issues of registration and notification.**

**DOES A WATCHED POT BOIL? A Time-Series Analysis of New York State's Sex Offender Registration and Notification Law.** Jeffrey C. Sandler, Naomi J. Freeman, and Kelly M. Socia.  
*Psychology, Public Policy, and Law* 2008, Vol. 14, No. 4, 284-302  
[Underlining added.]

“Despite the fact that the federal and many state governments have enacted registration and community notification laws as a means to better protect communities from sexual offending, limited empirical research has been conducted to examine the impact of such legislation on public safety. Results [from this research] provide no support for the effectiveness of registration and community notification laws in reducing sexual offending by: (a) rapists, (b) child molesters, (c) sexual recidivists, or (d) first-time sex offenders.

“More recent research has continued to evaluate the effects of registration and community notification laws on sex offender recidivism rates. These studies have ... found limited support for the effectiveness of registration and community notification laws to reduce sex offender re-arrest and conviction rates.

“Thus, taken as a whole, the results of the various studies cited above support the view of Zevitz (2006) that, ‘the anticipated preventive benefits of the community notification policy initiative would appear to be limited.’ ”

### Discussion

“That is, results ... indicate that the 1996 enactment of [New York State's] SORA (and thus the beginning of the registry) had no significant impact on rates of total sexual offending, rape, or child molestation, whether viewed as a whole or in terms of offenses committed by first-time sex offenders or those committed by previously convicted sex offenders (i.e., repeat offenders).

“Thus, the results of the present study support those of prior research (e.g., Schram & Milloy, 1995; Walker et al., 2005) and cast serious doubts on the effectiveness of sex offender registries to significantly reduce rates of sexual offending.

**A very recent comprehensive research paper by some noted experts provides a context for understanding sex offender risk levels and how they decrease over time.**

**High Risk Sex Offenders May Not Be High Risk Forever**  
R. Karl Hanson, Andrew J. R. Harris, Leslie Helmus, & David Thornton  
*Journal of Interpersonal Violence* (in press, November 3, 2013)

**Abstract:** This study examined the extent to which sexual offenders present an enduring risk for sexual recidivism over a 20 year follow-up period. Using an aggregated sample of 7,740 sexual offenders from 21

CASOMB “Tiering Background Paper”

samples, the yearly recidivism rates were calculated using survival analysis. Overall, the risk of sexual recidivism was highest during the first few years after release, and decreased substantially the longer individuals remained sex offence-free in the community. This pattern was particularly strong for the high risk sexual offenders (defined by Static-99R scores). Whereas the 5 year sexual recidivism rate for high risk sex offenders was 22% from the time of release, this rate decreased to 4.2% for the offenders in the same static risk category who remained offence-free in the community for 10 years. The recidivism rates of the low risk offenders were consistently low (1% to 5%) for all time periods. The results suggest that offence history is a valid, but time dependent, indicator of the propensity to sexually reoffend. Further research is needed to explain the substantial rate of desistance by high risk sexual offenders.

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**The Council of State Governments produced a 2010 report which reviews the research and provides a broader context for considering productive registration and notification policies.**

***Sex Offender Management Policy in the States  
Strengthening Policy & Practice -Final Report - 2010***  
Council of State Governments - Public Safety Brief

“Yet the differences between groups of sex offenders can be significant. According to the Center for Sex Offender Management, ‘re-offense rates vary among different types of sex offenders and are related to specific characteristics of the offender and the offense.’” These differences, experts argue, should be reflected in state sex offender management legislation.

“Carl Wicklund, executive director of the American Probation and Parole Association, encourages state policymakers to consider the distinctions between various groups of sex offenders — and the different risk levels they pose to the public — when developing sex offender policies. ‘No two offenders are the same, and no two situations are the same,’ he said. ‘If we legislate to treat different groups of cases the same for purposes of justice and public safety, we may get neither.’

“And, in contrast to popular belief, recidivism rates for sex offenders are lower than for nonsexual offenders. In a 2003 study of sex offender recidivism rates, the Bureau of Justice Statistics found that 43 percent of sex offenders—versus 68 percent of nonsexual offenders—were rearrested for a new offense within three years of their release from prison in 1994.<sup>10</sup>

“It is also important to note that in the vast majority of cases, the sex offender is known to the victim. A 2006 report by the U.S. Office of Juvenile Justice and Delinquency Prevention reported that most sexual offenses are committed by someone the victim knows—either a family member, friend, intimate partner or acquaintance. Approximately 27 percent of offenders are strangers to the victim. This is especially true of sex offenses against children. According to the Bureau of Justice Statistics, nationally, approximately 93 percent of minor victims of sex crimes know the offender. Public policy based on the incorrect premise that most sex offenses are perpetrated by strangers can lead to many unintended, and often expensive, consequences.

**“Effectiveness of Sex Offender Registration Laws:** Despite the high costs of compliance with SORNA, little empirical proof exists that sex offender registries and notification make communities safer.”

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**The following article provides one of the very few research papers attempting to determine whether the public makes effective use of Megan’s Law websites.**

**Public Awareness and Action Resulting From Sex Offender Community Notification Laws**

Amy L. Anderson, Lisa L. Sample; *Criminal Justice Policy Review*,  
Volume 19, Number 4. December 2008 (371-396)

“Few studies have examined the degree to which citizens access registry information or take preventative action in response. Survey responses from a representative sample of Nebraska residents were used to examine the degree to which people access registration information, the feelings this information invokes, and if preventative measures are subsequently taken by citizens. The results suggest that the majority of citizens had not accessed registry information, although the majority of people knew the registry existed, and few respondents took any preventative measures as a result of learning sex offender information. The implications of the results on notification laws are discussed.”

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**An NIJ Grant supported research to determine whether community notification as required by Megan’s Law does actually have an impact on deterring sexual offending – whether by first-time offenders or by recidivists.**

**Megan’s Law: Assessing the Practical and Monetary Efficacy**

Grant Award # 2006-IJ-CX-0018 National Institute of Justice.  
Kristen Zgoba, Ph.D., Philip Witt, Ph.D.

“This lack of outcome studies means that Megan’s Laws constitute an untested mandate in the domain of empirical research. Despite widespread community support for these laws, there is virtually no evidence to support their effectiveness in reducing either new first-time sex offenses (through protective measures or general deterrence) or sex re-offenses (through protective measures and specific deterrence). (Page 7)

“**Conclusion:** Despite wide community support for these laws, there is little evidence to date, including this study, to support a claim that Megan’s Law is effective in reducing either new first-time sex offenses or sexual re-offenses.” (Page 41)

# APPENDIX B

## SELECTED REFERENCES

The following citations provide an extensive set of resources on this topic.

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## APPENDIX C

### INCREASES IN PC290 SEX OFFENDER REGISTRATION SINCE ITS INCEPTION

(Numbers in left hand column indicate thousands of Registrants.)

150									?
140									
130								134,304 TOTAL **	134,304 PRIOR**
120								51,550 NEW**	
110									
100									
90									
80							82,754 TOTAL	82,754 PRIOR	
70							27,848 NEW		
60									
50									
40						48,650 TOTAL	48,650 PRIOR		
30						27,848 NEW	20,802 PRIOR		
20						20,802 TOTAL			
10						15,349 NEW			
8									
6				5,453 TOTAL 3,290 NEW	5,453 PRIOR	2,163 PRIOR			
4			2,163 TOTAL 1,298 NEW	865 PRIOR					
2	119 NEW	865 TOTAL 746 NEW 119 PRIOR							
	<b>1940's*</b>	<b>1950's</b>	<b>1960's</b>	<b>1970's</b>	<b>1980's</b>	<b>1990's</b>	<b>2000's</b>	<b>2010's</b>	<b>2020's</b>

\* Registration began to be implemented in 1947

\*\* This is a projection based upon the current registration rate to date (up to and including 2013)

**NOTE:** The data is based on records in the Department of Justice's California Sex and Arson Registry (CSAR) as of 1-2-14. It includes "a count" for each registrant currently alive and living in California. It excludes subjects who are: 1) deported; 2) out of state; 3) deceased or 4) legally terminated from the registry for any reason. Registrants who have more than one date of registrable conviction are counted based on the date of the most recent registrable offense.

## SEX OFFENDER TRACKING PROGRAM

### Dates of Conviction Summarized by Decade

**Description:**

The data is based on records in the California Sex and Arson Registry (CSAR) as of 01/02/2014.

It includes "a count" for each registrant currently in California.

It excludes subjects that are: 1) deported; 2) out of state; 3) terminated or; 4) deceased.

For registrants that have more than one Date of Conviction, they are counted based on the date of the most recent registrable offense.

Decade of Conviction	Number of New Registrants Added
<b>1940's</b> (1947-1949)	<b>119</b>
<b>1950's</b>	<b>746</b>
<b>1960's</b>	<b>1,298</b>
<b>1970's</b>	<b>3,290</b>
<b>1980's</b>	<b>15,349</b>
<b>1990's</b>	<b>27,848</b>
<b>2000's</b>	<b>34,104</b>
<b>2010's</b> (2010-2013)	<b>12,212</b>
<b>Total</b>	<b>98,219</b>

# APPENDIX D

**Declaration of Dr. R. Karl Hanson.  
United States District Court for the Northern District of California.  
Civil Case No. C 12 5713. Filed 11-7-12**

**Selection:**

I, R. Karl Hanson, declare as follows:

I am a Senior Research Scientist at Public Safety Canada. Throughout my career, I have studied recidivism, with a focus on sex offenders. I discuss in this declaration key findings and conclusions of research scientists, including myself, regarding recidivism rates of the general offender population and sex offenders in particular. The information in this declaration is based upon my personal knowledge and on sources of the type which researchers in my field would rely upon in their work. If called upon to testify, I could and would competently testify thereto.

**Summary of Declaration:**

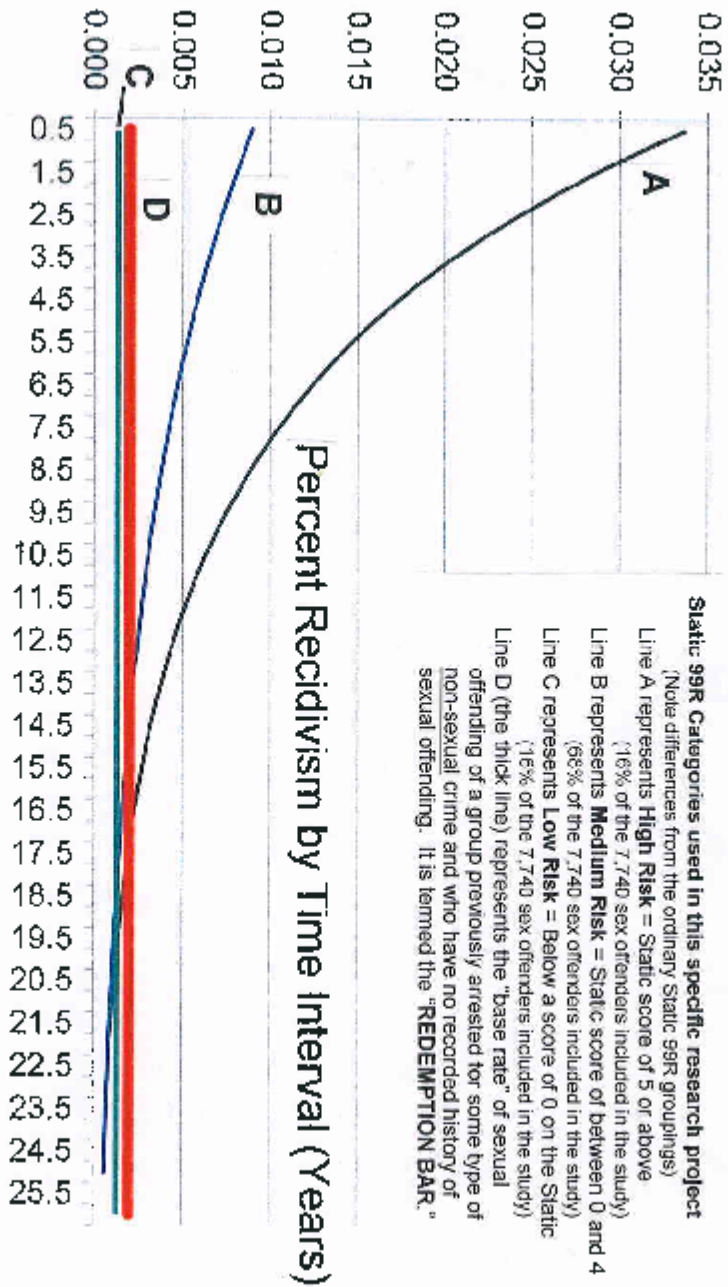
My research on recidivism shows the following:

1. Recidivism rates are not uniform across all sex offenders. Risk of re-offending varies based on well-known factors and can be reliably predicted by widely used risk assessment tools such as the Static-99 and Static-99R, which are used to classify offenders into various risk levels.
2. Once convicted, most sexual offenders are never re-convicted of another sexual offence.
3. First-time sexual offenders are significantly less likely to sexually re-offend than are those with previous sexual convictions.
4. Contrary to the popular notion that sexual offenders remain at risk of reoffending through their lifespan, the longer offenders remain offence-free in the community, the less likely they are to re-offend sexually. Eventually, they are less likely to re-offend than a non-sexual offender is to commit an “out of the blue” sexual offence.
  - a. Offenders who are classified as **low-risk** by Static-99R pose no more risk of recidivism than do individuals who have never been arrested for a sex-related offense but have been arrested for some other crime.
  - b. After 10 - 14 years in the community without committing a sex offense, **medium-risk** offenders pose no more risk of recidivism than individuals who have never been arrested for a sex-related offense but have been arrested for some other crime.
  - c. After 17 years without a new arrest for a sex-related offense, **high-risk** offenders pose no more risk of committing a new sex offense than do individuals who have never been arrested for a sex-related offense but have been arrested for some other crime.
5. Based on my research, my colleagues and I recommend that rather than considering all sexual offenders as continuous, lifelong threats, society will be better served when legislation and policies consider the cost/benefit break point after which resources spent tracking and supervising low-risk sexual offenders are better re-directed toward the management of high-risk sexual offenders, crime prevention, and victim services.



## SEX OFFENDER SEXUAL RECIDIVISM RISK LEVELS OVER TIME

Recidivism was calculated at six month intervals -.5, 1.0, 1.5 years, etc. Groups were differentiated by Static 99R risk level



Hanson: "Modern treatment methods can have a significant effect in reducing recidivism."  
 [The offenders in this study had not received effective treatment.]

**Karl Hanson conclusion:** "Rather than considering all sexual offenders as continuous, lifelong threats, society will be better served when legislation and policies consider the cost/benefit break point after which resources spent tracking and supervising low-risk sexual offenders are better directed toward the management of high risk sexual offenders, crime prevention and victim services."

Future Hanson research plan: The risk of sexual recidivism of sex offenders who have remained completely arrest free since release.

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## END NOTES

**End Note 1:** There is little research on this specific issue. A new study is currently being undertaken with USDOJ funding to clarify whether registries are actually helpful to law enforcement agencies. The Watched Pot article's review of research in this area notes: "The Washington State Institute for Public Policy (Schram & Milloy, 1995) conducted the first outcome study examining the effects of community notification. ... Although at the end of a 54-month period there was no significant difference in re-arrest rates between the two groups, the researchers determined (from survival curves) that sex offenders who were subject to community notification requirements were re-arrested more quickly than those not subject to notification. However, this study examined only recidivism as an outcome and had a very limited sample."

**2:** DOES A WATCHED POT BOIL? A Time-Series Analysis of New York State's Sex Offender Registration and Notification Law. Jeffrey C. Sandler, Naomi J. Freeman, and Kelly M. Socia; *Psychology, Public Policy, and Law* 2008, Vol. 14, No. 4, 284-302. "Second, registration and community notification laws are based on the false assumption that strangers commit most sexual offenses. ... In fact, according to a Bureau of Justice study, 93% of child sexual abuse victims knew their abuser (34.3% were family members and 58.7% were acquaintances). In addition, approximately 9 out of 10 adult rape or sexual assault victims had a prior relationship with the offender either as a family member, intimate, or acquaintance." (Greenfeld, 1997). Despite the public perception that sex offenders are strangers stalking playgrounds and other areas where children congregate, the majority of offenses occur in the victims' home or the home of a friend, neighbor, or relative (Greenfeld, 1997).

**3:** Watched Pot: "The limited effectiveness of registration and community notification laws may be due to the fact that these laws were largely based on commonly held myths and misconceptions regarding sexual offenses and sex offenders."

**4:** Watched Pot: "First, community members commonly believe that most, if not all, sex offenders will inevitably re-offend (Levenson, Brannon, Fortney, & Baker, 2007; Levenson & Cotter, 2005 a). "However, as stated earlier, research has found relatively low recidivism rates for sex offenders (ranging from 5% to 19%)." AND "The current study also found that 95.9% of all arrests for any RSO, 95.9% of all arrests for rape, and 94.1% of all arrests for child molestation were of first-time sex offenders."

**5:** See **APPENDIX D**

**6:** High Risk Sex Offenders May Not Be High Risk Forever; R. Karl Hanson, Andrew J. R. Harris, Leslie Helmus, & David Thornton. *Journal of Interpersonal Violence* (in press, November 3, 2013) "Overall, the risk of sexual recidivism was highest during the first few years after release, and decreased substantially the longer individuals remained sex offence-free in the community. This pattern was particularly strong for the high risk sexual offenders (defined by Static-99R scores). Whereas the 5 year sexual recidivism rate for high risk sex offenders was 22% from the time of release, this rate decreased to 4.2% for the offenders in the same static risk category who remained offence-free in the community for 10 years. "

**7:** See **End Note 2** above.

**8: Megan's Law: Assessing the Practical and Monetary Efficacy.** Grant Award # 2006-IJ-CX-0018 National Institute of Justice. Kristen Zgoba, Ph.D., Philip Witt, Ph.D. "This lack of outcome studies means that Megan's Laws constitute an untested mandate in the domain of empirical research. Despite widespread community support for these laws, there is virtually no evidence to support their effectiveness in reducing either new first-time sex offenses (through protective measures or general deterrence) or sex re-offenses (through protective measures and specific deterrence). (Page 7) "**Conclusion:** Despite wide community support for these laws, there is little evidence to date, including this study, to support a claim that Megan's Law is effective in reducing either new first-time sex offenses or sexual re-offenses." (Page 41)

**9:** See **End Note 1** above.

**10:** Public Awareness and Action Resulting From Sex Offender Community Notification Laws. Amy L. Anderson and Lisa L. Sample. *Criminal Justice Policy Review*, 2008; 19; 371. "Few studies have examined the degree to which citizens access registry information or take preventative action in response. Survey responses from a representative sample of Nebraska residents were used to examine the degree to which people access registration information, the feelings this information invokes, and if preventative measures are subsequently taken by citizens. The results suggest that the majority of citizens had not accessed registry information, although the majority of people knew the registry existed, and few respondents took any preventative measures as a result of learning sex offender information."

**11:** See **APPENDIX D**.

**12:** Watched Pot. See **End Note 2**.

**13.** Department of Justice. Criminal victimization 2002. Washington: Government Printing Office; 2003. Publication No. NCJ 199994. Available from URL: [www.ojp.usdoj.gov/bjs/pub/pdf/cv02.pdf](http://www.ojp.usdoj.gov/bjs/pub/pdf/cv02.pdf). 36% in 2004: <http://www.ojp.usdoj.gov/bjs/pub/pdf/cv04.pdf>. Hanson, R.F., Resnick, H.S., Saunders, B.E., Kilpatrick, D.G., & Best, C.L., (1999) "Factors Related to the Reporting of Childhood Rape," *Child Abuse and Neglect*, Volume 23:6, pages 559 – 569.

**14:** Watched Pot. "In addition, some researchers have argued that registration and community notification may, in fact, discourage victims of sexual abuse from reporting the incidents to authorities (Edwards & Hensley, 2001). As previously stated, the vast majority of sexual offense victims know their perpetrator. Although unintentional, community notification can often lead to identification of the victim, especially when the victim is an offender's child. As such, incest victims may not report the offense to avoid dealing with the impact that public notification would have on their family (Freeman-Longo, 1996)."

**15:** Estimates of the Impact of Crime Risk on Property Values from Megan's Laws; Linden, L. & Rockoff, J. *Am. Economic Review* 2008, 98:3; 1103-1127 [www.aeaweb.org/articles.php?doi=10.1257/aer.98.3.1103](http://www.aeaweb.org/articles.php?doi=10.1257/aer.98.3.1103)