

**THE THREE R'S OF THE
SEX OFFENDER REGISTRY...
RISK, RECIDIVISM AND REALITY**

*Professional Advisory Board
to the Coalition for a Useful Registry*

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**Mission Statement of the Coalition
for a Useful Registry**

The mission of the Coalition for a Useful Registry is to promote constructive changes to sex offender policies that:

- Enhance public safety
- Reduce public costs
- Utilize evidence-based methods for prevention of sexual abuse
- Recommend a multidisciplinary approach to rehabilitation
- Reduce the over-inclusion of juvenile, disabled, and low-risk offenders on the registry

The Coalition strives to make the Sex Offender Registry and related policies more meaningful and useful for everyone.

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Professional Advisory Board To the Coalition for a Useful Registry

This multidisciplinary group of professionals review issues related to sexual offender laws and policies. PAB members represent:

- Adult Sexual Offender Treatment
- Juvenile Sexual Offender Treatment
- Social Work
- Psychology
- Forensic Psychology
- Medicine
- Circuit Court Judicial System
- Family Court Judicial System
- Adult Probation & Parole
- Juvenile Probation
- Victim Advocacy
- Juvenile Advocacy
- Learning Disabilities Advocacy
- School Social Work
- Criminology
- Education
- Research
- Law Enforcement
- Prosecution
- Adult Criminal Defense
- Juvenile Criminal Defense
- Foster Care
- Corrections System
- Employment/Job Placement Programs
- Faith Based Community
- Rehabilitation Services
- Public Policy

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How Many Registrants are on Michigan's Sex Offender Registry?

- A. 10,900
- B. 20,138
- C. 27,639
- D. 43,613

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True or False?

Sex Offenders have high rates of recidivism and are most likely to reoffend.

False:

“Sex offenders were less likely than non-sex offenders to be rearrested for any offense [sexual or non-sexual]”.

(USDOJ, 2007)

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Contrary to some strongly held beliefs, research indicates:

“Most sexual offenders do not re-offend sexually over time...After 15 years, 73% of sexual offenders had not been charged with, or convicted of, another sexual offense”.

More importantly, not all sexual offenders are equally likely to re-offend”. (Harris & Hanson, 2004)

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True or False? Research Indicates that Registration Reduces Recidivism

False:

“Researchers in the state of Iowa compared sex offenders involved in the criminal justice system prior to the enactment of the state’s registration statute with sex offenders who were involved in the system after the registration statute was enacted. No significant differences were revealed for sexual recidivism (i.e. reconviction) after a more than 4 year follow-up period.” (Adkins, Huff, & Stageberg, 2000; CSOM, 2007)

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Why does Michigan Have so Many People Listed?

- ✓ Michigan’s registry is strictly based on offense and NOT risk assessment or likelihood to re-offend.
- ✓ 200 new registrants are added each month. (McTavish, 2005)
- ✓ Michigan’s registration periods are lengthy - either 25 years or life.
- ✓ Young people who were assigned under the Holmes Youthful Trainee Act prior to 10/01/2004, and after successful completion have no criminal record, remain on the registry, while those assigned after 10/01/2004 are not required to register on the sex offender registry.
- ✓ Persons whose criminal record was expunged remain on the registry.

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**Also, Michigan's Registerable
Criminal Sexual Conduct Offenses
Include...**

Age-only offenses where the relationship is consensual.

Other nonviolent and victimless crimes.

Children adjudicated for a criminal sexual misconduct charge are placed on the registry because Michigan's has no minimum age requirement.

**Unintended Consequences of Sex
Offender Registry Laws**

Registrants are restricted from living in certain areas and have difficulty finding housing, affecting their access to a stable environment.

Homeless shelters often refuse registrants because of proximity to a school or fear of losing federal funding.

Lack of housing causes isolation, hindering a registrant's ability to access rehabilitative services and engage with proper role models and form appropriate legal behavior.

There are a Myriad of Secondary Laws Affecting Registrants

The laws are complex and difficult to interpret, and inconsistently applied throughout the state.

Those listed on the registry have limited educational opportunities. In Michigan, they can't receive federal or state college grants, and registrants are often barred from living on campus.

Registrants are often restricted from participating in school events for their own children, including parent-teacher conferences.

Registrants have a very difficult time finding and keeping jobs. They are prohibited from working in several sectors, such as public schools and nursing homes. Private employers are generally reticent to hire an individual listed on the sex offender registry.

Individuals listed on the registry report being ostracized from their place of worship.

Concerns From the Courts

Penalties for teens should be commensurate with their developmental level. For purposes of criminal sexual conduct crimes (CSC), teens are treated the same as adult offenders in Michigan courts.

Drug Treatment Court not available to persons with CSC convictions.

Some alternative sentencing programs automatically exclude CSC cases. For instance, day parole is prohibited for persons with criminal sexual conduct convictions - even to attend school.

Persons with CSC convictions are generally barred by law from having their records expunged.

Concerns From Probation & Parole

It is difficult to place registrants into appropriate housing and equally difficult to find job placement.

The truly dangerous offenders who rightfully pose a risk to society are generally incarcerated. But because it is impossible to discern from the Sex Offender Registry those who pose great risk, the public believes that everyone on the registry is a violent offender.

Judges should have discretion to determine if an offender is required to register on a case-by-case basis, and the courts, in consultation with the probation and parole professionals, should determine the length of the registration period.

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The Physically and Mentally Disabled

People with disabilities are convicted of criminal sexual misconduct and required to be on the registry without regard to the inherent deficits caused by the disability.

The most appropriate and effective solutions for people with disabilities are generally not addressed inside of the criminal justice system.

The Sex Offender Registry requirements are a heavy and often impossible burden for people with disabilities and no accommodations are available.

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The Value of Professional Risk Assessment

“In many instances, policies and procedures for the management of sex offenders have been driven by public outcry over highly publicized sex offenses. However, criminal justice practitioners must avoid reactionary responses that are based on public fear of this population. Instead, they must strive to make management decisions that are based on the careful assessment of the likelihood of recidivism. The identification of risk factors that may be associated with recidivism of sex offenders can aid practitioners in devising management strategies that best protect the community and reduce the likelihood of further victimization.”

The Center for Sex Offender Management (CSOM), a project of the Office of Justice Programs, U.S. Department of Justice (Bynum, 2001)

Why Michigan should use Risk Assessments...

Contrary to popular belief, all listed sexual offenders do not pose the same risk to the community.

The assessment provides information that can help to determine the appropriate treatment, which is vital to prevent recidivism.

Differential prevention strategies based on risk will improve cost-effectiveness and public safety.

A risk assessment will identify convicted offenders based on their level of risk for re-offending, resulting in a more accurate sex offender registry that discloses those who may pose a threat to public safety.

...Risk Assessments

Performing risk assessments allows for more efficient use of resources by appropriately allocating services to ensure that those with greatest risk receive most intensive supervision.

Assessments must be performed by licensed and trained professionals.

Risk assessments for juveniles differ from adults due to developmental factors.

We All Share a Common Goal...

To enhance public safety by preventing sexual abuse.

However, over labeling of sex offenders is not the answer, and is actually contrary to the goal of public safety.

The answer is to advocate for laws based on evidence based practices that prevent sexual abuse.

Recommendations...

That risk assessments be utilized to determine the appropriate treatment, disposition, and supervision for ALL individuals convicted of a CSC offense.

That appropriate treatment be required for all individuals adjudicated or convicted of a sexual offense.

That the disposition of juveniles aged 14-17 at the time of the offense be based on risk factors assessed after the completion of treatment.

That the Michigan Sex Offender Registry be tiered to reflect the risk levels of those convicted or adjudicated for a CSC offense.

...Recommendations

That individuals meeting the following criteria be removed from Michigan's Sex Offender Registry:

- Those with offenses that have been expunged or set-aside
- Those who successfully completed assignment under the Holmes Youthful Trainee Act.
- Juveniles younger than 14 years old at the time of the offense.

That registrants have the opportunity to periodically request judicial review for removal from the registry based on, in part, an evaluation through a qualified risk assessment.

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For Questions, Comments or to Lend Support

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Or, please talk to the person making this presentation.