

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
Tallahassee Division**

**JOHN DOE 1, JOHN DOE 2, JOHN
DOE 3, JOHN DOE 4, and JOHN
DOE 5**, on behalf of themselves and
others similarly situated,

Plaintiffs,

v.

RICHARD L. SWEARINGEN, in
his official capacity as Commissioner
of the Florida Department of Law
Enforcement,

Defendant.

Civil Case No. 4:16-CV-501-RH/CAS

**PLAINTIFFS' MOTION FOR A TEMPORARY RESTRAINING ORDER
and/or EXPEDITED PRELIMINARY INJUNCTION
and INCORPORATED MEMORANDUM OF LAW**

(Oral Argument Requested)

INTRODUCTION

Florida law requires all persons convicted of certain sexual offenses to register all their "Internet identifiers" with a public registry before using them. This may include every email, login, or username they have, as well as every website, application, or program they use. Failure to comply is a third-degree felony, carrying up to a five-year prison sentence.

For the reasons outlined below, this burdensome requirement violates the First Amendment, and is void for vagueness in violation of the Due Process Clause of the Fourteenth Amendment. Five federal courts have already concluded that similar laws are unconstitutional.

Plaintiffs are five registrants who seek to reclaim their right to communicate online without burdensome restrictions. Although Plaintiffs seek to enjoin the current Internet identifier provision, a new version will go into effect on October 1, 2016, which will expand the reporting requirements to a ruinous and crippling degree, effectively preventing registrants from using the Internet at all. Thus, Plaintiffs seek expedited relief in the form of a Temporary Restraining Order or Preliminary Injunction to prevent the new version from taking effect on October 1.

FACTUAL BACKGROUND

A. Florida's Sex Offender Registry

In Florida, every person who has been convicted of certain sex-related offenses must register as a sexual offender for life. *See* Fla. Stat. § 943.0435. Registrants must provide to local law enforcement their address, employer information, social security number, numerous identifying features, vehicle identification numbers, professional licenses, and a slew of other personal information. § 943.0435(2)(b). Failure to comply is a third-degree felony. § 943.0435(9)(a). Law enforcement provides the information to Defendant

Florida Department of Law Enforcement (FDLE), which updates the registry. § 943.0435(2)(c) & (14)(d).

As of September 2015, there were 66,523 persons on the registry. Approximately 20,235 of those reside in Florida and have completed all aspects of their sentence, including post-incarceration supervision.¹

B. The Internet Identifier Provision

Enacted in 2014, the Internet identifier provision requires registrants to “register all electronic mail addresses and Internet identifiers with the department through the department’s online system or in person at the sheriff’s office before using such electronic mail addresses and Internet identifiers.” § 943.0435(4)(e)(1). “Department” refers to the FDLE.

“Electronic mail address” is defined as “a destination, commonly expressed as a string of characters, to which electronic mail may be sent or delivered.” § 668.602(6); 943.0435(1)(c) (cross-referencing 668.602).

“Internet identifier” currently “means all electronic mail, chat, instant messenger, social networking, application software, or similar names used for Internet communication, but does not include a date of birth, social security number,

¹ See Office of Program Policy Analysis and Government Accountability, No. 15-16, at 18, available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/1516rpt.pdf>. Approximately 1,583 of those 20,235 are classified as “sexual predators,” a more serious designation, who are also subject to the registration requirement. See Fla. Stat. § 775.21. The term “sexual offenders” or “registrants” as used herein refers to everyone who must register, including sexual predators.

or personal identification number (PIN).” § 775.21(2)(i); 943.0435(1)(g) (cross-referencing 775.21(2)(i)).

On October 1, 2016, a more expansive definition will go into effect:

“Internet identifier” includes, but is not limited to, all website uniform resource locators (URLs) and application software, whether mobile or nonmobile, used for Internet communication, including anonymous communication, through electronic mail, chat, instant messages, social networking, social gaming, or other similar programs and all corresponding usernames, logins, screen names, and screen identifiers associated with each URL or application software. Internet identifier does not include a date of birth, Social Security number, personal identification number (PIN), URL, or application software used for utility, banking, retail, or medical purposes.

Chapter 2016-104, Ex. 1, at 3. The new definition provides no further explanation of what “Internet identifier” means, and only describes what it “includes.”

Failure to register any Internet identifier before use is a third-degree felony. Fla. Stat. § 943.0435(14)(c)(4).

The information provided by registrants—including Internet identifiers—is not kept confidential. On the contrary, the FDLE is encouraged to make the registry accessible to the public: “Releasing information concerning sexual offenders to law enforcement agencies and to persons who request such information, and the release of such information to the public by a law enforcement agency or public agency, will further the governmental interests of public safety.” § 943.0435(12). *See also* § 943.043(1) (“The department may notify the public through the Internet of any information regarding sexual predators and sexual offenders which is not

confidential and exempt from public disclosure under s. 119.07(1) and s. 24(a), Art. I of the State Constitution.”). There are no restrictions on the FDLE’s, or any law enforcement agency’s, use of the registry information.

The FDLE’s website allows anyone to search for information about any registrant and receive automatic notifications about changes in the information. § 943.44353. Any information not displayed online is still available to anyone who requests it. § 934.043(3). Moreover, the website allows users to input an identifier and be informed if it is associated with a registrant.

The laws described in this section are referred to herein as the “Internet identifier provision.”

C. Recidivism and Internet Use Among Sexual Offenders

For several reasons, the provision actually does little to prevent Internet-facilitated sexual offenses against children. First, contrary to popular belief, most sex offenders do not re-offend sexually. Harris Dec., Ex. 2, ¶19. In fact, recidivism rates among sex offenders for all crimes are actually lower than recidivism rates among non-sex offenders. Levenson Dec., DE 8-1, ¶7. Second, only a vanishingly small percentage (as low as 1%) of sex crimes against children involve any sort of technology, and even fewer involve the Internet. Finkelhor Dec., Ex. 3, ¶13. Third, only a tiny percentage (as low as 4%) of technology-facilitated sex crimes against children are committed by people on the registry. *Id.* ¶19.

The provision also burdens the speech of far too many people. It applies to all registrants, even if their crime did not involve the Internet, and even if they pose a low risk of reoffending, despite the fact that low-risk sex offenders pose the same risk of recidivism as those who have committed non-sex offenses.² Harris Dec. ¶¶30, 36. And it applies for life, even though, after a number of years in the community without a new arrest, a sexual offender is less likely to re-offend than a non-sexual offender is to commit a sexual offense. *Id.* at ¶28. Treating all sex offenders alike is counterproductive and wastes resources. *Id.* at ¶40.

D. The Importance of the Internet

The significance of the Internet for our nation's civic and political processes cannot be overstated. It has become the dominant medium through which Americans learn, communicate about, and engage in political and social expression. *See Reno v. Am. Civil Liberties Union*, 521 U.S. 844, 850-53 (1997) (explaining the expansive reach of the Internet).³ Although statistics are not needed to support this common-sense notion, they exist, and are set forth extensively by Professor David Post, an expert whose testimony courts have relied upon when

² An assessment to determine the risk of re-offense, called the Static-99R, already exists. Harris Dec. ¶15. It is widely relied upon by experts, and is used in Florida civil commitment proceedings to distinguish between registrants who pose a high risk of re-offense and those who do not. *See, e.g., Hartzog v. State*, 133 So. 3d 570, 574-75 (Fla. 1st DCA 2014).

³ *See also* Jasmine S. Wynton, *Myspace, Yourspace, but Not Theirspace: The Constitutionality of Banning Sex Offenders from Social Networking Sites*, 60 Duke L.J. 1859, 1872-78 (2011).

invalidating similar laws. *See, e.g., Doe v. Nebraska*, 898 F.Supp.2d 1086, 1097-99 (D. Neb. 2012); Post Dec., Ex. 4, 6:3-11:10.⁴

Plaintiffs, like many other registrants, want to express their political, religious, and social views online. They also need the Internet to survive, whether to support their current businesses, communicate with loved ones, or merely utilize life's modern necessities. But the Internet identifier provision creates insurmountable barriers to doing so. The provision's restrictions have chilled Plaintiffs' speech in the one place they need it most: the egalitarian universe of the Internet.

ARGUMENT

In determining whether to grant a temporary restraining order or preliminary injunction, a court should consider whether: 1) the plaintiff has shown a substantial likelihood of success on the merits; 2) the plaintiff will suffer irreparable injury if the relief is not granted; 3) the threatened injury outweighs the potential harm to the non-movant; and 4) relief would serve the public interest. *Schiavo ex rel. Schindler v. Schiavo*, 403 F.3d 1223, 1223 (11th Cir. 2005).

Plaintiffs Are Likely to Succeed on the Merits

The Internet identifier provision 1) violates the First Amendment, and 2) is void for vagueness under the Due Process Clause.

⁴ Citations to Professor Post's declaration refer to line and page numbers; thus 6:3 means page 6, line 3.

I. The Internet identifier provision violates the First Amendment.

As a preliminary matter, it is worth noting that Plaintiffs enjoy the same First Amendment protections as any other citizen. *Doe v. Harris*, 772 F.3d 563, 572 (9th Cir. 2014). They, and roughly 20,235 other registrants, have fully completed their sentences, and are no longer on any form of criminal supervision. They are entitled to the full protection of the First Amendment.

A. Strict or intermediate scrutiny should apply.

Because the Internet identifier provision applies only to registrants, it is a content-based restriction that must satisfy strict scrutiny. Although the provision makes no reference to specific subject matters or viewpoints, laws that “distinguish[] among different speakers” are treated as content-based because “restrictions based on the identity of the speaker are all too often simply a means to control content.” *Citizens United v. Fed. Elec. Comm’n*, 558 U.S. 310, 340 (2010). The burdensome nature of the provision shows that the law is simply a proxy for content regulation intended to suppress the views of sexual offenders. Moreover, the provision requires registrants to reveal their true identities to the public; thus, every online communication registrants make must contain one component—their identities. The provision is therefore content-based and must satisfy strict scrutiny, which requires the State to show that the provision is “narrowly tailored to serve a compelling interest,” *Williams-Yulee v. Florida Bar*, 135 S. Ct. 1656, 1666 (2015), and is the

“least restrictive means of achieving” that interest. *McCullen v. Coakley*, 134 S. Ct. 2518, 2530 (2014).

Even if the provision is not content-based, however, it must still satisfy intermediate scrutiny, which means it must “be narrowly tailored to serve a significant governmental interest,” and it must “leave open ample alternative channels for communication of the information.” *Ward v. Rock Against Racism*, 491 U.S. 781, 791 (1989). This means the law must not “burden substantially more speech than is necessary to further the government’s legitimate interests.” *Id.* at 799. Put another way, “the government must demonstrate that alternative measures that burden substantially less speech would fail to achieve the government’s interests.” *McCullen*, 134 S. Ct. at 2540. Although the law need not be the least restrictive alternative, the State must still “demonstrate that the recited harms are real, not merely conjectural, and that the regulation will in fact alleviate these harms in a direct and material way.” *Turner Broadcasting Sys. v. F.C.C.*, 512 U.S. 622, 664 (1994).

In the end, it does not matter which level of scrutiny is applied, as the Internet identifier provision cannot satisfy either.

B. The Internet identifier provision is not narrowly tailored to serve a significant government interest, let alone the least restrictive means of achieving it.

Five federal courts have already enjoined the enforcement of laws requiring sexual offenders to register Internet identifiers. *See Doe v. Harris*, No. C12-5713-THE, 2013 WL 144048 (N.D. Cal. Jan. 11, 2013), *aff'd*, 772 F.3d 563 (9th Cir. 2014); *Doe v. Snyder*, 101 F.Supp.3d 672 (E.D. Mich. 2015); *Doe v. Nebraska*, 898 F.Supp.2d 1086 (D. Neb. 2012); *White v. Baker*, 696 F.Supp.2d 1289 (N.D. Ga. 2010); *Doe v. Shurtleff*, No. 1:08-CV-64 TC, 2008 WL 4427594 (D. Utah Sept. 25, 2008), *vacated after law amended by* 2009 WL 2601458 (D. Utah Aug. 20, 2009), *aff'd*, 628 F.3d 1217 (10th Cir. 2010). Like those laws, the Internet identifier provision at issue here is not narrowly tailored to the government's interest in protecting minors from Internet-facilitated sexual offenses.

1. The provision's burdensome reporting requirements effectively ban all Internet speech by deterring online communication, and in some cases making it impossible.

The First Amendment's scope is not limited to laws that prohibit speech outright. Indeed, "[l]awmakers may no more silence unwanted speech by burdening its utterance than by censoring its content." *Sorrell v. IMS Health Inc.*, 564 U.S. 552, 566 (2011). The Internet identifier provision, while not an outright ban on speech, imposes such severe burdens on Internet use that it amounts to an effective ban. The current version is burdensome enough—it requires registrants, before

employing a username for communication, to first detour to the FDLE’s website to report those usernames. Given the sheer number of Internet identifiers a registrant may possess—potentially, one for each website with a communicative function—that enormously cumbersome requirement deters registrants from speaking online at all.⁵ Post Dec. 20:16-31. “Of course, that chilling effect is only exacerbated by the possibility that criminal sanctions may follow for failing to update information about Internet identifiers.” *Harris*, 772 F.3d at 582.

Even worse, the version slated to take effect on October 1, 2016, will make it impossible for registrants to use the Internet in many circumstances. The new version will require registrants to report to the FDLE—again, *before use*—all website URLs used for communication, and all names associated with them. (The new version would include *all* websites used for Internet communication, whether or not they require a username—a further expansion from the current version). This task can be literally impossible. Every website and sub-page on that website has a

⁵ For instance, reporting would be required in all the following circumstances: a username needed to access a news site, book a hotel, reserve a rental car, or apply for a job; a transient screen name in a customer support chat; a temporary username for an Internet conference call; a username required by a website operated by a customer to which the registrant was directed for some legitimate business purpose; a username required for accessing information at a music- or video-sharing website; and a temporary forwarding email alias automatically assigned by a classified ad service. Post Dec. 20:14-31. The burden is further exacerbated by the fact that the FDLE’s online system requires registrants to also register the “Provider” associated with any username (which often means the website with which the name is associated), despite the fact that the current statute only requires disclosure of “names” and not websites. *See* FDLE Website Excerpt, Ex. 5. That the FDLE’s interpretation deviates from the statutory text further shows the difficulty of understanding what is required. Post Dec. 16:24-17:13.

unique URL, and every click results in a new one. They are often complicated strings of characters. Post Dec. 21:11-23:30. A casual Internet user could easily visit dozens of websites each day, and could encounter many more URLs.⁶ There is no possible way to know these URLs before visiting these sites. *Id.* at 24:5-8. But even if there were, the act of constantly recording and transmitting them to the FDLE renders Internet usage practically impossible, and will deter most registrants from using the Internet. *Id.* at 21:14-17.

The burden is amplified for those working in the technology field, such as several Plaintiffs here. If the new version goes into effect, registrants who are technology professionals responsible for their clients' identifiers will likely have to register all of them, as well as their employers', and continuously update them when they change. Compl. ¶¶49-53, 99. This will likely force them to leave their jobs. Similarly, registrants' Internet-related businesses will be forced to shut down

⁶ For instance, the URL for the New York Times's home page is www.nytimes.com, but one click on the top story results in this URL: http://www.nytimes.com/2016/07/28/us/politics/dnc-biden-kaine-obama.html?hp&action=click&pgtype=Homepage&clickSource=story-heading&module=span-ab-top-region®ion=top-news&WT.nav=top-news&_r=0&mtrref=www.nytimes.com&gwh=4165127F10DE2C01B7D6CD40409795DE&gwt=pay (last visited July 28, 2016). Moreover, many communication-based websites automatically generate new URLs based on user input. Each new "tweet" on Twitter, for example, results in a unique URL. In addition, a user could easily generate 50 or 100 different URLs in 10 minutes of searching for books on "the history of American law" at Amazon.com or eBay.com, or for judicial opinions on "the right to anonymous communication" at Lexis, Westlaw, or some other research website. Post Dec. 23:31-24:4.

because of the burden imposed by the URL reporting requirement. Post Dec. 24:20-22.

Numerous courts have noted the deterrent and chilling effect of less onerous reporting requirements. *See Harris*, 772 F.3d at 574 (notification within 24 hours after use “significantly burdens those individuals’ ability and willingness to speak on the Internet”); *Nebraska*, 898 F.Supp.2d at 1122 (describing the “overly burdensome nature of the Internet and blog-uploading reporting requirement” that did not specify the timing for reporting). Florida’s much more onerous requirement of *pre-use* disclosure should meet the same fate: It unconstitutionally deters lawful online speech and in some cases makes it physically impossible, and therefore cannot survive First Amendment scrutiny.

Indeed, a law that effectively bans all Internet speech by all registrants can never be narrowly tailored to a government’s interest, let alone be the least restrictive means of achieving it. In fact, assuming Florida’s goal is preventing Internet-facilitated sex crimes against children, Florida may have chosen the *most* restrictive means by passing a law that wildly overshoots its goal in numerous ways.

First, the law prohibits far more speech than necessary. Rather than restricting disclosure to contexts that may carry a higher likelihood of predation, the Internet identifier provision compels reporting of *all* online identifiers in *all* communicative situations, even those with no conceivable connection to criminal activity. *See*

White, 696 F.Supp.2d at 1311 (to survive narrow tailoring, law “must address the identifiers that are used in the kind of interactive communications that entice children into illegal sexual conduct and it must focus on those sites and facilities where these kinds of interactive communications occur.”); *Harris*, 772 F.3d at 582 (enjoining similar law because it “applie[d] to all websites and all forms of communication, regardless of whether the website or forum of communication is a likely or even potential forum for engaging in illegal activity.”). Even though “[t]he Government may not suppress lawful speech as the means to suppress unlawful speech[,]” that is precisely what Florida has done. *Ashcroft v. Free Speech Coal.*, 535 U.S. 234, 255 (2002).

Second, the provision is both over- and under-inclusive regarding the persons it targets because it applies to all registrants, yet only to registrants. It is over-inclusive because it treats all registrants uniformly, regardless of the age and nature of conviction, whether the offense involved the Internet or a minor, or any evaluation of the registrant’s risk level. But most sex offenders do not reoffend sexually, and after a certain point a sexual offender is actually *less* likely to re-offend than a non-sexual offender is to commit a sexual offense. *Harris* Dec. ¶¶19, 28. Moreover, low-risk sex offenders pose no more risk of recidivism than individuals who have committed other crimes. *Id.* ¶¶30, 36. Thus, rather than targeting likely recidivists or registrants convicted of Internet-facilitated crimes, the provision applies to *all*

registrants—vastly more individuals than necessary. *See Simon & Schuster, Inc. v. Members of New York State Crime Victims Bd.*, 502 U.S. 105, 121 (1991) (“Son of Sam” law over-inclusive, and therefore not narrowly tailored, where it applied to any work that mentioned a crime and to anyone who had admitted to committing one).

The provision is also under-inclusive because it only applies to registrants, when in fact the overwhelming majority of sexual offenses against children (up to 93%) are committed by someone known to the victim, not strangers on the Internet. Finkelhor Dec. ¶2; Levenson Dec. ¶7. Further, only a tiny percentage (as low as 1%) of sex crimes against children involve any sort of technology, and only a tiny percentage of those crimes (as low as 4%) are committed by people on a registry. Finkelhor Dec. ¶¶13, 19. The provision is therefore not even targeted at the harms it claims to be combatting, nor “will [it] in fact alleviate these harms in a direct and material way.” *Turner Broadcasting*, 512 U.S. at 664. *See also Williams-Yulee*, 135 S. Ct. at 1668 (under-inclusivity raises “red flag” in narrow-tailoring analysis).

This over- and under-inclusivity demonstrates that the provision is not narrowly tailored to achieve a significant interest, let alone the least restrictive means of doing so. Rather, the law uses false stereotypes as a politically expedient way to stifle the views of the most disfavored group in our society. The Internet identifier

provision therefore burdens “substantially more speech than is necessary to further the government’s legitimate interests.” *Ward*, 491 U.S. at 799.

Finally, because the law is not narrowly tailored, it is unnecessary to consider whether it “leave[s] open ample alternative channels for communication.” *Id.* at 791. Nonetheless, the provision clearly fails this prong as well. “The Supreme Court uses the word ‘ample’ not as an afterthought, but as a real safeguard.” *Nebraska*, 898 F.Supp.2d at 1117. The provision leaves no Internet communication unburdened. To say that alternative channels outside the Internet exist simply ignores the importance of the Internet in today’s society. Severely restricting the essential engine for American democracy leaves hardly any channels of communication open.

2. The provision bans anonymous online speech.

“[A]n author’s decision to remain anonymous . . . is an aspect of the freedom of speech protected by the First Amendment.” *McIntyre v. Ohio Elections Comm’n*, 514 U.S. 334, 342 (1995). *See also Peterson v. Nat’l Telecommunications & Info. Admin.*, 478 F.3d 626, 632 (4th Cir. 2007) (“The First Amendment protects anonymous speech in order to prevent the government from suppressing expression through compelled public identification.”). But the Internet identifier provision, by requiring public disclosure of all identifiers (and specifically those used for anonymous communication), makes it impossible to speak anonymously online,

thereby deterring registrants from speaking online at all. Post Dec. 26:15-27:27. Like the other similar laws that have been struck down, this restriction is not narrowly tailored and therefore violates the First Amendment.

Anonymous online speech is particularly important to marginalized groups. Indeed, “[r]equiring sex offenders – perhaps the most reviled group of people in our community – to unmask themselves in such forums, surely deters faint-hearted offenders from expressing themselves on matters of public concern.” *Nebraska*, 898 F.Supp.2d at 1121. *See also Harris*, 772 F.3d at 581 (“[S]ex offenders’ fear of disclosure in and of itself chills their speech. If their identity is exposed, their speech, even on topics of public importance, could subject them to harassment, retaliation, and intimidation.”). In particular, it deters registrants from criticizing government officials, fearing that such officials are monitoring their communications and looking for ways to arrest registrants for a single misstep in reporting. Post Dec. 27:24-27. The fear of public revelation causes registrants to avoid online speech altogether—a result antithetical to the First Amendment.⁷

In fact, Florida’s attack on anonymity is even worse than three laws that have been struck down on this basis. The Ninth Circuit invalidated a law that allowed identifiers to be released to the public if law enforcement deemed it “necessary to

⁷ The provision prevents registrants not only from *speaking* anonymously, but also from *reading* anonymously. Post Dec. 28:1-10. The FDLE can keep a dossier on all registrants’ Internet consumption habits, which can reveal intensely private information. *Id.* at 28:17-20.

ensure public safety.” *Harris*, 772 F.3d at 580. Another court invalidated a law allowing the information to be released for “law enforcement purposes” or to “protect the public.” *White*, 696 F. Supp. 2d at 1311. Yet another court struck down a law that had no restrictions on use or disclosure of the information. *Shurtleff*, 2008 WL 4427594, at *7.⁸ Florida’s provision is even broader than these stricken laws: It contains *no restrictions* on use of the information, and in fact the information is *publically available* online pursuant to the Legislature’s encouragement. If the mere possibility of disclosure is unconstitutionally chilling, *Harris*, 772 F.3d at 581, the certainty of disclosure must be as well. Florida’s provision clearly violates the First Amendment’s guarantee of anonymous speech.

C. The Internet identifier provision is unconstitutionally vague and overbroad.

In the First Amendment context, vagueness and overbreadth are intertwined. “The vagueness of . . . a regulation raises special First Amendment concerns because of its obvious chilling effect on free speech.” *Reno*, 521 U.S. at 871-72. Indeed, “a vague statute . . . operates to inhibit the exercise of [First Amendment] freedoms[,]” because “[u]ncertain meanings inevitably lead citizens to steer far wider of the unlawful zone . . . than if the boundaries of the forbidden areas were clearly marked.”

⁸ The *Shurtleff* court vacated its decision after the state amended the statute to limit the use of the information to the investigation of Internet sex crimes, and restricted disclosure to the public. *Shurtleff*, 2009 WL 2601458, at *5, *aff’d* 628 F.3d 1217 (10th Cir. 2010).

Grayned v. City of Rockford, 408 U.S. 104, 109 (1972) (citations omitted; second ellipses in original). Relatedly, a law is facially overbroad if it “punishes a ‘substantial’ amount of protected free speech, ‘judged in relation to the statute’s plainly legitimate sweep.’” *Virginia v. Hicks*, 539 U.S. 113, 118-19 (2003) (quoting *Broadrick v. Oklahoma*, 413 U.S. 601, 615 (1973)).

The Internet identifier provision suffers from these infirmities. It imposes a complicated set of reporting requirements that registrants must follow before engaging in online speech. It attempts to describe the information that must be reported and under what circumstances, but contains so many ambiguities that it is impossible for registrants to know what is required of them. As such, the provision facially violates the First Amendment. The first two ambiguities described below apply only to the forthcoming version; the remaining five apply to both the current and forthcoming versions.

First, the version going into effect on October 1st contains no actual definition of “Internet identifier”; it merely provides a list of what the definition “includes, but is not limited to.” Even worse, one of the items on the list is the open-ended “other similar programs.” The provision therefore contains no concrete definition of criminal behavior, leaving registrants to guess at what

other “similar” items must be reported.⁹ *See Snyder*, 101 F.Supp.3d at 704 (ambiguity of term “routinely used” rendered Internet reporting statute unconstitutionally vague). The problem is compounded by the fact that the provision criminalizes mere omissions (i.e., a failure to report), rather than affirmative conduct.

The structure of the forthcoming version raises even further questions. It *appears* to require the disclosure of uniform resource locators (URLs) and application software used for Internet communication *only* if they are used “through electronic mail, chat, instant messages, social networking, social gaming, or other similar programs.” That interpretation is problematic in itself, because “other similar programs” would read that clause out of the statute entirely—*all* URLs and software use *some* program for Internet communication; thus, it seems like registrants should ignore that clause altogether. But it also renders the statute nonsensical. It makes no grammatical sense to say you are “using” a URL or application “through” electronic mail, chat, instant messages, social networking, or social gaming. Post Dec. 19:22-20:3. The mental gymnastics required to sift through this morass simply demonstrate that the provision is hopelessly vague. No

⁹ Yet another ambiguity is whether “login” in the forthcoming version includes passwords. Dictionary.com, a source many registrants may consult, defines “login” as “a username *and* password that allows a person to log in to a computer system network, mobile device, or user account.” The deterrent effect of making one’s passwords public is obvious; no reasonable registrant would use the Internet if it meant compromising all their online accounts.

reasonable Internet user could decipher what must be reported, or under what circumstances.

Second, the exceptions clause in the forthcoming version is vague. The clause states that Internet identifier does not include “a date of birth, Social Security number, personal identification number (PIN), URL, or application software used for utility, banking, retail, or medical purposes.” But it is unclear what online activities have a “utility, banking, retail, or medical” purpose. Many websites contain health-related articles and links, including the government-operated websites of the National Library of Medicine and the National Institutes of Health, privately-operated websites such as WebMd.com or FamilyDoctor.org, and those operated by many health insurers and hospitals. Post Dec. 19:5-21. Users may browse these sites to research symptoms, explore treatment alternatives, obtain information about Zika virus prevention, or post a question about pain management to an online discussion forum. Are these activities exempt from reporting because they are being used for a “medical purpose”? Similarly, is researching mortgage rates from different lenders, or investigating competing interest rates for Certificates of Deposits, a “banking” purpose? *Id.* Does “retail” exempt any website where a purchase is made? If so, does that include sites like Amazon or eBay that enable users to leave comments and reviews, respond to them, and chat with buyers, sellers,

and customer service representatives? These questions cannot be answered using the statutory language and the common meaning of the terms used.

Moreover, it is unclear whether “used for utility, banking, retail, or medical purposes” modifies only “application software,” or whether it modifies every item on the list. At first blush, it seems that the only way to interpret the sentence would be the latter (especially because of the indefinite article “a”), as using the former would mean that “Internet identifier” would not include *all* URLs—a result plainly inconsistent with the first part of the statute that requires all URLs to be reported. (It would make no sense to have a general rule, only to have an exception completely contradict it). But even this interpretation is problematic, as it would mean that the exception applies to “date of birth, Social Security number, [and] personal identification number” *only* when they are used for utility, banking, retail or medical purposes. That would mean that dates of birth, Social Security numbers, and PIN numbers must be disclosed if they are used for anything other than those four purposes, which would mean the forthcoming version requires their disclosure in many circumstances, whereas the current version does not require their disclosure at all. It seems unlikely that the Legislature would completely exempt this sensitive information in the 2014 version, but then require its disclosure in the 2016 version. Indeed, why require disclosure of date of birth and Social Security number at all, as

they never change and must already be reported under other parts of the statute? Whatever the explanation, the exceptions clause is indecipherable.

Third, the phrase “used for Internet communication,” in both the current and forthcoming versions, is vague. There are millions of websites that require some form of username before accessing them, or portions of them. *Id.* at 13. These include many news sites like the New York Times, sites providing legal or medical content like Westlaw or WebMD, entertainment sites like YouTube, and consumer review sites like Yelp. Many of these sites, although not used for “communication” per se, do allow users to communicate by commenting on articles or leaving reviews, and allowing other users (or the site operators) to respond. Is this the type of “Internet communication” the provision refers to, and, consequently, do registrants have to disclose every username they have for the New York Times, Westlaw, WebMD, YouTube, and Yelp? The provision does not say, and an ordinary Internet user would not know.

Even worse, the term “used for Internet communication” could conceivably refer to *all websites*, because in one sense *all* websites allow for communication by transmitting content to the user. *Id.* at 15:13-22. In another sense, the term could refer only to websites where the user transmits information to others. The former interpretation is so broad and the task of disclosing URLs so burdensome as to approach impossibility, yet such an interpretation is

possible given the text. *Id.* at 18:23-19:4. Faced with this uncertainty and the possibility of felony prosecution, registrants will err on the side of caution and avoid using the Internet.

Fourth, the phrase “application software” is ambiguous, especially given its placement in the current version. The term is generally used to describe a program on an individual computer or smart phone that allows the user to accomplish a particular task, such as word processing, photo editing, spreadsheet creation, or web browsing (these include common programs like Microsoft Word and Excel, Adobe Reader, Internet Explorer, and Chrome). *Id.* at 18:3-19. In the current version, the phrase appears in a list of “names” that must be reported: “all electronic mail, chat, instant messenger, social networking, application software, *or other similar names* used for Internet communication.” Fla. Stat. § 775.21(i) (emphasis added). But this placement makes no grammatical sense, as “application software” is not a “name” in the same way that the other items may be considered “names.” Indeed, the statute only begins to make sense if it is read to require disclosure of “[names used for] electronic mail, [names used for] chat, [names used for] instant messenger, [names used for] social networking, and [names used for] application software.” Post Dec. 17:28-18:2. But even then, most “application software” does not require (or

even allow) the user to adopt any particular “name.” *Id.* at 18:8-10. It is thus unclear what must be reported.¹⁰

And even if registrants get past these textual ambiguities, they are still faced with the question of which “application software[s]” to report. Many of these programs allow some form of communication—such as user help or embedding hypertext links—of which many users are unaware. *Id.* at 18:12-19. Indeed, the vast majority of Internet users are unaware of the applications responsible for managing Internet connections, and would not know whether they had been assigned “names” through those applications. *Id.* Do registrants have to disclose every single program on their computers, and every single app on their phones (and if so, what information would they have to provide, given that they may not know the names they’ve been assigned)? The provision contains no answers.

¹⁰ Adding to the confusion, although the forthcoming version still requires the disclosure of application software, it changes the list of items with which that phrase is associated. The current version states that “Internet identifier means all electronic mail, chat, instant messenger, social networking, application software, or similar names used for Internet communication.” Thus, the current version appears to classify the items on that list as “names” that are used for Internet communication. But the new version will say “Internet identifier includes . . . application software . . . used for Internet communication . . . through electronic mail, chat, instant messages, social networking, social gaming, or other similar programs.” This version deems the exact same list of items to be “programs” that one uses Internet communication “through,” and removes “application software” from the list, presumably because it was not similar enough to the other items. Given that two separate legislatures seem to have different conceptions of these critical terms, how is a reasonable Internet user to make sense of what is required?

Fifth, a reasonable Internet user would not understand whether the provision covers all mobile communications, and in what circumstances. A substantial portion of Internet use is now completed using mobile devices; thus, the answer to this question is critical for registrants. *Id.* at 7:11-8:2. Although common parlance may ascribe a broader definition, “the Internet” technically refers to a specific network that uses a common set of inter-networking rules or “protocols” (commonly referred to as the “TCP/IP” protocols) to allow computers or networks to exchange information with each other. *Id.* at 6:4-10. But a substantial portion of the messages communicated through mobile devices do not travel over “the Internet” at all, but instead travel over one of many proprietary cellphone networks that do not use the Internet’s protocol set. *Id.* at 17:14-27. Therefore, the provision’s reference to “Internet communication” would appear to exclude non-Internet networks such as cellphone networks. *Id.* On the other hand, many mobile services do use the Internet to handle some communications. Since it is unclear whether the provision refers to the technical definition of “the Internet,” or some broader concept, a reasonable cellphone user cannot be sure when mobile reporting is required.

Sixth, a reasonable Internet user would not know whether the provision requires disclosure of IP Addresses, a unique identifier assigned to each user by an Internet Service Provider (ISP), typically at the start of any Internet browsing session, and which takes the form of a string of numbers (*e.g.*, 155.153.127.44). *Id.*

at 11:11-13:3. The IP Address is the one fundamental “Internet identifier” that must be present to identify the source of *all* Internet communication, and would thus seem to fall within the statutory definitions. But users are typically unaware of their IP Address, which is different each time they access the Internet, and may in fact change during the course of one session. *Id.* That IP Addresses seem to be encompassed by the text, but would be nearly impossible to report, shows yet another unresolvable ambiguity. *Id.* at 15:6-12.

Seventh, the provision requires disclosure of “all electronic mail addresses,” defined as “a destination, commonly expressed as a string of characters, to which electronic mail may be sent or delivered.” Fla. Stat. § 668.602(6). While this would include email accounts set up with Internet-based service providers like Gmail, Hotmail, or Yahoo, it may also include email addresses that are automatically set up without the user’s knowledge or request. Post Dec. 15:23-16:23. For example, some ISPs automatically set up email addresses for their customers (e.g., user@isp.com), even though most will not use them. *Id.* Similarly, some websites (like banking, credit card, student loan, or retail sites) also establish email addresses or provide users with some form of email “inbox” that receives and stores messages. Although each would appear to fall within the definition of an “electronic mail address,” it is not clear whether they have to be disclosed, as in most cases the user will not use or

even know about that functionality. *Id.* The problem is amplified for those working in the technology field, who may have to use hundreds of similar message centers.

All of these ambiguities make it abundantly clear that no reasonable Internet user could figure out what must be reported and under what circumstances. This vagueness has an “obvious chilling effect on free speech,” *Reno*, 521 U.S. at 871-72, that “lead[s] registered sex offenders either to overreport their activity or underuse the Internet to avoid the difficult questions in understanding what, precisely, they must report.” *Harris*, 772 F.3d at 579. The chilling effect is especially pronounced given that some interpretations would result in the statute punishing not just “a ‘substantial’ amount of protected free speech, ‘judged in relation to the statute’s plainly legitimate sweep,’” *Virginia*, 539 U.S. at 118-19, but a stunningly broad array of speech. Registrants, when faced with the possibility of felony prosecution, will choose the safe option: avoid the Internet. The First Amendment does not tolerate this result.

Plaintiffs challenge the Internet identifier provision not just because their own rights have been violated, but because “the statute’s very existence may cause others not before the court to refrain from constitutionally protected speech or expression.” *Hill v. Colorado*, 530 U.S. 703, 731-32 (2000) (quoting *Broadrick*, 413 U.S. at 612). The provision is facially unconstitutional, violates all registrants’ rights, and should be struck down in its entirety.

D. The Internet identifier provision violates Plaintiffs’ freedom of association by compelling disclosure of membership in any online community.

The Internet identifier provision forces registrants to report the websites they use to communicate within online groups. This requirement implicates their “right to be protected from compelled disclosure” of their associations. *NAACP v. Alabama*, 357 U.S. 449, 458 (1958). In this context, even a legitimate purpose “cannot be pursued by means that broadly stifle fundamental personal liberties when the end can be more narrowly achieved.” *Shelton v. Tucker*, 364 U.S. 479, 488 (1960).

The provision effectively requires all registrants to disclose their membership in organizations if they have websites that allow members to create user profiles or have communicative functions, thus deterring registrants from joining these groups. Moreover, the provision would allow anyone to discover that a sexual offender is a member of a group, and then use that information to discredit the group as a whole. Because discovering this information “could have no possible bearing” on the State’s interest in preventing Internet-facilitated sexual offenses against children, and because the provision’s “comprehensive interference with associational freedom goes far beyond what might be justified in the exercise of the State’s legitimate” interests, this requirement violates Plaintiffs’ freedom of association. *Id.* at 487-88, 490.

II. The Internet identifier provision violates the Due Process Clause of the Fourteenth Amendment because it is void for vagueness.

A law is void for vagueness if “it fails to give ordinary people fair notice of the conduct it punishes, or [is] so standardless that it invites arbitrary enforcement.” *Johnson v. United States*, 135 S. Ct. 2551, 2556 (2015). *See also United States v. Williams*, 553 U.S. 285, 304 (2008) (law void for vagueness if it “fails to provide a person of ordinary intelligence fair notice of what is prohibited, or is so standardless that it authorizes or encourages seriously discriminatory enforcement.”). “When speech is involved, rigorous adherence to those requirements is necessary to ensure that ambiguity does not chill protected speech.” *F.C.C. v. Fox Television Stations, Inc.*, 132 S. Ct. 2307, 2317 (2012). Indeed, “[w]here a statute’s literal scope, unaided by a narrowing state court interpretation, is capable of reaching expression sheltered by the First Amendment, the doctrine demands a greater degree of specificity than in other contexts.” *Smith v. Goguen*, 415 U.S. 566, 573 (1974).

For all of the reasons explained in the above section on vagueness, the Internet identifier provision is unquestionably void for vagueness. The numerous ambiguities and contradictions in the statute, the multitude of questions it leaves unanswered about whether and when to report, and the open-ended definitions fail to give an ordinary person fair notice of what is required to avoid committing a third-degree felony. *See Nebraska*, 898 F.Supp.2d at 1123 (Internet reporting requirement void for vagueness); *Doe v. Jindal*, 853 F.Supp.2d 596, 606 (M.D. La. 2012) (law

prohibiting sex offenders from using social media unconstitutionally vague and overbroad because of ambiguities with numerous Internet-related terms). The Supreme Court has struck down less complicated but similarly vague statutes. *See Johnson*, 135 S. Ct. at 2557–60 (phrase “otherwise involves conduct that presents a serious potential risk of physical injury to another” was void for vagueness because of the many questions and uncertainties it raised); *City of Chicago v. Morales*, 527 U.S. 41, 56 (1999) (phrase “to remain in any one place with no apparent purpose” unconstitutionally vague); *Coates v. City of Cincinnati*, 402 U.S. 611, 614 (1971) (phrase “annoying to persons passing by” unconstitutionally vague). It also invites arbitrary enforcement, as it leaves to the FDLE and individual police officers the task of “decid[ing], without any legally fixed standards, what is prohibited and what is not in each particular case.” *Giaccio v. State of Pa.*, 382 U.S. 399, 403 (1966).

Where a statute 1) burdens First Amendment rights in the critically important forum of the Internet, 2) imposes criminal penalties, and 3) criminalizes omissions rather than affirmative conduct, due process demands the highest degree of clarity, and registrants deserve to have fair notice of what they are required to do. The provision fails to provide that, and as such is void for vagueness under the Due Process Clause.

Plaintiffs Will Suffer Irreparable Harm

As a matter of law, the deprivation of constitutional rights constitutes irreparable injury. *Elrod v. Burns*, 427 U.S. 347, 373 (1976). That is particularly true in the context of the First Amendment, where “harms to speech rights for even minimal periods of time, unquestionably constitute[] irreparable injury supporting preliminary relief.” *Scott v. Roberts*, 612 F.3d 1279, 1295 (11th Cir. 2010) (quotations/citations omitted). Plaintiffs and all registrants have suffered, and continue to suffer, an abridgement of their First Amendment rights under the current Internet identifier provision. But the version taking effect on October 1st will expand that abridgement to a ruinous and crippling degree. It will prevent many registrants from using the Internet at all, and will force many of their Internet-based businesses to close. Plaintiffs will clearly suffer irreparable harm absent an injunction, and thus respectfully request relief before October 1.

The Balance of Equities Favors Plaintiffs

The hardship to Plaintiffs—and all registrants—of continued abridgement of their First Amendment rights outweighs the State’s interest in continued enforcement of the provision. Indeed, “even a temporary infringement of First Amendment rights constitutes a serious and substantial injury, and the [State] has no legitimate interest in enforcing an unconstitutional” law. *KH Outdoor, LLC v. City of Trussville*, 458 F.3d 1261, 1272 (11th Cir. 2006). Any claim that failure to collect

the massive amount of Internet identifiers required by the provision would somehow prevent crime would be pure speculation, especially given the provision's dubious effectiveness at achieving its asserted goal. The balance of hardships therefore weighs in Plaintiffs' favor.

The Public Interest Is Served By Granting Injunctive Relief

It is in the public's interest to protect constitutional rights. *Id.* at 1272-73. "No long string of citations is necessary to find that the public interest weighs in favor of having access to a free flow of constitutionally protected speech." *ACLU v. Reno*, 929 F. Supp. 824, 851 (E.D. Pa. 1996) (citations omitted). Injunctive relief will benefit the public interest.

Plaintiffs Should Not Be Required to Post Bond

"[I]t is well-established that the amount of security required by the rule is a matter within the discretion of the trial court ... [, and] the court may elect to require no security at all." *BellSouth Telecommunications, Inc. v. MCIMetro Access Transmission Servs., LLC*, 425 F.3d 964, 971 (11th Cir. 2005) (alteration in original; quotations/citations omitted). In fact, "[w]aiving the bond requirement is particularly appropriate where a plaintiff alleges the infringement of a fundamental constitutional right." *Complete Angler, LLC v. City of Clearwater, Fla.*, 607 F.Supp.2d 1326, 1335-36 (M.D. Fla. 2009). There will be no financial harm to the FDLE should an injunction later found to be inappropriate. As explained above,

Plaintiffs also struggle with employment due to their status, and therefore cannot afford another financial obligation. Plaintiffs respectfully request that they not be required to post bond.

CONCLUSION

For all these reasons, Plaintiffs respectfully request that this Court issue an immediate temporary restraining order and/or expedited preliminary injunction prohibiting enforcement of the Internet identifier provision. Because of the grievous harm that will come to Plaintiffs, and all registrants, if the new version is allowed to take effect on October 1, 2016, Plaintiffs respectfully request a decision before then.

Oral Argument Request. Plaintiffs believe a decision can be reached based on the documents filed, without the necessity of live testimony. However, Plaintiffs believe oral argument may be helpful for the Court's resolution of this matter.

Certificate of Attorney Conference. Pursuant to N.D. Fla. Local Rule 7.1(B) and (C), Plaintiffs' counsel has conferred with counsel for Defendant in a good faith effort to resolve by agreement the issues raised in this motion. On August 9, 2016, Plaintiffs' counsel spoke to the FDLE's General Counsel, Jason Jones, Esq., to inform him of the filing of this case and to inquire as to his position on this Motion. The Complaint and a copy of this Motion with its attachments were sent via email to Mr. Jones at 5:27 p.m. on August 9. Today, August 10, Plaintiffs' counsel was

informed that Defendant will be represented by Karen Brodeen, Esq., at the Office of the Attorney General, and that Defendant opposes the relief sought herein.

Certificate of Word Limit. Pursuant to N.D. Fla. Local Rule 7.1(F), this motion contains 7,880 words.

Respectfully submitted,

Valerie Jonas, Esq.
Florida Bar No. 616079
Valeriejonas77@gmail.com
Beth Weitzner, Esq.
Fla. Bar No. 203221
beth.weitzner@att.net
WEITZNER AND JONAS, P.A.
1444 Biscayne Blvd Suite 207
Miami, FL 33132-1430
Phone (786) 254-7930

Randall C. Berg, Jr., Esq.
Fla. Bar No. 318371
RBerg@FloridaJusticeInstitute.org
Dante P. Trevisani, Esq.
Fla. Bar No. 72912
DTrevisani@FloridaJusticeInstitute.org
Erica A. Selig, Esq.
Fla. Bar No. 0120581
ESelig@FloridaJusticeInstitute.org
FLORIDA JUSTICE INSTITUTE, INC.
3750 Miami Tower
100 S.E. Second Street
Miami, Florida 33131-2309
305.358.2081
305.358.0910 (Fax)

s/Valerie Jonas
Valerie Jonas, Esq.

s/Dante P. Trevisani
Dante P. Trevisani

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I electronically filed today, August 10, 2016, the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all persons registered to receive electronic notifications for this case, including all opposing counsel. I also sent a copy of this Motion and its attachments via email to the following Defendants' counsel:

Chesterfield Smith, Esq.
Chesterfield.Smith@myfloridalegal.com

Karen Brodeen, Esq.
karen.brodeen@myfloridalegal.com

James Martin, Esq.
JamesMartin@fdle.state.fl.us

By: s/ Dante P. Trevisani
Dante P. Trevisani, Esq.

CHAPTER 2016-104

Committee Substitute for House Bill No. 1333

An act relating to sexual offenders; amending s. 775.21, F.S.; revising definitions; revising the criteria for a felony offense for which an offender is designated as a sexual predator; expanding the criteria by removing a requirement that the defendant not be the victim's parent or guardian; revising the information that a sexual predator is required to provide to specified entities under certain circumstances; revising registration and verification requirements imposed upon a sexual predator; conforming provisions to changes made by the act; amending s. 856.022, F.S.; revising the criteria for loitering or prowling by certain offenders; expanding the criteria by removing a requirement that the offender not be the victim's parent or guardian; amending s. 943.0435, F.S.; revising definitions; revising the reporting and registering requirements imposed upon a sexual offender to conform provisions to changes made by the act; deleting provisions of applicability; amending s. 943.04354, F.S.; modifying the list of offenses for which a sexual offender or sexual predator must be considered by the department for removal from registration requirements; deleting from the list a conviction or adjudication of delinquency for sexual battery; specifying the appropriate venue for a defendant to move the circuit court to remove the requirement to register as a sexual offender or sexual predator; amending s. 944.606, F.S.; revising definitions; revising the information that the Department of Law Enforcement is required to provide about a sexual offender upon his or her release from incarceration; conforming provisions to changes made by the act; amending s. 944.607, F.S.; revising definitions; conforming provisions to changes made by the act; amending s. 985.481, F.S.; revising definitions; conforming provisions to changes made by the act; amending s. 985.4815, F.S.; revising definitions; revising the reporting and registering requirements imposed upon a sexual offender to conform provisions to changes made by the act; amending ss. 92.55, 775.0862, 943.0515, 947.1405, 948.30, 948.31, 1012.315, and 1012.467, F.S.; conforming cross-references; reenacting s. 938.085, F.S., relating to additional costs to fund rape crisis centers, to incorporate the amendment made to s. 775.21, F.S., in a reference thereto; reenacting s. 794.056(1), F.S., relating to the Rape Crisis Program Trust Fund, to incorporate the amendments made to ss. 775.21 and 943.0435, F.S., in references thereto; reenacting s. 921.0022(3)(g), F.S., relating to level 7 of the offense severity ranking chart of the Criminal Punishment Code, to incorporate the amendments made to ss. 775.21, 943.0435, 944.607, and 985.4815, F.S., in references thereto; reenacting s. 985.04(6)(b), F.S., relating to confidential information, to incorporate the amendments made to ss. 775.21, 943.0435, 944.606, 944.607, 985.481, and 985.4815, F.S., in references thereto; reenacting ss. 322.141(3) and (4), 948.06(4), and 948.063, F.S., relating to color or markings of certain licenses or identification cards, probation or community control, and violations of probation or community control by designated sexual

offenders and sexual predators, respectively, to incorporate the amendments made to ss. 775.21, 943.0435, and 944.607, F.S., in references thereto; reenacting s. 944.607(10)(c), F.S., relating to notification to the Department of Law Enforcement of information on sexual offenders, to incorporate the amendment made to s. 943.0435, F.S., in a reference thereto; reenacting ss. 397.4872(2) and 435.07(4)(b), F.S., relating to exemptions from disqualification, to incorporate the amendment made to s. 943.04354, F.S., in references thereto; reenacting s. 775.25, F.S., relating to prosecutions for acts or omissions, to incorporate the amendments made to ss. 944.606 and 944.607, F.S., in references thereto; reenacting ss. 775.24(2) and 944.608(7), F.S., relating to duty of the court to uphold laws governing sexual predators and sexual offenders and notification to the Department of Law Enforcement of information on career offenders, respectively, to incorporate the amendment made to s. 944.607, F.S., in references thereto; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (2), paragraph (a) of subsection (4), paragraphs (a), (e), (f), (g), and (i) of subsection (6), paragraph (a) of subsection (8), and paragraphs (a) and (b) of subsection (10) of section 775.21, Florida Statutes, are amended, and paragraphs (c) and (d) of subsection (4), paragraphs (a) and (b) of subsection (5), and paragraphs (c) and (e) of subsection (10) of that section are republished, to read:

775.21 The Florida Sexual Predators Act.—

(2) DEFINITIONS.—As used in this section, the term:

(a) “Change in enrollment or employment status at an institution of higher education” means the commencement or termination of enrollment, including, but not limited to, traditional classroom setting or online courses, or employment, whether for compensation or as a volunteer, at an institution of higher education or a change in location of enrollment or employment, whether for compensation or as a volunteer, at an institution of higher education.

(b) “Chief of police” means the chief law enforcement officer of a municipality.

(c) “Child care facility” has the same meaning as provided in s. 402.302.

(d) “Community” means any county where the sexual predator lives or otherwise establishes or maintains a permanent, temporary, or transient ~~permanent~~ residence.

(e) “Conviction” means a determination of guilt which is the result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld. A conviction for a similar offense includes, but is not limited to, a conviction by a federal or military tribunal, including courts-

martial conducted by the Armed Forces of the United States, and includes a conviction or entry of a plea of guilty or nolo contendere resulting in a sanction in any state of the United States or other jurisdiction. A sanction includes, but is not limited to, a fine, probation, community control, parole, conditional release, control release, or incarceration in a state prison, federal prison, private correctional facility, or local detention facility.

(f) “Department” means the Department of Law Enforcement.

(g) “Electronic mail address” has the same meaning as provided in s. 668.602.

(h) “Entering the county” includes being discharged from a correctional facility or jail or secure treatment facility within the county or being under supervision within the county for the commission of a violation enumerated in subsection (4).

(i) “Institution of higher education” means a career center, a community college, a college, a state university, or an independent postsecondary institution.

(j)(i) “Internet identifier” includes, but is not limited to, all website uniform resource locators (URLs) and application software, whether mobile or nonmobile, used for Internet communication, including anonymous communication, through means all electronic mail, chat, instant messages messenger, social networking, social gaming, or other similar programs and all corresponding usernames, logins, screen names, and screen identifiers associated with each URL or application software. Internet identifier application software, or similar names used for Internet communication, but does not include a date of birth, Social Security number, or personal identification number (PIN), URL, or application software used for utility, banking, retail, or medical purposes. Voluntary disclosure by a sexual predator or sexual offender of his or her date of birth, Social Security number, or PIN as an Internet identifier waives the disclosure exemption in this paragraph for such personal information.

~~(j) “Institution of higher education” means a career center, community college, college, state university, or independent postsecondary institution.~~

(k) “Permanent residence” means a place where the person abides, lodges, or resides for 5 or more consecutive days.

(l) “Professional license” means the document of authorization or certification issued by an agency of this state for a regulatory purpose, or by any similar agency in another jurisdiction for a regulatory purpose, to a person to engage in an occupation or to carry out a trade or business.

~~(m)~~(l) “Temporary residence” means a place where the person abides, lodges, or resides, including, but not limited to, vacation, business, or personal travel destinations in or out of this state, for a period of 5 or more days in the aggregate during any calendar year and which is not the person’s

permanent address or, for a person whose permanent residence is not in this state, a place where the person is employed, practices a vocation, or is enrolled as a student for any period of time in this state.

~~(n)(m)~~ “Transient residence” means a county where a person lives, remains, or is located for a period of 5 or more days in the aggregate during a calendar year and which is not the person’s permanent or temporary address. The term includes, but is not limited to, a place where the person sleeps or seeks shelter and a location that has no specific street address.

~~(o)(n)~~ “Vehicles owned” means any motor vehicle as defined in s. 320.01, which is registered, coregistered, leased, titled, or rented by a sexual predator or sexual offender; a rented vehicle that a sexual predator or sexual offender is authorized to drive; or a vehicle for which a sexual predator or sexual offender is insured as a driver. The term also includes any motor vehicle as defined in s. 320.01, which is registered, coregistered, leased, titled, or rented by a person or persons residing at a sexual predator’s or sexual offender’s permanent residence for 5 or more consecutive days.

(4) SEXUAL PREDATOR CRITERIA.—

(a) For a current offense committed on or after October 1, 1993, upon conviction, an offender shall be designated as a “sexual predator” under subsection (5), and subject to registration under subsection (6) and community and public notification under subsection (7) if:

1. The felony is:

a. A capital, life, or first degree felony violation, or any attempt thereof, of s. 787.01 or s. 787.02, where the victim is a minor ~~and the defendant is not the victim’s parent or guardian~~, or s. 794.011, s. 800.04, or s. 847.0145, or a violation of a similar law of another jurisdiction; or

b. Any felony violation, or any attempt thereof, of s. 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor ~~and the defendant is not the victim’s parent or guardian~~; s. 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8)(b); s. 825.1025; s. 827.071; s. 847.0135, excluding s. 847.0135(6); s. 847.0145; s. 916.1075(2); or s. 985.701(1); or a violation of a similar law of another jurisdiction, and the offender has previously been convicted of or found to have committed, or has pled nolo contendere or guilty to, regardless of adjudication, any violation of s. 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor ~~and the defendant is not the victim’s parent or guardian~~; s. 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0145; s. 916.1075(2); or s. 985.701(1); or a violation of a similar law of another jurisdiction;

2. The offender has not received a pardon for any felony or similar law of another jurisdiction that is necessary for the operation of this paragraph; and

3. A conviction of a felony or similar law of another jurisdiction necessary to the operation of this paragraph has not been set aside in any postconviction proceeding.

(c) If an offender has been registered as a sexual predator by the Department of Corrections, the department, or any other law enforcement agency and if:

1. The court did not, for whatever reason, make a written finding at the time of sentencing that the offender was a sexual predator; or

2. The offender was administratively registered as a sexual predator because the Department of Corrections, the department, or any other law enforcement agency obtained information that indicated that the offender met the criteria for designation as a sexual predator based on a violation of a similar law in another jurisdiction,

the department shall remove that offender from the department's list of sexual predators and, for an offender described under subparagraph 1., shall notify the state attorney who prosecuted the offense that met the criteria for administrative designation as a sexual predator, and, for an offender described under this paragraph, shall notify the state attorney of the county where the offender establishes or maintains a permanent, temporary, or transient residence. The state attorney shall bring the matter to the court's attention in order to establish that the offender meets the criteria for designation as a sexual predator. If the court makes a written finding that the offender is a sexual predator, the offender must be designated as a sexual predator, must register or be registered as a sexual predator with the department as provided in subsection (6), and is subject to the community and public notification as provided in subsection (7). If the court does not make a written finding that the offender is a sexual predator, the offender may not be designated as a sexual predator with respect to that offense and is not required to register or be registered as a sexual predator with the department.

(d) An offender who has been determined to be a sexually violent predator pursuant to a civil commitment proceeding under chapter 394 shall be designated as a "sexual predator" under subsection (5) and subject to registration under subsection (6) and community and public notification under subsection (7).

(5) **SEXUAL PREDATOR DESIGNATION.**—An offender is designated as a sexual predator as follows:

(a)1. An offender who meets the sexual predator criteria described in paragraph (4)(d) is a sexual predator, and the court shall make a written

finding at the time such offender is determined to be a sexually violent predator under chapter 394 that such person meets the criteria for designation as a sexual predator for purposes of this section. The clerk shall transmit a copy of the order containing the written finding to the department within 48 hours after the entry of the order;

2. An offender who meets the sexual predator criteria described in paragraph (4)(a) who is before the court for sentencing for a current offense committed on or after October 1, 1993, is a sexual predator, and the sentencing court must make a written finding at the time of sentencing that the offender is a sexual predator, and the clerk of the court shall transmit a copy of the order containing the written finding to the department within 48 hours after the entry of the order; or

3. If the Department of Corrections, the department, or any other law enforcement agency obtains information which indicates that an offender who establishes or maintains a permanent, temporary, or transient residence in this state meets the sexual predator criteria described in paragraph (4)(a) or paragraph (4)(d) because the offender was civilly committed or committed a similar violation in another jurisdiction on or after October 1, 1993, the Department of Corrections, the department, or the law enforcement agency shall notify the state attorney of the county where the offender establishes or maintains a permanent, temporary, or transient residence of the offender's presence in the community. The state attorney shall file a petition with the criminal division of the circuit court for the purpose of holding a hearing to determine if the offender's criminal record or record of civil commitment from another jurisdiction meets the sexual predator criteria. If the court finds that the offender meets the sexual predator criteria because the offender has violated a similar law or similar laws in another jurisdiction, the court shall make a written finding that the offender is a sexual predator.

When the court makes a written finding that an offender is a sexual predator, the court shall inform the sexual predator of the registration and community and public notification requirements described in this section. Within 48 hours after the court designating an offender as a sexual predator, the clerk of the circuit court shall transmit a copy of the court's written sexual predator finding to the department. If the offender is sentenced to a term of imprisonment or supervision, a copy of the court's written sexual predator finding must be submitted to the Department of Corrections.

(b) If a sexual predator is not sentenced to a term of imprisonment, the clerk of the court shall ensure that the sexual predator's fingerprints are taken and forwarded to the department within 48 hours after the court renders its written sexual predator finding. The fingerprints shall be clearly marked, "Sexual Predator Registration." The clerk of the court that convicts and sentences the sexual predator for the offense or offenses described in subsection (4) shall forward to the department and to the Department of Corrections a certified copy of any order entered by the court imposing any

special condition or restriction on the sexual predator that restricts or prohibits access to the victim, if the victim is a minor, or to other minors.

(6) REGISTRATION.—

(a) A sexual predator shall register with the department through the sheriff's office by providing the following information to the department:

1. Name; social security number; age; race; sex; date of birth; height; weight; tattoos or other identifying marks; hair and eye color; photograph; address of legal residence and address of any current temporary residence, within the state or out of state, including a rural route address and a post office box; if no permanent or temporary address, any transient residence within the state; address, location or description, and dates of any current or known future temporary residence within the state or out of state; all electronic mail addresses and all Internet identifiers required to be provided pursuant to subparagraph (g)5.; all home telephone numbers and cellular telephone numbers required to be provided pursuant to subparagraph (g)5.; date and place of any employment information required to be provided pursuant to subparagraph (g)5.; the make, model, color, vehicle identification number (VIN), and license tag number of all vehicles owned; date and place of each conviction; fingerprints; palm prints; and a brief description of the crime or crimes committed by the offender. A post office box may not be provided in lieu of a physical residential address. The sexual predator shall produce his or her passport, if he or she has a passport, and, if he or she is an alien, shall produce or provide information about documents establishing his or her immigration status. The sexual predator shall also provide information about any professional licenses he or she has.

a. If the sexual predator's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual predator shall also provide to the department written notice of the vehicle identification number; the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If a sexual predator's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual predator shall also provide to the department written notice of the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

b. If the sexual predator is enrolled ~~or~~; employed, whether for compensation or as a volunteer volunteering, ~~or carrying on a vocation at an institution of higher education in this state~~, the sexual predator shall also provide to the department pursuant to subparagraph (g)5. the name, address, and county of each institution, including each campus attended, and the sexual predator's enrollment, volunteer, or employment status. ~~Each change in enrollment, volunteer, or employment status must be reported in person at the sheriff's office, or the Department of Corrections if~~

the sexual predator is in the custody or control of or under the supervision of the Department of Corrections, within 48 hours after any change in status. The sheriff, ~~or the Department of Corrections, or the Department of Juvenile Justice~~ shall promptly notify each institution of higher education of the sexual predator's presence and any change in the sexual predator's enrollment, volunteer, or employment status.

c. A sexual predator shall report in person to the sheriff's office within 48 hours after any change in vehicles owned to report those vehicle information changes.

2. Any other information determined necessary by the department, including criminal and corrections records; nonprivileged personnel and treatment records; and evidentiary genetic markers when available.

(e)1. If the sexual predator is not in the custody or control of, or under the supervision of, the Department of Corrections or is not in the custody of a private correctional facility, the sexual predator shall register in person:

a. At the sheriff's office in the county where he or she establishes or maintains a residence within 48 hours after establishing or maintaining a residence in this state; and

b. At the sheriff's office in the county where he or she was designated a sexual predator by the court within 48 hours after such finding is made.

2. Any change in the sexual predator's permanent, ~~or temporary, or transient~~ residence; name; vehicles owned; electronic mail addresses; ~~or~~ Internet identifiers; home telephone numbers and cellular telephone numbers; and employment information and any change in status at an institution of higher education, required to be provided pursuant to subparagraph (g)5., after the sexual predator registers in person at the sheriff's office as provided in subparagraph 1., must be accomplished in the manner provided in paragraphs (g), (i), and (j). When a sexual predator registers with the sheriff's office, the sheriff shall take a photograph, a set of fingerprints, and palm prints of the predator and forward the photographs, palm prints, and fingerprints to the department, along with the information that the predator is required to provide pursuant to this section.

(f) Within 48 hours after the registration required under paragraph (a) or paragraph (e), a sexual predator who is not incarcerated and who resides in the community, including a sexual predator under the supervision of the Department of Corrections, shall register in person at a driver license office of the Department of Highway Safety and Motor Vehicles and shall present proof of registration unless a driver license or an identification card that complies with the requirements of s. 322.141(3) was previously secured or updated under s. 944.607. At the driver license office the sexual predator shall:

1. If otherwise qualified, secure a Florida driver license, renew a Florida driver license, or secure an identification card. The sexual predator shall identify himself or herself as a sexual predator who is required to comply with this section, provide his or her place of permanent, temporary, or transient residence, including a rural route address and a post office box, and submit to the taking of a photograph for use in issuing a driver license, a renewed license, or an identification card, and for use by the department in maintaining current records of sexual predators. A post office box may not be provided in lieu of a physical residential address. If the sexual predator's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual predator shall also provide to the Department of Highway Safety and Motor Vehicles the vehicle identification number; the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If a sexual predator's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual predator shall also provide to the Department of Highway Safety and Motor Vehicles the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

2. Pay the costs assessed by the Department of Highway Safety and Motor Vehicles for issuing or renewing a driver license or an identification card as required by this section. The driver license or identification card issued to the sexual predator must comply with s. 322.141(3).

3. Provide, upon request, any additional information necessary to confirm the identity of the sexual predator, including a set of fingerprints.

(g)1. Each time a sexual predator's driver license or identification card is subject to renewal, and, without regard to the status of the predator's driver license or identification card, within 48 hours after any change of the predator's residence or change in the predator's name by reason of marriage or other legal process, the predator shall report in person to a driver license office and is subject to the requirements specified in paragraph (f). The Department of Highway Safety and Motor Vehicles shall forward to the department and to the Department of Corrections all photographs and information provided by sexual predators. Notwithstanding the restrictions set forth in s. 322.142, the Department of Highway Safety and Motor Vehicles may release a reproduction of a color-photograph or digital-image license to the Department of Law Enforcement for purposes of public notification of sexual predators as provided in this section. A sexual predator who is unable to secure or update a driver license or an identification card with the Department of Highway Safety and Motor Vehicles as provided in paragraph (f) and this paragraph shall also report any change of the predator's residence or change in the predator's name by reason of marriage or other legal process within 48 hours after the change to the sheriff's office in the county where the predator resides or is located and provide confirmation that he or she reported such information to the Department

of Highway Safety and Motor Vehicles. The reporting requirements under this subparagraph do not negate the requirement for a sexual predator to obtain a Florida driver license or identification card as required by this section.

2.a. A sexual predator who vacates a permanent, temporary, or transient residence and fails to establish or maintain another permanent, temporary, or transient residence shall, within 48 hours after vacating the permanent, temporary, or transient residence, report in person to the sheriff's office of the county in which he or she is located. The sexual predator shall specify the date upon which he or she intends to or did vacate such residence. The sexual predator shall provide or update all of the registration information required under paragraph (a). The sexual predator shall provide an address for the residence or other place that he or she is or will be located during the time in which he or she fails to establish or maintain a permanent or temporary residence.

b. A sexual predator shall report in person at the sheriff's office in the county in which he or she is located within 48 hours after establishing a transient residence and thereafter must report in person every 30 days to the sheriff's office in the county in which he or she is located while maintaining a transient residence. The sexual predator must provide the addresses and locations where he or she maintains a transient residence. Each sheriff's office shall establish procedures for reporting transient residence information and provide notice to transient registrants to report transient residence information as required in this sub-subparagraph. Reporting to the sheriff's office as required by this sub-subparagraph does not exempt registrants from any reregistration requirement. The sheriff may coordinate and enter into agreements with police departments and other governmental entities to facilitate additional reporting sites for transient residence registration required in this sub-subparagraph. The sheriff's office shall, within 2 business days, electronically submit and update all information provided by the sexual predator to the department.

3. A sexual predator who remains at a permanent, temporary, or transient residence after reporting his or her intent to vacate such residence shall, within 48 hours after the date upon which the predator indicated he or she would or did vacate such residence, report in person to the sheriff's office to which he or she reported pursuant to subparagraph 2. for the purpose of reporting his or her address at such residence. When the sheriff receives the report, the sheriff shall promptly convey the information to the department. An offender who makes a report as required under subparagraph 2. but fails to make a report as required under this subparagraph commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4. The failure of a sexual predator who maintains a transient residence to report in person to the sheriff's office every 30 days as required by sub-subparagraph 2.b. is punishable as provided in subsection (10).

5.a. A sexual predator shall register all electronic mail addresses and Internet identifiers with the department through the department's online system or in person at the sheriff's office before using such electronic mail addresses and Internet identifiers. If the sexual predator is in the custody or control, or under the supervision, of the Department of Corrections, he or she must report all electronic mail addresses and Internet identifiers to the Department of Corrections before using such electronic mail addresses or Internet identifiers. If the sexual predator is in the custody or control, or under the supervision, of the Department of Juvenile Justice, he or she must report all electronic mail addresses and Internet identifiers to the Department of Juvenile Justice before using such electronic mail addresses or Internet identifiers.

b. A sexual predator shall register all changes to home telephone numbers and cellular telephone numbers, including added and deleted numbers, all changes to employment information, and all changes in status related to enrollment, volunteering, or employment at institutions of higher education, through the department's online system; in person at the sheriff's office; in person at the Department of Corrections if the sexual predator is in the custody or control, or under the supervision, of the Department of Corrections; or in person at the Department of Juvenile Justice if the sexual predator is in the custody or control, or under the supervision, of the Department of Juvenile Justice. All changes required to be reported in this sub-subparagraph shall be reported within 48 hours after the change.

c. The department shall establish an online system through which sexual predators may securely access, submit, and update all electronic mail address and Internet identifier information, home telephone numbers and cellular telephone numbers, employment information, and institution of higher education information.

(i) A sexual predator who intends to establish a permanent, temporary, or transient residence in another state or jurisdiction other than the State of Florida shall report in person to the sheriff of the county of current residence within 48 hours before the date he or she intends to leave this state to establish residence in another state or jurisdiction or at least within 21 days before the date he or she intends to travel before his or her planned departure date if the intended residence of 5 days or more is outside of the United States. Any travel that is not known by the sexual predator 21 days before the departure date must be reported to the sheriff's office as soon as possible before departure. The sexual predator shall provide to the sheriff the address, municipality, county, state, and country of intended residence. For international travel, the sexual predator shall also provide travel information, including, but not limited to, expected departure and return dates, flight number, airport of departure, cruise port of departure, or any other means of intended travel. The sheriff shall promptly provide to the department the information received from the sexual predator. The department shall notify the statewide law enforcement agency, or a comparable agency, in the intended state, jurisdiction, or country of residence of the sexual predator's intended residence. The failure of a

sexual predator to provide his or her intended place of residence is punishable as provided in subsection (10).

(8) VERIFICATION.—The department and the Department of Corrections shall implement a system for verifying the addresses of sexual predators. The system must be consistent with ~~the provisions of the federal Adam Walsh Child Protection and Safety Act of 2006 and any other federal standards applicable to such verification or required to be met as a condition for the receipt of federal funds by the state.~~ The Department of Corrections shall verify the addresses of sexual predators who are not incarcerated but who reside in the community under the supervision of the Department of Corrections and shall report to the department any failure by a sexual predator to comply with registration requirements. County and local law enforcement agencies, in conjunction with the department, shall verify the addresses of sexual predators who are not under the care, custody, control, or supervision of the Department of Corrections, and may verify the addresses of sexual predators who are under the care, custody, control, or supervision of the Department of Corrections. Local law enforcement agencies shall report to the department any failure by a sexual predator to comply with registration requirements.

(a) A sexual predator shall report in person each year during the month of the sexual predator's birthday and during every third month thereafter to the sheriff's office in the county in which he or she resides or is otherwise located to reregister. The sheriff's office may determine the appropriate times and days for reporting by the sexual predator, which must be consistent with the reporting requirements of this paragraph. Reregistration must include any changes to the following information:

1. Name; social security number; age; race; sex; date of birth; height; weight; tattoos or other identifying marks; hair and eye color; address of any permanent residence and address of any current temporary residence, within the state or out of state, including a rural route address and a post office box; if no permanent or temporary address, any transient residence within the state; address, location or description, and dates of any current or known future temporary residence within the state or out of state; all electronic mail addresses or Internet identifiers required to be provided pursuant to subparagraph (6)(g)5.; all home telephone numbers and cellular telephone numbers required to be provided pursuant to subparagraph (6)(g) 5.; date and place of any employment required to be provided pursuant to subparagraph (6)(g)5.; the make, model, color, vehicle identification number (VIN), and license tag number of all vehicles owned; fingerprints; palm prints; and photograph. A post office box may not be provided in lieu of a physical residential address. The sexual predator shall also produce his or her passport, if he or she has a passport, and, if he or she is an alien, shall produce or provide information about documents establishing his or her immigration status. The sexual predator shall also provide information about any professional licenses he or she has.

2. If the sexual predator is enrolled ~~or~~; employed, whether for compensation or as a volunteer ~~volunteering, or carrying on a vocation~~ at an institution of higher education in this state, the sexual predator shall also provide to the department the name, address, and county of each institution, including each campus attended, and the sexual predator's enrollment, volunteer, or employment status.

3. If the sexual predator's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual predator shall also provide the vehicle identification number; the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If the sexual predator's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual predator shall also provide the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

(10) PENALTIES.—

(a) Except as otherwise specifically provided, a sexual predator who fails to register; who fails, after registration, to maintain, acquire, or renew a driver license or an identification card; who fails to provide required location information, electronic mail address information before use, Internet identifier information before use, all home telephone numbers and cellular telephone numbers, employment information, change in status at an institution of higher education, or change-of-name information; who fails to make a required report in connection with vacating a permanent residence; who fails to reregister as required; who fails to respond to any address verification correspondence from the department within 3 weeks of the date of the correspondence; who knowingly provides false registration information by act or omission; or who otherwise fails, by act or omission, to comply with the requirements of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A sexual predator who has been convicted of or found to have committed, or has pled nolo contendere or guilty to, regardless of adjudication, any violation, or attempted violation, of s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor ~~and the defendant is not the victim's parent or guardian~~; s. 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s. 800.04; s. 827.071; s. 847.0133; s. 847.0135(5); s. 847.0145; or s. 985.701(1); or a violation of a similar law of another jurisdiction when the victim of the offense was a minor, and who works, whether for compensation or as a volunteer, at any business, school, child care facility, park, playground, or other place where children regularly congregate, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Any person who misuses public records information relating to a sexual predator, as defined in this section, or a sexual offender, as defined in s. 943.0435 or s. 944.607, to secure a payment from such a predator or offender; who knowingly distributes or publishes false information relating to such a predator or offender which the person misrepresents as being public records information; or who materially alters public records information with the intent to misrepresent the information, including documents, summaries of public records information provided by law enforcement agencies, or public records information displayed by law enforcement agencies on websites or provided through other means of communication, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(e) An arrest on charges of failure to register, the service of an information or a complaint for a violation of this section, or an arraignment on charges for a violation of this section constitutes actual notice of the duty to register when the predator has been provided and advised of his or her statutory obligation to register under subsection (6). A sexual predator's failure to immediately register as required by this section following such arrest, service, or arraignment constitutes grounds for a subsequent charge of failure to register. A sexual predator charged with the crime of failure to register who asserts, or intends to assert, a lack of notice of the duty to register as a defense to a charge of failure to register shall immediately register as required by this section. A sexual predator who is charged with a subsequent failure to register may not assert the defense of a lack of notice of the duty to register.

Section 2. Subsection (1) of section 856.022, Florida Statutes, is amended, and subsections (2), (3), and (4) of that section are republished, to read:

856.022 Loitering or prowling by certain offenders in close proximity to children; penalty.—

(1) Except as provided in subsection (2), this section applies to a person convicted of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction against a victim who was under 18 years of age at the time of the offense: s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor ~~and the offender was not the victim's parent or guardian~~; s. 787.06(3)(g); s. 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s. 800.04; s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 985.701(1); or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this subsection, if the person has not received a pardon for any felony or similar law of another jurisdiction necessary for the operation of this subsection and a conviction of a felony or similar law of another jurisdiction necessary for the operation of this subsection has not been set aside in any postconviction proceeding.

(2) This section does not apply to a person who has been removed from the requirement to register as a sexual offender or sexual predator pursuant to s. 943.04354.

(3) A person described in subsection (1) commits loitering and prowling by a person convicted of a sexual offense against a minor if, in committing loitering and prowling, he or she was within 300 feet of a place where children were congregating.

(4)(a) It is unlawful for a person described in subsection (1) to:

(a) knowingly approach, contact, or communicate with a child under 18 years of age in any public park building or on real property comprising any public park or playground with the intent to engage in conduct of a sexual nature or to make a communication of any type with any content of a sexual nature. This paragraph applies only to a person described in subsection (1) whose offense was committed on or after May 26, 2010.

(b)1. It is unlawful for a person described in subsection (1) to knowingly be present in any child care facility or school containing any students in prekindergarten through grade 12 or on real property comprising any child care facility or school containing any students in prekindergarten through grade 12 when the child care facility or school is in operation, if such person fails to: unless the person had previously provided

1. Provide written notification of his or her intent to be present to the school board, superintendent, principal, or child care facility owner;

2. ~~Fail to~~ Notify the child care facility owner or the school principal's office when he or she arrives and departs the child care facility or school; or

3. ~~Fail to~~ Remain under direct supervision of a school official or designated chaperone when present in the vicinity of children. As used in this paragraph, the term "school official" means a principal, a school resource officer, a teacher or any other employee of the school, the superintendent of schools, a member of the school board, a child care facility owner, or a child care provider.

(c) A person is not in violation of paragraph (b) if:

1. The child care facility or school is a voting location and the person is present for the purpose of voting during the hours designated for voting; or

2. The person is only dropping off or picking up his or her own children or grandchildren at the child care facility or school.

Section 3. Subsection (1) of section 943.0435, Florida Statutes, is reordered and amended, and subsection (2), paragraphs (a) and (e) of subsection (4), subsection (7), subsection (11), and paragraphs (b) and (c) of subsection (14) of that section are amended, to read:

943.0435 Sexual offenders required to register with the department; penalty.—

(1) As used in this section, the term:

~~(a)(e)~~ “Change in enrollment or employment status at an institution of higher education” has the same meaning as provided in s. 775.21 means the commencement or termination of enrollment or employment or a change in location of enrollment or employment.

(b) “Convicted” means that there has been a determination of guilt as a result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld, and includes an adjudication of delinquency of a juvenile as specified in this section. Conviction of a similar offense includes, but is not limited to, a conviction by a federal or military tribunal, including courts-martial conducted by the Armed Forces of the United States, and includes a conviction or entry of a plea of guilty or nolo contendere resulting in a sanction in any state of the United States or other jurisdiction. A sanction includes, but is not limited to, a fine, probation, community control, parole, conditional release, control release, or incarceration in a state prison, federal prison, private correctional facility, or local detention facility.

~~(c)(f)~~ “Electronic mail address” has the same meaning as provided in s. 668.602.

~~(d)~~ “Institution of higher education” has the same meaning as provided in s. 775.21 means a career center, community college, college, state university, or independent postsecondary institution.

~~(e)(g)~~ “Internet identifier” has the same meaning as provided in s. 775.21.

~~(f)(e)~~ “Permanent residence,” “temporary residence,” and “transient residence” have the same meaning as provided ascribed in s. 775.21.

(g) “Professional license” has the same meaning as provided in s. 775.21.

~~(h)(a)~~1. “Sexual offender” means a person who meets the criteria in sub-subparagraph a., sub-subparagraph b., sub-subparagraph c., or sub-subparagraph d., as follows:

a.(I) Has been convicted of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor ~~and the defendant is not the victim’s parent or guardian~~; s. 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s.

916.1075(2); or s. 985.701(1); or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this sub-sub-subparagraph; and

(II) Has been released on or after October 1, 1997, from the sanction imposed for any conviction of an offense described in sub-sub-subparagraph (I). For purposes of sub-sub-subparagraph (I), a sanction imposed in this state or in any other jurisdiction includes, but is not limited to, a fine, probation, community control, parole, conditional release, control release, or incarceration in a state prison, federal prison, private correctional facility, or local detention facility;

b. Establishes or maintains a residence in this state and who has not been designated as a sexual predator by a court of this state but who has been designated as a sexual predator, as a sexually violent predator, or by another sexual offender designation in another state or jurisdiction and was, as a result of such designation, subjected to registration or community or public notification, or both, or would be if the person were a resident of that state or jurisdiction, without regard to whether the person otherwise meets the criteria for registration as a sexual offender;

c. Establishes or maintains a residence in this state who is in the custody or control of, or under the supervision of, any other state or jurisdiction as a result of a conviction for committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes or similar offense in another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor ~~and the defendant is not the victim's parent or guardian~~; s. 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 916.1075(2); or s. 985.701(1); or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this sub-subparagraph; or

d. On or after July 1, 2007, has been adjudicated delinquent for committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction when the juvenile was 14 years of age or older at the time of the offense:

(I) Section 794.011, excluding s. 794.011(10);

(II) Section 800.04(4)(a)2. where the victim is under 12 years of age or where the court finds sexual activity by the use of force or coercion;

(III) Section 800.04(5)(c)1. where the court finds molestation involving unclothed genitals; or

(IV) Section 800.04(5)(d) where the court finds the use of force or coercion and unclothed genitals; or

(V) Any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this sub-subparagraph.

2. For all qualifying offenses listed in sub-subparagraph 1.d. (1)(a)1.d., the court shall make a written finding of the age of the offender at the time of the offense.

For each violation of a qualifying offense listed in this subsection, except for a violation of s. 794.011, the court shall make a written finding of the age of the victim at the time of the offense. For a violation of s. 800.04(4), the court shall also make a written finding indicating whether the offense involved sexual activity and indicating whether the offense involved force or coercion. For a violation of s. 800.04(5), the court shall also make a written finding that the offense did or did not involve unclothed genitals or genital area and that the offense did or did not involve the use of force or coercion.

(i)(h) “Vehicles owned” has the same meaning as provided in s. 775.21.

(2) A sexual offender shall:

(a) Report in person at the sheriff’s office:

1. In the county in which the offender establishes or maintains a permanent, temporary, or transient residence within 48 hours after:

a. Establishing permanent, temporary, or transient residence in this state; or

b. Being released from the custody, control, or supervision of the Department of Corrections or from the custody of a private correctional facility; or

2. In the county where he or she was convicted within 48 hours after being convicted for a qualifying offense for registration under this section if the offender is not in the custody or control of, or under the supervision of, the Department of Corrections, or is not in the custody of a private correctional facility.

Any change in the information required to be provided pursuant to paragraph (b), including, but not limited to, any change in the sexual offender’s permanent, temporary, or transient residence;; name;; electronic mail addresses;;or Internet identifiers; home telephone numbers and cellular telephone numbers; and employment information and any change in status at an institution of higher education, required to be provided pursuant to paragraph (4)(e), after the sexual offender reports in person at the sheriff’s office, must be accomplished in the manner provided in subsections (4), (7), and (8).

(b) Provide his or her name; date of birth; social security number; race; sex; height; weight; hair and eye color; tattoos or other identifying marks; fingerprints; palm prints; photograph; ~~occupation and place of employment information required to be provided pursuant to paragraph (4)(e);~~ address of permanent or legal residence or address of any current temporary residence, within the state or out of state, including a rural route address and a post office box; if no permanent or temporary address, any transient residence within the state, address, location or description, and dates of any current or known future temporary residence within the state or out of state; the make, model, color, vehicle identification number (VIN), and license tag number of all vehicles owned; all home telephone numbers and cellular telephone numbers required to be provided pursuant to paragraph (4)(e); all electronic mail addresses and all Internet identifiers required to be provided pursuant to paragraph (4)(e); date and place of each conviction; and a brief description of the crime or crimes committed by the offender. A post office box may not be provided in lieu of a physical residential address. The sexual offender shall also produce his or her passport, if he or she has a passport, and, if he or she is an alien, shall produce or provide information about documents establishing his or her immigration status. The sexual offender shall also provide information about any professional licenses he or she has.

1. If the sexual offender's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual offender shall also provide to the department through the sheriff's office written notice of the vehicle identification number; the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If the sexual offender's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual offender shall also provide to the department written notice of the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

2. If the sexual offender is enrolled or, employed, whether for compensation or as a volunteer ~~volunteering, or carrying on a vocation~~ at an institution of higher education in this state, the sexual offender shall also provide to the department pursuant to paragraph (4)(e) ~~through the sheriff's office~~ the name, address, and county of each institution, including each campus attended, and the sexual offender's enrollment, volunteer, or employment status. ~~Each change in enrollment, volunteer, or employment status must be reported in person at the sheriff's office, within 48 hours after any change in status.~~ The sheriff, the Department of Corrections, or the Department of Juvenile Justice shall promptly notify each institution of higher education of the sexual offender's presence and any change in the sexual offender's enrollment, volunteer, or employment status.

3. A sexual offender shall report in person to the sheriff's office within 48 hours after any change in vehicles owned to report those vehicle information changes.

(c) Provide any other information determined necessary by the department, including criminal and corrections records; nonprivileged personnel and treatment records; and evidentiary genetic markers, when available.

When a sexual offender reports at the sheriff's office, the sheriff shall take a photograph, a set of fingerprints, and palm prints of the offender and forward the photographs, palm prints, and fingerprints to the department, along with the information provided by the sexual offender. The sheriff shall promptly provide to the department the information received from the sexual offender.

(4)(a) Each time a sexual offender's driver license or identification card is subject to renewal, and, without regard to the status of the offender's driver license or identification card, within 48 hours after any change in the offender's permanent, temporary, or transient residence or change in the offender's name by reason of marriage or other legal process, the offender shall report in person to a driver license office, and is subject to the requirements specified in subsection (3). The Department of Highway Safety and Motor Vehicles shall forward to the department all photographs and information provided by sexual offenders. Notwithstanding the restrictions set forth in s. 322.142, the Department of Highway Safety and Motor Vehicles may release a reproduction of a color-photograph or digital-image license to the Department of Law Enforcement for purposes of public notification of sexual offenders as provided in this section and ss. 943.043 and 944.606. A sexual offender who is unable to secure or update a driver license or an identification card with the Department of Highway Safety and Motor Vehicles as provided in subsection (3) and this subsection shall also report any change in the sexual offender's permanent, temporary, or transient residence or change in the offender's name by reason of marriage or other legal process within 48 hours after the change to the sheriff's office in the county where the offender resides or is located and provide confirmation that he or she reported such information to the Department of Highway Safety and Motor Vehicles. The reporting requirements under this paragraph do not negate the requirement for a sexual offender to obtain a Florida driver license or an identification card as required in this section.

(e)1. A sexual offender shall register all electronic mail addresses and Internet identifiers with the department through the department's online system or in person at the sheriff's office before using such electronic mail addresses and Internet identifiers. If the sexual offender is in the custody or control, or under the supervision, of the Department of Corrections, he or she must report all electronic mail addresses and Internet identifiers to the Department of Corrections before using such electronic mail addresses or Internet identifiers. If the sexual offender is in the custody or control, or under the supervision, of the Department of Juvenile Justice, he or she must report all electronic mail addresses and Internet identifiers to the Department of Juvenile Justice before using such electronic mail addresses or Internet identifiers.

2. A sexual offender shall register all changes to home telephone numbers and cellular telephone numbers, including added and deleted numbers, all changes to employment information, and all changes in status related to enrollment, volunteering, or employment at institutions of higher education, through the department's online system; in person at the sheriff's office; in person at the Department of Corrections if the sexual offender is in the custody or control, or under the supervision, of the Department of Corrections; or in person at the Department of Juvenile Justice if the sexual offender is in the custody or control, or under the supervision, of the Department of Juvenile Justice. All changes required to be reported under this subparagraph must be reported within 48 hours after the change.

3. The department shall establish an online system through which sexual offenders may securely access, submit, and update all changes in status to electronic mail address and Internet identifier information, home telephone numbers and cellular telephone numbers, employment information, and institution of higher education information.

(7) A sexual offender who intends to establish a permanent, temporary, or transient residence in another state or jurisdiction other than the State of Florida shall report in person to the sheriff of the county of current residence within 48 hours before the date he or she intends to leave this state to establish residence in another state or jurisdiction or at least within 21 days before the date he or she intends to travel before his or her planned departure date if the intended residence of 5 days or more is outside of the United States. Any travel that is not known by the sexual offender 21 days before the departure date must be reported in person to the sheriff's office as soon as possible before departure. The sexual offender shall provide to the sheriff The notification must include the address, municipality, county, state, and country of intended residence. For international travel, the sexual offender shall also provide travel information, including, but not limited to, expected departure and return dates, flight number, airport of departure, cruise port of departure, or any other means of intended travel. The sheriff shall promptly provide to the department the information received from the sexual offender. The department shall notify the statewide law enforcement agency, or a comparable agency, in the intended state, jurisdiction, or country of residence of the sexual offender's intended residence. The failure of a sexual offender to provide his or her intended place of residence is punishable as provided in subsection (9).

(11) Except as provided in s. 943.04354, a sexual offender shall maintain registration with the department for the duration of his or her life unless the sexual offender has received a full pardon or has had a conviction set aside in a postconviction proceeding for any offense that meets the criteria for classifying the person as a sexual offender for purposes of registration. However, a sexual offender shall be considered for removal of the requirement to register as a sexual offender only if the person:

(a)1. Who Has been lawfully released from confinement, supervision, or sanction, whichever is later, for at least 25 years and has not been arrested

for any felony or misdemeanor offense since release, provided that the sexual offender's requirement to register was not based upon an adult conviction:

- a. For a violation of s. 787.01 or s. 787.02;
- b. For a violation of s. 794.011, excluding s. 794.011(10);
- c. For a violation of s. 800.04(4)(a)2. where the court finds the offense involved a victim under 12 years of age or sexual activity by the use of force or coercion;
- d. For a violation of s. 800.04(5)(b);
- e. For a violation of s. 800.04(5)(c)2. where the court finds the offense involved the use of force or coercion and unclothed genitals or genital area;
- f. For a violation of s. 825.1025(2)(a);
- g.f. For any attempt or conspiracy to commit any such offense;
- h.g. For a violation of similar law of another jurisdiction; or
- i.h. For a violation of a similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this subparagraph.,

2. If the sexual offender meets the criteria in subparagraph 1., the sexual offender may, for the purpose of removing the requirement for registration as a sexual offender, petition the criminal division of the circuit court of the circuit;

a. Where the conviction or adjudication occurred, for a conviction in this state;

b. Where the sexual offender resides, for a conviction of a violation of similar law of another jurisdiction; or

c. Where the sexual offender last resided, for a sexual offender with a conviction of a violation of similar law of another jurisdiction who no longer resides in this state for the purpose of removing the requirement for registration as a sexual offender.

3.2. The court may grant or deny relief if the offender demonstrates to the court that he or she has not been arrested for any crime since release; the requested relief complies with the provisions of the federal Adam Walsh Child Protection and Safety Act of 2006 and any other federal standards applicable to the removal of registration requirements for a sexual offender or required to be met as a condition for the receipt of federal funds by the state; and the court is otherwise satisfied that the offender is not a current or potential threat to public safety. The state attorney in the circuit in which the petition is filed must be given notice of the petition at least 3 weeks before the hearing on the matter. The state attorney may present evidence in

opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied. If the court denies the petition, the court may set a future date at which the sexual offender may again petition the court for relief, subject to the standards for relief provided in this subsection.

4.3. The department shall remove an offender from classification as a sexual offender for purposes of registration if the offender provides to the department a certified copy of the court's written findings or order that indicates that the offender is no longer required to comply with the requirements for registration as a sexual offender.

4. For purposes of this paragraph:

~~a. The registration period of a sexual offender sentenced to a term of incarceration or committed to a residential program begins upon the offender's release from incarceration or commitment for the most recent conviction that required the offender to register.~~

~~b. A sexual offender's registration period is tolled during any period in which the offender is incarcerated, civilly committed, detained pursuant to chapter 985, or committed to a residential program.~~

~~c. Except as provided in sub-subparagraph e., if the sexual offender is only sentenced to a term of supervision for the most recent conviction that required the offender to register as a sexual offender or is only subject to a period of supervision for that conviction, the registration period begins when the term or period of supervision for that conviction begins.~~

~~d. Except as provided in sub-subparagraph e., if the sexual offender is sentenced to a term of supervision that follows a term of incarceration for the most recent conviction that required the offender to register as a sexual offender or is subject to a period of supervision that follows commitment to a residential program for that conviction, the registration period begins when the term or period of supervision for that conviction begins.~~

~~e. If a sexual offender is sentenced to a term of more than 25 years' supervision for the most recent conviction that required the offender to register as a sexual offender, the sexual offender may not petition for removal of the requirement for registration as a sexual offender until the term of supervision for that conviction is completed.~~

(b) As defined in sub-subparagraph (1)(h)1.b. ~~(1)(a)1.b.~~ must maintain registration with the department for the duration of his or her life until the person provides the department with an order issued by the court that designated the person as a sexual predator, as a sexually violent predator, or by another sexual offender designation in the state or jurisdiction in which the order was issued which states that such designation has been removed or demonstrates to the department that such designation, if not imposed by a court, has been removed by operation of law or court order in the state or jurisdiction in which the designation was made, and provided such person no

longer meets the criteria for registration as a sexual offender under the laws of this state.

(14)

(b) However, a sexual offender who is required to register as a result of a conviction for:

1. Section 787.01 or s. 787.02 where the victim is a minor ~~and the offender is not the victim's parent or guardian;~~

2. Section 794.011, excluding s. 794.011(10);

3. Section 800.04(4)(a)2. where the court finds the offense involved a victim under 12 years of age or sexual activity by the use of force or coercion;

4. Section 800.04(5)(b);

5. Section 800.04(5)(c)1. where the court finds molestation involving unclothed genitals or genital area;

6. Section 800.04(5)(c)2. where the court finds molestation involving the use of force or coercion and unclothed genitals or genital area;

7. Section 800.04(5)(d) where the court finds the use of force or coercion and unclothed genitals or genital area;

8. Section 825.1025(2)(a);

9.8. Any attempt or conspiracy to commit such offense;

10.9. A violation of a similar law of another jurisdiction; or

11.10. A violation of a similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this paragraph,

must reregister each year during the month of the sexual offender's birthday and every third month thereafter.

(c) The sheriff's office may determine the appropriate times and days for reporting by the sexual offender, which must be consistent with the reporting requirements of this subsection. Reregistration must include any changes to the following information:

1. Name; social security number; age; race; sex; date of birth; height; weight; tattoos or other identifying marks; hair and eye color; address of any permanent residence and address of any current temporary residence, within the state or out of state, including a rural route address and a post office box; if no permanent or temporary address, any transient residence within the state; address, location or description, and dates of any current or known future temporary residence within the state or out of state; all

electronic mail addresses or Internet identifiers required to be provided pursuant to paragraph (4)(e); all home telephone numbers and cellular telephone numbers required to be provided pursuant to paragraph (4)(e); ~~date and place of any employment information required to be provided pursuant to paragraph (4)(e);~~ the make, model, color, vehicle identification number (VIN), and license tag number of all vehicles owned; fingerprints; palm prints; and photograph. A post office box may not be provided in lieu of a physical residential address. The sexual offender shall also produce his or her passport, if he or she has a passport, and, if he or she is an alien, shall produce or provide information about documents establishing his or her immigration status. The sexual offender shall also provide information about any professional licenses he or she has.

2. If the sexual offender is enrolled ~~or, volunteering;~~ employed, ~~whether for compensation or as a volunteer, or carrying on a vocation~~ at an institution of higher education in this state, the sexual offender shall also provide to the department the name, address, and county of each institution, including each campus attended, and the sexual offender's enrollment, volunteer, or employment status.

3. If the sexual offender's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual offender shall also provide the vehicle identification number; the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If the sexual offender's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual offender shall also provide the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel or houseboat.

4. Any sexual offender who fails to report in person as required at the sheriff's office, who fails to respond to any address verification correspondence from the department within 3 weeks of the date of the correspondence, who fails to report all electronic mail addresses and all Internet identifiers before ~~prior to~~ use, or who knowingly provides false registration information by act or omission commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 4. Subsections (1) and (2) of section 943.04354, Florida Statutes, are amended to read:

943.04354 Removal of the requirement to register as a sexual offender or sexual predator in special circumstances.—

(1) For purposes of this section, a person shall be considered for removal of the requirement to register as a sexual offender or sexual predator only if the person:

(a) Was convicted, regardless of adjudication, or adjudicated delinquent of a violation of ~~s. 794.011~~, s. 800.04, s. 827.071, or s. 847.0135(5) or of a similar offense in another jurisdiction and if the person does not have any other conviction, regardless of adjudication, or adjudication of delinquency for a violation of s. 794.011, s. 800.04, s. 827.071, or s. 847.0135(5) or for a similar offense in another jurisdiction;

(b)1. Was convicted, regardless of adjudication, or adjudicated delinquent of an offense listed in paragraph (a) and is required to register as a sexual offender or sexual predator solely on the basis of this conviction or adjudication; or

2. Was convicted, regardless of adjudication, or adjudicated delinquent of an offense in another jurisdiction which is similar to an offense listed in paragraph (a) and no longer meets the criteria for registration as a sexual offender or sexual predator under the laws of the jurisdiction in which the similar offense occurred; and

(c) Is not more than 4 years older than the victim of this violation who was 13 years of age or older but younger than 18 years of age at the time the person committed this violation.

(2)(a) If a person meets the criteria in subsection (1), the person may, for the purpose of removing the requirement that he or she register as a sexual offender or sexual predator, move the criminal division of the circuit court of the circuit:

1. the person may move the criminal division of the circuit court of the circuit Where the conviction or adjudication for the qualifying offense occurred for a conviction in this state;

2. Where the sexual offender or sexual predator resides for a conviction for a violation of similar law of another jurisdiction; or

3. Where the sexual offender or sexual predator last resided for a sexual offender or sexual predator with a conviction of a violation of a similar law of another jurisdiction who no longer resides in this state to remove the requirement that the person register as a sexual offender or sexual predator.

(b) The person must allege in the motion that he or she meets the criteria in subsection (1) and that removal of the registration requirement will not conflict with federal law that requires that the sexual act be consensual, notwithstanding the age of the victim. A person convicted or adjudicated delinquent of an offense in another jurisdiction which is similar to an offense listed in paragraph (1)(a) must provide the court written confirmation that he or she is not required to register in the jurisdiction in which the conviction or adjudication occurred. The state attorney and the department must be given notice of the motion at least 21 days before the date of sentencing, disposition of the violation, or hearing on the motion and may present evidence in opposition to the requested relief or may otherwise demonstrate

why the motion should be denied. At sentencing, disposition of the violation, or hearing on the motion, the court shall rule on the motion, and, if the court determines the person meets the criteria in subsection (1) and the removal of the registration requirement will not conflict with federal law that requires that the sexual act be consensual, notwithstanding the age of the victim, it may grant the motion and order the removal of the registration requirement. The court shall instruct the person to provide the department a certified copy of the order granting relief. If the court denies the motion, the person is not authorized under this section to file another motion for removal of the registration requirement.

Section 5. Subsection (1) of section 944.606, Florida Statutes, is reordered and amended, and paragraph (a) of subsection (3) of that section is amended, to read:

944.606 Sexual offenders; notification upon release.—

(1) As used in this section, the term:

(a) “Convicted” means there has been a determination of guilt as a result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld. A conviction for a similar offense includes, but is not limited to, a conviction by a federal or military tribunal, including courts-martial conducted by the Armed Forces of the United States, and includes a conviction or entry of a plea of guilty or nolo contendere resulting in a sanction in any state of the United States or other jurisdiction. A sanction includes, but is not limited to, a fine; probation; community control; parole; conditional release; control release; or incarceration in a state prison, federal prison, private correctional facility, or local detention facility.

~~(b)(e)~~ “Electronic mail address” has the same meaning as provided in s. 668.602.

~~(c)(d)~~ “Internet identifier” has the same meaning as provided in s. 775.21.

(d) “Permanent residence,” “temporary residence,” and “transient residence” have the same meaning as provided in s. 775.21.

(e) “Professional license” has the same meaning as provided in s. 775.21.

~~(f)(b)~~ “Sexual offender” means a person who has been convicted of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor ~~and the defendant is not the victim’s parent or guardian~~; s. 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 916.1075(2); or s. 985.701(1); or any similar offense committed

in this state which has been redesignated from a former statute number to one of those listed in this subsection, when the department has received verified information regarding such conviction; an offender's computerized criminal history record is not, in and of itself, verified information.

(3)(a) The department shall provide information regarding any sexual offender who is being released after serving a period of incarceration for any offense, as follows:

1. The department shall provide: the sexual offender's name, any change in the offender's name by reason of marriage or other legal process, and any alias, if known; the correctional facility from which the sexual offender is released; the sexual offender's social security number, race, sex, date of birth, height, weight, and hair and eye color; tattoos or other identifying marks; address of any planned permanent residence or temporary residence, within the state or out of state, including a rural route address and a post office box; if no permanent or temporary address, any transient residence within the state; address, location or description, and dates of any known future temporary residence within the state or out of state; date and county of sentence and each crime for which the offender was sentenced; a copy of the offender's fingerprints, palm prints, and a digitized photograph taken within 60 days before release; the date of release of the sexual offender; all electronic mail addresses and all Internet identifiers required to be provided pursuant to s. 943.0435(4)(e); employment information, if known, provided pursuant to s. 943.0435(4)(e); all home telephone numbers and cellular telephone numbers required to be provided pursuant to s. 943.0435(4)(e); information about any professional licenses the offender has, if known; and passport information, if he or she has a passport, and, if he or she is an alien, information about documents establishing his or her immigration status. The department shall notify the Department of Law Enforcement if the sexual offender escapes, absconds, or dies. If the sexual offender is in the custody of a private correctional facility, the facility shall take the digitized photograph of the sexual offender within 60 days before the sexual offender's release and provide this photograph to the Department of Corrections and also place it in the sexual offender's file. If the sexual offender is in the custody of a local jail, the custodian of the local jail shall register the offender within 3 business days after intake of the offender for any reason and upon release, and shall notify the Department of Law Enforcement of the sexual offender's release and provide to the Department of Law Enforcement the information specified in this paragraph and any information specified in subparagraph 2. that the Department of Law Enforcement requests.

2. The department may provide any other information deemed necessary, including criminal and corrections records, nonprivileged personnel and treatment records, when available.

Section 6. Subsection (1) of section 944.607, Florida Statutes, is reordered and amended, and subsections (4) and (13) of that section are amended, to read:

944.607 Notification to Department of Law Enforcement of information on sexual offenders.—

(1) As used in this section, the term:

~~(a)(e) “Change in enrollment or employment status at an institution of higher education” has the same meaning as provided in s. 775.21 means the commencement or termination of enrollment or employment or a change in location of enrollment or employment.~~

~~(b)(e) “Conviction” means a determination of guilt which is the result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld. Conviction of a similar offense includes, but is not limited to, a conviction by a federal or military tribunal, including courts-martial conducted by the Armed Forces of the United States, and includes a conviction or entry of a plea of guilty or nolo contendere resulting in a sanction in any state of the United States or other jurisdiction. A sanction includes, but is not limited to, a fine; probation; community control; parole; conditional release; control release; or incarceration in a state prison, federal prison, private correctional facility, or local detention facility.~~

~~(c)(f) “Electronic mail address” has the same meaning as provided in s. 668.602.~~

~~(d) “Institution of higher education” has the same meaning as provided in s. 775.21 means a career center, community college, college, state university, or independent postsecondary institution.~~

~~(e)(g) “Internet identifier” has the same meaning as provided in s. 775.21.~~

~~(f)(a) “Sexual offender” means a person who is in the custody or control of, or under the supervision of, the department or is in the custody of a private correctional facility:~~

1. On or after October 1, 1997, as a result of a conviction for committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses proscribed in the following statutes in this state or similar offenses in another jurisdiction: s. 393.135(2); s. 394.4593(2); s. 787.01, s. 787.02, or s. 787.025(2)(c), where the victim is a minor ~~and the defendant is not the victim’s parent or guardian~~; s. 787.06(3)(b), (d), (f), or (g); former s. 787.06(3)(h); s. 794.011, excluding s. 794.011(10); s. 794.05; former s. 796.03; former s. 796.035; s. 800.04; s. 810.145(8); s. 825.1025; s. 827.071; s. 847.0133; s. 847.0135, excluding s. 847.0135(6); s. 847.0137; s. 847.0138; s. 847.0145; s. 916.1075(2); or s. 985.701(1); or any similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this paragraph; or

2. Who establishes or maintains a residence in this state and who has not been designated as a sexual predator by a court of this state but who has been designated as a sexual predator, as a sexually violent predator, or by

another sexual offender designation in another state or jurisdiction and was, as a result of such designation, subjected to registration or community or public notification, or both, or would be if the person were a resident of that state or jurisdiction, without regard as to whether the person otherwise meets the criteria for registration as a sexual offender.

(g)(b) “Vehicles owned” has the same meaning as provided in s. 775.21.

(4) A sexual offender, as described in this section, who is under the supervision of the Department of Corrections but is not incarcerated shall register with the Department of Corrections within 3 business days after sentencing for a registrable offense and otherwise provide information as required by this subsection.

(a) The sexual offender shall provide his or her name; date of birth; social security number; race; sex; height; weight; hair and eye color; tattoos or other identifying marks; all electronic mail addresses and Internet identifiers required to be provided pursuant to s. 943.0435(4)(e); employment information required to be provided pursuant to s. 943.0435(4)(e); all home telephone numbers and cellular telephone numbers required to be provided pursuant to s. 943.0435(4)(e); the make, model, color, vehicle identification number (VIN), and license tag number of all vehicles owned; permanent or legal residence and address of temporary residence within the state or out of state while the sexual offender is under supervision in this state, including any rural route address or post office box; if no permanent or temporary address, any transient residence within the state; and address, location or description, and dates of any current or known future temporary residence within the state or out of state. The sexual offender shall also produce his or her passport, if he or she has a passport, and, if he or she is an alien, shall produce or provide information about documents establishing his or her immigration status. The sexual offender shall also provide information about any professional licenses he or she has. The Department of Corrections shall verify the address of each sexual offender in the manner described in ss. 775.21 and 943.0435. The department shall report to the Department of Law Enforcement any failure by a sexual predator or sexual offender to comply with registration requirements.

(b) If the sexual offender is enrolled ~~or~~, employed, ~~whether for compensation or as a volunteer volunteering, or carrying on a vocation~~ at an institution of higher education in this state, the sexual offender shall provide the name, address, and county of each institution, including each campus attended, and the sexual offender’s enrollment, volunteer, or employment status required to be provided pursuant to s. 943.0435(4)(e). Each change in enrollment, volunteer, or employment status at an institution of higher education must be reported to the department within 48 hours after the change in status at an institution of higher education as provided pursuant to s. 943.0435(4)(e). The Department of Corrections shall promptly notify each institution of the sexual offender’s presence and any change in the sexual offender’s enrollment, volunteer, or employment status.

(c) A sexual offender shall report in person to the sheriff's office within 48 hours after any change in vehicles owned to report those vehicle information changes.

(13)(a) A sexual offender must report in person each year during the month of the sexual offender's birthday and during the sixth month following the sexual offender's birth month to the sheriff's office in the county in which he or she resides or is otherwise located to reregister.

(b) However, a sexual offender who is required to register as a result of a conviction for:

1. Section 787.01 or s. 787.02 where the victim is a minor ~~and the offender is not the victim's parent or guardian;~~

2. Section 794.011, excluding s. 794.011(10);

3. Section 800.04(4)(a)2. where the victim is under 12 years of age or where the court finds sexual activity by the use of force or coercion;

4. Section 800.04(5)(b);

5. Section 800.04(5)(c)1. where the court finds molestation involving unclothed genitals or genital area;

6. Section 800.04(5)(c)2. where the court finds molestation involving use of force or coercion and unclothed genitals or genital area;

7. Section 800.04(5)(d) where the court finds the use of force or coercion and unclothed genitals or genital area;

8. Section 825.1025(2)(a);

~~9.8.~~ Any attempt or conspiracy to commit such offense;

~~10.9.~~ A violation of a similar law of another jurisdiction; or

~~11.10.~~ A violation of a similar offense committed in this state which has been redesignated from a former statute number to one of those listed in this paragraph,

must reregister each year during the month of the sexual offender's birthday and every third month thereafter.

(c) The sheriff's office may determine the appropriate times and days for reporting by the sexual offender, which must be consistent with the reporting requirements of this subsection. Reregistration must include any changes to the following information:

1. Name; social security number; age; race; sex; date of birth; height; weight; tattoos or other identifying marks; hair and eye color; address of any permanent residence and address of any current temporary residence,

within the state or out of state, including a rural route address and a post office box; if no permanent or temporary address, any transient residence; address, location or description, and dates of any current or known future temporary residence within the state or out of state; all electronic mail addresses and Internet identifiers required to be provided pursuant to s. 943.0435(4)(e); all home telephone numbers and cellular telephone numbers required to be provided pursuant to s. 943.0435(4)(e); ~~date and place of any employment information required to be provided pursuant to s. 943.0435(4)(e)~~; the make, model, color, vehicle identification number (VIN), and license tag number of all vehicles owned; fingerprints; palm prints; and photograph. A post office box may not be provided in lieu of a physical residential address. The sexual offender shall also produce his or her passport, if he or she has a passport, and, if he or she is an alien, shall produce or provide information about documents establishing his or her immigration status. The sexual offender shall also provide information about any professional licenses he or she has.

2. If the sexual offender is enrolled ~~or~~, employed, whether for compensation or as a volunteer volunteering, ~~or carrying on a vocation at an institution of higher education in this state, the sexual offender shall also provide to the department the name, address, and county of each institution, including each campus attended, and the sexual offender's enrollment, volunteer, or employment status.~~

3. If the sexual offender's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual offender shall also provide the vehicle identification number; the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If the sexual offender's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual offender shall also provide the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel or houseboat.

4. Any sexual offender who fails to report in person as required at the sheriff's office, who fails to respond to any address verification correspondence from the department within 3 weeks of the date of the correspondence, who fails to report all electronic mail addresses or Internet identifiers before prior to use, or who knowingly provides false registration information by act or omission commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) The sheriff's office shall, within 2 working days, electronically submit and update all information provided by the sexual offender to the Department of Law Enforcement in a manner prescribed by that department.

Section 7. Subsection (1) and paragraph (a) of subsection (3) of section 985.481, Florida Statutes, are amended to read:

985.481 Sexual offenders adjudicated delinquent; notification upon release.—

(1) As used in this section:

(a) “Convicted” has the same meaning as provided in s. 943.0435.

(b) “Electronic mail address” has the same meaning as provided in s. 668.602.

(c)(b) “Internet identifier” has the same meaning as provided in s. 775.21.

(d) “Permanent residence,” “temporary residence,” and “transient residence” have the same meaning as provided in s. 775.21.

(e) “Professional license” has the same meaning as provided in s. 775.21.

(f)(e) “Sexual offender” means a person who has been adjudicated delinquent as provided in s. 943.0435(1)(h)1.d. s. 943.0435(1)(a)1.d.

(g)(d) “Vehicles owned” has the same meaning as provided in s. 775.21.

(3)(a) The department shall provide information regarding any sexual offender who is being released after serving a period of residential commitment under the department for any offense, as follows:

1. The department shall provide the sexual offender’s name, any change in the offender’s name by reason of marriage or other legal process, and any alias, if known; the correctional facility from which the sexual offender is released; the sexual offender’s social security number, race, sex, date of birth, height, weight, and hair and eye color; tattoos or other identifying marks; the make, model, color, vehicle identification number (VIN), and license tag number of all vehicles owned; address of any planned permanent residence or temporary residence, within the state or out of state, including a rural route address and a post office box; if no permanent or temporary address, any transient residence within the state; address, location or description, and dates of any known future temporary residence within the state or out of state; date and county of disposition and each crime for which there was a disposition; a copy of the offender’s fingerprints, palm prints, and a digitized photograph taken within 60 days before release; the date of release of the sexual offender; all home telephone numbers and cellular telephone numbers required to be provided pursuant to s. 943.0435(4)(e); all electronic mail addresses and Internet identifiers required to be provided pursuant to s. 943.0435(4)(e); information about any professional licenses the offender has, if known; and passport information, if he or she has a passport, and, if he or she is an alien, information about documents establishing his or her immigration status. The department shall notify the Department of Law Enforcement if the sexual offender escapes, absconds, or dies. If the sexual offender is in the custody of a private correctional facility, the facility shall take the digitized photograph of the

sexual offender within 60 days before the sexual offender's release and also place it in the sexual offender's file. If the sexual offender is in the custody of a local jail, the custodian of the local jail shall register the offender within 3 business days after intake of the offender for any reason and upon release, and shall notify the Department of Law Enforcement of the sexual offender's release and provide to the Department of Law Enforcement the information specified in this subparagraph and any information specified in subparagraph 2. which the Department of Law Enforcement requests.

2. The department may provide any other information considered necessary, including criminal and delinquency records, when available.

Section 8. Subsections (1), (4), and (13) of section 985.4815, Florida Statutes, are amended, and paragraph (c) of subsection (10) is republished, to read:

985.4815 Notification to Department of Law Enforcement of information on juvenile sexual offenders.—

(1) As used in this section, the term:

(a) ~~“Change in enrollment or employment status at an institution of higher education” has the same meaning as provided in s. 775.21 means the commencement or termination of enrollment or employment or a change in location of enrollment or employment.~~

(b) “Conviction” has the same meaning as provided in s. 943.0435.

(c) “Electronic mail address” has the same meaning as provided in s. 668.602.

~~(d)(e) “Institution of higher education” has the same meaning as provided in s. 775.21 means a career center, community college, college, state university, or independent postsecondary institution.~~

~~(e)(d)~~ “Internet identifier” has the same meaning as provided in s. 775.21.

(f) “Permanent residence,” “temporary residence,” and “transient residence” have the same meaning as provided in s. 775.21.

(g) “Professional license” has the same meaning as provided in s. 775.21.

~~(h)(e)~~ “Sexual offender” means a person who is in the care or custody or under the jurisdiction or supervision of the department or is in the custody of a private correctional facility and who:

1. Has been adjudicated delinquent as provided in s. 943.0435(1)(h)1.d. ~~s. 943.0435(1)(a)1.d.;~~ or

2. Establishes or maintains a residence in this state and has not been designated as a sexual predator by a court of this state but has been

designated as a sexual predator, as a sexually violent predator, or by another sexual offender designation in another state or jurisdiction and was, as a result of such designation, subjected to registration or community or public notification, or both, or would be if the person were a resident of that state or jurisdiction, without regard to whether the person otherwise meets the criteria for registration as a sexual offender.

(i)(f) “Vehicles owned” has the same meaning as provided in s. 775.21.

(4) A sexual offender, as described in this section, who is under the supervision of the department but who is not committed shall register with the department within 3 business days after adjudication and disposition for a registrable offense and otherwise provide information as required by this subsection.

(a) The sexual offender shall provide his or her name; date of birth; social security number; race; sex; height; weight; hair and eye color; tattoos or other identifying marks; the make, model, color, vehicle identification number (VIN), and license tag number of all vehicles owned; permanent or legal residence and address of temporary residence within the state or out of state while the sexual offender is in the care or custody or under the jurisdiction or supervision of the department in this state, including any rural route address or post office box; if no permanent or temporary address, any transient residence; address, location or description, and dates of any current or known future temporary residence within the state or out of state; all home telephone numbers and cellular telephone numbers required to be provided pursuant to s. 943.0435(4)(e); all electronic mail addresses and Internet identifiers required to be provided pursuant to s. 943.0435(4)(e); and the name and address of each school attended. The sexual offender shall also produce his or her passport, if he or she has a passport, and, if he or she is an alien, shall produce or provide information about documents establishing his or her immigration status. The offender shall also provide information about any professional licenses he or she has. The department shall verify the address of each sexual offender and shall report to the Department of Law Enforcement any failure by a sexual offender to comply with registration requirements.

(b) If the sexual offender is enrolled or, employed, whether for compensation or as a volunteer ~~volunteering, or carrying on a vocation~~ at an institution of higher education in this state, the sexual offender shall provide the name, address, and county of each institution, including each campus attended, and the sexual offender’s enrollment, volunteer, or employment status. Each change in ~~enrollment, volunteer, or employment status~~ at an institution of higher education must be reported to the department within 48 hours after the change in status at an institution of higher education. The department shall promptly notify each institution of the sexual offender’s presence and any change in the sexual offender’s enrollment, volunteer, or employment status.

(c) A sexual offender shall report in person to the sheriff's office within 48 hours after any change in vehicles owned to report those vehicle information changes.

(10)

(c) An arrest on charges of failure to register when the offender has been provided and advised of his or her statutory obligations to register under s. 943.0435(2), the service of an information or a complaint for a violation of this section, or an arraignment on charges for a violation of this section constitutes actual notice of the duty to register. A sexual offender's failure to immediately register as required by this section following such arrest, service, or arraignment constitutes grounds for a subsequent charge of failure to register. A sexual offender charged with the crime of failure to register who asserts, or intends to assert, a lack of notice of the duty to register as a defense to a charge of failure to register shall immediately register as required by this section. A sexual offender who is charged with a subsequent failure to register may not assert the defense of a lack of notice of the duty to register.

(13)(a) A sexual offender must report in person each year during the month of the sexual offender's birthday and during every third month thereafter to the sheriff's office in the county in which he or she resides or is otherwise located to reregister.

(b) The sheriff's office may determine the appropriate times and days for reporting by the sexual offender, which must be consistent with the reporting requirements of this subsection. Reregistration must include any changes to the following information:

1. Name; social security number; age; race; sex; date of birth; height; weight; hair and eye color; tattoos or other identifying marks; fingerprints; palm prints; address of any permanent residence and address of any current temporary residence, within the state or out of state, including a rural route address and a post office box; if no permanent or temporary address, any transient residence; address, location or description, and dates of any current or known future temporary residence within the state or out of state; passport information, if he or she has a passport, and, if he or she is an alien, information about documents establishing his or her immigration status; all home telephone numbers and cellular telephone numbers required to be provided pursuant to s. 943.0435(4)(e); all electronic mail addresses and Internet identifiers required to be provided pursuant to s. 943.0435(4)(e); name and address of each school attended; date and place of any employment information required to be provided pursuant to s. 943.0435(4)(e); the make, model, color, vehicle identification number (VIN), and license tag number of all vehicles owned; and photograph. A post office box may not be provided in lieu of a physical residential address. The offender shall also provide information about any professional licenses he or she has.

2. If the sexual offender is enrolled ~~or~~; employed, whether for compensation or as a volunteer ~~volunteering, or carrying on a vocation~~ at an institution of higher education in this state, the sexual offender shall also provide to the department the name, address, and county of each institution, including each campus attended, and the sexual offender's enrollment, volunteer, or employment status.

3. If the sexual offender's place of residence is a motor vehicle, trailer, mobile home, or manufactured home, as defined in chapter 320, the sexual offender shall also provide the vehicle identification number; the license tag number; the registration number; and a description, including color scheme, of the motor vehicle, trailer, mobile home, or manufactured home. If the sexual offender's place of residence is a vessel, live-aboard vessel, or houseboat, as defined in chapter 327, the sexual offender shall also provide the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat.

4. Any sexual offender who fails to report in person as required at the sheriff's office, who fails to respond to any address verification correspondence from the department within 3 weeks after the date of the correspondence, or who knowingly provides false registration information by act or omission commits a felony of the third degree, punishable as provided in ss. 775.082, 775.083, and 775.084.

(c) The sheriff's office shall, within 2 working days, electronically submit and update all information provided by the sexual offender to the Department of Law Enforcement in a manner prescribed by that department.

Section 9. Paragraph (b) of subsection (1) of section 92.55, Florida Statutes, is amended to read:

92.55 Judicial or other proceedings involving victim or witness under the age of 16, a person who has an intellectual disability, or a sexual offense victim or witness; special protections; use of registered service or therapy animals.—

(1) For purposes of this section, the term:

(b) "Sexual offense" means any offense specified in s. 775.21(4)(a)1. or s. 943.0435(1)(h)1.a.(I) ~~s. 943.0435(1)(a)1.a.(I)~~.

Section 10. Subsection (2) of section 775.0862, Florida Statutes, is amended to read:

775.0862 Sexual offenses against students by authority figures; reclassification.—

(2) The felony degree of a violation of an offense listed in s. 943.0435(1)(h)1.a. ~~s. 943.0435(1)(a)1.a.~~, unless the offense is a violation of

s. 794.011(4)(e)7. or s. 810.145(8)(a)2., shall be reclassified as provided in this section if the offense is committed by an authority figure of a school against a student of the school.

Section 11. Subsection (3) of section 943.0515, Florida Statutes, is amended to read:

943.0515 Retention of criminal history records of minors.—

(3) Notwithstanding any other provision of this section, the Criminal Justice Information Program shall retain the criminal history record of a minor adjudicated delinquent for a violation committed on or after July 1, 2007, as provided in s. 943.0435(1)(h)1.d. ~~s. 943.0435(1)(a)1.d.~~ Such records may not be destroyed and must be merged with the person's adult criminal history record and retained as a part of the person's adult record.

Section 12. Subsection (12) of section 947.1405, Florida Statutes, is amended to read:

947.1405 Conditional release program.—

(12) In addition to all other conditions imposed, for a releasee who is subject to conditional release for a crime that was committed on or after May 26, 2010, and who has been convicted at any time of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses listed in s. 943.0435(1)(h)1.a.(I) ~~s. 943.0435(1)(a)1.a.(I)~~, or a similar offense in another jurisdiction against a victim who was under 18 years of age at the time of the offense, if the releasee has not received a pardon for any felony or similar law of another jurisdiction necessary for the operation of this subsection, if a conviction of a felony or similar law of another jurisdiction necessary for the operation of this subsection has not been set aside in any postconviction proceeding, or if the releasee has not been removed from the requirement to register as a sexual offender or sexual predator pursuant to s. 943.04354, the commission must impose the following conditions:

(a) A prohibition on visiting schools, child care facilities, parks, and playgrounds without prior approval from the releasee's supervising officer. The commission may also designate additional prohibited locations to protect a victim. The prohibition ordered under this paragraph does not prohibit the releasee from visiting a school, child care facility, park, or playground for the sole purpose of attending a religious service as defined in s. 775.0861 or picking up or dropping off the releasee's child or grandchild at a child care facility or school.

(b) A prohibition on distributing candy or other items to children on Halloween; wearing a Santa Claus costume, or other costume to appeal to children, on or preceding Christmas; wearing an Easter Bunny costume, or other costume to appeal to children, on or preceding Easter; entertaining at children's parties; or wearing a clown costume without prior approval from the commission.

Section 13. Subsection (4) of section 948.30, Florida Statutes, is amended to read:

948.30 Additional terms and conditions of probation or community control for certain sex offenses.—Conditions imposed pursuant to this section do not require oral pronouncement at the time of sentencing and shall be considered standard conditions of probation or community control for offenders specified in this section.

(4) In addition to all other conditions imposed, for a probationer or community controllee who is subject to supervision for a crime that was committed on or after May 26, 2010, and who has been convicted at any time of committing, or attempting, soliciting, or conspiring to commit, any of the criminal offenses listed in s. 943.0435(1)(h)1.a.(I) ~~s. 943.0435(1)(a)1.a.(I)~~, or a similar offense in another jurisdiction, against a victim who was under the age of 18 at the time of the offense; if the offender has not received a pardon for any felony or similar law of another jurisdiction necessary for the operation of this subsection, if a conviction of a felony or similar law of another jurisdiction necessary for the operation of this subsection has not been set aside in any postconviction proceeding, or if the offender has not been removed from the requirement to register as a sexual offender or sexual predator pursuant to s. 943.04354, the court must impose the following conditions:

(a) A prohibition on visiting schools, child care facilities, parks, and playgrounds, without prior approval from the offender's supervising officer. The court may also designate additional locations to protect a victim. The prohibition ordered under this paragraph does not prohibit the offender from visiting a school, child care facility, park, or playground for the sole purpose of attending a religious service as defined in s. 775.0861 or picking up or dropping off the offender's children or grandchildren at a child care facility or school.

(b) A prohibition on distributing candy or other items to children on Halloween; wearing a Santa Claus costume, or other costume to appeal to children, on or preceding Christmas; wearing an Easter Bunny costume, or other costume to appeal to children, on or preceding Easter; entertaining at children's parties; or wearing a clown costume; without prior approval from the court.

Section 14. Section 948.31, Florida Statutes, is amended to read:

948.31 Evaluation and treatment of sexual predators and offenders on probation or community control.—The court may require any probationer or community controllee who is required to register as a sexual predator under s. 775.21 or sexual offender under s. 943.0435, s. 944.606, or s. 944.607 to undergo an evaluation, at the probationer or community controllee's expense, by a qualified practitioner to determine whether such probationer or community controllee needs sexual offender treatment. If the qualified practitioner determines that sexual offender treatment is needed and

recommends treatment, the probationer or community controllee must successfully complete and pay for the treatment. Such treatment must be obtained from a qualified practitioner as defined in s. 948.001. Treatment may not be administered by a qualified practitioner who has been convicted or adjudicated delinquent of committing, or attempting, soliciting, or conspiring to commit, any offense that is listed in s. 943.0435(1)(h)1.a.(I) ~~s. 943.0435(1)(a)1.a.(I)~~.

Section 15. Subsection (4) of section 1012.315, Florida Statutes, is amended to read:

1012.315 Disqualification from employment.—A person is ineligible for educator certification, and instructional personnel and school administrators, as defined in s. 1012.01, are ineligible for employment in any position that requires direct contact with students in a district school system, charter school, or private school that accepts scholarship students under s. 1002.39 or s. 1002.395, if the person, instructional personnel, or school administrator has been convicted of:

(4) Any delinquent act committed in this state or any delinquent or criminal act committed in another state or under federal law which, if committed in this state, qualifies an individual for inclusion on the Registered Juvenile Sex Offender List under s. 943.0435(1)(h)1.d. ~~s. 943.0435(1)(a)1.d.~~

Section 16. Paragraph (g) of subsection (2) of section 1012.467, Florida Statutes, is amended to read:

1012.467 Noninstructional contractors who are permitted access to school grounds when students are present; background screening requirements.—

(2)

(g) A noninstructional contractor for whom a criminal history check is required under this section may not have been convicted of any of the following offenses designated in the Florida Statutes, any similar offense in another jurisdiction, or any similar offense committed in this state which has been redesignated from a former provision of the Florida Statutes to one of the following offenses:

1. Any offense listed in s. 943.0435(1)(h)1. ~~s. 943.0435(1)(a)1.~~, relating to the registration of an individual as a sexual offender.

2. Section 393.135, relating to sexual misconduct with certain developmentally disabled clients and the reporting of such sexual misconduct.

3. Section 394.4593, relating to sexual misconduct with certain mental health patients and the reporting of such sexual misconduct.

4. Section 775.30, relating to terrorism.

5. Section 782.04, relating to murder.
6. Section 787.01, relating to kidnapping.
7. Any offense under chapter 800, relating to lewdness and indecent exposure.
8. Section 826.04, relating to incest.
9. Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.

Section 17. For the purpose of incorporating the amendment made by this act to section 775.21, Florida Statutes, in a reference thereto, section 938.085, Florida Statutes, is reenacted to read:

938.085 Additional cost to fund rape crisis centers.—In addition to any sanction imposed when a person pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, a violation of s. 775.21(6) and (10)(a), (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s. 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and (14)(c); or s. 985.701(1), the court shall impose a surcharge of \$151. Payment of the surcharge shall be a condition of probation, community control, or any other court-ordered supervision. The sum of \$150 of the surcharge shall be deposited into the Rape Crisis Program Trust Fund established within the Department of Health by chapter 2003-140, Laws of Florida. The clerk of the court shall retain \$1 of each surcharge that the clerk of the court collects as a service charge of the clerk's office.

Section 18. For the purpose of incorporating the amendments made by this act to sections 775.21 and 943.0435, Florida Statutes, in references thereto, subsection (1) of section 794.056, Florida Statutes, is reenacted to read:

794.056 Rape Crisis Program Trust Fund.—

(1) The Rape Crisis Program Trust Fund is created within the Department of Health for the purpose of providing funds for rape crisis centers in this state. Trust fund moneys shall be used exclusively for the purpose of providing services for victims of sexual assault. Funds credited to the trust fund consist of those funds collected as an additional court assessment in each case in which a defendant pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, an offense provided in s. 775.21(6) and (10)(a), (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s. 787.025; s. 787.06; s. 787.07; s. 794.011;

s. 794.05; s. 794.08; former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and (14)(c); or s. 985.701(1). Funds credited to the trust fund also shall include revenues provided by law, moneys appropriated by the Legislature, and grants from public or private entities.

Section 19. For the purpose of incorporating the amendments made by this act to sections 775.21, 943.0435, 944.607, and 985.4815, Florida Statutes, in references thereto, paragraph (g) of subsection (3) of section 921.0022, Florida Statutes, is reenacted to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(g) LEVEL 7

Florida Statute	Felony Degree	Description
316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
409.920 (2)(b)1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
409.920 (2)(b)1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
456.065(2)	3rd	Practicing a health care profession without a license.

Florida Statute	Felony Degree	Description
456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
458.327(1)	3rd	Practicing medicine without a license.
459.013(1)	3rd	Practicing osteopathic medicine without a license.
460.411(1)	3rd	Practicing chiropractic medicine without a license.
461.012(1)	3rd	Practicing podiatric medicine without a license.
462.17	3rd	Practicing naturopathy without a license.
463.015(1)	3rd	Practicing optometry without a license.
464.016(1)	3rd	Practicing nursing without a license.
465.015(2)	3rd	Practicing pharmacy without a license.
466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
467.201	3rd	Practicing midwifery without a license.
468.366	3rd	Delivering respiratory care services without a license.
483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
483.901(9)	3rd	Practicing medical physics without a license.
484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
484.053	3rd	Dispensing hearing aids without a license.
494.0018(2)	1st	Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.

Florida Statute	Felony Degree	Description
560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
784.048(7)	3rd	Aggravated stalking; violation of court order.

Florida Statute	Felony Degree	Description
784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
784.081(1)	1st	Aggravated battery on specified official or employee.
784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
784.083(1)	1st	Aggravated battery on code inspector.
787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.
787.06(3)(e)2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
790.16(1)	1st	Discharge of a machine gun under specified circumstances.
790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
790.23	1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.

Florida Statute	Felony Degree	Description
794.08(4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
796.05(1)	1st	Live on earnings of a prostitute; 2nd offense.
796.05(1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.
800.04(5)(e)	1st	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.
806.01(2)	2nd	Maliciously damage structure by fire or explosive.
810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
810.02(3)(e)	2nd	Burglary of authorized emergency vehicle.
812.014(2)(a)1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.

Florida Statute	Felony Degree	Description
812.014(2)(b)4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
812.131(2)(a)	2nd	Robbery by sudden snatching.
812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
817.034(4)(a)1.	1st	Communications fraud, value greater than \$50,000.
817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.
817.2341 (2)(b) & (3)(b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
817.535(2)(a)	3rd	Filing false lien or other unauthorized document.
825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
825.103(3)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$10,000 or more, but less than \$50,000.
827.03(2)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.

Florida Statute	Felony Degree	Description
837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
838.015	2nd	Bribery.
838.016	2nd	Unlawful compensation or reward for official behavior.
838.021(3)(a)	2nd	Unlawful harm to a public servant.
838.22	2nd	Bid tampering.
843.0855(2)	3rd	Impersonation of a public officer or employee.
843.0855(3)	3rd	Unlawful simulation of legal process.
843.0855(4)	3rd	Intimidation of a public officer or employee.
847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
872.06	2nd	Abuse of a dead human body.
874.05(2)(b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
874.10	1st,PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.

Florida Statute	Felony Degree	Description
893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).
893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
893.135 (1)(c)2.a.	1st	Trafficking in hydrocodone, 14 grams or more, less than 28 grams.
893.135 (1)(c)2.b.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
893.135 (1)(c)3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
893.135 (1)(c)3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
893.135 (1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
893.135 (1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
893.135 (1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
893.135 (1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
893.1351(2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.

Florida Statute	Felony Degree	Description
896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

Florida Statute	Felony Degree	Description
985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

Section 20. For the purpose of incorporating the amendments made by this act to sections 775.21, 943.0435, 944.606, 944.607, 985.481, and 985.4815, Florida Statutes, in references thereto, paragraph (b) of subsection (6) of section 985.04, Florida Statutes, is reenacted to read:

985.04 Oaths; records; confidential information.—

(6)

(b) Sexual offender and predator registration information as required in ss. 775.21, 943.0435, 944.606, 944.607, 985.481, and 985.4815 is a public record pursuant to s. 119.07(1) and as otherwise provided by law.

Section 21. For the purpose of incorporating the amendments made by this act to sections 775.21, 943.0435, and 944.607, Florida Statutes, in references thereto, subsections (3) and (4) of section 322.141, Florida Statutes, are reenacted to read:

322.141 Color or markings of certain licenses or identification cards.—

(3) All licenses for the operation of motor vehicles or identification cards originally issued or reissued by the department to persons who are designated as sexual predators under s. 775.21 or subject to registration as sexual offenders under s. 943.0435 or s. 944.607, or who have a similar designation or are subject to a similar registration under the laws of another jurisdiction, shall have on the front of the license or identification card the following:

(a) For a person designated as a sexual predator under s. 775.21 or who has a similar designation under the laws of another jurisdiction, the marking “SEXUAL PREDATOR.”

(b) For a person subject to registration as a sexual offender under s. 943.0435 or s. 944.607, or subject to a similar registration under the laws of another jurisdiction, the marking “943.0435, F.S.”

(4) Unless previously secured or updated, each sexual offender and sexual predator shall report to the department during the month of his or her reregistration as required under s. 775.21(8), s. 943.0435(14), or s. 944.607(13) in order to obtain an updated or renewed driver license or identification card as required by subsection (3).

Section 22. For the purpose of incorporating the amendments made by this act to sections 775.21, 943.0435, and 944.607, Florida Statutes, in references thereto, subsection (4) of section 948.06, Florida Statutes, is reenacted to read:

948.06 Violation of probation or community control; revocation; modification; continuance; failure to pay restitution or cost of supervision.—

(4) Notwithstanding any other provision of this section, a felony probationer or an offender in community control who is arrested for violating his or her probation or community control in a material respect may be taken before the court in the county or circuit in which the probationer or offender was arrested. That court shall advise him or her of the charge of a violation and, if such charge is admitted, shall cause him or her to be brought before the court that granted the probation or community control. If the violation is not admitted by the probationer or offender, the court may commit him or her or release him or her with or without bail to await further hearing. However, if the probationer or offender is under supervision for any criminal offense proscribed in chapter 794, s. 800.04(4), (5), (6), s. 827.071, or s. 847.0145, or is a registered sexual predator or a registered sexual offender, or is under supervision for a criminal offense for which he or she would meet the registration criteria in s. 775.21, s. 943.0435, or s. 944.607 but for the effective date of those sections, the court must make a finding that the probationer or offender is not a danger to the public prior to release with or without bail. In determining the danger posed by the offender's or probationer's release, the court may consider the nature and circumstances of the violation and any new offenses charged; the offender's or probationer's past and present conduct, including convictions of crimes; any record of arrests without conviction for crimes involving violence or sexual crimes; any other evidence of allegations of unlawful sexual conduct or the use of violence by the offender or probationer; the offender's or probationer's family ties, length of residence in the community, employment history, and mental condition; his or her history and conduct during the probation or community control supervision from which the violation arises and any other previous supervisions, including disciplinary records of previous incarcerations; the likelihood that the offender or probationer will engage again in a criminal course of conduct; the weight of the evidence against the offender or probationer; and any other facts the court considers relevant. The court, as soon as is practicable, shall give the probationer or offender an opportunity to be fully heard on his or her behalf in person or by counsel. After the hearing, the court shall make findings of fact and forward the findings to the court that granted the probation or community control and to the probationer or offender or his or her attorney. The findings of fact by the hearing court are binding on the court that granted the probation or community control. Upon the probationer or offender being brought before it, the court that granted the probation or community control may revoke, modify, or continue the probation or community control or may place the probationer into community control as provided in this section. However, the probationer or offender shall not be released and shall not be admitted to bail, but shall

be brought before the court that granted the probation or community control if any violation of felony probation or community control other than a failure to pay costs or fines or make restitution payments is alleged to have been committed by:

- (a) A violent felony offender of special concern, as defined in this section;
- (b) A person who is on felony probation or community control for any offense committed on or after the effective date of this act and who is arrested for a qualifying offense as defined in this section; or
- (c) A person who is on felony probation or community control and has previously been found by a court to be a habitual violent felony offender as defined in s. 775.084(1)(b), a three-time violent felony offender as defined in s. 775.084(1)(c), or a sexual predator under s. 775.21, and who is arrested for committing a qualifying offense as defined in this section on or after the effective date of this act.

Section 23. For the purpose of incorporating the amendments made by this act to sections 775.21, 943.0435, and 944.607, Florida Statutes, in references thereto, section 948.063, Florida Statutes, is reenacted to read:

948.063 Violations of probation or community control by designated sexual offenders and sexual predators.—

(1) If probation or community control for any felony offense is revoked by the court pursuant to s. 948.06(2)(e) and the offender is designated as a sexual offender pursuant to s. 943.0435 or s. 944.607 or as a sexual predator pursuant to s. 775.21 for unlawful sexual activity involving a victim 15 years of age or younger and the offender is 18 years of age or older, and if the court imposes a subsequent term of supervision following the revocation of probation or community control, the court must order electronic monitoring as a condition of the subsequent term of probation or community control.

(2) If the probationer or offender is required to register as a sexual predator under s. 775.21 or as a sexual offender under s. 943.0435 or s. 944.607 for unlawful sexual activity involving a victim 15 years of age or younger and the probationer or offender is 18 years of age or older and has violated the conditions of his or her probation or community control, but the court does not revoke the probation or community control, the court shall nevertheless modify the probation or community control to include electronic monitoring for any probationer or offender not then subject to electronic monitoring.

Section 24. For the purpose of incorporating the amendment made by this act to section 943.0435, Florida Statutes, in a reference thereto, paragraph (c) of subsection (10) of section 944.607, Florida Statutes, is reenacted to read:

944.607 Notification to Department of Law Enforcement of information on sexual offenders.—

(10)

(c) An arrest on charges of failure to register when the offender has been provided and advised of his or her statutory obligations to register under s. 943.0435(2), the service of an information or a complaint for a violation of this section, or an arraignment on charges for a violation of this section constitutes actual notice of the duty to register. A sexual offender's failure to immediately register as required by this section following such arrest, service, or arraignment constitutes grounds for a subsequent charge of failure to register. A sexual offender charged with the crime of failure to register who asserts, or intends to assert, a lack of notice of the duty to register as a defense to a charge of failure to register shall immediately register as required by this section. A sexual offender who is charged with a subsequent failure to register may not assert the defense of a lack of notice of the duty to register.

Section 25. For the purpose of incorporating the amendment made by this act to section 943.04354, Florida Statutes, in a reference thereto, subsection (2) of section 397.4872, Florida Statutes, is reenacted to read:

397.4872 Exemption from disqualification; publication.—

(2) The department may exempt a person from ss. 397.487(6) and 397.4871(5) if it has been at least 3 years since the person has completed or been lawfully released from confinement, supervision, or sanction for the disqualifying offense. An exemption from the disqualifying offenses may not be given under any circumstances for any person who is a:

(a) Sexual predator pursuant to s. 775.21;

(b) Career offender pursuant to s. 775.261; or

(c) Sexual offender pursuant to s. 943.0435, unless the requirement to register as a sexual offender has been removed pursuant to s. 943.04354.

Section 26. For the purpose of incorporating the amendment made by this act to section 943.04354, Florida Statutes, in a reference thereto, paragraph (b) of subsection (4) of section 435.07, Florida Statutes, is reenacted to read:

435.07 Exemptions from disqualification.—Unless otherwise provided by law, the provisions of this section apply to exemptions from disqualification for disqualifying offenses revealed pursuant to background screenings required under this chapter, regardless of whether those disqualifying offenses are listed in this chapter or other laws.

(4)

(b) Disqualification from employment under this chapter may not be removed from, nor may an exemption be granted to, any person who is a:

1. Sexual predator as designated pursuant to s. 775.21;
2. Career offender pursuant to s. 775.261; or
3. Sexual offender pursuant to s. 943.0435, unless the requirement to register as a sexual offender has been removed pursuant to s. 943.04354.

Section 27. For the purpose of incorporating the amendments made by this act to sections 944.606 and 944.607, Florida Statutes, in references thereto, section 775.25, Florida Statutes, is reenacted to read:

775.25 Prosecutions for acts or omissions.—A sexual predator or sexual offender who commits any act or omission in violation of s. 775.21, s. 943.0435, s. 944.605, s. 944.606, s. 944.607, or former s. 947.177 may be prosecuted for the act or omission in the county in which the act or omission was committed, in the county of the last registered address of the sexual predator or sexual offender, in the county in which the conviction occurred for the offense or offenses that meet the criteria for designating a person as a sexual predator or sexual offender, in the county where the sexual predator or sexual offender was released from incarceration, or in the county of the intended address of the sexual predator or sexual offender as reported by the predator or offender prior to his or her release from incarceration. In addition, a sexual predator may be prosecuted for any such act or omission in the county in which he or she was designated a sexual predator.

Section 28. For the purpose of incorporating the amendment made by this act to section 944.607, Florida Statutes, in a reference thereto, subsection (2) of section 775.24, Florida Statutes, is reenacted to read:

775.24 Duty of the court to uphold laws governing sexual predators and sexual offenders.—

(2) If a person meets the criteria in this chapter for designation as a sexual predator or meets the criteria in s. 943.0435, s. 944.606, s. 944.607, or any other law for classification as a sexual offender, the court may not enter an order, for the purpose of approving a plea agreement or for any other reason, which:

(a) Exempts a person who meets the criteria for designation as a sexual predator or classification as a sexual offender from such designation or classification, or exempts such person from the requirements for registration or community and public notification imposed upon sexual predators and sexual offenders;

(b) Restricts the compiling, reporting, or release of public records information that relates to sexual predators or sexual offenders; or

(c) Prevents any person or entity from performing its duties or operating within its statutorily conferred authority as such duty or authority relates to sexual predators or sexual offenders.

Section 29. For the purpose of incorporating the amendment made by this act to section 944.607, Florida Statutes, in a reference thereto, subsection (7) of section 944.608, Florida Statutes, is reenacted to read:

944.608 Notification to Department of Law Enforcement of information on career offenders.—

(7) A career offender who is under the supervision of the department but who is not incarcerated shall, in addition to the registration requirements provided in subsection (3), register in the manner provided in s. 775.261(4)(c), unless the career offender is a sexual predator, in which case he or she shall register as required under s. 775.21, or is a sexual offender, in which case he or she shall register as required in s. 944.607. A career offender who fails to comply with the requirements of s. 775.261(4) is subject to the penalties provided in s. 775.261(8).

Section 30. This act shall take effect October 1, 2016.

Approved by the Governor March 24, 2016.

Filed in Office Secretary of State March 24, 2016.

DECLARATION OF ANDREW J. R. HARRIS

I, Andrew J. R. Harris, declare as follows:

1. I am a psychologist registered in Ontario, 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

2. My research on recidivism shows the following:
- a. 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. *See ¶¶ 14-18.*
 - b. Once convicted, most sexual offenders are never re-convicted of another sexual offense. *See ¶¶ 19-25.*
 - c. First-time sexual offenders are significantly less likely to sexually re-offend than are those with previous sexual convictions. *See ¶¶ 19-25.*
 - d. Contrary to the popular notion that sexual offenders remain at risk of re-offending through their lifespan, the longer offenders remain offense-free in the community, the less likely they are to re-offend sexually. Eventually, they are less likely to reoffend than a non-sexual offender is to commit an “out of the blue” sexual offense. *See ¶¶ 26-40.*
 - i. 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. *See ¶¶ 30, 36.*
 - ii. After 10-14 years in the community without committing another 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. *See ¶¶ 30, 34.*

- iii. 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. *See* ¶ 35.
- e. 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. *See* ¶¶ 25, 40.

Background and Experience

3. I am a psychologist registered in Ontario, Canada. For the past twenty years, I have primarily focused on research concerning the assessment and treatment of sexual offenders. Until July 2015 I was a Research Manager with the Correctional Service of Canada. I resigned from the Correctional Service of Canada in July 2015 to private practice as a private clinician and as a psychological and research consultant. The Correctional Service of Canada (CSC), as part of the Canadian criminal justice system and respecting the rule of law, contributes to public safety by actively encouraging and assisting offenders to become law-abiding citizens, while exercising reasonable, safe, secure and humane control. The Correctional Service of Canada is an agency within Public Safety Canada. Public Safety Canada is a federal department that was created in 2003 to ensure coordination across all federal departments and agencies responsible for national security and the safety of Canadians. The Department's responsibilities include emergency management, policy development, and advice to the Minister of Public Safety on matters of national security, implementing Canada's National Crime Prevention Strategy, developing national policies for new and evolving crime and border issues, and developing legislation and policies governing corrections.

4. I held the position of Research Manager in the Research Branch of the Correctional Service of Canada from November 2006 until July 2015. During that time, I completed two periods as an Acting Director, one for the Operations Research Group and one for the Programming Research Group. For six months in 2006, I served as a Senior Research Manager with the Health Service Branch of the CSC. From July 2003 to July 2005, I served as a front line Psychologist at Canada's largest Federal penitentiary "Warkworth Institution." From 1995 until July 2005, I worked in various research capacities within the Corrections Research Branch of Public Safety Canada, variously as a Field Team Leader, a Project Manager, a Senior Policy Analyst, and as a Senior Research Officer. During this period, my work concentrated primarily on large sex offender research projects such as the Dynamic Predictors Project, the Dynamic Supervision Project, and the Crown Files Review Project. From 1990 to 1995, I worked at the Penetanguishene Mental Health Centre (Oak Ridge Division, Maximum Security Forensic Psychiatric Unit). There, my duties initially consisted of unit-based psychological assistance to individuals with mental disorders held against their wishes in a forensic psychiatric hospital. In 1992, I was transferred to the research departments within the hospital where my duties consisted mainly of sex offender assessment and treatment within an active research program. From 1982 to 1985, I worked in the Behavior Management Services division of York Central Hospital, an acute care hospital in the town of Richmond Hill, Ontario. There, my duties included the assessment and treatment of individuals with developmental disorders who had committed sexual offences against children. I have been a member of the Ontario College of Psychology since 2005. I am a Clinical and Research Member of the Association for the Treatment of Sexual Abusers and have served as a peer reviewer for several academic and research journals including *Sexual Abuse: A Journal of Research and Treatment*, *The Journal of*

Forensic Psychology Practice, The Canadian Journal of Criminology, and The Journal of Sexual Aggression.

5. From 1997 to the current day, I have provided training and consulting concerning sexual offender risk assessment to many U.S. states, including California, New York, New Jersey, Washington, Indiana, Alaska, Massachusetts, and Georgia. In addition, I have provided consultation and training to the United States Army on three occasions. I have also provided training and consultation services for the Governments of Australia, New Zealand, Britain, Scotland, Northern Ireland, and the Republic of Ireland. I have testified twice before Parliament of Canada committees, once before the Standing Senate Committee on Legal and Constitutional Affairs (2010) and once before the Standing Committee on Justice and Human Rights (2003). In both cases the testimony related to sexual offenders.

6. Throughout my career I have studied recidivism, particularly recidivism among sex offenders, and have written numerous articles on this topic. A true and correct copy of my CV is attached to this declaration as Exhibit 1.

Recidivism in the General Offender Population Declines the Longer an Ex-Offender Remains Arrest or Conviction Free

7. Research has long shown that the longer an ex-offender remains free of arrests or convictions the lower the chance he will reoffend. In fact, most detected recidivism occurs within three years of a previous arrest and almost always within five years.

8. In an effort to try to assess whether it is possible to determine empirically when it is no longer necessary for an employer to be concerned about a criminal offense in a prospective employee's past, the United States Department of Justice's National Institute of Justice funded a study to actuarially estimate a point in time when an individual with a criminal record is at no greater risk of committing another crime than other individuals of the same age.

9. The study's goal was to determine empirically at what point in time the risk of recidivism was no greater than the risk for two comparison populations. Their analysis was based on a statistical concept called the "hazard rate." In this context, the hazard rate is the probability, over time, that someone who has stayed arrest-free will be arrested. For a person who has been arrested in the past, the hazard rate declines the longer he stays free of arrests.

10. The researchers—noted criminologist Alfred Blumstein and his then-doctoral student Kiminori Nakamura—obtained the criminal history records of 88,000 individuals who were arrested for the first time in New York State in 1980, and then determined whether they had been arrested for any other crime(s) during the ensuing 25 years or if they had stayed arrest-free.

11. The study showed that the hazard rates for people who committed crimes such as burglary, robbery, and aggravated assault eventually dropped below the hazard rate for other individuals of the same age in the general population. For example, for 18-year-olds who were arrested for a first offense robbery, the hazard rate declined to the same arrest rate for the general population of same-aged individuals at age 25.7, or 7.7 years after the robbery arrest. After that point, the probability that individuals would commit another crime was less than the probability of other 26-year-olds in the general population. The hazard rates of people who committed burglary at age 18 declined to the same as the general population somewhat earlier: 3.8 years post-arrest or at age 21.8. For aggravated assault, the hazard rates of the study group dropped below that of the general population of same-aged individuals: 4.3 years post-arrest or at age 22.3.

12. Blumstein and Nakamura also looked at the hazard rates for people whose first arrest had occurred at other ages and found that the younger an offender was when he committed

robbery, the longer he had to stay arrest-free to reach the same arrest rate as people his same age in the general population.

13. The results of their study are published in Blumstein, A., and K. Nakamura, “Redemption in the Presence of Widespread Criminal Background Checks,” *Criminology* 47 (2) (May 2009), and summarized in an article of the same name in the *National Institute of Justice Journal*, No. 263 10-17, available at <https://www.ncjrs.gov/pdffiles1/nij/226872.pdf>.

Risk Assessment Tools Exist to Predict the Risk of Reoffending by Sex Offenders

14. Although it has long been suspected that recidivism rates are not uniform across all sex offenders, it is only in the last few decades that researchers have developed tools to assess the risk that different categories of sex offenders will recidivate. In 1999, Dr. R. Karl Hanson, along with his colleague David Thornton, created a 10-item actuarial scale that assesses the recidivism risk of adult male sex offenders, known as the Static-99. They created the Static-99 as a more-accurate replacement for earlier assessment tools. The 10 items cover the nature of sex-related offense or offenses that led to the most recent arrest (the “index offense”), and also the offender’s demographics (age at release, relationship history), sexual criminal history (prior sexual offenses, any male victims, any unrelated victims, any stranger victims, any non-contact sexual offenses), and general criminal history (prior sentencing dates, non-sexual violence committed along with the index offense, prior non-sexual violence). The Static-99 is intended to be used with adult male offenders who have committed either a contact or non-contact sexual offense and have reached the age of 18 prior to release to the community.

15. The Static-99 results in a score that can range from 0 up to 12. Depending on their score, offenders are classified as having low (score of 0-1), moderate-low (score of 2-3), moderate-high (score of 4-5), or high risk (score of 6+) of reoffending. The coding form for the

Static-99 can be found at http://www.static99.org/pdfdocs/static-99-coding-rules_e71.pdf, a true and correct copy of which is attached to this declaration as *Exhibit 2*. The Static-99 is based on static (unchanging) risk factors that estimate the likelihood of sexual re-offending.

16. More recently, researchers and others have begun using the Static-99R. The items and scoring rules are identical to Static-99 with one exception: Static-99R takes into account the well-established principle that rates of almost all crimes decrease as people age. Most studies have found that older sexual offenders are a lower risk to reoffend than younger sexual offenders (Barbaree & Blanchard, 2008; Hanson, 2002, 2006) (a list of complete citations for the sources cited is below). Research has found that the original Static-99 did not fully account for age at release, and that the new age weighting had greater predictive accuracy than the original version (Helmus, Thornton, et al., 2012).

17. Consequently, the Static-99R adjusts the offender's score as follows, based on his age when he was released from custody for the index offense: It increases the score by 1 point if the offender was less than 35 years old at release; it makes no adjustment if the offender was between 35 and 40 at release; it lowers it by 1 point if he was aged 40 to 60; and it lowers it by 3 points if he was age 60 or older. This means that Static-99R scores can range from -3 up to 12. The scores that place offenders into the various risk classification categories are the same as in the Static-99, except that a low score is now defined to include -3 through 1. The coding form for the Static-99R can be found at <http://www.static99.org/pdfdocs/static-99rcodingform.pdf>, a true and correct copy of which is attached to this declaration as *Exhibit 3*.

18. The Static-99 and the Static-99R are the most widely used sex offender risk assessment instruments in the world, and are extensively used in the United States, Canada, and other nations. For example, the State of New Hampshire has relied upon Static-99/Static-99R

scoring and interpretation conducted by multi-disciplinary teams established by the New Hampshire Department of Health and Human Services in asking courts to civilly confine “sexually violent predators” under RSA Chapter 135-E. In several cases, New Hampshire Superior Courts have deemed admissible expert testimony concerning Static-99 and Static-99R to assess a respondent’s recidivism risk. *See New Hampshire v. Ploof*, No. 07-E-0238 (Superior Court, Hillsborough County, Northern District) (Abramson, J.), *available at* <http://www.static99.org/pdffdocs/daubert-order4-28-09.pdf>; *New Hampshire v. Hurley*, No. 07-E-0236 (Superior Court, Hillsborough County, Northern District) (Abramson, J.), *available at* http://www.static99.org/pdffdocs/hurley-orderondaubert_nh.pdf.

Recidivism Rates Among Sex Offenders

19. I have conducted studies similar to that conducted by Blumstein and Nakamura of the general offender population in order to determine recidivism rates for sex offenders and to better understand what factors affect those rates. In 2003-2004, I, working with other researchers, analyzed the data from 10 existing follow-up studies of adult male sexual offenders (combined sample of 4,724). The analysis indicated that most sexual offenders do not re-offend sexually, that first-time sexual offenders are significantly less likely to sexually re-offend than those with previous sexual convictions, and that offenders over the age of 50 are less likely to re-offend than are younger offenders. In addition, the longer offenders remained offense-free in the community, the less likely they are to reoffend sexually.

20. More specifically, the study found that after 15 years of living in the community, 73% of sexual offenders had not been charged with, or convicted of, another sexual offense. The sample was sufficiently large that very strong contradictory evidence would be necessary to

substantially change these recidivism estimates, particularly because other studies have found similar results.

21. Not all sexual offenders were equally likely to reoffend. By using simple, easily observed characteristics, it was possible to differentiate between offenders whose five-year recidivism rate was 5% from those whose recidivism rate was 25%. The factors associated with increased risk were the following: (a) male victims; (b) prior sexual offenses; and (c) young age.

22. The study also showed that the rate of reoffending decreases the longer offenders have been offense-free. The five-year recidivism rate for new releases of 14% decreased to 4% for individuals who have been sex-offense-free for 15 years. The observed rates underestimate the actual rates because not all sexual offenses are detected; nevertheless, the findings contradicted the popular notion that all sexual offender remain at risk throughout their lifespan.

23. It is important to understand that most of the offenders in this study had not received effective treatment. Research has found that contemporary cognitive-behavioral treatment is associated with reductions in sexual recidivism rates from 17% to 10% after approximately 5 years of follow-up (Hanson et al., 2002).

24. The study, including its methodology, is discussed in Andrew J. R. Harris and R. Karl Hanson, Sex Offender Recidivism: A Simple Question (Public Safety and Emergency Preparedness Canada 2004), *available at* <https://www.ncjrs.gov/App/publications/abstract.aspx?ID=206023>.

25. We concluded 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.

The Updated 2014 Study

26. I, along with three other researchers, conducted a similar study to examine the extent to which sexual offenders present an enduring risk for sexual recidivism over a 20 year follow-up period. The results of this updated study were (i) presented by myself and Dr. R. Karl Hanson at the 32nd Annual Research and Treatment Conference held by the Association for the Treatment of Sexual Abusers in October 2012, and (ii) published in the *Journal of Interpersonal Violence* in March 2014, and is available at <http://jiv.sagepub.com/content/29/15/2792>. I have attached this study, entitled “High-Risk Sex Offenders May Not Be High Risk Forever,” as Exhibit 4. The study used the same methodology as the 2003-04 study (life table survival analysis), but differed from the earlier study in two significant ways: the sample size was significantly larger (n=7,740), and the study grouped offenders according to their Static-99R scores into low (scores below 0), medium (scores of 0-4), and high (5 and above) risk categories (we used three rather than the usual four categories in order to maximize sample size for each category and increase the stability of the results).

27. This study confirmed that sexual offenders’ risk of committing sexual crimes decreases the longer they have been sex offense-free in the community. On average, their recidivism risk dropped by approximately 50% each five years that they remained offense-free in the community. *Id.* at 12 (Table 3). This pattern was particularly evident for high-risk sexual offenders, whose yearly recidivism rates declined from approximately 7% during the first calendar year, to less than 1% per year when they have been offense-free for 10 years or more.

Id. at 5, 8 (Figure 1). Thus, like “regular” offenders, sex offenders are less likely to re-offend the longer they remain offense-free in the community.

28. We also determined that, just as Blumstein and Nakamura established with respect to other types of offenders, sex-offenders who remain free of arrests for a sex offense will eventually become less likely to reoffend sexually than a non-sexual offender is to commit an “out of the blue” sexual offense.

29. As a preliminary step, we had to define the level of risk at which sexual offenders should be treated as non-sexual offenders. Unfortunately, there are very limited data as to the rates of sexual offending among the general male population. One study from Great Britain has found that approximately 2% of males are convicted for a sexual offense by age 40 (Marshall, 1997). Another has determined that among non-forensic psychiatric admissions, the proportion with a history of sexual violence is 3% to 5% (Hirdes, 2012). Because these data are not entirely satisfactory, we chose a different reference group: persons who have been arrested but have no recorded history of sexual offending. Among such non-sexual offenders, the observed sexual offense rates are 1% to 3% (Duwe, 2012; Hanson et al., 1995; Langan et al., 2003; Sample & Bray, 2003). For this paper, we chose a threshold of < 3% sexual recidivism rates after 5 years as a comparison baseline.

30. Using this threshold, we found that immediately upon release, low-risk offenders pose a smaller risk of recidivism (2.2% five-year risk) than does this baseline group of individuals who have never been arrested for a sex offense. (See Exhibit 4, Hanson et al., 2014, at 11 (Table 2)). After 10 years in the community without committing a sex offense, medium-risk offenders also pose a risk (2.4% five-year risk) that is below this baseline. *Id.* Although their recidivism rates declined substantially when they were 10 years offense-free, the-five year

recidivism rate of the initially high-risk offenders (4.2%) was still higher than the expected rate for nonsexual offenders (1%-3%). *Id.* at 11, 15-16.

Statistical Modeling

31. As part of this study which was presented at the 2012 Association for the Treatment of Sexual Abusers 32nd Annual Research and Treatment Conference, we also used another method of estimating the “redemption” period for sexual offenders. The redemption period is the time at which their expected rates of recidivism are below some pre-determined threshold. This second method involved estimating the probability of sexual recidivism during 6-month periods, from the time of release to more than 20 years in the community. These discrete-time hazard rates were then modeled using logistic regression. Statistical modeling minimizes random noise in the data allowing the patterns to be observed more clearly. By statistically modeling the hazard rates, we were able to make more precise estimates of the recidivism rates than we could using the statistical procedures (life-table survival analyses) reported in our earlier analyses.

32. Statistical modeling of discrete-time hazard rates is a well-established method for estimating changes in hazard rates over time (Singer & Willett, 2003). These statistical methods (logistic regression modeling of discrete-time hazard rates) have been used by other researchers to specifically examine time-to-redemption for general (non-sexual) offenders (Bushway, Nieuwebeerta & Blokland, 2011). Logistic regression is the standard statistical method for estimating the value of a binary dependent variable (a yes-no question) based on a set of continuous independent variables. In our case, the binary variable was recidivism (charge for a sexual crime) during a six-month period, and the predictor variables were time sex-offense free and Static-99R scores. Logistic regression is discussed in most advanced texts on statistics; a

standard reference is Alan Agresti, AN INTRODUCTION TO CATEGORICAL DATA ANALYSIS (John Wiley and Sons 1996).

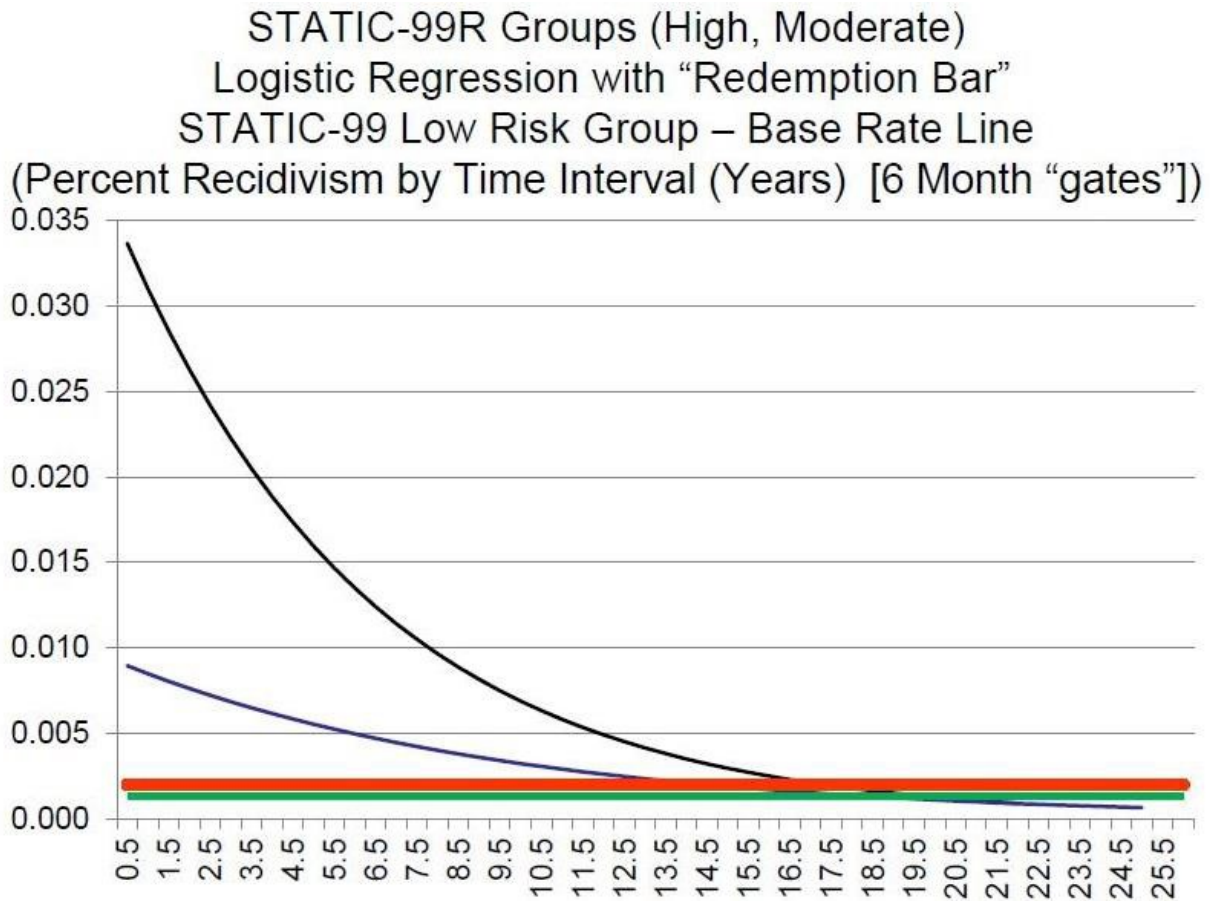
33. We compared the expected risk of sexual recidivism that individuals in the various risk categories would pose after they have been living in the community without a subsequent arrest for a sex-related crime to a baseline risk posed by any person who has had at least one arrest for any type of crime. By averaging the results of five studies that were conducted on this question between 1993 and 2008, we calculated the probability that a person who has suffered any arrest in his lifetime will commit a sex offense during any 6-month period as approximately 0.2% (rounded from 0.19%). This is a somewhat lower baseline than the 3%-over-5-years baseline that we used in our 2014 published study, discussed above; this means that the results discussed below are more conservative than those discussed above.

34. This analysis showed that after 14 years without a new arrest for a sex-related offense, medium-risk sex offenders pose no more risk of committing a new sex offense than do these baseline individuals who have never been arrested for a sex-related offense.

35. It also showed that after 17 years without a new arrest for a sex-related offense, high-risk sex offenders (top 16% of routine samples) pose no more risk of committing a new sex offense than do these baseline individuals who have never been arrested for a sex-related offense.

36. For the low-risk sexual offenders (bottom 16% of routine samples), there was no significant change in their risk levels over time, as their risk was consistently low. Less than 0.2% (0.187%) of the low-risk sexual offenders would be expected to be charged with a sexual offense during any discrete 6-month time period. For these individuals, their risk of a new sexual offense was already lower than the baseline at the time they were released from custody.

37. A true and correct copy of a graph that we presented at the 2012 conference showing the recidivism rates over time for the three categories, along with the baseline, is below.



38. I do, however, expect that when this analysis is complete it will allow us to calculate the risks posed by sex offenders who have remained completely free of any arrest following their release from custody (the above calculations only examine whether there has been a new arrest for a sex offense). Based on prior research indicating that committing any sort of crime increases the statistical likelihood that one will commit a sex crime, I expect it will be found that sex offenders who have remained completely arrest free since their release will be significantly less likely to commit new sex offenses than the above data suggests, and that they

will drop below the baseline risk earlier than is indicated above for people who have remained free of arrests for sex crimes but may have been arrested for other offenses.

39. Finally, it is important to understand that there are post-release factors other than the passage of time without a new arrest that can help predict whether an offender is likely to reoffend. As mentioned above, modern treatment methods can have a significant effect in reducing recidivism; furthermore, one study involving interviews with sexual recidivists found that most of the treatment failures had never seriously intended to stop offending or change the high-risk lifestyle in which their offending was embedded (Marques, Nelson, Alarcon, & Day, 2000). Sexual offenders with a credible release plan are lower risk than offenders without, and cooperation with supervision is a well-established factor that reduces risk. Consequently, it is quite likely that by monitoring these factors, by measuring indicators of commitment to treatment and other prosocial goals, and by monitoring involvement in non-sexual crime, evaluators could have an increased capacity to discriminate those who will recidivate from those who will not.

40. Thus, as my colleagues and I concluded in our 2004 paper, blanket policies that treat all sexual offenders as “high risk” waste resources by over-supervising lower risk offenders and risk diverting resources from the truly high-risk offenders who could benefit from increased supervision and human service. *See* Andrew J. R. Harris and R. Karl Hanson, Sex Offender Recidivism: A Simple Question (Public Safety and Emergency Preparedness Canada 2004), *available at* <https://www.ncjrs.gov/App/publications/abstract.aspx?ID=206023>. Research has even suggested that offenders may actually be made worse by the imposition of higher levels of treatment and supervision than is warranted given their risk level (Lovins, Lowenkamp & Latessa, 2009). 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.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

A handwritten signature in black ink that reads "Andrew J.R. Harris". The signature is written in a cursive, flowing style.

Andrew J.R. Harris

Dated: *June 3, 2016*

Sources Cited

Agresti, A. (1996) *An Introduction to Categorical Data Analysis*. New York: John Wiley and Sons.

Barbaree, H. E., & Blanchard, R. (2008). Sexual deviance over the lifespan: Reductions in deviant sexual behaviour in the aging sex offender. In: D. R. Laws & W. T. O'Donohue (Eds.), *Sexual Deviance: Theory, Assessment, and Treatment* (2nd ed.). New York: Guilford.

Blumstein, A., and Nakamura, K. (2009), Redemption in the presence of widespread criminal background checks, *Criminology*, 47(2); and summarized in an article of the same name in the *National Institute of Justice Journal*, 263, 10-17, available at <https://www.ncjrs.gov/pdffiles1/nij/226872.pdf>.

Bushway, S. D., Nieuwebeerta, P., & Blokland, A. (2011). The predictive value of criminal background checks: Do age and criminal history affect time to redemption? *Criminology*, 49, 27-60.

Duwe, G. (2012). Predicting first-time sexual offending among prisoners without a prior sex offense history: The Minnesota Sexual Criminal Offending Risk Estimate (MnSCORE). *Criminal Justice and Behavior*, 39, 1436-1456.

Hanson, R. K. (2002). Recidivism and age: Follow-up data on 4,673 sexual offenders. *Journal of Interpersonal Violence*, 17, 1046-1062.

Hanson, R.K. (2006). Does Static-99 Predict Recidivism Among Older Sexual Offenders? *Sex Abuse*. 18:343-355.

Hanson, R. K., Harris, A. J. R., Helmus, L. & Thornton, D. (2014): High-Risk Sex Offenders May Not Be High Risk Forever. *Journal of Interpersonal Violence* 29:15, 2792-2813, available at <http://jiv.sagepub.com/content/29/15/2792>.

Hanson, R. K., Gordon, A., Harris, A. J. R., Marques, J. K., Murphy, W., Quinsey, V., & Seto, M. (2002). The 2001 ATSA report on the effectiveness of treatment for sexual offenders. *Sexual Abuse: A Journal of Research and Treatment*, 14 (2), 169-194.

Hanson, R.K., Lloyd, C.D., Helmus, L. & Thornton, D. (2012): Developing Non-Arbitrary Metrics for Risk Communication: Percentile Ranks for the Static-99/R and Static-2002/R Sexual Offender Risk Tools, *International Journal of Forensic Mental Health*, 11:1, 9-23.

Hanson, R.K., Lunetta, A., Phenix, A., Neeley, J., & Epperson, D. (2014): The Field Validity of Static-99/R Sex Offender Risk Assessment Tool in California. *Journal of Threat Assessment and Management*, 1(2), 102-117.

Hanson, R. K., Scott, H., & Steffy, R. A. (1995). A comparison of child molesters and nonsexual criminals: Risk predictors and long-term recidivism. *Journal of Research in Crime and Delinquency*, 32(3), 325-337.

Harris, A. J. R., and Hanson, R. K. (2004). *Sex Offender Recidivism: A Simple Question 2004-03*. Public Safety and Emergency Preparedness Canada, available at <http://www.publicsafety.gc.ca/res/cor/rep/2004-03-se-off-eng.aspx>.

Helmus, L., Thornton, D., Hanson, R. K., & Babchishin, K. M. (2012). Improving the predictive accuracy of Static-99 and Static-2002 with older sex offenders: Revised age weights. *Sexual Abuse: A Journal of Research and Treatment*, 24(1), 64-101. doi:10.1177/1079063211409951.

Hirdes, J. P. (2012). *Use of the interRAI assessment instruments in forensic mental health settings*. Presentation at the Future of Forensic Care: Solutions Worth Sharing. Utrecht, Netherlands.

Langan, P. A., Schmitt, E. L., & Durose, M. R. (2003). Recidivism of sex offenders released from prison in 1984. Bureau of Justice Statistics NCJ 198281. Washington, DC: U.S. Department of Justice.

Lovins, B., Lowenkamp, C. T., & Latessa, E. J. (2009). Applying the risk principle to sex offenders: Can treatment make some sex offenders worse? *The Prison Journal*, 89, 344-357.

Marques, J. K., Nelson, C., Alarcon, J.-M., & Day, D.M. (2000). Preventing relapse in sex offenders: What we learned from SOTEP's experimental treatment program. In R. D. Laws, S. M. Hudson, & T. Ward, (Eds.), *Remaking relapse prevention with sex offenders: A sourcebook* (pp. 321-342). Thousand Oaks, CA: Sage.

Marshall, P. (1997). *The prevalence of convictions for sexual offending*. (Research Finding No. 55.) London, UK: Home Office Research and Statistics Directorate.

Sample & Bray, 2003: Sample, L. L., & Bray, T. M. (2003). Are sex offenders dangerous? *Criminology and Public Policy*, 3, 59-82. doi:10.1111/j.1745-9133.2003.tb00024.x

Singer, J. D., & Willett, J. B. (2003). *Applied Longitudinal Data Analysis: Modeling Change and Event Occurrence*. Oxford, UK: Oxford University Press.

Exhibit 1

Andrew J. R. HARRIS, M.Sc., Ph.D., C. Psych.

**74 Butternut Drive
Lindsay, Ontario CANADA K9V-4R1**

E-mail andrew@offenderrisk.com

Web page www.offenderrisk.com

**Psychologist – C. Psych.
Certificate in Professional Project Management (PMP)**

**(Ontario License 4112)
(Certificate #334432)**

Current part-time employment

**Correctional Service of Canada
Research Branch**

Peer Reviewer for

- **Sexual Abuse: A Journal of Research and Treatment**
- **Journal of Forensic Psychology Practice**
- **Canadian Journal of Criminology**
- **Journal of Sexual Aggression**

Education

Masters of Science (Psychology)

Ph.D. (Psychology)

Ph.D. level course work in evaluation

Ph.D. level course work in reliability/validity, cluster analysis, univariate,
multivariate and non-parametric statistics

Experience

Clinical Psychology

I maintain a private practice specializing in risk assessment and clinical intervention with men referred for problems of a sexual and/or violent nature. This includes men experiencing problems with pornography and child pornography. In the past, at Warkworth Medium Secure Institution (CSC) I operated within a multi-disciplinary team to provide comprehensive mental health services at Canada's largest federal penitentiary. Previous clinical positions include service at the Oak Ridge Division (Maximum Security) of the Penetanguishene Mental Health Centre, Penetanguishene, Ontario and as a community Behaviour Management consultant working in the community (York

Academic and Professional Summary: Dr. Andrew Harris, C. Psych.

June, 2015

Central Hospital, Richmond Hill, Ontario).

Research Management

I have gained research management experience as Project Manager or Field Team Leader for four large, multi-year research studies over the past fourteen years. These projects gave me the opportunity to write major research plans, hire and supervise staff and contractors, manage active research programs, design and create large SPSS databases and complete data analysis using SPSS and SAS software, manage multi-person research and data collection teams in the field, and supervise data collection efforts in other parts of the country while based in Ottawa. In this position I drafted and negotiated research agreements with provincial and territorial governments and drafted and had accepted by provincial and university ethics committees 12 comprehensive research ethics proposals. I contributed to a number of government and peer review publications describing the outcomes of these projects.

Developed and Presented Briefs for Senior Managers

As a Senior Policy Analyst within the Solicitor General Canada and as a research officer within the PSEPC Strategic Policy and Citizen Engagement Branch I drafted briefing materials, including Memoranda to Cabinet, and provided briefings and recommendations to senior government officials. This included testifying before the Parliament of Canada, Senate and House of Commons Joint Committee on Justice and Human Rights.

Employment History

Senior Research Manager Correctional Service Canada November 2006 to July 2015

Current projects include the study of psychological susceptibility in those involved with hate groups and terrorism. A project to ensure that firearms training completed in a “virtual” (video-laser based) environment is comparable to firearms training carried out in “live-fire” contexts. I serve as a team member on a project to develop a risk assessment for susceptibility to entrance into administrative segregation within 6 months of intake to the prison system. I also serve on two review committees, one for mental health screening measures and a second having to do with military veterans who find themselves incarcerated. In the past I was responsible for all phases of an international research forum on sexual homicide, sexual sadism, and paraphilias with particular attention to necrophilia. This research resulted in a book published by the Correctional Service Canada in 2008.

A/Director, Operations Research

January 2011 to November 2011

I lead an eight member multi-disciplinary team responsible for the prosecution of operationally related research projects to support the smooth running of the Correctional Service of Canada. Research in this area looks at factors as diverse as mental health diagnosis, employee engagement, violent reoffending patterns in women offenders, the re-validation of risk measures, and descriptive profiles of homicide, sexual, robbery, and drug offenders under warrant to the Correctional Service of Canada. This knowledge contributes to the effective rehabilitation of offenders and increased public safety. This fiscal year the team will complete eleven different projects using seven different managed budgets. Deliverables within the next fourteen months

Academic and Professional Summary: Dr. Andrew Harris, C. Psych.

June, 2015

will include government reports, advice to senior correctional officials, and peer-review scientific articles.

A/Director, Programming Research

March 2008 to November 2008

As leader of a multi-disciplinary management team I create and direct innovative, discovery-oriented research to support the programming priorities of the Correctional Service of Canada contributing to the effective rehabilitation of offenders and increased public safety. I was responsible for up to 12 staff on 9 different projects and managed 3 budgets. Deliverables created during this term included a hard-cover book outlining the most recent research on Sexual Homicide, Research Reports, validation studies and the successful completion of an international forum.

Senior Research Manager Health Service Branch CSC May 23, 2006 to November 1, 2006

In this position I researched and initiated a national program to provide a Computerized Mental Health Intake Screening System to all CSC intake centers. This screening system collects data on nine indicators of psychological/psychiatric problems and three “global” indicators of distress. The process checks for “faking good”, and also administers measures of depression, hopelessness and suicide. This process will improve CSC’s ability to plan for and respond to the needs of individuals with mental health concerns. As manager of this project I selected the appropriate psychological measures, organized the physical project, and developed close working relationships with the Information Technology team that wrote the software application that will run the screening tool.

Senior Research Officer Public Safety February 6, 2006 to May 23, 2006

During this period I was temporarily assigned as senior research officer within the Strategic Policy and Citizen Engagement Branch of Public Safety. Here I reviewed pre-release Canadian Centre for Justice Statistics releases and prepared written commentary for the Departmental statistics committee. In this position I worked on Ministerial Correspondence and managed the “torture” response file for Public Safety.

Senior Research Officer July 1, 2005 to February 6, 2006

On July 1, 2005 I returned from two years of clinical experience to my permanent position as a Senior Research Officer with the Corrections and Criminal Justice Directorate, Public Safety and Emergency Preparedness Canada. I continued to work on the Dynamic Supervision Project. Tasks include creation of SPSS data files and coding forms, creation of project archives, analysis of project data, and preparation of user reports. In addition, currently assigned writing tasks will contribute to submissions to peer-reviewed scientific journals.

Warkworth Medium Secure Federal Penitentiary, Campbellford, Ontario

Psychologist Correctional Service Canada July 1, 2003 to June 30, 2005

Academic and Professional Summary: Dr. Andrew Harris, C. Psych.**June, 2015**

As a member of the Psychology Department at Canada's largest federal penitentiary I operated in a team-driven multi-disciplinary environment to provide psychological services to a broad spectrum of federally sentenced inmates. This temporary work assignment was granted at my request to allow me to complete my forensic clinical qualifications while maintaining my indeterminate status within Public Safety and Emergency Preparedness Canada.

Dynamic Supervision Project 2001 (Sexual Offenders)

Project Manager and Co-principal Investigator
Solicitor General Canada

March 2001 to present

This assignment required co-coordinating all day-to-day operational requirements for an international research program that includes all Canadian provinces and territories as well as the states of Alaska and Iowa. Duties include the drafting of coding and interview manuals, liaison with provincial probation departments, federal parole offices, and state correctional authorities, preparation of ethics and approval packages, scheduling, training and supervision of data collection officers, conducting reliability coding, data entry set-up, and data analysis. This project has assessed over 1,000 sexual offenders on community release and will follow them for a 30-month period. Static, Stable, and Acute risk factors are being collected on all offenders. This project includes innovative data retrieval systems including coded data entry using the Internet.

Senior Policy Analyst

Solicitor General Canada

April 1998 to March 2001

Duties consisted of policy analysis and the preparation of policy documents under time pressure. I have co-ordinated provincial and territorial participation in the preparation of major government reports. I have worked closely with other agencies in the criminal justice field and have organized national consultations with NGO's and service organizations. I have experience in managing consultations and have prepared ministerial responses on current issues. This position has included contracting with independent researchers for data collection, preparation, and analysis.

Dynamic Predictors of Sexual Re-offense Project 1997 (Sexual Offenders)

Project Manager, Field Team Leader

Solicitor General Canada

1996 to 1998

I was responsible for all day-to-day operational requirements for a national research program that included nine provinces and all Federal regions. Duties in this position included: drafting of coding and interview manuals, liaison with provincial probation departments and federal parole offices, preparation of ethics and approval packages, scheduling, training and supervision of data collection staff, administration of contracts for data collection staff, conducting reliability coding, data entry set-up and data analysis.

Crown Files Review (Dangerous Offenders)

Field Team Leader

Solicitor General Canada

1995

Academic and Professional Summary: Dr. Andrew Harris, C. Psych.**June, 2015**

In response to recommendations by the Federal/Provincial/Territorial Task Force on High Risk Violent Offenders (January 1994), a research project was undertaken to provide empirical data that would assist Crown attorneys in the application of the Dangerous Offender Provisions of the Canadian Criminal Code. I created the coding manuals to collect the data and organized a research effort that assessed the penitentiary and court files of 64 Dangerous Offenders from Ontario and British Columbia and a comparison group of 34 high-risk violent offenders.

**Penetanguishene Mental Health Centre,
Penetanguishene, Ontario** (Maximum Security Forensic Psychiatric Unit)

Research Officer and Sex Offender Treatment Provider

1993 to 1995

Duties consisted of sex offender assessment and physiological treatment within an active treatment and research program. Sex offender assessments routinely consisted of a Problem Identification group, phallometric assessment and treatment, and a Relapse Prevention group. Adjunct treatment programs included individual counselling, social skills training, sex education, and assertiveness training. Data from these programs were included in ongoing research programs.

Field Team LeaderSurvey of Mentally Disordered Offenders

1992

I was seconded from a clinical position to lead the field team for a province-wide research project involving all patients held within the Ontario Health Care system under warrants of the Lieutenant Governor of Ontario. Duties included scheduling and logistics for the field team. During a 10-month period I arranged for and scheduled over 400 professional consultations in over 20 sites across Ontario. I computerized the coding manuals and questionnaires for data entry and analysis.

Unit Psychometrist

1990 to 1992

Team leadership, case coordination and advocacy for patients were critical to this position. I was the principle provider of psychological services to a unit of forty forensic psychiatric patients. Half of these patients were diagnosed as Schizophrenic and half were Personality Disorders. Individual counselling plans and therapy groups were developed and implemented based upon the continually changing needs of this population.

**Behaviour Management Services
York Central Hospital, Richmond Hill, Ontario.**

Behaviour Consultant

1982 to 1985

Duties involved behavioural assessment, the design and supervision of individual behaviour change programs in consultation with parents, teachers, and other professionals. I was responsible for mediator training to support the individual in their environment and supplied additional training as

Academic and Professional Summary: Dr. Andrew Harris, C. Psych.

June, 2015

necessary to the in-community team. This additional training included relaxation training, social skills training, and crisis management consultation. Public education and staff development in the above areas were provided for school boards, social agencies and professionals involved with Behaviour Management clients. Special duties included assessment and treatment of individuals who had committed sexual offences against children.

Education

- PMP** (2003) Certificate in Professional Project Management (Certificate #334432)
Project Management Institute, Newton Square, PA, U.S.A.
- Ph.D.** (2001) Ph.D. in Correctional and Forensic Psychology
Carleton University, Psychology Department, Ottawa, Ontario.
Thesis Title: The Psychopathy Checklist: Screening Version: Applications with Parole and Probation Sex Offender Samples.
- M.Sc.** (1987) M.Sc. in the area of Developmental Disabilities
University of Calgary, Psychology Department, Calgary, Alberta.
Included practicum in neuropsychological assessment at the Foothills Hospital, Calgary.
- B.A.** (1982) Specialized Honours B.A. (Psychology)
York University, Psychology Department, Toronto, Ontario.
Specialization in Behaviour Modification included a clinical practicum.
- 1979** Studies on full scholarship contributing to degree at York University.
University of Bordeaux III, Bordeaux, France.

Professional Testimony

- Senate of Canada: Standing Senate Committee on Legal and Constitutional Affairs April 29, 2010
Hearings concerning Bill S-2 – An Act to amend the Criminal Code and other Acts (Protecting Victims from Sex Offenders Act). Transcript available at: <http://www.parl.gc.ca/40/3/parlbus/commbus/senate/Com-e/lega-e/05evb-e.htm>
- State of Wisconsin v. Derek Miller SPD File # 03S-40-Z-G19773 May 25, 2004
Sexual Violent Predator/Civil Commitment Hearing
Written submission concerning use of actuarial risk assessment instruments. May, 2004
Oral Testimony – June 25, 2004
- Parliament of Canada: Standing Committee on Justice and Human Rights June 12, 2003
Hearings concerning Bill C-23 – An act respecting the registration of information relating to sex offenders, to amend the Criminal Code of Canada. Transcript available at: <http://www.parl.gc.ca/InfoComDoc/37/2/JUST/Meetings/Evidence/justev61-e.htm>

Major Awards

- Student Scholarship to attend the 1996 NATO Advanced Study Institute. Psychopathy: Theory,

Academic and Professional Summary: Dr. Andrew Harris, C. Psych.

June, 2015

research, and implications for society. Alvor, Portugal

- Canadian Student Leadership Scholarship 1979 - 80: Full scholarship for one year at a foreign university, including transportation and living expenses (University of Bordeaux III, France)
- Canadian Psychological Association, Vancouver, B.C. 1987 cash prize for outstanding student presentation
- York University, Toronto, Ontario Dean's List Award 1982

Recent Publications

Hanson, R. K., Harris, A. J. R., Helmus, L., & Thornton, D. (In press). Assessing the risk and needs of supervised sexual offenders: A prospective study using the STABLE-2007, Static-99R, and Static-2002R. *Criminal Justice and Behaviour*.

Hanson, R. K., Harris, A. J. R., Helmus, L., & Thornton, D. (2014). High risk sex offenders may not be high risk forever. *Journal of Interpersonal Violence*, 1-22. doi: 10.1177/0886260514526062

Helmus, L., Hanson, R. K., Thornton, D., Babchishin, K. M., Harris, A. J. R. (2014). Absolute recidivism rates predicted by STATIC-99R and STATIC-2002R sex offender risk assessment tools vary across samples: A meta-analysis. *Journal of Consulting and Clinical Psychology*.

Hanson, R. K., & Harris, A. J. R. (2014). Criminogenic needs of sexual offenders on community supervision. In L. Craig, T. Dixon, & T. Gannon (Eds.), *What works in offender rehabilitation: An evidence based approach to assessment and treatment*.

Helmus, L., Johnson, S., & Harris, A. J. R. (2014). *Developing the Risk of Administrative Segregation Tool (RAST) to predict admissions to segregation* (Research Report R-325). Ottawa, ON: Correctional Service of Canada.

Helmus, L., Hanson, R. K., Thornton, D., Babchishin, K. M., & Harris, A. J. R. (2012). Absolute recidivism rates predicted by Static-99R and Static-2002R sex offender risk assessment tools vary across samples: A meta-analysis. *Criminal Justice & Behavior*, 39, 1148-1171. doi:10.1177/0093854812443648

Harris, A. J. R. (2012). *Paraphilias: Incidence and Co-occurrence in normative and sex offender samples*. Ottawa, ON: Correctional Service of Canada.

Stewart, L., Harris, A. J. R., Wilton, G., Archambault, K., Cousineau, C., Varette, S., & Power, J. (2012). An initial report on the results of the pilot of the Computerized Mental Health Intake Screening System (ComHiss). Ottawa: Correctional Service of Canada.

Kroner, D. G., Kang, T., Mills, J. F., Harris, A. J. R., & Green, M. (2011). Reliabilities, validities, and cutoff scores of the Depression Hopelessness and Suicide Screening Form among women offenders. *Criminal Justice and Behaviour*, 38(8) 779-795.

Harris, A. J. R., & Hanson, R. K. (2010). Clinical, actuarial, and dynamic risk assessment of sexual

Academic and Professional Summary: Dr. Andrew Harris, C. Psych.

June, 2015

- offenders: Why do they keep changing things? *Journal of Sexual Aggression*, 16(3), 296-310.
- Harris, A. J. R., Cousineau, C., Pagé, C. A., Sonnichsen, P., & Varrette, S. (2010). Recidivism Risk Assessment for Aboriginal Males: A Brief Review of the Scientific Literature. Ottawa, ON: Correctional Service of Canada.
- Harris, A. J. R., Cousineau, C., Pagé, C. A., Sonnichsen, P., & Varrette, S. (2009). Feasibility of an Inuit specific violence risk assessment instrument. Ottawa, ON: Correctional Service of Canada.
- Harris, A. J. R., & Pagé, C. A. (Eds.). (2008). *Sexual homicide and paraphilias: The Correctional Service of Canada's experts forum 2007*. Ottawa: Correctional Service of Canada. Also published in French under the title: *Homicides sexuels et paraphilies: Forum d'experts du Service correctionnel du Canada 2007*.
- Harris A. J. R., & Hanson, R. K. (2008). STABLE-2007 and ACUTE-2007: Dynamic risk prediction for community-based sexual offenders. Association for the Treatment of Sexual Abusers: Forum. Beaverton, OR: ATSA.
- Beech, A., Bourgon, G., Hanson, R. K., Harris, A. J. R., Langton, C., Marques, J., Miner, M., Murphy, W., Quinsey, V., Seto, M., Thornton, D., & Yates, P. (2007). *The collaborative cutcome data committee's guidelines for the evaluation of sexual offender treatment outcome research, Part 2: CODC guidelines*. Research Report 2007-03. Ottawa, ON: Public Safety Canada. Available at www.ps-sp.gc.ca/res/cor/rep
- Hanson, R. K., & Harris, A. J. R. (2007). *STABLE-2007*. Unpublished manuscript. Public Safety Canada. Available from the authors.
- Hanson, R. K., & Harris, A. J. R. (2007). *ACUTE-2007*. Unpublished manuscript. Public Safety Canada. Available from the authors.
- Hanson, R. K., Harris, A. J. R., Scott, T-L, & Helmus, L. (2007). *Assessing the risk of sexual offenders on community supervision: The Dynamic Supervision Project*. User Report, Corrections Research, Ottawa: Public Safety Canada. Available at www.ps-sp.gc.ca/res/cor/rep
- Harris, A. J. R. (2007). STABLE-2007/ACUTE-2007. In B.L. Cutler (Ed.), *Encyclodedia of psychology and law*. Thousand Oaks, CA: Sage.
- Harris, A. J. R. (2007). Sex offender needs assessment rating (SONAR). In B.L. Cutler (Ed.), *Encyclodedia of psychology and law*. Thousand Oaks, CA: Sage.
- Kroner, D. G., Harris, A. J. R., & Yessine, A. K. (2006). Altering antisocial attitudes in federal male offenders on Release: The final report on the Counter-Point Community Program. Correctional Service Canada www.csc-scc.gc.ca
- Harris, A., & Tough, S. (2004). Should actuarial risk assessments be used with Intellectually Disabled Sex Offenders? *Journal of Applied Research in Intellectual Disabilities*, 17, 1–7.
- Harris, A. J. R., & Hanson, R. K. (2004). Sex Offender Recidivism: A simple question? Solicitor General Canada. Public Safety and Emergency Preparedness Canada: www.psepc.gc.ca
- Harris, A., Phenix, A., Hanson, R. K., & Thornton, D. (2003). STATIC-99 Coding Rules: Revised – 2003 Solicitor General Canada. Public Safety and Emergency Preparedness Canada:

Academic and Professional Summary: Dr. Andrew Harris, C. Psych.

June, 2015

www.psepc.gc.ca

- Harris, A., & Hanson, R. K. (2003). The Dynamic Supervision Project: Improving the Community Supervision of Sexual Offenders. *Corrections Today*, 65(5), 60-68.
- Harris, A., & Hanson, R. K. (2003) Supervising Community Sex Offenders: The Dynamic Supervision Project. *The Forum: Association for the Treatment of Sexual Abusers*, 15(2), 6-9.
- Hanson, R. K., Morton, K. E., & Harris, A. J. R. (2003). Sexual offender recidivism risk : What we know and what we need to know. In R. Prentky, E. Janus, M. Seto, and A. W. Burgess (Eds.), *Understanding and managing sexually coercive behaviour*. Annals of the New York Academy of Sciences, Volume 989.
- Gordon, A., Hanson, R.K., Harris, A., Marques, J.K., Murphy, W., Quinsey, V.L., & Seto, M. (2002). First report of the Collaborative Outcome Data Project on the Effectiveness of Psychological Treatment for Sex Offenders. *Sexual Abuse: A Journal of Research and Treatment*, 14 (2), 169-194.
- Harris, A., (2003). *Improving the Community Supervision of Sexual Offenders*. Research Summary: Corrections Research and Development, 6(4). Solicitor General Canada, Public Safety and Emergency Preparedness Canada: www.psepc.gc.ca
- Harris, A. J. R. (2001). *High-Risk Offenders: A Handbook for Criminal Justice Professionals*. Solicitor General Canada: Public Safety and Emergency Preparedness Canada: www.psepc.gc.ca
- Hanson, R. K., & Harris, A. J. R. (2001). A structured approach to evaluating change among sexual offenders. *Sexual Abuse: A Journal of Research and Treatment*, 13 (2), 105-122.
- Harris, A. J. R. (2000). *Corrections Population Report: Fourth Edition*. Report for the Federal/Provincial/Territorial Ministers Responsible for Justice. Solicitor General Canada: Public Safety and Emergency Preparedness Canada: www.psepc.gc.ca
- Hanson, R. K., & Harris, A. J. R. (2000). *STABLE-2000*. Unpublished manuscript. Department of the Solicitor General Canada. Available from the authors: e-mail Andrew Harris at Andrew.Harris@PSEPC-SPPCC.GC.CA
- Hanson, R. K., & Harris, A. J. R. (2000). *ACUTE-2000*. Unpublished manuscript. Department of the Solicitor General Canada. Available from the authors: e-mail Andrew Harris at Andrew.Harris@PSEPC-SPPCC.GC.CA
- Hanson, R. K., & Harris, A. (2000). Where should we intervene? Dynamic predictors of sex Offence recidivism. *Criminal Justice and Behaviour*, 27 (1), 6-35.
- Harris, A. J. R., & Hanson, R. K. (1999). Dynamic predictors of sex recidivism: New data from community supervision officers. In B. K. Schwartz (Ed.), *The Sex Offender: Vol.3*. Kingston, New Jersey: Civic Research Institute.
- Rice, M. E., Harris, G. T., Quinsey, V. L., Harris, A. J. R., & Lang, C. Treatment of forensic patients. (To appear in: B. Sales & S. Shah *Mental health and the law: Research, policy and practice*.)
- Harris, A. J. R. (1998) *Corrections Population Growth: Second Progress Report*. Report for the Federal/Provincial/Territorial Ministers Responsible for Justice. Solicitor General Canada: Public Safety and Emergency Preparedness Canada: www.psepc.gc.ca

Academic and Professional Summary: Dr. Andrew Harris, C. Psych.

June, 2015

- Bonta, J., Zinger, I., Harris, A., & Carrière, D. (1998). The dangerous offender provisions: Are they targeting the right offenders? *Canadian Journal of Criminology*, 40 (4), 377-400.
- Hanson, R. K., Cadsky, O., Harris, A., & Lalonde, C. (1997). Correlates of battering among 997 men: Family history, adjustment and attitudinal differences. *Violence and Victims*, 12(3), 191-208.
- Hanson, R. K., & Harris, A. J. R. (1997). Voyeurism: Assessment and treatment. In D. R. Laws & W. O'Donohue (Eds.), *Handbook of sexual deviance* (pp. 311-331). New York: Guilford Press.
- Bonta, J., Harris, A., Zinger, I., & Carrière, D. (1996). *The Crown Files Research Project: A study of dangerous offenders*. Ottawa: Solicitor General Canada. Public Safety and Emergency Preparedness Canada: www.psepc.gc.ca
- Rice, M. E., Harris, G. T., Quinsey, V. L., Harris, A. J. R., Lang, C., & Carriere, D. (1993). *Report on the Clinical and security needs of mentally disordered offenders in Ontario*. Penetanguishene: Ontario Ministry of Health.

Recently Completed Major Presentations

- 2014 Pre-conference Workshop Facilitator – STABLE-2007 and ACUTE-2007 Training: The Basics of Dynamic Assessment. Association for the Treatment of Sexual Abusers, 33rd. Annual Research and Treatment Conference, San Diego, CA, U.S.A. (October, 2014).
- Response Faking in Phallometric Testing (Separate presentation at same meeting)
- 2013 Pre-conference Workshop Facilitator – STABLE-2007 and ACUTE-2007 Training: The Basics of Dynamic Assessment. Association for the Treatment of Sexual Abusers, 32nd. Annual Research and Treatment Conference, Chicago, IL, U.S.A. (October, 2013).
- 2012 Pre-conference Workshop Facilitator – STABLE-2007 and ACUTE-2007 Training: The Basics of Dynamic Assessment. Association for the Treatment of Sexual Abusers, 33rd. Annual Research and Treatment Conference, Denver, CO, U.S.A. (October, 2014).
- High Risk Sexual Offenders: High Risk Forever? (Separate presentation at same meeting)
- 2011 Pre-conference Workshop Facilitator – STABLE-2007 and ACUTE-2007 Training: The Basics of Dynamic Assessment. Association for the Treatment of Sexual Abusers, 32nd. Annual Research and Treatment Conference, Chicago, IL, U.S.A. (October, 2013).
- 2010 Pre-conference Workshop Facilitator – STABLE-2007 and ACUTE-2007 Training: The Basics of Dynamic Assessment. Association for the Treatment of Sexual Abusers, 29th. Annual Research and Treatment Conference, Toronto, ON, Canada. (November, 2010).
- Adjusting Recidivism Estimates on the Basis of Time Free (Separate presentation at same meeting)
- 2009 Pre-conference Workshop Facilitator – STABLE-2007 and ACUTE-2007 Training: The Basics of Dynamic Risk Assessment. Association for the Treatment of Sexual Abusers, 28th. Annual Research and Treatment Conference, Dallas, TX, U.S.A. (October, 2009).
- Sexual Homicide and Paraphilias: Information from the Correctional Service of Canada's Experts Forum 2007 (Separate presentation at same meeting)

Academic and Professional Summary: Dr. Andrew Harris, C. Psych.

June, 2015

- 2008 Pre-conference Workshop Facilitator – Dynamic Risk Assessment: STABLE-2007 and ACUTE-2007 Training. Association for the Treatment of Sexual Abusers, 27th. Annual Research and Treatment Conference, Atlanta, GA, U.S.A. (October, 2008).
- Are New Norms Needed for the STATIC-99? (Separate presentation at same meeting)
- 2007 Pre-conference Workshop Facilitator – Dynamic Risk Assessment of Sexual Offenders: STABLE-2007 & ACUTE-2007. Association for the Treatment of Sexual Abusers, 26th. Annual Research and Treatment Conference, San Diego, CA, U.S.A. (November, 2007).
- New Data Impacting Risk Assessment Practices: Implications for Policy and Community Supervision. Symposium Chair (Separate presentation at same meeting) and Dynamic Supervision Project Outcomes: Risk Assessment Partnerships with Multiple Provinces and States.
- Adult Assessment Track: Dynamic Risk Assessment using the STABLE-2007 and the ACUTE-2007. (Separate presentation at same meeting)
- 2007 Dynamic Risk Assessment for Treatment and Community Supervision: Combining Static and Dynamic Risk in Practice. The Scottish Executive. Edinburgh and Glasgow, Scotland. June 15 – 30, 2007.
- 2007 Dynamic Risk Assessment: STABLE-2007 and ACUTE-2007 training. Canadian Psychological Association, Ottawa, Ontario CANADA, June 2007.
- 2007 Dynamic Supervision of Sex Offenders. National Organization for the Treatment of Abusers (NOTA). Northern Ireland Branch, Ballymena, Northern Ireland, April 2007.
- 2007 The Dynamic Supervision of Sexual Offenders. Workshop provided for the Ohio Community Corrections Association. Columbus, Ohio, U.S.A. April, 2007.
- 2006 Pre-conference Workshop Facilitator – Sex Offender Risk Assessment and Management “101” Association for the Treatment of Sexual Abusers, 25th. Annual Research and Treatment Conference, Chicago, Illinois, U.S.A. (November, 2006).
- 2006 Risk Assessment: Static, Stable, and Acute for Release, Treatment, and Community Management New York State Alliance of Sex Offender Service Providers and the New York State Association for Treatment of Sexual Abusers, Corning New York, May 2006.
- 2006 Pre-conference Workshop Facilitator – Sex Offender Risk Assessment and Management “101” Association for the Treatment of Sexual Abusers, 25th. Annual Research and Treatment Conference, Chicago, Illinois, U.S.A. November, 2006.
- 2006 Evidence Based Sex Offender Assessment Training. Workshop provided for the Central Illinois Sex Offender Management Network, Peoria, Illinois U.S.A. August, 2006.
- 2006 The Dynamic Supervision of Sexual Offenders. Workshop provided for the state of Ohio Community Corrections Parole and Probation Officers. Columbus, Ohio, U.S.A.
- 2006 Risk Assessment and Management for Community-based Sexual Offenders Queensland Corrections, Queensland, Australia January 9 to 25, 2006. Consultations on risk management and treatment for sexual offenders.

Exhibit 2

STATIC-99 – TALLY SHEET

Subject Name: _____

Place of Scoring: _____

Date of Scoring: _____ **Name of Assessor:** _____

Question Number	Risk Factor	Codes	Score
1	Young	Aged 25 or older Aged 18 – 24.99	0 1
2	Ever Lived With	Ever lived with lover for at least two years? Yes No	0 1
3	Index non-sexual violence - Any Convictions?	No Yes	0 1
4	Prior non-sexual violence - Any Convictions?	No Yes	0 1
5	Prior Sex Offences	Charges Convictions None None 1-2 1 3-5 2-3 6 + 4+	0 1 2 3
6	Prior sentencing dates (excluding index)	3 or less 4 or more	0 1
7	Any convictions for non-contact sex offences	No Yes	0 1
8	Any Unrelated Victims	No Yes	0 1
9	Any Stranger Victims	No Yes	0 1
10	Any Male Victims	No Yes	0 1
	Total Score	Add up scores from individual risk factors	

	<u>POINTS</u>	<u>Risk Category</u>
Suggested Nominal Risk Categories	0,1	Low
	2,3	Moderate-Low
	4,5	Moderate-High
	6+	High

Exhibit 3

Static-99R Coding Form

Question Number	Risk Factor	Codes		Score
1	Age at release	Aged 18 to 34.9 Aged 35 to 39.9 Aged 40 to 59.9 Aged 60 or older		1 0 -1 -3
2	Ever Lived With	Ever lived with lover for at least two years? Yes No		0 1
3	Index non-sexual violence - Any Convictions	No Yes		0 1
4	Prior non-sexual violence - Any Convictions	No Yes		0 1
5	Prior Sex Offences	<u>Charges</u> 0 1,2 3-5 6+	<u>Convictions</u> 0 1 2,3 4+	0 1 2 3
6	Prior sentencing dates (excluding index)	3 or less 4 or more		0 1
7	Any convictions for non-contact sex offences	No Yes		0 1
8	Any Unrelated Victims	No Yes		0 1
9	Any Stranger Victims	No Yes		0 1
10	Any Male Victims	No Yes		0 1
	Total Score	Add up scores from individual risk factors		

Translating Static-99R scores into risk categories**Score** **Label for Risk Category**

-3 through 1 = Low
2, 3 = Low-Moderate
4, 5 = Moderate-High
6 plus = High

Exhibit 4

Journal of Interpersonal Violence

<http://jiv.sagepub.com/>

High-Risk Sex Offenders May Not Be High Risk Forever

R. Karl Hanson, Andrew J. R. Harris, Leslie Helmus and David Thornton

J Interpers Violence published online 24 March 2014

DOI: 10.1177/0886260514526062

The online version of this article can be found at:

<http://jiv.sagepub.com/content/early/2014/03/20/0886260514526062>

Published by:



<http://www.sagepublications.com>

On behalf of:

American Professional Society on the Abuse of Children

Additional services and information for *Journal of Interpersonal Violence* can be found at:

Email Alerts: <http://jiv.sagepub.com/cgi/alerts>

Subscriptions: <http://jiv.sagepub.com/subscriptions>

Reprints: <http://www.sagepub.com/journalsReprints.nav>

Permissions: <http://www.sagepub.com/journalsPermissions.nav>

Citations: <http://jiv.sagepub.com/content/early/2014/03/20/0886260514526062.refs.html>

>> [OnlineFirst Version of Record](#) - Mar 24, 2014

[What is This?](#)

High-Risk Sex Offenders May Not Be High Risk Forever

Journal of Interpersonal Violence

1–22

© The Author(s) 2014

Reprints and permissions:

sagepub.com/journalsPermissions.nav

DOI: 10.1177/0886260514526062

jiv.sagepub.com



**R. Karl Hanson,¹ Andrew J. R. Harris,²
Leslie Helmus,³ and David Thornton⁴**

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 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 offense-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 offense-free in the community for 10 years. The recidivism rates of the low-risk offenders were consistently low (1%-5%) for all time periods. The results suggest that offense 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.

Keywords

sex offenders, risk assessment, desistance, recidivism

¹Public Safety Canada, Ottawa, Ontario, Canada

²Forensic Assessment Group, Ottawa, Ontario, Canada

³Carleton University, Ottawa, Ontario, Canada

⁴Sand Ridge Secure Treatment Center, Mauston, WI, USA

Corresponding Author:

R. Karl Hanson, Community Safety and Countering Crime Branch, Public Safety Canada, 10th floor, 340 Laurier Avenue West, Ottawa, Ontario, Canada K1A 0P8.

Email: karl.hanson@ps-sp.gc.ca.

Of all people who commit serious transgressions, sexual offenders are perceived as the least likely to change. The widespread implementation of long-term social controls that uniquely apply to sexual offenders (e.g., lifetime community supervision, registration) indicates that policy makers, and the public that they represent, expect the risk posed by this population to persist almost indefinitely. The reasons that sexual offenders are treated differently from other offenders are not fully known. Contributing factors could include the particularly serious harm caused by sexual victimization (Browne & Finkelhor, 1986; Resick, 1993), and the belief that there is “no cure” for deviant sexual interests (e.g., Colorado Sex Offender Management Board, 2011). In certain public discussions, the special status of sexual offenders is sometimes justified by reference to a perceived high recidivism rate (see Ewing, 2011, p. 78).

Our belief that sexual offenders are intractable is in contrast to our openness to accept change among other offenders. Although certain restrictions and prejudices apply to all persons with a criminal record, the criminal justice systems of most Western democracies are predicated on the assumption that virtually all offenders could and should be reintegrated into society as law-abiding citizens. As articulated by Maruna and Roy (2007), the notion of personal reinvention by “knifing off” an old self is deeply rooted in the American psyche, and, quite likely, many other societies. It is an option, however, that is elusive to sexual offenders.

Sexual offenders vary in their risk for sexual recidivism. Previous meta-analyses have found that the average sexual recidivism rates of identified sexual offenders are in the 7% to 15% range after 5 to 6 years follow-up (Hanson & Morton-Bourgon, 2005; Helmus, Hanson, Thornton, Babchishin, & Harris, 2012). In contrast, sex offenders defined as high risk by the Violence Risk Scale–Sexual Offender Version (VRS-SO) have 10-year sexual recidivism rates between 56% and 70% (Beggs & Grace, 2010; Olver, Wong, Nicholaichuk, & Gordon, 2007).

Even if certain subgroups of sexual offenders can be identified as high risk, they need not be high risk forever. Risk-relevant propensities could change based on fortunate life circumstances, life choices, aging, or deliberate interventions (such as attending treatment). It is not necessary, however, to prove that an offender has changed to revise a risk assessment. New information could also be used to downgrade (or upgrade) an individual’s risk, even when the reasons for the change are uncertain. Some of this information could be potentially available at the time of the index sex offense (e.g., psychopathy scores), whereas other information is only available later. In this article, we focus on one objective indicator of post-index behavior that could be used to revise risk assessments: the length of time that individuals do not reoffend when given the opportunity to do so.

General offenders are at greatest risk for new criminal behavior immediately after release (Blumstein & Nakamura, 2009; Bushway, Nieuwebeerta, & Blokland, 2011; Howard, 2011). The longer they remain offense-free in the community, the lower their likelihood of ever again coming in contact with the criminal justice system. Blumstein and Nakamura (2009) introduced the concept of a redemption period, defined as the time at which an offender's risk has declined sufficiently that it is indistinguishable from the risk posed by men with no prior criminal record. Similarly, G. T. Harris and Rice (2007) found that for most forensic psychiatric patients, the risk for violent recidivism declined the longer they remained offense-free in the community. The reduction in risk, however, was relatively modest, and did not apply to the highest risk offenders (defined by Violence Risk Appraisal Guide [VRAG] bins of 7, 8, or 9).

Preliminary studies suggest that the overall time offense-free also applies to the risk of sexual recidivism among sexual offenders. A. J. R. Harris and Hanson (2004) compared the recidivism rates of a large sample of sexual offenders from the United States, United Kingdom, and Canada ($n = 4,724$) beginning at 4 start dates: time of release, and after 5, 10, and 15 years offense-free in the community. In their study, offense-free was defined as no new sexual or violent offenses. They found that the 5-year recidivism rates were 14.0% from time of release, compared with 7.0% after 5 years, 5.4% after 10 years, and 3.7% after 15 years offense-free. Similarly, Howard (2011) observed that the risk of sexual recidivism declined over the 4-year follow-up period in his study. Neither Howard nor A. J. R. Harris and Hanson (2004) examined whether the time-free effect applied equally to sexual offenders at different initial risk levels.

Time-free adjustments for different risk levels (Static-99 risk categories) were presented by A. J. R. Harris, Phenix, Hanson, and Thornton (2003; Appendix I). For each category of risk, the longer they remained offense-free in the community (2-10 years), the lower their recidivism rates. For example, the 5-year sexual recidivism for the Static-99 high-risk group (scores of 6+) was 38.8% from time of release but only 13.1% after 4 years offense-free. The decline, however, was not completely consistent. For certain groups, the risk after 10 years offense-free was greater than the risk after 6 years. Given the modest sample size ($n < 30$ for some cells), it was difficult to know whether the observed variation was meaningful. Apart from A. J. R. Harris et al.'s (2003) preliminary analyses by risk level, none of the previous studies have examined potential moderators of the time-free effect, such as age and victim type (rapist/child molester).

The purpose of the current study was to examine the effects of time offense-free in the community on the recidivism risk of sexual offenders. The study used an aggregate sample of 7,740 sexual offenders drawn from

21 different samples. Sexual recidivism rates were estimated from time of release, and then after 5 years and 10 years sexual offense-free in the community. Based on Static-99R scores (Helmus, Thornton, Hanson, & Babchishin, 2012), the sample was divided into three risk categories: low, moderate (or typical), and high. As well, we examined a number of other potential moderators of the time-free effect, including age at release, country of origin, victim type (rapist/child molester), and exposure to treatment.

Method

Measures

Static-99R. Static-99R is a 10-item actuarial scale that assesses the recidivism risk of adult male sex offenders. The items and scoring rules are identical to Static-99 (Hanson & Thornton, 2000; see also www.static99.org) with the exception of updated age weights (Helmus, Thornton, et al., 2012). The 10 items cover demographics, sexual criminal history (e.g., prior sex offense), and general criminal history (e.g., prior nonsexual violence).

Static-99/R are the most widely used sexual offender risk tools in mental health and corrections (Archer, Buffington-Vollum, Stredny, & Handel, 2006; Interstate Commission for Adult Offender Supervision, 2007; McGrath, Cumming, Burchard, Zeoli, & Ellerby, 2010). Static-99R has high rater reliability (interclass correlation coefficient [ICC] = .89; McGrath, Lasher, & Cumming, 2012) and a moderate ability to discriminate between sexual recidivists and non-recidivists (area under the receiver operating characteristic curve [AUC] = .69, 95% CI [.66, .72], $k = 22$, $n = 8,033$; Helmus, Hanson, et al., 2012).

Rather than use the standard four risk categories (see A. J. R. Harris et al., 2003), only three risk categories were used to maximize the sample size in each group (and increase the stability of the results). The three risk categories were created based on percentile ranks (Hanson, Lloyd, Helmus, & Thornton, 2012): Specifically, scores one standard deviation below the population mean were considered “low” (−3, −2, −1), scores one standard deviation above the mean were considered “high” (5 and higher), and the remaining scores were considered “moderate” (0, 1, 2, 3, 4).

Samples

Twenty-one samples were selected from those used by Helmus and colleagues to re-norm the Static-99/R (Helmus, 2009; Helmus, Hanson, et al.,

2012; Helmus, Thornton, et al., 2012); of the 23 samples with Static-99R data available, one was excluded because it did not have the information needed to compute survival analyses, and one was excluded because it was identified as a statistical outlier in previous research (Helmus, Hanson, et al., 2012). The data retained for analysis contained 7,740 offenders from 21 samples. A brief description of the included studies can be found in Table 1.

Overview of Analyses

The recidivism rates were estimated using life table survival analysis (Singer & Willet, 2003; Soothill & Gibbens, 1978). In this approach, the follow-up time is divided into discrete time intervals (12 months), and the proportion failing (reoffending) in each time interval is calculated. This quantity is referred to as a hazard rate, or the probability of reoffending in a specific time interval given that the individual has survived (not reoffended) up to that time.

The only type of recidivism examined in the current study was sexual recidivism. Consequently, statements concerning the length of time that individuals were “offense-free” should be interpreted as meaning that no new sexual offenses were detected during that time period.

The 95% confidence interval for the observed proportions were calculated using Wald’s method: $CI \pm 1.96 (p(1 - p)/n)^{1/2}$ (Agresti & Coull, 1998). Proportions were interpreted as different when their 95% confidence intervals did not overlap, which corresponds to a difference test of approximately $p < .01$ (Cumming & Finch, 2005).

Results

Without controlling for time at risk, the observed sexual recidivism rate for all cases was 11.9% ($n = 7,740$), 2.9% for the low-risk cases ($n = 890$), 8.5% for the moderate cases ($n = 4,858$), and 24.2% for the high-risk cases ($n = 1,992$). The average follow-up period was 8.2 years ($SD = 5.2$, range of 0.01 to 31.5).

Figure 1 plots the cumulative survival rates over time for the three risk categories. The survival curves were truncated when there were fewer than 50 offenders at the end of the at-risk period (between 20 & 25 years). As can be seen from Figure 1, the risk of reoffending was highest in the first few years following release, and declined thereafter. This pattern was particularly strong for the high-risk offenders. During the first year after release, 7% reoffended, and during the first five years after release, a total of 22% reoffended. In contrast, during the next 5 years (between 5 & 10 years), the survival curve

Table 1. Descriptive Information.

Study	<i>n</i>	Age M (SD)	Country	5-Year Recidivism (%)	Recidivism Criteria	Type of Sample	Mostly Treated	Release Period	Median Year of Release
Allan, Grace, Rutherford, and Hudson (2007)	492	42 (12)	New Zealand	9.8	Charges	Prison treatment	Yes	1990-2000	1994
Bartosh, Garby, Lewis, and Gray (2003)	186	38 (12)	United States	11.8	Charges	Routine correctional	—	1996	1996
Bengtson (2008)	311	33 (10)	Denmark	19.6	Charges	Forensic psychiatric	—	1978-1995	1986
Bigras (2007)	483	43 (12)	Canada	7.4	Charges	Correctional Service of Canada	Mixed	1995-2004	1999
Boer (2003)	299	41 (12)	Canada	3.7	Conviction	Correctional Service of Canada	—	1976-1994	1990
Bonta and Yessine (2005)	133	40 (10)	Canada	17.3	Conviction	Preselected high risk	Mixed	1992-2004	1999
Brouillette-Alarie and Proulx (2008)	228	36 (10)	Canada	14.2	Conviction	Prison and community treatment	—	1979-2006	1996
Cortoni and Nunes (2007)	73	42 (12)	Canada	0.0	Charges	Prison treatment	Yes	2001-2004	2003
Craissati, Bierer, and South (2008)	209	38 (12)	United Kingdom	6.7	Conviction	Community supervision	Mixed	1992-2005	1998
Eher, Rettenberger, Schilling, and Pfafflin (2009)	706	41 (12)	Austria	4.9	Conviction	European prison	—	2000-2005	2003
Epner (2003)	177	37 (13)	United States	11.3	Charges	Routine correctional	—	1989-1998	1995
Haag (2005)	198	37 (10)	Canada	19.7	Conviction	Preselected high risk	Mixed	1995	1995

(continued)

Table 1. (continued)

Study	n	Age M (SD)	Country	5-Year Recidivism (%)	Recidivism Criteria	Type of Sample	Mostly Treated	Release Period	Median Year of Release
Hanson, Harris, Scott, and Helmus (2007)	702	42 (13)	Canada	8.7	Charges	Community supervision	—	2001-2005	2002
Hill, Habermann, Klusmann, Berner, and Briken (2008)	86	39 (11)	Germany	9.6	Conviction	Sexual homicide perpetrators	—	1971-2002	1989
Johansen (2007)	273	38 (11)	United States	5.5	Charges	Prison treatment	Yes	1994-2000	1996
Knight and Thornton (2007)	466	36 (11)	United States	23.3	Charges	Civil commitment evaluation	—	1957-1986	1970
Långström (2004)	1,278	41 (12)	Sweden	5.4	Conviction	Routine European prison	No	1993-1997	1995
Nicholaichuk (2001)	281	35 (9)	Canada	26.3	Conviction	High-intensity treatment	Yes	1983-1998	1992
Swinburne Romine, Dwyer, Mathiowetz, and Thomas (2008)	680	38 (12)	United States	8.8	Conviction	Community treatment	Mixed	1977-2007	1988
Ternowski (2004)	247	44 (13)	Canada	6.5	Charges	Prison treatment	Yes	1994-1998	1996
Wilson, Cortoni, and Vermani (2007) and Wilson, Picheca, and Prinzo (2007)	232	42 (11)	Canada	12.4	Charges	Preselected high risk	—	1994-2007	2002
Total	7,740	40 (12)		10.1				1957-2007	1996

Note. Five-year sexual recidivism rates were obtained from survival analysis. All samples had >50 cases at the beginning of the 5-year interval.

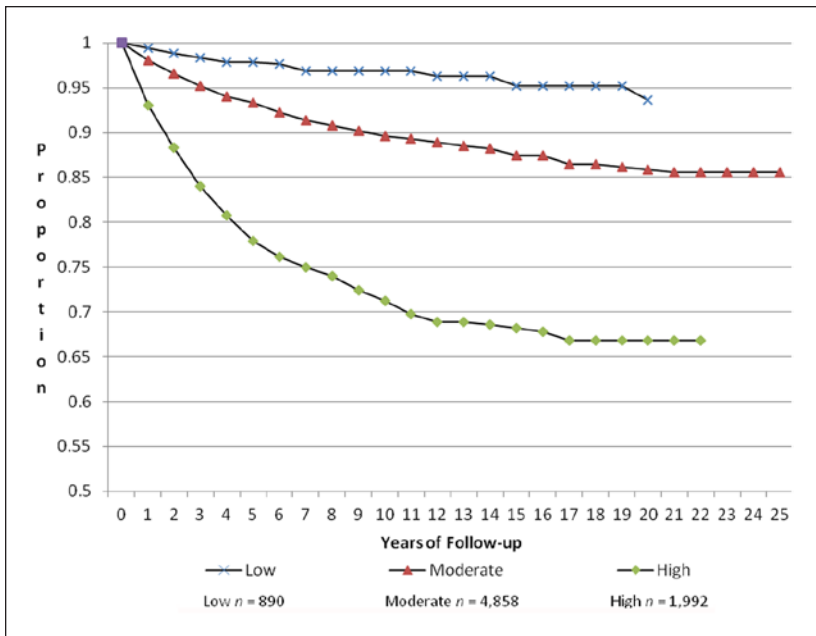


Figure 1. Time to sexual recidivism by risk level.

descended only 7% (from 78% to 71%) representing yearly rates in the 1% to 2% range. No high-risk sexual offender in this sample reoffended after 16 years offense-free (126 high-risk cases started year 17, of which 61 were followed for 5 years or more). The cumulative survival function indicated that the long-term recidivism rate for the high-risk offenders was approximately 32% starting from time of release.

Figures 2 and 3 plot the cumulative survival rates for offenders who remained sexual offense-free for 5 or 10 years, respectively. Summaries of the data from Figures 1 through 3 are presented in Table 2. The high-risk offenders still reoffended more quickly than the other groups, but the recidivism rates for all groups were substantially lower than for offenders at time of release. Whereas the 10-year sexual recidivism rate of the high-risk offenders from time of release was 28.8%, the rate declined to 12.5% for those who remained offense-free for 5 years, then 6.2% for those who remained offense-free for 10 years (see Table 2). A 10-year sexual recidivism rate of 6.2% for the high-risk group (10 years offense-free) was less than the expected rate of moderate risk offenders from time-at-release (10.4%).

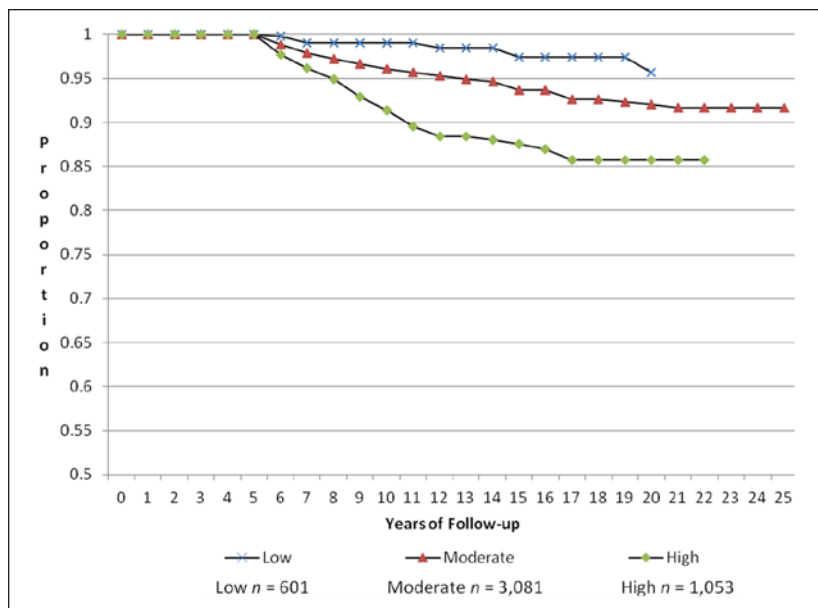


Figure 2. Time to sexual recidivism after 5 years sex offense-free in the community by risk level.

Inspection of Table 2 indicates that the expected recidivism rates were approximately cut in half for each 5 years that the offender was sexual offense-free in the community. For example, the 5-year sexual recidivism rate of the high-risk groups was 22.0% at release, 8.6% after 5 years, and 4.2% after 10 years offense-free. The same pattern applied to the moderate-risk offenders (and the full sample). In contrast, the recidivism rates for the low-risk offenders were consistently low (1%-5%), and did not change meaningfully based on years offense-free. For example, the 10-year sexual recidivism rate for the low-risk offenders was 3.1% from time of release and 3.4% for those who remained offense-free in the community for 10 years.

Table 3 compares the observed recidivism rate for the first five years with the recidivism rates for years 6 to 10 and years 11 to 15. These comparisons are reported as risk ratios, with the rates for subsequent 5-year periods divided by the rate for the first five years after release. For example, a risk ratio of 0.50 would indicate that the recidivism rate was cut in half, and a rate of 0.25 would indicate that the recidivism rate was $\frac{1}{4}$ the initial rate. All rate estimates were created from life table survival analysis.

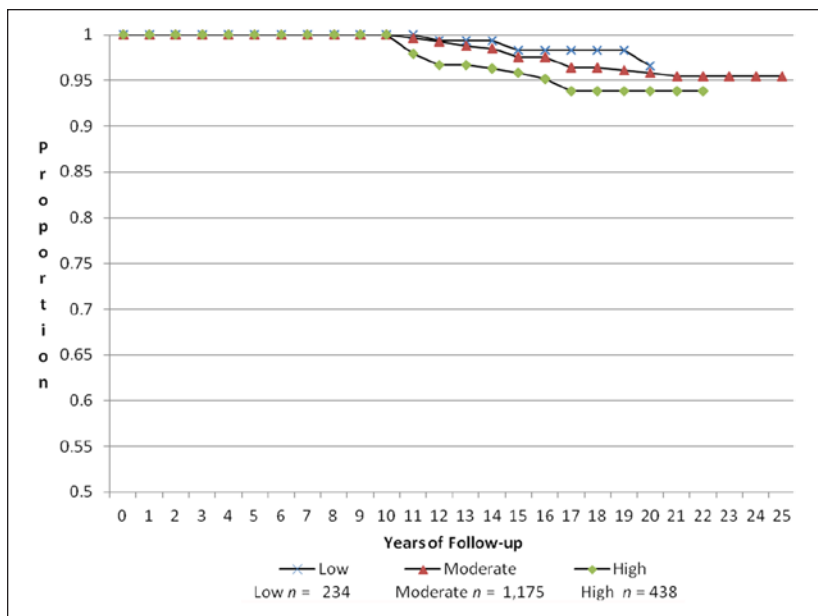


Figure 3. Time to sexual recidivism after 10 years sex offense-free in the community by risk level.

As can be seen in Table 3, the time-free effect was similar across the various subgroups examined, including those defined by age at release, treatment involvement, preselected high risk/high need, country, year of release, and victim type (adults, children, related children). As expected, there were meaningful differences in the initial recidivism rates; however, the relative risk reductions were similar across all subgroups. The risk ratios comparing the rates for years 6 to 10 with years 1 to 5 were tightly clustered between 0.33 and 0.59 (median of 0.46). The risk ratios comparing years 11 to 15 with years 1 to 5 varied between 0.07 and 0.36, with the exception of the low-risk group, which had a risk ratio of 0.78 (median of 0.28).

Discussion

The purpose of this study was to examine the extent to which high-risk sexual offenders remain high risk over time. As has been found for general offenders and violent offenders, the risk of sexual recidivism was highest in the first few years after release, and then decreased the longer they remained

Table 2. Sexual Recidivism Rates From Survival Analyses (Including Confidence Intervals).

	n at Start of Follow-up	5-Years Follow-up			10-Years Follow-up			15-Years Follow-up		
		%	95% CI	(n)	%	95% CI	(n)	%	95% CI	(n)
Complete sample										
From release	7,740	10.1	[9.4, 10.8]	(4,735)	14.2	[13.3, 15.2]	(1,847)	16.6	[15.4, 17.9]	(755)
5 Years offense-free	4,735	4.6	[3.9, 5.4]	(1,847)	7.3	[6.1, 8.5]	(755)	9.0	[7.5, 10.5]	(420)
10 Years offense-free	1,847	2.8	[1.8, 3.8]	(755)	4.6	[3.1, 6.0]	(420)	4.8	[3.3, 6.3]	(102)
Low (scores of -3 to -1)										
From release	890	2.2	[1.2, 3.2]	(601)	3.1	[1.8, 4.4]	(234)	4.7	[2.1, 7.4]	(88)
5 Years offense-free	601	0.95	[0.12, 1.8]	(234)	2.6	[0.12, 5.1]	(88)	4.3	[0.23, 8.4]	(53)
10 Years offense-free	234	1.7	[0.0, 4.1]	(88)	3.4	[0.0, 7.4]	(53)	—	—	—
Moderate (scores of 0 to 4)										
From release	4,858	6.7	[5.9, 7.4]	(3,081)	10.4	[9.3, 11.4]	(1,175)	12.6	[11.1, 14.0]	(496)
5 Years offense-free	3,081	4.0	[3.1, 4.8]	(1,175)	6.3	[4.9, 7.7]	(496)	8.0	[6.1, 9.8]	(280)
10 Years offense-free	1,175	2.4	[1.2, 3.6]	(496)	4.2	[2.4, 5.9]	(280)	4.5	[2.7, 6.4]	(69)
High (scores of 5+)										
From release	1,992	22.0	[20.1, 24.0]	(1,053)	28.8	[26.4, 31.1]	(438)	31.8	[29.0, 34.5]	(171)
5 Years offense-free	1,053	8.6	[6.6, 10.6]	(438)	12.5	[9.6, 15.3]	(171)	14.3	[10.8, 17.7]	(87)
10 Years offense-free	438	4.2	[2.0, 6.4]	(171)	6.2	[3.1, 9.3]	(87)	—	—	—

Note. “—” Indicates insufficient numbers to make useful estimates (< 50 cases per cell). Each column presents information for a specified follow-up period (i.e., 5, 10, or 15 years). The rows denote when the follow-up period starts. For example, the second row of data is for offenders in the overall sample who did not commit a sex offense in the first five years. The 5-year follow-up data for these offenders starts after their 5 years of offense-free survival in the community (i.e., it reflects recidivism rates 10 years from their initial release date).

Table 3. Relative Reductions in Sexual Recidivism Based on Comparing the Rate During the First Five Years in the Community With the 5-Year Rates Starting After 5 and 10 Offense-Free Years in the Community.

	Sample Size at Start of Follow-up	Initial 5-Year Recidivism Rate (Years 1-5)		Relative Rate After 5 Years Offense-Free (Years 6-10)		Relative Rate After 10 Years Offense-Free (Years 11-15)	
		%	(n)	Risk Ratio	(n)	Risk Ratio	(n)
Complete sample	7,740	10.1	(4,735)	0.46	(1,847)	0.28	(755)
Risk level (Static-99R scores)							
Low (scores of -3 to -1)	890	2.2	(601)	0.44	(234)	0.78	(88)
Moderate (scores of 0 to 4)	4,858	6.7	(3,081)	0.59	(1,175)	0.36	(496)
High (scores of 5+)	1,992	22.0	(1,053)	0.39	(438)	0.19	(171)
Age at release							
Immature (18 to 30 years)	1,818	13.74	(1,130)	0.46	(524)	0.31	(260)
Young (30 to 50 years)	4,434	10.07	(2,719)	0.44	(1,051)	0.21	(411)
Prime of life (50+ years)	1,488	5.44	(866)	0.52	(272)	0.31	(84)
Sample type							
Routine correctional	4,040	6.73	(2,248)	0.55	(671)	—	
Preselected treatment	1,920	8.85	(1,442)	0.46	(642)	0.32	(420)
Preselected high risk/needs	1,621	20.42	(963)	0.37	(491)	0.16	(294)
Country							
United States	1,782	12.70	(1,318)	0.33	(810)	0.15	(552)
Canada	2,875	11.10	(1,298)	0.48	(379)	0.16	(55)
Other	3,082	7.63	(2,118)	0.60	(658)	—	

(continued)

Table 3. (continued)

Year of release (sample median)	Sample Size at Start of Follow-up	Initial 5-Year Recidivism Rate (Years 1-5)		Relative Rate After 5 Years Offense-Free (Years 6-10)		Relative Rate After 10 Years Offense-Free (Years 11-15)	
		%	(n)	Risk Ratio	(n)	Risk Ratio	(n)
1970-1995	4,268	11.38	(3,278)	0.42	(1,628)	0.24	(734)
1996-2003	3,472	8.40	(1,457)	0.47	(219)	—	
Victim type							
Adults (rape)	2,182	9.95	(1,262)	0.45	(443)	0.24	(102)
Children (all child molesters)	3,188	8.59	(1,887)	0.42	(807)	0.19	(351)
Related children (incest)	1,539	4.17	(985)	0.50	(418)	0.07	(179)

Note. In the two right-hand columns, the “rate” represents the 5-year recidivism percentage observed in either the “after 5 years” or “after 10 years” offense-free in the community (as seen in Table 2) divided by the observed recidivism rate in the first five years in the community. Using the “Moderate” Static-99R row as an example, the expected 5-year recidivism rate for the initial sample ($n = 4,858$) is 6.68%. For those who did not reoffend in the first five years ($n = 3,081$), between the 6th and 10th year of follow-up the recidivism rate for this group is 3.96%. The 5-year recidivism rate for those who survived the first five years (3.96%) is then divided by the initial 5-year recidivism rate (6.68%; $3.96/6.68 = 0.59$) which is the risk ratio included in the table. This finding indicates that the recidivism rate for men with “Moderate” Static-99R scores during the period between years 6 and 10 of follow-up has reduced to about 60% of what it was during the first five years of release. This method of calculation is used throughout Table 3.

offense-free in the community. The decline in hazard rates was greatest for sexual offenders who had been identified as high risk at time of release. For low-risk offenders, time free had little influence: their risk was consistently low (1%-5%). The same relative risk reductions were observed for subgroups categorized by age at release, treatment involvement, country, and victim type.

The current findings indicate static risk factors (e.g., prior offenses, victim characteristics) are valid, but time-dependent, markers for risk-relevant propensities. If high-risk sexual offenders do not reoffend when given the opportunity to do so, then there is clear evidence that they are not as high risk as initially perceived. The current study found that, on average, their recidivism risk was cut in half for each 5 years that they remained offense-free in the community.

Risk predictions describe lives that have yet to be fully lived; consequently, the more we know of an offender's life, the easier it is to predict the remainder. At the time of release, the best estimate of the likelihood of recidivism is the base rate for the group that the offender most closely resembles (i.e., offenders with the same risk score). Once given the opportunity to reoffend, the individuals who reoffend should be sorted into higher risk groups, and those who do not reoffend should be sorted into lower risk groups. This sorting process can result in drastic changes from the initial risk estimates. Based on the current results, for example, 22 out of 100 high-risk offenders would be expected to be charged or convicted of a new sexual offense during the 10 years following release. In contrast, the rate would be 4 out of 100 for those who survive sexual offense-free for 10 years. This low recidivism rate among the survivors suggests that their initial designation as "high-risk" sexual offenders was either incorrect, or that something has changed.

The current study did not address the reasons for the strong empirical association between years crime-free and desistance. There are several different mechanisms that could lead to this effect. The study did not directly address whether the offenders remaining offense-free were different individuals from the recidivists. Consequently, any apparent "effect" of time offense-free could be attributed to pre-existing differences between offenders. Given that criminal history variables (including Static-99R scores) are fallible indicators of risk-relevant propensities, some individuals who have a conviction for a sexual offense (or even a high Static-99R score) may never have had an enduring propensity toward sexual crime in the first place.

It is also possible that certain high-risk offenders genuinely changed. All the offenders in the current study had been convicted of at least one sexual offense, which would indicate a non-negligible risk at one time. Furthermore, it would be difficult to get a high score (5+) on Static-99R without an extended

period of engaging in sexual and general crime. Nevertheless, a substantial portion of the high-risk offenders survived throughout the complete follow-up period without any new crimes being detected. Given that it is likely that at least some of the offenders changed in a prosocial direction, further research is needed to increase our capacity to distinguish between desisters and future recidivists.

The only type of recidivism examined in the current study was sexual recidivism (as measured by charges and convictions). Consequently, it is quite likely that evaluators would have increased capacity to discriminate recidivists from non-recidivists by monitoring ongoing involvement in non-sexual crime, and by measuring indicators of commitment to prosocial goals. In particular, structured methods for evaluating sexual offenders' criminogenic needs have been demonstrated to be incremental to Static-99/R in the prediction of sexual recidivism for prison samples (Beggs & Grace, 2010; Knight & Thornton, 2007; Olver et al., 2007) and community samples (McGrath et al., 2012).

Even if the reasons for the reduced risk over time are not fully known, the current results have clear implications for the community supervision of sexual offenders. Following Andrews and Bonta's (2010) risk principle, high-risk sexual offenders should receive the most intensive service and monitoring during the early part of their community sentence. Subsequently, the intensity of interventions could decline to the level normally applied to moderate-risk individuals when offenders who were initially high risk remain offense-free for several years.

The current findings also suggest that certain long-term supervision and monitoring policies (e.g., lifetime registration) may be being applied to a substantial number of individuals with a low risk for sexual offending. Although the moral consequences of sexual offending may last forever, the current results suggest that sexual offenders who remain offense-free could eventually cross a "redemption" threshold in terms of recidivism risk, such that their current risk for a sexual crime becomes indistinguishable from the risk presented by nonsexual offenders.

Previous large sample studies have found that the likelihood of an "out of the blue" sexual offense committed by offenders with no history of sexual crime is 1% to 3%: 1.1% after 4 years (Duwe, 2012); 1.3% after 3 years (Langan, Schmitt, & Durose, 2003); 3.2% after 4.5 years (Wormith, Hogg, & Guzzo, 2012). In comparison, only 2 of 100 moderate-risk sexual offenders in the current study committed a new sexual offense during a 5-year follow-up period if they were able to remain 10 years offense-free in the community. The high-risk offenders in the current sample, however, never fully resembled nonsexual offenders. Although their recidivism rates declined

substantially when they were 10 years offense-free, the 5-year recidivism rate of the initially high-risk offenders (4.2%) was still higher than the expected rate for nonsexual offenders (1%-3%).

Limitations

The current results were predicated on the assumption that release to the community provided opportunities for offending. However, it is possible that certain forms of conditional release are sufficiently confining as to meaningfully limit opportunities (e.g., house arrest). The nature of the supervision conditions of the offenders in the current study were not fully known; however, given the typical practices in the jurisdictions for these time periods, it would be likely that the offenders had real opportunities to reoffend once released to the community.

Some evidence that supervision practices may moderate the time-free effect is provided in a recent study by Zgoba et al. (2012). This follow-up study of 1,789 adult sex offenders from four states (Minnesota, New Jersey, Florida, and South Carolina), did not find that risk declined with time in the community. Overall, there was a constant hazard rate of 1% per year for first ten years (e.g., 5% after 5 years; 10% after 10 years). The reasons for the constant hazard rate is not known, but could be related to strict supervision practices and high rates of technical breaches observed in these samples.

Another limitation is that recidivism was measured by officially recorded charges or convictions. It is well known that official records as an indicator of recidivism have high specificity (those identified are most likely guilty) but low sensitivity (many offenses are undetected). Even if the detection rate per offense is low, however, the detection rate per offender could be high if offenders commit multiple offenses. As well, the most serious offenses are those most likely to be reported to the police (Fisher, Daigle, Cullen, & Turner, 2003).

Conclusions

This study found that sexual offenders' risk of serious and persistent sexual crime decreased the longer they had been sex offense-free in the community. This pattern was particularly evident for high-risk sexual offenders, whose yearly recidivism rates declined from approximately 7% during the first calendar year, to less than 1% per year when they have been offense-free for 10 years or more. Consequently, intervention and monitoring resources should be concentrated in the first few years after release, with diminishing attention

and concern for individuals who remain offense-free for substantial periods of time.

Acknowledgment

We would like to thank the following researchers for granting us permission to use their data: Alfred Allan, Susanne Bengtson, Jacques Bigras, Sasha Boer, Jim Bonta, Sébastien Brouillette-Alarie, Franca Cortoni, Jackie Craissati, Margretta Dwyer, Reinhard Eher, Doug Epperson, Tina Garby, Randolph Grace, Steve Gray, Andy Haag, Andreas Hill, Steve Johansen, Ray Knight, Niklas Långström, Terry Nicholaichuk, Kevin Nunes, Jean Proulx, Martin Rettenberger, Rebecca Swinburne Romine, Daryl Ternowski, Robin Wilson, and Annie Yessine.

Authors' Note

The views expressed are those of the authors and not necessarily those of Public Safety Canada or the Wisconsin Department of Health Services.

Declaration of Conflicting Interests

The author(s) declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

Funding

The author(s) received no financial support for the research, authorship, and/or publication of this article.

References

- References marked with an asterisk indicate studies included in the analyses. Wilson, Cortoni, and Vermani (2007) and Wilson, Picheca, and Prinzo (2007) both have an asterisk, although they were combined into one sample for the current study.
- Agresti, A., & Coull, B. A. (1998). Approximate is better than “exact” for interval estimation of binomial proportions. *The American Statistician*, 52, 119-126. doi: 10.1080/00031305.1998.10480550
- *Allan, M., Grace, R. C., Rutherford, B., & Hudson, S. M. (2007). Psychometric assessment of dynamic risk factors for child molesters. *Sexual Abuse: A Journal of Research and Treatment*, 19, 347-367. doi:10.1007/s11194-007-9052-5
- Andrews, D. A., & Bonta, J. (2010). *The psychology of criminal conduct* (5th ed.). Newark, NJ: LexisNexus.
- Archer, R. P., Buffington-Vollum, J. K., Stredny, R. V., & Handel, R. W. (2006). A survey of psychological test use patterns among forensic psychologists. *Journal of Personality Assessment*, 87, 84-94. doi:10.1207/s15327752jpa8701_07
- *Bartosh, D. L., Garby, T., Lewis, D., & Gray, S. (2003). Differences in the predictive validity of actuarial risk assessments in relation to sex offender type.

- International Journal of Offender Therapy and Comparative Criminology*, 47, 422-438. doi:10.1177/0306624X03253850
- Beggs, S. M., & Grace, R. C. (2010). Assessment of dynamic risk factors: An independent validation study of the Violence Risk Scale: Sexual Offender version. *Sexual Abuse: A Journal of Research and Treatment*, 22, 234-251. doi:10.1177/1079063210369014
- *Bengtson, S. (2008). Is newer better? A cross-validation of the Static-2002 and the Risk Matrix 2000 in a Danish sample of sexual offenders. *Psychology, Crime & Law*, 14, 85-106. doi:10.1080/10683160701483104
- *Bigras, J. (2007). La prédiction de la récidive chez les délinquants sexuels [Prediction of recidivism among sex offenders]. (UMI No. NR30941, Université de Sherbrooke (Canada)). ProQuest Dissertations and Theses, 102. Retrieved from <http://search.proquest.com/docview/304759709?accountid=9894> (304759709).
- Blumstein, A., & Nakamura, K. (2009). Redemption in the presence of widespread criminal background checks. *Criminology*, 47, 327-359. doi:10.1111/j.1745-9125.2009.00155.x
- *Boer, A. (2003). *Evaluating the Static-99 and Static-2002 risk scales using Canadian sexual offenders* (Unpublished master's thesis). University of Leicester, UK.
- *Bonta, J., & Yessine, A. K. (2005). [Recidivism data for 124 released sexual offenders from the offenders identified in The National Flagging System: Identifying and responding to high-risk, violent offenders (User Report 2005-04)]. Unpublished raw data, Public Safety and Emergency Preparedness Canada, Ottawa, Ontario.
- *Brouillette-Alarie, S., & Proulx, J. (2008, October). *Predictive and convergent validity of phallometric assessment in relation to sexual recidivism risk*. Poster presented at the annual conference for the Association for the Treatment of Sexual Abusers, Atlanta, GA.
- Browne, A., & Finkelhor, D. (1986). Impact of child sexual abuse: A review of the research. *Psychological Bulletin*, 99, 66-77. doi:10.1037/0033-2909.99.1.66
- Bushway, S. D., Nieubeerta, P., & Blokland, A. (2011). The predictive value of criminal background checks: Do age and criminal history affect time to redemption? *Criminology*, 49, 27-60. doi:10.1111/j.1745-9125.2010.00217.x
- Colorado Sex Offender Management Board. (2011). *Standards and guidelines for the evaluation, assessment, treatment, and supervision of juveniles who have committed sexual offenses*. Colorado Department of Public Safety, Division of Criminal Justice. Retrieved from http://dcj.state.co.us/odvsom/sex_offender/SO_Pdfs/2012%20ADULT%20STANDARDS%20FINAL%20C.pdf
- *Cortoni, F., & Nunes, K. L. (2007). *Assessing the effectiveness of the National Sexual Offender Program* (Research Report No. R-183) (Unpublished Report). Ottawa, Ontario: Correctional Service of Canada.
- *Craissati, J., Bierer, K., & South, R. (2011). Risk, reconviction, and "sexually risky behaviour" in sex offenders. *Journal of Sexual Aggression*, 17, 153-165. doi:10.1080/13552600.2010.490306
- Cumming, G., & Finch, S. (2005). Inference by eye: Confidence intervals and how to read pictures of data. *American Psychologist*, 60, 170-180. doi:10.1037/0003-066X.60.2.170

- Duwe, G. (2012). Predicting first-time sexual offending among prisoners without a prior sex offense history: The Minnesota Sexual Criminal Offending Risk Estimate (MnSCORE). *Criminal Justice and Behavior*, 39, 1436-1456. doi:10.1177/0093854812453911
- *Eher, R., Rettenberger, M., Schilling, F., & Pfafflin, F. (2009). [Data from sex offenders released from prison in Austria]. Unpublished raw data.
- *Epperson, D. L. (2003). *Validation of the MnSOST-R, Static-99, and RRASOR with North Dakota prison and probation samples* (Unpublished Technical Assistance Report). Bismarck, ND: North Dakota Department of Parole and Probation.
- Ewing, C. P. (2011). *Justice perverted: Sex offense law, psychology, and public policy*. New York, NY: Oxford University Press.
- Fisher, B. S., Daigle, L. E., Cullen, F. T., & Turner, M. G. (2003). Reporting sexual victimization to the police and others: Results from a national-level study of college women. *Criminal Justice and Behavior*, 30, 6-38. doi:10.1177/0093854802239161
- *Haag, A. M. (2005). [Recidivism data from 198 offenders detained until their warrant expiry date. From: Do psychological interventions impact on actuarial measures: An analysis of the predictive validity of the Static-99 and Static-2002 on a re-conviction measure of sexual recidivism. *Dissertation Abstracts International*, 66(08), 4531B. (UMI No. NR05662)]. Unpublished raw data.
- *Hanson, R. K., Harris, A. J. R., Scott, T., & Helmus, L. (2007). *Assessing the risk of sexual offenders on community supervision: The Dynamic Supervision Project* (Corrections Research User Report No. 2007-05). Ottawa, Ontario: Public Safety Canada.
- Hanson, R. K., Lloyd, C., Helmus, L., & Thornton, D. (2012). Developing non-arbitrary metrics for risk communication: Percentile ranks for the Static-99/R and Static-2002/R sexual offender risk tools. *International Journal of Forensic Mental Health*, 11, 9-23. doi:10.1080/14999013.2012.667511
- Hanson, R. K., & Morton-Bourgon, K. E. (2005). The characteristics of persistent sexual offenders: A meta-analysis of recidivism studies. *Journal of Consulting and Clinical Psychology*, 73, 1154-1163. doi:10.1037/0022-006X.73.6.1154
- Hanson, R. K., & Thornton, D. (2000). Improving risk assessments for sex offenders: A comparison of three actuarial scales. *Law and Human Behavior*, 24, 119-136. doi:10.1023/A:1005482921333
- Harris, A. J. R., & Hanson, R. K. (2004). *Sex offender recidivism: A simple question* (User Report 2004-03). Ottawa, Ontario: Public Safety and Emergency Preparedness Canada.
- Harris, A. J. R., Phenix, A., Hanson, R. K., & Thornton, D. (2003). *Static-99 coding rules: Revised 2003*. Ottawa, Ontario: Solicitor General Canada.
- Harris, G. T., & Rice, M. E. (2007). Adjusting actuarial violence risk assessments based on aging or the passage of time. *Criminal Justice and Behavior*, 34, 297-313. doi:10.1177/0093854806293486
- Helmus, L. (2009). *Re-norming Static-99 recidivism estimates: Exploring base rate variability across sex offender samples* (Master's thesis). Available from ProQuest Dissertations and Theses database. (UMI No. MR58443).

- Helmus, L., Hanson, R. K., Thornton, D., Babchishin, K. M., & Harris, A. J. R. (2012). Absolute recidivism rates predicted by Static-99R and Static-2002R sex offender risk assessment tools vary across samples: A meta-analysis. *Criminal Justice and Behavior*, 39, 1148-1171. doi:10.1177/0093854812443648
- Helmus, L., Thornton, D., Hanson, R. K., & Babchishin, K. M. (2012). Improving the predictive accuracy of Static-99 and Static-2002 with older sex offenders: Revised age weights. *Sexual Abuse: A Journal of Research and Treatment*, 24, 64-101. doi:10.1177/1079063211409951
- *Hill, A., Habermann, N., Klusmann, D., Berner, W., & Briken, P. (2008). Criminal recidivism in sexual homicide perpetrators. *International Journal of Offender Therapy and Comparative Criminology*, 52, 5-20. doi:10.1177/0306624X07307450
- Howard, P. (2011). *Hazards of different types of reoffending* (Ministry of Justice Research Series 3/11). London, England: UK Ministry of Justice.
- Interstate Commission for Adult Offender Supervision. (2007). *Sex offender assessment information survey* (ICAOS Documents No. 4-2007). Lexington, KY: Author.
- *Johansen, S. H. (2007). Accuracy of predictions of sexual offense recidivism: A comparison of actuarial and clinical methods. *Dissertation Abstracts International*, 68(03), B. (UMI No. 3255527)
- *Knight, R. A., & Thornton, D. (2007). *Evaluating and improving risk assessment schemes for sexual recidivism: A long-term follow-up of convicted sexual offenders* (Document No. 217618). Washington, DC: U.S. Department of Justice.
- Langan, P. A., Schmitt, E. L., & Durose, M. R. (2003). *Recidivism of sex offenders released from prison in 1994*. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.
- *Långström, N. (2004). Accuracy of actuarial procedures for assessment of sexual offender recidivism risk may vary across ethnicity. *Sexual Abuse: A Journal of Research and Treatment*, 16, 107-120. doi:10.1177/107906320401600202
- Maruna, S., & Roy, K. (2007). Amputation or reconstruction? Notes on the concept of "knifing off" and desistance from crime. *Journal of Contemporary Criminal Justice*, 23, 104-124. doi:10.1177/1043986206298951
- McGrath, R. J., Cumming, G. F., Burchard, B. L., Zeoli, S., & Ellerby, L. (2010). *Current practices and emerging trends in sexual abuser management: The Safer Society 2009 North American survey*. Brandon, VT: Safer Society Foundation.
- McGrath, R. J., Lasher, M. P., & Cumming, G. F. (2012). The sex Offender Treatment Intervention and Progress Scale (SOTIPS): Psychometric properties and incremental predictive validity with Static-99R. *Sexual Abuse: A Journal of Research and Treatment*, 24, 431-458. doi:10.1177/1079063211432475
- *Nicholaichuk, T. (2001, November). *The comparison of two standardized risk assessment instruments in a sample of Canadian Aboriginal sexual offenders*. Paper presented at the annual Research and Treatment Conference of the Association for the Treatment of Sexual Abusers, San Antonio, TX.
- Olver, M. E., Wong, S. C. P., Nicholaichuk, T., & Gordon, A. (2007). The validity and reliability of the Violence Risk Scale–Sexual Offender version: Assessing

- sex offender risk and evaluating therapeutic change. *Psychological Assessment*, 19, 318-329. doi:10.1037/1040-3590.19.3.318
- Resick, P. A. (1993). The psychological impact of rape. *Journal of Interpersonal Violence*, 8, 223-255. doi:10.1177/088626093008002005
- Singer, J. D., & Willet, J. B. (2003). *Applied longitudinal data analysis: Modeling change and event occurrence*. Oxford, UK: Oxford University Press.
- Soothill, K. L., & Gibbens, T. C. N. (1978). Recidivism of sexual offenders: A re-appraisal. *British Journal of Criminology*, 18, 267-276.
- *Swinburne Romine, R., Dwyer, S. M., Mathiowetz, C., & Thomas, M. (2008, October). *Thirty years of sex offender specific treatment: A follow-up Study*. Poster presented at the conference for the Association for the Treatment of Sexual Abusers, Atlanta, GA.
- *Ternowski, D. R. (2004). Sex offender treatment: An evaluation of the Stave Lake Correctional Centre Program. *Dissertation Abstracts International*, 66(06), 3428B. (UMI No. NR03201)
- *Wilson, R. J., Cortoni, F., & Vermani, M. (2007). *Circles of support and accountability: A national replication of outcome findings* (Report No. R-185). Ottawa, Ontario: Correctional Service of Canada.
- *Wilson, R. J., Picheca, J. E., & Prinzo, M. (2007). Evaluating the effectiveness of professionally-facilitated volunteerism in the community-based management of high-risk sexual offenders: Part Two—A comparison of recidivism rates. *The Howard Journal*, 46, 327-337. doi:10.1111/j.146
- Wormith, J. S., Hogg, S., & Guzzo, L. (2012). The predictive validity of a general risk/needs assessment inventory on sexual offender recidivism and an exploration of the professional override. *Criminal Justice and Behavior*, 39, 1511-1538. doi:10.1177/0093854812455741
- Zgoba, K. M., Miner, M., Knight, R., Letourneau, E., Levenson, J., & Thornton, D. (2012). *A multi-site recidivism study using Static-99R and Static-2002 risk scores and tier guidelines from the Adam Walsh Act*. Washington, DC: U.S. National Institute of Justice. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/grants/240099.pdf>

Author Biographies

R. Karl Hanson, PhD, C Psych, is a senior research scientist with Public Safety Canada, and adjunct research professor at Carleton University, Ottawa, Canada. Originally trained as a clinical psychologist, he spent the past 25 years conducting research on the assessment and treatment of sexual offenders and male perpetrators of intimate partner violence. His major contributions have included widely used risk assessment tools (Static-99R, Static-2002R, STABLE-2007, ACUTE-2007) and influential meta-analyses on risk assessment and treatment outcome for sexual offenders. He is a fellow of the Canadian Psychological Association and the 2002 recipient of the Lifetime Significant Achievement Award from the Association for the Treatment of Sexual Abusers.

Andrew J. R. Harris, PhD, C Psych, is the director of the Forensic Assessment Group, Ottawa, Ontario, Canada (www.offenderrisk.com). He did his doctoral research on the intersection of Hare's conception of criminal psychopathy and high levels of sexual deviance as assessed in a probation and parole sample. Previous employment included both research and clinical capacities at the Oak Ridge (Maximum Security) Penetanguishene Mental Health Centre, the Department of the Solicitor General Canada (Public Safety Canada), and the Correctional Service of Canada (Warkworth Penitentiary). He speaks and teaches extensively on the history of prison architecture, static and dynamic risk assessment, psychopathy, and the risk to reoffend among developmentally delayed offenders and high-risk violent offenders.

Leslie Helmus is a PhD student in forensic psychology at Carleton University in Ottawa, Ontario, Canada. Her research interests are focused on the assessment and treatment of sexual offenders. She has been involved in recent advances in structured risk assessment tools, including the development of STABLE-2007/ACUTE-2007, and developing and norming Static-99R and Static-2002R (as well as co-author of the coding rules for the latter). She has received numerous grants and academic awards including the Association for the Treatment of Sexual Abusers Pre-doctoral Research Grant. She has also served on the executive boards of the Canadian Psychological Association's Criminal Justice Section and the Association for the Treatment of Sexual Abusers.

David Thornton obtained his PhD in psychology in the United Kingdom. About a third of his career has been in research designed to inform clinical practice, about a third of it in clinical practice (which he has tried to base on research), and about a third of it has been as an administrator trying to make systems support both research and clinical practice. Between 1990 and 2001 he led the team in Her Majesty's Prison Service responsible for developing and implementing national treatment programs for offenders. From 2001 until 2013, he was the treatment director for Wisconsin's SVP treatment program. He is currently the research director for this program and also a professor in the department of clinical psychology at the University of Bergen in Norway. He has been involved in the creation of widely used static risk assessment tools (Static-99, Risk Matrix 2000, etc.) and in the development of frameworks for evaluating psychological risk factors (the Structured Risk Assessment framework). Recent work has included research into the effects of eating salmon on executive functioning, an fMRI study of sexual sadists, and a review of the role of protective factors in sexual recidivism.

DECLARATION OF DAVID FINKELHOR

I, David Finkelhor, declare as follows:

1. I am the Director of the Crimes against Children Research Center, Co-Director of the Family Research Laboratory, and Professor of Sociology at the University of New Hampshire. My research focuses on crimes against children, with an emphasis in recent years on technology-facilitated child sexual exploitation crimes. I discuss in this declaration key findings and conclusions of research scientists, including myself, regarding technology-facilitated crimes against minors. The information in this declaration is based upon my personal knowledge and sources of the type which research scientists in my field would rely. If called upon to testify, I could and would competently testify thereto.

Summary of Declaration

2. Current research and data show that the overwhelming majority of sex offenses against children are committed by family members and acquaintances, not strangers; that technology-facilitated sex crimes are a small percentage of sex crimes against children; and that most online predators are not registered sex offenders:

- In spite of the significant media attention on internet sex-crimes, the overwhelming majority of sex crimes against children are committed by family members and acquaintances known to the victim, not strangers who use the internet to meet their victims. *See* ¶¶ 13-14.
- In 2006, for example, arrests for *all* technology-facilitated sex-crimes against minors constituted only about 1% of all arrests for sex crimes committed against children. Although there was a small increase for such arrests between 2006 and 2009, most of the increase involved offenders who used technology to facilitate sex crimes against victims they already knew. *See id.*
- Studies showed a *decline* between 2000 and 2010 in unwanted sexual solicitations of youth on the internet and unwanted exposure by youth to pornography. *See* ¶ 15. While there was a small but statistically significant increase in reports by youth of online non-sexual harassment (bullying), much of this harassment came from individuals in the youth's chosen social network, not strangers. *See* ¶ 16. The

decline in online sex offenses against minors is consistent with a broad drop in the incidence of all types of sex crimes against children. *See* ¶ 18.

- Policies targeted at registered sex offenders are aimed at a very small part of the problem. One study found that only 4% of persons arrested for technology-facilitated crimes against youth victims in 2006 were registered sex offenders, and only 2% of those arrested for soliciting undercover investigators in 2006 were registered sex offenders. *See* ¶ 19.
- In 2009, 46% of arrests for technology-facilitated child sexual exploitation were for child-pornography possession, with no additional sex crimes indicated, and thus did not involve an offender using the internet to contact and victimize a child. *See* ¶ 21.

Background and Qualifications

3. I have studied the problems of child victimization, child maltreatment and family violence since 1977. I have written or edited 11 books and over 150 journal articles and book chapters, including publications such as *Sourcebook on Child Sexual Abuse* (Sage, 1986) and *Nursery Crimes* (Sage, 1988). I have received grants from the National Institute of Mental Health, the National Center on Child Abuse and Neglect, the U.S. Department of Justice, and a variety of other sources. In 1994, I was awarded the Distinguished Child Abuse Professional Award by the American Professional Society on the Abuse of Children, and in 2004 I received the Significant Achievement Award from the Association for the Treatment of Sexual Abusers.

4. I received my B.A. from Harvard College in 1968, my Ed.M. from the Harvard Graduate School of Education in 1971, and my Ph.D. from the University of New Hampshire in 1978. A true and correct copy of my CV is attached as Exhibit A to this declaration.

5. The Crimes against Children Research Center (“CCRC”), of which I am the Director, is concerned with children and adolescents, from birth through age 17, and all their crime victimizations, both within and outside the family, and both known and unknown to law

enforcement. CCRC has four primary goals to comprise a comprehensive and feasible policy for child victims within the criminal justice system:

- Greater recognition of the extent of victimization among the children who come within the purview of the justice system;
- Enhanced protection of child crime victims from continued victimization and from unnecessary trauma and discomfort associated with the workings of the justice system;
- Universal rehabilitation of child crime victims through services and programs to aid in recovery and minimize long term effects on development; and
- Greater public accountability by evaluating the impact of the justice system's policies and programs on children.

6. To further these goals, the Center works to compile national and local statistics on crimes against children, to monitor and interpret trends in these areas, to create tools for practitioners and researchers, and to develop strategies to promote the reporting of crimes against children and the provision of services to child victims and their families. CCRC projects are funded by grants from government and private agencies and organizations, including the National Center for Missing and Exploited Children, the National Science Foundation, and several programs of the United States Department of Justice, including the Office of Justice Programs and the Office of Juvenile Justice and Delinquency Prevention.

7. In recent years, I have studied and written about trends in technology-facilitated child sexual exploitation crimes—a category that includes crimes in which sex offenders (i) use the Internet to meet victims or to facilitate the abuse of children who were family members or face-to-face acquaintances, (ii) solicit sex from undercover investigators posing online as minors, or (iii) use the Internet to download child pornography. Most of the information that I present in this declaration is also discussed in three articles that I have published on the topic with my colleagues Janis Wolak and Kimberly Mitchell: (i) “Trends in law enforcement responses to online child

sexual exploitation crimes: The Third National Juvenile Online Victimization Study” (2012) (“NJOV Wave 3 Study”); (ii) “Trends in arrests of ‘online predators’” (2009) (“NJOV Wave 2 Study”); and (iii) “Trends in Youth Internet Victimization: Findings From Three Youth Internet Safety Surveys 2000–2010 (2012)” (“YISS Study”). A true and correct copy of each of these articles is attached to this declaration as Exhibits B, C, and D, respectively.

8. I served as an expert in *Doe v. Harris*, Docket No. C12-5713 THE (D. N. Cal.), involving a challenge to Internet-related reporting requirements for registered sex offenders, for which I prepared an expert declaration. I also served as an expert in the case *Doe v. Foster, et al.*, Docket No. 1:15-cv-00139-PB (D.N.H.), which concerned a challenge to RSA 651- B:4-a but was voluntarily dismissed without prejudice and for which I prepared an expert report.

Data about Sex Crimes against Children

9. Unless otherwise noted, the data that I present below come from the NJOV Studies (collectively, Exhibits B and C) and the YISS Study (Exhibit D). These studies were sponsored by the U.S. Department of Justice Office of Juvenile Justice and Delinquency Prevention and were conducted using appropriate survey methodology.

10. The NJOV Studies, which were conducted by the CCRC, collected information from a national sample of law enforcement agencies about the prevalence of arrests for and characteristics of technology-facilitated sex crimes against minors during three 12-month periods: (i) July 1, 2000 through June 30, 2001 (Wave 1); (ii) calendar year 2006 (Wave 2); and (iii) calendar year 2009 (Wave 3).

11. The data, weighted to account for sampling procedures and non-response, includes 612 cases from Wave 1, 1,051 cases from Wave 2 and 1,299 cases from Wave 3. Having weighted data that is based on a representative sampling of law enforcement agencies and arrest cases allows

us to estimate the incidence of arrests for specific types of crimes during the timeframes of the three NJOV Studies. The studies' methodology is discussed further in the attached articles, *see Exhibits B and C*, with more details available at <http://www.unh.edu/ccrc/pdf/NJOV3%20Arrest%20Study%20Methods%20Report%20Final%20Nov%202011.pdf> (last accessed July 21, 2015). Although the online environment is a rapidly changing one, and careful monitoring of trends will continue to be necessary to identify emerging risks to young people and to provide feedback about policies to combat them, these are the best and most recent available data on the nature of technology-facilitated sexual victimization of minors.

12. The YISS Study, conducted by a national survey research firm, also comprises three separate surveys, conducted in 1999-2000, 2005, and 2010-2011. An experienced survey research company conducted detailed interviews with youth to determine their demographic information, Internet-use characteristics, and rates for sexual solicitation, unwanted exposure to sexual material, and harassment. Again, the methodology is described in greater detail in the paper itself. *See Exhibit D.*

13. In spite of the large amount of media attention on internet sex-crimes, in the larger context of sex crimes against children, offenders who victimize children and youth within their families or networks of acquaintances ("family and acquaintance offenders") are much more common than those who use the Internet to meet victims. Arrests for *all* technology-facilitated sex-crimes against minors in 2006 constituted only about 1% of all arrests for sex crimes committed against children and youth in that year. *See Exhibit C* at 2. This includes cases in which the offender and victim already knew each other. And between 2006 and 2009, arrests for such crimes did not significantly increase (from 7,010 to 8,144); most of the increase that was observed involved offenders who used technology to facilitate sex crimes against victims they

already knew face-to-face—for example, cases where offenders used computers and cell phones to plan meetings with victims or to take and store photos. *See Exhibit B* at 1-2.

14. Thus, conventional child molestation—abusive fathers, neighbors, teachers and family friends—still constitutes a much larger part of the problem than does online predation. The increase in such crimes that involve the Internet reflects this broader reality, and most of the increase in Internet-related crimes involved offenders who used technology to facilitated sex crimes against victims they already knew face-to-face. In fact, some of the reported increase may be a result of a growing tendency of law-enforcement to search computers and cell phones of persons suspected or arrested for sexual abuse cases that have nothing to do with the Internet. Thus, the increase in arrests of family and acquaintance offenders with a technology component does not mean that online technologies are making youth more vulnerable, but only that the existing vulnerability is increasingly enacted and evident online, even in the context of overall declines in sexual abuse from the mid-1990s to the present. *See Exhibit C* at 3, 9.

15. In fact, the YISS Study shows a 50% decline in unwanted sexual solicitations on the Internet from 2000 to 2010. *See Exhibit D* at 179, 182. The reason for the steady decline in rates of sexual solicitations could be due to several factors. It may be that online behavior has changed in ways that reduce such solicitations. For example, youth have migrated from chat rooms to social networking sites over past several years. In social networking environments, youth may confine more of their interactions to people they know, thus reducing online unwanted sexual comments or requests. It is also possible that young people have become more cautious regarding whom they interact with because of Internet safety education. A tremendous effort has been made during the past decade to warn young people about the dangers of online sexual interactions. Also, publicity about criminal prosecutions may have deterred some of the aggressive sexual messaging

that occurred previously. There have been many prosecutions of adults during the past decade for directing sexual messages to youth, and although research has found that most unwanted sexual messages online come from other youth and not adults, the potential to get into legal trouble for sending such messages may have been impressed on all Internet participants. *Id.* at 183.

16. I should note that during this same period (2000-2010) there was a small but statistically significant increase in reports of online harassment, which was defined as threats or other offensive behavior (excluding sexual solicitations) that were sent online to the youth or posted online about the youth for others to see. *Id.* at 182. Much of this harassment may come from within the youth's chosen social network—for example, classmates who have been accepted as friends on social networking sites. It is also possible that general harassment and bullying behavior is migrating online in the same way that general adolescent communication has migrated. *Id.* at 184.

17. There was also a decline in youth reports of unwanted exposure to pornography from 2000 to 2010, which may be related to increasing use of sophisticated anti-spamware and other filters, new law-enforcement tools such as the electronic tagging of known child pornography images, and better education among young people about the dangers of opening unidentified emails or clicking on unidentified links. *Id.* at 182, 183-84.

18. The decline in online sex offenses against minors is consistent with a broad drop in the incidence of all types of sex crimes against children. As my colleague Lisa Jones and I discuss in a 2012 research bulletin, there is fairly consistent and convergent evidence from a variety of sources pointing to large declines in child sexual abuse from 1992 to 2010. This conclusion is supported by 3 independent sources of agency data and 4 separate large victim surveys. Our judgment is that the decline in sexual abuse is about as well established as crime trends can be in

contemporary social science. It should be noted that the trend for non-sexual physical abuse is less clear. A copy of this research bulletin, “Have Sexual Abuse and Physical Abuse Declined Since the 1990s?” (2012), is attached to this declaration as Exhibit E.


19. It is important for the public and officials to know that policies targeted at registered sex offenders are aimed at a very small part of the problem. One study found that only 4% of persons arrested for technology-facilitated crimes against youth victims in 2006 were registered sex offenders, as were 2% of those arrested for soliciting undercover investigators in 2006. *See Exhibit C* at 6, 7. Thus, Internet safety needs to be designed with the understanding that most online predators are not registered offenders and have no prior record.

20. Finally, it is important to understand the nature of the crimes against minors committed using technology. First, a rising number of persons arrested for online crimes against minors are themselves under 25 years old (23% in 2000, 40% in 2006). *See id.* at 6. Second, contrary to many stereotypes, crimes by arrested online predators generally involve adolescent victims (i.e., minors over the age of 13) who knew they were communicating online with older adults who wanted sex. Most victims who met offenders face-to-face went to such meetings expecting to engage in sexual activity. Most offenders were charged with crimes such as statutory rape that involved non-forcible sexual activity with victims who were too young to legally consent to sexual intercourse with adults. Violence, stalking, and abduction were rare. *Id.* at 3-4.

21. When offenders solicited undercover investigators, the case dynamics were consistent with this pattern as well. While these crimes represented serious threats to the well-being of young people at the hands of unscrupulous adults, they differed from the image of online predation that many people have of a sex offender using the Internet to initiate communicate with children for the purpose of victimizing them. Finally, in 2009, 46% of the arrests for technology-

facilitated child sexual exploitation were for child-pornography possession, with no additional sex crimes indicated. See Exhibit B at 2. Again, while such crimes can be very serious, they are very different from the image of online predation in which an offender uses the Internet to contact and victimize a child.

I hereby declare under penalties of perjury that the foregoing is true and accurate.



David Finkelhor

Dated: J u n e 1 0 , 2 0 1 6

Exhibit A

DAVID FINKELHOR

Professor of Sociology and University Professor
Director, Crimes against Children Research Center
Co-Director, Family Research Laboratory
University of New Hampshire
Durham, NH 03824
Tel. (603) 862-2761
Fax (603)862-1122
E-mail: david.finkelhor@unh.edu
www.unh.edu/ccrc

EDUCATION

Phillips Exeter Academy, 1964.

Harvard College, 1968.

B.A. (Social Relations)

Harvard Graduate School of Education, 1971.

Ed. M. (Sociology)

Institut d'Études Politiques, University of Paris, 1967.

University of New Hampshire, 1978.

Ph.D. (Sociology)

Special Fields: Family, mental health, social psychology, sexual behavior, family violence, victimology, criminology, child maltreatment trends, Internet-related child victimization.

PUBLICATIONS

BOOKS

Childhood Victimization: Violence, Crime, and Abuse in the Lives of Young People. New York: Oxford University Press, 2008.

(Won Daniel Schneider Child Welfare Book of the Year Award – 2009)

Program Evaluation and Family Violence Research. New York: The Haworth Maltreatment and Trauma Press, 2000 (Edited with Sally K. Ward).

Missing, Abducted, Runaway, and Thrownaway Children in America. Washington, D.C.: Government Printing Office, 1990 (with Gerald Hotaling and Andrea J. Sedlak).

Nursery Crimes: Sexual Abuse in Day Care. Newbury Park, CA: Sage, 1989 (with Linda Williams and Nanci Burns).

Coping with Family Violence: Research on Policy Perspectives. Newbury Park, CA: Sage, 1989 (Edited with Gerald Hotaling, John Kirkpatrick and Murray Straus).

Family Abuse and its Consequences: New Directions in Research. Newbury Park, CA: Sage, 1988 (Edited with Gerald Hotaling, John Kirkpatrick and Murray Straus).

Stopping Family Violence: Research Priorities for the Coming Decade. Newbury Park, CA: Sage, 1988 (with Gerald Hotaling and Kersti Yllo).

Sourcebook on Child Sexual Abuse. Beverly Hills, CA: Sage, 1986.

License to Rape: Sexual Violence Against Wives. New York: Holt Rinehart, 1985 (with Kersti Yllo).

Child Sexual Abuse: New Theory and Research. New York: Free Press, 1984.

The Dark Side of Families: Current Family Violence Research. Beverly Hills, CA: Sage, 1983 (Edited with Richard Gelles, Gerald Hotaling and Murray Straus).

Sexually Victimized Children. New York: Free Press, 1979 (Spanish translation, 1981).

Up Against the American Myth. New York, NY: Holt Rinehart, 1971 (with Tom Christoffel and Dan Gilbarg.) (Japanese translation, 1973).

ARTICLES & BOOK CHAPTERS

In Press

- "Prevalence, types and responses to sex trafficking cases of minors ending in arrest or detention" (Kimberly J. Mitchell, David Finkelhor, & Janis Wolak). *OJJDP Juvenile Justice Bulletin*. Washington, DC. (CV265)
- "Child Maltreatment Rates Assessed in a National Household Survey of Caregivers and Youth" (David Finkelhor, Jennifer Vanderminden, Heather Turner, Sherry Hamby, & Anne Shattuck). *Child Abuse & Neglect*. (CV316)
- "Beyond bullying: Aggravating elements of peer victimization episodes" (Heather Turner, David Finkelhor, Anne Shattuck, Sherry Hamby & Kimberly Mitchell). *School Psychology Quarterly*. (CV314)
- "Dilemmas for International Mobilization around Child Abuse and Neglect" (David Finkelhor & Patricia Lannen) *Child Abuse & Neglect*. (CV320)
- "Ethical issues in surveys about children's exposure to violence and sexual abuse" (David Finkelhor, Sherry Hamby, Heather Turner, & Wendy Walsh) In C. C. C. Rennison (Ed.) *The Wiley-Blackwell Handbook on the Psychology of Violence*. (CV248)

2015

- "The burden of child maltreatment in China". (Fang, X., Fry, D. A., Ji, K., Finkelhor, D., Chen, J., Lannen, P., & Dunne, M. P.) *Bulletin of the World Health Organization: Systematic Reviews*, BLT.14.140970, 1-27. (CV335)

2014

- "Sibling and peer victimization in childhood and adolescence". (Corina Jenkins Tucker, David Finkelhor, Heather Turner, & Anne Shattuck). *Child Abuse & Neglect*, On-line first. doi: <http://dx.doi.org/10.1016/j.chiabu.2014.05.007>. (CV323)
- "The lifetime prevalence of child sexual abuse and sexual assault in late adolescence". (David Finkelhor, Anne Shattuck, Heather Turner & Sherry Hamby). *Journal of Adolescent Health*. (CV303)
- "Trends in Unwanted Online Experiences and Sexting (Final Report)". (Kimberly J. Mitchell, Lisa M. Jones, David Finkelhor, & Janis Wolak). Washington, DC: *OJJDP Juvenile Justice Bulletin*. (CV281)
- "Intervention following family violence: Best practices and helpseeking obstacles in a nationally representative sample of families with children". (Sherry Hamby, David Finkelhor & Heather Turner). *Psychology of Violence*. doi: 10.1037/a0036224 (CV322)
- "Cause for alarm? Youth and Internet Risk Research: Comment on Livingstone and Smith". *Journal of Child Psychology & Psychiatry*, 55(6), 655-658. doi: 10.1111/jcpp.12260 (CV315)
- "Trends in Children's Exposure to Violence, 2003-2011" (David Finkelhor, Anne Shattuck, Heather Turner & Sherry Hamby) *JAMA Pediatrics*, Published online April 28. doi: 10.1001/jamapediatrics.2013.5296 (CV299)
- "Youth Exposure to violence prevention programs in a National sample" (David Finkelhor, Jennifer Vanderminden, Heather Turner, Anne Shattuck & Sherry Hamby) *Child Abuse & Neglect*, 38(4), 677-686. doi: 10.1016/j.chiabu.2014.01.010 (CV306)

2013

- "Children's exposure to violence and the intersection between delinquency and victimization". (Carlos A. Cuevas, David Finkelhor, Anne Shattuck, Heather A. Turner, & Sherry L. Hamby). Washington DC: OJJDP Juvenile Justice Bulletin. (CV227)
- "Perpetrator & victim gender patterns for 21 forms of youth victimization in the National Survey of Children's Exposure to Violence" (Sherry L. Hamby, David Finkelhor, Heather A. Turner, & Richard K. Ormrod). *Violence & Victims*, 28(6), 915-939. doi: 10.1891/0886-6708.VV-D-12-00067 (CV276)
- "Association of sibling aggression with child and adolescent mental health". (Corinna Tucker, David Finkelhor, Heather Turner & Anne Shattuck). *Pediatrics*, 132(1), 79-84. (CV291)
- "Community disorder, victimization exposure, and mental health in a national sample of youth" (Heather A. Turner, David Finkelhor, & Sherry L. Hamby). *Journal of Health & Social Behavior*, 54(2), 258-275. <http://dx.doi.org/10.1177/0022146513479384>. (CV273)
- "Violence, crime, and abuse exposure in a national sample of children and youth: An update" (David Finkelhor, Heather A. Turner, Anne Shattuck, & Sherry L. Hamby). *JAMA-Pediatrics*, 167(7), 614-621. doi: <http://dx.doi.org/10.1001/jamapediatrics.2013.42>. (CV283)
- "Child sexual abuse in China: A meta-analysis of 26 studies" (David Finkelhor, Kai Ji, & Michael Dunne). *Child Abuse & Neglect*, 37(9), 613-622. <http://dx.doi.org/10.1016/j.chiabu.2013.03.008>. (CV290)
- "Prevalence and correlates of sibling victimization types" (Corinna J. Tucker, David Finkelhor, Anne M. Shattuck, & Heather A. Turner). *Child Abuse & Neglect*, 37: 213-223. doi: 10.1016/j.chiabu.2013.01.006 (CV295)
- "Letter to the editor: Bullying vs. school violence: A response to Williams and Stelko-Pereira" (David Finkelhor, Heather A. Turner, & Sherry L. Hamby). *Child Abuse & Neglect*, 37(8), 608-609. <http://dx.doi.org/10.1016/j.chiabu.2013.01.010>. (CV239a)
- "Family structure, victimization, and child mental health in a nationally representative sample" (Heather A. Turner, David Finkelhor, Sherry L. Hamby, & Anne Shattuck). *Social Science & Medicine*, 87:39-51. doi: 10.1016/j.socscimed.2013.02.034. (CV235)
- "To tell or not to tell? Youth's responses to unwanted Internet experiences" (Gisela Priebe, Kimberly J. Mitchell, & David Finkelhor). *Cyberpsychology: Journal of Psychosocial Research on Cyberspace- Special Issue "Children in Cyberspace: Opportunities, Risks and Safety*, 7(1), article 6. doi: 10.5817/CP2013-1-6. (CV253)
- "Developmental victimology: The comprehensive study of childhood victimization". In, Davis, R.C., Lurigio, A.J., & Herman, S. (Eds.), *Victims of crime* (4th Ed) (pgs. 75-106). Thousand Oaks: CA: Sage. (CV142R)
- "Trends in bullying & peer victimization". Crimes against Children Research Center: Durham, NH. (CV280)
- "Updated trends in child maltreatment, 2011" (David Finkelhor, Lisa M. Jones, & Anne Shattuck). Durham, NH: Crimes against Children Research Center. (CV203FS)
- "Online harassment in context: Trends from three youth Internet safety surveys (2000, 2005, 2010)" (Lisa M. Jones, Kimberly J. Mitchell, Janis Wolak, & David Finkelhor). *Psychology of Violence (Special Issue)*, 3(1): 53-69. (CV271)

- "Prosecution dilemmas and challenges for child pornography crimes: The Third National Juvenile Online Victimization Study (NJOV-3)" (Wendy A Walsh, Janis Wolak, & David Finkelhor). Durham, NH: Crimes against Children Research Center. (CV266)
- "Sexting: When are state prosecutors deciding to prosecute? The Third National Juvenile Online Victimization Study (NJOV-3)" (Wendy A. Walsh, Janis Wolak, & David Finkelhor). Durham, NH: Crimes against Children Research Center. (CV294)
- "Explaining lower rates of sexual abuse in China". (Finkelhor, D., Ji, K., Mikton, C., & Dunne, M.). *Child Abuse & Neglect*, 37(10), 852-860. doi: 10.1016/j.chiabu.2013.07.006. (CV289)
- "Updated trends in child maltreatment, 2012" (Finkelhor, D., Jones, L. M., Shattuck, A., & Saito, K.). Durham, NH: Crimes against Children Research Center. (CV203)
- "Trends in Children's Exposure to Violence, 2003-2011". (Finkelhor, D., Shattuck, A., Turner, H., & Hamby, S.). *JAMA Pediatrics*, Published online April 28. doi: 10.1001/jamapediatrics.2013.5296. (CV299)
- "Improving the Adverse Childhood Experiences Study Scale". (Finkelhor, D., Shattuck, A., Turner, H. A., & Hamby, S. L.). *Archives of Pediatrics & Adolescent Medicine*, 167(1), 70-75. doi: 10.1001/jamapediatrics.2013.420. (CV272)
- "Upset among youth in response to questions about exposure to violence, sexual assault and family maltreatment". (Finkelhor, D., Vanderminden, J., Turner, H., Hamby, S., & Shattuck, A.). *Child Abuse & Neglect*, 38(2), 217-223. doi: 10.1016/j.chiabu.2013.07.021. (CV296)
- "Sex trafficking cases involving minors" (Mitchell, K. J., Finkelhor, D., & Wolak, J.). University of New Hampshire, Durham, NH: Crimes against Childrens Reserach Center. (CV313)
- "Understanding the decline in unwanted online sexual solicitations for U.S. youth 2000–2010: Findings from three Youth Internet Safety Surveys". (Mitchell, K. J., Jones, L. M., Finkelhor, D., & Wolak, J.). *Child Abuse & Neglect*, 37(12), 1225-1236. doi: <http://dx.doi.org/10.1016/j.chiabu.2013.07.002>. (CV274)
- "Are Crimes by Online Predators Different From Crimes by Sex Offenders Who Know Youth In-Person?". (Wolak, J., & Finkelhor, D.). *The Journal of adolescent health: official publication of the Society for Adolescent Medicine*, 53(6), 736-741. (CV263)

2012

- "Improving the Adverse Childhood Experiences Study Scale" (David Finkelhor, Anne Shattuck, Heather A. Turner, & Sherry L. Hamby). *Archives of Pediatrics & Adolescent Medicine*. Online First: doi:10.1001/jamapediatrics.2013.420. (CV272)
- "Have sexual abuse and physical abuse declined since the 1990s?" (David Finkelhor & Lisa M. Jones). Durham, NH: Crimes against Children Research Center. (CV267FS)
- "Teen dating violence: Co-occurrence with other victimizations in the national survey of children's exposure to violence (NatSCEV)" (Sherry L. Hamby, David Finkelhor, & Heather A. Turner). *Psychology of Violence*, 2(2): 111-124. (CV261)

- "Recent victimization exposure and suicide ideation in adolescents" (Heather A. Turner, David Finkelhor, Anne Shattuck, & Sherry L. Hamby). *Archives of Pediatrics & Adolescent Medicine*. doi:10.1001/archpediatrics.2012.1549 (CV246)
- "Sex trafficking of minors: How many juveniles are being prostituted in the US?" Durham, NH: Crimes against Children Research Center. (2008 – revised 2012). (CV279FS)
- "Let's prevent peer victimization, Not just bullying" (David Finkelhor, Heather A. Turner, & Sherry L. Hamby, S.). *Child Abuse & Neglect*, 36: 271-274. (CV239)
- "Child and youth victimization known to police, school, and other medical authorities" (David Finkelhor, Richard K. Ormrod, Heather A. Turner, & Sherry L. Hamby). *OJJDP Juvenile Justice Bulletin – NCJ235394* (pgs. 1-8). Washington, DC: US Government Printing Office. (CV214B)
- "Family context, victimization, and child trauma symptoms: Variations in safe stable and nurturing relationships during early and middle childhood" (Heather A. Turner, David Finkelhor, Richard K. Ormrod, Sherry L. Hamby, Rebecca Leeb, James Mercy, & Melissa Holt). *American Journal of Orthopsychiatry*, 82(2): 209-219. (CV209)
- "Trends in law enforcement responses to online child sexual exploitation crimes: The Third National Juvenile Online Victimization Study (NJOV-3)" (Janis Wolak, David Finkelhor, & Kimberly J. Mitchell). Crimes against Children Research Center, University of New Hampshire, Durham, NH. (CV268).
- "Trends in arrests for child pornography possession: The Third National Juvenile Online Victimization Study (NJOV-3)" (Janis Wolak, David Finkelhor, & Kimberly J. Mitchell). Crimes against Children Research Center, University of New Hampshire, Durham, NH. (CV269)
- "Trends in arrests for production of child pornography: The Third National Juvenile Online Victimization Study (NJOV-3)" (Janis Wolak, David Finkelhor, & Kimberly J. Mitchell). Crimes against Children Research Center, University of New Hampshire, Durham, NH. (CV270).
- "How often are teens arrested for sexting? Data from a national sample of police cases" (Janis Wolak,, David Finkelhor, & Kimberly J. Mitchell). *Pediatrics*, 129(1). (CV241)
- "Trends in youth Internet victimizations: Findings from three youth Internet safety surveys, 2000 – 2010" (Lisa M. Jones, Kimberly J. Mitchell, & David Finkelhor). *Journal of Adolescent Health*, 50: 179-186. (CV240)
- "Prevalence & characteristics of youth sexting: A national study of youth" (Kimberly J. Mitchell, David Finkelhor, Lisa M. Jones, & Janis Wolak). *Pediatrics*, 129(1): 1-8. (CV237)

2011

- "Poly-victimization in developmental context" (David Finkelhor, Anne Shattuck, Heather A. Turner, & Richard K. Ormrod). *Journal of Child & Adolescent Trauma*, 4(Special Series - Assessing trauma in children and adolescents: Associated variables): 291-300. (CV221)
- "Updated trends in child maltreatment, 2010" (David Finkelhor, Lisa M. Jones, & Anne Shattuck). Durham, NH: Crimes against Children Research Center. (CV203FS)
- "Disability and victimization in a national sample of children and youth" (Heather A. Turner, Jennifer Vanderminden, David Finkelhor, Sherry L. Hamby, & Anne Shattuck). *Child Maltreatment*, 16(4):275-86. (CV217)

- "Arrests for child pornography production: Data at two time points from a national sample of US law enforcement agencies" (Janis Wolak, Lisa M. Jones, David Finkelhor, & Kimberly J. Mitchell). *Child Maltreatment* 16(3): 184-195. (CV210).
- "Investigators using the Internet to apprehend sex offenders: Findings from the Second National Juvenile Online Victimization Study" (Kimberly J. Mitchell, Janis Wolak, David Finkelhor, Lisa M. Jones). *Police Practice and Research*, 1-15, *iFirst Article*, DOI: 10.1080/15614263.2011.627746. (CV212)
- "Poly-victimization: Children's exposure of multiple types of violence, crime, and abuse" (David Finkelhor, Heather A. Turner, Sherry L. Hamby, & Richard K. Ormrod). *OJJDP Juvenile Justice Bulletin - NCJ235504* (pgs. 1-12). Washington, DC: US Government Printing Office. (CV229)
- "Increasing youth safety and responsible behavior online: Putting in place programs that work" (Lisa M. Jones & David Finkelhor). Washington, DC: Family Online Safety Institute. (CV254)
- "Questions and answers about the National Survey of Children's Exposure to Violence" (David Finkelhor, Heather A. Turner, & Sherry L. Hamby). *OJJDP Juvenile Justice Bulletin - NCJ235163* (pgs. 1-4). Washington, DC: US Government Printing Office. (CV224)
- "Children's exposure to intimate partner violence and other forms of family violence: Nationally representative rates among US youth" (Sherry L. Hamby, David Finkelhor, Heather A. Turner, & Richard K. Ormrod). *OJJDP Juvenile Justice Bulletin - NCJ 232272* (pgs. 1-12. Washington, DC: US Government Printing Office. (CV197)
- "Specifying type and location of peer victimization in a national sample of children and youth" (Heather A. Turner, David Finkelhor, Sherry L. Hamby, Anne Shattuck, & Richard K. Ormrod). *Journal of Youth & Adolescence*, 40(8): 1052-1067. (CV225)
- "Prevalence of child victimization, abuse, crime, and violence exposure". In, White, J.W., Koss, M.P., & Kazdin, A. (Eds). *Violence against women and children: Mapping the terrain* (pgs. 9-29). Washington, DC: American Psychological Association. (CV189)
- "Abuse and victimization known to school, police & medical officials in a national sample of children & youth" (David Finkelhor, Richard K. Ormrod, Heather A. Turner, & Sherry L. Hamby, S.). *Archives of Pediatrics & Adolescent Medicine*, 165(1): 9-15. (CV214)
- "Youth Internet victimization in a broader victimization context" (Kimberly J. Mitchell, David Finkelhor, Janis Wolak, Michele Ybarra, & Heather A. Turner). *Journal of Adolescent Health*, 48: 128-134. (CV207)
- "The true prevalence of "sexting" (Kaitlin Lounsbury, Kimberly J. Mitchell, & David Finkelhor). Durham, NH: Crimes against Children Research Center. (CV236FS)
- "Sexting: A typology" (Janis Wolak & David Finkelhor). Durham, NH: Crimes against Children Research Center. (CV231B)
- "Updated trends in child maltreatment, 2009" (David Finkelhor, Lisa M. Jones, & Anne Shattuck). Durham, NH: Crimes against Children Research Center. (CV203FS)
- "Growth and change in undercover online child exploitation investigations in the U.S., 2000 to 2006" (Kimberly J. Mitchell, David Finkelhor, Janis Wolak, & Lisa M. Jones). *Policing and Society*, 20(4): 416-431. (CV205)
- "Child pornography possessors: Trends in offender and case characteristics" (Janis Wolak, David Finkelhor, & Kimberly J. Mitchell). *Sexual Abuse: A Journal of Research and Treatment*, 23(1): 22-42. (CV204)

"Internet-facilitated commercial sexual exploitation of children: Findings from a nationally representative sample of law enforcement agencies in the U.S." (Kimberly J. Mitchell, Lisa M. Jones, David Finkelhor, & Janis Wolak). *Sexual Abuse: A Journal of Research and Treatment*, 23(1): 43-71. (CV201)

"Preface". In, John E.B. Myers (Ed.), *The APSAC handbook on child maltreatment* (3rd ed. – pgs. vii – ix). Thousand Oaks, CA: Sage. (CV211).

2010

"The overlap of witnessing partner violence with child maltreatment and other victimizations in a nationally representative survey of youth" (Sherry L. Hamby, David Finkelhor, Heather A. Turner, & Richard K. Ormrod). *Child Abuse & Neglect*, 34: 734-741. (CV200)

"Infant victimization in a nationally representative sample" (Heather A. Turner, David Finkelhor, Richard K. Ormrod, & Sherry L. Hamby). *Pediatrics*, 126:44–52. (CV199)

"Disasters, victimization and children's mental health" (Kathy Becker-Blease, Heather A. Turner, & David Finkelhor). *Child Development*, 81(4): 1040-1052. (CV190)

"Protecting victims' identities in press coverage of child victimization" (Lisa M. Jones, David Finkelhor, & Jessica Beckwith). *Journalism: Theory, Practice and Criticism*, 11(3): 347-367. (CV182)

"Use of social networking sites in online sex crimes against minors: An examination of national incidence and means of utilization" (Kimberly J. Mitchell, David Finkelhor, Lisa M. Jones, & Janis Wolak). *Journal of Adolescent Health*, 47(2): 183-190. (CV174)

"Child mental health problems as risk factors for victimization" (Heather A. Turner, David Finkelhor, & Richard K. Ormrod). *Child Maltreatment*, 15(2): 132-143. (CV185)

"Conceptualizing juvenile prostitution as child maltreatment: Findings from the National Juvenile Prostitution Study" (Kimberly J. Mitchell, David Finkelhor, & Janis Wolak). *Child Maltreatment*, 15(1): 18-36. (CV186)

"Online safety: Why research is important" (David Finkelhor, Janis Wolak, & Kimberly J. Mitchell). *Publius Project*: (<http://publius.cc>). Cambridge, MA: Berkman Center for Internet & Society – Harvard University. (CV223)

"Psychological distress as risk factors for re-victimization" (Carlos A. Cuevas, David Finkelhor, C. Clifford, & Richard K. Ormrod). *Child Abuse & Neglect*, 34: 235-243. (CV184)

"Poly-victimization in a national sample of children & youth" (Heather A. Turner, David Finkelhor, & Richard K. Ormrod). *American Journal of Preventive Medicine*, 38(3): 323-330. (CV195)

"Trends in childhood violence and abuse exposure: Evidence from two national surveys" (David Finkelhor, Heather A. Turner, Richard K. Ormrod, & Sherry L. Hamby). *Archives of Pediatrics & Adolescent Medicine*, 164(3): 238-242. (CV196)

"Updated trends in child maltreatment, 2007" (Lisa M. Jones & David Finkelhor). Durham, NH: Crimes against Children Research Center. (CV203FS)

2009

"The prevention of childhood sexual abuse". *The Future of Children*, 19(2): 169-194. (CV192)

- "Index of problematic online experiences: Item characteristics and correlation with negative symptomatology" (Kimberly J. Mitchell, Chiara Sabina, David Finkelhor, & Melissa Wells). *CyberPsychology & Behavior*, 12(6): 707-711. (CV173)
- "Pathways to poly-victimization" (David Finkelhor, Richard K. Ormrod, Heather A. Turner, & Melissa Holt). *Child Maltreatment*, 14(4): 316-329. (CV181)
- "Juvenile who commit sex offenses against minors" (David Finkelhor, Richard K. Ormrod, & Mark Chaffin). *Juvenile Justice Bulletin – NCJ227763* (1-12pgs). Washington, DC: US Government Printing Office. (CV171)
- "Violence, abuse, & crime exposure in a national sample of children & youth" (David Finkelhor, Heather A. Turner, Richard K. Ormrod, & Sherry L. Hamby). *Pediatrics*, 124(5): 1-14. (CV193)
- "Lifetime assessment of poly-victimization in a national sample of children & youth" (David Finkelhor, Richard K. Ormrod, & Heather A. Turner). *Child Abuse & Neglect*, 33:403-411. (CV176)
- "Parent/child concordance about bullying involvement & family characteristics related to bullying & peer victimization" (Melissa Holt, Glenda Kaufman Kantor, & David Finkelhor). *Journal of School Violence*, 8(1): 42-63. (CV177)
- "The developmental epidemiology of childhood victimization" (David Finkelhor, Richard K. Ormrod, & Heather A. Turner). *Journal of Interpersonal Violence*, 24(5): 711-731. (CV159)
- "How protective are filtering and blocking programs against unwanted exposure to pornography and sexual solicitation on the internet?" (Michele L. Ybarra, Kimberly J. Mitchell, David Finkelhor, & Melissa Wells). *Child Abuse & Neglect*, 33(12), 857-869. (CV158)
- "Trends in arrests of "online predators" (Janis Wolak, David Finkelhor, & Kimberly J. Mitchell). Durham, NH: University of New Hampshire - Crimes against Children Research Center. (CV194FS)
- "The effects of child victimization on self-concept and depression" (Heather A. Turner, David Finkelhor, & Richard K. Ormrod). *Child Maltreatment*, 15(1): 76-90. (CV179)

2008

- "Psychiatric diagnosis as a risk marker for victimization in a national sample of children" (Carols A. Cuevas, David Finkelhor, Richard K. Ormrod, & Heather A. Turner). *Journal of Interpersonal Violence*, 24(4): 636-652. (CV166)
- "Media exposure predicts children's reactions to crime & terrorism" (Kathy Becker-Blease, David Finkelhor, & Heather A. Turner). *Journal of Trauma & Dissociation*, 9(2): 225-248. (CV102)
- "The nature and dynamics of Internet pornography exposure for youth under 18" (Chiara Sabina, Janis Wolak, & David Finkelhor). *CyberPsychology & Behavior*, 11(6): 1-3. (CV169)
- "Sexually assaulted children: National estimates & characteristics" (David Finkelhor, Heather Hammer, & Andrea J. Sedlak). *Juvenile Justice Bulletin – NCJ214383* (pgs. 1-12). Washington, DC: US Government Printing Office. (CV65)
- "Caretaker satisfaction with law enforcement response to missing children" (Heather Hammer, David Finkelhor, Richard K. Ormrod, Andrea J. Sedlak, & Carol Bruce). *Juvenile Justice Bulletin – NCJ217909* (pgs. 1-8). Washington, DC: US Government Printing Office. (CV69)

- "Is talking online to unknown people always risky? Distinguishing online interaction types in a national sample of youth Internet users" (Janis Wolak, David Finkelhor, & Kimberly J. Mitchell). *CyberPsychology & Behavior*, 11(3): 340-343. (CV168)
- "Are blogs putting youth at risk for online sexual solicitation or harassment?" (Kimberly J. Mitchell, Janis Wolak, & David Finkelhor). *Child Abuse & Neglect*, 32: 277-294. (CV149)
- "Linking youth Internet and conventional problems: Findings from a clinical perspective" (Kimberly J. Mitchell, David Finkelhor, & Kathy Becker-Blease). *Journal of Aggression, Maltreatment & Trauma*, 15(2): 39-58. (CV78)
- "Online "predators" and their victims" (Janis Wolak, David Finkelhor, Kimberly J. Mitchell, & Michele L. Ybarra). *American Psychologist*, 63(2): 111-128. (CV163)
- "Sex trafficking of minors: How many juveniles are being prostituted in the US?" (Michelle Stransky & David Finkelhor). Durham, NH: Crimes against Children Research Center. (CV279FS)

2007

- "Juvenile delinquency and victimization: A Theoretical Typology" (Carlos A. Cuevas, David Finkelhor, Heather A. Turner, & Richard K. Ormrod). *Journal of Interpersonal Violence*, 22(12): 1581-1602. (CV122)
- "Developmental victimology: The comprehensive study of childhood victimization". In, David, R.C., Lurigio, A.J., & Herman, S. (Eds). *Victims of crime (3rd ed.)*(pgs. 9-34). Thousand Oaks, CA: Sage. (CV142L)
- "The relative importance of online victimization in understanding depression, delinquency, & substance use" (Kimberly J. Mitchell, Michele L. Ybarra, & David Finkelhor). *Child Maltreatment*, 12(4): 314-324. (CV132)
- "Does online harassment constitute bullying? An exploration of online harassment by known peers & online only contacts" (Janis Wolak, Kimberly J. Mitchell, & David Finkelhor). Special Issue of *Journal of Adolescent Health*, 41: S51-S58. (CV172)
- "Current research knowledge about adolescent victimization on the Internet" (Janis Wolak, Michele L. Ybarra, Kimberly J. Mitchell, & David Finkelhor). *Adolescent Medicine State of the Art Reviews*, 18(2): 325-341. (CV165)
- "Hidden forms of victimization in elementary school students involved in bullying" (Melissa Holt, David Finkelhor, & Glenda Kaufman Kantor). *School Psychology Review*, 36(3): 345-360. (CV134)
- "The prevention of sexual abuse through educational programs directed toward children and their families: A commentary". *Pediatrics*, 120(3): 640-645. (CV170)
- "Predictors of receiving counseling in a national sample of youths: The relative influence of symptoms, victimization exposure, parent-child conflict, & delinquency" (Heather A. Turner, David Finkelhor, & Richard K. Ormrod). *Journal of Youth & Adolescence*, 36(7): 861-876. (CV154)
- "Family structure variations in patterns and predictors of child victimization" (Heather A. Turner, David Finkelhor, & Richard K. Ormrod). *American Journal of Orthopsychiatry*, 77(2): 282-295. (CV112)
- "A classification of adults with problematic internet experiences: Linking internet and conventional problems from a clinical perspective" (Kimberly J. Mitchell, David Finkelhor, & Kathy Becker-Blease). *CyberPsychology & Behavior*, 10(3): 381-392. (CV94)

- "Revictimization patterns in a national longitudinal sample of children and youth" (David Finkelhor, Richard K. Ormrod, & Heather A. Turner). *Child Abuse & Neglect*, 31(5): 479-502. (CV114)
- "Multiple victimization experiences of urban elementary school students: Associations with psychosocial functioning and academic performance" (Melissa Holt, David Finkelhor, & Glenda Kaufman Kantor). *Child Abuse & Neglect*, 31(5): 503-515.(CV139)
- "Youth Internet users at risk for the most serious online sexual solicitations" (Kimberly J. Mitchell, David Finkelhor, & Janis Wolak). *American Journal of Preventive Medicine*, 32(6): 532-537 (CV143)
- "Online requests for sexual pictures from youth: Risk factors & incident characteristics" (Kimberly J. Mitchell, David Finkelhor, & Janis Wolak). *Journal of Adolescent Health*, 41(2): 196-203. (CV155)
- "Online mental health treatment: Concerns & Considerations" (Melissa Wells, Kimberly J. Mitchell, David Finkelhor, & Kathy Becker-Blease). *CyberPsychology & Behavior*, 10(3): 453-459. (CV97)
- "Defining child pornography: Law enforcement dilemmas in the investigation of Internet child pornography cases" (with Melissa Wells, David Finkelhor, Janis Wolak, & Kimberly Mitchell). *Police Practice & Research*, 8(3): 269-282. (CV96)
- "Statutory sex crime relationships between juveniles and adults: A review of social scientific research" (Denise Hines & David Finkelhor). *Aggressions & Violent Behavior*, 12: 300-314. (CV150)
- "Poly-victimization and trauma in a national longitudinal cohort" (David Finkelhor, Richard K. Ormrod & Heather A. Turner). *Development & Psychopathology*, 19(1): 149-166. (CV130)
- "Unwanted and wanted exposure to online pornography in a national sample of youth Internet users" (Janis Wolak, Kimberly J. Mitchell, & David Finkelhor). *Pediatrics*, 119(2): 247-257. (CV153)
- "Poly-victimization: A neglected component in child victimization trauma" (David Finkelhor, Richard K. Ormrod & Heather A. Turner). *Child Abuse & Neglect*, 31: 7-26. (CV91) - **(Won APSAC Award for Article of the Year – 2008)**
- "Trends in youth reports of unwanted sexual solicitations, harassment and unwanted exposure to pornography on the Internet" (Kimberly J. Mitchell, Janis Wolak, & David Finkelhor). *Journal of Adolescent Health*, 40: 116-126. (CV135)
- "Kids stuff: The nature & impact of peer and sibling violence on younger and older children" (David Finkelhor, Heather A. Turner, & Richard K. Ormrod). *Child Abuse & Neglect*, 30:1401-1421. (CV133)
- "The homicides of children & Youth" (David Finkelhor & Richard K. Ormrod). In, R. Alexander (Ed.), *An Interdisciplinary guide & photographic reference* (pgs. 29-45). St. Louis, MO: GW Medical Publishing. (CV34B)

2006

- "Why have child maltreatment and child victimization declined?" (David Finkelhor & Lisa M. Jones). Special Issue: *Journal of Social Issues*, 62(4): 683-714. (CV137J)
- "Online victimization: 5 years later" (Janis Wolak, Kimberly J. Mitchell, & David Finkelhor). National Center for Missing & Exploited Children. Alexandria, VA. (CV138)

- "Mental health professionals exposure to clients problematic Internet experiences" (Melissa Wells, Kimberly J. Mitchell, David Finkelhor, & Kathy Becker-Blease). *Journal of Technology & Human Services*, 24(4): 35-52. (CV106)
- "How the justice system responds to juvenile victims: A comprehensive model" (David Finkelhor, Theodore P. Cross, & Elise Cantor). *Juvenile Justice Bulletin – NCJ210951* (pgs. 1-12). Washington, DC: Office of Juvenile Justice and Delinquency Prevention. (CV62B)
- "Mitigating the impact of publicity on child crime victims & witnesses" (David Finkelhor & Charles Putnam). In, N.E. Dowd, D.G. Singer, & R.F. Wilson (Eds.), *Handbook of children, culture, & violence* (pgs. 113-131). Thousand Oaks, CA: Sage Publications Inc. (CV86Book)
- "Child maltreatment trends in the 1990's: Why does neglect differ from sexual and physical abuse" (Lisa M. Jones, David Finkelhor, & Stephanie Halter). *Child Maltreatment*, 11(2): 107-120. (CV110)
- "Risk & impact of Internet harassment: Findings from the Second Youth Internet Safety Survey" (Michele L. Ybarra, Kimberly J. Mitchell, Janis Wolak, & David Finkelhor). *Pediatrics*, 118(4): 1169-1177. (CV141)
- "Decline of child sexual abuse in the US: What can be learned?" *Zeitschrift fur Psychotraumatologie und Psychologische Medizin*, 4(4): 9-16. (Journal of Psychotraumatology & Psychological Medicine – Special Issue on Prevention of Sexual Abuse of Children). Article adapted from a lecture given on 10/11/05 at the USB Optimus Foundation Best prACTices Symposium. (CV164)

2005

- "The effect of lifetime victimization on the mental health of children and adolescents" (Heather A. Turner, David Finkelhor, & Richard K. Ormrod). *Social Science & Medicine*. (CV87)
- "Measuring poly-victimization using the JVQ" (David Finkelhor, Richard K. Ormrod, Heather A. Turner, & Sherry L. Hamby). *Child Abuse & Neglect*, 29(11): 1297-1312. (CV101)
- "An inventory of problematic Internet experiences: Findings from a clinical perspective" (Kimberly J. Mitchell, Kathy Becker-Blease, & David Finkelhor). *Professional Psychology: Research & Practice*, 36(5): 498-509. (CV92)
- "The varieties of child pornography production" (Janis Wolak, David Finkelhor, & Kimberly J. Mitchell). In Quayle, E. & Taylor, M. (Eds.), *Viewing child pornography on the Internet: Understanding the offense, managing the offender, helping the victims* (pgs. 31-48). Dorset, UK: Russell House Publishing. (CV100)
- "Protecting youth online: Family use of filtering and blocking software" (Kimberly J. Mitchell, David Finkelhor, & Janis Wolak). *Child Abuse & Neglect*, 29: 753-765. (CV49)
- "Police posing as juveniles online to catch sex offenders: Is it working?" (Kimberly J. Mitchell, Janis Wolak, & David Finkelhor). *Sexual Abuse: A Journal of Research and Treatment*, 17(3): 241-267. (CV82)
- "Police involvement in child protective services investigations" (Theodore P. Cross, David Finkelhor, & Richard K. Ormrod). *Child Maltreatment*, 10(3): 224-244. (CV83)
- "National Estimates of Children Missing Involuntarily, or for Benign Reasons" (Andrea J. Sedlak, David Finkelhor, & Heather Hammer). *Juvenile Justice Bulletin – NCJ206180* (pgs. 1-12). Washington, DC: US Government Printing Office. (MC20)

- "Online victimization: What youth tell us" (David Finkelhor, Kimberly J. Mitchell, & Janis Wolak). In S.W. Cooper, R.J. Estes, A.P. Giardino, N.D. Kellogg, & V.I. Vieth (Eds.), *Medical, legal, and social science aspects of child sexual exploitation: A comprehensive review of pornography, prostitution, & Internet crimes*, Vol. 1 (pgs. 437-467) St. Louis, MO: GW Medical Publishing, Inc. (CV47)
- "Child pornography possessors and the Internet: A national study" (Janis Wolak, David Finkelhor, & Kimberly J. Mitchell). National Center for Missing & Exploited Children. Alexandria, VA. (CV81)
- "The JVQ: Reliability, validity, and national norms" (David Finkelhor, Sherry L. Hamby, Richard K. Ormrod, & Heather A. Turner). *Child Abuse & Neglect*, 29: 383-412. (CV88)
- "Juvenile victims: A comprehensive model of case flow" (David Finkelhor, Theodore P. Cross, & Elise Cantor). *Trauma, Violence & Abuse*, 6(2): 83-102. (CV62J)
- "The victimization of children & youth: A comprehensive, national survey" (David Finkelhor, Richard K. Ormrod, Heather A. Turner, & Sherry L. Hamby). *Child Maltreatment*, 10(1): 5-25. (CV73) – **(Won Child Maltreatment Article of the Year Award – 2005)**
- "Introduction: Victimization of children and youth – The spectrum of crimes against children" (David Finkelhor & Kathy Kendall-Tackett). In K. Kendall-Tackett & S. Giacomoni (Eds.), *Child Victimization* (pgs. xxi - xxvi). New York: Civic Research Institute. (CV84David)
- "Using new crime statistics to understand crimes against children: Child pornography, juvenile prostitution, & hate crimes against youth" (Richard K. Ormrod & David Finkelhor). In K. Kendall-Tackett & S. Giacomoni (Eds.), *Child Victimization* (pgs. 1-1 to 1-30). New York: Civic Research Institute. (CV84Dick)
- "Juvenile victims of intimate partner violence" (Katreena Scott, David Finkelhor, & Richard K. Ormrod). In K. Kendall-Tackett & S. Giacomoni (Eds.), *Child Victimization* (pgs. 14-1 to 14-17). New York: Civic Research Institute. (CV60BC)
- "The Internet and family and acquaintance sexual abuse" (Kimberly J. Mitchell, David Finkelhor, & Janis Wolak). *Child Maltreatment*, 10(1): 49-60. (CV93)
- "Risk of crime victimization among youth exposed to domestic violence" (Kimberly J. Mitchell & David Finkelhor). Invited submission to *The Prevention Researcher*, 12(1): 18-21. (CV107)
- "Zur internationalen Epidemiologie von sexuellem Missbrauch an Kindern." In, Amann, G. & Wipplinger, R. (Eds.), *Sexueller Missbrauch: Überblick zu Forschung, Beratung und Therapie Ein Handbuch* (pgs. 81-94). Tübingen, Germany: dgvt-Verlag.

2004

- "Law enforcement challenges in Internet child pornography crimes" (Melissa Wells, David Finkelhor, Janis Wolak, & Kimberly J. Mitchell). *Sex Offender Law Report*, 5(4): 41-42, 49. (CV95)
- "Internet-initiated sex crimes against minors: The response of law enforcement" (Janis Wolak, Kimberly J. Mitchell, & David Finkelhor). *National Center for Missing & Exploited Children Bulletin - #10-03-022*. Alexandria, VA. (CV70)
- "Juvenile prostitution known to police" (David Finkelhor & Richard K. Ormrod). *Juvenile Justice Bulletin-NCJ203946* (pgs. 1-12). Washington, DC: US Government Printing Office. (CV67)

- "Pornography and child exploitation in the National Incidence Based Reporting System (NIBRS)" (David Finkelhor & Richard K. Ormrod). *Juvenile Justice Bulletin-NCJ204911* (pgs. 1-8). Washington, DC: US Government Printing Office. (CV56)
- "Explanations for the decline in child sexual abuse" (David Finkelhor & Lisa M. Jones). *Juvenile Justice Bulletin – NCJ199298* (pgs. 1-12). Washington, DC: US Government Printing Office. (CV58)
- "Which juvenile crime victims get mental health treatment?" (Kathy Kopiec, David Finkelhor, & Janis Wolak). *Child Abuse & Neglect*, 28: 45-59. (CV54)
- "Victimization of youths on the Internet" (Kimberly J. Mitchell, David Finkelhor, & Janis Wolak). In J.L. Mullings, J.W. Marquart, and D.J. Hartley (Eds.), *The victimization of children: Emerging issues* (pgs 1-39). Binghamton, NY: Haworth Press. (CV90)
- "Victimization of youths on the Internet" (Kimberly J. Mitchell, David Finkelhor, & Janis Wolak). *Journal of Aggression, Maltreatment & Trauma*, 8(1/2): 1-39. (CV89)
- "Protecting the privacy of child crime victims" (David Finkelhor & Charles Putnam). *APRI: Update*, 17(2): 1-2. (CV98)
- "National estimates of missing children: Selected trends, 1988-1999" (Heather Hammer, David Finkelhor, Andrea J. Sedlak, & L. Porcellini). *Juvenile Justice Bulletin – NCJ206179* (pgs. 1-8). Washington, DC: US Government Printing Office. (MC21)

2003

- "*National Juvenile Online Victimization Study (N-JOV): Methodology Report*" (Janis Wolak, Kimberly J. Mitchell, & David Finkelhor). Crimes against Children Research Center, University of New Hampshire, Durham, NH. (CV72)
- "Internet sex crimes against minors: The response of law enforcement" (Janis Wolak, Kimberly J. Mitchell, & David Finkelhor). *National Center for Missing & Exploited Children Bulletin - #10-03-022*. Alexandria, VA. (CV70)
- "Commentary: The legacy of the clergy abuse scandal". *Child Abuse & Neglect*, 27: 1225-1229. (CV68)
- "Improving national data systems about juvenile victimization" (David Finkelhor & Melissa Wells). *Child Abuse & Neglect*, 27(1): 77-102. (CV53)
- "Reporting assaults against juveniles to the police: Barriers and catalysts" (David Finkelhor & Janis Wolak). *Journal of Interpersonal Violence*, 18(2): 103-128. (CV52)
- "Escaping or connecting? Characteristics of youth who form close online relationships. (Janis Wolak, Kimberly J. Mitchell, & David Finkelhor). *Journal of Adolescence*, 26(1): 105-119. (CV51)
- "The exposure of youth to unwanted sexual material on the Internet: A national survey of risk, impact, & prevention" (Kimberly J. Mitchell, David Finkelhor, & Janis Wolak). *Youth & Society*, 34(3): 330-358. (CV43)

2002

- "National estimates of missing children: An overview" (Andrea J. Sedlak, David Finkelhor, Heather Hammer, & Dana Schultz). *Juvenile Justice Bulletin – NCJ196465*, (pgs. 1-12). Washington, DC: US Government Printing Office. (MC16)

"Children abducted by family members: National estimates and characteristics" (Heather Hammer, David Finkelhor, & Andrea J. Sedlak). *Juvenile Justice Bulletin – NCJ196466*, (pgs. 1-12). Washington, DC: US Government Printing Office. (MC17)

"Runaway/throwaway children: National estimates and characteristics" (Heather Hammer, David Finkelhor, & Andrea J. Sedlak). *Juvenile Justice Bulletin – NCJ196469*, (pgs. 1-12). Washington, DC: US Government Printing Office. (MC18)

"Nonfamily abducted children: National estimates and characteristics" (David Finkelhor, Heather Hammer, & Andrea J. Sedlak). *Juvenile Justice Bulletin – NCJ196467*, (pgs.1-16). Washington, DC: US Government Printing Office. (MC19)

"Youth online victimization" (Kimberly J. Mitchell, David Finkelhor, & Janis Wolak). In Levinson, D. (Ed.), *Encyclopedia of Crime & Punishment* (3):1109-1112. Newbury Park, CA: Berkshire Reference/Sage Publications. (CV48)

"Close online relationships in a national sample of adolescents: A description" (Janis Wolak, Kimberly J. Mitchell, & David Finkelhor). *Adolescence*, 37(147): 441-456. (CV50)

2001

"Risk factors & impact of online solicitation of youth" (Kimberly J. Mitchell, David Finkelhor, & Janis Wolak). *JAMA*, 285, 23:3011-3014. (CV42)

"Adult offenders incarcerated for crimes against juveniles" (David Finkelhor & Richard K. Ormrod). *Juvenile Justice Bulletin – NCJ191028*, (pgs. 1-12). Washington, DC: US Government Printing Office. (CV45)

"Child abuse reported to police: The NIBRS perspective" (David Finkelhor & Richard K. Ormrod). *Juvenile Justice Bulletin – NCJ187238*, (pgs. 1-8). Washington, DC: US Government Printing Office. (CV32)

"The homicides of children & youth" (David Finkelhor & Richard K. Ormrod). *Juvenile Justice Bulletin – NCJ187239*, (pgs. 1-12). Washington, DC: US Government Printing Office. (CV34)

"Crimes against children by babysitters" (David Finkelhor & Richard K. Ormrod). *Juvenile Justice Bulletin – NCJ198102*, (pgs. 1-7). Washington, DC: US Government Printing Office. (CV41)

"Why is sexual abuse declining? A survey of state child protection administrators" (Lisa M. Jones, David Finkelhor, & Kathy Kopiec). *Child Abuse & Neglect*, 25 (9): 1139-1158. (CV44)

"Factors in the under-reporting of crimes against juveniles" (David Finkelhor & Richard K. Ormrod). *Child Maltreatment*, 6 (3): 219-229. (CV25)

"Choosing and using child victimization questionnaires" (Sherry L. Hamby & David Finkelhor). *Juvenile Justice Bulletin - NCJ186027* (pgs. 1-15). Washington, DC: US Government Printing Office. (CV36)

"Police Reporting and Professional Help for Child Victims: A Review" (David Finkelhor, Janis Wolak, & Lucy Berliner). *Child Maltreatment*, 6(1): 17-30. (CV29)

"The victimization of children & youth: A comprehensive overview" (David Finkelhor & Patricia Y. Hashima). In S.O. White (Ed.), *Handbook of youth and justice* (pgs. 49-78). NY: Kluwer Academic/Plenum Publishing Corp. (CV19)

"Juvenile crime victims in the justice system" (David Finkelhor, M.J. Paschall, & Patricia Y. Hashima). In S.O. White (Ed.), *Handbook of youth and justice* (pgs. 11-28). NY: Kluwer Academic/Plenum Publishing Corp. (CV22)

"Risk of crime victimization among youth exposed to domestic violence" (Kimberly J. Mitchell & David Finkelhor). *Journal of Interpersonal Violence*, 16(9): 944-964. (CV40)

"The decline in child sexual abuse cases" (Lisa M. Jones & David Finkelhor). *Juvenile Justice Bulletin - NCJ184741* (pgs. 1-12). Washington, DC: US Government Printing Office. (CV39)

"Highlights of the youth internet safety survey" (David Finkelhor, Kimberly J. Mitchell, & Janis Wolak). *Juvenile Justice Fact Sheet - FS200104* (pgs. 1-2). Washington, DC: US Government Printing Office. (CV46FS)

2000

"Online victimization: A report on the nation's youth" (David Finkelhor, Kimberly J. Mitchell, & Janis Wolak). *National Center for Missing and Exploited Children Bulletin - #6-00-020*. Alexandria, VA. (CV38)

"Characteristics of crimes against juveniles" (David Finkelhor & Richard K. Ormrod). *Juvenile Justice Bulletin - NCJ179034* (pgs. 1-11). Washington, DC: US Government Printing Office. (CV26)

"Kidnapping of juveniles: Patterns from NIBRS" (David Finkelhor & Richard K. Ormrod). *Juvenile Justice Bulletin - NCJ181161* (pgs. 1-8). Washington, DC: US Government Printing Office. (CV28)

"Juvenile victims of property crimes" (David Finkelhor & Richard K. Ormrod). *Juvenile Justice Bulletin - NCJ184740* (pgs. 1-12). Washington, DC: US Government Printing Office. (CV37)

"The victimization of children: Recommendations for assessment and instrument development" (Sherry L. Hamby & David Finkelhor). *Journal of the American Academy of Child and Adolescent Psychiatry*, 39(7): 829-840. (CV27)

1999

"Reporting crimes against juveniles" (David Finkelhor & Richard K. Ormrod). *Juvenile Justice Bulletin - NCJ178887* (pgs. 1-7). Washington, DC: U.S. Government Printing Office. (CV23)

"Violent victimization of youth versus adults in the national crime victimization survey" (Patricia Y. Hashima & David Finkelhor). *Journal of Interpersonal Violence*, 14(8): 799-819. (CV20)

"Convening a national call to action: Working toward the elimination of child maltreatment: The science". *Child Abuse & Neglect*, 23(10): 969-974. (CV31)

"Victimologia infantil". In J. Sanmartin (Ed.), *Violencia contra ninos* (pp. 147-218). Barcelona, Spain: Editorial Ariel.

"Child sexual abuse". In E. Ullmann & Hilweg, W. (Eds.), *Childhood and trauma: Separation, abuse and war* (pgs. 101-115). Aldershot, England: Ashgate Publishing.

1998

"Children as victims of crime and violence". *Family Futures*, 2(4): 6-10. (CV35)

"Children exposed to partner violence" (Janis Wolak & David Finkelhor). In J.L. Jasinski, L.M. Williams (Eds.), *Partner violence: A comprehensive review of 20 years of research* (pgs. 73-112). Thousand Oaks, CA: Sage Publications. (CV21)

"A comparison of the responses of preadolescents and adolescents in a national victimization survey". *Journal of Interpersonal Violence*, 13(3): 362-382. (CV9)

"Improving research, policy, and practice to understand child sexual abuse". *JAMA*, 280(21):1864-1865. (VS84)

1997

"A developmental perspective on the childhood impact of crime, abuse & violent victimization" (David Finkelhor & Kathy Kendall-Tackett). In D. Cicchetti & S. Toth (Eds.), *The effects of trauma and the developmental process*. (CV18)

"The homicide of children & youth: A developmental perspective". In G. Kaufman Kantor & J. Jasinski (Eds.), *Out of the darkness: Contemporary perspectives on family violence* (pgs. 17-34). Thousand Oaks, CA: Sage Publications. (CV17)

"The victimization of children and youth: Developmental victimology". In R.C. Davis, A.J. Lurigio & W.G. Skogan, (Eds.), *Victims of crime* (pg. 86-107). Thousand Oaks, CA: Sage Publications. (CV16)

"Is youth victimization related to PTSD and depression after controlling for prior symptoms and family relationships? A Longitudinal prospective study" (Sue Boney-McCoy & David Finkelhor). *Journal of Consulting and Clinical Psychology*, 64(6):1406-1416. (CV14)

"The prevention of child sexual abuse" (David Finkelhor & Deborah Daro). In M.E. Helfer, R. S. Kempe, & R.D. Krugman (Eds.), *The battered child, (5th Edition)* (pgs 615-626). Chicago, IL: The University of Chicago Press. (VS78)

"Sexually abused children in a national survey of parents: Methodological issues" (David Finkelhor, David Moore, Sherry L. Hamby, & Murray A. Straus). *Child Abuse & Neglect*, 21(1):1-9. (VS81)

"Risk factors for family abduction: Demographic and family interaction characteristics" (Peggy Plass, David Finkelhor, & Gerald T. Hotelling). *Journal of Family Violence*, 12(3):333-348. (MC11)

"Die folgen van sexuellem missbrauch bei kindern: Review und synthese neuerer empirischer studien. In G. Amann & R. Wipplinger (Eds.), *Sexueller missbrauch: Ueberblick zu forschung, beratung und therapie* (pp. 151 - 186). Salzburg, Austria: Deutsche Gesellschaft fur Verhaltenstherapie.

1996

"Risk factors for youth victimization: Beyond a lifestyles theoretical approach" (David Finkelhor & Nancy L. Asdigian). *Violence and Victims*, 11(1):3-20. (CV13)

"New categories of missing children: Injured, lost, delinquent, and victims of caretakers mix-ups" (David Finkelhor, Nancy L. Asdigian, & Gerald T. Hotelling). *Child Welfare*, 75(4):291-310. (MC10)

"Family abduction outcomes: Factors associated with duration and emotional trauma to children" (Peggy Plass, David Finkelhor, & Gerald T. Hotelling). *Journal of Youth & Society*, 28(1):109-130. (MC12)

"Introduction: Child maltreatment at a time of transition." In J. Briere, L. Berliner, J.A Bulkley, C. Jenny, & T. Reid, (Eds.), *APSAC handbook on child maltreatment* (p. ix). Thousand Oaks, CA: Sage. (VS73)

"Corporal punishment as a stressor among youth" (Heather A. Turner & David Finkelhor). *Journal of Marriage and the Family*, 58(1):155-166. (CV10)

"Sexual abuse of children in an international perspective". In S. Matsumoto (Ed.), *Sexuality and human bonding* (pg. 245-248). New York: Elsevier Science. (VS83)

1995

"Nonsexual assaults to the genitals in the youth population" (David Finkelhor & Janis Wolak). *The Journal of the American Medical Association*, 274(21):1692-1697. (CV12)

"The effectiveness of victimization prevention programs for children: A follow-up" (David Finkelhor, Nancy L. Asdigian, & Jennifer Dziuba-Leatherman). *American Journal of Public Health*, 85(12):1684-1689. (CV11)

"Research on the treatment of sexually abused children" (David Finkelhor & Lucy Berliner). *Journal of the American Academy of Child and Adolescent Psychiatry*, 34(11):1408-1423. (CV80)

"The psychosocial sequelae of violent victimization on a national youth sample" (Sue Boney-McCoy & David Finkelhor). *The Journal of Consulting and Clinical Psychology*, 63(5):726-736. (CV5)

"The victimization of children in a developmental perspective", *American Journal of Orthopsychiatry*, 65(2):177-193. (CV8)

"Victimization prevention programs: A national survey of children's exposure and reactions" (David Finkelhor & Jennifer Dziuba-Leatherman). *Child Abuse and Neglect*, 19(2): 129-139. (CV2)

"The effectiveness of victimization prevention instruction: An evaluation of children's responses to actual threats and assaults" (David Finkelhor, Nancy L. Asdigian, & Jennifer Dziuba-Leatherman). *Child Abuse & Neglect*, 19(2): 141-153. (CV3)

"Paternal caregiving and incest: A test of a biosocial model" (Linda M. Williams & David Finkelhor). *The American Journal of Orthopsychiatry*, 65(1):101-113. (VS71)

"Varieties of non-family abduction: Additional analyses from NISMART" (Nancy L. Asdigian, David Finkelhor, & Gerald T. Hotaling). *Criminal Justice and Behavior*, 22(3):215-232. (MC8)

"Attempted non-family abduction" (David Finkelhor, Gerald T. Hotaling, & Nancy L. Asdigian). *Child Welfare*, 74(5):941-955. (MC9)

"Police involvement in family abduction episodes" (Peggy Plass, Gerald T. Hotaling, & David Finkelhor). *Crime & Delinquency*, 41(2):205-218. (MC13)

"Victimization prevention programs: An american survey of children's exposure and reactions" (David Finkelhor & Jennifer Dziuba-Leatherman). In B. Marquardt-Mau (Ed.), *Prevention of child sexual abuse* (p 87-112). Germany: Juventa Verlag. (CV2-GER)

"What works for children in resisting assaults" (Nancy L. Asdigian & David Finkelhor). *Journal of Interpersonal Violence*, 10(4):402-418. (CV6)

"Prior victimization: A risk factor for child sexual abuse and for PTSD-Related symptomatology among sexually abused youth" (Sue Boney-McCoy & David Finkelhor). *Child Abuse & Neglect*, 19(12):1401-1421. (CV7)

"The impact of child sexual abuse on children: A review and synthesis of recent empirical findings" (Kathy Kendall-Tackett, Linda M. Williams, & David Finkelhor). In M.E. Hertzog & E.A. Farber (Eds.), *Annual progress in child psychiatry and child development* (pp. 321-356). New York: Brunner/Mazel. (VS69)

1994

"Abus sexuel et santé sexuelle chez l'enfant: Nouveaux dilemmes pour le pediatre". *Le Journal Suisse de Medicine*, 124(51/52):2320-2330. (VS77)

"Children as victims of violence: A national survey" (David Finkelhor & Jennifer Dziuba-Leatherman). *Pediatrics*, 94(4): 413-420. (CV4)

"Current information on the scope and nature of child sexual abuse". *The Future of Children*, 4(2): 31-53. (VS75)

"How does receiving information about abuse influence boys perception of their risk?" (Jennifer Dziuba-Leatherman & David Finkelhor). *Child Abuse and Neglect*, 18(7): 557-568. (VS76)

"Victimization of children" (David Finkelhor & Jennifer Dziuba-Leatherman). *American Psychologist*, 49(3): 173-183. (CV1)

"The international epidemiology of child sexual abuse", *Child Abuse and Neglect*, 18(5): 409-417. (VS72)

"The 'backlash' and the future of child abuse advocacy: Insights from the study of social issues." In J.E.B. Myers, (Ed.), *The backlash: Child protection under fire*, Thousand Oaks, CA: Sage, p. 1-16. (VS74)

1993

"Epidemiological factors in the clinical identification of child sexual abuse". *Child Abuse and Neglect*, 17: 67-70. (VS64)

"The impact of sexual abuse on children: A review and synthesis of recent empirical studies" (Kathleen Kendall-Tackett, Linda M. Williams, & David Finkelhor). *Psychological Bulletin*, 113(1), 164-180. (VS69)

"The main problem is still underreporting not overreporting". In R.J. Gelles, & D.R. Loseke (Eds.), *Current controversies on family violence*. Newbury Park, CA: Sage, 273-287.

1992

"Child sexual abuse". In J.M. Last & R.B. Wallace (Eds.), *Public health & preventative medicine - 13th edition*. Connecticut: Appleton & Lange.

"Sexual abuse prevention education: A review of evaluation studies" (David Finkelhor & Nancy Strapko). In D.J. Willis, E.W. Holder & M. Rosenberg (Eds.), *Prevention of child maltreatment*. New York: Wiley. Also published in O. Schubbe (Ed.), *Therapeutische hilfen gegen sexuellen mißbrauch an kindern*. Göttingen, Zurich: Vandenhoeck & Ruprecht. (VS54)

"New myths about the child welfare system". *The Child, Youth and Family Services*, 15(1): 3-5.

"The abduction of children by strangers and nonfamily members: Estimating the incidence using multiple methods" (David Finkelhor, Gerald T. Hotaling, & Andrea Sedlak). *Journal of Interpersonal Violence*, 7(2): 226-243. (MC4)

1991

"The scope of the problem". In K. Murray & D. Gough (Eds.), *Intervening in health approach*. New York: Oxford University Press.

"Abus sexuel d'enfants: Nouvelles recherches et développements criminologiques en Amérique du Nord. (Sexual abuse of children: New criminological developments in North America.)". In J. Schuh & M. Killias (Eds.), *Délinquance sexuelle (sexual delinquency)*. Chur/Zurich: Verlag Ruegger.

"Child sexual abuse". In Mark Rosenberg (Ed.), *Violence in America: A public health approach*. New York: Oxford University Press. (VS60)

"Flexible reporting options for skilled child abuse professionals" (David Finkelhor & Gail L. Zellman). *Child Abuse and Neglect*, 15(4): 335-342. (VS66)

"Children abducted by family members: A national household survey of incidence and episode characteristics". *Journal of Marriage and the Family*, 53: 805-817. (MC3)

"The lazy revolutionary's guide to the prospects for reforming child welfare". *Child Abuse and Neglect*, 15(S1): 17-23. (VS56).

1990

"Is child abuse overreported: The data rebut arguments for less intervention". *Public Welfare*, 48(1): 22-29, 46-47. (VS63)

"New ideas for child sex abuse prevention". In R. Kim Oates (Ed.), *Understanding and managing child sexual abuse*. Philadelphia, PA: W.B. Saunders. (VS59)

"Early and long term effects of child sexual abuse: An update". *Professional Psychology: Research & Practice*, 21(5): 325-330. (VS61)

"Estimating the number of stranger abduction homicides of children: A review of available evidence" (Gerald T. Hotaling & David Finkelhor). *Journal of Criminal Justice*, 18(5): 385-399. (MC2)

"The characteristics of incestuous fathers: A review of recent studies" (Linda M. Williams & David Finkelhor). In W.L. Marshall, D.R. Laws & H.E. Barbaree (Eds.), *The handbook of sexual assault issues, Theories and treatment of the offender*. New York: Plenum. (IF4)

"Sexual abuse in a national survey of adult men and women: Prevalence, characteristics, and risk factors" (David Finkelhor, Gerald T. Hotaling, I.A. Lewis & Christine Smith). *Child Abuse and Neglect*, 14: 19-28. (VS57)

1989

"Sexual abuse and its relationship to later sexual satisfaction, marital status, religion & attitudes" (David Finkelhor, Gerald T. Hotaling, I.A. Lewis & Christine Smith). *Journal of interpersonal violence*, 4(4): 379-399. (VS58)

"Assessing the long-term impact of child sexual abuse: A review and conceptualization" (David Finkelhor & Angela Browne). In L. Walker, (Ed.), *A handbook on child sexual abuse: Assessment and treatment issues*. New York: Springer.

"Causes of elder abuse: Caregiver stress versus problem relatives" (Karl Pillimer & David Finkelhor). *American Journal of Orthopsychiatry*, 59: 179-187. (EA14)

1988

"The prevalence of elder abuse: A random sample survey" (Karl Pillimer & David Finkelhor). *The Gerontologist*, 28: 51-57. (EA11)

"Sexual abuse in day care: A national study" (David Finkelhor, Linda M. Williams, & Nanci Burns). Executive Summary, March 1988. (VS51)

"An epidemiologic approach to the study of child molestation" (David Finkelhor & I.A. Lewis). In R. Prentky & V. Quinsey (Eds.), *Human sexual aggression: Current perspectives*. New York: The Annals of the New York Academy of Sciences, June 1988. (VS49)

"Child abuse as an international issue" (David Finkelhor & Jill Korbin). *Child Abuse and Neglect*, 12: 3-23. (VS43)

"The trauma of child sexual abuse: Two models". In G. Wyatt (Ed.), *The lasting effects of child sexual abuse*. Newbury Park, CA: Sage. (VS48)

1987

"The sexual abuse of children: Current research reviewed", *Psychiatric Annals: The Journal of Continuing Psychiatric Education*, 17(4): 233-241. (VS40)

"The trauma of child sexual abuse: Two models". *Journal of Interpersonal Violence*, 2(4): 348-366. (VS48S)

1986

"The adolescent sexual perpetrator: A new challenge in the field of sexual abuse". *Treating the juvenile sexual abuse perpetrator: Proceedings of a National training conference*. Minnesota Program in Human Sexuality, University of Minnesota.

"Sexual abuse: Beyond the family systems approach", *Journal of Psychotherapy and the Family*, 2(2): 53-66; also in T.S. Trepper & M.M. Barrett (Eds.), *Treating incest: A multimodel systems perspective*, New York: Hayworth Press. (VS38)

"Preventing approaches to child sexual abuse". In M. Lystad (Ed.), *Violence in the home: Interdisciplinary perspectives*. New York: Brunner/Mazel.

"The impact of child sexual abuse: A review of the research" (Angela Browne & David Finkelhor). *Psychological Bulletin*, 99(1): 66-77. (VS33)

"Explanations of pedophilia: A four factor model" (David Finkelhor & Sharon Araj). *Journal of Sex Research*, 22(2): 145-161. (VS23)

"Risk factors for childhood sexual abuse: A review of the evidence" (David Finkelhor & Larry Baron). *Journal of Interpersonal Violence*, 1(1): 26-42. (VS37)

1985

"The traumatic impact of child sexual abuse: A conceptualization" (David Finkelhor & Angela Browne). *Journal of Orthopsychiatry*, 55(4): 530-541. Reprinted in S. Cless and A. Thomas, (Eds.), *Annual progress in child psychiatry and child development*. New York: Brunner/Mazel. (VS34)

"Sexual abuse and physical abuse: Some critical differences". In E.H. Newberger & R. Bourne (Eds.), *Unhappy families*, chapter 3. Littleton, MA: PSG Publishing Company, Inc. (VS42)

"The sexual exploitation of missing children: A research review" (Gerald T. Hotaling & David Finkelhor). Office of Juvenile Justice and Delinquency Prevention, Washington, DC: U.S. Department of Justice. (MC1)

1984

"The prevention of child sexual abuse: A review of current approaches", *SIECUS Reports*, Vol XIII (September). (VS29)

"How widespread is child sexual abuse", *Children Today*, 13(4): 18-20. Also in, National Center on Child Abuse and Neglect, *Perspectives on Child Maltreatment in the Mid 80's*. Washington, DC: USDHHS. (VS31)

"Child abuse in stepfamilies" (Jean Giles-Sims & David Finkelhor). *Family Relations*, 33: 407-413. (VS26)

"Sexual abuse in the National Incidence Study of Child Abuse and Neglect: An appraisal" (David Finkelhor & Gerald T. Hotaling). *Child Abuse and Neglect*, 8: 22-33. (VS22)

"Sexual abuse of boys: The available data". In A. Burgess (Ed.), *Handbook of research on rape and sexual assault*. New York: Garland. (VS14)

"Explanations of pedophilia: Review of empirical evidence" (Sharon Araj & David Finkelhor). *Bulletin of the American Academy of Psychiatry and the Law*, 13:17-38. (VS27)

1983

"Common features of family abuse". In D. Finkelhor, R. Gelles, G. Hotaling, & M. Straus (Eds.), *The dark side of families: Current family violence research*. Beverly Hills, CA: Sage. (VS16)

"Marital rape: A sociological perspective" (David Finkelhor & Kirsti Yllo). In D. Finkelhor, R. Gelles, G. Hotaling & M. Straus (Eds.), *The dark side of families: Current family violence research*. Beverly Hills, CA: Sage.

"Removing the child - Prosecuting the offender in cases of sexual abuse: Evidence". *Child Abuse & Neglect*, 7:195-205. (VS11)

1982

"Forced sex in marriage" (David Finkelhor & Kersti Yllo). *Crime and Delinquency*, 28(3): 459-478.

"Sexual abuse: A sociological perspective", *Child Abuse and Neglect*, 6: 95-102. (VS12)

1981

"The scope of family violence in America" (David Finkelhor & Barbara Carson). In C. Germaine Warner and G. R. Braen (Eds.), *Management of the physically and emotionally abused*. New York: MacMillan.

"Sexual Abuse of Boys". *Victimology*, 6: 71-84. (VS24)

1980

"Risk factors in the sexual victimization of children". *Child Abuse and Neglect*, 4(4): 265-273. (VS8)

"Sexual socialization in America: High risk for sexual abuse". In J. Samson (Ed.), *Childhood and sexuality*. Montreal, Canada: Editions Etudes Vivantes. (VS13)

"Sex among siblings: A survey report on its prevalence, variety and effects", *Archives of Sexual Behavior*, 9: 171-194. (VS7)

1979 and earlier

"What's wrong with sex between adults and children: Ethics and the problem of sexual abuse". *American Journal of Orthopsychiatry*, 49: 692-697, 1979. (VS6)

"Psychological, cultural and structural factors in incest and family sexual abuse". *Journal of Marriage and Family Counseling*, 4: 45-50. (VS2)

"Review essay: Kantor and Lehr, inside the family". *Journal of Marriage and the Family*, 39: 423-427, 1977.

"Reflections on my teaching", *Journal of Thought*, 11: 23-33, 1976.

"Urban communal living arrangements", *Theological Education*, (Winter) 1972.

AWARDS

Research Grants

- "Incest and Family Sexual Abuse" (Co-investigator): National Institute of Mental Health grant, 1978-1980.
- "Parents Attitudes and Reactions to Sexual Abuse" (Principal Investigator): National Institute of Mental Health grant, 1980-1982.
- "Secondary Analysis of Data Collected by the National Incidence Study -- Sexual Abuse of Children" (Principal Investigator): National Center for Child Abuse and Neglect grant, 1981-1982.
- "Family Violence Research Training Grant" (Co-Investigator): National Institute of Mental Health, 1982-1992.
- "Forced Sex in Marriage" (Principal Investigator): Eden Hall Farm Foundation, 1983-1987.
- "Promoting the Development and Dissemination of Knowledge about Child Sexual Abuse" (Principal Investigator): National Center for Child Abuse and Neglect grant, 1983-1985.
- "Conflict and Abuse in the Family Care of the Elderly" (Principal Investigator): National Institute on Aging grant, 1984-1986.
- "Family Violence: A Research Agenda for the 1980's and 1990's" (Principal Investigator): Conrad N. Hilton Foundation, 1985-1986.
- "Sexual Abuse in Day Care" (Principal Investigator): National Center on Child Abuse and Neglect, 1986-1988.
- "Characteristics of Incest Offenders" (Principal Investigator): Northstar Foundation, 1987-1988.
- "National Studies of Incidence of Missing Children" (Co-Investigator): U.S. Department of Justice - Office of Juvenile Justice and Delinquency Prevention, 1987-1989.
- "Recovery from Sexual Abuse and the Validity of Children's Disclosures: A Longitudinal Study, 1973-1990" (Co-Investigator): National Center on Child Abuse and Neglect, 1990-1992.
- "Paternal Characteristics and Risk of Sexual Abuse in Navy Families" (Co-Investigator): National Center on Child Abuse and Neglect, 1988-1991.
- "A National Study of Youth Victimization Prevention" (Principal Investigator): Boy Scouts of America, (1991-1994).
- "Family, Non-Family Abduction and Other Missing Children: Additional Analysis and Dissemination of NISMART Data", (1992-1994).
- "Stranger Abduction of Children: Analysis of a National Survey of Children's Experiences", (1993-1994).
- "National Youth Victimization Prevention Follow-Up Study" (1993-1995).
- "Second National Incidence Study of Missing, Abducted, Runaway and Thrownaway Children" (1996-1999).
- "Evaluation of US Air Force Family Violence Prevention Programs (Co-Principal Investigator): US Air Force / US Department of Agriculture (1997).

- "Task Force on Children Exposed to Violence" (Principal Investigator): Office of Juvenile Justice and Delinquency Prevention / Consortium on Children, Families and the Law (University of South Carolina) (1997-1998).
- "Family Violence Research Conference Funding" (Principal Investigator): Packard Foundation (5/98-7/98).
- "Family Violence Research Conference Funding" (Principal Investigator): Centers for Disease Control and Prevention (1999-2000).
- "Family Violence Research Conference Funding" (Principal Investigator): Centers for Disease Control and Prevention (2000-2001).
- "Family Violence Research Conference Funding" (Principal Investigator): Centers for Disease Control and Prevention (2001-2002).
- "Youth Internet Safety Survey (YISS-1)" (Principal Investigator): National Center for Missing and Exploited Children. (1998-2001).
- "Crimes against Children Research Center: Phase 1" (Principal Investigator): Office of Juvenile Justice and Delinquency Prevention. (1998-2001).
- "Crimes against Children Research Center: Phase 2" (Principal Investigator): Office of Juvenile Justice and Delinquency Prevention. (1999-2005).
- "Crimes against Children Research Center: Phase 3" (Principal Investigator): Office of Juvenile Justice and Delinquency Prevention. (2000-2003).
- "Crimes against Children Research Center: Phase 4" (Principal Investigator): Office of Juvenile Justice and Delinquency Prevention. (2000-2004).
- "Crimes against Children Research Center: Phase 5" (Principal Investigator): Office of Juvenile Justice and Delinquency Prevention. (2002-2005).
- "Juvenile Online Victimization Study (NJOV-1)" (Principal Investigator): National Center for Missing and Exploited Children. (2001-2003).
- "National Incidence Study of Missing, Abducted, Runaway and Thrownaway Children-2" (Co-Principal Investigator): Temple University. (2001-2003).
- "Family Violence Research Conference Funding" (Principal Investigator): Sam Houston (2001-2002).
- "Crimes against Children Research Center: Phase 6" (Principal Investigator): Office of Juvenile Justice and Delinquency Prevention. (2003-2007).
- "Crimes against Children Research Center: Phase 7" (Principal Investigator): Office of Juvenile Justice and Delinquency Prevention. (2004-2007).
- "The Second Youth Internet Safety Survey (YISS-2)" (Principal Investigator): National Center for Missing and Exploited Children. (2005-2006).
- "Crimes against Children Research Center: Phase 8" (Principal Investigator): Office of Juvenile Justice and Delinquency Prevention. (2005-2008).
- "National Statewide Child Protection Training Initiative: Phase 1" (Principal Investigator): Office of Juvenile Justice and Delinquency Prevention. (2005-2008)

- "National Statewide Child Protection Training Initiative: Phase 2" (Principal Investigator): Office of Juvenile Justice and Delinquency Prevention. (2006-2008).
- "Crimes against Children Research Center: Phase 9" (Principal Investigator): Office of Juvenile Justice and Delinquency Prevention. (2006-2009).
- "The National Study of Internet-Facilitated Commercial Sexual Exploitation of Children in the Criminal Justice System" (Co-Principal Investigator): National Institute of Justice. (2007-2009).
- "National Study of Children Exposed to Violence (NatSCEV)" (Principal Investigator): Office of Juvenile Justice and Delinquency Prevention. (2006-2011).
- "National Study of Children Exposed to Violence: Safe, Stable, & Nurturing Relationships Supplement" (Co-Principal Investigator): Office of Juvenile Justice and Delinquency Prevention. (2009-2011).
- "National Study of Children Exposed to Violence: Trend Survey 2" (Co-Principal Investigator): Office of Juvenile Justice and Delinquency Prevention. (2009-2011).
- "National Study of Internet and Technology-Facilitated Risks to Youth (YISS-3)" (Co-Principal Investigator): Office of Juvenile Justice and Delinquency Prevention. (2009-2012).
- "National Study Juvenile Online Victimization Study (NJOV-3)" (Principal Investigator): Office of Juvenile Justice and Delinquency Prevention. (2009-2012).
- "Evaluation of Internet Child Safety Materials Used by ICAC Task Forces in School & Community Settings" (Co-Principal Investigator): National Institutes of Justice. (2009-2012).
- "National Study of Children Exposed to Violence: Follow-up Wave 2" (Co-Principal Investigator): Office of Juvenile Justice and Delinquency Prevention. (2010-2011).
- "National Incidence Study of Missing, Abducted, Runaway and Thrownaway Children (NISMA-2)" (Principal Investigator): Westat. (2010-2013).
- "Ethics in Epidemiology" (Principal Investigator): UBS. (2011-2013).
- "National Study of Children Exposed to Violence: Assessing Exposure to Family Violence" (Principal Investigator): National Institutes of Justice. (2011-2013).

PROFESSIONAL AWARDS

- C Henry Kemp Award, National Conference on Child Abuse and Neglect. (May 2014).
- William Friedrich Memorial Child Sexual Abuse Research, Assessment and/or Treatment Award, Institute on Violence, Abuse and Trauma, Alliant International University. (September 2013).
- SSSS Distinguished Scientific Achievement Award for 2013.
University Professorship (2010).
- Daniel Douglas Scheider Child Welfare Book Award (2009).
Childhood victimization: Violence, crime, and abuse in the lives of young people. New York: Oxford University Press.
- APSAC Article of the Year. (2008).

"Poly-victimization: A neglected component in child victimization trauma" (with Richard Ormrod & Heather Turner). Child Abuse & Neglect, 31: 7-26. (CV91)

Elected as a Fellow of the American Society of Criminology. (2007).

Child Maltreatment Article of the Year. (2005).

"The victimization of children and youth: A comprehensive, national survey" (with Richard Ormrod, Heather Turner, and Sherry Hamby). Child Maltreatment, 10 (1): 5-25. (CV73)

Significant Achievement Award, from the Association for the Treatment of Sexual Abusers. (2004).

Santiago Grisolia Chair, University of Valencia, Spain. For Research on Violence against Children. (1998).

Outstanding Professional Award from the American Professional Society on the Abuse of Children. (1995).

STUDY GRANTS

National Institute of Mental Health Pre-doctoral Fellowship (1977-78): Study of family violence.

Elementary & Secondary Education Act, Title IV Fellowship (1968-1971): Graduate study in education.

National Science Foundation Grant (1966): To study local government in France.

PROFESSIONAL ACTIVITIES

Recent Presentations

International

Calgary, Canada: Polyvictimization: A new concept for understanding the impact of abuse Paper presented at the Joining Together: An International Child Maltreatment Conference, (2014, May 4-7).

Nagoya, Japan: Dilemmas for the international mobilization about child abuse and neglect. Paper presented at the ISPCAN International Congress on Child Abuse and Neglect, (2014, September 14-17).

Cambridge, UK: Global strategies to reduce violence against children. Paper presented at the Global Violence Reduction Conference, (2014, September 18-19).

Puebla, Mexico: Progress and challenges in the prevention of sexual abuse. Paper presented at the JUCONI International Conference for a world without violence "Strengthening work with children and families affected by family violence: from theory to practice" (2014, October 30-November 1).

Edinburgh, Scotland: Developmental victimology: Conceptualizing and intervening in crime, violence and abuse in the lives of children. Paper presented at the BASPCAN 9th Congress New Directions in Child Protection and Wellbeing: Making a Real Difference to Children's Lives', (2014, November 9-16).

Edinburgh, Scotland: The internet and children's safety. Paper presented at the BASPCAN 9th Congress New Directions in Child Protection and Wellbeing: Making a Real Difference to Children's Lives', (2014, November 9-16).

Edinburgh, Scotland: Progress and Challenges in the Prevention of Sexual Abuse. Paper presented at the BASPCAN 9th Congress New Directions in Child Protection and Wellbeing: Making a Real Difference to Children's Lives', (2014, November 9-16).

Berlin, Germany: Germany and history of family violence: Epidemic of sexual abuse. Paper presented at the Berlin Meeting, (2014, December 8-16).

Doha, Qatar: Qatar University Symposium on Parenting and Child Wellbeing. (April, 2013).

Florence, Italy: UNICEF Initial Expert Meeting on the Global Initiative on Violence against Children. (March, 2013).

Istanbul, Turkey: XIXth ISPCAN International Congress on Child Abuse and Neglect. (September, 2012).

Madrid, Spain: Save the Children International Childhood without Violence Conference. (September, 2012).

Berlin, Germany: Risk-taking Online Behavior: Young People, Harm, & Resilience Conference. (May, 2012).

Larnaca, Cyprus: INSAFE - Promoting Internet Safety Globally: Connecting Generations Conference. (May, 2012).

Zurich, Switzerland: UBS - Developing the Global Evidence-base for Child Protection to Improve Outcomes. (October, 2011).

Lugano, Switzerland: ASPI Foundation International Conference, "Child Abuse: Complementary Points of View". (October, 2011).

Cape Town, South Africa: World Health Organization's 5th Violence Prevention Milestones Meeting. (September, 2011).

London, UK: EU Kids Online Conference (September, 2011).

Montreal, Canada: Society for Research of Child Development Conference (March, 2011).

Paddington, London, UK: Vulnerable Children – Recognition and Protection: Safeguarding is Everyone's Responsibility (March, 2011).

Gateshead, United Kingdom: Child Sexual Abuse: Learning Lessons, Changing Practice (March, 2011).

University Park, Nottingham, UK: Children As Victims: Prevalence and Prevention - An International One Day Conference (March, 2011).

London, Ontario, Canada: Child Abuse Think Tank (November, 10).

Toronto, Ontario, Canada: Current Issues in Sexual Assault, Domestic Violence and Child Maltreatment Conference (November, 10).

Tokyo, Japan: The Forum on the Prevention of Child Abuse 2010 (October, 10).

London, United Kingdom: Kids Online International Advisory Panel (July, 10).

Barcelona, Spain: University of Barcelona Personality Seminar Series (May, 10).

Montreal, Quebec, Canada: Le Centre Jeunesse de Montréal (February, 10).

Stockholm, Sweden: Swedish Crime Victim Compensation and Support Authority's 6th Annual Conference on Victimology (November, 09).

Hong Kong, China: International Society for the Prevention of Child Abuse & Neglect (ISPCAN) Annual Congress (September, 08).

Zurich, Switzerland: UBS Optimus Foundation Research Advisory Board Meeting (July, 08).

Edinburgh, Scotland: Division of Forensic Psychology Conference, Heriot-Watt University (June, 08).

Calgary, Ontario, Canada: Canadian Society for the Investigation of Child Abuse, "Joining Together – Changes & Challenges in Child Maltreatment Conference" (May, 08).

Bergen, Norway: (May, 08).

Zurich, Switzerland: UBS Optimus Foundation Research Advisory Board Meeting (January, 08).

Domestic

San Diego, CA: Child maltreatment epidemiology: New developments. Paper presented at the 28th San Diego International Conference on Child and Family Maltreatment, (2014, January 26-31).

San Diego, CA: Recent developments in international epidemiology. Paper presented at the 28th San Diego International Conference on Child and Family Maltreatment, (2014, January 26-31).

San Diego, CA: Symposium on peer victimization (Bullying and more) as child maltreatment. Paper presented at the 28th San Diego International Conference on Child and Family Maltreatment, (2014, January 26-31).

Lowell, MA: Understanding teen "Sexting" Paper presented at the 21st Sexting Conference Understanding and Responding to Teen "Sexting" Behaviors, (2014, March 21).

Ann Arbor, MI: Minor safety on college and university campuses: A historical and comparative perspective. Paper presented at The Distinguished Faculty-Graduate Student Seminar Series: Safety of Minors on College and University Campuses: A Social Justice Challenge, (2014, March 25).

Durham, NH: Trends in child welfare: Politics and policy Paper presented at the Carsey Research Seminar Series, (2014, March 31).

Rochester, NY: Trends in child welfare: Politics and policy. Paper presented at the Pediatric Grand Rounds, (2014, April 8-9).

Auburn, ME: Types and characteristics of juvenile prostitution in the criminal justice system Paper presented at the NOT HERE Conference on Human Trafficking and Exploitation, (2014, April 10-11).

Indiana, PA: Internet safety education. Paper presented at the Inaugural REACH Conference Understanding and Responding to Violence and Trauma: A Community Health Initiative, (2014, May 20-23).

Indiana, PA: Violence, crime and abuse in the lives of children: Developmental victimology as an integrative concept. Paper presented at the Inaugural REACH Conference Understanding and Responding to Violence and Trauma: A Community Health Initiative, (2014, May 20-23)

San Francisco, CA: Violence, crime and abuse exposure in a national sample of children and youth: An update for 2014 Paper presented at the ASC Annual Meeting Criminology at the Intersections of Oppression, (2014, November 19-22).

Manchester, NH: Issues affecting today's youth and challenges for professionals who work with them Paper presented at the UNH Professional Development and Training, (2014, December 5).

San Diego, CA: Chadwick Center's Annual Conference on Responding to Child Maltreatment. (January, 2013).

Baltimore, MD: Moore Scientific Advisory Board Meeting. (March, 2013).

Chicago, IL: American Society of Criminology Annual Meeting. (November, 2012).

Atlanta, GA: Boy Scouts National Youth Protection Symposium. (November, 2012).

University Park, PA: Penn State Child Sexual Abuse Conference, "Traumatic Impact, Prevention, and Intervention". (October, 2012).

Denver, CO: Association for the Treatment of Sexual Abusers (ATSA) 31st Annual Research and Treatment Conference. (October, 2012).

Seattle, WA: Washington State Department of Children & Health Services Children's Justice Conference. (May, 2012).

Baltimore, MD: Johns Hopkins School of Medicine 1st Annual Child Sexual Abuse Symposium: A Public Health Perspective. (April, 2012).

Rockland, IL: Child Abuse Council's Children Exposed to Violence Conference. (March, 2012).

San Diego, CA: Chadwick Center's Annual Conference on Responding to Child Maltreatment. (January, 2012).

Washington, DC: FOSI's Fourth Annual Conference, "Internet Freedom, Safety and Citizenship: A Global Call to Action". (November, 2011).

New York, NY: Social Justice for Children: To End Child Abuse and Violence against Children. (November, 2011).

Portsmouth, NH: University of New Hampshire School of Law Ending Domestic & Sexual Violence: Innovations in Practice & Research Conference (November, 2011).

Washington, DC: Office of Juvenile Justice and Delinquency Prevention's (OJJDP) 2011 National Conference on Children's Justice and Safety: Unite-Build-Lead. (October, 2011).

Columbus, OH: At Risk Youth Conference (September, 2011).

Philadelphia, PA: One Child, Many Hands Conference (June, 2011).

Snowbird, Utah: 32nd Annual Conference of Agencies and Organizations Serving Troubled Youth – “Creating Success in Uncertain Times: And How Are the Children?” (May, 2011).

Brooklyn Park, MN: MnATSA 15th Annual Conference (April, 2011).

Washington, DC: Family Online Safety Institute's Forth Annual Conference - Internet Freedom, Safety & Citizenship: A Global Call to Action (November, 10).

Honolulu, Hawaii: XVII ISPCAN International Congress (September, 10).

Quantico, VA: FBI National Center for the Analysis of Violent Crime (NCAVC) Research Advisory Board Meeting (September, 10).

Washington, DC: National Institute of Justice Conference (June, 10).

Dover, Delaware: Protecting Delaware's Children (June, 10).

Baltimore, MD: Pediatric Academic Societies Annual Meeting (May, 09).

Seattle, WA: 17th Annual Children's Justice Conference (April, 09).

West Lebanon, NH: 24th Annual MacNamee Memorial Conference (March, 09).

Miami, FL: University of Miami, School of Education Community Well-Being Forum & Institute for Educational Sciences Speaker Series (February, 09).

Los Angeles, CA: Crime, Violence, and Justice Speaker Series - University of Southern California, Hamovitch Center for Science in the Human Services, School of Social Work (January, 09).

San Diego, CA: 23rd Annual San Diego Conference on Child and Family Maltreatment (January, 09).

Albany, NY: Child Sexual Abuse: Understanding Recent Developments and New Findings Social Work Education Consortium (December, 08).

Charlottesville, VA: Advanced Research and Clinical Topics in Forensic Practice, University of Virginia – Harrison Institute (December, 08).

Durham, NH: Kings County Sexual Assault Resource Center Videoconference (October, 08).

Boston, MA: Academy of Pediatrics Conference (October, 08).

Portsmouth, NH: International Family Violence Research Conference (July, 08).

Bronx, NY: Montefiore Medical Center Grand Rounds (May, 08).

Durham, NH: Midwest Children's Resource Center: “National Children's Alliance Videoconference” (April, 08).

Seattle, WA: National Safe Environment Leadership Conference: “Moving Beyond Compliance, Towards, Conversion” (April, 08).

Chicago, IL: Loyola University – Child Law Center, “ISPCAN Global Summit” (video-presentation) (April, 08).

Bethesda, MD: 2008 APA Summit on Violence and Abuse in Relationships: Connecting Agendas and Forging New Directions (February, 08).

San Diego, CA: 22nd Annual San Diego Conference on Child and Family Maltreatment, (January, 08).

PROFESSIONAL ASSOCIATIONS

American Sociological Association

American Society of Criminology

American Psychological Association

American Professional Society on the Abuse of Children

International Society for the Prevention of Child Abuse and Neglect

EDITORIAL ACTIVITY

Associate Editor, Child Abuse and Neglect.

Editorial Board, Child Maltreatment.

Editorial Board, Sexual Abuse: A Journal of Research and Treatment.

Exhibit B

CHILDREN RESEARCH CENTER

CRIMES AGAINST

Trends in Law Enforcement Responses to Technology-facilitated Child Sexual Exploitation Crimes: The Third National Juvenile Online Victimization Study (NJOV-3)

April 2012

Janis Wolak, David Finkelhor & Kimberly J. Mitchell

Abstract

Overall arrests for technology-facilitated child sexual exploitation

they had earlier in the decade. However, arrests for child pornography possession increased by about 50% from 2006 to 2009. In addition, arrests for technology-facilitated sex crimes with identified victims doubled, but the increase was in cases where offenders knew their victims in person, not cases in which

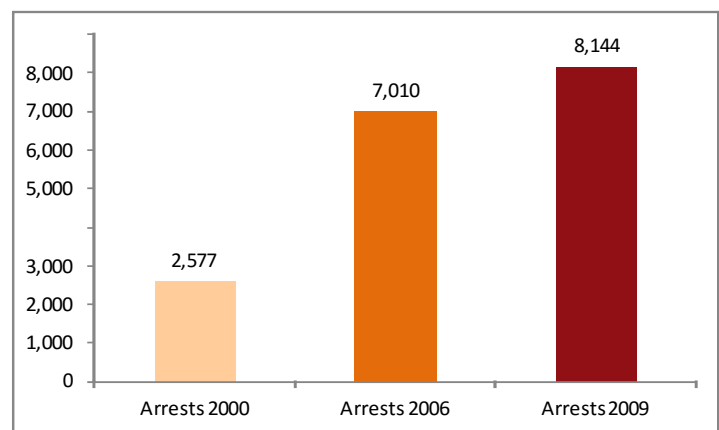
police posing as minors declined between 2006 and 2009, after rising earlier in the decade. The decline may be because of shifts in law enforcement strategies that included more focus on child pornography offenses.

This bulletin reports on trends in arrests of individuals who committed technology-facilitated child sexual exploitation crimes in the US. These include sex offenders who used the Internet to meet victims or to facilitate the abuse of children who were family members or face-to-face acquaintances, who solicited sex from undercover investigators posing online as minors or who used the Internet to download child pornography. The data come from 3 waves of the National Juvenile Online Victimization (NJOV) Study that examined arrests in 2000, 2006 and 2009. See the end of this report for a description of the methodology of the NJOV Study.

Arrests for technology-facilitated child sexual exploitation crimes increased substantially between 2000 and 2009.

In 2009, US law enforcement agencies made an estimated 8,144 arrests for technology-facilitated child sexual exploitation crimes, more than 3 times as many as in 2000 (Figure 1). However, the largest increase in numbers of arrests happened between 2000 and 2006 when the number of arrests almost tripled.

Figure 1. Estimated number of arrests for technology-facilitated child sexual exploitation crimes, by year



While the estimate for arrests in 2009 appears higher, we cannot be sure there was actually an increase in arrests in 2009 compared to 2006. Our survey of law enforcement agencies has a margin of error, also known as a "95% confidence interval." This confidence interval shows the range of possible numbers within which the true number of arrests is likely to fall in 95 out of 100 attempts to estimate it with a sample of the size we used. Our estimate of arrests in 2006 is 7,010 with possible estimates ranging between 6,188 and 7,832 (see Table 1). The estimate for 2009 is 8,144 with a range of between 7,440 and 8,849. These ranges overlap, which indicates that the estimated number of arrests in 2009 could be similar to the number in 2006. In other words, 2009 arrests did not increase significantly in comparison to those in 2006.

Table 1. Estimated total arrests for technology-facilitated child sexual exploitation crimes by year

	Arrests 2000	Arrests 2006	Arrests 2009
Estimated number	2,577	7,010	8,144
95% Confidence Interval	2,277— 2,877	6,188— 7,832	7,440— 8,849

Arrests increased for crimes with identified victims, declined for solicitations to undercover investigators and increased for downloading child pornography.

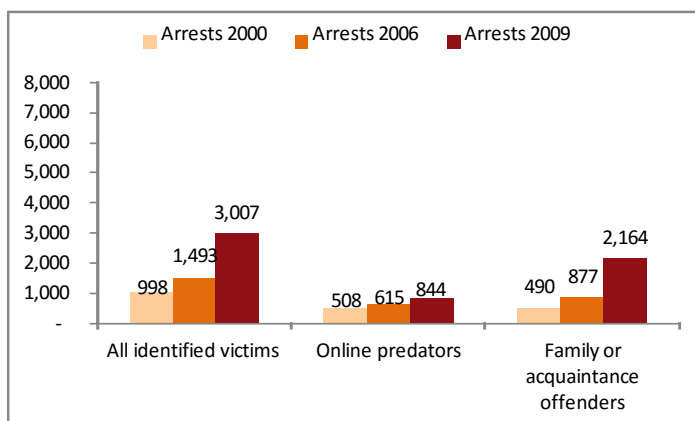
Sex crimes with identified victims

Arrests for crimes with identified victims increased substan-

ers and identified by police during the investigation.) These arrests grew by one-third between 2000 and 2006 and then

However, arrests of sex offenders who used the Internet to meet victims – so-called “online predators” – accounted for little of this increase. Rather, most of the increase was of offenders who used technology to facilitate sex crimes against victims *they already knew face-to-face* – we call these “family and acquaintance” offenders. Most sex crimes against minors are committed by such persons. More family and acquaintance offenders may be using technology in the course of their crimes. For example, computers and cell phones may be used to plan meetings with victims and to take and store pictures. Also, police may be more aware of the ways technology can be used in sex crimes and thus more likely to examine computers, cell phones and other devices during investigations of sexual abuse cases.

Figure 2. Estimated arrests for crimes with identified victims, by year

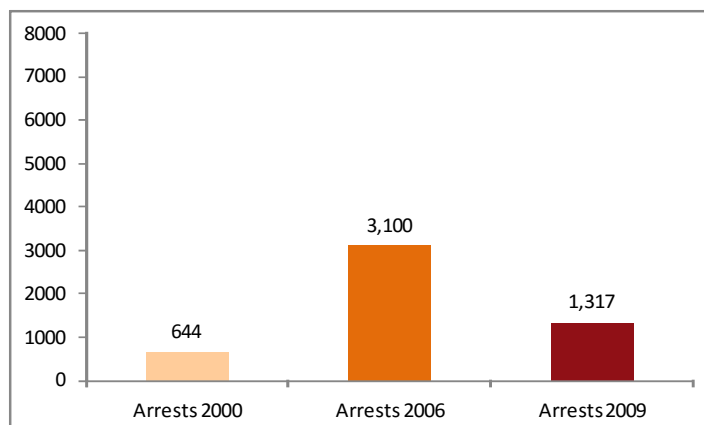


Note: Some numbers do not add exactly due to rounding.

Solicitations of undercover investigators posing online as minors

Arrests of offenders who solicited law enforcement investigators posing online as minors spiked in 2006 but then declined in 2009 (Figure 3). This rise and fall may reflect a shift in focus among law enforcement agencies, who in the early 2000s trained many officers to pose online as adolescents, but then may have cut back on these time-intensive investigations in favor of investigations of child pornography, which became easier to conduct due to developing police technology.

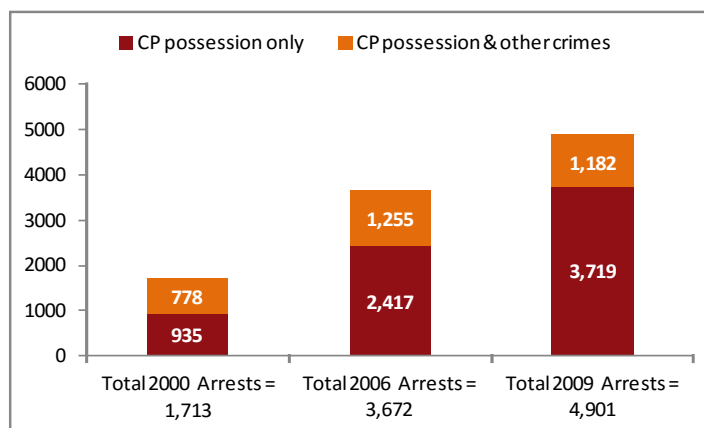
Figure 3. Estimated arrests for solicitations to undercover investigators posing online as minors, by year



Child pornography (CP) possession and distribution

Arrests for CP possession increased steadily between 2000 and 2009 (Figure 4). Close to half of 2009 arrests for technology-facilitated child sexual exploitation (46%) were for *CP possession only* (no additional sex crimes). We have measured significant increases in arrests for CP possession in each of the three NJOV studies.

Figure 4. Estimated arrests for CP possession, by year



Proactive investigations of online CP trading generated more arrests in 2009.

Law enforcement agencies are aggressively tackling online CP trading by proactively targeting offenders through a variety of tactics – for example, posing online as traders, tracing suspects who transact business on commercial trading sites, and monitoring file sharing networks. Arrests attributable to such proactive investigations more than doubled between 2006 and 2009.

Arrests generated by proactive investigation of online CP trading

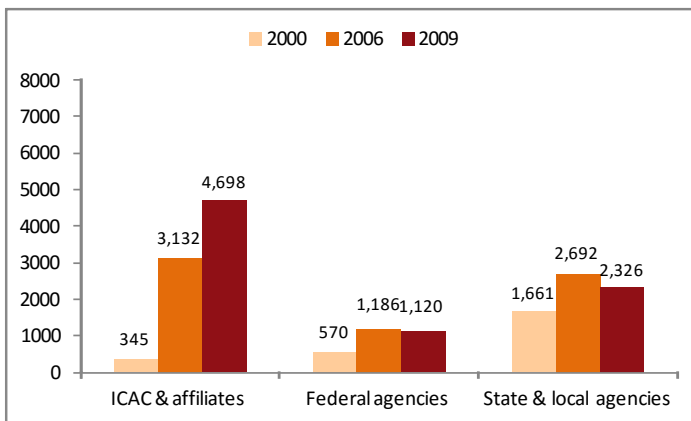
- In 2009, 2,353 arrests
- In 2006, 880 arrests
- In 2000, 274 arrests

ICAC Task Forces and affiliated agencies made more arrests for technology-facilitated crimes.

Arrests by Internet Crimes against Children (ICAC) Task Forces* increased sharply (Figure 5). One factor in this increase may be arrests by the growing number of ICAC Task Force affiliates – state and local agencies formally associated with ICAC Task Forces through written agreements.

The number of arrests made by federal agencies remained about the same between 2006 and 2009, as did the number of arrests made by state, county and local agencies that were not affiliated with ICAC Task Forces.

Figure 5. Estimated arrests by ICAC Task Forces and affiliates, federal agencies and state and local agencies, by year



Federal charges were filed in more cases.

Federally charged cases increased by about 25% between 2006 and 2009 even though arrests by federal agencies remained constant. Most federally charged cases that did not result from arrests by federal agencies came from ICAC Task Forces, which often have working relationships with US Attorneys that facilitate referrals for federal prosecution.

Estimated cases resulting in federal charges

- In 2009, 1,887 cases
- In 2006, 1,444 cases
 - In 2000, 551 cases

Estimated cases resulting in state charges

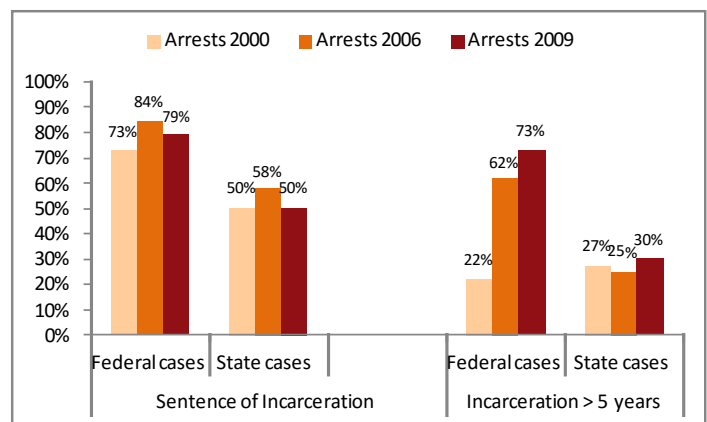
- In 2009, 6,304 cases
- In 2006, 5,714 cases
- In 2000, 2,194 cases

Some cases involved both federal and state charges. For example, an offender might be charged with federal crimes for child pornography offenses and with state crimes for child molestation.

In federal cases, more offenders received sentences of 5 years or longer.

In each year of the study (2000, 2006 and 2009), about 90% of cases with known outcomes ended in guilty pleas or convictions at trial, a high conviction rate for sex crimes. Most offenders in federal cases with known outcomes were sentenced to incarceration, and most incarcerations were for 5 years or longer (Figure 6). Fewer offenders who were charged under state laws were sentenced to incarceration and, when they were, sentences were shorter.

Figure 6. Percentage of federal and state cases with sentences of incarceration (cases with known outcomes) and with incarcerations of > 5 years, by year



Discussion

Law enforcement in the U.S. appears to be energetically engaged in investigating and prosecuting individuals who use the Internet to commit sex crimes involving children. The most recent trends suggest considerable flexibility and adaptability in their strategies. Overall, arrests in 2009 did not increase as markedly from 2006 as they did earlier in the decade, but arrests for certain types of crimes increased, suggesting a change in focus. There were dramatic increases in arrests for the possession of child pornography and trading in this contraband from 2006 to 2009. This may reflect new tools that law enforcement acquired, including the electronic tagging of known child pornography images and the ability to monitor traffic in these images through peer-to-peer file sharing networks.

At the same time, cases involving police posing online as adolescents declined from 2006-2009, possibly because these cases are time and resource intensive, as investigators need to conduct sometimes lengthy interactions with targets before gathering enough evidence to make an arrest. When suspects are in possession of child pornography, by contrast, arrests often can be made more immediately.

* The ICAC Task Force program is funded by the US Department of Justice. Its aim is to provide training and technical assistance to state and local law enforcement agencies to enhance their ability respond to technology-facilitated child sexual exploitation crimes.

Law enforcement officials continue to debate what mix of strategies allows them catch and incapacitate the most dangerous offenders in the most efficient way. While the data analyzed here do not answer these questions in any specific way, they do suggest that the changes in arrest patterns have not resulted in any lower rate of conviction or any decline in the severity of sanctioning, which could possibly indicate less serious offenders.

Law enforcement and parents have also been concerned about the degree to which growth in Internet technology and social network activity may be putting youth at risk for victimization by online sexual predators. Interestingly, while an increasing number of children were abused by someone using technology as part of the offense, the increase was largely of offenders who abused family members and face-to-face acquaintances. The increase in arrests between 2006 and 2009 of sex offenders who used the Internet to meet victims was relatively small. Meanwhile overall sexual abuse and sexual offenses against children declined during this same time period [1, 2].

Our interpretation of the available data is not that the Internet or social networking communication is putting young people at greater risk of victimization. Rather, as electronic communication becomes a dominant medium for interpersonal interaction, every kind of social activity, criminal and non-criminal, has a growing technology footprint. This footprint may also enhance the ability of parents and law enforcement to identify and prosecute it. Thus the big increase in arrests of family and acquaintance offenders with a technology component does not mean that online technologies are making youth more vulnerable, but only that the existing vulnerability is increasingly enacted and evident online, even in the context of overall declines in sexual abuse from the mid-1990s to the present.

Nonetheless, this and other research continues to signal that the online environment is a rapidly changing one. Careful monitoring of trends is important to identify emerging risks to young people and provide feedback about policies to combat them.

How the National Juvenile Online Victimization (NJOV) Study was conducted

The National Juvenile Online Victimization (NJOV) Study collected information from a national sample of law enforcement agencies about the prevalence of arrests for and characteristics of technology-facilitated sex crimes against minors during three 12 month periods: July 1, 2000 through June 30, 2001 (NJOV1), and calendar years 2006 (NJOV2) and 2009 (NJOV3).

We used a two-phase process of mail surveys followed by telephone interviews to collect data from a national sample of the same local, county, state, and federal law enforcement agencies.

First, we sent the mail surveys to a national sample of more than 2,500 agencies. These surveys asked if agencies had made arrests for technology-facilitated sex crimes against minors during the respective 12 month timeframes. Then we conducted detailed telephone interviews with law enforcement investigators about a random sample of arrest cases reported in the mail surveys. In NJOV2 and NJOV3 "technology-facilitated" was defined to include Internet use and electronic technologies such as cell phones used for texting and taking and sending photographs.

The data, weighted to account for sampling procedures and non-response, includes 612 cases from NJOV1, 1,051 cases from NJOV2 and 1,299 cases from NJOV3. Having weighted data that is based on a representative sampling of law enforcement agencies and arrest cases allows us to estimate the incidence of arrests for specific types of crimes during the timeframes of the three NJOV Studies.

Table 2 provides details about the dispositions of the mail survey and telephone interview samples for the 3 waves of the NJOV Study. Study procedures were approved by the University of New Hampshire Human Subjects Review Board and complied with all Department of Justice research mandates.

Table 2. Final dispositions and response rates for the National Juvenile Online Victimization (NJOV) Study

	NJOV1	NJOV2	NJOV3
# agencies in sample	2,574	2,598	2,653
No jurisdiction	65	282	190
Eligible agencies	2,509	2,316	2,463
Responded to mail survey	2,205 (88%)	2,028 (87%)	2,128 (86%)
Reported cases	383 (15%)	458 (20%)	590 (24%)
# cases reported	1,723	3,322	4,010
Not selected for sample	646 (37%)	1,389 (42%)	1,522 (38%)
Ineligible	281 (16%)	276 (8%)	459 (11%)
Total # cases in sample	796	1,657	2,029
Non-responders	101 (13%)	446 (27%)	471 (23%)
Refusals	25 (3%)	118 (7%)	159 (8%)
Invalid or duplicate cases	40 (5%)	30 (2%)	100 (5%)
Completed Interviews	612 (79%)	1,051 (64%)	1,299 (64%)

Note: NJOV1 arrests occurred between July 1, 2000 and June 30, 2001; NJOV2 arrests in 2006; NJOV3 arrests in 2009

REFERENCES

1. Finkelhor, D., & Jones, L. (2006). *Why have Child Maltreatment and Child Victimization Declined. Journal of Social Issues* 62(4): 685-716.
2. Jones, L., & Finkelhor, D. (2009). *Updated Trends in Child Maltreatment, 2007. Durham, NH. Crimes against Children Research Center.*

ACKNOWLEDGEMENTS

This research depended on the assistance of hundreds of law enforcement personnel. We thank each of you for helping us and for the important work you do to protect children.

NJOV₃ was funded by Grant No. 2009-SNB-90001 awarded by the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice. The total amount of federal funding was \$825,704. Points of view or opinions in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice. We are grateful to the many law enforcement investigators who participated in this research and to the talents, perseverance and skills of research assistants Kristina Breton, Elisabeth Cloyd, Matthew Cutler, Laura Healey, Kaitlin Lounsbury, Marisa MacDonnell, Dianne Ramey, Lynn Russ and Samantha Senechal.

We welcome inquiries about our research. Please contact Janis.Wolak@unh.edu.

NJOV Study papers, methodology and other reports are available at the website of the Crimes against Children Research Center: <http://www.unh.edu/ccrc/internet-crimes/papers.html>.



Crimes against Children Research Center

126 Horton Social Science Center
Durham, NH 03824

(603) 862-1888
(603) 862-1122 FAX

www.unh.edu/ccrc



Exhibit C

CHILDREN RESEARCH CENTER CRIMES AGAINST

TRENDS IN ARRESTS OF “ONLINE PREDATORS”

How the National Juvenile Online Victimization (N-JOV) Study was conducted

The N-JOV Study collected information from a national sample of law enforcement agencies about the prevalence of arrests for and characteristics of online sex crimes against minors during two 12 month periods: July 1, 2000 through June 30, 2001 (Wave 1) and calendar year 2006 (Wave 2).

For both Waves, we used a two-phase process of mail surveys followed by telephone interviews to collect data from a national sample of the same local, county, state, and federal law enforcement agencies. First, we sent the mail surveys to a national sample of more than 2,500 agencies. These surveys asked if agencies had made arrests for online sex crimes against minors during the respective one-year timeframes. Then we conducted detailed telephone interviews with law enforcement investigators about a random sample of arrest cases reported in the mail surveys.

For the telephone interviews, we designed a sampling procedure that took into account the number of arrests reported by an agency, so that we would not unduly burden respondents in agencies with many cases. If an agency reported between one and three arrests for online sex crimes, we conducted follow-up interviews for every case. For agencies that reported more than three arrests, we conducted interviews for all cases that involved youth victims (victims who were located and contacted during the investigation), and sampled other arrest cases (i.e., crimes that solely involved undercover operations in which investigators posed online as minors, or child pornography possession and distribution). In some agencies, we could not find out which cases had youth victims, so we sampled from all arrest cases.

The final data set, weighted to account for sampling procedures and non-response, includes data from 1,663 completed case-level interviews, 612 from Wave 1 of the N-JOV Study and 1,051 from Wave 2. Having weighted data which is based on a representative sampling of law enforcement agencies and arrest cases allows us to estimate the incidence of arrests for specific types of crimes during the timeframes of Wave 1 and Wave 2 of the N-JOV Study.

The estimates described in this report are based on a subgroup of arrests that includes 726 unweighted case level interviews (Wave 1, n=129 for youth victim cases and n=124 for solicitations to undercover investigators; Wave 2, n=120 for youth victim cases and n=353 for solicitations to undercover investigators).

A full report on the methodology of the N-JOV Study is posted online at: http://unh.edu/ccrc/pdf/N-JOV2_methodology_report.pdf

Janis Wolak

David Finkelhor

Kimberly Mitchell

Publicity about “online predators”^{*} – sex offenders who use the Internet to meet juvenile victims – has raised considerable alarm about the extent to which Internet use may be putting children and adolescents at risk for sexual abuse and exploitation. Media stories and Internet safety messages have raised fears by describing violent offenders who use the Internet to prey on naïve children by tricking them into face-to-face meetings or tracking them down through information posted online. Law enforcement has mobilized on a number of fronts, setting up task forces to identify and prosecute online predators, developing undercover operations, and urging social networking sites to protect young users.

Unfortunately, however, reliable information on the scope and nature of the online predator problem remains scarce. Established criminal justice data collection systems do not gather detailed data on such crimes that could help inform public policy and education. To remedy this information vacuum, the Crimes against Children Research Center at the University of New Hampshire conducted two waves of a

^{*} Sex offenders who use the Internet to seek underage victims have been widely characterized as “online predators.” We are using the expression “online predator” in this report because it has gained so much currency. At the same time, readers must recognize that the term “predator” can mischaracterize some offenders in this study by giving the impression that these are uniformly highly motivated, repetitive, and aggressive sex offenders. In reality, sex offenders who target juveniles are a diverse group that cannot be accurately characterized with one-dimensional labels.

longitudinal study, the National Juvenile Online Victimization (N-JOV) Study. This research collected data from a national sample of law enforcement agencies about crimes by online predators during two 12 month periods—July 1, 2000 through June 30, 2001 (Wave 1) and calendar year 2006 (Wave 2). This study is the only systematic research that examines the number of arrests of these offenders, the characteristics of their crimes, and the scope of related law enforcement activity.

KEY FINDINGS

In this first report incorporating data from Wave 2 of the N-JOV study, we examine the number of arrests of and nature of crimes committed by online predators including those who victimized youth and those who solicited undercover investigators posing online as youth.

Some key findings of the report are:

- Between 2000 and 2006, there was a 21% increase in arrests of offenders who solicited youth online for sex. During the same time, there was a 381% increase in arrests of offenders who solicited undercover investigators posing as youth.
- In 2006, of those arrested for soliciting online, 87% solicited undercover investigators and 13% solicited youth.
- During the same period that online predator arrests were increasing, overall sex offenses against children and adolescents were declining, as were overall arrests for such crimes.
- Arrests of online predators in 2006 constituted about 1% of all arrests for sex crimes committed against children and youth.
- During the interval between the two studies (2000 - 2006), the percentage of U.S. youth Internet users ages 12-17 increased from 73% to 93%.^{1,2}
- Although arrests of online predators are increasing, especially arrests for soliciting undercover law

enforcement, the facts do not suggest that the Internet is facilitating an epidemic of sex crimes against youth. Rather, increasing arrests for online predation probably reflect increasing rates of youth Internet use, a migration of crime from offline to online venues, and the growth of law enforcement activity against online crimes.

- The nature of crimes in which online predators used the Internet to meet and victimize youth changed little between 2000 and 2006, despite the advent of social networking sites. Victims were adolescents, not younger children. Most offenders were open about their sexual motives in their online communications with youth. Few crimes (5%) involved violence.
- There was no evidence that online predators were stalking or abducting unsuspecting victims based on information they posted at social networking sites.
- There was a significant increase in arrests of young adult offenders, ages 18 to 25.
- Few of those arrested for online predation were registered sex offenders (4%).

These findings point to several conclusions: First, law enforcement appears to be having success in investigating, arresting and prosecuting online predators, particularly by using undercover techniques. Second, based on the scope of and trend in arrests for online predation, it is premature to conclude that the Internet is an unusually dangerous environment. Nonetheless, continuing research is needed to assess and monitor the relative risk of Internet use in general and of specific contexts, such as social networking sites. Third, current prevention strategies and messages need to be revised to accurately reflect the nature of crimes committed by online predators.

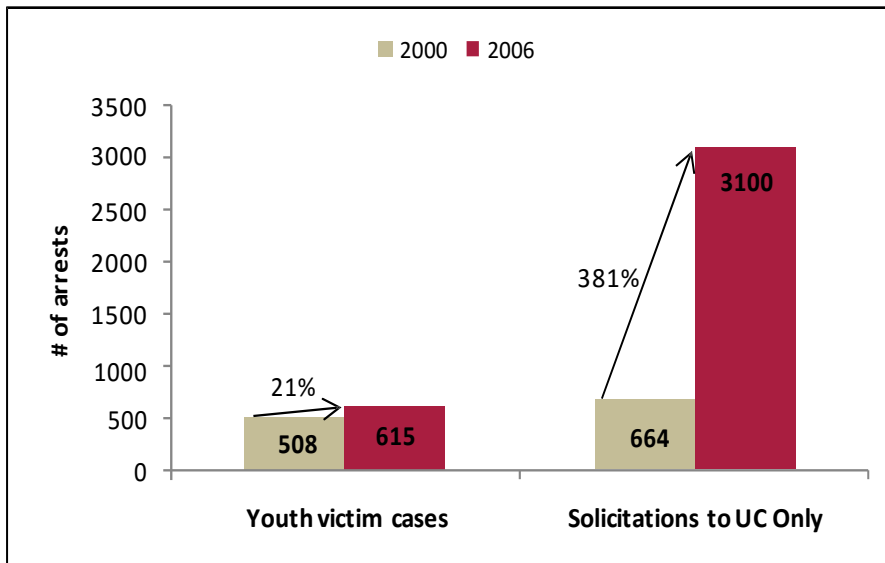
FINDINGS

Arrests of online predators increased between 2000 and 2006. Most arrests and the majority of the increase involved offenders who solicited undercover investigators, not actual youth. We classified arrested online predators into two mutually exclusive categories according to whether their arrests were for: 1) “youth victim crimes” that involved youth victims ages 17 or younger or 2) “solicitations to undercover (UC) investigators” who were posing online as minors. Any offender whose crime involved a youth victim was put in the first category whether or not an undercover investigation was also involved.

Arrests for youth victim crimes. In 2006, law enforcement at all levels nationwide made an estimated 615 arrests (95% CI = 468 to 763) for crimes in which youth victims were solicited for sex by someone they met online (see Figure 1). This constituted an increase in arrests of 21% over 2000, when there were an estimated 508 such arrests (95% CI = 405 to 611).

Arrests for solicitations of UC investigators. In 2006, law enforcement made an estimated 3,100 arrests (95% CI = 2,277 to 3,923) for solicitations to UC investigators posing online as minors, compared to an estimated 644 such arrests (95% CI = 327 to 961) in 2000. This was a 381% increase.

These estimates of arrests are not full measures of the number of crimes committed by online predators or even the number of such crimes known to law enforcement. Many sex crimes against minors never come to the attention of law enforcement,^{3,4} and many of those known to law enforcement do not culminate in arrest.⁵ However, these estimates do provide a means to gauge the growth of these crimes, their number relative to other sex crimes against minors, and the extent of law enforcement activity

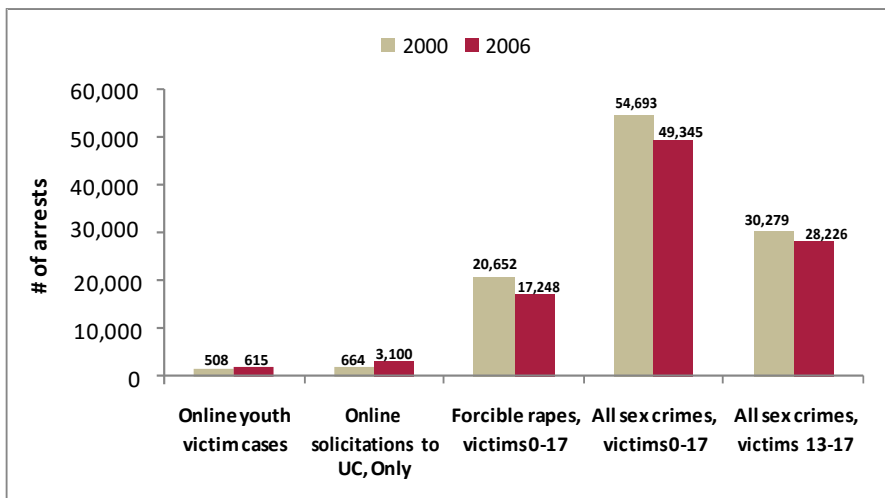
Figure 1. Online predator arrests increased nationwide from 2000 to 2006

only a few years after the emergence of online predation as a public policy concern.

While there was an increase in arrests of offenders using the Internet to seek sex with minors, there was during the same period a decrease in reports of overall sex offenses against children and adolescents and a decrease in arrests for such crimes.

During the interval between Wave 1 and Wave 2 of the N-JOV Study while arrests for online predation were increasing,

sex crimes against children (and sex crimes in general) were on the decline. These trends are apparent from multiple sources (see Figure 2). From 2000 to 2006, forcible rape arrests involving juvenile victims, estimated from the Uniform Crime Report, declined 16%. During the same time period, arrests for all sex offenses against juveniles estimated from the FBI NIBRS data collection system declined by 10%, with a decrease of 7% for the sub-group of victims who were ages 13 to 17.

Figure 2. Arrests for forcible rapes and other sex crimes with victims younger than 18 declined from 2000 to 2006

These trends were extensions of declines in sex crimes against minors underway since the early 1990s that have continued through 2006. The magnitude of these declines since the early 1990s has been quite large. For example, the number of sexual abuse cases substantiated by child protective authorities declined 52% between 1992 and 2005.⁶ Sexual assault rates as reported by teenagers to the National Crime Victimization Survey declined by 52% between 1993 and 2005.⁷ The fact that the evidence for declines in sexual abuse comes from victim self-report surveys as well as official child protective services and criminal justice system data tends to undermine the objection that these trends might be due simply to reduced reporting or changes in investigatory or statistical procedures.⁸ Other indicators reflective of real declines in sexual victimization rates have also improved. For example, the rate of pregnancy among teenagers declined 38% between 1990 and 2004,⁹ the percentage of teens engaging in sexual intercourse decreased and fewer children were running away from home.⁷ So while arrests of online predators increased, the larger overall sex crime problem against children appeared to have been abating.

The nature of crimes in which sex offenders used the Internet to meet and victimize youth changed little between 2000 and 2006, despite the advent of social networking sites.

Findings from Wave 1 of the N-JOV Study indicated that the stereotype of the online predator who used trickery and violence to stalk, abduct or assault young children was largely inaccurate.^{10,11} Most crimes by arrested online predators involved adolescent victims who knew they were communicating online with older adults who wanted sex. Most victims who met offenders face-to-face went to such meetings expecting to engage in sexual activity. Most offenders were charged with crimes such as statutory rape that

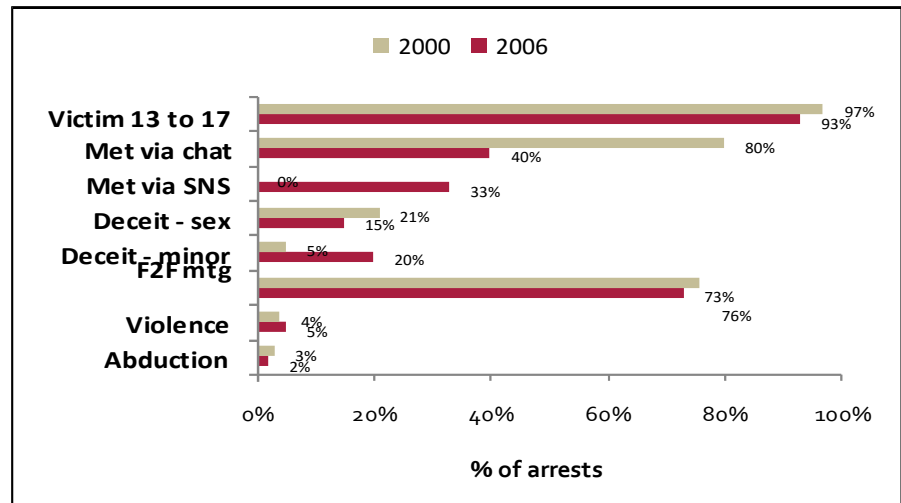
involved non-forcible sexual activity with victims who were too young to consent to sexual intercourse with adults. Violence, stalking and abduction were rare. When offenders solicited undercover investigators, the case dynamics were consistent with this pattern as well.¹² While these crimes represented serious threats to the well-being of young people at the hands of unscrupulous adults, they differed from the image of online predation that many people have.

Despite these findings, the dynamics of crimes by online predators are still often misunderstood. For example, the widespread use of social networking sites by adolescents has led some to propose that sex offenders are commonly using information that youth post online at such sites to track down unsuspecting victims and stalk or abduct them.

Data from Wave 2 of the N-JOV Study suggest, however, that the nature of crimes by arrested online predators against youth victims changed little between 2000 and 2006 (see Figure 3). We found that in 2006 as in 2000, youth victims were young adolescents. Seventy-three percent were ages 13 to 15, similar to 2000 when 76%* of victims were in that age group. None were age 10 or younger. Most victims were girls, but boys were 16% of victims, compared to 25%* in 2000. In 2006, 85% of offenders were open about their sexual motives, compared to 79%* in 2000. Sexual violence against victims was rare, 5% of arrests in 2006 and 4% in 2000*. In 2006, 73% of cases with youth victims progressed from online contact to face-to-face meetings and illegal sexual activity, as did 76%* in 2000. In most cases the sex was illegal because the victims were too young to consent.

There were, however, several differences between online predation cases with youth victims that ended in arrest in 2006 compared to those in 2000.

Figure 3. The nature of crimes by arrested offenders against youth victims changed little between 2000 and 2008



- First, in 2000 80% of cases were initiated through contacts in chat-rooms, while this was true of only 40% of cases in 2006 ($p < .001$). By contrast, in 2006 33% of cases were initiated with contacts in victims' social networking sites. (Social networking sites were not being used by youth at Wave 1 of the N-JOV Study). However, this

Crimes by Online Predators: Case Examples

Case #1. Police in a West Coast state found child pornography in the possession of the 22-year-old offender. The offender, who was from a Northeastern state, confessed to befriending a 13-year-old local boy online, travelling to the West Coast, and meeting him for sex. Prior to the meeting, the offender and victim had corresponded online for about six months. The offender had sent the victim nude images via webcam and e-mail and they had called and texted each other hundreds of times. When they met for sex, the offender took graphic pictures of the encounter. The victim believed he was in love with the offender. He lived alone with his father and was struggling to fit in and come to terms with being gay. The offender possessed large quantities of child pornography that he had downloaded from the Internet. He was sentenced to 10 years in prison.

Case #2. A 24-year-old man met a 14-year-old girl at a social networking site. He claimed to be 19. Their online conversation became romantic and sexual and the victim believed she was in love. They met several times for sex over a period of weeks. The offender took nude pictures of the victim and gave her alcohol and drugs. Her mother and stepfather found out and reported the crime to the police. The victim was lonely, had issues with drugs and alcohol, and problems at school and with her parents. She had posted provocative pictures of herself on her social networking site. She had met other men online and had sex with them. The offender was a suspect in another online enticement case. He was found guilty but had not been sentenced at time of the interview.

* This difference was not statistically significant.

difference did not appear to signal changes in case dynamics and probably simply reflected the shift of online social interaction from other Internet venues to social networking sites by 2006.¹³

- A second difference from 2000 was that in 2006 a greater proportion of the offenders claimed to be minors at some point during their online communications with victims, although this ploy was still a factor in only a minority of cases. In 2000, only 5% of cases involved offenders who lied by originally telling victims they were age 17 or younger. In 2006, this happened in 20% of cases ($p < .001$).
- Third, in 2006 fewer cases involved two or more face-to-face meetings between offenders and victims. In 2000, 54% of cases involved repeated meeting, but by 2006 that was true of only 39% ($p < .05$).
- Finally, in 2006 somewhat fewer cases involved offenders or victims who traveled more than 50 miles to a face-to-face meeting, 24% of cases compared to 37% in 2000 ($p < .05$).

There was no evidence that online predators were stalking or abducting unsuspecting victims based on information posted at social networking sites. Some have voiced fears that online predators would use information posted by youth at social networking sites to track down unknowing victims, stalk and abduct them, but we found no cases that reflected this scenario. We specifically asked about offline stalking and abduction in all Wave 2 youth victim cases. There were only three cases where the investigators we interviewed said offline stalking occurred, but all of these incidents happened after offenders and victims had already met face-to-face (see Inset). None involved violence, and it is not clear that any would have met legal definitions of stalking that require patterns of harassment or threatening behavior. Only one case

involved abduction, and it also did not match the stereotype of a stranger snatching an unsuspecting victim. In that case, the offender violated criminal abduction statutes when he took the victim somewhere against her will after, not prior, to a sexual assault

There was a significant increase in arrests of young adult offenders, ages 18 to 25.

Between 2000 and 2006, we found few changes in the characteristics of those arrested for online predation when we examined offenders' gender, race, criminal history and related problems such as substance abuse. This consistency was true for offenders against youth victims as well as

those who solicited undercover investigators (see Figure 4). In both waves of the N-JOV Study, virtually all offenders (99%) were male. Most were white, non-Hispanic although in 2006 a somewhat higher proportion of online predators came from minority groups (16% in 2006 compared to 10% in 2000, $p < .05$). This may reflect increased Internet access among minority racial and ethnic groups in 2006 compared to 2000.^{14,15} There was no change in the percentage of arrested offenders with substance abuse problems (15% in 2000, 14% in 2006*), histories of violence (9% in 2000, 5% in 2006*), or prior arrests for offenses that were not sexual (19% in 2000, 21% in 2006*). Curiously, the proportion of arrested offenders

Stalking Cases

Case #1. This 24-year-old offender and his 15-year-old victim had at least three face-to-face meetings over two or three years. The investigator said the stalking occurred late in the relationship when the offender "moved to [the city] where [the victim] lived even though she didn't want to continue the relationship."

Case #2. According to the police investigator, this offender, age 36, harassed or stalked the victim, age 14, by making "many unwelcome phone calls." However, the victim was described as being in love with the offender. She was in phone contact with him for months and continued phone contact after her mother tried to stop the relationship. The victim ran away from home to be with the offender, who hid her from police when he found out they were looking for her.

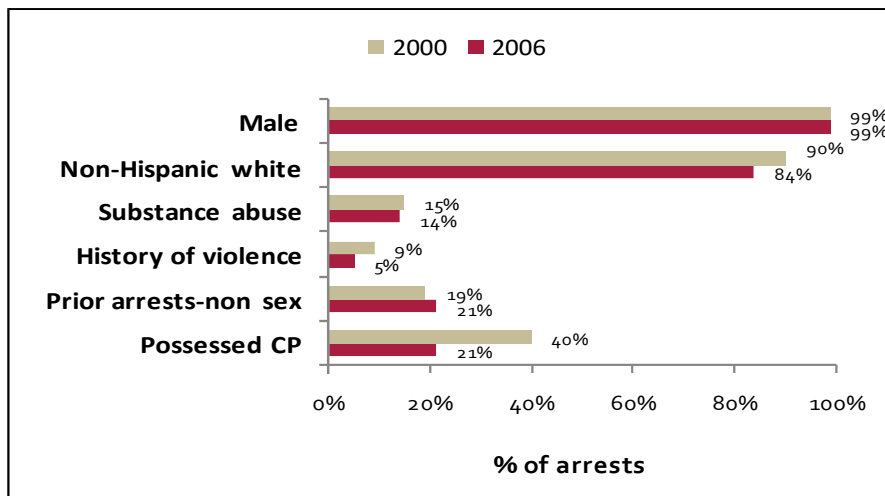
Case #3. The offender, age 41, and victim, age 13, met on a telephone chat line. They communicated via cell phone. They met face-to-face at least once for sex. Both claimed to be in love. The investigator said the offline harassment or stalking occurred when the offender "had a friend call [the victim's] house because he still loved her."

The Only Abduction Case

The victim, age 17, was raped by the offender when she went to his home to meet him. He was a 22 year old man she met online at a social networking site. After the rape, the victim wanted the offender to drive her back home. He refused and, instead, drove her to a nearby town where he planned to abandon her. The victim called 911 on her cell phone and told police the offender would not let her get out of his car. He was arrested and charged with sexual assault and kidnapping. The investigator said the offender was involved in sexual bondage and sadism.

* This difference was not statistically significant.

Figure 4. The characteristics of those arrested for online predation changed little between 2000 and 2006



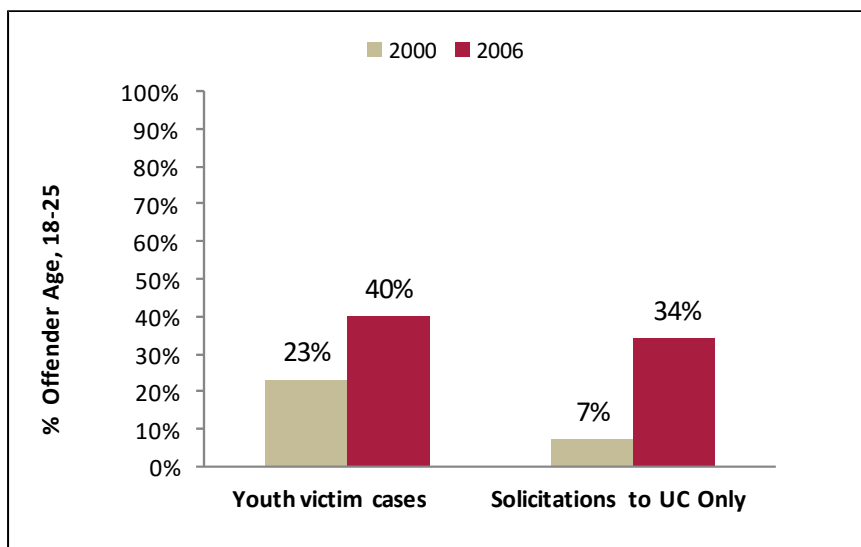
who possessed child pornography, however, decreased by almost half (40% in 2000, 21% in 2006, $p \leq .001$).

One potentially important change was that a larger percentage of those arrested for online predation in 2006 were young adults, ages 18 to 25 (see Figure 5). The percentage of offenders in that age range increased from 23% in 2000 to 40% in 2006 ($p < .05$), for cases with youth victims. In fact, for youth victim crimes, the overall increase in arrests in 2006 appeared to be entirely attributable to more arrests of young adult

offenders (ages 18 to 25). There was no increase in the estimated numbers of arrests of online predators in other age groups. The percentage of arrested offenders who solicited UC investigators also increased sharply among young adults, from 7% of arrests in 2000 to 34% in 2006 ($p < .0001$).

This increase in young adult offenders does not correspond to any overall increase in sex criminality within this age group suggested by other sources. It may be a consequence of

Figure 5. There were significant increases in arrests of young adult offenders, ages 18 to 25, from 2000 to 2006



the coming of age of the first cohort of youth to grow up with the Internet. Adults ages 18 to 25 may be more likely than older adults to use the Internet when engaging in deviant behavior.

Few of those arrested for online predation were registered sex offenders.

Of the online predators who were arrested for crimes against youth victims, 10% in 2006 and 9%* in 2000 had prior arrests for sex offenses against minors (see Figure 6). Only 4% of those arrested for crimes against youth victims in 2006 were registered sex offenders, as were only 2%* of those arrested in 2000. Among offenders arrested for soliciting UC investigators, 3% in 2006 and 4%* in 2000 had prior arrests for sex offenses against minors, and 2% of 2006 arrestees compared to 0%* of arrestees in 2000 were registered sex offenders.

While registration is one of the steps that the criminal justice system has taken to monitor convicted sex offenders and reduce re-offending, aiming strategies to prevent online predation at this population may have limited utility because so few online predators are registered sex offenders.

IMPLICATIONS

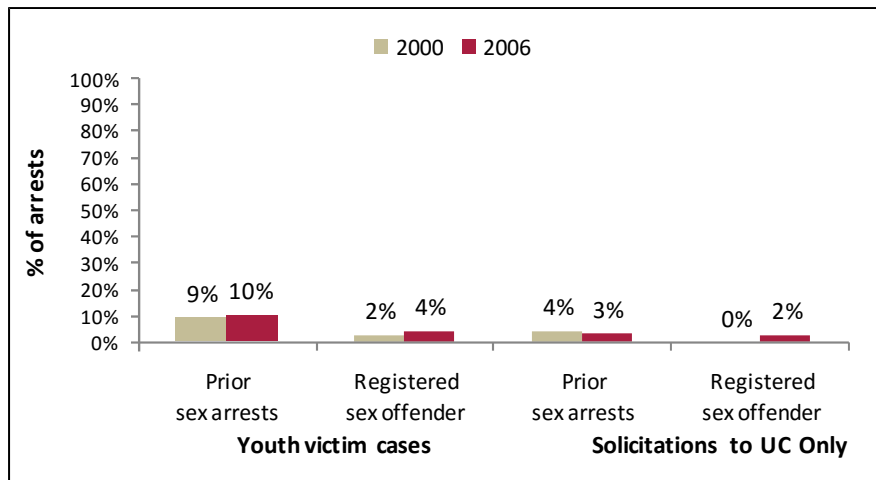
Why would arrests of online predators increase while arrests for overall sex crimes against children declined?

This report finds a large increase in arrests for sexual predation online at the same time that overall sex crimes against children have been declining. This may appear to be a paradox, but there are a number of ways to reconcile these contrasting trends.

First, as shown in Figure 2, arrests of online predators make up a relatively small proportion of arrests for sex crimes against children in general. The 615 arrests for youth victim crimes were about 1% of all arrests for nonforcible sex crimes against actual minors and 2%

* This difference was not statistically significant.

Figure 6. Few of those arrested for online predation were registered sex offenders



of arrests for nonforcible sex crimes committed against youth ages 13 to 17. Because online predation involves a new and relatively rare crime pattern, arrests could grow by large orders of magnitude and still not affect overall arrest rates by much. In spite of the media attention that online predators have received, it is important to bear in mind that in the larger context of sex crimes against children, offenders who victimize children and youth within their families or networks of acquaintances are much more common than those who use the Internet to meet victims.

Second, Internet use, as it grows to occupy more of social life in general, could simply be encompassing sex crimes that may have heretofore originated in other environments. Sex offenders may be substituting online for offline strategies, so that increases in cases where offenders meet victims online are balanced by decreases in cases in which they meet victims other ways. For example, sex offenders who before the widespread use of the Internet would have gone to places such as shopping malls, parks, and roller rinks to meet potential adolescent victims may now be using online arenas where youth congregate, such as chat rooms or social networking sites. Because of this displacement, online

crimes could be increasing even while total crimes fall.

Third, there has been an undeniably large expansion of law enforcement activity online. The number of agencies funded to pursue online child sexual exploitation crimes has increased, as has the number of trained law enforcement investigators. Between 2000 and 2006, the number of Internet Crimes against Children (ICAC) Regional Task Forces funded by the US Department of Justice grew from 30 to 46. By 2006, the ICAC Task Forces had formed partnerships with approximately 1,300 affiliate law enforcement agencies at the local, state, county and federal levels; and had a presence in all 50 states. Training programs for investigating Internet-related child sexual exploitation crimes have been in place and growing since around 1999, so that increasing numbers of law enforcement personnel have been trained in investigating crimes by online predators. New reporting mechanisms have been put in place, such as the CyberTipline, operated by the National Center for Missing & Exploited Children. There was also increased public awareness brought about by television shows such as "To Catch a Predator" and news accounts of such online crimes.

Publicity about online predators may have led to citizens being more likely to recognize and report such cases. Such increases in law enforcement activity are generally associated with rising arrests, even when there is no underlying change or even a decline in underlying criminal activity.

Fourth, aggressive law enforcement activity related to online predation could actually be reducing overall sex crimes against minors. Arrests of offenders who solicited UC investigators saw the largest increase and constituted the largest proportion of arrests of online predators – an estimated 3,100 arrests in 2006. Arrests of these offenders, some of whom may be at early stages in their offending careers,¹² may be preventing the victimization of some youth.

Law enforcement authorities report that it is easy to locate sexually predatory behavior toward youth online. Some law enforcement officials have suggested they could easily increase numbers of arrests even further. But the discovery that the Internet provides a ready window on sex criminality does not mean necessarily that Internet use by sex offenders has increased the overall quantity of sexual predation of children. Nonetheless, the possibility that Internet use is fueling sex crimes against children at present or could do so in the future does need to be taken seriously. The ongoing trends and risks to children need to be carefully monitored.

Signs of law enforcement success.

After six years of considerable law enforcement mobilization in response to online predators between 2000 and 2006, there has been a marked increase in arrests of those who would try to use the Internet to recruit minors for sexual activity. Most of these arrests have occurred through the use of undercover decoys posing online as young adolescents. Our earlier evaluation of this law enforcement activity suggested that overall this was being carried out

responsibly by specially trained officers in multi-agency operations, and that it had resulted in conviction rates as high as or higher than other sex crime investigations.¹² Given the overall declines in sex crimes against minors and in the absence of evidence that police authority is being abused, we are inclined to see this as a sign of a successful initiative to deploy law enforcement in a domain where criminal sexual activities may be migrating, as well as the successful adaptation of new technology to improve police effectiveness.

These findings do not suggest that the Internet is more dangerous than other environments that children and adolescents frequent.

The findings here should emphatically NOT be interpreted to suggest that the Internet is a dangerous environment for children or youth or that the Internet is ridden with sex crimes or becoming more dangerous. The levels of arrests of online predators revealed in this study are quite small compared to total arrests for sex crimes as evidenced by national crime data. Moreover, the growing number of arrests of online predators is best interpreted as a product of the increasing range of the Internet and the increasing aggressiveness of law enforcement activity online.

To judge how comparatively dangerous Internet use is we need community studies of young people that assess the full range of sexual victimizations they suffer and determine what characteristics and activities are associated with increased risk. However, the studies of child sexual abuse and exploitation that have been conducted to date suggest that it is not being online or even being visible to strangers online that puts young people at risk. When Internet use puts them in danger, it appears to involve specific high risk activities like talking online about sex with unknown people.^{16,17} Moreover, the greatest exposure of children and adolescents to sex crimes is at the hands of people who are already a part of their families and social networks.^{18,19} More risk assess-

ment studies are needed because there is a great deal that remains to be understood about Internet use and its impact on youth safety. Nonetheless, the fact that overall sex crime rates have been declining during the time that Internet use has expanded to virtually the entire adolescent population is reassuring.

Social networking sites are not necessarily dangerous environments.

We found that, in 2006, 33% of crimes with youth victims involved initial contact between arrested offenders and victims that occurred at victims' social networking sites. This may reinforce recent concerns that social networking sites are risky environments. But findings like those of this study do not mean that social networking sites are necessarily dangerous or promoting sex crimes. When a medium becomes used by a huge portion of the population – in 2006 55% of youth ages 12 to 17 used social networking sites,¹³ an estimated 14 million youth based on census numbers (numbers for adult users were not available) – it inevitably becomes a venue for deviant activity by some, but it is not necessarily a risk-promoter. As indicated earlier, studies are needed about specific activities and environments of young people that are associated with risk. But so far studies have not shown that simply using a social networking site is risky in the absence of other behaviors such as responding to sexual overtures made via such sites.^{20,21*} The fact that some online predation involved the use of social networking sites may simply reflect the broad use of such sites as a communication and interaction tool in current society.

Revising prevention strategies.

The findings of the N-JOV study reiterate conclusions from earlier studies that the dynamics of crimes by online predators differ from how such crimes are often conceived by the public and characterized in much Internet safety

education.¹¹ The reality, evidenced from 249 interviews about specific arrest cases with youth victims conducted with police investigators in the two waves of this research, is that the victims of online predators are almost exclusively teenagers who go knowingly to meet men whom they know to be considerably older and interested in sex. Most of these victims are drawn into relationships with offenders after extended online exchanges and because they are looking for romance, sexual adventure or validation. There is little stalking, deception, violence, abduction or forcible rape. Online predators commit serious sex crimes and take advantage of vulnerable youth, but effective prevention strategies need to describe how these crimes actually come about if their occurrence is to be prevented or short-circuited; otherwise, the adolescents involved may not recognize these events as crimes.

For example, we think that more efforts need to be made to educate and discourage teens from engaging in sexual and romantic relationships with older partners. Youth awareness also needs to be raised about age of consent and statutory rape laws, the illegality of cross generational sexual solicitation online, the inadvisability of teens engaging in sexual conversations and exchanging sexual or provocative images with strangers and presenting themselves in sexualized descriptions online. These sorts of messages are more likely to address the real dynamics of the crime than warnings about being stalked by someone who obtains personal information posted online.

Beyond registered sex offenders.

Some recent Internet safety debates have dwelt on restricting online access for registered sex offenders. The current study found that only 4% of online predators arrested for crimes against

* It should also be noted that social networking sites have implemented a number of new safety initiatives since 2006.

youth victims were registered sex offenders, as were 2% of those arrested for soliciting undercover investigators. Thus, it is important for the public and officials to know that policies targeted at registered sex offenders are aimed at a very small part of the problem. Internet safety needs to be designed with the assumption that most online predators are not registered offenders and have no prior record. Thus, other mechanisms for deterring this behavior need to be designed.

Pursuit of conventional child molesters.

The broader statistical picture revealed by the N-JOV Study is that, despite increases, crimes by online predators are still a small percentage of total sex crimes committed against children and adolescents. Thus, public policy should be careful not to abandon or underfund the investigation of conventional child molestation. Using the Internet to seek out sex offenders who solicit investigators posing online as minors has a clear value, as well as an appeal to law enforcement, which is utilizing technology and sophisticated undercover techniques regarding a crime of considerable public concern. But conventional child molestation – abusive fathers, neighbors, teachers and family friends -- still constitutes a much larger part of the problem than online predation. There is every reason for law enforcement to continue to mount aggressive efforts to combat sexual abuse of children both on- and offline.

More research is needed.

The discussions about online predators reveal an enormous need for additional information. What sites and what activities put young people at risk? What kinds of online protections and education can help protect youth? How do online predators compare to offline sex offenders in their risk to reoffend? There is much that we still do not know, and because the Internet is a new and rapidly changing environment the need for current information is particularly acute. People are keen to act to protect

children, but misguided action based on mistaken assumptions may waste time and resources, and it may even undermine the current and future effectiveness of protection efforts. We need a sound, regularly updated research agenda to inform evidence-based education and prevention programs geared toward promoting child and adolescent safety as the Internet and other communication technologies continue to evolve and proliferate.

REFERENCES

1. Macgill AR. Parent and teenager Internet use. Washington, DC: PEW/Internet; October 24 2007.
2. Lenhart A, Rainie L, Lewis O. Teenage life online: The rise of the instant-message generation and the Internet's impact on friendships and family relationships. Washington, D.C.: Pew Internet & American Life Project; 2001.
3. Finkelhor D, Ormrod RK. Characteristics of crimes against juveniles. *Juvenile Justice Bulletin*. 2000(June):1-11.
4. Kilpatrick DG, Saunders BE, Smith DW. *Youth victimization: Prevalence and implications*. Washington, DC: U.S. Department of Justice; 2003.
5. Finkelhor D, Cross TP, Cantor EN. The justice system for juvenile victims: A comprehensive model of case flow. *Trauma, Violence & Abuse*. 2005; 6(2):83-102.
6. Finkelhor D, Jones L. Good news: Child victimization has been declining. Why? In: Finkelhor D, ed. *Child victimization: Violence, crimes, and abuse in the lives of young people*. New York: Oxford University Press; 2008:122-147.
7. Finkelhor D, Jones L. Why have child maltreatment and child victimization declined? *Journal of Social Issues*. 2006; 62(4):685-716.
8. Finkelhor D, Jones LM. Explanations for the decline in child sexual abuse cases. *Juvenile Justice Bulletin*. 2004(January):1-12.
9. National Center for Health Statistics. NCHS Data on teenage pregnancy: Center for Disease Control and Prevention (CDC). http://www.cdc.gov/nchs/data/info sheets/infosheet_teen_preg.htm Updated September 2008. Accessed February 18, 2009.
10. Wolak J, Finkelhor D, Mitchell K. Internet-initiated sex crimes against minors: Implications for prevention based on findings from a national study. *The Journal of Adolescent Health: Official Publication of the Society for Adolescent Medicine*. 2004; 35(5):424.e411-420.
11. Wolak J, Finkelhor D, Mitchell K, Ybarra M. Online "predators" and their victims: Myths, realities and implications for prevention and treatment. *American Psychologist*. 2008; 63(2):111-128.
12. Mitchell KJ, Wolak J, Finkelhor D. Police posing as juveniles online to catch sex offenders: Is it working? *Sexual Abuse: A Journal of Research and Treatment*. 2005; 17(3):241-267.
13. Lenhart A, Madden M. *Social networking websites and teens: An overview*. Washington, D.C.: PEW Internet & American Life Project; January 3 2007.
14. Fox S, Livingston G. *Latinos online: Hispanics with lower levels of education and English proficiency remain largely disconnected from the Internet*. Pew Hispanic Center, Washington, DC; 2007.
15. Lenhart A, Rainie L, Fox S, Horrigan J, Spooner T. *Who's not online: 57% of those without Internet access say they do not plan to log on*. Washington, D.C.: Pew Internet & American Life Project; 2000.
16. Wolak J, Finkelhor D, Mitchell K. Is talking online to unknown people always risky? Distinguishing online interaction styles in a national sample of youth Internet users. *CyberP*

psychology & Behavior. 2008; 11(3):340-343.

17. Ybarra ML, Mitchell KJ, Finkelhor D, Wolak J. Internet prevention messages: Targeting the right online behaviors. *Archives of Pediatrics & Adolescent Medicine*. 2007; 161(2):138-145.
18. Finkelhor D, Hammer H, Sedlak A. Sexually assaulted children: National estimates and characteristics: *Office of Juvenile Justice and Delinquency Prevention*; August 2008.
19. Finkelhor D, Ormrod R, Turner H, Hamby SL. The victimization of children and youth: A comprehensive, national survey. *Child Maltreatment*. 2005; 10(1):207-207.
20. Mitchell K, Wolak J, Finkelhor D. Are blogs putting youths at risk for online sexual solicitation or harassment? *Child Abuse & Neglect*. 2007; 32:277-294.
21. Ybarra ML, Mitchell KJ. How risky are social networking sites? A comparison of places online where youth sexual solicitation and harassment occurs. *Pediatrics*. 2008; 121(2):350-357.
22. Wolak J, Finkelhor D, Mitchell K, Ybarra M. Online "predators" and their victims: Myths, realities and implications for prevention and treatment. *American Psychologist*. 2008; 63(2):111-128.

Acknowledgements

This project was made possible through Grant Numbers 2005-JL-FX-0048 and 2006-JP-FX-0061 awarded by the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, US Department of Justice in the amount of \$695,482. Points of view or opinions in this document are those of the authors and do not necessarily represent the official position or policies of the US Department of Justice. Some of Janis Wolak's effort was supported by a fellowship from the Verizon Foundation. We are grateful to the many law enforcement investigators who participated in this research and to the talents, perseverance, and interviewing skills of research assistants Dianne Ramey, Elisabeth Cloyd, Brynn Dunne, Rick Dumont, Tonya Prescott, and Kaitlin Lounsbury. Thanks to Kelly Foster and Toby Ball for help in the production of the bulletin.

Figure Notes

The estimates in Figures 1, 4, 5 & 6 are based on 726 unweighted case level interviews (Wave 1 YR 2000, n=129 for youth victim cases and n=124 for solicitations to UC only; Wave 2 YR 2006, n=120 for youth victim cases and n=353 for solicitations to UC only).

In Figure 2, arrests for forcible rapes with victims ages 0 to 17 are estimated from the Uniform Crime Report. Arrests for all sex crimes with victims ages 0 to 17 and the subgroup of victims 13 to 17 are estimated from the National Incident-Based Reporting System. Based on these numbers, arrests for forcible rapes of juvenile victims decreased by 16% between 2000 and 2006; arrests for all sex crimes against juveniles decreased by 10%; arrests for all sex crimes against teenage victims decreased by 7%. Arrests for solicitations to UC investigators increased 381%; arrests for online predation against youth victims increased 21%.

Figure 3 estimates are based on 249 unweighted case level interviews (Wave 1 YR 2000, n=129; Wave 2 YR 2006, n=120). "SNS" social networking site; "Deceit – sex" the offender was deceitful about sexual motives; "Deceit – minor" the offender claimed to be a minor; "F2F mtg" the offender and victim met face-to-face.

In Figure 4, "al" alcohol, "CP" child pornography, "Prior arrests-not sex" prior arrests for crimes that were not sex offenses.



CRIMES AGAINST CHILDREN RESEARCH CENTER

126 Horton Social Science Center
Durham, NH 03824

(603) 862-1888
(603) 862-1122 FAX

www.unh.edu/ccrc



Exhibit D



Original article

Trends in Youth Internet Victimization: Findings From Three Youth Internet Safety Surveys 2000–2010

Lisa M. Jones, Ph.D.*, Kimberly J. Mitchell, Ph.D., and David Finkelhor, Ph.D.

*Crimes against Children Research Center, University of New Hampshire, Durham, New Hampshire**Article history:* Received July 6, 2011; Accepted September 23, 2011*Keywords:* Internet; Victimization; Trends

A B S T R A C T

Purpose: The purpose of this research was to explore the trends in youth reports of unwanted online sexual solicitation, harassment, and exposure to pornography over time.

Methods: The study was based on three separate cross-sectional national telephone surveys of approximately 1,500 youth Internet users, aged 10 through 17 years. Data were collected in 2000, 2005, and 2010.

Results and Conclusion: Nine percent of youth reported an unwanted sexual solicitation in 2010. This continued the decline in unwanted sexual solicitations that occurred between 2000 (19%) and 2005 (13%), resulting in a total 50% decrease between 2000 and 2010. Twenty-three percent of youth reported an unwanted exposure to pornography, a decline from 34% in 2005, following an increase between 2000 and 2005 (25% to 34%). However, marking the only trend to show an increase over the past 5 years, 11% of youth reported an online harassment experience, which was an increase from 9% in 2005, and 6% in 2000. Some differences in these trends were noted for subgroups of youth across age, gender, and race. The trends in unwanted experiences online over the past decade identified by three Youth Internet Safety Surveys may contradict impressions that the general population, professionals, and the media have about what is happening. Trends provide evidence for some optimism that protective adaptations to the online environment have been successful; however, online harassment appears to be increasing for youth, particularly girls, and may require additional mobilization.

© 2012 Society for Adolescent Health and Medicine. All rights reserved.

Concerns about the safety of children online have preoccupied parents, educators, public health officials, and the media over the past decade. As electronic technologies and online activities have become an increasing part of youth culture, many have the perception that the risks and dangers have expanded as well. For example, there has been a great deal of attention to the concern that social networking sites put young people into contact with sexual predators and increase the brazenness of bullies.

However, the electronic environment is characterized by rapid technological changes and equally rapid protective adaptations. Thus, for example, as young people shift from chat rooms

to Facebook, Internet platforms provide new controls and security options, and parents and educators respond with educational programs. Some of these responses may be helping. It is not clear whether youth vulnerability has increased. In fact, national surveys comparing 2000 with 2005 showed that although online harassment did increase, unwanted sexual solicitations declined [1,2].

Given the rapidity of the technological and social changes, it is crucial to have ongoing studies that track trends in children's online activity and safety. This article extends the finding from the Youth Internet Safety Surveys (YISS) conducted in 2000 and 2005 with new data from a survey conducted in 2010. The three YISS studies thus provide information across a critical 10-year period (2000–2010) on changes in the rates of three widely cited concerns: online sexual solicitation, unwanted exposure to pornography, and online harassment experiences.

* Address correspondence to: Lisa M. Jones, Ph.D., Crimes against Children Research Center, University of New Hampshire, 10 West Edge Drive, Suite 106, Durham, NH 03824.

E-mail address: lisa.jones@unh.edu (L.M. Jones).

Methods

The YISS-1, YISS-2, and YISS-3 studies were conducted to quantify and detail youth experiences with unwanted or problematic Internet experiences, including sexual solicitations, harassment, and unwanted exposure to pornography on the Internet. Respondents in the YISS studies were youth between 10 and 17 years who had used the Internet at least once a month for the past 6 months, and a caregiver. Abt Schulman, Ronca, and Bucuvalas, Inc, a national survey research firm, conducted the sampling, screening, and telephone interviews for the YISS studies. Data collection for YISS-1, YISS-2, and YISS-3 occurred between August 1999 and February 2000; March and June 2005; and August 2010 and January 2011, respectively.

A national sample of households that had been prescreened for another survey was used in YISS-1, whereas YISS-2 and YISS-3 samples were largely recruited through random digit dialing. Response rates across the three YISS studies also reflect increasing rates of cell phone-only households and greater reliance on voice mail and caller identification. Thus, more calls were needed to identify eligible households in YISS-2 and again in YISS-3, and an increasing percentage of households reached were not eligible for the study across the YISS studies (28%, 72%, and 88% for YISS-1, YISS-2, and YISS-3, respectively). After eligible households were reached, the refusal rate was 46% for both YISS-2 and YISS-3. The refusal rate was lower for YISS-1 at 18%.

Owing to the increasing reliance of the U.S. population on cell phones [3,4], a cell phone random digit dialing sample was included in the YISS-3 study. At the end of data collection, 45 interviews had been completed by cell phone in addition to 1,515 landline interviews, resulting in a total sample size of 1,560. Analysis of youth demographic and Internet use characteristics between the cell phone and landline samples indicated the cell phone sample included more respondents of Hispanic ethnicity and from families with a single, never-married parent (see [5] for detailed information on YISS methodology).

Procedures

For all three YISS studies, a sample size of 1,500 was predetermined based on a maximum expected sampling error of $\pm 2.5\%$ at the 5% significance level. Human subject participation in each YISS studies was reviewed and approved by the University of New Hampshire Institutional Review Board.

Interviewers first spoke with an adult and determined whether there was an eligible child in the household. In households with eligible children, interviewers asked to speak with the adult who was most familiar with that child's Internet use and after receiving informed consent, asked a series of questions about Internet use. The interviewer then asked for permission to interview the child. Parents were informed by interviewers that the youth interview would be confidential, that it would include questions about "sexual material your child may have seen on the Internet," and that youth would receive \$10 for participating. In households with more than one eligible youth, the one who used the Internet most often was chosen as the respondent.

After receiving parental permission, interviewers spoke with the youth and asked for permission to conduct an interview. Interviewers assured youth that they could skip any question they did not want to answer and end the interview at any time. Interviews were scheduled at the convenience of youth and at times when they were able to talk freely and confidentially. The

average youth interview lasted 30 minutes, and the average adult interview lasted 10 minutes.

Sample

Table 1 compares youth and household characteristics across the three samples. There were significant increases from 2000 to 2010 in the amount of youth Internet use. White youth made up a slightly smaller proportion of the YISS-3 sample of youth Internet users compared with YISS-1 and YISS-2. This was likely to do the increase in minority youth access to the Internet in recent years [6]. The YISS-3 sample also included a greater percentage of youth from high-income and well-educated households. This reflects some of the demographic differences found in landline telephone surveys: low-income families are increasingly more likely to live in cell phone-only households [4]. All study analyses controlled for sample differences across the three YISS studies.

Across all the YISS samples, well-educated and high-income families, and white youth are overrepresented compared with the national average (see <http://www.census.gov>), but the skewed distribution reflects the population of youth Internet users at the time of data collection [7].

Measures

The incidence rates for sexual solicitation, unwanted exposure to sexual material, and harassment were estimated based on questions about unwanted experiences while using the Internet in the past year ("past year" refers to the year before the interview). The questions used in the current article were identical across all YISS studies.

Unwanted sexual solicitations were defined as requests to engage in sexual activities or sexual talk or to give personal sexual information that was unwanted or made by an individual >5 years, whether wanted or not. The incidence rate for sexual solicitation was estimated based on endorsement of at least one of the following three screener questions:

- "In the past year, did anyone on the Internet ever try to get you to talk online about sex when you *did not want to*?"
- "In the past year, did anyone on the Internet ask you for sexual information about yourself when you did not want to answer such questions? I mean very personal questions, like what your body looks like or sexual things you have done?"
- "In the past year, did anyone on the Internet ever ask you to *do* something sexual that you did not want to do?"

Additionally, youth who said they had an online sexual relationship with an adult were included to capture possible statutory sex crimes ($n = 0$ from YISS-1; $n = 8$ from YISS = 2; $n = 1$ from YISS-3). We also defined a subgroup of *aggressive sexual solicitations*, in which solicitors attempted or made offline contact with youth through regular mail, by telephone, or in person.

Harassment was defined as threats or other offensive behavior (not sexual solicitations) that were sent online to the youth or posted online about the youth for others to see. Harassment was measured through endorsement of at least one of the following two screener questions:

- "In the past year, did you ever feel worried or threatened because someone was bothering or harassing you online?"

Table 1

Demographic and Internet use characteristics for the 2000, 2005, and 2010 YISS samples

Characteristics	Year 2000 (n = 1,501) % (n)	Year 2005 (n = 1,500) % (n)	Year 2010 (n = 1,560) % (n)	p
Demographic				
Gender (male)	53 (790)	49 (738)	50 (775)	.12
Age				
10–12 years	23 (337)	23 (345)	21 (333)	.02
13–15 years	48 (725)	43 (651)	45 (694)	
16–17 years	29 (439)	34 (504)	34 (533)	
Race				
White, non-Hispanic	73 (1,091)	71 (1,070)	67 (1,048)	.001
Black, non-Hispanic	10 (153)	11 (161)	13 (208)	
Hispanic or Latino, any Race	7 (108)	9 (130)	10 (152)	
American Indian/Alaskan native	2 (30)	1 (21)	3 (41)	
Asian	3 (38)	2 (33)	3 (48)	
Other (includes biracial)	2 (26)	3 (40)	2 (28)	
Do not know/not ascertainable	4 (55)	3 (45)	2 (35)	
Parental marital status				
Married	79 (1,182)	76 (1,139)	78 (1,214)	.01
Living with a partner	1 (19)	3 (37)	2 (36)	
Separated	3 (37)	1 (22)	2 (29)	
Divorced	10 (154)	10 (147)	10 (148)	
Widowed	2 (35)	2 (29)	2 (31)	
Single, never married	5 (73)	8 (117)	6 (98)	
Youth lives with both biological parents	63 (949)	62 (926)	66 (1,029)	.04
Highest level of education in household				
Not a high school graduate	3 (37)	2 (30)	3 (41)	<.001
High school graduate	21 (320)	20 (305)	14 (210)	
Some college education	22 (336)	23 (344)	19 (299)	
College graduate	32 (474)	32 (481)	37 (577)	
Post-college degree	22 (330)	22 (333)	28 (431)	
Annual household income				
<\$20,000	8 (119)	8 (123)	12 (192)	<.001
\$20,000–\$50,000	38 (575)	27 (405)	18 (287)	
>\$50,000–\$75,000	23 (350)	24 (355)	16 (245)	
>\$75,000	23 (347)	33 (494)	45 (700)	
Don't know/missing	7 (110)	8 (123)	9 (136)	
Internet use				
Amount of Internet use (mean, SD) ^a	.24 (.26)	.41 (.31)	.49 (.30)	<.001
Location of Internet use				
Home	74 (1,109)	91 (1,363)	97 (1,506)	<.001
Friend's home	69 (1,028)	69 (1,029)	70 (1,088)	.72
School	73 (1,100)	90 (1,356)	89 (1,392)	<.001
Cell phone	—	—	47 (740)	—

^a Amount of Internet use was derived from a factor analysis of the following items: youth experience with the Internet (scale of 1–5), importance of Internet in youth's life (scale of 1–5), and hours and days online in a typical week. Values ranged from .00 to 1.0. This comparison was examined using a t test rather than a χ^2 test.

- “In the past year, did anyone ever use the Internet to threaten or embarrass you by posting or sending messages about you for other people to see?”

Unwanted exposure to pornography was defined as being exposed to pictures of naked people or people having sex without seeking or expecting such pictures, when doing online searches, surfing the web, opening e-mail, or instant messages or links in messages. Unwanted exposure to pornography was estimated based on endorsement of one of the following two questions.

- “In the past year when you were doing an online search or surfing the web, did you ever find yourself in a Web site that showed pictures of naked people or of people having sex when you did not want to be in that kind of site?”
- “In the past year, did you ever open a message or a link in a message that showed you actual pictures of naked people or of people having sex that you did not want?”

Finally, we identified subgroups of youth who reported *distressing* solicitations, harassment, or exposure to pornography. These identified youth rated themselves as very or extremely upset or

afraid as a result of a sexual solicitation or harassment incident, or as very or extremely upset because of an unwanted exposure to pornography.

Internet use characteristics

Youth also reported on their Internet use, including the amount and location of use. High Internet use was operationalized using a summation score derived from a factor analysis of the following four responses: high experience with the Internet, high importance of the Internet, >4 days per week spent online, and >2 hours per day spent online. A summation score was dichotomized at 1 SD above the mean for each YISS study to reflect a high level of Internet use.

Demographic information

Caregivers reported on the youth's gender, age, the highest household education, and the previous year's household income. Youth reported information on race and ethnicity.

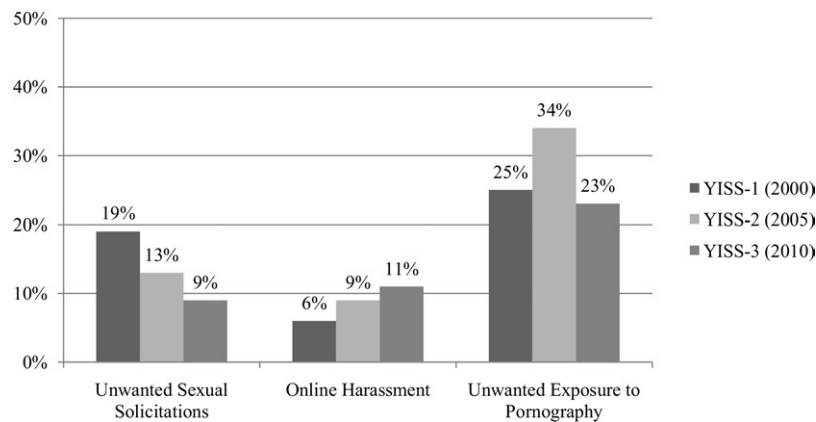


Figure 1. Trends in unwanted experiences on the Internet for youth: YISS-1 (2000), YISS-2 (2005), and YISS-3 (2010). For all percentage differences, $p < .001$.

Analyses

Differences between YISS-1, YISS-2, and YISS-3 were tested for statistical significance based on the rates of occurrence of specific incidents and experiences within the full samples. Logistic regression analyses were conducted to calculate odds ratios comparing the 2005 and 2010 samples of youth on the prevalence of unwanted Internet experiences by age, gender, and race after adjusting for the other demographic characteristics, amount, and locations of Internet use. SPSS 19.0 [8] was used for all analyses.

Results

There were significant changes in youth reporting unwanted or problematic experiences using Internet technology across the 2000, 2005, and 2010 YISS studies, but they varied according to the type of problem experienced (Figure 1). Unwanted sexual solicitations declined from 19% in 2000 to 13% in 2005, and finally to 9% in 2010; thus, there was a total 50% decline in reports of this problem between 2000 and 2010. However, aggressive solicitations (in which offline contact was attempted or made) did not change significantly across the three surveys (3%, 4%, and 3% in 2000, 2005, and 2010, respectively; data not shown). There was a small but statistically significant increase in reports of online harassment, from 9% in 2005 to 11% in 2010. This continued an increase seen between 2000 and 2005 (from 6% to 9%). Finally, there was a decline in youth reports of unwanted exposure to pornography between the 2005 and 2010 YISS surveys, from 34% to 23%. This decline followed an increase between 2000 and 2005 (from 25% to 34%).

Trends by age

The declines in unwanted sexual solicitations occurred primarily for younger adolescents [9–14] (Table 2). Among 10–12-year olds, there was a 63% decline in reports between 2005 and 2010, whereas for 13–15-year olds, the decline was 52%. No significant decline in overall sexual solicitations was seen for the youth aged 16 and 17 years. However, there was a significant decline among this group of youth in reports of distressing sexual solicitations—from 6% in 2005 to 3% in 2010. Aggressive sexual solicitations also declined by 46% among youth aged 13–15 years, from 5% in 2005 to 3% in 2010. Between 2005 and 2010, no

significant differences in reports of online harassment were identified when examining the trends by age group.

Overall, unwanted exposure to pornography, as well as distressing exposure, declined primarily for older adolescents aged 13–15 years and 16 and 17 years. Unwanted exposure to pornography was almost reduced to half for these groups, from 9% in 2005 to 5% in 2010.

Trends by gender

There were significant declines in reports of unwanted sexual solicitations for girls and boys (40% and 46%, respectively) (Table 3). A decline in distressing and aggressive sexual solicitations was only seen among girls; boys reported low rates of distressing sexual solicitations.

Reports of general and distressing online harassment increased significantly for girls only. Rates of online harassment increased 50% for girls, from 10% in 2005 to 15% in 2010. Significant declines in reports of unwanted exposure to pornography and distressing exposures occurred equally for both boys and girls.

Trends by Race and ethnicity

Finally, some differences were also noted across racial and ethnic groups. There was a significant decline in reports of unwanted sexual solicitations among white and black youth (40% and 50% declines, respectively) (Table 4). A decline in distressing sexual solicitations was also noted among white, non-Hispanic youth (55%). No changes in aggressive sexual solicitation were noted when examined by race and ethnicity.

There were no significant differences in rates of online harassment across the three ethnic and racial groups. Declines in unwanted exposure to pornography were largest for white, non-Hispanic youth (47%) and Hispanic or Latino youth (48%).

Discussion

The current intensive media attention to the problem of Internet safety can sometimes give the impression that Internet risks are increasing for youth. However, for two out of three online problems measured by YISS-3 in 2010, rates decreased when compared with earlier studies. A decreasing trend was identified for unwanted sexual solicitations of youth online, and also for unwanted exposure to pornography by youth, but a

Table 2

Multivariate (adjusted) trends in unwanted Internet experiences by youth age

Unwanted Internet experiences	Year 2000 % (number)	Year 2005 % (number)	Year 2010 % (number)	Adjusted OR 2005–2010 (95% CI) ^a
Any sexual solicitation				
10–12 years	10 (34)	5 (19)	2 (7)	.37 (.15–.92)*
13–15 years	21 (152)	15 (95)	8 (55)	.48 (.34–.70)**
16–17 years	23 (100)	17 (86)	14 (72)	.76 (.53–1.09)
Distressing sexual solicitation				
10–12 years	5 (17)	3 (10)	1 (4)	.44 (.14–1.46)
13–15 years	4 (32)	5 (29)	3 (19)	.54 (.29–.99)*
16–17 years	5 (23)	6 (28)	3 (14)	.47 (.25–.92)*
Aggressive sexual solicitation				
10–12 years	1 (3)	1 (4)	1 (3)	.42 (.08–2.25)
13–15 years	3 (23)	5 (35)	3 (22)	.54 (.31–.95)**
16–17 years	4 (17)	5 (24)	4 (22)	.81 (.44–1.49)
Any harassment				
10–12 years	5 (18)	5 (16)	6 (20)	1.43 (.72–2.86)
13–15 years	7 (47)	10 (66)	10 (66)	1.17 (.83–1.65)
16–17 years	7 (30)	10 (48)	13 (68)	1.21 (.81–1.81)
Distressing harassment				
10–12 years	2 (8)	3 (10)	2 (8)	.93 (.36–2.43)
13–15 years	3 (19)	3 (21)	5 (37)	1.53 (.88–2.68)
16–17 years	2 (10)	4 (19)	6 (33)	1.50 (.83–2.70)
Any unwanted exposure to pornography				
10–12 years	9 (29)	19 (65)	15 (50)	.70 (.46–1.06)
13–15 years	28 (201)	35 (225)	23 (161)	.57 (.45–.73)**
16–17 years	33 (146)	44 (222)	28 (150)	.49 (.38–.64)**
Distressing unwanted exposure to pornography				
10–12 years	2 (6)	10 (33)	6 (20)	.56 (.31–1.01)
13–15 years	8 (55)	9 (58)	5 (35)	.57 (.37–.88)*
16–17 years	7 (30)	9 (45)	5 (24)	.51 (.30–.86)*

OR = odds ratio.

95% confidence interval (CI) refers to being 95% confident that the interval contains the population percentage.

The rate calculations are based on the total number of youth in each age category and survey year.

10–12-year olds: Year 2000 (n = 337), Year 2005 (n = 345), and Year 2010 (n = 333).

13–15-year olds: Year 2000 (n = 725), Year 2005 (n = 651), and Year 2010 (n = 694).

16–17-year olds: Year 2000 (n = 439), Year 2005 (n = 504), and Year 2010 (n = 533).

^a Adjusted odds ratios are based on multivariate logistic regression tests that control for other demographic characteristics, amount of Internet use, and locations of Internet use.* $p < .05$; ** $p < .001$; *** $p < .01$.

steady and significant increase in online harassment was identified as occurring since 2000.

Online sexual solicitations

In 2010, one in 10 youth reported receiving an unwanted sexual solicitation, a 50% reduction in rates when compared with one in five youth who reported such an experience when the YISS was conducted in 2000. The reason for the steady decline in rates could be due to several factors. It may be that online behavior has changed in ways that reduce such solicitations. For example, youth have migrated from chat rooms to social networking sites over past several years [9]. In social networking environments, youth may be confining more of their interactions to people they know, thus reducing online unwanted sexual comments or requests. It is also possible that young people have become more cautious regarding who they interact with because of Internet safety education. A tremendous effort has been made during the past decade to warn young people about the dangers of online sexual interactions. Also, publicity about criminal prosecutions may have deterred some of the aggressive sexual messaging. There have been many prosecutions of adults during the past decade for directing sexual messages to youth. Although research has found that most unwanted sexual messages online come from other youth and not adults, the potential to get into

legal trouble from sending such messages may have been impressed on all Internet participants.

It is important to emphasize that the YISS measure of unwanted sexual solicitation is not a measure of online sexual predation by adults. Our research has shown that to the extent that youth know the age of the solicitors, they believe most of them to be other youth, not adults [2]. Moreover, the vast majority of unwanted sexual solicitations are readily deflected by their recipients [2]. Successful online predator crimes typically involve sexual solicitations that are considered flattering and desired by the recipients [10]. The current findings should not be interpreted to mean that one in 10 youth are solicited by online adult predators or that online predation by adults has declined. Nonetheless, if young people are subject to less unwanted sexual messaging, it does suggest some improvement in the online environment.

Unwanted exposure to pornography

The study also found a recent substantial decrease in youth exposure to unwanted pornography. This does not mean that young people who are voluntarily accessing pornography are having a hard time finding it. Rates of intentional viewing of X-rated material among young Internet users range from 13% to 23%, and percentages have remained relatively stable over time

Table 3

Multivariate (adjusted) trends in unwanted Internet experiences by youth gender

Unwanted internet experiences	Year 2000 % (number)	Year 2005 % (number)	Year 2010 % (number)	Adjusted OR 2005–2010 (95% CI) ^a
Any sexual solicitation				
Girls	27 (188)	18 (140)	13 (101)	.60 (.45–.81)*
Boys	12 (97)	8 (60)	4 (33)	.54 (.34–.84)**
Distressing sexual solicitation				
Girls	8 (54)	7 (54)	4 (31)	.51 (.32–.81)**
Boys	2 (18)	2 (13)	1 (6)	.43 (.16–1.14)
Aggressive sexual solicitation				
Girls	4 (29)	7 (50)	5 (38)	.62 (.40–.98)***
Boys	2 (14)	2 (13)	1 (9)	.72 (.30–1.71)
Any harassment				
Girls	7 (46)	10 (75)	15 (121)	1.47 (1.07–2.01)***
Boys	6 (49)	8 (55)	7 (55)	.82 (.55–1.22)
Distressing harassment				
Girls	3 (21)	5 (34)	8 (62)	1.65 (1.06–2.56)***
Boys	2 (16)	2 (16)	2 (16)	.96 (.48–1.94)
Any unwanted exposure to pornography				
Girls	23 (159)	31 (236)	22 (176)	.63 (.50–.79)*
Boys	27 (216)	37 (275)	24 (185)	.51 (.41–.65)*
Distressing unwanted exposure to pornography				
Girls	6 (41)	10 (77)	5 (40)	.45 (.30–.67)*
Boys	6 (50)	8 (58)	5 (39)	.62 (.40–.94)***

OR = odds ratio.

95% confidence interval (CI) refers to being 95% confident that the interval contains the population percentage.

The rate calculations are based on the total number of boys and girls in each survey year.

Girls: Year 2000 (n = 708), Year 2005 (n = 760), and Year 2010 (n = 775).

Boys: Year 2000 (n = 790), Year 2005 (n = 738), and Year 2010 (n = 785).

^a Adjusted odds ratios are based on multivariate logistic regression tests that control for other demographic characteristics, amount of Internet use, and locations of Internet use.* $p < .001$; ** $p < .01$; *** $p < .05$.

[11,12]. The decline identified by the YISS studies involves unwanted exposure, such as those that occur through errors in searches, unwanted pop-ups, and spam e-mail [2]. The decrease in exposure could be due to two factors. First, spamwares and filters have been increasingly present on networks and individual computers, and their detection capacities have become more refined. Second, young people may have become better educated and more savvy about opening unidentified e-mail or clicking on unidentified links.

Online harassment

The 2010 YISS findings show an increase in Internet harassment, from 9% in 2005 to 11% in 2010, continuing an increase from 2000. It is interesting that this trend is opposite the direction of the trend for sexual solicitation. As described earlier, online harassment involves things such as making aggressive or demeaning statements or spreading rumors online. One might have expected that some of the same mechanisms that reduced sexual solicitation, such as increased education, would have reduced harassment as well. However, several features of harassment may make its trend different from sexual solicitation. First, more of the harassment may come from within the youth's chosen social network, for example, classmates who have been accepted as friends on social networking sites. Second, mobilization and education against online harassment are not as long-standing and intensive as that against sexual solicitation. Public concern over "cyberbullying" only took off in recent years. Now that cyberbullying has become a more widespread topic of news and education, it will be interesting to see whether harassment declines as sexual solicitation has done.

Even though online harassment has increased, this cannot be interpreted as a general increase in harassing and bullying be-

havior by youth (i.e., new types of perpetrators being drawn in to harassing peers). It is possible that general harassment and bullying behavior is migrating online in the same way that general adolescent communication has migrated. There is some evidence for this, given that survey data with youth show decreases in general peer harassment and bullying happening over the same period [13].

Nonetheless, the increase in online harassment suggests it is an important area for additional attention by parents, schools, and health professionals. The increase in harassment for girls is a particularly concerning trend. Research has identified gender differences in the bullying behavior and victimization; one study of school bullying among youth in grades 6–10 found boys were more involved in physical or verbal bullying, whereas girls were more involved in relational bullying [14]. The current findings suggest that whatever is driving the increase in harassment is happening mostly for girls.

One obvious direction is to increase the integration of online harassment prevention into existing evidence-based peer victimization and bullying programs. Evidence also has shown that social and emotional learning programs in early elementary grades can improve behavior and reduce aggression down the road [15]; interventions such as these are likely to continue decreasing trends in offline bullying and reverse the trend in online harassment as well.

Limitations

Findings should be interpreted keeping in mind several limitations. First, as with all self-report measures, some youth respondents may not have disclosed all unwanted Internet experiences. Response rates declined somewhat between the YISS studies, reflective of a general decrease in response rates for

Table 4

Multivariate (adjusted) trends in unwanted Internet experiences by youth race/ethnicity

Unwanted Internet experiences	Year 2000 % (number)	Year 2005 % (number)	Year 2010 % (number)	Adjusted OR 2005–2010 (95% CI) ^a
Any sexual solicitation				
White, non-Hispanic	19 (207)	12 (128)	8 (83)	.60 (.44–.81)*
Black, non-Hispanic	18 (28)	20 (32)	10 (20)	.38 (.20–.71)**
Hispanic or Latino	25 (27)	19 (24)	13 (19)	.77 (.38–1.58)
Distressing sexual solicitation				
White, non-Hispanic	4 (47)	4 (44)	2 (19)	.45 (.26–.78)**
Black, non-Hispanic	7 (10)	7 (11)	4 (9)	.52 (.20–1.35)
Hispanic or Latino	7 (8)	6 (8)	4 (6)	.85 (.27–2.69)
Aggressive sexual solicitation				
White, non-Hispanic	3 (32)	4 (37)	2 (23)	.64 (.37–1.09)
Black, non-Hispanic	1 (2)	8 (13)	5 (10)	.41 (.17–1.01)
Hispanic or Latino	5 (5)	8 (10)	7 (11)	1.05 (.41–2.66)
Any harassment				
White, non-Hispanic	6 (70)	10 (105)	11 (116)	1.05 (.79–1.40)
Black, non-Hispanic	5 (7)	5 (8)	12 (25)	2.18 (.93–5.12)
Hispanic or Latino	11 (12)	7 (9)	11 (16)	1.38 (.57–3.33)
Distressing harassment				
White, non-Hispanic	2 (25)	4 (38)	5 (48)	1.23 (.79–1.93)
Black, non-Hispanic	2 (3)	3 (4)	6 (13)	2.13 (.67–6.83)
Hispanic or Latino	5 (5)	3 (4)	7 (11)	2.72 (.82–8.98)
Any unwanted exposure to pornography				
White, non-Hispanic	26 (279)	36 (381)	23 (243)	.53 (.43–.64)*
Black, non-Hispanic	24 (36)	27 (44)	22 (46)	.77 (.48–1.26)
Hispanic or Latino	30 (32)	42 (54)	27 (41)	.52 (.31–.86)***
Distressing unwanted exposure to pornography				
White, non-Hispanic	6 (60)	9 (99)	5 (49)	.48 (.33–.68)*
Black, non-Hispanic	11 (16)	8 (12)	5 (11)	.59 (.24–1.44)
Hispanic or Latino	9 (10)	15 (19)	9 (13)	.53 (.25–1.14)

OR = odds ratio.

95% confidence interval (CI) refers to being 95% confident that the interval contains the population percentage.

The rate calculations are based on the total number of youth in each race/ethnicity category and survey year.

White, non-Hispanic: Year 2000 (n = 1,091), Year 2005 (n = 1,070), and Year 2010 (n = 1,048).

Black, non-Hispanic: Year 2000 (n = 153), Year 2005 (n = 161), and Year 2010 (n = 208).

Hispanic or Latino: Year 2000 (n = 108), Year 2005 (n = 130), and Year 2010 (n = 152).

^a Adjusted odds ratios are based on multivariate logistic regression tests that control for other demographic characteristics, amount of Internet use, and locations of Internet use.* $p < .001$; ** $p < .01$; *** $p < .05$.

national telephone surveys [16–18] facing the challenges of caller identification, confusion with telemarketers, and survey saturation among the general population. However, analyses suggest that the decline in participation has not influenced the validity of most surveys conducted by reputable surveying [17]. Keeter et al. [17] noted that compared with government benchmarks, the demographic and social composition of telephone survey samples are quite representative on most measures (p. 777).

Conclusions

Findings from the YISS studies suggest that trends in youth online unwanted experiences may contradict impressions that the general population, professionals, and the media have about what is happening. It is important that such trend data be collected and disseminated by professionals, integrated into prevention directions and material, and used to inform policy. Problems that have been highlighted and may cause parents to be reluctant to let their youth use the Internet are relatively infrequent and, importantly, have decreased over the past 5 years.

However, because the current study suggests that online harassment may be increasing for youth, particularly girls, this topic may require additional mobilization, using tested and evaluated programs that can incorporate messages relevant to age and demographic subgroups. Parents and youth need information about what do to in cases where Internet harassment occurs.

Bystander education, which has proven successful in other prevention campaigns [19–21] should be included so that youth can help intervene effectively when they see problems like harassment occurring. Schools need to have policies in place for when online harassment incidents become serious bullying problems that threaten the healthy functioning of youth in school environments.

Acknowledgments

For the purposes of compliance with Section 507 of PL 104-208 (the “Stevens Amendment”), readers are advised that 100% of the funds for this program are derived from federal sources. This project was supported by grant number 2009-SN-B9-0002 awarded by the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice. The total amount of federal funding involved is \$734,900. Points of view or opinions in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

References

- [1] Mitchell KJ, Finkelhor D, Wolak J. Youth internet users at risk for the most serious online sexual solicitations. *Am J Prev Med* 2007;32:532–7.
- [2] Wolak J, Mitchell KJ, Finkelhor D. *Online Victimization: 5 Years Later*. Alexandria, VA: National Center for Missing and Exploited Children; 2006.

- [3] Brick JM, Brick PD, Dipko S, et al. Cell phone survey feasibility in the U.S.: Sampling and calling cell numbers versus landline numbers. *Publ Opin Q* 2007;71:23–39.
- [4] Hu SS, Balluz L, Battaglia MP, Frankel MR. The impact of cell phones on public health surveillance. *Bull World Health Organ* 2010;88:799.
- [5] Mitchell KJ, Jones LM, Wolak J. The Youth Internet Safety Survey (YISS) Methodology Report. Available at: <http://unh.edu/ccrc/internet-crimes/papers.html>.
- [6] Smith A. Technology trends among people of color. Pew Internet and American Life Project; 2010. Available at: <http://www.pewinternet.org/Commentary/2010/September/Technology-Trends-Among-People-of-Color.aspx>. Accessed September 30, 2010.
- [7] Pew Research Center. Demographics of teen internet users. Available at: <http://www.pewinternet.org/Static-Pages/Trend-Data-for-Teens/Whos-Online.aspx>. Accessed June 27, 2011.
- [8] Statistical Package for the Social Sciences (SPSS). Armonk, NY: IBM, 2011.
- [9] Lenhart A, Purcell K, Smith A, Zickuhr K. Social Media and Mobile Internet Use among Teens and Young Adults. Available at: http://www.pewinternet.org/media/Files/Reports/2010/PIP_Social_Media_and_Young_Adults_Report.pdf. Accessed June 8, 2010.
- [10] Wolak J, Finkelhor D, Mitchell KJ, Ybarra ML. Online “predators” and their victims: Myths, realities, and implications for prevention and treatment. *Am Psychol* 2008;63:111–28.
- [11] Mitchell KJ, Jones LM, Finkelhor D, Wolak J, 3rd. Youth Internet Safety Survey. Durham, New Hampshire: Crimes against Children Research Center, University of New Hampshire, 2011.
- [12] Ybarra ML, Mitchell KJ, Hamburger M, et al. X-rated material and perpetration of sexually aggressive behavior among children and adolescents: Is there a link? *Aggress Behav* 2011;37:1–18.
- [13] Finkelhor D, Turner H, Ormrod R, Hamby SL. Trends in childhood violence and abuse exposure: Evidence from two national surveys. *Arch Pediatr Adolesc Med* 2010;164:238–42.
- [14] Wang J, Iannotti RJ, Nansel TR. School bullying among adolescents in the United States: Physical, verbal, relational, and cyber. *J Adolesc Health* 2009;45:368–75.
- [15] Durlak JA, Weissberg RP, Dymnicki AB, et al. The impact of enhancing students’ social and emotional learning: A meta-analysis of school-based universal interventions. *Child Dev* 2011;82:405–32.
- [16] Curtin R, Presser S, Singer E. Changes in telephone survey nonresponse over the past quarter century. *Public Opin Q* 2005;69:87–98.
- [17] Keeter S, Kennedy C, Dimock M, et al. Gauging the impact of growing nonresponse on estimates from a national RDD telephone survey. *Public Opin Q* 2006;70:759–79.
- [18] Kempf AM, Remington PL. New challenges for telephone survey research in the twenty-first century. *Annu Review Public Health* 2007;28:113–26.
- [19] Banyard VL, Moynihan MM, Plante EG. Sexual violence prevention through bystander education: An experimental evaluation. *J Community Psychol* 2007;35:463–81.
- [20] Foubert JD. The longitudinal effects of a rape-prevention program on fraternity men’s attitudes, behavioral intent, and behavior *J Am Coll Health* 2000;48:158.
- [21] Stueve A, Dash K, O’Donnell L, et al. Rethinking the bystander role in school violence prevention. *Health Promot Pract* 2006;7:117–24.

Exhibit E

CHILDREN RESEARCH CENTER

CRIMES AGAINST

Have Sexual Abuse and Physical Abuse Declined Since the 1990s?

David Finkelhor & Lisa Jones

October 2012

This bulletin summarizes statistics on trends for sexual and physical abuse. A decline in sexual abuse since the early 1990s is a conclusion supported by 3 independent sources of agency data and 4 separate large victim surveys. The trend for physical abuse is less clear, since several of the data sources show conflicting patterns.

Information from several sources has shown declining rates of both sexual and physical abuse from the early 1990s through 2010. But other data and a variety of opinion have disputed whether these trends indicate a true decline in prevalence. This brief is an effort to assess what the current evidence is about these trends.

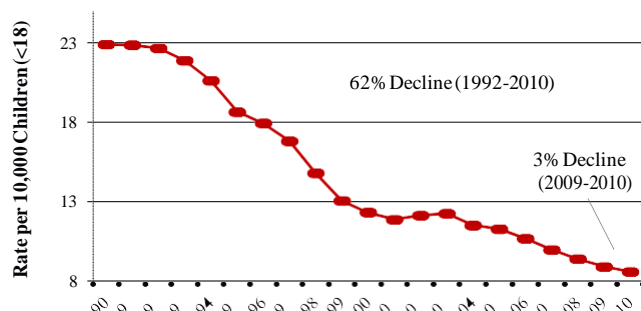
SEXUAL ABUSE – 7 INDEPENDENT SOURCES SHOW DECLINES

The case that there has been a true decline in sexual abuse is stronger than the case about physical abuse, and it comes from a variety of sources. Three independent sets of agency data show substantial declines in sexual abuse over this period. At least 4 victim self-report surveys also show declines. A variety of related child welfare “outcome indicators” support the idea of a true decline. Finally, efforts to substantiate “alternative explanations” for the decline, due to changed policies or practices, have not been supported.

Agency data

Child protection system substantiations. The National Child Abuse and Neglect Data System (NCANDS) aggregates data from state child protective agencies. That data show a 62% decline in rates of substantiated sexual abuse starting in 1992 and continuing through 2010, with the largest drop occurring in the late 1990s (Figure 1). The raw numbers declined from

Figure 1. NCANDS National Estimate Substantiated Sexual Abuse (1990-2010)



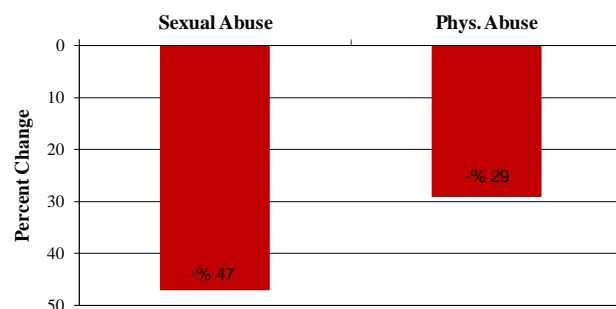
Source: National Child Abuse and Neglect Data System

over 150,000 to 63,000 cases. These numbers primarily count cases involving abuse by family member and other caregivers.

Cases known to professionals – The National Incidence Study.

Because of concern that child protection agency data may not be a fully reliable count of child maltreatment, roughly every decade the federal government has conducted a more rigorous National Incidence Study (NIS) of Child Abuse and Neglect. The NIS gets reports directly from a systematic sample of child-serving professionals (who represent the whole population of professionals in the country). The NIS also uses detailed and consistent criteria to evaluate the validity of the reports they receive. This is to address issues like changes in standards or screening out criteria in child protection practice. Between 1993 and 2005, the study documented a significant 47% decline in sexual abuse measured by what they call their “endangerment standard” (Figure 2). This finding almost completely confirmed what the NCANDS data shows.

Figure 2. National Incidence Study (NIS) Change in Rate of Sexual Abuse and Physical Abuse (1993-2005) (Endangerment Standard)



*Change in rate not statistically significant

The NIS finding of a 47% drop strongly suggests that declines in the CPS data are not due primarily to changed screening standards or the implementation of alternative response systems.

Cases known to police. The FBI collects and publishes data from local law enforcement for several major crime types including rape. While the FBI cannot break down the rape statistics by age of victim, over 50% of FBI-reported rape occurs to persons under age 18.¹ Thus the FBI rape statistic is a good proxy of sex crimes against minors.

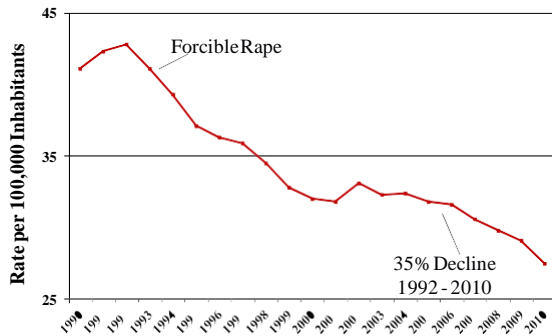
UNIVERSITY of NEW HAMPSHIRE

Sexual Abuse & Physical Abuse Decline?

Page 2

The FBI rape data show a sharp decline that, like the NCANDS data, started in 1992 and continued through 2010. The total drop was 35%, and the trend line is remarkably parallel to the NCANDS trend line (Figure 3).

Figure 3. FBI Forcible Rape (1990-2010)



Source: FBI, Crime in the United States Reports

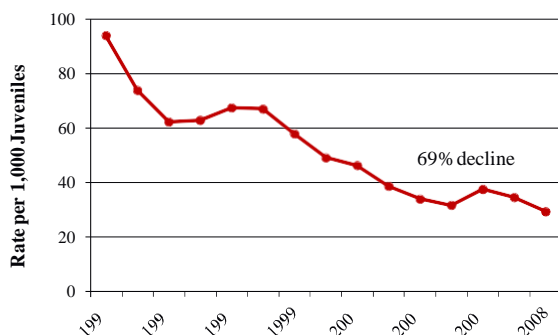
Victim Self-report Surveys

It is always possible that agency data could show declines because victimizations were not being reported. So survey data from victims themselves are useful to confirm that less victimization is occurring. Four surveys show declines in sex crimes against juveniles during this time period.

The National Crime Victimization Survey (NCVS). This study collects crime victimization information annually from a nationally representative sample of tens of thousands of US households every 6 months, and one of the crimes it measures is sexual assault. While there is no information on victims under 12, self-reports of sexual assault are gathered from the 12 to 17 year olds.

The NCVS shows a decline of 69% in the annual rate of sexual assaults against teens from 1993 through 2008 (Figure 4).

Figure 4. National Crime Victimization Survey (NCVS) Sexual Assault (1993 – 2008)

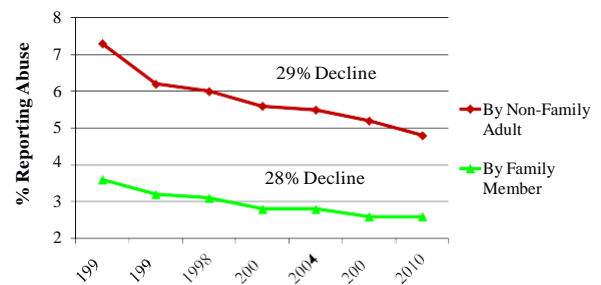


Note: Age 12 – 17 years; 3 year averages except 2008 which is a 2 year average. 2006 data excluded.
Source: National Crime Victimization Survey

The Minnesota Student Survey. This study is conducted every 3 years with all 6th, 9th and 12th graders enrolled in public schools in selected school districts. This survey asks specific questions about lifetime sexual abuse by family members and non-family members.

The Minnesota Student Survey has shown between 1992 and 2010 a 29% decline in sexual abuse by non-family and a 28% decline in abuse by family members (Figure 5).

Figure 5. Minnesota Study Survey Sexual Abuse (1992 – 2010)

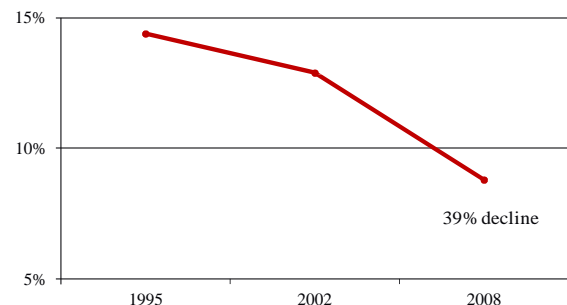


Note: respondents are 6th, 9th, and 12th grade students enrolled in public schools in selected Minnesota school districts.
Source: Minnesota Student Survey, 1992-2010

The National Survey of Family Growth. This study gathers information every few years from national samples of women between the ages of 15 and 44 about sexual and reproductive activity. It asks a question about whether their first experience with sexual intercourse was prior to age 15 and occurred with a person who was 3 or more years older. This is a measure of sexual abuse at the hands of adults and

Between 1995 and 2008, NSFG found a 39% decline in the women age 15-24 who reported that their first experience with intercourse was before age 15 with an older partner (Figure 6).

Figure 6. Statutory Rape (1995-2008) Percentage of Females, Ages 15-24, Whose First Sexual Intercourse Occurred at Age 15 or Younger with an Individual 3+ Years Older



Source: National Survey of Family Growth, analyzed by Child Trends

Sexual Abuse & Physical Abuse Decline?

Page 3

The National Survey of Children Exposed to Violence (NatSCEV). This study was conducted in 2008 and could be compared to a prior survey using the same methods and questionnaire used in 2003. The comparison found that sexual assault in the past year, including sex offenses at the hands of adults, declined from 3.3% for all children ages 2-17 in 2003 to 2.0% in 2008² (Table 1).

Table 1. Sexual Victimization (2003 and 2008)
National Surveys Using Juvenile Victimization Questionnaire

	% of Children		
	2003 (n=2030)	2008 (n=4046)	P Value
Any sexual victimization	8.0	6.7	0.06
Any sexual assault	3.3	2.0	<0.001 ^a
By a known adult	0.3	0.2	0.45
By a nonspecified adult	0.3	0.3	0.99
By a peer	1.2	0.6	0.01 ^a
Rape, completed/attempted	2.1	1.3	0.02 ^a
Sexual exposure/flashed	3.2	3.0	0.67
Sexual harassment	3.8	2.9	0.06
Sexual misconduct/statutory rape	2.9	1.5	<0.001 ^a

^aP≤ .05

Source: Finkelhor, D., Turner, H.A., Ormrod, R.K., & Hamby, S.L. (2010). *Trends in childhood violence and abuse exposure: Evidence from two national surveys.* *Archives of Pediatrics & Adolescent Medicine* 164(3): 238-242.

National Survey of Adolescents. There is, however, at least one national survey that did not find a significant decline during this interval. The National Survey of Adolescents conducted two national studies 10 years apart³ and reported a non-significant decline in lifetime sexual assault for girls from 13.2% in 1995 to 11.5% in 2005 and a non-significant rise for boys from 3.5% to 3.8%.

Associated Outcome Indicators

Sexual abuse is well known to be associated with a number of other child welfare problems, such as running away, teen pregnancy and suicidal behavior. While these indicators could change for many other reasons, if they were trending in the same way as sexual abuse, it could be seen as indirect support for true decline. Data from national vital statistics show that the teen suicide rate has declined 30% from 1990 to 2010, the rate of teenage running away as measured by police arrests has declined 60%, and the rate of teen births declined 55% from 1991 to 2010. Other indicators of risky and early sexual behavior have also declined.⁴ In addition, sex offender re-offense rates have come down by 41%.¹⁹

Tests of Alternative Explanations

A major concern about the decline in sexual abuse shown by the NCANDS data is the possibility that the drop could be due, not to a real decline, but to changed standards, less funding for investigations or the exclusion of certain categories of offenders or victims.

To a large degree, the NIS findings do address this issue because that study looked at cases using the identical criteria and standards at different points in time. But other studies have also tested the alternative explanations with various data. One study looked at whether worker caseload could account for some of the decline, but found it could not.⁵ Another study⁶ found evidence that sexual abuse cases involving very young victims and teenage perpetrators had disproportionately declined in some states in ways consistent with more conservative standards, but that these changes were not substantial enough or consistent enough across states to explain most of the decline.

Sexual Abuse: Summary

There is fairly consistent and convergent evidence from a variety of sources pointing to large declines in sexual abuse from 1992 to 2010. The idea that child protection system data is a misleading indicator on this trend is contradicted by the fact that the decline shows up in other sources that do not rely on CPS. The NIS study is particularly important because it uses consistent criteria across time, and confirms the child protection system trends. The self-report surveys are also very important because they represent victim testimony itself. It seems unlikely that, in the face of more public attention to sexual abuse and decreasing stigma, youth would be more reluctant to disclose in surveys. In fact one study shows greater reporting of sexual abuse to the authorities.⁷ Some have raised the question of whether sexual abuse has become more "normal" and thus less disclosed in surveys by youth. But the surveys showing declines do not use terms like sexual abuse or assault, but simply ask about sexual behaviors and categorize them as assault when certain behaviors occur.

Our judgment is that the decline in sexual abuse is about as well established as crime trends can be in contemporary social science.

PHYSICAL ABUSE – CONTRASTING FINDINGS FROM DIFFERENT SOURCES

The evidence for a decline in physical abuse is more mixed than for sexual abuse, and varies perhaps by the type of physical abuse being considered. Both NCANDS data representing national CPS cases and NIS data representing national child serving professionals show declines in caregiver perpetrated physical abuse. However, hospital data on young children admitted for inflicted injuries do not show a decline. Child maltreatment fatalities have also not declined, but FBI reported homicides of young children and older children have. Two national victim surveys of youth do not find decreases in caregiver abuse, but one state survey did, and several other surveys show that youth are exposed to considerably less interpersonal violence in general since the early 1990s.

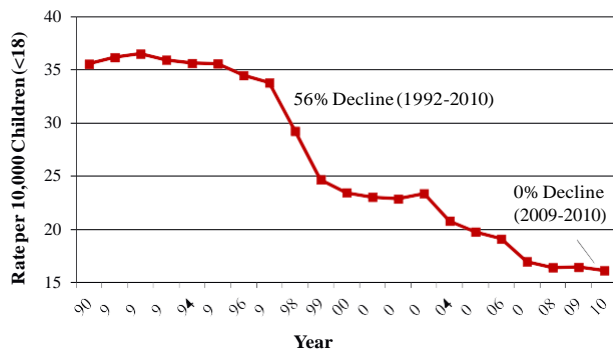
Sexual Abuse & Physical Abuse Decline?

Page 4

Agency data

Child protection substantiations. NCANDS data from child protection agencies show a 56% decline in the rate of substantiated physical abuse from 1992 to 2010 with two periods of particularly steep drops between 1997 and 2000 and between 2003 and 2008 (Figure 7). The comparative numbers were from 240,000 cases in 1992 to 118,700 cases in 2010.

Figure 7. NCANDS National Estimate Substantiated Physical Abuse (1990-2009)



Source: National Child Abuse and Neglect Data System

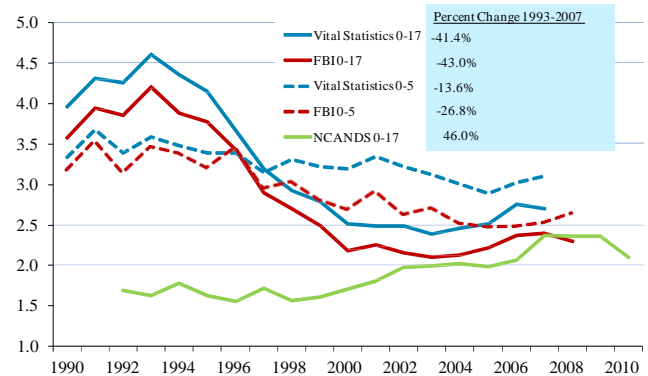
Cases known to professionals – The National Incidence Study.

This study which samples community professionals and uses consistent definitions of abuse, found that, using their “endangerment standard,” physical abuse had declined 29% from 1993 to 2005 (Figure 2). This somewhat confirms the NCANDS trend data but not quite to the same extent as with sexual abuse.

The National Incidence Study shows a clear 29% decline in physical abuse, but it is not as large as the decline evident in the CPS substantiation trend.

Physical abuse deaths. Three sources of information exist on child maltreatment deaths: NCANDS data from child protection agencies, the FBI data from police and Vital Statistics death records. The sources are discrepant. The NCANDS data show an increase of 46% in child maltreatment fatalities from 1993 to 2007 (Figure 8). However, a majority of these maltreatment deaths are due to neglect and not physical abuse. By contrast, homicide data from the FBI show a 43% decline for all children (0-17) over this same time period and a 26% decline for children 0-5, the ages during which most homicides are perpetrated by caregivers. The vital statistics data roughly parallel the FBI data showing a 41% decline for 0-17 and 14% decline for 0-5.

Figure 8. National Child Abuse Deaths and Homicides (1990-2008)



So two sources, from the FBI and Vital Statistics, show declines in the most severe type of abuse resulting in death, but one other source does not.

Hospital data. Several researchers have also looked at trends in physical abuse with hospital data. Only a small fraction of physically abused children, particularly the youngest and most severely injured, are admitted to hospitals. *These studies have found no large decline and in some cases increases in these children.* A large study of acute care hospitals⁸ found a 10.9% increase from 1997 to 2009 in children under 1 admitted for abuse, and a 9.1% decrease for children 1-18 years old. Wood et al. (2012)⁹, using a sample of 38 hospitals found between 2000 and 2009, found a .79% increase per year in hospital admissions for physical abuse to children under age 6 and 3% per year increase in admissions for traumatic brain injury to children under age ¹

The hospital data do not show a decline.

Survey data

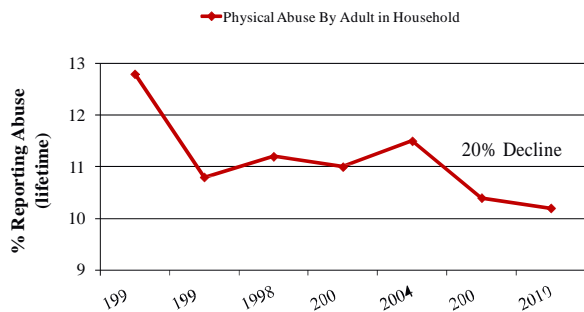
The survey data also show mixed findings on physical abuse.

The NatSCEV compared past year physical abuse by caregivers in 2003 and 2008 in 2 national surveys and found no significant change; in fact, the indicator actually increased.² The National Survey of Adolescents¹⁰ compared lifetime physical abuse from two national surveys in 1995 and 2005 and found no significant change although the indicator decreased about 6%.

Sexual Abuse & Physical Abuse Decline?

The Minnesota survey asked a question about students being abused by other family members and tracked a 20% decline from 1992 through 2010 (Figure 9).

Figure 9. Juvenile Physical Abuse Trends in Minnesota (1992 - 2010)

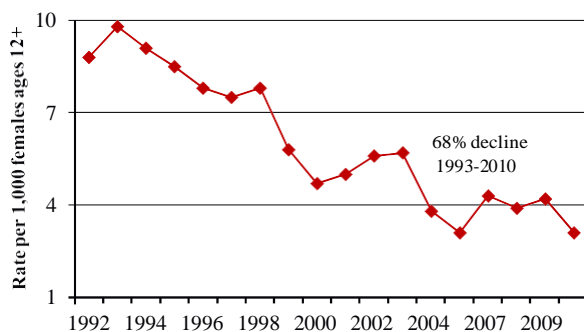


Note: respondents are 6th, 9th, and 12th grade students enrolled in public schools in selected Minnesota school districts.
Source: Minnesota Student Survey, 1992-2010

The NCVS reports a large decline in assaults against youth ages 12-17, with simple assault down 59% and aggravated assault down 69%. Most of these assaults are by peers, not family members.[†]

The NCVS also reports a large decline in intimate partner violence, down 68% from 1993 through 2008 (Figure 10). Most of this violence is between adults, but some may have been in households where children were present and observers.¹¹

Figure 10. NCVS Intimate Partner Violence (1992-2010)



Source: National Crime Victimization Survey Data.

Other surveys report declines in youth exposure to assault, but it is mostly peer abuse. For example, the Youth Risk Behavior Survey (YRBS) reports a 16% decline in teens saying they were in a fight in the past year.¹²

So of three surveys asking specifically about physical abuse by caregivers, only one showed a significant decline (19%) and its data is confined to Minnesota. Other national surveys show declines in youth exposure to violence, but it is not clear how much of this is caregiver violence.

The survey data on physical abuse do not confirm the agency data in the same way that they do for sexual abuse.

Associated Indicators

Violence in general has been declining in the US during the last 20 years. There has been a substantial and widely documented decline in violent crime in the US during the period since about 1992. Police reports of overall violent crime are down 47% from 1992 to 2010.¹³ The National Crime Victimization survey finds from victim self-reports that crimes (including assault) for persons living in households with children declined 68% from 1993 to 2010.¹⁴ Homicide rates have declined as well.¹⁵ If people are acting less violently in general, they might be physically assaulting their children less as well, but some people feel that societal violence and child physical abuse are phenomena without common etiology and so inferences about trends cannot be made from crime data.

Physical Abuse: Summary

The strongest evidence that overall physical abuse has declined is the evidence from the NIS. This study was specifically designed to monitor rates and it is unique in its use of exactly consistent criteria across time points.

However, a variety of other data sources do not show trends consistent with the NIS. The rise in child maltreatment fatalities as measured by NCANDS is particularly important since these are the biggest protection failures. There is, however, evidence that the maltreatment fatalities measured by NCANDS have increased over time at least partly as a result of more careful review and classification of child death cases, particularly those conducted by the child death review boards that have been empaneled in most states.¹⁶⁻¹⁸ The fact that FBI homicide and vital statistics data show a decline when NCANDS does not could be because police and medical examiner judgments, using criteria for what can be charged as a homicide, have been less vulnerable to expansion over time.

The hospitalization data also does not show a decline. This system of data collection is relatively recent and has been developing and expanding during the time period in question. It is possible that as a result of training and system implementation, the coding process to label cases as abuse has gotten more refined and universal, and thus masked a decline. But another explanation for the hospital data trends is that abuse with serious injuries involving hospitalization may be a different phenomenon from overall physical abuse and thus it trends differently.⁸ But that leaves a question about why serious abuse resulting in hospitalization has a different trend from homicides, because homicide also is an indicator of the most serious abuse cases.

In summary, the trends in physical abuse are difficult to conclusively summarize because of contradiction among the various data sources.

[†] analysis conducted by authors

CONCLUSION

The controversy over trends in physical and sexual abuse is sometimes characterized as a debate over the validity of trends found in the CPS data. But the reality is that there are multiple sources of data on trends that can be interpolated to try to assess what is happening.

At least in the case of sexual abuse, the convergence of multiple independent data sources leads to a conclusion that a decline has likely occurred.

Physical abuse is more ambiguous. Two of the strongest indicators (the National Incidence Study of Child Abuse and Neglect and the FBI homicide data) point to a decline in physical abuse. But the existence of contradictory information on physical abuse from other sources means that more evidence needs to be gathered to provide an account that explains all the evidence we have.

REFERENCES

1. Finkelhor, D. and R.K. Ormrod, *Characteristics of crimes against juveniles*. 2000, Office of Juvenile Justice and Delinquency Prevention: Washington, DC. p. 1-11.
2. Finkelhor, D., H.A. Turner, R. Ormrod, and S.L. Hamby, *Trends in childhood violence and abuse exposure: Evidence from two national surveys*. Archives of Pediatrics & Adolescent Medicine, 2010. 164(3): p. 238-242.
3. Saunders, B.E., *Child sexual assault 1995-2005: Results from the NSA and NSA-R*, in *San Diego Conference on Child and Family Maltreatment*. 2010: San Diego, CA.
4. Child Trends. *Sexually active teens*. 2012 October 8, 2012; Available from: <http://www.childtrendsdatabank.org/?q=node/120>.
5. Almeida, J., A.P. Cohen, S.V. Subramanian, and B.E. Molnar, *Are increased worker caseloads in state child protective service agencies a potential explanation for the decline in child sexual abuse? A multi-level analysis*. Child Abuse & Neglect, 2008. 32(3): p. 367-375.
6. Finkelhor, D. and L.M. Jones, *Explanations for the decline in child sexual abuse cases*. 2004, Office of Juvenile Justice and Delinquency Prevention: Washington, DC.
7. Finkelhor, D., R. Ormrod, H.A. Turner, and S.L. Hamby, *School, police, and medical authority involvement with children who have experienced victimization*. Archives of Pediatrics & Adolescent Medicine, 2011. 165(1): p. 9-15.
8. Leventhal, J.M. and J.R. Gaither, *Incidence of serious injuries due to physical abuse in the United States: 1997-2009*. Pediatrics, 2012. 130(5): p. 1-6.
9. Wood, J.H., S.P. Medina, C. Feudtner, X. Luan, R. Localio, E.S. Fieldston, and D.M. Rubin, *Local macroeconomic trends and hospital admissions for child abuse, 2000 to 2009*. Pediatrics, 2012. 130(2): p. e358-e364.
10. Hawkins, A.O., C.K. Danielson, M.A. de Arellano, R.K. Hanson, K.J. Ruggiero, D.W. Smith, B.E. Saunders, and D.G. Kilpatrick, *Ethnic/racial differences in the prevalence of injurious spanking and other child physical abuse in a National Survey of Adolescents*. Child Maltreatment, 2010. 15(3): p. 242-249.
11. Catalano, S.M. *Intimate partner violence in the United States*. 2007 October 8, 2012; Available from: <http://bjs.ojp.usdoj.gov/content/pub/pdf/ipvus.pdf>.
12. Centers for Disease Control & Prevention. *Trends in the prevalence of behaviors that contribute to violence, National Youth Behavior Risk Survey: 1991-2011*. 2012 October 8, 2012; Available from: http://www.cdc.gov/healthyyouth/yrbs/pdf/us_violence_trend_yrbs.pdf.
13. Federal Bureau of Investigation. *Crime in the United States - 2009*. 2012 July 5, 2012; Available from: http://www2.fbi.gov/ucr/cius2009/offenses/violent_crime/index.html.
14. Smith, E.L. and J.L. Truman, *Prevalence of violent crime among households with children, 1993-2000*. 2012, Bureau of Justice Statistics: Washington, DC. p. 1-18.
15. Cooper, A. and E.L. Smith, *Homicide trends in the United States, 1980-2008*. 2011, Bureau of Justice Statistics: Washington, DC. p. 1-36.
16. Burstain, J., *Child abuse and neglect deaths in Texas*. 2009, Center for Public Policy Priorities: Austin Texas. p. 1-10.
17. Eckholm, E., *Florida shifts child-welfare system's focus to saving families*, in *New York Times*. 2009, NewYorkTimes.com: New York.
18. Douglas, E.M. *U.S. homicide against children, ages 0-9, 1979-2009: Changing rates or improved diagnostic accuracy?* in *International Family Violence Research Conference*. 2012. Portsmouth, NH.
19. Helmus, L., Hanson, R.K., & Thornton, D. (2009). Reporting Static-99 in light of new research on recidivism norms. *The Forum*, 21 (1): 38-45.



Crimes against Children Research Center

126 Horton Social Science Center
Durham, NH 03824

(603) 862-1888
(603) 862-1122 FAX

www.unh.edu/ccrc



1 **Declaration of David G. Post**

2 At your request, I have reviewed the material you have provided me in connection with
 3 the pending challenge to various provisions of the Florida Sexual Offender Registration and
 4 Notification Act, Fla. Stat. §§ 943.043 *et seq.*, in order to provide you with this Report
 5 concerning a number of questions that have arisen in the matter. I have no stake in the
 6 outcome of this litigation, financial or otherwise, nor do I take any position, or express any
 7 opinion, concerning the ultimate merits of the arguments raised by any party. I have
 8 attempted to offer my opinions, and answer the questions, set forth below to the best of my
 9 ability based upon my relevant professional experience and expertise in the area of cyberspace
 10 social behavior and Internet law, described below.

11 **Background and Experience¹**

12 After graduating from Georgetown Law Center in 1986, I served as a law clerk to the
 13 Honorable Ruth Bader Ginsburg for one year, at the United States Court of Appeals for the
 14 District of Columbia Circuit (1986-87 term), after which I practiced computer and intellectual
 15 property law for six years (1987 – 93) as an associate at the Washington, D.C. law firm of
 16 Wilmer, Cutler & Pickering. After clerking again for then-Justice Ginsburg at the Supreme Court
 17 of the United States (1993-94 term), I began writing and teaching in the area of Internet law,
 18 first at Georgetown University Law Center (1994 – 97) and then at Temple University (1997 –
 19 2015), where I was the I Herman Stern Professor of Law (a position from which I recently
 20 retired). During this period I have published several dozen scholarly articles, and participated
 21 as presenter and/or commentator at numerous scholarly conferences and Continuing Legal
 22 Education seminars relating to Internet law. One of my articles (*Law and Borders - The Rise of*
 23 *Law in Cyberspace*, 48 Stan. L. Rev. 1367, 1400-02 (1996) (co-authored with David R. Johnson) is
 24 the most widely-cited law review article in the field of Internet law and intellectual property
 25 published in the last 75 years.² I have written two books on the subject: *In Search of Jefferson's*
 26 *Moose: Notes on the State of Cyberspace* (Oxford, 2009), and *Cyberlaw: Problems of Policy and*
 27 *Jurisprudence in the Information Age* (West, 5th ed. 2016), (co-authored with Paul Berman,
 28 Patricia Bellia, and Brett Frischmann).

29 Prior to attending law school, I received a Ph.D. in biological anthropology (1978),
 30 specializing in computer analysis of primate behavioral data, and taught in the Anthropology

¹ I have attached a current *curriculum vitae* as an Appendix to this Report.

² See Fred Shapiro and Michelle Pearse, "The Most-Cited Law Review Articles of All Time," 110 Mich. L. Rev 1483, 1494 & 1500 (2012)

1 Department at Columbia University for five years (1976 – 81), including courses on
2 mathematical statistics and computer techniques in the social sciences.

3 I have previously served as an expert witness in the following cases involving challenges
4 to Internet-related reporting requirements for registered sex offenders:

- 5
- 6 • *John Doe and Jane Doe 1 through 36 et al. v. State of Nebraska et al.*,
7 Docket No. 8:09-cv-456 (D. Neb.),
- 8 • *Doe v. Harris*, No. C12-5713-TEH (US District Court, ND CA, 2012)
- 9 • *Doe v. Commonwealth of Kentucky* (US District Court, ED KY 2014)
- 10 • *State v. Windham*, No. DC-13-118C (Montana 18th Judicial District Court,
11 2015)
- 12 • *State v. Bonacorsi*, No. 218-2014-CR-01357 (N.H. Superior Court, 2015)³
- 13

14 **Statutory provisions: E-mail and Internet Identifier Provisions for Sexual Offenders**

15 *Registration provisions.*

16 Fla. Stat. § 943.0435 requires a "sexual offender" (as defined in § 943.0435(a)(1)) to
17 report in person to the sheriff's office in "the county in which the offender establishes or
18 maintains a permanent, temporary, or transient residence," § 943.0425(a)(2), and to disclose
19 the following information:

20 "[H]is or her name; date of birth; social security number; race; sex; height; weight; hair
21 and eye color; tattoos or other identifying marks; fingerprints; palm prints; photograph;
22 occupation and place of employment; address of permanent or legal residence or
23 address of any current temporary residence, within the state or out of state, including a
24 rural route address and a post office box; if no permanent or temporary address, any
25 transient residence within the state, address, location or description, and dates of any
26 current or known future temporary residence within the state or out of state; the make,

³ In addition, I have appeared as an expert witness in the following cases, each of which involved other issues (copyright and/or trademark law):

Attig v. DRG Inc. et al. (No. 04-CV-03740-JDD, U.S. District Court, ED PA (2005))

Melk et al. v. Pennsylvania Medical Society et al. (Docket No. 08-CV3515, U.S. District Court, E.D. PA (2006))

Gloster et al. v. Jacobs-Meadway et al. (August Term 2004 No. 2049, PA Court of Common Pleas (2008))

Warden et al. v Falk et al. (No. 11-CV-02796, U.S. District Court, ED PA (2010))

1 model, color, vehicle identification number (VIN), and license tag number of all vehicles
2 owned; all home telephone numbers and cellular telephone numbers; all electronic mail
3 addresses and all Internet identifiers required to be provided pursuant to paragraph
4 (4)(e); date and place of each conviction; and a brief description of the crime or crimes
5 committed by the offender. A post office box may not be provided in lieu of a physical
6 residential address. The sexual offender shall also produce his or her passport, if he or
7 she has a passport, and, if he or she is an alien, shall produce or provide information
8 about documents establishing his or her immigration status. The sexual offender shall
9 also provide information about any professional licenses he or she has." 943.0435(2)(b)

10 Section 943.0435(4)(e) further requires each sexual offender to disclose "all electronic
11 mail addresses and Internet identifiers ... before using such electronic mail addresses and
12 Internet identifiers." The Florida Department of Law Enforcement ("FDLE") is required to
13 provide an online system through which sexual offenders "may securely access and update all
14 electronic mail address and Internet identifier information."

15 The statute (see § 943.0435(1)(f)) uses the definition of "electronic mail address"
16 provided in Fla. Stat. § 668.602(6):

17 "'Electronic mail address' means a destination, commonly expressed as a string of
18 characters, to which electronic mail may be sent or delivered."

19 Although "electronic mail" is not separately defined, "electronic mail message" is
20 defined as

21 "... an electronic message or computer file that is transmitted between two or more
22 telecommunications devices; computers; computer networks, regardless of whether the
23 network is a local, regional, or global network; or electronic devices capable of receiving
24 electronic messages, regardless of whether the message is converted to hard copy format after
25 receipt, viewed upon transmission, or stored for later retrieval. "

26 The statute (see § 943.0435(1)(g)) provides that "Internet identifier" is defined as
27 provided in § 775.21(i):

28 "Internet identifier" means all electronic mail, chat, instant messenger, social
29 networking, application software, or similar names used for Internet communication, but does
30 not include a date of birth, social security number, or personal identification number (PIN).

31 With exceptions (provided in § 943.04354), "a sexual offender shall maintain
32 registration with the [FDLE] for the duration of his or her life unless the sexual offender has
33 received a full pardon or has had a conviction set aside in a post-conviction proceeding for any

1 offense that meets the criteria for classifying the person as a sexual offender for purposes of
2 registration.”

3 Failure to comply with the e-mail and Internet identifier disclosure provisions is a third-
4 degree felony, punishable by up to five years in prison and a \$5,000.00 fine. § 943.0435(9)(a), §
5 775.082 (9)(a)3.d., §775.083(1)(c).

6 *B. Use of the Information disclosed*

7 The sheriff must “promptly provide to the [FDLE] the information received from the
8 sexual offender,” including the electronic mail addresses and Internet identifiers. §
9 943.0435(2)(c).

10 The FDLE may disclose the information provided by the sexual offender “to law
11 enforcement agencies,” to “persons who request such information,” and “to the public.” §
12 943.0435(12). On the stated grounds that “[t]he Legislature finds that sexual offenders,
13 especially those who have committed offenses against minors, often pose a high risk of
14 engaging in sexual offenses even after being released from incarceration or commitment and
15 that protection of the public from sexual offenders is a paramount government interest,” the
16 statute deems “[r]eleasing information concerning sexual offenders to law enforcement
17 agencies and to persons who request such information, and the release of such information to
18 the public by a law enforcement agency or public agency, will further the governmental
19 interests of public safety.” *Id.*

20 The FDLE may further “notify the public through the Internet of any information
21 regarding sexual predators and sexual offenders which is not confidential and exempt from
22 public disclosure under s. 119.07(1) and s. 24(a), Art. I of the State Constitution.” § 943.043(1).
23 The FDLE “shall determine what information shall be made available to the public through the
24 Internet,” *id.*, which may include a “printed summary of the information available to the
25 public,” § 943.043(3), although the department is specifically forbidden from public disclosure
26 of “any information regarding a vehicle that is owned by a person who is not required to
27 register as a sexual predator or sexual offender.” *Id.* The FDLE is also required to provide a toll-
28 free telephone number through which the public can gain access to “registration information
29 regarding sexual predators and sexual offenders” and “other information reported to the
30 department which is not exempt from public disclosure.” *Id.*

31 The statute immunizes the FDLE (along with the Department of Highway Safety and
32 Motor Vehicles, the Department of Corrections, the Department of Juvenile Justice, and “any
33 law enforcement agency in this state”), as well as “the personnel of those departments; an
34 elected or appointed official, public employee, or school administrator; or an employee,
35 agency, or any individual or entity acting at the request or upon the direction of any law

1 enforcement agency,” from “civil liability for damages for good faith compliance with the
 2 requirements of [§ 942.0435], or for the release of information under [§ 942.0435].” §
 3 943.0435(10) The statute provides further that these parties “shall be presumed to have acted
 4 in good faith in compiling, recording, reporting, or releasing the information.” *Id.*

5 Additionally, FDLE “may provide information relating to electronic mail addresses and
 6 Internet identifiers . . . maintained as part of the sexual offender registry to commercial social
 7 networking websites [as defined – see below] or third parties designated by commercial social
 8 networking websites.” § 943.0437(2). A “commercial social network website” is defined as

9 “a commercially operated Internet website that allows users to create web pages or
 10 profiles that provide information about themselves and are available publicly or to other
 11 users and that offers a mechanism for communication with other users, such as a forum,
 12 chat room, electronic mail, or instant messenger.” § 943.0437(1).

13 The statute immunizes commercial social networking websites from civil liability for
 14 “any action voluntarily taken in good faith to remove or disable any profile of a registered user
 15 associated with an electronic mail address or Internet identifier contained in the sexual
 16 offender registry” and for “[a]ny action taken to restrict access by such registered user to the
 17 commercial social networking website.” § 943.0437(3).

18 The commercial social networking website “may use this information for the purpose of
 19 comparing registered users and screening potential users of the commercial social networking
 20 website against the list of electronic mail addresses and Internet identifiers provided by the
 21 department.” s 943.0437 (3).

22 *C. Revised Statute*

23 Pursuant to HB 1333, enacted into law earlier this year, a new definition of “Internet
 24 identifiers” will take effect as of October 1, 2016:

25 ‘Internet identifiers’ includes, but is not limited to, all website uniform resource locators
 26 (URLs) and application software, whether mobile or nonmobile, used for Internet
 27 communication, including anonymous communication, through electronic mail, chat,
 28 instant messages, social networking, social gaming, or other similar programs and all
 29 corresponding usernames, logins, screen names, and screen identifiers associated with
 30 each URL or application software. Internet identifier does not include a date of birth,
 31 Social Security number, or personal identification number (PIN), URL, or application
 32 software used for utility, banking, retail, or medical purposes.

1 This will be referred to as the “Revised Statute” or the “Revised Definition” in this
2 Declaration.

3 **The Internet and Internet Use**

4 “The Internet” refers to a specific network that uses a common set of inter-networking
5 rules or “protocols” (commonly referred to as the “TCP/IP” protocols) to allow individual
6 computers (and entire computer networks) to exchange information with each other. It does
7 not have a central control point or directory that will record the existence of a newly-created
8 web page or the addition of a new user. Thus, it is impossible to determine the precise “size” of
9 the Internet (*i.e.*, the number of users, or the number of web pages) at any given time point in
10 time. Certain properties of the Internet which can be measured do, however, give a picture of
11 its vast size.

- 12 a. Over 1 billion active websites have been identified as of September 2014.⁴
- 13
- 14 b. As of December, 2015, approximately 300 million domain names – each of which
15 may be associated with a single user, or alternatively may serve as a “host” for
16 an entire network of hundreds or thousands of users - had been registered.⁵
- 17
- 18 c. Google reported in 2009 that it had found and indexed over 1 trillion Uniform
19 Resource Locators (URL), which are used to identify the location of a specific
20 web page or other form of online content hosted on a given domain, a number
21 that has undoubtedly multiplied itself many times over since then.⁶ While some
22 of these URLs are duplicates (they point to the same content) or possibly no
23 longer extant, this gives a rough lower bound as to the number of individual web
24 pages in existence.
- 25
- 26 d. Google processes over 40,000 search queries every second, or 1.2 trillion
27 searches per year.⁷
- 28
- 29 e. More than 400 hours of video content is posted to Youtube.com every minute,
30 amounting to over a million hours of video uploaded every two days. Facebook

⁴ See <http://www.internetlivestats.com/total-number-of-websites/>

⁵ See “Internet Grows to 299 Million Domain Names in the Third Quarter of 2015,” available at <https://investor.verisign.com/releasedetail.cfm?releaseid=947518>.

⁶ See “We Knew The Web Was Big,” <https://googleblog.blogspot.com/2008/07/we-knew-web-was-big.html>; see also <http://www.worldwidewebsize.com/>.

⁷ See <http://www.internetlivestats.com/google-search-statistics/>

1 recently announced that Facebook users watch almost 10 billion videos every
 2 day.

- 3
 4 f. Facebook alone has over 1.5 billion active monthly users (as of March 31, 2015),⁸
 5 and Twitter users generate over 500,000,000 “tweets” per day.⁹
 6

7 A series of recent studies by the U.S. Census Bureau¹⁰ and the Pew Research Center for
 8 Internet & Society¹¹ found that 87% of American adults now use the Internet, with near-
 9 saturation usage for young adults ages 18-29 (97%), and those with college degrees (97%). The
 10 average Internet user spends more than an hour per day online, and visits dozens or possibly
 11 hundreds of different web sites each day.¹² Usage has expanded rapidly in recent years as more
 12 and more users access the Internet via a mobile device (*e.g.*, a smartphone); as of 2015, nearly
 13 two-thirds of Americans own a smartphone, and 19% of Americans rely to some degree on a
 14 smartphone for accessing online services and information and for staying connected to the

⁸ See <http://newsroom.fb.com/company-info/>; see also “Facebook Now Used by Half of World’s Online Users,” BBC News, available at <http://www.bbc.com/news/business-33712729>.

⁹ <https://about.twitter.com/company>.

¹⁰ See Morris, “First Look: Internet Use in 2015,” available at <https://www.ntia.doc.gov/blog/2016/first-look-internet-use-2015>.

¹¹ These data are reported in a continuing series of reports and publications from the Pew Center, including the following: “Online Video 2013” (available at <http://www.pewinternet.org/2013/10/10/online-video-2013/>); “Social Media Update 2014” (available at <http://www.pewinternet.org/2015/01/09/social-media-update-2014/>); “Americans Feel Better Informed Thanks to the Internet” (available at <http://www.pewinternet.org/2014/12/08/better-informed/>); “The Web at 25 in the U.S.” (available at <http://www.pewinternet.org/2014/02/27/the-web-at-25-in-the-u-s/>); “Couples, the Internet, and Social Media” (available at <http://www.pewinternet.org/2014/02/11/couples-the-internet-and-social-media/>); “Photo Ad Video Sharing Grow Online” (available at <http://www.pewinternet.org/2013/10/28/photo-and-video-sharing-grow-online/>); “Who’s Not Online and Why” (available at <http://www.pewinternet.org/2013/09/25/whos-not-online-and-why/>); “Anonymity, Privacy, and Security Online” (available at <http://www.pewinternet.org/2013/09/05/anonymity-privacy-and-security-online/>); “51% of U.S. Adults Bank Online” (available at <http://www.pewinternet.org/2013/08/07/51-of-u-s-adults-bank-online/>); “Teens and Technology 2013” (available at <http://www.pewinternet.org/2013/03/13/teens-and-technology-2013/>); “Health Online 2013” (available at <http://www.pewinternet.org/2013/01/15/health-online-2013/>); “Search and Email Still Top the List of Most Popular Online Activities” (available at <http://www.pewinternet.org/2011/08/09/search-and-email-still-top-the-list-of-most-popular-online-activities/>); “Social Media User Demographics” (available at <http://www.pewinternet.org/data-trend/social-media/social-media-user-demographics/>).

¹² See CNET, “Average Net User Now Online 13 Hours Per Week,” at <http://www.cnet.com/news/average-net-user-now-online-13-hours-per-week/> (reporting on 2010 Harris survey showing that 80% of Americans use the Internet, and those who do spend an average of 13 hours per week online). See Nielsen/Net Ratings, Internet Audience Metrics, United States, quoted in McDonald & Cranor, “The Cost of Reading Privacy Policies,” 4 I/S: A Journal of Law & Policy for the Information Society 543, 558 (2008) (data as of March 2008).

world around them - either because they lack a broadband connection at home or at work, or because they have few options for Internet access other than their cell phone.¹³

The structure of the Internet, unlike the communications networks that preceded it (*e.g.*, the telephone network, the television network, the radio network, and the postal network), enables a uniquely broad range of interactive communicative activity:

one-to-one communication (*e.g.*, email from one Internet user to another);

one-to-many communication (*e.g.*, a “blog” posting by an individual Internet user which can instantaneously be accessed by thousands or even millions of others;

many-to-one communication (*e.g.* a “discussion forum” allowing individual Internet users to post questions to which large numbers of other users can then respond; and

many-to-many communication (*e.g.*, “virtual meeting” sites, where large numbers of individual users can all communicate with all others participating at the site)

Americans use the Internet for an extraordinarily broad range of expressive activities:

- Email (92 percent as of May 2011),
- Social networking (74 percent as of January 2014),
- Posting photos or videos online (62 percent as of October 2013),
- Banking (61 percent as of April/May 2013),
- Using an online classified ads site (53 percent of those surveyed as of April 2010),
- Sending instant messages (48 percent of those surveyed as of October 2010),
- Rating a product or service (37 percent of those surveyed as of April 2011),
- Playing online games (33 percent of those surveyed as of August 2010),
- Commenting on a local news story or local blog (20 percent of those surveyed as of January 2011),
- Maintaining a personal online journal or blog (14 percent of those surveyed as of October 2010)

The numbers alone do not fully convey the extent to which the Internet has transformed the way Americans work, shop, entertain themselves, obtain information about current events, and communicate with friends and family. Internet access and Internet use is rapidly becoming

¹³ See <http://www.pewinternet.org/2015/04/01/us-smartphone-use-in-2015/>.

1 indispensable for full participation in the social and political life of one's local community and of
2 the nation as a whole.

3 As the court in a recent state court case¹⁴ put it:

4 During the so-called dot com boom, we were told that the Internet would
5 change everything. Indeed, it has.

6 Take our profession [*i.e.*, the law], for example. . . . We obtain full text U.S.
7 Supreme Court decisions within hours of their release, never bothering with the paper
8 advance sheets that were such important reading in the past; Lawyers in virtually every
9 niche of the profession have access to two-way listservs, computer bulletin boards, and
10 forums in which to discuss matters relevant to their practices. We pay our bar dues,
11 look-up each other's office addresses, and register for CLEs via the [Bar Association's]
12 website. We sometimes attend CLE's by webinar, during which we may ask questions
13 and interact with the presenters in real time. In [some] cases, the parties submit most
14 pleadings over the Internet, as is done in virtually every federal civil and criminal case in
15 the country;

16 When our workday is over, we read our newspapers online. We also read the
17 comments left behind by previous readers, and some of us add our own comments. We
18 use the Internet to browse, aided by ubiquitous professional and amateur reviews, and
19 then shop for clothes, travel, housewares, hardware, insurance, new cars, new jobs,
20 lawyers, doctors, and home remodelers. We read and sometime write and rate reviews
21 of hotels, restaurants, shows, and attractions. We communicate with our friends and
22 colleagues by email, texts, Skype, Google Hangouts, Facetime, GoToMeeting, etc. We
23 research everything from our medical symptoms to the causes of the First World War
24 almost exclusively online. We join professional and avocational on-line communities.
25 We remain in touch with friends and acquaintances via social networking sites and
26 applications. . . . We take college level courses online and listen to podcasts relating to
27 virtually any subject or discipline that suits us. We go online to play every kind of game
28 from backgammon to bridge to so-called massive multiplayer games.

29 As one illustration of the scope and depth of this transformation, the significance of the
30 Internet for our nation's civic and political processes can hardly be overstated. The Internet
31 has become the dominant medium through which Americans obtain information about,
32 communicate with others about, and engage in political activities. A growing number of

¹⁴ *New Hampshire v. Bonacorsi*, No.218-2014-CR-01357 (N.H. Sup. Ct., May 18, 2016).

Americans rely on the Internet as a source of news, increasingly preferring it to traditional sources such as newspapers. Roughly 76 percent of online adults obtain at least some news online.¹⁵ As of 2012, 40 percent of all American adults have engaged in some form of civic or political activity through social media and social networking websites during the previous 12-month period, with the number exceeding two-thirds (67%) for Americans between the ages of 18 and 24 – numbers that have certainly increased in the recent years.¹⁶ Thousands of petition drives – including those hosted at the official White House website (petitions.whitehouse.gov) – and other similar forms of direct civic engagement have been organized exclusively online, and many federal and state agencies allow individuals to comment on pending or proposed government action through online forums.¹⁷ Millions of blogs, a substantial portion of which address social and political matters, enable ordinary citizens to express their opinions (and to comment on the opinions of others) concerning current matters of societal concern.¹⁸ Social networking sites (*e.g.*, Facebook, Twitter, and Instagram) have become staples of U.S. election campaigns; every one of the presidential candidates in the 2016 nominating races maintained an active presence of some kind on social media, as do an ever-increasing proportion of candidates for elected office at the state and local level.¹⁹ At the same time, local governments

¹⁵ See Pew Research Center, “Search and Email Still Top the List of Most Popular Online Activities” (available at <http://www.pewinternet.org/2011/08/09/search-and-email-still-top-the-list-of-most-popular-online-activities/>) (using data collected in April/May 2011).

¹⁶ See Pew Research Center, “Social Media and Political Engagement” (available at <http://www.pewinternet.org/2012/10/19/social-media-and-political-engagement/>); *see also* <http://www.pewinternet.org/2013/04/25/civic-engagement-in-the-digital-age/>

¹⁷ Under the federal government’s “e-rulemaking” initiative, for example, many federal agencies (*e.g.*, the FCC, the FTC, the Department of Veterans’ Affairs, the Department of Agriculture, and many others) allow citizens to access, and to submit comments on, all pending regulations. See <http://www.regulations.gov>. The State of Florida, too, maintains a vast network of government information and government services that are available over the Internet, see <http://www.myflorida.com/eservices/>, ranging from obtaining absentee ballots, marriage licenses, hunting licenses, or building permits, to obtaining government jobs, to paying taxes and inquiring about the status of tax refunds, to interacting directly with officials at the State Department of Agriculture and Consumer Services, see <https://www.fl-ag-online.com/customer/f05home.aspx>, the Department of Business and Professional Regulation, see <http://www.myfloridalicense.com/dbpr/pro/pilotc/index.html>, the Department of Environmental Protection, see <http://www.dep.state.fl.us/secretary/ps/default.htm>, and many others.

¹⁸ As of May 2016, there were over 300 million blogs hosted on a single blog hosting site (Tumblr.com) alone, and over 50 million blog postings every day. See <https://www.tumblr.com/about> see generally <http://en.wikipedia.org/wiki/Blog>.

¹⁹For instance, every candidate in the August 2016 primaries for Florida’s U.S. Senate seat has an active Facebook account. See <https://www.facebook.com/MarcoRubio>, <https://www.facebook.com/carlos.beruff/>, <https://www.facebook.com/ernieforflorida/> [Ernie Rivera], <https://www.facebook.com/PatrickMurphyforSenate/>, <https://www.facebook.com/alangrayson/>, <https://www.facebook.com/PamKeithSenate/>, <https://www.facebook.com/voterocky2016/> [Roque de la Fuente, Jr.]

1 and public officials are also establishing official Facebook pages for city and state departments,
 2 recognizing the power that social networking gives them to allow communicate effectively with
 3 their constituents.

4 The Internet has, in short, become an essential engine for American democracy, and it is
 5 becoming increasingly impossible to imagine undertaking civic or political activity across the
 6 spectrum from running for president to organizing a local community block party, without
 7 utilizing the communication resources that the Internet makes available to all users.

8 Similarly, Internet communication has become a primary means by which Americans
 9 plan their travel,²⁰ seek out employment opportunities,²¹ obtain health and medical
 10 information,²² and perform any number of other tasks central to daily life.

11 Internet Identifiers

12 It is important to understand the nature and function of “Internet identifiers” in order to
 13 understand the scope of the statutory disclosure requirements. Every Internet user *must*
 14 obtain a *unique identifier* – a numerical “IP Address” - before he/she is able to communicate
 15 over the Internet; the Internet routers that serve as the Internet’s backbone, moving messages
 16 from one machine to another across the network, require that all messages contain the IP
 17 Address of the originating computer (and the IP Address of the computer(s) to which the
 18 message is to be sent).²³ Users obtain IP Addresses from Internet Service Providers (“ISPs”),

²⁰ See <http://www.pewinternet.org/2014/02/27/the-web-at-25-in-the-u-s/>.

²¹ The internet has become an *essential* employment resource for many of today’s job seekers. A majority of U.S. adults (54%) have gone online to look for job information, 45% have applied for a job online, and job-seeking Americans are just as likely to have turned to the internet during their most recent employment search as to their personal or professional networks. See <http://www.pewinternet.org/2015/11/19/searching-for-work-in-the-digital-era/>. Almost one-quarter of adults in the United States use LinkedIn.co, a prominent professional networking platform which describes itself as the world’s largest online professional network; the website has more than 187 million registered users in over 200 countries and territories. and it allows users to create profiles of their professional background and connect with each other, recruiters, and businesses. A 2013 study found that 77 percent of employers used social media networks like LinkedIn and Facebook to recruit candidates. See Halzack, *LinkedIn Has Changed the Way Businesses Hunt Talent*, Wash. Post, Aug. 4, 2013.

²² In 2012, 72% of internet users said they had looked online for health information within the past year, the most commonly-researched topics being specific diseases or conditions; treatments or procedures; and doctors or other health professionals. Half of online health information research is on behalf of someone else.. See <http://www.pewinternet.org/fact-sheets/health-fact-sheet/>

²³ For a non-technical introduction to Internet Addressing, see The Internet Society, “What is the Internet?,” available at <http://www.isoc.org/internet/>; National Research Council, *The Internet’s Coming Of Age* (Nat’l Acad. Press 2001).; Post, *In Search Of Jefferson’s Moose: Notes On The State Of Cyberspace* (Oxford Univ. Press 2009); and Mark A. Lemley & Lawrence Lessig, *The End of End-to- End: Preserving the Architecture of the Internet in the Broadband Era*, 48 UCLA L. REV. 925 (2001).

1 who are each allocated a block of IP Addresses that they can distribute to users/subscribers.
 2 Typically, ISPs assign a different IP Address to users each time they “log on” to the Internet; in
 3 some cases, a user’s IP Address is changed during the course of individual log on sessions.

4 Users are generally unaware of the IP Address that they are using at any given time
 5 (although it is possible to obtain that information, either by visiting websites that provide that
 6 service²⁴ or by running special software that is available on their computers.²⁵

7 It is not difficult to obtain an IP Address and access the Internet without revealing one’s
 8 identity. While many ISPs (for example, commercial ISPs like Comcast, AT&T, Verizon, Cox
 9 Communications, etc.) do require users to provide some proof of actual identity, typically in the
 10 form of a valid credit card, before assigning an IP Address to them, many others do not; for
 11 example, many “wi-fi hotspots” offering free Internet connectivity in airports, restaurants,
 12 coffee shops, or other commercial establishments, do not require users to identify themselves
 13 before assigning them an IP Address and allowing them to access the Internet.

14 With Internet access (via an IP Address), one can run any number of Internet
 15 applications, the most popular of which are electronic mail and the World Wide Web. Of the 1
 16 billion-plus active websites now in operation, I would estimate that the vast majority require no
 17 “identifier” (other than a valid IP Address) to allow the user to access the information stored at
 18 the site; these websites, in other words, are configured to transmit their content files in

An IP Address is just a number – 4253, or 11, or 4444444, or 19828383, etc. –expressed as a string of binary digits (“bits”), 32-characters long, *e.g.*,

10011011100110010111111100101100

For convenience, IP Addresses are usually written out as four-item decimal strings. The 32-digit binary number above can be written as 155.153.127.44, by dividing it into 8-digit “octals”:

10011011 10011001 01111111 00101100

And then using the decimal equivalent for each of the four octals:

155 = 10011011

153 = 10011001

127 = 01111111 and

44 = 00101100

²⁴ E.g., <http://whatismyip.com>.

²⁵ For example, the two most popular personal computer operating systems (Microsoft Windows, and Apple’s Mac OS) both are “bundled” with a software program (the “ipconfig” program) which displays the user’s current IP Address.

1 response to users identified by nothing other than a valid IP Address. This is the “default” status
2 for sites on the World Web, in the sense that it requires the least amount of time and effort for
3 whomever is configuring the website for Internet access.

4 Websites can, however, be configured differently, so as *not* to allow access (*i.e.*, to not
5 transmit any files or other content) in response to user requests unless those users provide
6 some other “identifier” information in addition to a valid IP Address. These websites typically
7 require some form of registration, involving submission of any or all of the following: a unique
8 “username,” an email address, a password, the user’s real name, the user’s physical address, or
9 virtually any other identifying information the website operator may require.²⁶ This may also
10 include additional identifying information in the form of a credit card, in the case of websites
11 that put their content behind what is commonly referred to as a “paywall” and charge users a
12 fee for access.

13 Finally, even those websites that allow unrestricted user *access* to the site (*i.e.*, for
14 “browsing” the information stored there) may require users to provide additional identifier
15 information before using any of the site’s *interactive* features. Many websites provide such
16 features, permitting users to provide content – a comment, a link, a question, a product or
17 service rating, etc. - which is added to the other content available at the website, but only if
18 the users register; this, again, may involve submitting a unique “username,” email address,
19 name and address, etc. These interactive features include discussion forums (where registered
20 users can submit comments, questions, or opinions in connection with articles, essays, product
21 descriptions, or other content accessible on the website), “chat rooms” (allowing users to
22 engage in real-time conversations with other users and/or with individuals employed by the
23 website operator, such as a customer service representative), and “ratings” functionality
24 (allowing users to designate how much they liked, or didn’t like, specific products or articles or
25 videos, etc.).

26 It is, for the reasons mentioned above,²⁷ impossible even to estimate reliably the
27 number of websites requiring users to provide additional identifiers in order either to access
28 the information on the website (*i.e.*, to receive information from it), or to interact with it (*i.e.*,
29 to send information to it), or both, but the number is without question in the hundreds of
30 thousands, or millions. The scope of the Internet identifier disclosure requirement is vast;
31 websites requiring such identifiers (which would have to be disclosed to FDLE) include:

²⁶ For example, it is a common practice for websites to require users to provide answers to various “security questions” – “What was the name of your first pet?” or “Who was your favorite teacher in high school?” – as a means of authenticating the user’s identity in future communications..

²⁷ See pp. 6-7, *supra*.

1 Many, if not most, news/current events websites which permit registered users
2 to comment on news stories or op-ed type articles;²⁸

3 Many, if not most, political, legal, and current affairs sites;²⁹

4 Many sites promoting discussions of sensitive topics such as sexuality,
5 alcoholism, depression, etc.;³⁰

6 Many sites providing legal, medical, or informational content;³¹

7 Many commercial sites, including many popular sites such as Amazon.com,
8 eBay.com, Yelp.com, and Traveladvisor.com , which allow users to post feedback on
9 recent purchases or otherwise participate in group discussions;

10 Many entertainment sites, such as HBO.com or YouTube.com, which allow users
11 to start, or to participate in, online discussions of the content posted at the site or other
12 matters;

13 Many “blog” websites, which are hosted by platform popular blog platform
14 providers such as Blogger, WordPress, or Tumblr, which allow blog readers to comment
15 on posted material;

16 Many sites offering “social networking” functionality, such as Facebook, Twitter,
17 Reddit, Pinterest, and Instagram.

18 It is, in short, quite easy to imagine even a casual Internet user encountering dozens, or
19 more, of websites requiring some user identifier during the course of a typical day, a number

²⁸ For example, the New York Times (<http://www.nytimes.com>), the Wall Street Journal (<http://www.wsj.com>), the Washington Post (<http://www.washingtonpost.com>), the Gainesville Sun (<http://www.gainesville.com>), the Miami Herald (<http://www.miamiherald.com>), and the Orlando Sentinel (<http://www.orlandosentinel.com>) all require registration for use of the site’s “Comment” features, and all make certain content inaccessible to unregistered users.

²⁹ For example, the “Vlokh Conspiracy” blog, where I am a regular contributor, permits site visitors to leave comments and to participate in a discussion about individual blog postings, using a username of the visitor’s choosing. See <https://www.washingtonpost.com/news/vlokh-conspiracy/>.

³⁰ See, e.g., <http://www.soberrecovery.com/forums/>; <http://www.medhelp.org/forums/Alcoholism/>; <http://www.recovery.org/forums/>; <http://ldssexuality.com/forum/>; <http://www.healthboards.com/boards/sexual-health-women/>.

³¹ Lexis, Westlaw, and the federal courts’ docket and case information system (PACER) are well-known examples of websites that allow access and use of legal reference materials only to registered users; other legal reference sites that require users to provide identifiers in order to use some or all of the website’s functions include Law360.com, Findlaw.com, SSRN.com, Thelegalintelligencer.com, and HeinOnline.com.

1 that is likely to be considerably higher for anyone whose job requires more intensive Internet
2 use.

3 **The Meaning of the Statutory Language**

4 I conclude, based upon my personal knowledge and experience, that the statutory
5 requirements are vague and/or ambiguous in the following ways:

6 A reasonable Internet user would not know whether or not the statute requires
7 disclosure of all IP Addresses used by a registrant. As discussed above, see pp. 11-13 *supra*, the
8 IP Address is the one fundamental “Internet identifier” that must be present to identify the
9 source of *all* Internet communication, and it would be reasonable to conclude that it is
10 encompassed within the requirement that “all electronic mail, chat, instant messenger, social
11 networking, application software, or *similar names used for Internet communication*” be
12 disclosed, owing to ambiguity as to the precise coverage of the italicized text.

13 A reasonable Internet user would not know whether or not the statute requires
14 disclosure of all usernames or identifiers that are used only for the purpose of “browsing” (*i.e.*,
15 receiving information) at websites. The ambiguity concerns whether these usernames are, or
16 are not, “Internet identifiers ... *used for Internet communication.*” In one sense of the term,
17 these usernames have been “used for Internet communication” in the sense that they are used
18 to allow the website to “communicate,” over the Internet, with the user (by means of
19 transmitting content/information from the website to the user). Alternatively, identifiers “used
20 for Internet communication” may cover only those Internet identifiers used by the registrant to
21 direct his/her communications to others (as opposed to the identifiers used by the registrant to
22 enable others to direct communication to him/her).

23 The statute requires disclosure, in advance, of “all electronic mail addresses,” defined as
24 “a destination, commonly expressed as a string of characters, to which electronic mail may be
25 sent or delivered.” This would include, for example, all electronic mail accounts set up by the
26 registrant with Internet-based email service providers – for example, a gmail
27 (JohnDoe@gmail.com), hotmail (JohnDoe@hotmail.com), or yahoo! (JohnDoe@yahoo.com)
28 account. Many other electronic mail addresses, however, are automatically set up without any
29 specific request or knowledge on the user’s part.

30 For example, I have a broadband Internet access account with a large
31 commercial ISP (RCN, Inc.). Like many RCN customers, I use a gmail account for
32 my email – however, whether I have requested one or not, RCN automatically
33 provides all customers with an email address from which email can be sent and
34 received (username@RCN.com). Other ISPs that I use from time-to-time –
35 Temple University, which provides me with Internet access from my office at

1 Temple, Fairpoint, Inc., which provides me with Internet access when I am
2 traveling, and the Open Technology Institute, which provides me with Internet
3 access when I am at my office in Washington DC – similarly provide me with
4 functioning email addresses (dpost@temple.edu, davidpost@myfairpoint.net ,
5 D-Post@oti.org). Many websites at which I have registered also provide me with
6 functioning email addresses – for example, the email address
7 DGP20008@apple.com was set up automatically when I registered for an Apple
8 ID at the Apple.com website. I also have been provided with an email “inbox” at
9 numerous websites – banks at which I have registered accounts (Suntrust.com,
10 wells Fargo.com), credit card providers (Chase.com, Barclays.com), commercial
11 product suppliers (Amazon.com, eBay.com) – where I can receive electronic mail
12 in connection with my accounts. Finally, many websites automatically set up
13 temporary email inboxes that do nothing more than forward messages to my
14 gmail account for example, when I offer goods for sale at the Craigslist.org swap-
15 meet website, the website provides me with an address – e.g.,
16 sale4087Jx329i@craigslist.com – to which interested buyers can send email
17 messages that will be forwarded to me.

18 A reasonable Internet user would not know whether any, some, or all of these email
19 identifiers have to be disclosed under the statutory requirements. Although each would appear
20 to be a “destination . . . to which electronic mail may be sent or delivered,” it is not clear
21 whether they are being “used for Internet communication” within the meaning of the statute in
22 those cases where, for example, the user never checks the mailbox contents (and may not even
23 know of its existence).

24 In requiring registrants to disclose the “names” that they have “used for Internet
25 communication,” the statute does *not* appear to require disclosure of the name (or Uniform
26 Resource Locator) of the website in connection with which the specific Internet identifier was
27 used. For example, imagine that a covered registrant set up an account at Facebook, or at
28 WashingtonPost.com, or at Craigslist.org, using the username “FloridaResident2016.” The plain
29 language of the statute requires the registrant to disclose *that name* – FloridaResident2016 --
30 to the FDLE, but it does *not* require disclosure of the websites (Facebook.com,
31 WashingtonPost.com, Craigslist.org) at which that username was used.

32 But without the names of the associated websites, the information being disclosed –
33 that a particular registrant used the Internet identifier “FloridaResident2016” *somewhere* on
34 the Internet - is of no value whatsoever to law enforcement, because there may well be
35 thousands, or hundreds of thousands, of postings at thousands or hundreds of thousand of

1 sites across the Internet, using that "identifier," posted by thousands or hundreds of thousands
2 of different people.

3 Apparently because of this anomaly, the FDLE *does* require registrants to identify the
4 "Provider" associated with each Internet identifier³² – *i.e.*, both the username *and* the websites
5 at which that username is to be used – notwithstanding the fact that that is quite clearly
6 outside the scope of the statutory terms.

7 The Revised Definition may be the Legislature's attempt to correct this problem, insofar
8 as it expands the definition of "Internet identifiers" to include "all website uniform
9 resource locators (URLs) and application software . . . used for Internet communication,
10 including anonymous communication, through electronic mail, chat, instant messages,
11 social networking, social gaming, or other similar programs and all corresponding
12 usernames, logins, screen names, and screen identifiers associated with each URL or
13 application software."

14 A reasonable Internet user would not know how the statutory restriction to "electronic
15 mail, chat, instant messenger, social networking, application software, or similar names used
16 for *Internet* communication" is to be interpreted. The plain language would appear to exclude
17 *non-Internet* communication, e.g. electronic mail messages, or instant messenger messages,
18 transmitted over non-Internet networks (such as a cellphone networks, or an organizations
19 wide area network). A substantial proportion of the billions of "instant messages" transmitted
20 each day do not travel over "the Internet" at all, but, instead, over one of many proprietary
21 cellphone networks that do not use the "Internet's" protocol set (TCP/IP). Identifiers used for
22 communication over these networks would appear to be outside the scope of the statutory
23 reporting requirements. On the other hand, many instant messaging services do, in fact, use
24 the Internet to handle all, or some portion, of the relevant communication. Users are generally
25 not aware of (and are indifferent to) these network choices, and may be unable to obtain the
26 information required to determine whether or not any particular communication was an
27 "Internet communication" or not.

28 A reasonable Internet user would not understand the requirement to disclose all "all
29 electronic mail, chat, instant messenger, social networking, *application software*, or similar
30 names used for Internet communication." To begin with, the sentence only makes
31 grammatical sense if each of the terms refers to a different kind of "name" – that is, that the
32 statute requires registrants to disclose the "[names used for] electronic mail, [names used for]
33 chat, [names used for] instant messenger, [names used for] social networking, and [names

³² See "FDLE Website Explained," at <https://offender.fdle.state.fl.us/ccs/>.

1 used for] application software],” along with any names used for functions that are “similar” to
 2 electronic mail, chat, social networking, etc.

3 But while the terms “names used for electronic mail” or “names used for instant
 4 messenger” have reasonably well-understood meanings, the “names used for application
 5 software” does not. Application software is generally used to describe any software that runs
 6 (figuratively speaking) “on top” of a computer’s operating system software, and allows the user
 7 to accomplish a particular task, such as word processing, photo editing, database organization,
 8 spreadsheet creation, web browsing, etc. Most “application software” is stored, and runs,
 9 locally on a user’s personal, private computer, and does not require (or often even allow) the
 10 user to adopt any particular “name.” Furthermore, most users would not be able to identify the
 11 “application software . . . used for Internet communication” that resides on his/her computer.
 12 Although many common applications programs can be “used for Internet communication” –
 13 Microsoft Word and Microsoft Excel, Adobe Reader, the Picasa photo-editing application, and
 14 many others, all allow users to activate embedded hypertext links from within the application
 15 and thereby to engage in “Internet communication” – the vast majority of Internet users are
 16 completely unaware of the names of the application software that is actually responsible for
 17 managing the transmission from the user’s computer to the Internet,³³ and would be hard-
 18 pressed to say whether they had been assigned “names” as part of the utilization of those
 19 applications.

20 *The Revised Definition*

21 I also conclude, based upon my personal knowledge and experience, that the statutory
 22 requirements in the Revised Definition are vague and/or ambiguous in the following ways:

23 A reasonable Internet user would not know whether the requirement to disclose “all
 24 website uniform resource locators (URLs) . . . used for Internet communication” covers only the
 25 URLs of websites *from which the user directs outgoing communications to others* (e.g.,
 26 websites at which the user has posted a comment, or from which the user operates a “blog”),
 27 or, additionally, includes the URLs of all websites *through which others have communicated to*
 28 *him/her* – that is, the URLs of all websites that the user has “viewed” or “browsed.” In my
 29 opinion, the latter reading is more closely consonant with the meaning of “used for Internet
 30 communication”; “communication” is inherently a two-way process involving both a speaker
 31 and a listener, and websites that users view or browse are clearly communicating with the user
 32 and are therefore, in that sense, being used for Internet communication. On the other hand,

³³ There are many different applications programs that can accomplish this task, just as there are many different applications programs that can perform word-processing, web browsing, or photo-editing.

1 the number of URLs that would have to be disclosed under that interpretation of the statutory
 2 phrase is so large and the task of disclosing each of them so difficult as to approach
 3 impossibility – see pp. 21-23, *infra* – that a reasonable Internet user might conclude that the
 4 legislature must have intended the narrower interpretation.

5 A reasonable Internet user would not understand the meaning or scope of the statutory
 6 exclusion for his/her “personal identification number (PIN), URL, or application software used
 7 for utility, banking, retail, or medical purposes” because of ambiguity regarding activities that
 8 have a “utility, banking, retail, or medical” purpose. Many news and current affairs websites
 9 have collections of health-related articles and links, as do the government-operated websites at
 10 the National Library of Medicine³⁴ and the National Institutes of Health,³⁵ and privately-
 11 operated websites such as WebMd.com or FamilyDoctor.org and those operated by many
 12 health insurers and hospitals;³⁶ are usernames or other identifiers used at sites like these in
 13 order to, *e.g.*, research a family member’s symptoms, or explore treatment alternatives for
 14 specific diseases or conditions, or to obtain information about the current state of Zika virus
 15 prevention or other medical problems in developing countries, or to post a question about pain
 16 management to an online “support group” discussion forum, . . . , being used for a “medical
 17 purpose”? Similarly, is a registrant who registers usernames in order to obtain information
 18 from potential lenders about available mortgages, or who investigates competing interest rates
 19 for Certificates of Deposits, acting with a “banking” purpose? In my opinion, these questions
 20 cannot be answered on the basis of the statutory language and the common meaning of the
 21 terms used.

22 Finally, a reasonable Internet user would not understand the requirement to disclose
 23 “all website uniform resource locators (URLs) . . . used for Internet communication . . . *through*
 24 *electronic mail, chat, instant messages, social networking, social gaming, or other similar*
 25 *programs* . . .” To begin with, it is unclear what constitutes a “similar program.” Website URLs
 26 are generally used for Internet communication by entering the URL in an Internet “browser”
 27 (such as Chrome, Internet Explorer, or Safari); are web browsing programs sufficiently “similar”
 28 to electronic mail or social networking programs to be covered by the statutory requirement?
 29 In my opinion, it is not possible to give a reasonable answer to that question. In addition, the
 30 syntax used in this provision – which speaks of URLs being used “through” programs of various

³⁴ [Http://www.ncbi.nlm.nih.gov/pubmed](http://www.ncbi.nlm.nih.gov/pubmed).

³⁵ [Https://www.nih.gov/health-information](https://www.nih.gov/health-information).

³⁶ See, *e.g.*, <http://www.cigna.com/healthwellness>; <https://www.aetna.com/individuals-families.html>;
https://healthy.kaiserpermanente.org/health/care/consumer/health-wellness/conditions-diseases/health-encyclopedia?kp_shortcut_referrer=kp.org/health.

1 kinds – is not consistent with any usage regarding Internet activities and Internet technology
2 with which I am familiar, and it is accordingly difficult if not impossible to assign a clear meaning
3 to the phrase.

4 **The Burdens on Registrant Speech**

5 However these statutory ambiguities are resolved, it is my opinion that the statutory
6 disclosure requirements impose a substantial and significant burden on registrants' ability to
7 access Internet resources and to participate in Internet-based activities.

8 As discussed above, see pp. 11-14 *infra*, millions of websites, blogs, etc. require a user to
9 establish some sort of an identity or account – generally involving at the very least the choice of
10 a “username” – in order to (passively) access the information contained on the site, and/or to
11 (actively) contribute information/speech to the site. Casual Internet users might easily
12 encounter dozens of such sites every day; people working in more intensive Internet-related
13 industries could easily encounter scores or even hundreds of them.

14 To comply with the disclosure requirements for Internet identifiers, a registrant must
15 document and submit each distinct identifier he/she uses, including:

16 A transient screen name in a customer support chat;

17 A temporary username or access code enabling participation in an Internet
18 conference call or virtual meeting;

19 A screen name used for expressive purposes in the context of a discussion of
20 political or current events discussion,

21 A username required by a website operated by a customer or a competitor to
22 which the registrant was directed for some legitimate business purpose;

23 A username required for accessing information at a music- or video-sharing
24 website;

25 A temporary forwarding email alias automatically assigned by a classified ad
26 service.

27 Documenting all such information will be difficult and time-consuming even for casual
28 Internet users, and considerably more so for those individuals working in more technology-
29 intensive sectors of the economy. As a result, it may deter registrants from participating in
30 online communications so as to avoid the burden of reporting on such activities or facing
31 criminal penalties for failing to do so.

1 The statutory requirement that all Internet identifiers must be disclosed “*before using*”
 2 such identifiers substantially exacerbates this burden. Considerable research has confirmed the
 3 common sense notion that interposing additional required steps *before* speech can take place
 4 will cause many registrants to forego some speech entirely; research has shown that users react
 5 to The need to inform the FDLE of the intended use of a particular identifier will undoubtedly
 6 cause registrants to miss opportunities that come and go while the registrant is communicating
 7 with the FDLE. This requirement will also likely eliminate much of what the Supreme Court has
 8 called “spontaneous speech”³⁷ – unexpected, unanticipated, spur-of-the-moment speech - by
 9 interposing the extra step of FDLE notification/registration before such speech can be
 10 expressed.

11 And the Revised Definition imposes severe additional burdens on registrants. Casual
 12 Internet users may visit dozens, or hundreds, of websites each day and, in the course of
 13 following the hyperlinks encountered at those websites, could encounter many times that
 14 number of different URLs.³⁸ Keeping track, recording, and transmitting to FDLE each of those
 15 URLs would constitute a substantial burden on registrants, and would render the Internet
 16 virtually unusable as a practical matter, especially for the many people whose job requires the
 17 ability to access Internet resources.

18 For example, a simple search for a single airline reservation on any of the
 19 commonly used travel websites (e.g., travelocity.com, expedia.com) could
 20 involve dozens of different URLs, as the user is directed to different pages
 21 containing relevant information about fares on different airlines, ticket

³⁷ *Watchtower Bible & Tract Soc’y of N.Y., Inc. v. Vill. of Stratton*, 536 U.S. 150, 167-68 (2002)

³⁸ A “Uniform Resource Locator,” or “URL,” refers to a standardized means of referencing the location of any Internet resource. It is most commonly used for files accessible over the World Wide Web. The standard format is:

[a] the protocol used to access the resource (such as “http” for the World Wide Web, “ftp” for resources accessible via the file transfer protocol, “news” for resources accessible within Internet newsgroups);

[b] the domain name of the server on which the resource is located; and

[c] the directory path to the resource on that server.

See <http://techterms.com/definition/url>; https://en.wikipedia.org/wiki/Uniform_Resource_Locator; <https://docs.oracle.com/javase/tutorial/networking/urls/definition.html>

Each of those listed citations – that is, <http://techterms.com/definition/url>, https://en.wikipedia.org/wiki/Uniform_Resource_Locator, and <https://docs.oracle.com/javase/tutorial/networking/urls/definition.html> - is itself a URL; the protocol specified in each case is the http protocol (for the World Wide Web); the domain name of the server is techterms.com, en.wikipedia.org, or docs.oracle.com; and the directory path to the file in question is definition/url in the first case, wiki/Uniform_Resource_Locator in the second, and [javase/tutorial/networking/urls/definition.html](https://docs.oracle.com/javase/tutorial/networking/urls/definition.html) in the third.

1 restrictions, baggage policies, and the like. During the first five minutes of a
 2 recent routine search for roundtrip flights between New York and Miami, I
 3 accessed the following URLs, simply by following the links provided in the
 4 content that the website transmitted to me:

5 <https://www.travelocity.com/Flights>

6 [https://www.travelocity.com/Flights-
 7 Search?trip=roundtrip&leg1=from:New%20York,%20NY,%20United%20St
 8 ates%20\(NYC-
 9 All%20Airports\),to:MIA,departure:07/16/2016TANYT&leg2=from:MIA,to:
 10 New%20York,%20NY,%20United%20States%20\(NYC-
 11 All%20Airports\),departure:07/19/2016TANYT&passengers=adults:2,childr
 12 en:0,seniors:0,infantinlap:Y&mode=search](https://www.travelocity.com/Flights-Search?trip=roundtrip&leg1=from:New%20York,%20NY,%20United%20States%20(NYC-All%20Airports),to:MIA,departure:07/16/2016TANYT&leg2=from:MIA,to:New%20York,%20NY,%20United%20States%20(NYC-All%20Airports),departure:07/19/2016TANYT&passengers=adults:2,children:0,seniors:0,infantinlap:Y&mode=search)

13 [https://www.travelocity.com/Flights-
 14 Search?trip=roundtrip&leg1=from:New%20York,%20NY,%20United%20St
 15 ates%20\(NYC-
 16 All%20Airports\),to:MIA,departure:07/16/2016TANYT&leg2=from:MIA,to:
 17 New%20York,%20NY,%20United%20States%20\(NYC-
 18 All%20Airports\),departure:07/19/2016TANYT&passengers=adults:2,childr
 19 en:0,seniors:0,infantinlap:Y&mode=search#departingModuleIndex=2&le
 20 g=1](https://www.travelocity.com/Flights-Search?trip=roundtrip&leg1=from:New%20York,%20NY,%20United%20States%20(NYC-All%20Airports),to:MIA,departure:07/16/2016TANYT&leg2=from:MIA,to:New%20York,%20NY,%20United%20States%20(NYC-All%20Airports),departure:07/19/2016TANYT&passengers=adults:2,children:0,seniors:0,infantinlap:Y&mode=search#departingModuleIndex=2&leg=1)

21 [https://www.expedia.com/Flights-
 22 Search?AFFLID=A.FLT+%3A+NYC+%3A+MIA&mode=search&paandi=true
 23 &leg1=from%3ANYC%2Cto%3AMIA%2Cdeparture%3A7%2F16%2F2016T
 24 ANYT&passengers=children%3A0%2Cadults%3A2%2Cseniors%3A0%2Cinf
 25 antinlap%3AY&trip=roundtrip&leg2=from%3AMIA%2Cto%3ANYC%2Cdep
 26 arture%3A7%2F19%2F2016TANYT&options=sortby%3Aprice&AFFCID=US
 27 .SRCOMP.INTENT-MEDIA.CHECK-RATES.FLIGHT&](https://www.expedia.com/Flights-Search?AFFLID=A.FLT+%3A+NYC+%3A+MIA&mode=search&paandi=true&leg1=from%3ANYC%2Cto%3AMIA%2Cdeparture%3A7%2F16%2F2016TANYT&passengers=children%3A0%2Cadults%3A2%2Cseniors%3A0%2Cinfantinlap%3AY&trip=roundtrip&leg2=from%3AMIA%2Cto%3ANYC%2Cdeparture%3A7%2F19%2F2016TANYT&options=sortby%3Aprice&AFFCID=US.SRCOMP.INTENT-MEDIA.CHECK-RATES.FLIGHT&)

28 <https://flights.expedia.com/>

29 [https://www.expedia.com/Flights-
 30 Search?langid=1033&trip=roundtrip&leg1=from:New%20York,%20NY,%2
 31 0United%20States%20\(NYC-
 32 All%20Airports\),to:Miami,%20FL,%20United%20States%20\(MIA-
 33 Miami%20Intl.\),departure:7/29/2016TANYT&leg2=from:Miami,%20FL,%2
 34 0United%20States%20\(MIA-
 35 Miami%20Intl.\),to:New%20York,%20NY,%20United%20States%20\(NYC-](https://www.expedia.com/Flights-Search?langid=1033&trip=roundtrip&leg1=from:New%20York,%20NY,%20United%20States%20(NYC-All%20Airports),to:Miami,%20FL,%20United%20States%20(MIA-Miami%20Intl.),departure:7/29/2016TANYT&leg2=from:Miami,%20FL,%20United%20States%20(MIA-Miami%20Intl.),to:New%20York,%20NY,%20United%20States%20(NYC-)

[All%20Airports\),departure:8/5/2016TANYT&passengers=children:0,adults:2,seniors:0,infantinlap:N&options=cabinclass:economy,sortby:price&mode=search&paandi=true](#)

[https://www.expedia.com/Flights-Search?langid=1033&trip=roundtrip&leg1=from:New%20York,%20NY,%20United%20States%20\(NYC-All%20Airports\),to:Miami,%20FL,%20United%20States%20\(MIA-Miami%20Intl.\),departure:7/29/2016TANYT&leg2=from:Miami,%20FL,%20United%20States%20\(MIA-Miami%20Intl.\),to:New%20York,%20NY,%20United%20States%20\(NYC-All%20Airports\),departure:8/5/2016TANYT&passengers=children:0,adults:2,seniors:0,infantinlap:N&options=cabinclass:economy,sortby:price&mode=search&paandi=true#departingModuleIndex=10&leg=1](#)

[http://www.airkt.com/res/show.php?s=77b55f3926654b69&e=b83f49e547b6fc00&pg=f&n=1&comp=n&search=start](#)

[https://www.expedia.com/Flight-Search-Details?c=07e9032d-5b9c-4c81-aae5-481f9fd9f2cc&tripId0=152&tripId1=2763&leg1=NA&leg2=NA&xsellchoice=showhotelbanneronly&addHotelPackage=false&isSplitTicket=true](#)

[https://www.expedia.com/Flights-BagFees?originapt=LGA&destinationapt=MIA&cabinclass=3&mktgcarrier=AA&opcarrier=&farebasis=VA14ZNJ1&bookingclass=V&travelDate=2016-07-29&flightNumber=1410](#)

[https://www.aa.com/i18n/travel-info/baggage/checked-baggage-policy.jsp](#)

[https://www.aa.com/i18n/travel-info/at-the-airport.jsp](#)

[https://www.flyfrontier.com/optional-services](#)

[https://www.flyfrontier.com/ways-to-save/online-deals/](#)

[https://www.expedia.com/rewards/credit_card?rfr=Flights.Details.CCOffer&citiCode=3VC](#)

A similarly long and cumbersome list of URLs “used for Internet communication” accessed will be generated by any number of other simple activities on the World Wide Web.

1 A user could easily generate 50 or 100 different URLs in 10 minutes of searching, say, for books
 2 on “the history of American law” at Amazon.com or eBay.com, or for judicial opinions on “the
 3 right to anonymous communication” at Lexis.com, Westlaw.com, or some other legally-
 4 oriented website.

5 And the requirement that these URLs be disclosed *before use* is not merely difficult but
 6 impossible to comply with. The structure of the World Wide Web, and the use of “hyperlinks”
 7 to navigate between different websites and web resources, means that users do not and
 8 cannot know in advance the URLs of the web pages that they access.

9 One court described that burden as follows:

10 Assume Doe has a business selling “widgets.” To promote his business, Doe has
 11 an Internet site entitled “Doe’s Widgets.” Because the market for “widgets” is
 12 driven largely by price and prices fluctuate daily, and because Doe has a sweet
 13 deal with a manufacturer, he markets his “widgets” by claiming to beat anyone’s
 14 prices. Each day, as the market fluctuates, Doe uploads a new price sheet with
 15 that day’s “best” prices. He also frequently adds testimonials from companies
 16 that have bought his “widgets.” Doe processes orders on the site and responds
 17 to customer complaints. Under the statute, each time Doe would try to market
 18 his “widgets” on his Internet site by adding content to the site, he would be
 19 obligated to tell [State officials] when and where he made that effort.³⁹

20 This burden is so onerous, in my opinion, that implementation and enforcement of the
 21 Revised Definition on October 1, 2016 will have a crippling effect on any attempt by a covered
 22 registrant to operate, manage, or work for, an Internet-based business.

23 The disclosure requirements burden registrant speech on the Internet quite apart from
 24 the practical impediments the statute imposes upon registrants in regard to participating in
 25 lawful and legitimate Internet-based speech. Though the statute does not expressly prohibit or
 26 limit any speech that registrants may choose to engage in, it does make possible the monitoring
 27 and surveillance of a wide range of registrant communication by law enforcement officials
 28 without any judicial supervision (e.g. warrant or subpoena) or notice to the registrant.

29 For example, suppose an individual by the name of James Jones, having chosen
 30 the username “FloridaResident2016,” posts a comment to an article posted at
 31 the washingtonpost.com website. Although persons reading the post have no

³⁹ *Doe v. Nebraska*, 898 F.Supp.2d 1096, 1121 (D. Neb. 2012).

1 means by which they can associate Mr. Jones with “FloridaResident2016” or
 2 know that he accesses or comments upon material at the site.

3 His identity as the author of the comment is not, however, irretrievably shielded
 4 from disclosure. The website operator may possess the information linking Mr.
 5 Jones to that particular username (as a result of having collected that
 6 information as part of its registration process); alternatively, one can determine
 7 that Jones was the author of the posting by matching the IP Addresses assigned
 8 to Jones by his ISP, recorded in the ISPs log files, with the IP Address used by the
 9 poster of the comment (recorded in the Washingtonpost.com log files). In the
 10 proper case, courts can and do issue orders requiring those entities (*i.e.*, Jones’
 11 ISP and the operator of the Washingtonpost.com website) to turn over the
 12 relevant files to law enforcement officials – or, even, to private plaintiffs (who
 13 have alleged, for example, that the posting was defamatory, or contained
 14 copyright-infringing material). In all such cases, however, courts require the
 15 requester provide some reason for believing that unlawful or tortious activity
 16 had taken place before the order will issue.

17 If Mr. Jones is covered by the Florida SORNA disclosure requirements, however,
 18 FDLE agents, and any persons with whom FDL has shared Jones’ Internet
 19 identifier disclosures, knowing the username that he uses at that website, can
 20 easily search the site and retrieve all of FloridaResident2016’s postings, knowing
 21 that Mr. Jones was the author of each of them. This is true even though those
 22 individuals have no evidence, or even suspicion, that Jones’ comments are in any
 23 respect wrongful or tied in any way to wrongful conduct.

24 One recent study shows that sex offender registrants are indeed subject to higher levels
 25 of law enforcement surveillance and monitoring as a consequence of the compelled disclosure
 26 of their online identities to law enforcement,⁴⁰ and many studies have demonstrated that
 27 people are significantly less likely to engage in speech of all kinds if they reasonably fear that
 28 their communications are being monitored.⁴¹ For obvious reasons, this is especially true for
 29 speech on matters of public controversy or that touches on private, personal concerns.

⁴⁰ See Letourneau, E. J., & Armstrong, K. S., “Recidivism rates for registered and nonregistered juvenile sexual offenders. *Sexual Abuse: A Journal of Research and Treatment*, 20, 393-408 (2008); Letourneau, E. J., et al., “The influence of sex offender registration on juvenile sexual recidivism. *Criminal Justice Policy Review*, 20, 136-153 (2008).

⁴¹ See Penney, “Chilling Effects: Online Surveillance and Wikipedia Use,” Berkeley J. Law & Tech. (forthcoming 2016) (available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2769645), and studies cited therein; see

1 The statutory disclosure regime increases the likelihood that registrants will be the
 2 target of threats, harassment, and/or physical intimidation as a consequence of the compelled
 3 disclosure of their Internet identifiers, by law enforcement officials and/or private parties. The
 4 absence of any meaningful controls on disclosure by FDLE of Internet identifier information, see
 5 pp. 4-5 *infra*, means that a reasonable registrant should assume that his/her Internet identifiers
 6 have been provided to third parties or otherwise compromised. This raises a significant
 7 possibility that registrants – who are members of a population particularly susceptible to
 8 threats, harassment, and/or physical intimidation⁴² – will decline to participate in online speech
 9 because of a reasonable fear that third parties will be able to unmask their identity as a sex
 10 offender. And studies have shown that many people may engage in *online* harassment and
 11 intimidation (“cyber-bullying”) even if they are not willing to do so in face-to-face encounters.⁴³
 12 Thus the public disclosure of Internet identifiers opens up the possibility of harassment over
 13 and above that which may result from publication of physical addresses.

14 **The Burdens on Anonymous Speech and Association**

15 Anonymous speech has long contributed to important public discourse in this country,
 16 beginning even before the 1789-90 publication, by an author known only as “Publius,” of the
 17 “Federalist Papers,” urging ratification of the recently-drafted Constitution of the United States.
 18 The Supreme Court has recognized that anonymous speech is “not a pernicious, fraudulent
 19 practice, but an honorable tradition of advocacy and of dissent” and a “a shield from the
 20 tyranny of the majority [that] exemplifies the purpose behind the Bill of Rights, and of the First

also Kopstein, “Lack of Privacy has Chilling Effect, U.S. Department of Commerce Says,” available at
http://motherboard.vice.com/en_uk/read/lack-of-online-privacy-has-chilling-effect-us-department-of-commerce-says
 (reporting on preliminary results of 2016 study by the National Telecommunications and Information
 Administration showing that the “constant threat of breaches, surveillance, and online data collection stopped
 almost half of American households from doing business and expressing opinions online last year”).

⁴² Examples are unfortunately legion of persons being harassed because of their actual or perceived placement on
 sex offender registration lists. See, e.g., John T. McQuiston, Sex Offender Is Suing His Neighbors Over Protests, N.Y.
 Times, June 20, 1997 (reporting neighbors protesting at registrant’s home and throwing brick threw his car
 window); Darran Simon, Sex Offender Sues Suffolk, Monitoring Group Over ‘Harassment’, Newsday, Mar. 1, 2016
 (reporting lawsuit over unauthorized interrogations of sex offender by nonprofit contracted by Suffolk County);
 “Alabama Strengthens Restrictions on Sex Offenders,” 119 Harv. L. Rev. 939, 946 (2006)(“[T]hose seeking vigilante
 justice have used registries to locate sex offenders and commit violent crimes against them (or against innocents
 living at their reported addresses).”); Carolyn Marshall, “Man Charged in Killings of Sex Offenders,” N.Y. Times,
 Sept. 7, 2005 (detailing killing of two sex offenders by man who found their address on sheriff’s website); Connie
 Piloto, Retarded Man’s Beating Spreads Fear, Dallas Morning News, Oct. 16, 1999 (describing beating of mentally
 retarded Texas man whom perpetrator mistook for sex offender).

⁴³ See Robin M. Kowalski, Susan P. Limber, Sue Limber, Patricia W. Agatston, “Cyberbullying: Bullying in the Digital
 Age” (John Wiley, 2012); Y. Amichai-Hamburger, “The Social Net: Understanding our Online Behavior” (Oxford
 Univ. Press, 2013).

1 Amendment in particular: to protect unpopular individuals from retaliation ---- and their ideas
2 from suppression ---- at the hand of an intolerant society.”⁴⁴

3 There are any number of legitimate and worthwhile reasons why individuals often
4 choose to communicate publicly with others without revealing their true identity.

5 They may worry that their ideas will not be given serious consideration if the
6 source of those ideas is known.⁴⁵

7 They may fear reprisal or harassment, especially if the ideas being expressed are
8 unpopular, or run counter to the majority's deeply held beliefs. It is well-known that the
9 population of previously-convicted sexual offenders covered by the statutory disclosure
10 requirements is especially prone to harassment and reprisals.⁴⁶

11 They may wish to keep their views on personal, religious, or political matters
12 from employers, colleagues, or co-workers, simply out of concern for their personal
13 privacy.

14 They may wish to ensure that those with whom they communicate do not
15 associate their personal views with the views held by their families, by their employers,
16 or by other institutions with which they may be otherwise associated, *e.g.*, an attorney
17 may wish to express his/her views on controversial legal or political matters without
18 fearing that readers would associate those views with the law firm at which he/she may
19 be employed..

20 The disclosure requirements in the current statute substantially diminish the ability of
21 covered registrants to engage in anonymous Internet communication. As discussed above, see
22 pp. 11-14, vast numbers of websites require the use of some user-defined name as a pre-
23 condition to allowing users to post comments, ratings, or engage in any communication with
24 other website users. The disclosure requirements mean that registrants can no longer
25 participate in such communication without revealing their true identity to the FDLE, which will
26 enable the FDLE to “match” individual communications using the chosen username with the
27 identity of the speaker.

⁴⁴ *McIntyre v. Ohio Elections Comm.*, 514 U.S. 334, 357 (1995).

⁴⁵ This, presumably, was the motivating factor in the decision to publish *The Federalist Papers* under a pseudonym, insofar as many readers might have dismissed the views presented there had they known that they were being put forward by individuals (Madison and Hamilton) who had themselves played key roles in drafting the new constitution.

⁴⁶ See note 43, *supra*.

1 The disclosure requirements will also substantially diminish the ability of covered
 2 registrants to *receive* information anonymously. Many websites (see pp. 11-14, *infra*) require
 3 registration and the use of a specific username as a precondition to accessing the information
 4 contained at the site (quite apart from any ability users may have to contribute information at
 5 the site via a comment or chat messaging functionality). These usernames fall reasonably
 6 within the category of names “used for Internet communications” – the communication, in this
 7 case, being in one direction only (website-to-user) – it would appear that they would have to be
 8 disclosed to FDLE under the current statutory requirements, along with the URLs of the
 9 websites at which they were used.⁴⁷ This would in effect preclude registrants from *reading* the
 10 material offered by the website anonymously.

11 The Revised Statute goes even further than this. By requiring disclosure of “all website
 12 uniform resource locators (URLs) . . . used for Internet communication,” the statute appears to
 13 require disclosure of a complete list of the URLs of all websites “visited” or “browsed” by
 14 registrants, *whether or not* those websites require registration or provision of a username or
 15 other identifier. This would, in effect, mean that registrants would no longer be able to retrieve
 16 and read *any* information from the World Wide Web without revealing his/her identity as the
 17 recipient of that information to the FDLE. As many commentators have noted,⁴⁸ a record of the
 18 websites visited by any specific individual can reveal an enormous amount of information about
 19 that individual, such as his/her political views, reading habits, religious affiliations, health
 20 status, and the like, that would otherwise remain private and personal.

21 This is of particular concern for individuals who rely on online anonymous speech to
 22 discuss political issues related to their status as a previously-convicted sexual offender, or who
 23 exercise their right to speak anonymously in order to criticize public officials – activities for
 24 which they have a reasonable fear of retribution were their true identities to be disclosed.

25 Although the statute only requires disclosure of Internet identifiers to the FDLE,
 26 registrants can reasonably fear that the information provided falls into the hands of the
 27 broader public, heightening their fears of retaliation or harassment. The statute does not
 28 contain any provisions requiring the FDLE to maintain the confidentiality of the Internet
 29 identifier information; on the contrary, it provides that FDLE may disclose the information
 30 provided by the sexual offender “to law enforcement agencies,” to “persons who request such

⁴⁷ See discussion at p. 16, line 20 ff.

⁴⁸ See Galicki, “The End of *Smith v. Maryland*: The NSA’s Bulk Telephony Metadata Program and the Fourth Amendment in the Cyber Age,” 52 Am. Crim. L. Rev. 375 (2015); Lederer et al., “Personal Privacy through Understanding and Action: Five Pitfalls for Designers,” Personal Ubiquitous Computing 8: 440-445 (2004); Schwartz, “Property, Privacy, and Personal Data,” 117 Harv. L. Rev. 2056-2128 (2004); Landau, “Control Use of Data to Protect Privacy,” 347 Science 504-06 (2015).

1 information," and "to the public." Nor does it require any persons to whom the information is
2 disclosed to take any particular steps to retain the information in confidence.

3 * * * * *

4 I declare under penalty of perjury that the foregoing is true and correct. I understand
5 that a false statement in this declaration will subject me to penalties for perjury.
6

7 Signed: David G. Post

Date: July 15, 2016

8 David G. Post
9 3225 33rd Place NW
10 Washington DC 20008
11

Appendix to Declaration of David G. Post dated July 15, 2016

David G. Post
3225 33rd Place NW, Washington DC 20008
David.G.Post@gmail.com
<http://www.davidpost.com>

EMPLOYMENT HISTORY

2002 – present	Contributor, The Volokh Conspiracy/Washington Post Online
2015 – 2016	Senior Fellow, New America Foundation/Open Technology Institute
1997 – 2014	Professor of Law, Beasley School of Law, Temple University
2002 – 2004	Columnist, Information Week
1994 – 2000	Columnist, The American Lawyer
1994 - 1997	Associate Professor of Law, Georgetown University Law Center
1993 - 1994	Law Clerk, Justice Ruth B. Ginsburg, U.S. Supreme Court
1987 - 1993	Associate, Wilmer, Cutler & Pickering
1986 - 1987	Law Clerk, Judge Ruth B. Ginsburg, U.S. Court of Appeals
1981 - 1983	Director of Programs, American Anthropological Association
1976 - 1981	Assistant Professor of Anthropology, Columbia University

OTHER PROFESSIONAL AFFILIATIONS

Fellow, Center for Democracy and Technology
Adjunct Scholar, Cato Institute

EDUCATION

J.D. 1986	Georgetown University Law Center <u>summa cum laude</u> , Order of the Coif
Ph.D. 1978	Yale University (Anthropology)
B.A. 1972	Yale College, <u>cum laude</u>

HONORS, AWARDS, NOTABLE ACHIEVEMENTS, ETC.

McGannon Center (Fordham University) Award for Social and Ethical Relevance in Communication Policy Research, 1997 (awarded for “Law & Borders: The Rise of Law in Cyberspace, 48 Stanford L. Rev. 1367 (1996) (co-authored with David Johnson))

“Law and Borders: The Rise of Law in Cyberspace” ranked 2d-most frequently cited intellectual property law review article of all time (*see* Fred Shapiro and Michelle Pearce, “The Most-Cited Law Review Articles of All Time,” 110 Mich. L. Rev 1483, 1494 & 1500 (2012)

Green Bag Award for Exemplary Legal Writing, 2009 (awarded for *In Search of Jefferson ’ s Moose: Notes on the State of Cyberspace*)

Friel-Scanlan Prize for Scholarly Research 2010 (awarded for *In Search of Jefferson ’ s Moose: Notes on the State of Cyberspace*)

District Judge Richard Kopf, in his published opinion striking down various Internet identifier provisions on First Amendment grounds in a case in which I testified as an expert on behalf of the challengers, wrote:

“Professor Post was the most thoughtful and knowledgeable of the experts. I found his discussion of the term “collection of web sites” in relation to Google products particularly helpful. It is worth remembering that I strongly suggested that the parties get together to hire one independent expert. I even suggested the name of an independent scholar of Internet law. The parties did not elect to do so. That was their right. However, candor requires that I state that the defense expert—a former prosecutor—struck me as biased, particularly when compared to Professor Post.”
Doe v. Neb., 898 F. Supp. 2d 1086, 1119 n. 35 (D. Neb. 2012).

EXPERT WITNESS APPEARANCES

Attig v. DRG Inc. et al., (Docket No. 04-CV-03740-JDD) USDC ED PA [2005] [Copyright infringement Action]

Melk et al. v. Pennsylvania Medical Society et al. (Docket No. 08-CV3515 -- U.S. District Court, Eastern District of PA) [2008] [Copyright infringement action]

Gloster et al. v. Jacobs-Meadway et al. (August Term 2004 No. 2049 -- PA Court of Common Pleas) [attorney negligence/copyright and trademark infringement]

John Doe and Jane Doe 1 through 36 et al. v. State of Nebraska et al., (Docket No. 8:09-cv-456 – U.S. District Court, D. Neb) [First Amendment/Internet law]

Warden et al. v Falk et al. (Civil Action 11-cv-02796, United States District Court for the Eastern District of Pennsylvania) [trademark infringement action]

Doe v. Harris, No. C12-5713-TEH (US District Court, ND CA, 2012) [First Amendment/Internet law]

Doe v. Commonwealth of Kentucky (US District Court, ED KY 2014) [First Amendment/Internet law]

State v. Windham, No. DC-13-118C (Montana 18th Judicial District Court, 2015) [Internet law/Privacy law/Criminal procedure]

State v. Bonacorsi, No. 218-2014-CR-01357 (N.H. Superior Court, 2015) [First Amendment/Internet law]

PUBLICATIONS

BOOKS

In Search of Jefferson's Moose: Notes on the State of Cyberspace (Oxford University Press, 2009)

Cyberlaw: Problems of Jurisprudence and Policy in the Information Age (with Paul Schiff Berman, Patricia Bellia, and Brett Frischmann) (West Publishing, 2003; Fourth Edition, 2011)

AMICUS BRIEFS (AUTHORED OR CO-AUTHORED)

Henderson v. United States, US Supreme Court, 2014-15 Term, Amicus Brief submitted on behalf of Institute for Justice

ABC, Inc. et al. v. Aereo, Inc., US Supreme Court, 2013-14 Term, Amicus Brief of 36 IP and Copyright Law Professors, available online at <http://tinyurl.com/p53gnke> (co-authored with James Grimmelmann)

WNET-Thirteen et al v. Aereo, Inc., US Court of Appeals for the 2d Circuit, 2012, Brief of Amici Curiae Intellectual Property and Copyright Law Professors in Support Of Aereo, Inc., available online at <http://www.scribd.com/doc/111298508>

Viacom International, Inc. et al. v. Youtube, Inc. et al., US Court of Appeals for the 2d Circuit, 2012, Brief of Amici Curiae Intellectual Property and Internet Law Professors In Support of Defendants-Appellees And Urging Affirmance, available online at <http://www.scribd.com/doc/109867487> (co-authored with Annemarie Bridy)

Craigslist, Inc. v. Superior Court of California, Supreme Court of California, 2010, Amici Letter Supporting Writ Petition

Nebraska v. Drahota, Supreme Court of Nebraska, 2009, Brief of 13 Amici Curiae Law Professors Urging Certiorari.

The Cartoon Network, Inc. et al., v. CSC Holdings and Cablevision Systems Corp., US Court of Appeals for the 2d Circuit, 2007, Brief of Amici Curiae Law Professors in Support of Defendants-Counterclaimants-Appellants and Reversal, available online at <http://www.scribd.com/doc/239174484>

New York v. Direct Revenue LLC et al., NY Supreme Court, 2006, Brief of *Amicus Curiae* in Support of Neither Party, available online at <http://www.scribd.com/doc/239173866> (co-authored with Eric Goldman and Scott Christie)

SCHOLARLY PAPERS

[Copies available at www.davidpost.com or www.ssrn.com/author=537]

Controlling Internet Infrastructure, Part Two: The IANA Transition and ICANN Accountability, Open Technology Institute/New America Foundation Policy Paper, Sept. 2015
available online at <http://tinyurl.com/okzxp7b>

Internet Infrastructure and IP Censorship
IP Justice Publication Series "Internet Governance and Online Freedom," No 1
available online at <http://www.ipjustice.org/digital-rights/internet-infrastructure-and-ip-censorship-by-david-post/>

Controlling Internet Infrastructure, Part One - The IANA Transition: What it is, and Why it Matters for the Future of the Internet.
Open Technology Institute/New America Foundation Policy Paper, April 2015
available online at <http://www.newamerica.org/oti/controlling-internet-infrastructure/>

Orwell's Metaphors

U. Chi. L. Rev. online (2013), available online at <http://tinyurl.com/asn4t58>

SOPA and the Internet

In *Copyright Unbalanced: From Incentive to Excess*, J. Brito ed. (Mercatus Press, 2012)

The Challenge(s) of Cyberlaw

In *Transnational Culture in the Internet Age*, S. Pager and A. Candeub, eds (Edward Elgar, 2012), available online at <http://www.scribd.com/doc/111216945>

Don't Break the Internet (with Mark Lemley and David Levine)

64 Stan L. Rev. Online 34 (2011)

SOPA and the Future of Internet Governance.

<http://verdict.justia.com/2012/02/13/sopa-and-the-future-of-internet-governance>

Sex, Lies, and Videogames: *Brown v. Entertainment Merchants Association*
2011 Cato Sup. Ct. Rev 27 – 56 (2011)

The Theory of Generativity
78 Fordham L Rev 2755 (2010)

Sending out an SOS (with Duncan Hollis)
National Law Journal, April 26 2010, available online at
<http://www.scribd.com/doc/238412883>

Governing Cyberspace: Law
24 Santa Clara High Tech. L.J. 883 (2008)

The Great Debate: Law in the Virtual World (with David R. Johnson)
“First Monday,” vol. 11 number 2 (Feb. 2006)
URL: http://www.firstmonday.org/issues/issue11_2/post/index.html

‘Nice Questions’ Unanswered: *Grokster*, *Sony*’s Staple Article of Commerce Doctrine, and the
Deferred Verdict on Internet File Sharing (with Timothy Sandefur and Annemarie Bridy)

2004-05 Cato Supreme Court Review (2005)
URL: <http://www.cato.org/pubs/scr/2005/grokstersonyfilesharing.pdf>

ICANN Governance: A Commentary on the ICANN ‘Blueprint’ for Reform (with Susan R.
Crawford and David R. Johnson)
36 Loy. L.A. L Rev. 1127 (2003)

Against ‘Against Cyberanarchy’
17 Berkeley Technology Law Journal 1363 (2002)
reprinted in “Who Rules the Net?,” W. Crews and A. Thierer, eds (Cato Institute, 2003)

His Napster’s Voice
20 Temple Env. & Tech. L.J. 35 (2002).
reprinted in “Copy Fights: The Future of Intellectual Property in an Information Age,”
W. Crews and A. Thierer, eds (Cato Institute, 2002)
reprinted in Mots Pluriels, special edition (“The Net: New Apprentices and Old Masters”)
No 18 (August 2001)
URL: <http://www.arts.uwa.edu.au/MotsPluriels/MP1801index.html>

‘The Free Use of Our Faculties’: Jefferson, Cyberspace, and the Languages of Social Life
49 Drake L. Rev. 407 (2001)

What Larry Doesn’t Get: Code, Law, and Liberty in Cyberspace
52 Stan. L. Rev. 1439 (2000)

How Long is the Coastline of the Law? Thoughts on the Fractal Nature of Legal Systems (with
Michael B. Eisen)
29 Journal of Legal Studies 545 (2000)

Of Horses, Black Holes, and Decentralized Law-Making in Cyberspace
2 Vanderbilt Journal of Entertainment Law and Practice 70 (2000)

Anonymous Political Speech (with Dawn C. Nunziato)
Encyclopedia of the American Constitution (1999)

Symposium: The Internet and Legal Theory (Co-Editor with Lisa Bernstein)

73 Chicago-Kent Law Review No. 4 (1998)

'Chaos Prevailing on Every Continent': a New Theory of Decentralized Decision-making in
Complex Systems (with David R. Johnson)
73 Chicago-Kent Law Review 1055 (1998)

The 'Unsettled Paradox': the Internet, the State, and the Consent of the Governed
5 Indiana J. Global Leg. Stud. 521 (1998)

The New Civic Virtue of the Internet: Lessons from a Model of Complex Systems for the
Governance of Cyberspace (with David R. Johnson)
In The Emerging Internet (1998 Annual Review of the Institute for Information Studies)
(C. Firestone, ed. 1998)

Governing Cyberspace
43 Wayne L. Rev. 155 (1997)

Law & Borders: The Rise of Law in Cyberspace
48 Stanford L. Rev. 1367 (1996) (with David R. Johnson)
Version published as "Law & Borders," Esther Dyson's Release 1.0, June,
19, 1996

Version published as "The Rise of Law in Cyberspace," in Borders in
Cyberspace, Brian Kahin and Charles Nesson, eds., MIT Press, 1997

[Winner of the 1997 McGannon Center Award for Social and Ethical
Relevance in Communication Policy Research]

And How Shall the Net Be Governed? A Meditation on the Relative Virtues of Decentralized,
Emergent Law
In Coordinating the Internet, Brian Kahin and James Keller (eds.), MIT Press, 1997

Issues, Outcomes, Guidance, and Indeterminacy: A Reply to Professor Rogers
49 Vand. L. Rev 1069 (1996) (with Steven C. Salop)

Pooling Intellectual Capital: Anonymity, Pseudonymity, and Contingent Identity in Electronic
Communities
1996 University of Chicago Legal Forum 139

Anarchy, State, and the Internet
Journal of Online Law, vol. 1 issue 1 (1995)

Rowing against the Tidewater: A Theory of Judging for Multi-Judge Panels (with Steven Salop)
80 Georgetown Law Journal 743 (1992)

SELECTED OTHER PUBLICATIONS

The Continuing Saga of Thomas Jefferson and the Net
<http://cdt.org/blogs/continuing-saga-thomas-jefferson-and-net> [Feb. 2011]

Flame On: The State of Nature and the First Internet War
Reason, April 1996, pp. 28-33

Privacy, Technology, Law (review of Technology and Privacy: The New Landscape (Philip E. Agre and Marc Rotenberg, eds.)
Jurist Books-on-Law vol 1 no.3 (June 1998)
URL: <http://jurist.law.pitt.edu/lawbooks/archive.htm>

The Impact of 'Grokster'
National Law Journal August 3, 2005, p. 10.

Free Culture vs. Big Media (review of Lawrence Lessig's 'Free Culture')
Reason (Nov. 2004)
URL: <http://www.reason.com/0411/cr.dp.free.shtml>

Jefferson Ascendant
URL: http://www.eff.org/pub/Infrastructure/jefferson_ascendant_post_eff.article

Comments on Uniform Dispute Resolution Policies and Rules
URL: <http://www.icannwatch.org/archives/essays/939754407.shtml>

When Cheating Is Cause for Celebration
The Washington Post, November 24, 1997 p. A25

Computer Viruses: Legal and Policy Issues Facing Colleges and Universities (with David Johnson and Thomas P. Olson)
Educ. L. Rep., Sept 14, 1989 and J. Prop. Rights, Feb. 1990

Decision Analysis: Using Risk Analysis in Litigation (with Ron Friedmann)
Legal Technology Newsletter, Dec 1990

Colleagues Exchange: An Electronic Marketplace for Legal Services (with David Johnson & Ron Friedmann)
Corporate Legal Times March 1992

Overdue Process (Review of Richard Posner's 'Overcoming Law')
Reason, July 1995, pp. 65-67.

"On the Horizon" – a monthly column in InformationWeek (with Bradford Brown)

Peer Production (Jan 7, 2002)
The New Old Thing (January 14, 2002)
Who Controls Internet Content, Anyway? (Feb 25, 2002)
Cyber-Protection's Murky Waters Run Deep (March 18, 2002)
Thorny Issues Surround Hyperlink Ownership (April 22, 2002)
When Do Cyber-Crooks Become Terrorists (May 13, 2002)
Confusion Reigns Where Law Meets Cyberspace (June 24, 2002)
Companies Must Protect Their Employees' Info, Too (July 29, 2002)
Let's Get Going with Simple and Affordable Broadband [September 2, 2002]

Just who Benefits from 20 More Years? [October 7, 2002]
The Internet and the 21st Amendment [November 25, 2002]
Your Right to Remain Anonymous is Eroding [December 9, 2002]
Your Computer Could Help Fight Terrorism [March 10, 2003]
The Next Small Thing? No, in a Word [April 14, 2003]
The Slingshot of Information Freedom [June 9, 2003]
Let's Talk Jump-Starts, Not Caution [July 7, 2003]
No Cyber-Trespassing Here [Sept. 8, 2003]
When a Service is More than a Service [Oct. 27, 2003]
It's A Matter of Faith [Nov. 2003]
Outsourcing Deserves Policy Discussion [November 17, 2003]
Three Cheers for Free Trade [Dec. 2, 2003]
Who's Best to Manage Internet Plumbing? [Feb. 9, 2004]

"Plugging In" - a monthly column on law and technology, The American Lawyer

Demystifying the Internet (October 1994)
Ode to the 'Virtual Water Cooler' (November 1994)
Encryption: It's Not Just for Spies Anymore (December 1994)
Encryption vs. the Alligator Clip (January 1995)
E-Cash: Can't Live With It, Can't Live Without It (March 1995)
The Technology Trap (April 1995)
New Wine, Old Bottles: The Case of the Evanescent Copy (May 1995)
New Age Networking (June 1995)
New Rules for the Net? (July 1995)
Online Libel (September 1995)
Hansel and Gretel in Cyberspace (October 1995)
Technology and the Meaning of Life (November 1995)
'Knock, Knock: Who's There?' Anonymity and Pseudonymity in
Cyberspace (December 1995)
Copyright and Free Expression: Battle or Dance? (January 1996)
The Law is Where You Find It (March 1996)
'Clarifying' the Law of Cyberspace (April 1996)
A Domain by Any Other Name (May 1996)
Virtual Magistrates, Virtual Law (July 1996)
Understanding the Techno Evolution (September 1996)
How Shall the Net be Governed? (October 1996)
The Case of Virtual Junk Mail (November 1996)
A Net Squeeze on the Middleman (December 1996)
Staking a Claim on Information (January 1997)
The Taxman Cometh (March 1997)
Drawing the Line of Jurisdiction (May 1997)
Betting on Cyberspace (June 1997)
The Link to Liability (July-August 1997)
Who Has Dominion over Domain Names? (September 1997)
Privacy, Property, Cyberspace (November 1997)
Brave New Classrooms (Jan-Feb 1998)
Has Cyberspace Law Come of Age? (April 1998)
Opening Up Windows (June 1998)
Gambling on Internet Laws (September 1998)
Cyberspace's Constitutional Moment (November 1998)
Napster, Jefferson's Moose, and the Law of Cyberspace (May 2000)

Juries and the New Common Law of Cyberspace (Sept. 2000)

Complete and add the following information in order to register a new account.

Account Type: ☐ E-Mail ☒ Internet Identifier

Account Name:

Confirm Account Name:

Add Account

Provider
(Internet
Identifier
only):
Other
Provider:

AOL/AIM
Badoo
Classmates.com
eHarmony
Facebook
Formspring
Google Hangouts/Talk
Google+
Habbo
ICQ
IMVU
Instagram
Jabber
LinkedIn
Match.com
MeetMe
MSN/Windows Live Messenger
MyLife
MySpace IM
PalTalk
PlentyofFish
SameTime
Skype
SnapChat
Tagged
Tumblr
Twitter
Vine
WhatsApp
Yahoo
Zoosk
Other