



BACKGROUND MATERIAL

June 22, 2026

WRITTEN PUBLIC COMMENTS

Ashlesha Naik

From: Kim Drogosz <[REDACTED]>
Sent: Sunday, May 17, 2026 6:07 PM
To: Arizona Sex Offender Management Board
Subject: Public Request to Speak
Attachments: SpecialCounselingForASD.docx; SOMB 05182026 speech for autism.docx

Categories: Background Material for Board Packet

For the records my speech and recommendation of treatment for Individuals with Autism Spectrum Disorder vs neurotypical.

Thank you

Kim Drogosz

Good Afternoon Chair and Members of the Board,

After attending legislative hearings and speaking with impacted families, treatment providers, attorneys, and individuals involved in the system, I have become increasingly concerned that Arizona's current one-size-fits-all approach to sentencing, supervision, and treatment is failing to distinguish between truly dangerous predatory offenders and individuals whose conduct may be significantly influenced by developmental disabilities, cognitive impairments, social immaturity, and compulsive internet behavior.

We all share the same goal, to reduce risk, improve outcomes, and protect public safety. But when it comes to individuals with lifelong developmental disabilities such as Autism Spectrum Disorder, traditional supervision and treatment models are often ineffective because they fail to account for language-processing deficits, social communication impairments, learning differences, impulse-control challenges, and vulnerability to online manipulation.

Arizona is increasingly facing the intersection of the internet, the criminal justice system, and neurodevelopmental disabilities. Yet many neurodivergent individuals are still being processed under rigid statutory frameworks originally designed for violent and predatory offenders, without meaningful individualized review.

This concern becomes even more serious with laws such as SB1092, which this board opposed, and was signed into law by the governor. This is where legislative overreach begins crossing into the balance of the three equal branches of government.

While these laws are often presented as necessary to protect victims and strengthen public safety, the reality is that they also cast an extremely wide net, one that increasingly captures young individuals with Autism and other developmental disabilities, along with their families. By removing judicial discretion, judges lose the ability to evaluate the full context of a case, including cognitive functioning, developmental impairments, actual risk level, and individualized circumstances.

Far too often, the prosecutor's office may argue that an individual is legally competent, while failing to fully understand the broad spectrum of cognitive functioning and developmental impairments that can exist within Autism and other developmental disabilities.

Competency in the legal sense is a very narrow standard. It does not necessarily measure executive functioning deficits, social comprehension, adaptive functioning limitations, impulse-control challenges, emotional maturity, and susceptibility to manipulation.

This is also an important issue under the Americans with Disabilities Act. Courts, probation systems, and correctional institutions are required to provide meaningful access and nondiscriminatory treatment to qualified individuals with disabilities.

Families across Arizona are deeply concerned that neurodivergent individuals are being placed into treatment tracks and supervision models that were never designed for them.

I respectfully ask this Board to examine how Arizona: identifies, evaluates, supervises, and treats individuals with Autism Spectrum Disorder and other neurodevelopmental disabilities, particularly in internet-related offenses.

Thank you

Kim Drogosz

Treatment

Given the underlying factual scenario, it would be expected that any conditions of supervision, under a pre-trial diversion agreement, for example, would reflexively call for a sex offender treatment program. There is consensus among those with experience treating individuals like [client], that such programs are not suitable and do more harm than good.

His underlying problem is not like that of typical sex offenders. He is not antisocial. He has shown no signs of sexual aggression. He does not have the kind of learned behaviors that needs to be “unlearned.” He does not need “rehabilitation;” he needs “habilitation.” Specifically, because of his ASD and his extreme socio-sexual ignorance, he requires therapy that is directed to his condition. In traditional sex offender treatment programs, there is focus on development of empathy. This is designed for individuals who know very well the physical and psychological impact of sexual aggression on victims, but care little about it. This is suitable to the person with anti-social features. The anti-social person is not only aware of the feelings and fears of the other person: he readily takes advantage of these feelings and fears. He lacks “emotional empathy.” Individuals with ASD are the complete opposite. Because of their “mindblindness” condition, they are not going to spontaneously perceive and decode the cues about how others think and feel. So, they lack “cognitive empathy.” If they are taught how to pick up on the true feelings of others, or if that is explained to them, they are then very concerned about the consequences of their actions on other persons, thus displaying “emotional empathy.”

Treatment for Individuals with ASD

There are accepted treatment methods for ASD that will be effective in ensuring [client] does not reoffend. But no such program exists in any prison, state or federal, in the United States. Dorothy Griffiths, Ph.D., an expert in the field of developmental disabilities and sexual abuse, has provided treatment for individuals with ASD accused of sexual offenses. Dr. Griffiths has written numerous articles and book chapters on developmental disabilities and sexuality, including contributing to the chapter on paraphilias in the *Diagnostic Manual-Intellectual Disability: A Textbook of Diagnosis of Mental Disorders in Persons with Intellectual Disability* (2007) and co-authoring a chapter on people with intellectual disabilities who sexually offend in *Sex Offenders: Identification, Risk Assessment, Treatment and Legal Issues* (2009). It is from these chapters, as well as

personal conversations with Dr. Griffiths, that the following information was taken.

According to Dr. Griffiths, individuals with ASD who are not sexual predators and who do not have a paraphilia, require “habilitation” rather than rehabilitation. Traditional sex offender treatment is generally rehabilitative, seeking to “return sexual expression to a state of dignity,” which is often not appropriate for individuals with ASD who may not “understand and experience their sexuality as normative.” Alternatively, habilitation uses “active education and training” in a supportive environment. Dr. Griffiths has stated that individuals with ASD need education about appropriate behaviors. Any treatment for an individual with ASD must be adapted to take into account the learning of the individual, and must include training on social norms using multiple exemplars that can help them generalize across situations. Dr. Griffiths has gone so far as to say that for an individual with ASD who does not present with a paraphilia, a traditional sex offender treatment program would be damaging and, more importantly, would create greater confusion for the individual. Echoing this is *Developmental Theory and Developmental Deficits: The Treatment of Sex Offenders with Asperger’s Syndrome* by Winifred Bolton, a clinical psychologist, published in *Sex, Mind, and Emotion* (2006). Bolton notes that the traditional sex offender treatment program used in England focuses on enhancing empathy for the victim and on recognizing cognitive distortions, among other goals.²⁴⁷ The program is inappropriate for individuals with ASD because it is “designed to remedy past learning deficits,” which “might not be adequate for the Asperger’s [i.e. ASD] group, whose difficulties may include a failure to benefit from any experience, rather than learning on the basis of socially deviant experiences.” Additionally, Bolton notes that specific aspects of the treatment, such as recognizing cognitive distortions and promoting empathy, are unlikely to be effective in individuals with ASD, even though they are effective in neurotypical individuals, as these are areas that are especially challenging to individuals with ASD and require specialized treatment. Her recommendations are that very explicit sex education is needed for individuals with ASD. Such education should be concrete and literal, with an emphasis on behavioral rather than cognitive interventions.

Even for individuals with ASD who do present a pattern of sexually inappropriate or abusive behaviors –which is *not* [client]– a very different approach needs to be taken. In

²⁴⁷ Cognitive distortions include the kinds of rationalizations or “thinking errors” that are used by antisocial persons to justify their manipulation and taking advantage of others.

Challenges to Treating Adolescents with Asperger's Syndrome Who are Sexually Abusive, Ray Marks and Bray Garretson state that the National Task Force on Juvenile Sex Offending identified concepts and behaviors that the adolescent sex offender must integrate, such as understanding his offending pattern, learning about thinking errors, practicing empathic responses to victims, and stopping deviant thoughts and fantasies, among other criteria. They noted that these criteria must be modified when treating adolescents with ASD, finding ways to make them more concrete and tangible.

Marks and Garretson also stated that “[t]raditional sex offender treatment also requires that the client replace deviant behaviors with pro-social coping strategies.” These coping strategies require the client to “accurately interpret the environment and situations, label and express feelings appropriately, . . . be able to make choices for behavior, self-evaluate those actions, . . . [and] tolerate difficult emotions, among other factors.” The authors have noted specific problems and poor outcomes with this approach when used to treat those with ASD. These include aversive reactions when problematic behaviors and attitude distortions are directly identified, as individuals with ASD may have a very difficult time accepting criticism. Some suggestions that have been offered for treating individuals with ASD include providing the information piecemeal, “us[ing] an adapted style of communication (visual aids),” using concrete descriptions, “being mindful of the reality that talking about feelings too much and for too long may only make them more confused,” making lists, and providing a clear overview of the overall treatment plan to create structure.

Dr. Klin and Fred R. Volkmar, M.D., then at the Yale Child Study Center – *Asperger's Syndrome: Guidelines for Treatment and Intervention* (1995)– have also discussed effective treatments for individuals with ASD. According to Dr. Klin and Dr. Volkmar, general intervention strategies include teaching “skills, concepts, [and] appropriate procedures . . . in an explicit and rote fashion using a parts-to-whole verbal teaching approach, where the verbal steps are in the correct sequence for the behavior to be effective,” teaching “[a]daptive skills intended to increase the individual's self-sufficiency . . . explicitly with no assumption that general explanations might suffice nor that he/she will be able to generalize from one concrete situation to similar ones,” and teaching “how to identify a novel situation and to resort to a pre-planned, well-rehearsed list of steps to be taken,” among others.

They specify that communication and behavioral interventions should also occur, and should include explicit instructions on “how to interpret other people's social behavior . . . taught and exercised in a rote fashion,” setting specific guidelines to deal with frequent, problematic behaviors, and discussing these guidelines with the individual in “an explicit, rule-governed fashion, so that clear expectations are set and consistency across . . . settings and situations is maintained.”

Comparison of Treatment Programs

Based on the foregoing, a traditional sex offender treatment program will not be effective for [client] because individuals with ASD learn information differently than neurotypical individuals. In a traditional sex offender treatment program, [client] would be grouped with actual pedophiles or sexually deviant or aggressive persons. The common theme of traditional sex offender treatment programs involves challenges to the distorted thoughts and justifications individuals put forth for their sexually deviant behavior. Group sex offender therapy seeks to facilitate an individual’s relearning of appropriate sexual behaviors and rehabilitation of deviant thoughts, often involving pressure from other group members. There is also a requirement for group participation, which involves speaking in front of fellow group members and challenging the statements made by group members.

In contrast, an individual with ASD requires an individualized program that focuses on the sexuality and sociosexual norms that he missed due to his lack of typical social learning. For an individual with ASD there is no deviant thought process to begin with, so there is nothing to relearn or rehabilitate. Materials must be presented in a concrete fashion and learned by rote, explicit directions that must be given. The lessons taught must be tailored to the individual’s life situation, because individuals with ASD are not good at applying abstract rules to unfamiliar situations. Furthermore, because the difficulty that individuals with ASD have with “empathy” is the opposite of that of the typically developed offender, the aspects of traditional sex offender treatment programs that are meant to teach participants to empathize with victims are completely inapplicable to those with ASD.

Seth Saidman was a 22-year-old man with ASD when he was charged in Florida with possession of child pornography, and sentenced to 30 months in federal prison. Seth frequently communicated with Mark Mahoney while in prison and continues to do so. He is now twenty-six years old. He was ordered to attend a traditional sex offender treatment

program as a condition of post release supervision. He has said that the stories he hears at his group treatment make him feel nauseous. He does not understand how or why the others in the treatment program did what they did, and he believes that everything that is said as part of his sex offender treatment program is the opposite of what he is told by his private psychologists. Overall, he seems to find the traditional sex offender treatment program unhelpful and upsetting. Instead of helping him learn appropriate behavior, it is confusing him and placing him in contact with individuals who actually are sexual predators.

[client] has not acted in a sexually deviant manner and has no history or pattern of abusive sexual conduct. He passed a polygraph on this issue. He is a person who was simply unable to decode a rather unclear social situation, and in an attempt to make friends, something he has always struggled with, got sucked into a world he couldn't understand or find a way out of. He should not be placed in a traditional sex offender treatment program with pedophiles and sexual predators. As Seth's story illustrates, all a traditional sex offender treatment program is likely to do is horrify, confuse, and frustrate [client]. [client], who reasons in black and white, may not be able to distinguish between what he has done and what those in his group treatment have done. Individuals with ASD are notoriously self-accusatory and may even begin to admit to things in such a setting that they have not done, simply to please the group and avoid confrontation

Instead, Ethan needs "habilitative" treatment, using active learning and education that is very explicit and concrete. Ethan's treatment must be more about individualized education that recognizes his special needs and the unique ways in which his brain functions, rather than seeking to return his sexuality to a state of normalcy. Ethan needs concrete rules and explicit instructions because once he knows the rules, and understands the reasons for them, he will abide by them. Because he cannot generalize across unfamiliar situations, it is very important that his treatment program is tailored to his needs and life situation. This simply cannot happen in the sex offender treatment programs that are operating now.

Clare Sarah Allely and Ann Creaby-Atwood, see p. **Error! Bookmark not defined.**, support preventive intervention for those with this pervasive developmental disability rather than treating these individuals like the typical "sex offender":

These vulnerabilities in a sexual offender with ASD need to be recognized and appropriately addressed in treatments/intervention. Indeed, there have been

some recent advancements which have recognized the clinical importance of this. For instance, in order to improve the therapeutic outcome, Sutton et al. (2013) recommend a modification to the traditional treatment protocol for offenders with ASD (which typically focuses on individual and group talk therapy) to ones which are tailored to the learning styles of the individuals (e.g. visual learning, modeling with practice and feedback) and limiting the contact that the offenders with ASD have with the sex offenders without a diagnosis of ASD.

This recognition of the need for different treatment then leads to a very important observation about *prevention*:

Deterrent programmes for individuals with ASD should attempt to bridge the gap between sexual knowledge and impaired social and ToM abilities. Intervention strategies should address the following areas: the development of sexual knowledge, modeling of socially desirable behaviours, social-skills training/retraining (which also focuses on the development of social boundaries), customary courting and dating behaviours and socially acceptable sexual behaviours in many sexual offenders with ASD (e.g. Koller, 2000).

The foregoing reaffirms the point that what individuals like [client] lack, as a result of their social learning disability and naïveté, is precisely that – knowledge about “socially acceptable sexual behaviors.”

It is important to understand that this research did not differentiate between different types of “sex offenders” with ASD. This research therefore included sexual assault, voyeurism, stalking, as well as viewing child pornography. Child pornography would be the most problematic for those with ASD. Without the benefit of typical socialization or explicit instructions, many young men with ASD – at least 10% as we have seen – will not be able to intuit on their own, the moral and legal opprobrium associated with child pornography.

A very important “takeaway” from all this is the very stark divide between those with ASD and those who actually are at risk of offending against children. For the latter, no one would propose that either prevention or treatment could simply consist of providing them with explicit rules and sociosexual information. And yet, for those with ASD, for prevention and treatment, there is consensus that this, primarily, is what is required.

Ashlesha Naik

From: Gary [REDACTED]
Sent: Monday, June 1, 2026 8:15 PM
To: Arizona Sex Offender Management Board
Subject: June 22 SOMB Meeting
Attachments: SOMB Jun 2026 Reforming the Blueprint Integrating the Good Lives.pdf
Categories: Background Material for Board Packet

Please include the attached as Background Material for the June 22 SOMB Meeting

--Thank you

Gary W Hardy, PhD
Advocate, Registered Citizen

Reforming the Blueprint: Integrating the Good Lives Model and RNR into the AZSOMB Mandate

TO: Adult Guidelines and Standards Subcommittee, Arizona Sex Offender Management Board (AZSOMB)

FROM: Gary W. Hardy, PhD, Senior Researcher, Collaborative Justice Institute
In association with Restorative Action Alliance

DATE: May 28, 2026

SUBJECT: Statutory Realignment: Transitioning from Strict Containment to Competency-Based, Evidence-Based Paradigms Under ARS § 13-3828

1. Executive Summary

The legislative activation of the Arizona Sex Offender Management Board under **Arizona Revised Statutes (ARS) § 13-3828** provides a historic opportunity to standardize and modernize the state's criminal legal approach to sexual offense management. However, an analysis of the initial subcommittee proceedings reveals an acute risk of systemic **confirmation bias**. By anchoring standard design exclusively within the legacy parameters of the **Containment Model** via the blueprints of Colorado and Idaho, the subcommittee is at risk of creating a circular, compliance-driven framework that contradicts modern neuroscience and its own statutory directives. This briefing paper establishes a framework for integrating the **Risk-Needs-Responsivity (RNR)** model and the strengths-based **Good Lives Model (GLM)** into upcoming guidelines, explicitly addressing the structural, clinical, and ethical deficiencies of Arizona's current polygraph reliance.

2. Statutory Authority and Directives

It is critical to note that **ARS § 13-3828(D)** explicitly mandates that the board's standardized evaluation and treatment procedures "**shall incorporate the concepts of the risk-need-responsivity or another evidence-based correctional model**". Furthermore, subsection **(D)(4)(a)** dictates that recommended programs must "**be as flexible as possible**," while subsection **(D)(9)** requires the development of explicit criteria for "**measuring an adult sex offender's progress in treatment**" to facilitate safe, structured reduction of supervision levels and discharge from probation.

The statute explicitly directs the board to research "**the use of polygraphs in treatment and the containment model... and advise the legislature regarding revision of the guidelines... based on the results of the board's research and analysis**". This language demands a critical, empirical analysis of these tools, rather than an automatic, unexamined adoption of legacy systems.

3. The Structural Failure of Legacy Containment

The traditional Containment Model operates on a philosophy of risk avoidance through external control and fear of violation. In practice across Arizona, this manifests as an open-ended loop characterized by:

- **The Absence of Completion Metrics:** Individuals frequently remain stuck in community treatment for years because the state lacks a standardized curriculum or objective graduation benchmarks.
- **Therapeutic Discontinuity:** Institutional fragmentation allows severe disruption in care. For example, individuals routinely face a revolving door of providers—up to four different therapists within a single two-year block—eroding therapeutic alliance and destroying treatment continuity.
- **The Polygraph Loop:** The polygraphs are frequently weaponized as a punitive compliance hammer rather than utilized as a clinical diagnostic tool. Individuals who experience physiological anomalies or systematic "failures" are subjected to repeat testing at approximately **\$250 per interval**, transforming a flawed psychophysiological screening tool into an endless financial loop for vendors and an arbitrary barrier to graduation.

4. Clinical Evidence: Neuroscience, Responsivity, and the Good Lives Model

Modern clinical practice recognizes that traditional containment strategies can inadvertently exacerbate risk by fostering shame, deep self-condemnation, and systemic ostracization, which shuts down honest disclosure.

Neuroplasticity and the Vulnerability Spectrum

Decades of operational experience within treatment services—including direct observation of group therapy dynamics within the Arizona Department of Corrections Rehabilitation and Reentry (ADCRR)—demonstrate a distinct spectrum of engagement. A segment of the population exhibits severe resistance, going through the motions to fulfill minimum programmatic mandates without internalizing pro-social change. Conversely, those who enter treatment environments that cultivate emotional safety demonstrate a capacity to shift along the engagement spectrum.

Neuroscientific research confirms that when individuals are granted the psychological safety to demonstrate vulnerability—speaking openly about their offenses and confronting historical trauma or victimization inflicted upon them—measurable **neuroplastic changes** occur within the brain. A containment-only framework that treats an individual as permanently unchangeable denies this capacity, reinforcing isolation and undermining long-term public safety.

The Good Lives Model (GLM) Framework

The GLM shifts the paradigm from deficit-reduction ("who an individual once was") to strength-acquisition ("who they may safely become"). It operates on the empirical principle that the most effective way to prevent recidivism is to equip individuals with the internal and external competencies required to secure primary human goods (such as meaningful work, social connection, and autonomy) through pro-social, non-predatory pathways. True predatory behavior and treatment resistance are readily visible through objective behavioral markers (curfew, substance use, or behavioral violations) without relying on unreliable polygraph metrics.

5. Comparative State Analysis

To avoid confirmation bias, the board must analyze states that have successfully operationalized RNR and completion-oriented guardrails:

State Model	Theoretical Paradigm	Polygraph Standards & Guardrails	Completion Mechanics
Oregon	Strict Risk-Needs-Responsivity (RNR)	Clinical Tool Only: Explicitly forbidden from being utilized as a standalone judicial hammer; a failure cannot be the sole basis for a treatment extension or probation violation.	Time-Limited: Tied directly to the reduction of dynamic risk factors and objective criminogenic needs.
Vermont	Good Lives Model (GLM) Integration	Integrated strictly within a broader, multi-method clinical tracking framework; minimized as a compliance weapon.	Competency-Based: Graduation occurs upon objective, observable demonstration of risk-management skills.
California	Tiered Management & Progress Tracking	Utilized strictly to gauge self-reporting validity within a multi-agency clinical team framework.	Direct Legal Linking: Treatment progress explicitly dictates eligibility to transition across and exit the 3-tier registration system.
New York	Pure Psychological / Actuarial Oversight	Complete Exclusion: Polygraphs are entirely absent from community supervision and standard therapeutic models.	Clinical Benchmarks: Progress tracked via continuous behavioral observation and validated psychological metrics.

6. Ethical Considerations and Board Integrity

Under **ARS § 13-3828(A)(5)(g)**, the legislature mandated the inclusion of a clinical polygraph examiner on the board. While this ensures technical representation, it creates a significant structural conflict of interest if the board permits industry stakeholders to design an unrestricted, self-regulating loop of endless, vendor-vouchered testing. To preserve the moral, ethical, and legal integrity of the board's recommendations, AZSOMB must rely on independent, international standards—such as the formal policy restrictions established by the **Association for the Treatment of Sexual Abusers (ATSA)**—which explicitly dictate that high-stakes supervision, legal, or treatment-extension decisions must never be based solely on polygraph outcomes.

7. Actionable Policy Recommendations

To fulfill the explicit directives of ARS § 13-3828, the Adult Guidelines and Standards Subcommittee should adopt the following framework:

- **Codify a Competency-Based Completion Model:** Establish a standardized statewide curriculum with clear, measurable behavioral benchmarks for graduation, eliminating open-ended treatment loops.
- **Enforce Strict Polygraph Guardrails:** Restrict post-conviction polygraphs to a defined annual frequency cap and legally specify that a polygraph anomaly or failure cannot be the sole primary indicator used to extend treatment duration or trigger a probation violation.
- **Mandate Provider Continuity Standards:** Establish minimum quality control parameters to mitigate therapist turnover and ensure structural continuity of care across contracted agencies.
- **Commission an Independent Data Audit:** Utilize the data collection authority outlined in **ARS § 13-3828(E)** to compel contracted treatment providers to submit state-level metrics regarding average time in treatment, minimum and maximum treatment durations, and graduation rates to establish an empirical baseline for Arizona.

From: Marina Fleetwood [REDACTED] >
Sent: Tuesday, June 16, 2026 5:20 PM
To: Arizona Sex Offender Management Board
Subject: SORN LAWS DO NOT REDUCE RECIDIVISM

Categories: Background Material for Board Packet

MITCHELL HAMLIN
Sex Offense Litigation and Policy
Resource Center

**Ineffective, Costly, and Harmful:
DEBUNKING THE SEX OFFENSE REGISTRY**

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Published March 2025

EXECUTIVE SUMMARY

The modern sex offense registry was borne out of the belief that a public registry listing people who had been convicted of a sex offense would make communities safer. That premise was wrong. We now have thirty years of data concluding that public registries do not work as intended—in fact, there is evidence that public registries actually increase registrant recidivism. Furthermore, there is no definitive evidence that these laws deter non-registrants from sexually offending. At the same time, sex offense registration and notification (SORN) laws contribute to the stigmatization of registrants, which make securing employment and housing more challenging, and disrupt or preclude the maintenance of strong social ties. Registrants' families also experience significant hardships. SORN laws should be abandoned, and resources should instead be invested in evidence-based interventions to address sexual violence that are currently starved for resources.

INTRODUCTION

Sex offense registration and notification (SORN) laws exist in all fifty states, the District of Columbia, U.S. territories, and tribal jurisdictions. It is estimated that almost one million people are subjected to registries.¹ Yet, SORN laws do not reduce sexual offending by registrants. Not only are SORN laws ineffective, but these laws also come at a considerable cost to registrants, their family members, and taxpayers alike.

HISTORY, PURPOSE, AND OPERATION OF SORN LAWS

By the late 1990s, all states and U.S. territories, as well as some tribal governments, adopted registration and notification laws, largely as a response to a handful of widely publicized brutal sex crimes, almost all of which were committed by recidivists—individuals who had previously been convicted of a sex offense.² Generally, SORN laws require that people convicted of certain sex offenses provide sweeping information to law enforcement (the registration component), and that this information be made public to varying degrees (the notification component). In 1994, Congress conditioned certain federal funds on states' adoption of registration laws meeting prescribed minimum standards³; and in 1996, Congress added to those standards, most notably by requiring that states inform local communities of registrants' addresses.⁴ By 2003, every state in the country had public internet registries,⁵ though state statutes varied significantly, and many states do not comply with the federal standards.⁶ Operating under the belief that the network of state registries contained "loopholes and deficiencies," Congress enacted the Sex Offender Registration and Notification Act (SORNA) in 2006.⁷ SORNA magnified the reach of SORN laws by, among other things,

¹ The views expressed in this Policy Brief are those of its authors, working under the direction of Eric S. Janus, Director, Sex Offense Litigation and Policy Resource Center, and do not necessarily reflect the views of Mitchell Hamline School of Law (MHSL), the MHSL community, or others who assisted in its preparation.

SORN-Policy-Brief
PDF Document · 306 KB

SORN laws were enacted based on the belief that public registries would make communities safer

Dozens of expert advisors, including judges, prosecutors, defense attorneys, and scholars considered many of the same studies described above showing that **public notification does not reduce registrant recidivism.**

A 2022 report commissioned by the Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking Office (**SMART** Office)—the **federal agency tasked with implementing SORNA**—asserted that the research on SORN's impact on recidivism was "inconclusive."

The Report had no listed authors. The section of the report examining adult and juvenile recidivism cited only seven articles.

Not one of these articles finds that a SORNA-compliant law is effective at reducing recidivism. Six of the articles are not based on

empirical data, or address issues other than recidivism. The seventh article hoped to compare recidivism rates of juveniles who sexually offended before and after the law required their registration, but concluded that **no statistically valid comparison was possible because recidivism was so uncommon in both groups.**

The 2022 SMART Office report fails to provide any evidence that SORN laws reduce recidivism—and fails to rebut the consensus described above that SORN laws do not prevent recidivism.

EMPIRICAL EVIDENCE SHOWS THAT SORN LAWS DO NOT WORK AS INTENDED THE PREMISES UNDERLYING SORN LAWS ARE NOT SUPPORTED BY FACTS

As outlined above, **SORN laws were enacted in response to heinous crimes that shocked the public—crimes that were committed by people who were a stranger to their victim(s), and who had been previously convicted of a sex offense.** But very little sexual offending resembles these sensationalized crimes.

In fact, contrary to common belief, **the vast majority of sex offenses are committed by persons familiar to their victims.**

Almost all sexual offending is committed by non-registrants—and very few people who have been convicted of a sex offense **reoffend in the future.**

Nonetheless, the belief that sexual violence policy should focus on recidivism persists.

SORN LAWS DO NOT REDUCE RECIDIVISM

Many empirical studies have been conducted on the impact of SORN laws on recidivism since the inception of these laws.

Researchers who study SORN laws have come to a consensus: **SORN laws do not prevent recidivist sexual violence.**

SORN LAWS DO NOT DEFINITELY DETER NON-REGISTRANTS FROM SEXUALLY OFFENDING

Another asserted justification for SORN laws is that these laws **might have a deterrent effect on non-registrants.**

As discussed above, **almost all sexual offending in the criminal justice system is committed by non-registrants.** But, unlike the consensus that has formed on the issue of recidivism, the evidence on the deterrent effect of SORN laws on non-registrants is “best characterized as mixed.”

SORN LAWS RESULT IN CONSEQUENCES THAT ARE COUNTERPRODUCTIVE TO THEIR STATED GOALS AND NEEDLESSLY CAUSE HARM TO REGISTRANTS AND THEIR FAMILIES

People are less likely to sexually offend when they have stable employment and housing, and strong social ties.

But rather than facilitate these conditions, SORN laws do just the opposite: the burdens that **SORN** laws impose on registrants make it harder for registrants to obtain stable jobs and housing, and contribute to their social isolation.

SORN LAWS CREATE BARRIERS TO SECURING EMPLOYMENT AND HOUSING AND THE MAINTENANCE OF STRONG SOCIAL TIES, AND OTHERWISE HARM REGISTRANTS AND THEIR FAMILIES

While people with a criminal conviction generally face barriers to securing employment, this challenge is even **more pronounced for individuals convicted of a sex offense.**

Employers fear being publicly associated with registrants, which is compounded when ***registrants are required to list their place of employment on a public registry.***

At the same time, state laws bar registrants from a broad range of occupations.

As a result, registrants frequently lose their jobs, struggle to find jobs, and when they can find jobs, the jobs are below their qualifications.

Registrants also experience significant **challenges in securing stable housing.**

In the rental market, many landlords refuse to rent to registrants, or will do so only under conditions not required of other applicants.

If a registrant can't find stable housing through the rental market, public housing may not be available to them—**federal law bars lifetime registrants from public housing.**

Elderly registrants, which is an increasingly large population, may also be denied access to housing with supportive services, subsidized housing, and assisted living and skilled nursing facilities on the basis of their status as registrants.

And registrants may not even be able to access the “last line of defense for people experiencing housing problems” —**homeless shelters**—because many shelters have policies prohibiting registrants.

In **Florida, registrants can't enter emergency shelters even during disasters, such as hurricanes.**

While a conviction for a sex offense on its own generates stigma, the modern system of public registries— where the **names, photos, home addresses, and place of employment are available to anyone, permanently**—operate as “**state-sanctioned public shaming, augment[ing] the stigmatic experience of registrants.**”

In addition to publicizing registrants' personal information, **registries formally brand registrants with the label “sex offender.”**

This **label is harmful because it elicits false stereotypes of registrants**—that they are **uniformly dangerous, unresponsive to treatment, and highly likely to reoffend** — and has been shown to **negatively impact public opinion of registrants more than the fact of conviction alone.**

As a consequence of their stigmatization, **registrants experience discrimination, social exclusion, public ridicule, harassment, and violence.**

Registrants may avoid social interactions to reduce the likelihood of their registrant status being discovered, and when they do have social interactions, they may feel anxiety that they will be confronted or attacked.

All of this takes a toll on registrants' **mental health**.

The “unique stigma of the ‘sex offender’ label can foster a profound sense of disempowerment, social isolation, hopelessness, and shame”, and the challenges in obtaining stable employment and housing, as well as the financial burdens and time requirements associated with SORN compliance, can cause distress.

SORN laws seem to be particularly harmful to the mental health of individuals who are required to register based on offenses committed when they were a juvenile; for this population, SORN laws are associated with high rates of suicidal ideation, suicide attempts, and death by suicide as compared to juvenile non-registrants.

Each of these consequences of SORN laws—the barriers to securing employment and housing, the social exclusion, and the corresponding mental health issues that registrants face—are all **risk factors for recidivism**.

Registrants suffer, their efforts to reintegrate successfully are directly undermined, and, as a result, the communities they return to are less safe.

Registrants' families are also affected.

When a registrant is un- or underemployed, their **family members experience resulting financial hardship**.

And as with finances, registrants' family members are affected by housing disruption and forced relocation when registrants struggle to secure stable housing.

Registrants' family members also experience stigmatization (particularly for registrants' children), harassment, threats, and violence—all of which impact the mental health of registrants' family members.

That SORN laws do not prevent sexual violence and are counterproductive to successful reintegration is enough to call for a change in sexual violence policy.

But these laws also inflict palpable harm to registrants, their families, and their communities.

Decades after SORN laws were first implemented, the evidence is clear that SORN laws have failed.

CONCLUSION

Experts on sexual violence policy recognize that SORN laws do not reduce sexual offense recidivism.

The gratuitous burdens that SORN laws impose on registrants and their families harm both them and the communities in which they live. Those communities would benefit from shifting the resources currently devoted to administering SORN laws to funding interventions to reduce the incidence of sexual violence that are effective, including primary prevention , support services for victims/survivors, and reentry and treatment programs to facilitate the reintegration to civil society of people who have sexually offended.

1 Kristen M. Zgoba & Meghan M. Mitchell, The Effectiveness of Sex Offender Registration and Notification Laws

Ineffective, Costly, and Harmful: DEBUNKING THE SEX OFFENSE REGISTRY

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EXECUTIVE SUMMARY

The modern sex offense registry was borne out of the belief that a public registry listing people who had been convicted of a sex offense would make communities safer. That premise was wrong. We now have thirty years of data concluding that public registries do not work as intended—in fact, there is evidence that public registries actually increase registrant recidivism. Furthermore, there is no definitive evidence that these laws deter non-registrants from sexually offending. At the same time, sex offense registration and notification (SORN) laws contribute to the stigmatization of registrants, which make securing employment and housing more challenging, and disrupt or preclude the maintenance of strong social ties. Registrants' families also experience significant hardships. SORN laws should be abandoned, and resources should instead be invested in evidence-based interventions to address sexual violence that are currently starved for resources.

INTRODUCTION

Sex offense registration and notification (SORN) laws exist in all fifty states, the District of Columbia, U.S. territories, and tribal jurisdictions. It is estimated that almost one million people are subjected to registries.¹ Yet, SORN laws do not reduce sexual offending by registrants. Not only are SORN laws ineffective, but these laws also come at a considerable cost to registrants, their family members, and taxpayers alike.

HISTORY, PURPOSE, AND OPERATION OF SORN LAWS

By the late 1990s, all states and U.S. territories, as well as some tribal governments, adopted registration and notification laws, largely as a response to a handful of widely publicized brutal sex crimes, almost all of which were committed by recidivists—individuals who had previously been convicted of a sex offense.² Generally, SORN laws require that people convicted of certain sex offenses provide sweeping information to law enforcement (the registration component), and that this information be made public to varying degrees (the notification component). In 1994, Congress conditioned certain federal funds on states' adoption of registration laws meeting prescribed minimum standards³, and in 1996, Congress added to those standards, most notably by requiring that states inform local communities of registrants' addresses.⁴ By 2003, every state in the country had public internet registries⁵, though state statutes varied significantly, and many states do not comply with the federal standards.⁶ Operating under the belief that the network of state registries contained “loopholes and deficiencies,” Congress enacted the Sex Offender Registration and Notification Act (SORNA) in 2006.⁷ SORNA magnified the reach of SORN laws by, among other things,

* The views expressed in this Policy Brief are those of its authors, working under the direction of Eric S. Janus, Director, Sex Offense Litigation and Policy Resource Center, and do not necessarily reflect the views of Mitchell Hamline School of Law (MHSL), the MHSL community, or others who assisted in its preparation.

modifying federal standards by increasing the number of people required to register and expanding the amount of information available to the public regarding registrants.⁸ In addition to their ubiquity, SORN laws are “widely supported by the public, law enforcement, policymakers, and sometimes even those convicted of se[x] offenses.”⁹

SORN laws were enacted based on the belief that public registries would make communities safer. “[R]egistration was intended to facilitate police apprehension of recidivists by maintaining a pool of potential suspects, as well as the deterrence of subsequent offending due to increased scrutiny...[N]otification was to improve the community’s ability to protect themselves from [registrants], through altered personal behavior or reports to law enforcement regarding suspicious behavior by registrants.”¹⁰

Typically, registrants are publicly identified on official government websites as “sex offenders.” In addition to listing a registrant’s name and photo, these websites may contain a registrant’s home address and place of employment. For those subjected to registration, complying with SORN laws can be time-intensive, confusing, and expensive.¹¹ Under federal law¹² and in many jurisdictions¹³ noncompliance is a felony.

States and other jurisdictions invest significant financial and human resources to implement SORN laws. Law enforcement agencies must receive registrant information and updates, verify registrant information, conduct community notifications, and maintain public websites.¹⁴ “Most large police departments have created internal SORN units to handle the ever-increasing number of registrants.”¹⁵ Yet no good estimate of the total cost of implementing SORN laws throughout the country exists (one estimate suggests that the cost is somewhere between \$10 billion and \$40 billion per year¹⁶). In addition to the direct costs required to implement SORN laws, these laws also produce other societal costs. For example, SORN laws that make it difficult for registrants to obtain remunerative employment cost the public in foregone taxes on their income, and registrants who are un- or underemployed may need to rely on public benefits, which results in more government spending. Due to misconceptions that living near a registrant increases the risk of sexual victimization¹⁷, studies have found a negative impact on property values for homes in close proximity to where registrants reside.¹⁸

EMPIRICAL EVIDENCE SHOWS THAT SORN LAWS DO NOT WORK AS INTENDED

THE PREMISES UNDERLYING SORN LAWS ARE NOT SUPPORTED BY FACTS

As outlined above, SORN laws were enacted in response to heinous crimes that shocked the public—crimes that were committed by people who were a stranger to their victim(s), and who had been previously convicted of a sex offense. But very little sexual offending resembles these sensationalized crimes.¹⁹ In fact, contrary to common belief, the vast majority of sex offenses are committed by persons familiar to their victims.²⁰ Almost all sexual offending is committed by non-registrants—and very few people who have been convicted of a sex offense reoffend in the future.²¹ Nonetheless, the belief that sexual violence policy should focus on recidivism persists.

SORN LAWS DO NOT REDUCE RECIDIVISM

Many empirical studies have been conducted on the impact of SORN laws on recidivism since the inception of these laws. Researchers who study SORN laws have come to a consensus: SORN laws do not prevent recidivist sexual violence.²²

PRIMARY SCHOLARSHIP STUDYING THE RELATIONSHIP BETWEEN SORN LAWS AND RECIDIVISM

A chapter in *Sex Offender Registration and Community Notification Laws: An Empirical Evaluation*, titled *Offenders and SORN Laws* “present[s] an overarching perspective and the consensus views of the experts in the field.”²³ In this chapter, authors Agan and Prescott summarize and examine the findings of dozens of

empirical studies on SORN laws, which vary in size and scope and utilize various data sources, including federal crime reports and criminal history data.

Agan and Prescott discuss at length the two largest studies on the effects of SORN laws, both published in 2011. The first large study examines trends in federal crime reports for fifteen states—with a sample size of 328,260 individuals—and the effective dates of registration and notification laws in those states to identify any effects the enactment of the laws had on criminal behavior.²⁴ The study finds some evidence that registration alone, without public notification, may reduce registrant recidivism²⁵ (though it should be noted that “private registration without notification was in effect for only a short span of years at the dawn of the SORN era,”²⁶ making this finding limited in its significance). Moreover, the study also finds that notification appears to increase registrant recidivism at approximately the same rate that registration appears to reduce recidivism, such that the two effects roughly offset each other.²⁷

The second large study examines the criminal history of specific individuals to study the impact of SORN laws on recidivism.²⁸ The criminal history dataset followed individuals who were imprisoned for a sex offense and released from state prisons in fifteen states. Some of the states had not yet enacted SORN laws, allowing for a control group of individuals not subjected to SORN. From the criminal history data, the study finds “no statistically significant difference between the two groups...[and] if anything, the results hint at *higher* arrest and conviction rates for those subject to SORN laws.”²⁹ The two studies are “complementary and mutually reinforcing because they study different states, use different data sources, and incorporate independently collected law and registry information yet draw the same basic conclusions about the effects of SORN laws on sexual offending.”³⁰

Agan and Prescott also discuss a variety of other empirical studies that failed to detect any evidence that SORN laws reduce recidivism. Researchers have examined the changes in arrest rates for sex offenses in New York based on 170,000 arrests for sex offenses over a twenty-one-year period³¹, the criminal histories of 6,000 people in South Carolina³², the criminal histories of almost 3,000 registrants in Arkansas for a five-year period³³, and the number of sex offenses in a large Texas county during a thirty-five-year period³⁴, to name a few of the studies examined in this chapter. Except for a single, relatively small study³⁵—in a state with an atypically limited notification scheme—researchers have found that SORN laws have no impact on recidivism.³⁶

SECONDARY SCHOLARSHIP STUDYING THE RELATIONSHIP BETWEEN SORN LAWS AND RECIDIVISM

Two meta-analyses studying the relationship between SORN laws and recidivism further support the conclusion that SORN laws do not prevent recidivism. A meta-analysis systematically synthesizes results from numerous independent research articles. The first of these meta-analyses was a peer-reviewed study authored by Zgoba and Mitchell and published in 2021.³⁷ *The effectiveness of Sex Offender Registration and Notification: A meta-analysis of 25 years of findings* was the first study to “synthesize the statistical effects and results of numerous studies into one inclusive examination on the overall trend of SORN.”³⁸ Zgoba and Mitchell’s meta-analysis included 18 independent studies, containing data for 474,640 formerly incarcerated people and covering the previous 25 years during which SORN laws were in operation. Zgoba and Mitchell find that SORN laws do not have a statistically significant impact on recidivism.³⁹

The second meta-analysis, which used an entirely different research methodology, is a peer-reviewed study that was published in 2023 titled *Against All Odds: The Unexplained Sexual Recidivism Drop in the United States and Canada*.⁴⁰ Authors Lussier, McCuish, and Jeglic conducted a systematic review and meta-analysis of 555 studies regarding sex offense recidivism, 369 (66.5 percent) of which were from the United States and 186 (33.5 percent) from Canada. Unlike the United States, Canada did not adopt a SORN regime. The comparison between the two countries thus provides a natural experiment. Analyzing the available recidivism studies in Canada and the United States, the authors found that recidivism fell in both countries

during the 80-year period between 1940 and 2019. In the United States, the recidivism rate dropped by more than 40 percent, while in Canada, the drop was more than 60 percent. That the decline in recidivism was more robust in Canada strongly suggests, the authors conclude, that “sex offender registration is not an effective crime prevention tool.”⁴¹

The scientific consensus that SORN laws do not reduce registrant recidivism is reflected in the 2022 update of the Model Penal Code provisions on Sexual Assault and Related Offenses.⁴² The Model Penal Code (MPC) is produced by experts in criminal law policy which constitute the American Law Institute (ALI). More than half of the states have enacted modern criminal codes that draw heavily on the MPC, and courts throughout the country consider the MPC persuasive authority.⁴³ In 2022, the ALI concluded a ten-year review of the MPC provisions on Sexual Assault and Related Offenses, which include provisions related to registration and notification. The “ALI’s deliberative process ensures that every issue receives a full airing of viewpoints, and that the final product will represent the considered scholarship, experience, and judgment of the ALI as a whole.”⁴⁴ Dozens of expert advisors, including judges, prosecutors, defense attorneys, and scholars considered many of the same studies described above showing that public notification does not reduce registrant recidivism. The ALI also considered input from the Department of Justice, a group of state Attorneys General, and the National Center for Missing and Exploited Children, all of which forcefully pressed for public notification laws.⁴⁵ The ALI ultimately determined that existing SORN policies are unjust and counterproductive.⁴⁶ As a result, the MPC provisions on Sexual Assault and Related Offenses that were updated in 2022 substantially depart from existing SORN policies. Under the updated MPC provisions, registration is permitted as a confidential tool for law enforcement to aid in the investigation of a specific criminal offense, and disclosure of specific information about particular registrants to particular recipients is permitted in three circumstances under an obligation of confidentiality.⁴⁷ Significantly, the MPC provisions prohibit public disclosure of registry content.⁴⁸

While there is a vast body of primary and secondary scholarship conducted by experts that has determined that SORN laws do not prevent recidivism, a 2022 report commissioned by the Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking Office (SMART Office)—the federal agency tasked with implementing SORNA—asserted that the research on SORN’s impact on recidivism was “inconclusive.”⁴⁹ The Report had no listed authors. The section of the report examining adult and juvenile recidivism cited only seven articles.⁵⁰ Not one of these articles finds that a SORNA-compliant law is effective at reducing recidivism. Six of the articles are not based on empirical data, or address issues other than recidivism. The seventh article hoped to compare recidivism rates of juveniles who sexually offended before and after the law required their registration, but concluded that no statistically valid comparison was possible because recidivism was so uncommon in both groups.⁵¹ The 2022 SMART Office report fails to provide any evidence that SORN laws reduce recidivism—and fails to rebut the consensus described above that SORN laws do not prevent recidivism.

SORN LAWS DO NOT DEFINITELY DETER NON-REGISTRANTS FROM SEXUALLY OFFENDING

Another asserted justification for SORN laws is that these laws might have a deterrent effect on non-registrants. As discussed above, almost all sexual offending in the criminal justice system is committed by non-registrants. But, unlike the consensus that has formed on the issue of recidivism, the evidence on the deterrent effect of SORN laws on non-registrants is “best characterized as mixed.”⁵²

For example, studies have found SORN laws to have a deterrent effect when analyzing arrest data for adults in South Carolina over a fifteen-year period (resulting in an 11% decrease in offenses committed by non-registrants)⁵³, and federal crime reports for fifteen states (resulting in an almost 13% decrease in offenses committed by non-registrants).⁵⁴ Conversely, researchers found no deterrent effect on non-registrants

when studying criminal history data from adults in New York over a twenty-one-year period⁵⁵, or on juvenile charges and adjudications in Maryland and Oregon.⁵⁶

More research is necessary to determine whether SORN laws have a deterrent effect on non-registrants. However, if such an effect exists, it likely does not counteract the observed increase in registrant recidivism as described above.⁵⁷

SORN LAWS RESULT IN CONSEQUENCES THAT ARE COUNTERPRODUCTIVE TO THEIR STATED GOALS AND NEEDLESSLY CAUSE HARM TO REGISTRANTS AND THEIR FAMILIES

People are less likely to sexually offend when they have stable employment and housing, and strong social ties.⁵⁸ But rather than facilitate these conditions, SORN laws do just the opposite: the burdens that SORN laws impose on registrants make it harder for registrants to obtain stable jobs and housing, and contribute to their social isolation.⁵⁹

SORN LAWS CREATE BARRIERS TO SECURING EMPLOYMENT AND HOUSING AND THE MAINTENANCE OF STRONG SOCIAL TIES, AND OTHERWISE HARM REGISTRANTS AND THEIR FAMILIES

While people with a criminal conviction generally face barriers to securing employment⁶⁰, this challenge is even more pronounced for individuals convicted of a sex offense.⁶¹ Employers fear being publicly associated with registrants, which is compounded when registrants are required to list their place of employment on a public registry.⁶² At the same time, state laws bar registrants from a broad range of occupations.⁶³ As a result, registrants frequently lose their jobs, struggle to find jobs, and when they can find jobs, the jobs are below their qualifications.⁶⁴

Registrants also experience significant challenges in securing stable housing.⁶⁵ In the rental market, many landlords refuse to rent to registrants, or will do so only under conditions not required of other applicants.⁶⁶ If a registrant can't find stable housing through the rental market, public housing may not be available to them—federal law bars lifetime registrants from public housing.⁶⁷ Elderly registrants, which is an increasingly large population, may also be denied access to housing with supportive services, subsidized housing, and assisted living and skilled nursing facilities on the basis of their status as registrants.⁶⁸ And registrants may not even be able to access the “last line of defense for people experiencing housing problems”—homeless shelters—because many shelters have policies prohibiting registrants.⁶⁹ In Florida, registrants can't enter emergency shelters even during disasters, such as hurricanes.⁷⁰

While a conviction for a sex offense on its own generates stigma, the modern system of public registries—where the names, photos, home addresses, and place of employment are available to anyone, permanently—operate as “state-sanctioned public shaming, augment[ing] the stigmatic experience of registrants.”⁷¹ In addition to publicizing registrants' personal information, registries formally brand registrants with the label “sex offender.”⁷² This label is harmful because it elicits false stereotypes of registrants—that they are uniformly dangerous, unresponsive to treatment, and highly likely to reoffend⁷³—and has been shown to negatively impact public opinion of registrants more than the fact of conviction alone.⁷⁴ As a consequence of their stigmatization, registrants experience discrimination, social exclusion, public ridicule, harassment, and violence.⁷⁵ Registrants may avoid social interactions to reduce the likelihood of their registrant status being discovered, and when they do have social interactions, they may feel anxiety that they will be confronted or attacked.⁷⁶

All of this takes a toll on registrants' mental health.⁷⁷ The “unique stigma of the ‘sex offender’ label can foster a profound sense of disempowerment, social isolation, hopelessness, and shame”⁷⁸, and the challenges in obtaining stable employment and housing, as well as the financial burdens and time requirements

associated with SORN compliance, can cause distress.⁷⁹ SORN laws seem to be particularly harmful to the mental health of individuals who are required to register based on offenses committed when they were a juvenile; for this population, SORN laws are associated with high rates of suicidal ideation, suicide attempts, and death by suicide as compared to juvenile non-registrants.⁸⁰

Each of these consequences of SORN laws—the barriers to securing employment and housing, the social exclusion, and the corresponding mental health issues that registrants face—are all risk factors for recidivism.⁸¹ Registrants suffer, their efforts to reintegrate successfully are directly undermined, and, as a result, the communities they return to are less safe.

Registrants' families are also affected. When a registrant is un- or underemployed, their family members experience resulting financial hardship.⁸² And as with finances, registrants' family members are affected by housing disruption and forced relocation when registrants struggle to secure stable housing.⁸³ Registrants' family members also experience stigmatization (particularly for registrants' children), harassment, threats, and violence—all of which impact the mental health of registrants' family members.⁸⁴

That SORN laws do not prevent sexual violence and are counterproductive to successful reintegration is enough to call for a change in sexual violence policy. But these laws also inflict palpable harm to registrants, their families, and their communities. Decades after SORN laws were first implemented, the evidence is clear that SORN laws have failed.

CONCLUSION

Experts on sexual violence policy recognize that SORN laws do not reduce sexual offense recidivism. The gratuitous burdens that SORN laws impose on registrants and their families harm both them and the communities in which they live. Those communities would benefit from shifting the resources currently devoted to administering SORN laws to funding interventions to reduce the incidence of sexual violence that are effective, including primary prevention⁸⁵, support services for victims/survivors, and reentry and treatment programs to facilitate the reintegration to civil society of people who have sexually offended.

¹ Kristen M. Zgoba & Meghan M. Mitchell, *The Effectiveness of Sex Offender Registration and Notification: A Meta-Analysis of 25 Years of Findings*, 19 JOURNAL OF EXPERIMENTAL CRIMINOLOGY 71, 72 (2023) (citing to the most recent estimate from the National Center for Missing and Exploited Children).

² For a detailed history of the origins of these laws, see Wayne A. Logan, *Origins and Evolution*, in SEX OFFENDER REGISTRATION AND COMMUNITY NOTIFICATION LAWS: AN EMPIRICAL EVALUATION 5-13 (Wayne A. Logan & J.J. Prescott eds., 2021) [hereinafter "SORN LAWS: AN EMPIRICAL EVALUATION"]. For a detailed discussion of tribal jurisdictions' SORN codes, see Virginia Davis & Kevin Washburn, *Sex Offender Registration in Indian Country*, 6 OHIO STATE JOURNAL OF CRIMINAL LAW 3 (2008).

³ Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, Pub. L. 103-322, 108 Stat. 1796, 2038 (1994).

⁴ Megan's Law, Pub. L. 104-145, 110 Stat. 1345 (1996) (amending 42 U.S.C. § 14071(d)).

⁵ Alissa R. Ackerman, *Registries and Registrants: Research on the Composition of Registries*, in SORN LAWS: AN EMPIRICAL EVALUATION 35.

⁶ See generally Andrew J. Harris & Scott M. Walfield, *Variations in the Structure and Operation of SORN Systems*, in SORN LAWS: AN EMPIRICAL EVALUATION.

⁷ Sex Offender Registration and Notification Act, Pub. L. 109-248, title I, §16901, 120 Stat. 590 (2006) (This is part of the Adam Walsh Child Protection and Safety Act of 2006, originally codified at 42 U.S.C. § 16901 and reclassified to 34 U.S.C. § 20901 et. seq.) (repealing 42 U.S.C. § 14071).

⁸ See *Current Law*, OFFICE OF SEX OFFENDER SENTENCING, MONITORING, APPREHENDING, REGISTERING, AND TRACKING [hereinafter "SMART Office"], <https://smart.ojp.gov/sorna/current-law> (last visited September 23, 2024); see also *SORNA: Tribal Election, Delegation to*

the State and Right of Access, SMART OFFICE, <https://smart.ojp.gov/sorna/current-law/implementation-documents/tribal-election-delegation-state-and-right-access> (last visited January 24, 2025).

⁹ Kristen M. Zgoba & Meghan M. Mitchell, *The Effectiveness of Sex Offender Registration and Notification: A Meta-Analysis of 25 Years of Findings*, 19 JOURNAL OF EXPERIMENTAL CRIMINOLOGY 71, 72 (2023) (citing to David M. Bierie, *The Utility of Sex Offender Registration: A Research Note*, 22 JOURNAL OF SEXUAL AGGRESSION 263 (2016); Jill S. Levenson, David A. D'Amora & Andrea L. Hern, *Megan's Law and its Impact on Community Re-entry for Sex Offenders*, 25 BEHAVIORAL SCIENCES & THE LAW 587 (2007); NATIONAL CRIMINAL JUSTICE ASSOCIATION, SEX OFFENDER MANAGEMENT ASSESSMENT AND PLANNING INITIATIVE (2017); Richard Tewksbury & Matthew B. Lees, *Perceptions of Punishment: How Registered Sex Offenders View Registries*, 53 CRIME & DELINQUENCY 380 (2007)).

¹⁰ Kristen M. Zgoba & Meghan M. Mitchell, *The Effectiveness of Sex Offender Registration and Notification: A Meta-Analysis of 25 Years of Findings*, 19 JOURNAL OF EXPERIMENTAL CRIMINOLOGY 71, 73 (2023) (citing SCOTT MATSON & ROXANNE LIEB, WASHINGTON INSTITUTE OF PUBLIC POLICY, MEGAN'S LAW: A REVIEW OF STATE LEGISLATION DOCUMENT No. 97-10-1101 (1997); Laura M. Ragusa-Salerno & Kristen M. Zgoba, *Taking Stock of 20 Years of Sex Offender Laws and Research: An Examination of Whether Sex Offender Legislation has Helped or Hindered Our Efforts*, 35 JOURNAL OF CRIME AND JUSTICE 335 (2012)).

¹¹ See Kristen M. Zgoba & Richard Tewksbury, *Law Enforcement and SORN*, in SORN LAWS: AN EMPIRICAL EVALUATION 50-51 (describing generally the registration and verification process); Amanda Agan & J.J. Prescott, *Offenders and SORN Laws*, in SORN LAWS: AN EMPIRICAL EVALUATION 128-129 (explaining that noncompliance is often unintentional and can be explained by the burdensome requirements of registration and the life circumstances of many registrants); see generally Tanja C. Link, Melanie Holland & Joey Villemez, *Crossing the Line: A Comprehensive Analysis of Jurisdictional Variations in SORNA Statutes*, 30 PSYCHOLOGY, PUBLIC POLICY, AND LAW 159 (2023) (describing the lack of uniformity and clarity in SORN statutes, which can jeopardize compliance efforts); and see generally David A. Makin, Andrea M. Walker & Christopher M. Campbell, *Paying to be Punished: A Statutory Analysis of Sex Offender Registration Fees*, 37 CRIMINAL JUSTICE ETHICS 215 (2018) (reviewing statutory language in all fifty states and the District of Columbia to identify jurisdictions that impose registration costs onto registrants, and the amount and frequency that registrants must pay).

¹² 18 U.S.C. § 2250. Failure to register.

¹³ See, e.g., Minn. Stat. § 243.166.5 Registration of predatory offenders. Criminal penalty.

¹⁴ Kristen M. Zgoba & Richard Tewksbury, *Law Enforcement and SORN*, in SORN LAWS: AN EMPIRICAL EVALUATION 50-51.

¹⁵ *Id.* at 51.

¹⁶ CALIFORNIA SEX OFFENDER MANAGEMENT BOARD, WHAT YOU MAY NOT KNOW ABOUT CALIFORNIA'S SEX OFFENDER REGISTRY 13 (2017), available at https://casomb.org/pdf/CASOMB_Education_Pamphlet.pdf (last visited September 26, 2024).

¹⁷ Kelly M. Socia, *The Ancillary Consequences of SORN*, in SORN LAWS: AN EMPIRICAL EVALUATION 90 (citing to Amanda Agan & J.J. Prescott, *Sex Offender Law and the Geography of Victimization*, 11 JOURNAL OF EMPIRICAL LEGAL STUDIES 786 (2014)).

¹⁸ Kelly M. Socia, *The Ancillary Consequences of SORN*, in SORN LAWS: AN EMPIRICAL EVALUATION 89-90 (citing to James E. Larsen, Kenneth J. Lowrey & Joseph W. Coleman, *The Effect of Proximity to a Registered Sex Offender's Residence on Single-Family House Selling Price*, 71 APPRAISAL JOURNAL 253 (2003); Leigh Linden & Jonah E. Rockoff, *Estimates of the Impact of Crime Risk on Property Values from Megan's Law*, 98 AMERICAN ECONOMIC REVIEW 1103 (2008); Jaren C. Pope, *Fear of Crime and Housing Prices: Household Reactions to Sex Offender Registries*, 64 JOURNAL OF URBAN ECONOMICS 601 (2008); Steven B. Caudill, Ermanno Affuso & Ming Yang, *Registered Sex Offenders and House Prices: An Hedonic Analysis*, 52 URBAN STUDIES 2425 (2015); John C. Navarro & Cara Rabe-Hemp, *The Financial Impact of Registered Sex Offenders on Home Sale Prices: A Case Study of McLean County, Illinois*, 4 INTERNATIONAL JOURNAL OF RURAL CRIMINOLOGY 87 (2018); but see John C. Navarro & Matt Ruther, *A Geospatial Analysis Between the Sale Prices of Single-Family Properties and the Presence of Registered Sex Offenders in Jefferson County, Kentucky*, URBAN STUDIES, 1-15 (2018) (final version available at 57 Urban Studies 944 (2020)) (finding no relationship between registrants and decreased property values)).

¹⁹ See Eric S. Janus, *Preventing Sexual Violence: Alternatives to Worrying About Recidivism*, 103 MARQUETTE LAW REVIEW 819, 825-836 (2020).

²⁰ See Amanda Agan & J.J. Prescott, *Offenders and SORN Laws*, in SORN LAWS: AN EMPIRICAL EVALUATION 138 (citing to J.J. Prescott & Jonah E. Rockoff, *Do Sex Offender Registration and Notification Laws Affect Criminal Behavior?*, 54 JOURNAL OF LAW AND ECONOMICS, 161 (2011)); and Jill S. Levenson, *Integrating the Etiology of Sexual Offending into Evidence-Based Policy and Practices*, in SORN LAWS: AN EMPIRICAL EVALUATION 151 (citing to BUREAU OF JUSTICE STATISTICS, SEXUAL ASSAULT OF YOUNG CHILDREN AS REPORTED TO LAW ENFORCEMENT: VICTIM, INCIDENT, AND OFFENDER CHARACTERISTICS (NCJ 182990) (2000), www.bjs.gov/content/pub/pdf/saycrle.pdf; Lucy Berliner, Donna Schram, Lisa L. Miller, Cheryl Darling Milloy, *A Sentencing Alternative for Sex Offenders: A Study of Decision Making and Recidivism*, 10 JOURNAL OF INTERPERSONAL VIOLENCE 487 (1995); BUREAU OF JUSTICE STATISTICS, CRIMINAL VICTIMIZATION (NCJ 199994) (2002), www.ojp.usdoj.gov/bjs/cvictgen.htm; Grant Duwe, William Donnay & Richard Tewksbury, *Does Residential Proximity Matter? A Geographic Analysis of Sex Offense Recidivism*, 35 CRIMINAL JUSTICE AND BEHAVIOR 484 (2008); Paul A. Zandbergen, Jill S. Levenson & Timothy C. Hart, *Residential Proximity to Schools and Daycares: An Empirical Analysis of Sex Offense Recidivism*, 37 CRIMINAL JUSTICE AND BEHAVIOR 482 (2010); Nicole Colombino, Cynthia Calkins Mercado, Jill S. Levenson & Elizabeth Jeglic, *Preventing Sexual Violence: Can Examination of Offense Location Inform Sex Crime Policy?* 34 INTERNATIONAL

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²¹ See Eric S. Janus, *Preventing Sexual Violence: Alternatives to Worrying About Recidivism*, 103 MARQUETTE LAW REVIEW 819, 832, 835 (2020) (citing to MARIEL ALPER & MATTHEW R. DUROSE, BUREAU OF JUSTICE STATISTICS, U.S. DEP'T OF JUSTICE, RECIDIVISM OF SEX OFFENDERS RELEASED FROM STATE PRISON: A 9-YEAR FOLLOW-UP (2005–14) 4 (2019), <https://www.bjs.gov/content/pub/pdf/rsorsp9yfu0514.pdf> (finding that, of people who had been convicted of a sex offense and subsequently released from prison, 92.3% were not rearrested for a new sex offense in the nine-year follow up period); Kelly K. Bonnar-Kidd, *Sexual Offender Laws and Prevention of Sexual Violence or Recidivism*, 100 AM J PUB. HEALTH 412, 414 (2010) (finding that 96% of all arrests for sexual crimes in N.Y. involved individuals without previous sex offense convictions); Jeffrey C. Sandler, Naomi J. Freeman & Kelly M. Socia, *Does a Watched Pot Boil? A Time-Series Analysis of New York State's Sex Offender Registration and Notification Law*, 14 PSYCHOLOGY, PUBLIC POLICY, AND LAW 284, 295 (2008) (showing that 95% of arrests for sex offenses in N.Y. between 1986 and 2006 were of people who had not previously sexually offended); PATRICK A. LANGAN, ERICA L. SCHMITT & MATTHEW R. DUROSE, BUREAU OF JUSTICE STATISTICS, U.S. DEP'T OF JUSTICE, RECIDIVISM OF SEX OFFENDERS RELEASED FROM PRISON IN 1994 11 (2003), <https://www.bjs.gov/content/pub/pdf/rsorp94.pdf> (finding that, of the people convicted of sex offense who were released from prisons in 1994, 86% had no prior conviction for a sex offense); MATTHEW R. DUROSE, ALEXIA D. COOPER & HOWARD N. SNYDER, U.S. DEP'T OF JUSTICE, RECIDIVISM OF PRISONERS RELEASED IN 30 STATES IN 2005: PATTERNS FROM 2005 TO 2010 10 (2014), <https://www.bjs.gov/content/pub/pdf/rprts05p0510.pdf> (finding that, of people released from prisons in 2005, 84% had no prior conviction for a sex offense); Joshua Vaughn, *Failure-to-Comply Arrests Reveal Flaws in Sex Offender Registries*, APPEAL (Aug. 1, 2018), <https://theappeal.org/skyrocketing-charges-for-failing-to-comply-with-sexoffender-registries-reveal-their-flaws/> (observing that 96% of people charged with a sex offense in PA in 2016 had no criminal history of sexual violence); Brian Collins, Minn. Dep't of Corr., Presentation at the 2017 MnATSA Conference: Residency Restrictions: Sound Public Policy or Tinfoil Hats? (Apr. 21, 2017) (on file with author) (finding that 93% of all sex offense convictions in MN had no prior conviction for criminal sexual conduct); and Amanda Agan & J.J. Prescott, *Offenders and SORN Laws*, in SORN LAWS: AN EMPIRICAL EVALUATION 138 (citing to Jeffrey C. Sandler, Naomi J. Freeman & Kelly M. Socia, *Does a Watched Pot Boil? A Time-Series Analysis of New York State's Sex Offender Registration and Notification Law*, 14 PSYCHOLOGY, PUBLIC POLICY, AND LAW 284 (2008); and Jill S. Levenson and Kristen M. Zgoba, *Community Protection Policies and Repeat Sexual Offenses in Florida*, 60 INTERNATIONAL JOURNAL OF OFFENDER THERAPY AND COMPARATIVE CRIMINOLOGY 1140 (2016)) (noting that individuals who have not previously been arrested for a sex offense necessarily have not been convicted of one).

²² Amanda Agan & J.J. Prescott, *Offenders and SORN Laws*, in SORN LAWS: AN EMPIRICAL EVALUATION 109, 130; see also Kristen M. Zgoba & Meghan M. Mitchell, *The Effectiveness of Sex Offender Registration and Notification: A Meta-Analysis of 25 Years of Findings*, 19 JOURNAL OF EXPERIMENTAL CRIMINOLOGY 71, 89, 92 (2023).

²³ Amanda Agan & J.J. Prescott, *Offenders and SORN Laws*, in SORN LAWS: AN EMPIRICAL EVALUATION 109.

²⁴ J.J. Prescott & Jonah E. Rockoff, *Do Sex Offender Registration and Notification Laws Affect Criminal Behavior?*, 54 JOURNAL OF LAW AND ECONOMICS 161 (2011).

²⁵ Amanda Agan & J.J. Prescott, *Offenders and SORN Laws*, in SORN LAWS: AN EMPIRICAL EVALUATION 110-111 (citing to J.J. Prescott & Jonah E. Rockoff, *Do Sex Offender Registration and Notification Laws Affect Criminal Behavior?*, 54 JOURNAL OF LAW AND ECONOMICS 161 (2011)).

²⁶ Amanda Agan & J.J. Prescott, *Offenders and SORN Laws*, in SORN LAWS: AN EMPIRICAL EVALUATION 111.

²⁷ *Id.*

²⁸ Amanda Y. Agan, *Sex Offender Registries: Fear Without Function?*, 54 JOURNAL OF LAW AND ECONOMICS 207 (2011).

²⁹ Amanda Agan & J.J. Prescott, *Offenders and SORN Laws*, in SORN LAWS: AN EMPIRICAL EVALUATION 115 (citing to Amanda Y. Agan, *Sex Offender Registries: Fear Without Function?*, 54 JOURNAL OF LAW AND ECONOMICS 207 (2011)).

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³¹ *Id.* at 116-117 (citing to Jeffrey C. Sandler, Naomi J. Freeman & Kelly M. Socia, *Does A Watched Pot Boil? A Time-Series Analysis of New York State's Sex Offender Registration and Notification Law*, 14 PSYCHOLOGY, PUBLIC POLICY, AND LAW 284 (2008)).

³² Amanda Agan & J.J. Prescott, *Offenders and SORN Laws*, in SORN LAWS: AN EMPIRICAL EVALUATION 117 (citing to Elizabeth J. Letourneau, Jill S. Levenson, Dipankar Bandyopadhyay, Kevin Armstrong & Debajyoti Sinha, *Effects of South Carolina's Sex Offender Registration and Notification Policy on Deterrence of Adult Sex Crimes*, 37 CRIMINAL JUSTICE AND BEHAVIOR 435 (2010)).

³³ Amanda Agan & J.J. Prescott, *Offenders and SORN Laws*, in SORN LAWS: AN EMPIRICAL EVALUATION 116 (citing to Sean Maddan, *Sex Offenders as Outsiders: A Reexamination of the Labeling Perspective Utilizing Current Sex Offender Registration and Notification Policies* (2005) (unpublished Ph.D. dissertation, University of Nebraska); SEAN MADDAN, *THE LABELING OF SEX OFFENDERS: THE UNINTENDED CONSEQUENCES OF THE BEST INTENTIONED POLICIES* (2008); Sean Maddan, J. Mitchell Miller, Jeffery T. Walker & Ineke Haen Marshall, *Utilizing Criminal History Information to Explore the Effect of Community Notification on Sex Offender Recidivism*, 28 JUSTICE QUARTERLY 303 (2011)).

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- ⁴⁰ Patrick Lussier, Evan McCuish & Elizabeth L. Jeglic, *Against All Odds: The Unexplained Sexual Recidivism Drop in the United States and Canada*, 52 *CRIME AND JUSTICE* 125 (2023).
- ⁴¹ *Id.* at 126.
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- ⁴⁹ FEDERAL RESEARCH DIVISION, LIBRARY OF CONGRESS, *SEX OFFENDER REGISTRATION AND NOTIFICATION ACT—SUMMARY AND ASSESSMENT OF RESEARCH 2* (2022), available at <https://www.ojp.gov/pdffiles1/smart/305231.pdf>.
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- ⁵⁷ Amanda Agan & J.J. Prescott, *Offenders and SORN Laws*, in *SORN LAWS: AN EMPIRICAL EVALUATION* 124.
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⁵⁹ Kelly M. Socia, *The Ancillary Consequences of SORN*, in *SORN LAWS: AN EMPIRICAL EVALUATION* 85 (citing to Jill S. Levenson & Richard Tewksbury, *Collateral Damage: Family Members of Registered Sex Offenders*, 34 AMERICAN JOURNAL OF CRIMINAL JUSTICE 54 (2009)).

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⁶² Kelly M. Socia, *The Ancillary Consequences of SORN*, in *SORN LAWS: AN EMPIRICAL EVALUATION* 79-80 (citing to Keri B. Burchfield & William Mingus, *Not in My Neighborhood: Assessing Registered Sex Offenders' Experiences with Local Social Capital and Social Control*, 35 CRIMINAL JUSTICE AND BEHAVIOR 356 (2008); Richard Tewksbury & Matthew B. Lees, *Perceptions of Sex Offender Registration: Collateral Consequences and Community Experiences*, 26 SOCIOLOGICAL SPECTRUM 309 (2006); Monica L.P. Robbers, *Lifers on the Outside: Sex Offenders and Disintegrative Shaming*, 53 INTERNATIONAL JOURNAL OF OFFENDER THERAPY AND COMPARATIVE CRIMINOLOGY 5 (2009)).

⁶³ See, e.g., La. Stat. Ann. § 15:553 (2023) Prohibition of employment for certain sex offenders (listing types of employment that registrants cannot perform on pain of punishment in Louisiana).

⁶⁴ See Kelly M. Socia, *The Ancillary Consequences of SORN*, in *SORN LAWS: AN EMPIRICAL EVALUATION* 79 (citing to Vanessa Woodward Griffin & Mary Evans, *The Duality of Stigmatization: An Examination of Differences in Collateral Consequences for Black and White Sex Offenders*, JUSTICE QUARTERLY, Advance Online Publication (2019) (final version available at 38 JUSTICE QUARTERLY 1019 (2019)); Cynthia Calkins Mercado, Shea Alvarez & Jill Levenson, *The Impact of Specialized Sex Offender Legislation on Community Reentry*, 20 SEXUAL ABUSE 188 (2008); Monica L. P. Robbers, *Lifers on the Outside: Sex Offenders and Disintegrative Shaming*, 53 INTERNATIONAL JOURNAL OF OFFENDER THERAPY AND COMPARATIVE CRIMINOLOGY 5 (2009)).

⁶⁵ Residency restrictions also significantly limit housing options for registrants because such laws prohibit registrants from living (or staying) in certain areas. However, because residency restrictions are not necessarily a component of SORN laws, this brief does not address these laws specifically.

⁶⁶ Kelly M. Socia, *The Ancillary Consequences of SORN*, in *SORN LAWS: AN EMPIRICAL EVALUATION* 80-81 (citing to Naomi Kunstler & Jack Tsai, *Understanding Landlord Perspectives on Applications with Sex Offenses*, 23 HOUSING, CARE AND SUPPORT 27 (2020) (finding that 44% of landlords “will not rent to individuals with a history of sexual offending” and that an additional 36% would only do so “under conditions not necessarily required of other applicants (e.g., stable housing history)”); see also Douglas N. Evans & Jeremy R. Porter, *Criminal History and Landlord Rental Decisions: A New York Quasi-Experimental Study*, 11 JOURNAL OF EXPERIMENTAL CRIMINOLOGY 21 (2015) (finding that prospective tenants who revealed a prior conviction for child molestation were significantly more likely to be excluded from consideration than those who revealed a prior felony conviction for drug trafficking).

⁶⁷ Shawn M. Rolfe, Richard Tewksbury & Ryan D. Schroeder, *Homeless Shelters' Policies on Sex Offenders: Is This Another Collateral Consequence?*, 61 INTERNATIONAL JOURNAL OF OFFENDER THERAPY AND COMPARATIVE CRIMINOLOGY 1833, 1834 (2017) (citing to 42 U.S.C. §13663).

⁶⁸ See Mary Helen McNeal & Patricia Warth, *Barred Forever: Seniors, Housing, and Sex Offense Registration*, 22 KANSAS JOURNAL OF LAW AND PUBLIC POLICY 317, 334-343 (2013).

⁶⁹ Shawn M. Rolfe, Richard Tewksbury & Ryan D. Schroeder, *Homeless Shelters' Policies on Sex Offenders: Is This Another Collateral Consequence?*, 61 INTERNATIONAL JOURNAL OF OFFENDER THERAPY AND COMPARATIVE CRIMINOLOGY, 1833, 1834 (2017).

⁷⁰ See David M. Reutter, *Sex Offenders Excluded from Florida Shelters During Hurricane*, PRISON LEGAL NEWS (November 5, 2019), <https://www.prisonlegalnews.org/news/2019/nov/5/sex-offenders-excluded-florida-shelters-during-hurricane/>. At the time of publication, a new bill has been proposed to the United States House of Representatives that would ban registrants from emergency shelters or face fines and imprisonment. Jackson Walker, *Nancy Mace Proposes Banning Sex Offenders from Sharing Emergency Shelters with Women, Kids*, THE NATIONAL NEWS DESK (December 12, 2024), <https://nbcmontana.com/news/nation-world/nancy-mace-proposes-banning-sex-offenders-from-sharing-emergency-shelters-with-women-kids-safe-shelters-act-of-2024-bill>.

⁷¹ Douglas Evans, Adam Trahan & Kaleigh Laird, *Shame and Blame: Secondary Stigma Among Families of Convicted Sex Offenders*, 23 CRIMINOLOGY AND JUSTICE 78, 79 (2021); see also Douglas N. Evans & Michelle A. Cubellis, *Coping with Stigma: How Registered*

Sex Offenders Manage their Public Identities, 40 *American Journal of Criminal Justice* 593, 595 (2015) (describing how SORN laws have “enhanced the stigmatization of [registrants]” who were previously “somewhat insulated from social stigmatization”).

⁷² See Douglas N. Evans & Michelle A. Cubellis, *Coping with Stigma: How Registered Sex Offenders Manage their Public Identities*, 40 *American Journal of Criminal Justice* 593, 594 (2015) (“[SORN] laws [] formally and publicly label [registrants] as sex offenders”).

⁷³ See Andrew J. Harris & Kelly M. Socia, *What’s in a Name? Evaluating the Effects of the “Sex Offender” Label on Public Opinions and Beliefs*, 28 *SEXUAL ABUSE* 660, 661 (2016) (citing to Stacey Katz-Schiavone, Jill S. Levenson & Alissa R. Ackerman, *Myths and Facts About Sexual Violence: Public Perceptions and Implications for Prevention*, 15 *JOURNAL OF CRIMINAL JUSTICE AND POPULAR CULTURE*, 291 (2008); Jill S. Levenson, Yolanda N. Brannon, Timothy Fortney & Juanita Baker, *Public Perceptions About Sex Offenders and Community Protection Policies*, 7 *ANALYSES OF SOCIAL ISSUES AND PUBLIC POLICY* 137 (2007)); see also Giulia Lowe & Gwenda Willis, “Sex Offender” Versus “Person”: The Influence of Labels on the Willingness to Volunteer with People Who have Sexually Abused, 32 *SEXUAL ABUSE* 591, 592 (2020) (citing to Justin T. Pickett, Christina Mancini & Daniel P. Mears, *Vulnerable Victims, Monstrous Offenders, and Unmanageable Risk: Explaining Public Opinion on the Social Control of Sex Crime*, 51 *CRIMINOLOGY* 729 (2013); James F. Quinn, Craig J. Forsyth & Carla Mullen-Quinn, *Societal Reaction to Sex Offenders: A Review of the Origins and Results of the Myths Surrounding their Crimes and Treatment Amenability*, 25 *DEVIANT BEHAVIOR*, 215 (2004)).

⁷⁴ See Andrew J. Harris & Kelly M. Socia, *What’s in a Name? Evaluating the Effects of the “Sex Offender” Label on Public Opinions and Beliefs*, 28 *SEXUAL ABUSE* 660 (2016) (finding that the sex offender label increases support for laws targeting people convicted of sex offenses); see also Giulia Lowe & Gwenda Willis, “Sex Offender” Versus “Person”: The Influence of Labels on the Willingness to Volunteer with People Who have Sexually Abused, 32 *SEXUAL ABUSE* 591 (2020) (finding that the sex offender label decreases the likelihood of potential volunteers to work with people with sex offenses).

⁷⁵ See Kelly M. Socia, *The Ancillary Consequences of SORN*, in *SORN LAWS: AN EMPIRICAL EVALUATION* 78, 86-87; see also Beth M. Huebner, Kimberly R. Kras & Breanne Pleggenkuhle, *Structural Discrimination and Social Stigma among Individuals Incarcerated for Sexual Offenses: Reentry across the Rural-Urban Continuum*, 57 *CRIMINOLOGY* 715, 717, 731 (2019); see also Danielle J.S. Bailey & Jennifer L. Klein, *Ashamed and Alone: Comparing Offender and Family Member Experiences with the Sex Offender Registry*, 43 *CRIMINAL JUSTICE REVIEW* 440, 443 (2018) (citing to Keri B. Burchfield & William Mingus, *Not In My Neighborhood: Assessing Registered Sex Offenders’ Experiences with Local Social Capital and Social Control*, 35 *CRIMINAL JUSTICE AND BEHAVIOR* 356 (2008); Jennifer L. Klein, Joseph Rukus & Katheryn Zambrana, *Do Experienced Behaviors Lead to Increased Shame and Strain for Registered Female Sex Offenders?* 9 *JUSTICE POLICY JOURNAL* 1 (2012); Jennifer L. Klein, Danielle Tolson & Cathy Collins, *Expressing Strain: A Qualitative Evaluation of the Testimonies of Female Sex Offenders*, 2 *JOURNAL OF QUALITATIVE CRIMINAL JUSTICE AND CRIMINOLOGY* 119 (2014); Richard Tewksbury, *Experiences and Attitudes of Registered Female Sex Offenders*, 68 *FEDERAL PROBATION* 30 (2004); Richard Tewksbury, *Collateral Consequences of Sex Offender Registration*, 21 *JOURNAL OF CONTEMPORARY CRIMINAL JUSTICE* 67 (2005); Richard G. Zevitz & Mary Ann Farkas, *Sex Offender Community Notification: Managing High Risk Criminals or Exacting Further Vengeance?* 18 *BEHAVIORAL SCIENCES AND THE LAW* 375 (2000)) (describing consequences of living “under the formal label of ‘registered sex offender,’” which include harassment, physical assault, and public ridicule); see also J.J. Prescott, *Portmanteau Ascendant: Post-Release Regulations and Sex Offender Recidivism*, 48 *CONNECTICUT LAW REVIEW* 1035, 1056 (2016) (citing to Michael P. Lasher & Robert J. McGrath, *The Impact of Community Notification on Sex Offender Reintegration: A Quantitative Review of the Research Literature*, 56 *INTERNATIONAL JOURNAL OF OFFENDER THERAPY & COMPARATIVE CRIMINOLOGY* 6 (2012); Richard Tewksbury, *Collateral Consequences of Sex Offender Registration*, 21 *JOURNAL OF CONTEMPORARY CRIMINAL JUSTICE* 67 (2005); Steven Yoder, *Life on the List*, *AMERICAN PROSPECT* (April 4, 2011), <http://www.prospect.org/article/life-list>) (noting that harassment and violent assault by community members are “particularly salient consequence[s] of making the identities and address of known sex offenders broadly available to the community”); see also Mycah Hatfield, *Man accused of killing sex offender said police not doing enough against pedophiles, records allege*, ABC 13 (February 1, 2024), <https://abc13.com/houston-deadly-shooting-sean-connelly-showers-registered-sex-offender-killed-james-lewis-spencer-iii-accused-of-murder/14379164/> (reporting on the targeting and killing of a registrant in Texas).

⁷⁶ See Beth M. Huebner, Kimberly R. Kras & Breanne Pleggenkuhle, *Structural Discrimination and Social Stigma among Individuals Incarcerated for Sexual Offenses: Reentry across the Rural-Urban Continuum*, 57 *CRIMINOLOGY* 715, 726, 728, 730 (2019); Douglas N. Evans & Michelle A. Cubellis, *Coping with Stigma: How Registered Sex Offenders Manage their Public Identities*, 40 *American Journal of Criminal Justice* 593, 607-609 (2015).

⁷⁷ See Kelly M. Socia, *The Ancillary Consequences of SORN*, in *SORN LAWS: AN EMPIRICAL EVALUATION* 85 (citing to Danielle J.S. Bailey & Jennifer L. Klein, *Ashamed and Alone: Comparing Offender and Family Member Experiences with the Sex Offender Registry*, 43 *CRIMINAL JUSTICE REVIEW* 440 (2018)).

⁷⁸ Jill S. Levenson, *Integrating the Etiology of Sexual Offending into Evidence-Based Policy and Practices*, in *SORN LAWS: AN EMPIRICAL EVALUATION* 154 (citing to Rebecca L. Fix, Kelli R. Thompson, Elizabeth J. Letourneau & Barry R. Burkhart, *Development and Psychometric Properties of the Concerns About Juvenile Sex Offender Registration and Notification Questionnaire (C-JSORNQ)*. *Sexuality Research & Social Policy* (2020) (final version available at 18 *SEXUALITY RESEARCH & SOCIAL POLICY* 397 (2021)); Elizabeth L. Jeglic, Cynthia Calkins Mercado & Jill S. Levenson, *The Prevalence and Correlates of Depression and Hopelessness among Sex*

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⁷⁹ Kelly M. Socia, *The Ancillary Consequences of SORN*, in SORN LAWS: AN EMPIRICAL EVALUATION 85 (citing to Danielle J.S. Bailey & Jennifer L. Klein, *Ashamed and Alone: Comparing Offender and Family Member Experiences with the Sex Offender Registry*, 43 CRIMINAL JUSTICE REVIEW 440 (2018)).

⁸⁰ Elizabeth J. Letourneau, *Juvenile Registration and Notification Are Failed Policies That Must End*, in SORN LAWS: AN EMPIRICAL EVALUATION 173-174 (citing to HUMAN RIGHTS WATCH, RAISED ON THE REGISTRY: THE IRREPARABLE HARM OF PLACING CHILDREN ON SEX OFFENDER REGISTRIES IN THE U.S. (2013), available at: <https://www.hrw.org/report/2013/05/01/raised-registry/irreparable-harm-placing-children-sex-offender-registries-us>; Andrew J. Harris, Scott M. Walfield, Ryan T. Shields & Elizabeth J. Letourneau, *Collateral consequences of juvenile sex offender registration and notification: Results from a survey of treatment providers* 28 SEXUAL ABUSE: JOURNAL OF RESEARCH AND TREATMENT 770 (2016); Elizabeth J. Letourneau, Cindy M. Schaeffer, Catherine P. Bradshaw & Kenneth A. Feder, *Preventing the Onset of Child Sexual Abuse by Targeting Adolescents with Universal Prevention Programming*, 22 CHILD MALTREATMENT 100 (2017)).

⁸¹ See Jill S. Levenson, *Integrating the Etiology of Sexual Offending into Evidence-Based Policy and Practices*, in SORN LAWS: AN EMPIRICAL EVALUATION 150, 153-157.

⁸² Kelly M. Socia, *The Ancillary Consequences of SORN*, in SORN LAWS: AN EMPIRICAL EVALUATION 85 (citing to Jill S. Levenson & Richard Tewksbury, *Collateral Damage: Family Members of Registered Sex Offenders*, 34 AMERICAN JOURNAL OF CRIMINAL JUSTICE 54 (2009)).

⁸³ Kelly M. Socia, *The Ancillary Consequences of SORN*, in SORN LAWS: AN EMPIRICAL EVALUATION 85 (citing to Danielle J.S. Bailey & Jennifer L. Klein, *Ashamed and Alone: Comparing Offender and Family Member Experiences with the Sex Offender Registry*, 43 CRIMINAL JUSTICE REVIEW 440 (2018); Jill S. Levenson & Richard Tewksbury, *Collateral Damage: Family Members of Registered Sex Offenders*, 34 AMERICAN JOURNAL OF CRIMINAL JUSTICE 54 (2009); Richard Tewksbury & Jill S. Levenson, *Stress Experiences of Family Members of Registered Sex Offenders*, 27 BEHAVIORAL SCIENCES & THE LAW 611 (2009)).

⁸⁴ Kelly M. Socia, *The Ancillary Consequences of SORN*, in SORN LAWS: AN EMPIRICAL EVALUATION 85-87 (citing to Danielle J.S. Bailey & Jennifer L. Klein, *Ashamed and Alone: Comparing Offender and Family Member Experiences with the Sex Offender Registry*, 43 CRIMINAL JUSTICE REVIEW 440 (2018); Jill S. Levenson & Richard Tewksbury, *Collateral Damage: Family Members of Registered Sex Offenders*, 34 AMERICAN JOURNAL OF CRIMINAL JUSTICE 54 (2009); Richard Tewksbury & Jill S. Levenson, *Stress Experiences of Family Members of Registered Sex Offenders*, 27 BEHAVIORAL SCIENCES & THE LAW 611 (2009)).

⁸⁵ *Prevention*, NATIONAL SEXUAL VIOLENCE RESOURCE CENTER, <https://www.nsvrc.org/prevention> (last visited September 23, 2024).

From: Marina Fleetwood [REDACTED]
Sent: Tuesday, June 16, 2026 5:31 PM
To: Arizona Sex Offender Management Board
Subject: Question Regarding Data Supporting Recent Registry Policies

Categories: Background Material for Board Packet

Dear Members of the Arizona Sex Offender Management Board,

I am writing as a citizen with a sincere interest in public safety and evidence-based policy.

Over three months ago, I submitted public records requests to multiple Arizona agencies seeking information regarding sexual reoffense rates among registered offenders, specifically those who were originally classified as Level 1 offenders. I was surprised to learn that several agencies either directed me elsewhere or indicated that they do not maintain such records.

My concern is this: Arizona has recently enacted increasingly restrictive laws and expanded public notification requirements, including placing certain Level 1 individuals with historical DCAC convictions on the public registry in the name of public safety. Yet I have been unable to locate Arizona-specific data demonstrating that Level 1 offenders are committing new sexual offenses at rates that justify these policies.

Accordingly, I respectfully ask:

1. Does the Arizona Sex Offender Management Board possess or have access to Arizona-specific statistics regarding sexual reoffense rates among Level 1 registrants?
2. Has the Board reviewed any data showing how many Level 1 registrants have committed subsequent sexual offenses, how long after their original conviction those offenses occurred, and whether the subsequent offenses involved similar victim characteristics?
3. If such data does not exist, has the Board communicated to legislators that Arizona lacks state-specific evidence regarding sexual reoffense among Level 1 registrants?
4. What evidence or research was relied upon to support recent expansions of public notification and registry requirements?
- 5. Has the Board ever recommended collecting Arizona-specific sexual reoffense data by risk level, and if not, does the Board believe such data should be collected?**

As someone who values public safety, I believe policy should be guided by measurable outcomes and reliable data. If Arizona is imposing lifelong public consequences on individuals based on an assumption of risk, it seems reasonable to ask whether that risk has been quantified.

I would appreciate any reports, studies, meeting materials, or resources the Board can provide that address these questions.

Thank you for your service and for your consideration of this request.

Respectfully,