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Exhibit 1:
Expert Report on Michigan Registrant
Class Data in *Does III v Whitmer* by
German Marquez Alcala, James J. Prescott
and R. Karl Hanson

**Amended Report of
German Marquez Alcala, James J. Prescott and R. Karl Hanson
Re: Class Data in *Does III v. Whitmer***

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EXECUTIVE SUMMARY

1. As of January 24, 2023, there were **45,145 people subject to Michigan's Sex Offenders Registration Act (SORA)**, of whom about **98% (44,154 people)** live, work or go to school in Michigan, or are incarcerated in Michigan. The other **991 (2%)** have moved out of state but remain subject to SORA.¹

2. Of the **44,154** registrants in Michigan, **80% (35,235 people)** are living in the community, and **20% (8,919 people)** are incarcerated.

3. 98% of registrants (44,076 people) are male and 2% (1,063 people) are female. 72% (32,582 people) are white, 25% (11,119 people) are Black/African-American, and 3% (1,444 people) are other races.

4. Sexual recidivism risk declines with age. Of registrants living in the community, 8% (2,896 people) are over 70; 19% (6,737 people) are 60-69; 24% (8,554 people) are 50-59; and 25% (8,956 people) are 40-49. Only 23% of registrants living in the community (8,092 people) are under age 40.

5. **73% of registrants (32,937 people)** are **Tier III** registrants who are subject to SORA for life. **20% of registrants (8,887 people)** are **Tier II** registrants who are subject to SORA for 25 years. **7% of registrants (3,191 people)** are **Tier I** registrants, subject to SORA for 15 years.

6. 90% of registrants living in the community (31,632 people) in Michigan are on the online registry.

7. 10% of registrants currently subject to SORA have been convicted of a subsequent registrable offense (4,000/41,133, based on current registrants ever released to the community). Conversely, 90% of the registrants have not been convicted of a new sexual offense after their initial registration. **Of registrants**

¹ This report has been revised from an earlier report, issued on June 21, 2023, in response to Defendants' concern that the original report included all people who had left Michigan as part of the total class. As explained in Plaintiffs' Reply to Defendants' Response to Class Data Report, ¶¶2-7, SORA specifically provides that non-residents who were convicted in Michigan on or after July 1, 2011, must register, although SORA exempts them from ongoing reporting requirements. M.C.L. § 28.723(3). In addition, because past registration obligations in Michigan can trigger registration obligations in other states, prior Michigan registrants may be impacted by this Court's decision. It is not completely clear, however, given the class definition, whether the Left Michigan Group and Primary Class totals should exclude people who are not currently subject to SORA, but will be if they return to Michigan. In order to be as conservative as possible in our report, we have re-run the data and edited the report using the narrower description of the Left Michigan Group (limited to departed registrants with a registrable Michigan conviction on or after July 1, 2011).

living in the community in Michigan, 93% (32,609) have never been convicted of a subsequent registrable offense.

8. The overall recidivism rates fail to account for the fact that different registrants have been in the community for varying amounts of time. **Using a fixed five-year follow-up period, the observed recidivism rates varied between 2.9% and 4.9%. Using a fixed 10-year follow-up period, the observed recidivism rates varied between 5.7% and 7.2%.** (To be clear, these numbers refer to individuals who are re-convicted at least once after their initial registrable convictions.) These recidivism rates are on the low end of the range observed for contemporary sexual recidivism studies in the U.S.

9. Statistics from the most recent cohorts provide the best estimate of the likelihood of recidivism. The recidivism rates in the more recent cohorts (2010 – 2014) were lower than for older cohorts (1995 – 1999). **The more recent rates indicate that the vast majority of people being put on the registry today—93% to 95%—would not be convicted of another registrable offense over a 10-year follow-up period.**

10. The amount of time that a person has spent recidivism-free in the community is strongly correlated with reductions in risk. Of registrants living in the community, **31% have been living in the community without a new sex offense conviction** for more than 20 years, **15%** for 15-20 years, **18%** for 10-15 years, **18%** for 5-10 years, **12%** for 2-5 years, and **7%** for 0-2 years.

11. The number of registrants who have been in the community without incurring a new registrable offense allows for the estimation of the overall number who would present very low risk of sexual offending. Very low risk of sexual offending is defined here as the expected lifetime rate of a first-time sexual offense conviction for males in the general population, **approximately 2%.**

12. Applying normed research on the recidivism rates for people who have been living in the community without a new sex offense conviction, **it is reasonable to conclude that there are between 17,000 and 19,000 people on Michigan’s registry who are no more likely to be convicted of a sexual offense than males in the general population.**

13. In addition, **there are thousands more whose projected risk level is only somewhat above the 2% rate for males in the general population.** The rate for those registrants is comparable to that of first-time detected sexual offending by individuals who have a nonsexual criminal conviction but no history of detected sexual offending (3-4% lifetime rate), and who—like males in the general population, are not on the registry. For example, 25% of registrants (11,330 people) are

60 years of age or older. The recidivism rates of registrants who are over 60 is in that same 3-4% range.

14. The Michigan Department of Corrections does an average of 143 Static-99/R risk assessments for class members per month. On the previous version of the Static-99 (which used different risk categories), 36% scored low risk; 34% scored low-moderate risk; 22% scored moderate-high risk; and 8% scored high risk. Using the current version of the Static-99R risk levels, 7% scored very low risk; 19% scored below average risk; 43% scored average risk; 22% scored above average risk; and 9% scored well above average risk. In both scoring systems roughly 70% of registrants scored at average or below-average risk. These risk distribution scores are comparable to those in national samples.

15. Of registrants living in the community who had Michigan convictions, **84% had offenses other than criminal sexual conduct in the first degree.** These data belie the common assumption that people on the registry have almost all committed the most serious offenses.

16. 94% of registrants (42,294 people) have Michigan convictions, while 7% (3,100 people) have convictions from other jurisdictions.

17. Women make up only a tiny fraction of registrants. They have very low recidivism rates. **Of women registrants in the community, 98% have never been convicted of a second registrable offense.**

18. **5% of registrants (2,037 people) are subject to SORA for a juvenile adjudication (as a child).** Of those for whom it was possible to calculate the age at the time of offense, 3% (52 people) were under 14 at the time of the offense; 19% (312 people) were 14 years old; 35% (569 people) were 15 years old; 30% (480 people) were 16 years old; and 13% (215 people) were 17 years old. **99% have never been convicted of a second registrable offense.** Many of these children committed their offense years ago. 76% are now 30 years of age or older.

19. **SORA's tier levels are inversely correlated to risk:** people in Tier I have the highest risk scores on the Static-99R, Tier II the next highest, and Tier III the lowest. Specifically, 63% of the people in Tier I were above average risk on Static-99R, compared to 44% of the people in Tier II, and 28% of the individuals in Tier III. Tier III registrants have also spent more time recidivism free in the community than Tier II registrants, who have spent more time recidivism free in the community than Tier I registrants.

20. **45% of class members living in the community (16,005 people) reported no current employment.** The unemployment rate in Michigan in January 2023 (when the Michigan State Police ran the class member data) was 4.3%.

21. **12% of class members living in the community who have reported addresses for at least ten years have reported being without housing at some time.**

22. Among class members living in the community who are required to report email and internet identifiers (i.e., those with an offense date after July 1, 2011), **only 62% (5,061 people) reported any email address or internet identifier. Only 60% (4,909 people) reported using email, and only 24% (1,968 people) reported using some other non-email internet identifier** (e.g., Facebook, Instagram). By contrast, 93% of adult Americans use the internet.

23. Among registrants in the community, 10% (3,582 people) are listed as non-compliant. 87% of these instances of non-compliance relate to issues with identification (maintaining an ID) or paying fees required under SORA.

24. There are approximately **45,145 people** in the **Primary Class** (as of January 24, 2023). Determining membership of the subclasses was relatively simple for some of the subclasses, and quite complicated for others. While work to confirm the composition of the subclasses is continuing, the best estimates at this time are:

- a. There are approximately **31,249 people (69% of the class)** in the **Pre-2011 Ex Post Facto Subclass**.
- b. There are approximately **16,723 people (37% of the class)** in the **Retroactive Extension of Registration Subclass**, although this number is a very rough estimate, subject to revision.
- c. The composition of the **Barred from Petitioning Subclass** has not yet been ascertained.
- d. There are an approximately 276 people with Michigan convictions in the **Non-Sex Offense Subclass**, and an estimated 22 people with convictions from other jurisdictions in this subclass, for a **total subclass size of about 298**.
- e. The composition of the **Plea Bargain Subclass** has not yet been ascertained.
- f. There are approximately **13,848 people (31% of the class)** in the **Post-2011 Subclass**.
- g. There are approximately **3,100 people (7% of the class)** in the **Non-Michigan Offense Subclass**.

I. QUALIFICATIONS

25. This report was a collaborative project between German Marquez Alcala, James J. Prescott, and R. Karl Hanson. Dr. Prescott is Henry King Ransom Professor of Law at the University of Michigan Law School in Ann Arbor, Michigan, where he also holds an appointment in the Economics Department and co-directs the Law and Economics Program and the Empirical Legal Studies Center. Dr. Hanson is a psychologist and Adjunct Research Professor in the Psychology Department of Carleton University, Ottawa, Ontario, Canada. Dr. Prescott and Dr. Hanson have both provided other expert reports in this litigation, and their qualifications are set out in those reports, which are incorporated herein by reference. *See* ECF 1-4, 1-6. German Marquez Alcala is the Research Associate for Empirical Legal Studies at the University of Michigan Law School in Ann Arbor, Michigan, where he has provided full-time empirical research support for law faculty since 2019. Mr. Marquez Alcala received an M.A. in Economics from the University of Michigan in 2018, an M.S. from Purdue University in 2016, and a B.S. with honors from California State University, Fresno in 2014. Mr. Marquez Alcala’s curriculum vitae is attached as Exhibit A.

II. METHODOLOGY

26. We were asked to analyze data obtained by Plaintiffs’ counsel through discovery related to Michigan’s Sex Offender Registry. The data were obtained from the Michigan State Police Sex Offender Registration Unit (“MSP”) and from the Michigan Department of Corrections (“MDOC”).

27. The largest data sets—which were from MSP—were provided on January 24, 2023. The MDOC data were provided between March 8, 2023, and April 19, 2023.

28. The MSP data set contained information from Michigan’s sex offender registry database for 53,605 registrants. After obtaining the MSP data, we provided a class member list to the MDOC. Pursuant to subpoena, the MDOC then provided data from MDOC databases regarding class members.

29. In order to conduct the data analysis discussed in this report, we imported the different data sets into Stata, which is a statistical software program. We cleaned the data, matched the MSP and MDOC data, and used tools within Stata to analyze the data, as further discussed below.

III. CLASSIFICATION OF REGISTRANTS FOR ANALYTICAL PURPOSES

30. In order to conduct the analysis in this report, we first had to classify registrants into different groups. When analyzing the data, we used certain subgroups within the full data set to answer particular research questions. We needed to account for limitations in the data (e.g., data about people with non-Michigan convictions and people who have left Michigan are less robust), and we needed to match the available data to the questions we were trying to answer. Accordingly, at the outset, we explain the different categories of registrants that we created for data analysis purposes. A chart with more information about how each group was identified is attached as Exhibit B. Information about the subclasses is set out in Section XV.

31. **Total Registrants:** As of January 24, 2023, there were **45,145** people who are subject to Michigan's Sex Offenders Registration Act. We will use the terms "Primary Class" or "total registrants" to describe the full group. This includes people living, working, or going to school in Michigan; people who are incarcerated in Michigan; people who are and who are not on the public registry; and people with Michigan convictions on or after July 1, 2011 who were required to register in Michigan in the past but have moved out of state (*see* M.C.L. § 28.723(3)).²

32. **In Michigan Group:** Of the 45,145 people on Michigan's registry, **44,154** people (**98%**) are registrants who live, work, or go to school in Michigan, or who are incarcerated in Michigan.³ For purposes of this report, we call this set of class members the "In Michigan Group."

33. **In Community Group:** Of the 44,154 people in the In Michigan Group, **35,235** people (**80%**) are not incarcerated. These are people who live, work or go to school in Michigan, and are subject to SORA's verification and ongoing reporting requirements. **The registry focuses on these people because they are the ones who are present in Michigan communities.** We call this set of class members the "In Community Group."

34. **Incarcerated Group:** Of the 44,154 people in the In Michigan Group, **8,919** people (**20%**) are incarcerated. These individuals do not need to report to law enforcement while incarcerated, but will need to report upon release. If they are

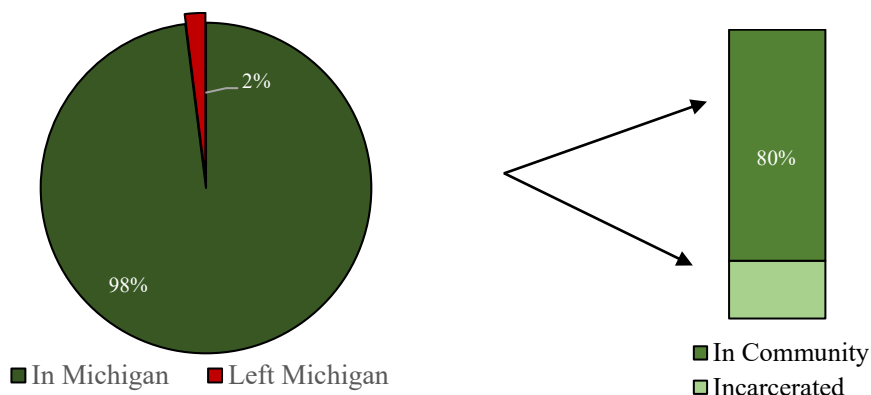
² In the initial version of this report, we had included all 53,605 people for whom the MSP provided data. As explained in footnote 1, this amended report adopts a more conservative approach.

³ The In Michigan Group also includes a very small number of people whose cases are "pending review" or "pending out of state," or whose whereabouts are uncertain. *See* Exhibit B for more details.

subject to public registration, they appear in the online registry while incarcerated. We call this set of class members the “Incarcerated Group.”

35. **Left Michigan Group**: There are **991** people, about **2%** of the primary class (total registrants), who were previously registered in Michigan and have Michigan convictions on or after July 1, 2011, but have moved out of state. They also do not work or attend school in Michigan. These people do not have ongoing reporting obligations in Michigan and are not listed on the online registry. They remain subject to SORA, however, and may have registration obligations in other states as a result of their Michigan registration requirement. M.C.L. § 28.723(3). We call this set of class members the “Left Michigan Group.”⁴

Figure 1: Class Profile



36. **Michigan Conviction Group**: There are **42,294** people, about **94%** of the primary class (total registrants), who have one or more registrable convictions⁵ from Michigan. In part because the data we received from the MDOC relates only to people with Michigan convictions, there are a number of research questions where we restricted our analysis to people with Michigan convictions. We call this set of class members the “Michigan Conviction Group.”

⁴ The differences between the initial report and this amended report almost entirely reflect the fact that we had previously identified 9,451 people as being in the Left Michigan Group. Because we have adopted a more conservative approach (removing people who do not have Michigan convictions from on or after July 1, 2011, even though their past registration in Michigan could trigger registration requirements in other states), the number in the Left Michigan Group shrunk to 991.

⁵ For simplicity, throughout this report, the term “conviction” is used to include both adult convictions and juvenile adjudications.

IV. DEMOGRAPHICS OF PEOPLE ON MICHIGAN'S REGISTRY

37. **Gender Demographics:** Of the total registry population of 45,145, about **44,076 (98%)** are male, and about **1,063 (2%)** are female.⁶ The percentages are similar for the In Community Group, where, of **35,235**, about **34,285 (97%)** are male, and about **945 (3%)** are female.

38. **Racial Demographics:** Based on the information in the "race" field, of the total registry population:

- about **32,582 (72%)** are white;
- about **11,119 (25%)** are Black/African-American;
- about **653 (1%)** are Latino/Hispanic;
- about **791 (2%)** are other groups.

For the **In Community Group**, the percentages are similar:

- about **26,416 (75%)** are white;
- about **7,962 (23%)** are Black/African-American;
- about **315 (1%)** are Latino/Hispanic;
- about **542 (2%)** are other groups.

39. The data indicates that Black people are over-represented on the sex offender registry. Black people make up **14.1%** of the Michigan population,⁷ but make up **25%** of the registry population.

40. **Age Demographics:** For the **total registry** population, the average age is 49.4 years.⁸ The **current** age distribution is:

- only 1 person (0.002%) is under 16 years old;
- about **71 (0.2%)** are 16 – 19 years old;
- about **3,139 (7%)** are 20 – 29 years old;
- about **8,607 (19%)** are 30 – 39 years old;

⁶ The data lists virtually all registrants as either male or female; 6 people (0.01%) are listed as of unknown gender.

⁷ QuickFacts Michigan, United States Census Bureau, <https://www.census.gov/quickfacts/MI>.

⁸ This figure reflects the fact that most registrants are on the registry for 25 years or for life, and that the registry has existed since Michigan's registry law first came into effect in 1995.

- about **11,409 (25%)** are 40 – 49 years old;
- about **10,588 (23%)** are 50 – 59 years old;
- about **7,954 (18%)** are 60 – 69 years old;
- about **3,376 (7%)** are over 70 years old.

For the **In Community Group**, the average age is 50.5 years, and the **current** age distribution is:

- only 1 person (0.003%) is under 16 years old;
- about **65 (0.2%)** are 16 – 19 years old;
- about **1,923 (5%)** are 20 – 29 years old;
- about **6,103 (17%)** are 30 – 39 years old;
- about **8,956 (25%)** are 40 – 49 years old;
- about **8,554 (24%)** are 50 – 59 years old;
- about **6,737 (19%)** are 60 – 69 years old;
- about **2,896 (8%)** are over 70 years old.

41. The age distribution is important because, as set out in the expert report of R. Karl Hanson, ECF 1-4, ¶¶ 3.c, 26, sexual recidivism risk declines with age. For individuals over age 60, recidivism rates are particularly low. Previous research has found that the five-year sexual recidivism rate of individuals released over the age of 60 to be in the range of 3% to 4%.^{9,10} This rate is only slightly higher than the base rate of first-time sexual offending among individuals with a criminal history but no current or prior sexual offense convictions (2% after five years). Although people over the age of 60 are rare in sexual recidivism studies, they are not rare among registrants in Michigan. Of the **total registry** population, **11,330 (25%)** are

⁹ Helmus, L, Thornton, D, Hanson, RK, & Babchishin, KM. (2011). Improving the predictive accuracy of Static-99 and Static-2002 with older sex offenders: Revised age weights. *Sexual Abuse*, 24(1), 64-101. Out of 598 men released after the age of 60, 21 (3.5%) were known to have committed another sexual offense after five years of follow-up.

¹⁰ Skelton, A, & Vess, J. (2008). Risk of sexual recidivism as a function of age and actuarial risk. *Journal of Sexual Aggression*, 14(3), 199-209. Out of 562 individuals over the age of 60, 19 (3.4%) were reconvicted for another sexual offense after an average 10-year follow-up period.

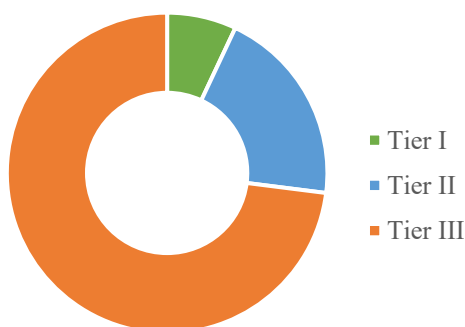
60 or older. Among this group, there are 3,376 over the age of 70 (7% of the total).

V. TIER CLASSIFICATIONS AND PUBLICATION OF INFORMATION

42. **Tier Classifications**: Of Michigan's **total registry** population:

- about **3,191 (7%)** are 15-year Tier I registrants;
- about **8,887 (20%)** are 25-year Tier II registrants; and
- about **32,937 (73%)** are lifetime Tier III registrants.¹¹

Figure 2: Tier Distribution



43. The percentages are similar for the **In Michigan Group**:

- about **3,035 (7%)** are 15-year Tier I registrants;
- about **8,635 (20%)** are 25-year Tier II registrants; and
- about **32,354 (73%)** are lifetime Tier III registrants.

44. For the **In Community Group**, the percentages are:

- about **2,692 (8%)** are 15-year Tier I registrants;
- about **7,861 (22%)** are 25-year Tier II registrants; and
- about **24,557 (70%)** are lifetime Tier III registrants.

¹¹ 130 people (0.3%) are not classified in one of the tiers, which appears to reflect that they have a special status due to court decisions, special conditions related to an out-of-state offense, or some other exception.

45. **Online vs. Offline Registry:** Of the 35,235 people in the **In Community Group**, about:

- **31,632 (90%)** are on the online public sex offender registry.
- **3,603 (10%)** are on the offline registry that is available to law enforcement.¹²

46. In addition, of the **Incarcerated Group**, there are **8,520 (96%)** who are listed on the online registry. These individuals are not living in the community, but under SORA, information about them is still posted on the public online registry.

47. Of the members of the **In Community Group** who are not on the public registry,

- **1,395 (39%)** are Tier I.
- **1,859 (52%)** have juvenile adjudications.
- **353 (10%)** are non-public for some other reason (e.g., a court order).¹³

VI. RECIDIVISM RATES FOR PEOPLE ON MICHIGAN'S REGISTRY

48. We sought to determine how many registrants were convicted of a subsequent registrable offense after they were registered for the first time. Recidivism here thus means being convicted of a new sexual offense after being caught (convicted/registered¹⁴) for a previous sexual offense. It is not uncommon for individuals to be convicted of more than one sexual offense at the same sentencing occasion, or for victims of historical offenses to come forward after the publicity associated with an initial conviction. New convictions for historical offenses are not recidivism, but may look like it in criminal justice data (pseudo-recidivism) if the new conviction post-dates a previous conviction but the *offense* predates the previous conviction.

49. In order to separate recidivism from pseudo-recidivism, we first have to define the “index offense”—meaning the offense or offense cluster from which one measures whether there has been a subsequent registrable offense. For the index

¹² In addition, registrants who are no longer in Michigan (the Left Michigan Group) are not on the public online registry.

¹³ Four people of the In Community Group who are not on the public registry are Tier I and also have juvenile adjudications.

¹⁴ The most common outcome criteria in sexual recidivism studies are either arrest/charges or convictions. Our analyses used convictions because that was the data provided to us. Although somewhat higher rates would be observed if police arrest/charge data were used, the current analyses are comparable to the sexual recidivism studies routinely conducted by other researchers.

offense, we used the first offense responsible for the individual being placed on the registry. If there were multiple counts or convictions on the same date, those were counted as part of the index offense. Sexual offense convictions that occurred after the index sexual offense conviction that were based on crimes committed prior to the index sexual offense conviction were included as part of the index sexual offense (i.e., pseudo-recidivism). This rule applied even when the conviction date for the additional offenses was long after the date of registration. In addition, convictions that occurred within 30 days of one another were counted as a cluster of offenses comprising the index offense. The most likely reason for closely associated sentencing occasions is that multiple historical charges were dealt with in separate court appearances, and do not constitute new offending. The length of time between the sexual offense commission and conviction for such behavior is almost always more than 30 days: it can take years to complete the process of police investigation, charge, conviction, and sentencing. In contrast, it is common that when individuals have more than one sexual offense charge, these charges come before the courts on separate dates.

50. We define a “subsequent registrable offense” to be any conviction requiring registration under SORA that occurred after their first registrable offense (i.e., after their index offense).

51. Of the 41,133 registrants currently subject to SORA who have ever returned to the community following their initial registrable offense conviction,¹⁵ about **90% (37,133)** have never been convicted of a subsequent registrable offense. About **10% (4,000)** have been convicted of at least one subsequent registrable offense.

52. If one looks at the **In Community Group**—that is, those non-incarcerated registrants who are present in Michigan communities—the percentage of registrants who have never been convicted of a subsequent sexual offense was slightly higher. We found that, of the 35,199 in that group who have ever returned to the community following their initial registrable offense conviction, about **93% (32,609)** have never been convicted of a subsequent registrable offense, while **2,590 (7%)** have been

¹⁵ Of the 45,145 total registrants, about 9% (3,898) are currently incarcerated for their first registrable offense and, therefore, have not had the opportunity to commit a subsequent registrable offense in the community. Another 78 from the Left Michigan Group and 36 from the In Community Group are not officially classified as incarcerated, but only have incarceration-related addresses without respective end dates (i.e., the date at which the respective address is no longer current) in the MSP data, so we cannot determine whether these individuals have ever been released into the community following their first registrable offense conviction. For the purpose of our recidivism analysis, we exclude all 4,012 of these individuals (9% of total registrants) from our calculations.

convicted of a subsequent registrable offense.

53. The above figures **overestimate the rate at which registrants have recidivated** because they fail to account for registrants who have successfully completed their registration term without reconviction and are no longer on the registry. The data set only includes people subject to registration as of January 24, 2023.

54. The above figures also **overestimate the future recidivism rate** for individuals currently on the registry and living recidivism free in the community because these statistics are backward looking. The vast majority of registrants currently on the registry have already lived in the community, sometimes for decades, without reoffending, whereas the 7% and 10% figures are an average re-offense rate across all at-risk years for all registrants. These statistics are driven entirely by those registrants who recidivated in the past and who are therefore less likely to be in the community. Thus, the 7% and 10% figures presented above cannot be interpreted as the likelihood of *future* recidivism for individuals *currently on the registry*. Instead, those numbers only describe the proportion of registrants known to have offended in the past during their time on the registry, and who are potentially very different from registrants who have lived offense free. It is important not to conflate prior offenses committed by a small fraction of registrants with the possibility of future offenses by other registrants.

55. The above figures also **overestimate the future recidivism rate** for individuals currently on the registry and living recidivism free in the community because the figures draw from an unrepresentative sample of registrants. Because recidivism declines with age and the amount of time lived offense free, the forward-looking recidivism risk of those who have been in the community for years is much lower than the average re-offense rate for all registrants. The average age for registrants in the community (50.5 years old) is higher than the average age for registrants at the time they join the registry. Thus, the individuals currently on the registry and in the community are older and, by definition, have been offense-free for much longer than an individual newly placed on the registry. The recidivism risk of those who are currently on the registry and in the community is necessarily much lower than the average re-conviction rate for all past registrants.

56. The above figures are also hard to interpret because the 7% and 10% figures do not consider the length of time that individuals were at risk in the community. Individuals released decades ago will have many more years at risk than people released more recently. Recidivism rates are only informative when the follow-up period is specified.

57. To address these problems, we divided the data into 5-year cohorts based on

release dates¹⁶ (namely, 1995–1999, 2000–2004, 2005–2009, and 2010–2014¹⁷). For each 5-year cohort, we calculate the recidivism rate at four follow-up intervals: 5, 10, 15, and 20 years after registrants' first release date (i.e., the release date after their first conviction for a registrable offense). The recidivism rates at each of those intervals for each respective 5-year cohort are the following:

Table 1

Cumulative Recidivism Rates by 5-year Cohorts, Based on Release Date¹⁸

Cohort	Pop.	5-year	10-year	15-year	20-year
1995–1999	8,210	4.9%	7.2%	8.9%	10.3%
2000–2004	7,681	4.5%	6.6%	8.5%	N/A
2005–2009	6,458	3.7%	5.7%	N/A	N/A
2010–2014	5,227	2.9%	N/A	N/A	N/A

58. The 5-year sexual recidivism rate varied between 4.9% for the 1995-1999 cohort to 2.9% for the 2010-2014 cohort. The 10-year rates were between 5.7% and 7.2%. These values are on the low end of the range observed in contemporary sexual recidivism studies. For example, the average 5-year sexual recidivism in the 2021 Static-99R norms is 6.7%.¹⁹ The average 10-year sexual recidivism rate in the Static-99R norms was 11.6%. Although the rates in this analysis of Michigan's registry were relatively low, other jurisdictions have observed very similar rates. For example, the five-year sexual recidivism rate for the 2005-2009 cohort in this analysis of Michigan registrants (3.7%) is very similar to the five-year sexual recidivism rate

¹⁶ We group individuals into 5-year cohorts for the benefit of larger sample sizes, but we calculate recidivism on individual timelines. For example, if an individual is released from their first post-registrable-offense-conviction incarceration period on January 31, 1995, the 5-year follow-up interval for that individual runs through January 31, 2000, not year-end 2000.

¹⁷ We excluded people with an index offense release date from 2015–2023 because there was not a five-year follow-up period for anybody with an initial release date after January 24, 2018.

¹⁸ The recidivism rates in this table are cumulative, meaning that each rate describes the proportion of individuals in each 5-year cohort that have been convicted of any registrable offenses that occurred after their initial release date and before the respective follow-up interval. For example, the 20-year rate captures all cohort members who have ever recidivated during the preceding 20 years, not merely those who have recidivated after the 15-year follow-up. This rate thus describes the total proportion of individuals who have been known to recidivate.

¹⁹ Lee, SC, & Hanson, RK. (2021). Updated 5-year and new 10-year sexual recidivism rate norms for Static-99R with routine/complete samples. *Law and Human Behavior*. 45(1), 24-38. <https://doi.org/10.1037/lhb0000436>.

for a cohort from Connecticut released in 2005 (3.6% charged or convicted; 27/746).²⁰

59. Consistent with previous research, the recidivism rates of the more recent cohorts were significantly lower than for older cohorts.^{21,22} The reasons for the declining recidivism rates are not fully known. The U.S. and many other countries have become safer over recent decades, not only because the rate of violent crime has declined,²³ but also because there are fewer car accidents, fires, and drownings.²⁴ American society is more cautious and risk adverse than it was in 1995. Another possible explanation is that more recent cohorts include a greater proportion of individuals at low risk to reoffend. Cultural changes in attitudes toward sexual crime may have motivated victims in more recent years to report offenses committed by lower risk individuals that previously would not have been reported. Also, because the analysis was based on archival data, it is possible that the change is more apparent than real; even when policies dictate complete record retention, it is not uncommon for inactive cases to go missing from criminal history records, thereby increasing the perceived recidivism rates of older cohorts.²⁵ The physical and electronic mediums holding the names of registrants would likely have changed multiple times since Michigan's registry was created in 1995. Each transition increases the possibility that individuals would drop off the list; however, individuals are likely to still be on the list if they have returned for a new registerable offense. The selective attribution of inactive records would increase the proportion of recidivists in older cohorts (by decreasing the number of non-recidivists).

60. Regardless of the reasons for the change in recidivism rates over time, the statistics from the most recent cohorts provide the best estimates of the likelihood of recidivism for individuals who have been recently added to the registry. These

²⁰ State of Connecticut. (2012). Recidivism among sex offenders in Connecticut. Office of Policy and Management, Criminal Justice Policy & Planning Division. www.ct.gov/opm/cjppd.

²¹ Tatar, JR, & Streveler, A. (2015). Sex offender recidivism after release from prison. State of Wisconsin Department of Corrections.

²² Lussier, P., McCuish, E., Proulx, J., Chouinard Thivierge, S., & Frechette, J. (2023). The sexual recidivism drop in Canada: A meta-analysis of sex offender recidivism rates over an 80-year period. *Criminology & Public Policy*, 22(1), 125-160.

²³ Pinker, S. (2011). *The better angels of our nature: Why violence has declined*. Viking.

²⁴ Pinker, S. (2018). *Enlightenment now: The case for reason, science, humanism, and progress*. Penguin.

²⁵ Hanson, RK, & Nicholaichuk, T. (2000). A cautionary note regarding Nicholaichuk et al. (2000). *Sexual Abuse: A Journal of Research and Treatment*, 12(4), 289-293.

numbers indicate that out of 100 individuals added to the registry this year, 3 or 4 would be convicted of a new sexual offense within 5 years, and that 1 or 2 more would be convicted if the follow-up period was extended to 10 years (10-year rates of 5%-7%). **In other words, the vast majority (93% to 95%) would not be convicted of another registerable offense over a 10-year follow-up period.**

61. The recidivism risk of the individuals currently on the registry would be lower because most of them have been recidivism-free for many years (see discussion in Section VII, below). As documented in the report of R. Karl Hanson (ECF 1-4, ¶¶ 3.f., 55-72), the longer individuals remain recidivism-free in the community, the lower their risk of subsequent recidivism. The same patterns were evident in the Michigan registry data, as displayed by Tables 3 and 4 below. Whereas the observed sexual recidivism rates were between 3% and 5% during the first five years in the community, the recidivism rates dropped to around 2% for the next five years (years 5 to 10) for individuals who had remained sexual recidivism free during their first five years in the community. For people who remained sexual recidivism free for 15 years, their observed sexual recidivism rate was 1.4% for the next 5 years. This rate is similar to the rate of first-time sexual offending for males in the general population.²⁶

Table 2
Rates of New Recidivism of People by 5-year Cohorts,
Based on Release Date²⁷

Cohort	Pop.	5-year	10-year	15-year	20-year
1995–1999	8,210	4.9%	2.2%	1.8%	1.4%
2000–2004	7,681	4.5%	2.1%	1.9%	N/A
2005–2009	6,458	3.7%	2.0%	N/A	N/A
2010–2014	5,227	2.9%	N/A	N/A	N/A

VII. TIME OFFENSE-FREE IN THE COMMUNITY AND DESISTANCE

62. The predictable decline in risk for individuals who remain sexual offense-free while in the community allows us to estimate the proportion of individuals

²⁶ Lee, SC, Brankley, AE, & Hanson, RK. (2023-05, in press). There is no such thing as zero risk for sexual offending. *Canadian Journal of Criminology and Criminal Justice*.

²⁷ The recidivism rates in this table are not cumulative; rather, they describe the proportion of individuals in each 5-year cohort that have been convicted of a subsequent registerable offense for the first time at each follow-up interval. For example, the 20-year rate captures the proportion of cohort members who have recidivated for the first time between the 15-year and the 20-year follow-up intervals.

currently on Michigan’s registry who present a very low risk of sexual recidivism. We use the term “offense-free” to refer to whether a person has recidivated (i.e., has been caught again by the criminal justice system). Although registrants may commit undetected offenses, that is also true of the public in general. As set out in Dr. Hanson’s Rebuttal Report, ¶¶ 32-42, rates of undetected offending do not affect when people reach desistance (meaning the point at which they are no more likely than males in the general population to be convicted of a new sex offense). Because the detection rates for people with past convictions are, if anything, higher than for people who have not previously been convicted of a sex offense, the fact that some offending—for both people with past convictions and those without—is undetected, does not change the length of time it takes for individuals to reach the desistance threshold (i.e., the rate of detected sexual offending of males in the general population). *Id.*

63. To determine time offense-free, we counted time in the community based on street time, not calendar time (i.e., we excluded periods of incarceration). Registrants, depending on the seriousness of their initial offense, may spend a considerable amount of time in prison or jail. Therefore, we cannot simply look at how long it has been since class members had been convicted. Rather, we had to calculate the amount of time that class members have spent in the community since their last conviction for a sex offense.

64. In order to determine how long class members have spent offense-free in the community, we used address and date data to determine how long registrants had been living in the community without a subsequent registrable conviction. This analysis was done on the **In Community Group**, as those who are incarcerated are not living in the community, and the address data for those who have left Michigan is less robust and a subsequent non-Michigan conviction would not necessarily appear in the data.

65. We define time offense-free as any period of time following a registrant’s conviction for their final registrable offense in which they are free in their community—i.e., not incarcerated. To calculate “in community” time, we excluded any period of incarceration for a non-registrable offense conviction that occurred after a registrant was either 1) released from incarceration resulting from their last registrable offense conviction or 2) convicted of their last registrable offense without receiving an incarceration sentence.

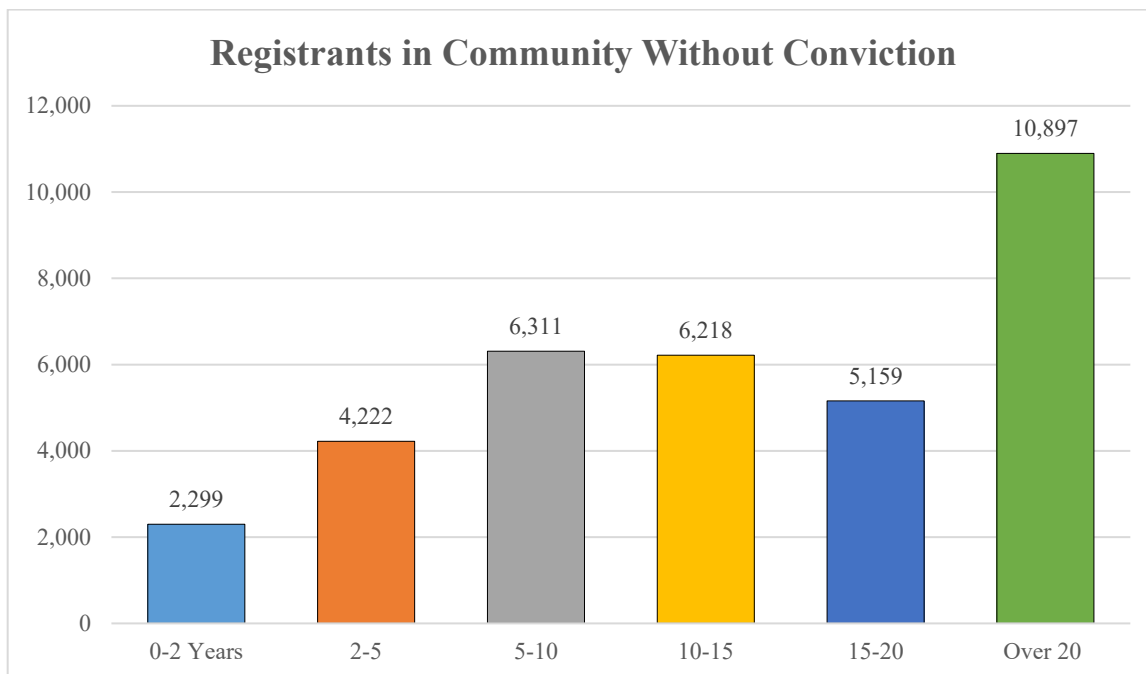
66. Of the 35,235 people in the In Community Group, we had sufficient information to calculate “in community” time for 35,106 people (99.6%). Of those, the data show:

- 7% or 2,299 people have been living in the community for 0–2 years without

being convicted of another registrable offense.

- 12% or 4,222 people have been living in the community for 2–5 years without being convicted of another registrable offense.
- 18% or 6,311 people have been living in the community for 5–10 years without being convicted of another registrable offense.
- 18% or 6,218 people have been living in the community for 10–15 years without being convicted of another registrable offense.
- 15% or 5,159 people have been living in the community for 15–20 years without being convicted of another registrable offense.
- 31% or 10,897 people have been living in the community for more than 20 years without being convicted of another registrable offense.

Figure 3



67. The number of registrants who have been in the community without incurring a new registrable offense allows for the estimation of the overall number who would present a very low risk of sexual offending. Very low risk of sexual offending is defined here as the expected lifetime rate of first-time sexual offending for males in

the general population, approximately 2%.²⁸ The risk of sexual recidivism predictably declines the longer that individuals are in the community without being convicted of a new sex offense. Because we did not know the proportion of registrants who incurred convictions for nonsexual offenses, the estimates are presented in two ways: a) assuming no new nonsexual convictions, and b) assuming that all registrants incurred at least one conviction for a nonsexual offense since their last registrable sexual offense. Consequently, these estimates would represent upper and lower bounds of the proportion of very low risk individuals in the **In Community Group**.

68. The recidivism rate estimates were drawn from previously published tables; specifically, Table S4 from Lee and Hanson (2021)²⁹ for individuals with no new nonsexual convictions, and Table 5 from Thornton et al. (2021)³⁰ for individuals with at least one conviction for a nonsexual offense. The 20-year calculations are based on the recidivism-rate estimates for 19 years because the 20-year rates are artificially set to zero in Table S4 and Table 5. The estimation method is conservative in that we use only the minimum follow-up times for the grouped data (e.g., 5 years, for the group of individuals who had been offense-free for 5 to 10 years). We assume that the distribution of initial risk levels (as measured by Static-99R scores) is equivalent to the distribution in the Static-99R normative samples,³¹ which appears to be a reasonable assumption (see discussion in Section VIII below).

69. As can be seen from Table 3 and Table 4, approximately half of the 35,106 registrants in the community are very low risk for sexual recidivism. Assuming that those registrants did not incur a subsequent conviction for a new nonsexual offense, the number of very low risk individuals would be 19,994 (57.0%); assuming everyone has incurred at least one nonsexual conviction, the number of very low risk individuals would be 16,574 (47.2%). Consequently, it is reasonable to conclude that there are between 17,000 and 19,000 individuals in the **In Community Group** who

²⁸ Lee et al. (2023) *supra* note 26.

²⁹ Lee, SC, & Hanson, RK. (2021). Updated 5-year and new 10-year sexual recidivism rate norms for Static-99R with routine/complete samples. *Law and Human Behavior*. 45(1), 24-38. <https://doi.org/10.1037/lhb0000436>.

³⁰ Thornton, D, Hanson, RK, Kelley, SM, & Mundt, JC. (2021). Estimating lifetime and residual risk for individuals who remain sexual offense free in the community: Practical applications. *Sexual Abuse*. 33(1), 3-33. doi:10.1177/1079063219871573.

³¹ Hanson, RK, Lloyd, CD, Helmus, L, & Thornton, D. (2012). Developing non-arbitrary metrics for risk communication: Percentile ranks for the Static-99/R and Static-2002/R sexual offender risk scales. *International Journal of Forensic Mental Health*, 11(1), 9-23. doi:10.1080/14999013.2012.667511.

present no more risk for sexual offending than do males in the general population.

Table 3

The number of individuals in the In Community Group (35,106) who are very low risk for sexual recidivism (lifetime rate of < 2%) assuming no new non-sexual convictions.

Risk Level Static-99R	Frequency	Minimum Time in Community						Total
		At release	2 years	5 years	10 years	15 years	20 years	
-3	0.027	62	114	170	168	139	294	
-2	0.03	0	127	189	187	155	327	
-1	0.079	0	0	499	491	408	861	
0	0.103	0	0	0	640	531	1122	
1	0.157	0	0	0	976	810	1711	
2	0.175	0	0	0	1088	903	1907	
3	0.172	0	0	0	0	887	1874	
4	0.107	0	0	0	0	552	1166	
5	0.074	0	0	0	0	0	806	
6	0.036	0	0	0	0	0	392	
7	0.025	0	0	0	0	0	272	
8	0.012	0	0	0	0	0	131	
9	0.0028	0	0	0	0	0	31	
10+	0.0002	0	0	0	0	0	2	
Number very low risk		62	241	858	3550	4385	10897	19,994
Total		2299	4222	6311	6218	5159	10897	35,106

Table 4

The number of individuals in the In Community Group (35,106) who are very low risk for sexual recidivism (lifetime rate of < 2%) assuming all registrants have at least one new nonsexual conviction.

Risk Level Static-99R	Frequency	Minimum Time in Community						Total
		Within 1 year	2 years	5 years	10 years	15 years	20 years	
-3	0.027	0	0	170	168	139	294	
-2	0.03	0	0	189	187	155	327	
-1	0.079	0	0	0	491	408	861	
0	0.103	0	0	0	640	531	1122	
1	0.157	0	0	0	0	810	1711	
2	0.175	0	0	0	0	903	1907	
3	0.172	0	0	0	0	887	1874	
4	0.107	0	0	0	0	0	1166	
5	0.074	0	0	0	0	0	806	
6	0.036	0	0	0	0	0	392	
7	0.025	0	0	0	0	0	272	
8	0.012	0	0	0	0	0	131	
9	0.0028	0	0	0	0	0	31	
10+	0.0002	0	0	0	0	0	0	
Number very low risk		0	0	360	1486	3833	10895	16,574
Total		2299	4222	6311	6218	5159	10897	35,106

70. Because the 991 people in the **Left Michigan Group**, which only includes people who have Michigan convictions on or after July 1, 2011, would have spent less time in the community than the **In Community Group**, the risk profile of the Left Michigan Group does not resemble the risk profile of the In Community Group. Therefore, we cannot take the proportion of registrants in the In Community Group who are very low risk individuals and assume that a similar proportion of registrants in the Left Michigan Group would also be very low risk individuals. Additionally, we are unable to calculate the time offense-free in the community for the Left Michigan Group; consequently, we are unable to estimate the proportion of people in the Left Michigan Group who would belong to the very low risk threshold. Although there would be some individuals in the Left Michigan Group who would

be very low risk, the number of such people would be very small (in the low hundreds) compared to the number of very low risk individuals in the In Community Group (17,000 to 19,000). Consequently, including or excluding the Left Michigan Group in the overall estimate of very low risk individuals in the Primary Class would not materially change the total.

71. In sum, it is reasonable to conclude that there are between 17,000 and 19,000 people in the Primary Class (almost all from the In Community Group) who are no more likely to be convicted of a sexual offense than males in the general population.

72. Finally, it is important to recognize that there are many more people on Michigan's registry whose risk level is only slightly higher than that of males in the general population. For example, people who have a Static-99 score of 2 (a common score) reach desistance around year 10. At year 5, their lifetime recidivism risk is 4.3%, which is higher than the 2% rates for males in the general population, but not that much higher. In fact, it is similar to the rate of first-time sexual offending among individuals with a nonsexual criminal conviction but no history of sexual offending (3% to 4% lifetime rate) who are not required to register. See Hanson Report, ECF 1-4, ¶¶ 3.f., 55-72. Moreover, as noted above, people age 60 or older (25% of Michigan's total registry population), have recidivism rates of 3-4%. In other words, **although there are 17,000 to 19,000 people whose projected risk is no greater than the 2% lifetime rate of first-time sex offense conviction for males in the general population, there are thousands more whose risk levels are only somewhat above that level and are comparable to many others who are not required to register.**

VIII. USE OF RISK ASSESSMENTS AND RISK ASSESSMENT SCORES

73. The MDOC data included Static-99 and Static-99R results for assessments done by the MDOC since June 2016. The Static-99R is an updated version of Static-99, which was first developed in 2009; the risk levels for Static-99R were later updated in 2017. It is our understanding that Static-99/Rs have been routinely conducted by the MDOC since 2011, but that the MDOC could not easily provide Plaintiffs with data for the period from 2011-2016 due to a change in the database housing that data.

74. Of the 45,145 total registrants in the MSP data, we have MDOC records for 40,061 individuals (89%).

75. The MDOC data show that over a six year and nine month period between June 3, 2016, and March 1, 2023, at least 10,031 class members received a Static-

99/R risk assessment at MDOC. At least 1,376 of those members received multiple Static-99/R risk assessments at MDOC. **MDOC did a total of 11,553 assessments on class members for an average of roughly 143 Static-99/R risk assessments on class members per month.**

76. Because we did not have data on how many class members had a Static-99/R done before June 2016 or how many had a Static-99/R done by an entity other than the MDOC (e.g., court system, another state's department of corrections), we could not determine what percentage of the class has already had a Static-99 or Static-99R conducted. We also did not receive data regarding how many class members received risk assessments using an instrument or test other than the Static-99/R.

77. Of the 9,543 people with any Static-99/R result,³² 4,890 cases had results reported using only the original Static-99 risk levels, 4,028 cases had results reported using only the revised Static-99R risk levels, and 625 cases had results reported using both risk levels. Some proportion of cases would have their results reported using the original Static-99 risk levels even though they were scored on Static-99R because there was a gap of 8 years between the development of Static-99R (2009) and the updated risk level (2017).

78. For the 5,515 people who received the earlier version of the assessment, including those who received both the earlier and current versions of the assessment, the distribution of assigned risk levels is as follows:³³

- 1,975 (36%) scored as Low Risk
- 1,865 (34%) scored as Low-Moderate Risk
- 1,224 (22%) scored as Moderate-High Risk
- 451 (8%) scored as High Risk

79. This distribution of scores is similar to the distribution of scores in the Static-99 normative sample (31%, 42%, 18% and 9% for Low, Low-Moderate, Moderate-High, and High risk groups respectively). The Michigan data included relatively more individuals in the Low risk than the norms, probably because the original Static-99 risk levels were being applied to the updated Static-99R (which was common practice at that time).

³² A total of 773 Static-99 risk assessments with no reported risk classification were done on 639 class members. The data show 488 people who had at least one Static-99 done, but for whom no risk classification corresponding to any assessment is reported.

³³ For individuals with multiple Static-99 risk assessment scores, we report only the score associated with the last assessment.

80. For the 4,653 people whose results were reported using the updated (2017) risk levels, including those whose results were reported using both the original and updated levels, the distribution of assigned risk levels is as follows:

- 329 (7%) scored as Level I – Very Low Risk
- 897 (19%) scored as Level II – Below Average Risk
- 1,992 (43%) scored as Level III – Average Risk
- 1,032 (22%) scored as Level IVa – Above Average Risk
- 403 (9%) scored as Level IVb – Well Above Average Risk

81. Again, the distribution of Static-99R risk levels is similar to the distribution in the Static-99R norms (6%, 18%, 50%, 18%, 8% for Level I, Level II, Level III, Level IVa, and Level IVb, respectively). The Michigan distribution has slightly more individuals in the above average categories (Level IVa and IVb, 31% in Michigan versus 26% in the norms); however, the Michigan sample was restricted to individuals under the jurisdiction of the Michigan Department of Corrections whereas the norms were based on the full range of individuals convicted of sexual offenses (stratified into short prison sentences [less than 2 years], long prison sentences [more than 2 years], and community sentences only). Consequently, the estimates based on the Static-99R norms should reasonably approximate the distribution of risk levels for individuals on Michigan's registry.

IX. OFFENSE HISTORY OF PEOPLE ON MICHIGAN'S REGISTRY

82. **Offense Type:** 94% of the total class (42,294 people) have a registrable offense from Michigan. A wide range of Michigan offenses result in sex offender registration, ranging from very serious crimes, like criminal sexual conduct in the first degree (M.C.L. § 750.520b, which includes forcible rape and child sexual assault), to lower-level offenses, like criminal sexual conduct in the third degree (M.C.L. § 750.520d, which includes sexual intercourse with an underage teen), and criminal sexual conduct in the fourth degree (M.C.L. § 750.520e, which includes sexual contact with an underage teen).

83. For people with Michigan registrable offenses (the **Michigan Conviction Group**), we analyzed how many people were convicted of which offenses. To avoid double counting a person, if the person was convicted of more than one offense, we assigned the highest-level offense (e.g., CSC 1 for a person convicted of both CSC 1 and CSC 2).³⁴

³⁴ There are a number of different offenses in the "other sex crimes category" with varying

Table 5
Offenses of Registrants Who Have Michigan Convictions

Registrable Offense	Total	Percent
CSC First Degree	9,575	23%
CSC Second Degree	10,545	25%
CSC Third Degree	8,909	21%
CSC Fourth Degree	5,893	14%
Other Registrable Offenses	7,372	17%

84. These data show that **77% of registrants with Michigan convictions (32,719 of 42,294) were convicted of offenses other than CSC 1.**

85. Once we further broke down the data to look at the 32,484 people who have Michigan registrable offense convictions in the **In Community Group**—those registrants who are not incarcerated and who are living in Michigan communities—the percentage of registrants convicted of the most serious offenses decreases further:

Table 6
Offenses of Registrants In the Community Who Have Michigan Convictions

Registrable Offense³⁵	Total	Percent
CSC First Degree	5,331	16%
CSC Second Degree	8,734	27%
CSC Third Degree	7,043	22%
CSC Fourth Degree	5,270	16%
Other Registrable Offenses	6,106	19%

gradations of severity. For purposes of avoiding double counting, we assigned a person to CSC 1, CSC 2, CSC 3 or CSC 4 before assigning them to “other registrable offenses” category.

³⁵ While the Michigan Conviction Group includes only people with Michigan convictions, the In Community Group includes people living in Michigan who have non-Michigan convictions. The severity of those offenses could not be determined, and they are therefore excluded from the analysis.

Thus, 84% of people in the In Community Group who have Michigan registrable offense convictions were convicted of offenses other than CSC 1. These data are important because they belie the common assumption that people on the registry have almost all committed the most serious offenses.

86. **Out of State Offenses:** SORA requires registration not just for convictions in Michigan, but also if the individual has a “substantially similar” offense from another jurisdiction, M.C.L. §§ 28.722(r)(x), (t)(xiii), (v)(viii), or is required to register in another jurisdiction, M.C.L. § 28.723(d). Of people on Michigan’s registry:

- about **42,294 (94%)** have registrable convictions for violations of Michigan law;
- about **3,100 (7%)** have registrable convictions for violations of the law of another jurisdiction; and
- about **296 (1%)** have registrable convictions for both Michigan and non-Michigan offenses.³⁶

87. **Victim Age:** We also attempted to determine the age distribution of victims, but were unable to do so as the underlying data does not appear to be reliable.

88. Although the MSP data contain ages for 65,785 victims of registrable offenses committed by registrants in the total class, the entries in the victim age field are so far off from what is statistically probable that we could not use these data. The table below shows how many victims were coded as having the following ages:

³⁶ The percentages here add up to more than 100% because the individuals in the third bullet are also included in the first two bullets.

Table 7**Distribution of Victim Ages between Age 0 and Age 49**

Age	Total	Age	Total	Age	Total	Age	Total	Age	Total
0	34,458	10	48	20	15	30	10	40	0
1	0	11	136	21	9	31	6	41	0
2	2	12	548	22	4	32	169	42	0
3	8	13	3,519	23	16	33	29	43	0
4	40	14	5,985	24	11	34	216	44	0
5	33	15	1,189	25	6,238	35	66	45	2
6	81	16	4,610	26	0	36	10	46	0
7	1,456	17	391	27	30	37	0	47	3
8	41	18	1,224	28	3	38	1	48	0
9	190	19	31	29	9	39	4,802	49	0

89. Beyond age 49, there is 1 victim aged 62, and there are 145 victims aged 99. Certain ages in the distribution, particularly ages 0, 25, and 39, each represent thousands of victims in the data while the immediately surrounding ages (i.e., ages 1, 24, 26, 38, and 40) are completely or nearly unrepresented. Given that odd distribution of ages, and the fact that 52% of victims in these data are age 0, it is clear to us that the victim age data are not reliable.

90. We also considered whether it would be possible to determine victim age by looking at the offense of conviction and counting offenses where the age of the victim is an element of the offense. However, this method too is inaccurate. First, the age categories in SORA do not always line up with the age categories in Michigan's criminal code.³⁷ Second, a person may be convicted of an offense where the victim was a minor, but the age of the victim is not an element of the offense (e.g., M.C.L. § 750.338b, gross indecency). Third, because of data limitations, it is not possible to determine if one conviction might involve multiple victims, or conversely whether there may be one victim who is the subject of multiple convictions. Finally, the data did not link victim ages to offenses.

³⁷ While the age of consent in Michigan is 16 (M.C.L. § 750.520d(1)(a); § 750.520e(1)(a)), various SORA provisions require registration, or assign higher tier classifications based on the victim being under 18. *See, e.g.* M.C.L. § 28.722(a)-(v). For example, M.C.L. § 750.520e—criminal sexual conduct in the fourth degree—has a specific subsection that bars sexual contact with a person aged 13-16. *See* M.C.L. § 750.520d(1)(a). However, SORA requires individuals convicted of CSC-3 to register if the victim was 13-18. *See* M.C.L. § 28.722(t)(x).

X. WOMEN ON MICHIGAN'S REGISTRY

91. As noted above, women make up only 2% of Michigan's total registry population and 3% of the **In Community Group**.

92. Of the 1,063 women on the registry, about 92% (975 women) have never been convicted of a second registrable offense after their initial conviction. **Of the 945 women in the In Community Group, 98% (922 women) have never been convicted of a second registrable offense.**

XI. CHILDREN ON MICHIGAN'S REGISTRY

93. There are **2,037** people (**5%**) who are on Michigan's registry for a juvenile adjudication as a child. We were not able to determine from the data how many additional individuals committed their registrable offenses as children, but were charged and convicted as adults.

94. The number of children required to register is important because, as set out in the expert report of Elizabeth Letourneau, ECF 1-5, ¶ 10, the recidivism rates for people who commit sexual offenses as children are very low. **Of the 2,037 child registrants, 99% (2,012 child registrants) have never been convicted of a second registrable offense.**

95. **Demographics of Those Registered as Children: 98%** of child registrants (**1,991** children) are male and **2%** of child registrants (**46** children) are female.

96. The racial demographics of this group are:

- about **1,504 (74%)** are white;
- about **476 (23%)** are Black/African-American;
- about **25 (1%)** are Latino/Hispanic;
- about **32 (2%)** are other groups.

97. Although the data did not include the age of child registrants at the time of the offense, we attempted to calculate this by comparing the child's birth date and offense date. Because of missing or unreliable data (e.g., missing offense dates), we were able to calculate the age at the time of offense for 1,665 children (82%). The breakdown for the age of the 1,628 registrants who were children (i.e., under 18 years old³⁸) at the time of the offense is:

³⁸ These data showed that 37 of these registrants with juvenile adjudications were age 18 or over on the offense date of their first registrable offense. Because it is unclear how a person would be adjudicated as a juvenile if over 18, we excluded these data.

- About **52 (3%)** were under 14 years old;
- about **312 (19%)** were 14 years old;
- about **569 (35%)** were 15 years old;
- about **480 (30%)** were 16 years old;
- about **215 (13%)** were 17 years old.

98. The breakdown of all 2,037 child registrants' **current** ages is:

- none are under 16 years old;
- about **57 (3%)** are 16 – 19 years old;
- about **439 (22%)** are 20 – 29 years old;
- about **859 (42%)** are 30 – 39 years old;
- about **679 (33%)** are 40 – 49 years old;
- about **3 (0.1%)** are 50 – 59 years old;
- none are 60 years old or over.

XII. COMPARING PEOPLE IN DIFFERENT TIER LEVELS

99. As discussed above, Michigan's registry categorizes people into three tiers, which determine how many years people are subject to SORA and how frequently they must report. Those tiers are based solely on the offense of conviction, without any individualized determination of risk. *See* M.C.L. §§ 28.722(q)-(v). Tier III requires lifetime registration and quarterly reporting; Tier II requires 25-year registration and biannual reporting; and Tier I requires 15-year registration and yearly reporting. M.C.L. §§ 28.725(11)-(13); 28.725a(3). 73% of registrants are Tier III, 20% are Tier II, and 7% are Tier I. *See* Section V.

100. Tier II and Tier III registrants (other than those with juvenile adjudications) are on the online public registry. M.C.L. §§ 28.728(2), (4). Some Tier I registrants are on the offline law enforcement registry, while other Tier I offenses require public registration. M.C.L. § 28.728(4)(c).

101. We compared the Static 99/R risk scores, discussed in Section VIII, for people in different tier levels. The data show:

Table 8**Static-99 Scores, Earlier Version of Assessment, by Tier Level**

Risk Level	Tier I	Tier II	Tier III	Whole Class
Low Risk	15%	24%	38%	36%
Low-Moderate Risk	35%	35%	34%	34%
Moderate-High Risk	33%	32%	21%	22%
High Risk	17%	10%	8%	8%

Table 9**Static-99R Scores, Current Version of Assessment, by Tier Level**

Risk Level	Tier I	Tier II	Tier III	Whole Class
Level I – Very Low Risk	1%	2%	8%	7%
Level II – Below Average Risk	9%	8%	21%	19%
Level III – Average Risk	27%	46%	43%	43%
Level IVa – Above Average Risk	40%	30%	21%	22%
Level IVb – Well Above Average Risk	23%	14%	7%	9%

102. What these data show is that a higher tier level does not correspond to a higher risk level. **In fact, tier levels are inversely correlated to risk: people in Tier I have the highest risk scores, Tier II the next highest, and Tier III the lowest. Specifically, 63% of the people in Tier I were above average risk on Static-99R, compared to 44% of the people in Tier II, and 28% of the individuals in Tier III.** Such a pattern should not be surprising given that Michigan's tier placement is based on the offense of conviction, which is not empirically related to the likelihood of sexual recidivism. Placing individuals in the wrong tiers would have little effect on public safety because there is no evidence that any form of registration reduces sexual victimization or reduces sexual recidivism; however, placing lower risk individuals in the highest tier misleads the public who would (falsely) assume that higher tier placement communicates a greater risk of sexual recidivism.

103. These Michigan data are consistent with the broad consensus in the scientific literature that the likelihood of recidivism is unrelated to the names of offense convictions. In other words, using the offense of conviction to create tiers of ostensible future dangerousness does not work.

104. As discussed above in Section VII, time offense-free in the community is strongly correlated with reductions in recidivism. We therefore analyzed how much time people in different tiers have spent offense free in the community.

Table 10
Time Offense-Free in the Community by Tier Level

Time Period	Tier I	Tier II	Tier III	Whole Class
0 – 2 years	14%	7%	6%	7%
2 – 5 years	25%	12%	11%	12%
5 – 10 years	36%	19%	16%	18%
10 – 15 years	26%	20%	16%	18%
15 – 20 years	0%	21%	14%	15%
> 20 years	0%	20%	38%	31%

105. These data show that Tier III registrants have spent more time offense free in the community than Tier II registrants, who have spent more time offense free in the community than Tier I registrants. This is unsurprising, given that Tier III requires lifetime registration, Tier II requires 25-year registration, and Tier I requires 15 years registration. It also provides strong evidence that Tier III does not represent a high-risk group. **Two-thirds (68%) of the people in Tier III have spent more than 10 years in the community without incurring another sexual offense conviction, and 38% have spent more than 20 years without a new sexual offense conviction.** It does not take complicated statistical analyses to recognize that most of these people did not present an imminent risk for sexual recidivism when they were required to register. If you accept the strong evidence that time in the community without a new sex offense conviction reduces the likelihood of future recidivism, these data also indicate that the higher tiers are populated by many people who present no more risk of reoffending than males in the general population.

XIII. REGISTRANTS' EMPLOYMENT, HOUSING, AND INTERNET USE

106. Registrants are required to regularly verify as well as report changes to information about their employment, housing, internet use, etc. M.C.L. §§ 28.725; 28.727. The MSP data contained information about employment, housing, and internet identifiers.

107. In analyzing this data, we restricted our analysis to the **In Community Group**—those subject to SORA's reporting requirements, as they live, work or go

to school in Michigan—and excluded those who are incarcerated. We also excluded registrants listed as “absconders,” as they will have had periods of non-reporting.

A. Employment

108. We leveraged the address and date data in the MSP data to estimate the total number of registrants with current employment. We count any work address without an end date (i.e., the date after which the work address is no longer current for the registrant) as current employment.

109. Of the 35,235 registrants in the In Community Group, 55% (19,230 people) reported current employment of some kind.³⁹ Of these, 14% of all currently employed registrants in the In Community Group (2,603 people) reported current employment at two or more business addresses. The data do not show if they were employed full or part time. **Of the registrants in the In Community Group, 45% (16,005 people) did not report current employment.**

110. The unemployment rate in Michigan in January 2023 when the MSP data was provided was 4.3%.⁴⁰

B. Housing

111. The MSP data also contains residential addresses, as well as a notation for whether a person is homeless. It is our understanding that historically, unhoused people have been required to report a general location (e.g., city, but not street address). The residential address data for some registrants shows such general locations.

112. Of the 35,235 registrants in the **In Community Group**, 1,037 people (3%) were officially designated as “homeless” as of January 24, 2023. There are an additional 45 people who are not currently officially designated as “homeless” but whose current street address fields are blank or otherwise denote unhoused status (for example, some street address fields describe the intersection of two streets, some explicitly say “Homeless,” and some describe registrants’ vehicles). We assume that between 1,037 and 1,082 registrants in the In Community Group are currently unhoused.

113. Using the officially designated “homeless” label, of the 35,235 registrants in the **In Community Group**, 9% (3,139 people) reported being unhoused at some point since they began registering. Limiting the analysis to the 25,763 people in the

³⁹ Employment addresses include those related to self-employment and rental property, along with traditional employment.

⁴⁰ Michigan Labor Market Statistics 1970-2023, <https://www.senate.michigan.gov/sfa/Economics/MichiganLaborForce.PDF>.

In Community Group who have reported their addresses for at least ten years (i.e., their initial release date is on or prior to January 24, 2013), we find 10% (2,518 people) have reported being unhoused at some point.

114. Using expanded criteria for identifying unhoused registrants (also including instances where the street address field is blank or otherwise denotes unhoused status), of the 35,235 registrants in the **In Community Group**, we identify 11% (3,764 people) who have reported being unhoused at some point since they began registering. **Limiting the analysis to the 25,763 people in the In Community Group who have reported their addresses for at least ten years, we find 12% (3,049 people) have reported being unhoused at some point since they began registering.**

115. These numbers may understate the percentage of registrants who have been unhoused, as we were unable to account for individuals who report shelter addresses. In addition, due to time and data constraints, we were unable to analyze housing instability. However, even a cursory review of the data shows that many registrants report frequent address changes.

C. Internet Use

116. SORA requires post-2011 registrants to report “all electronic mail addresses and internet identifiers registered to or used by the individual.” M.C.L. § 28.727 (1)(i).

117. For this analysis, we restricted our query to the 8,153 members of the **In Community Group** who are required to report such information (i.e., with an offense date on or after July 1, 2011). In that group, **62% (5,061 people) reported at least one email address or electronic identifier. 38% (3,092 people) did not report any email addresses or electronic identifiers. Only 60% (4,909 people) reported using email, and only 24% (1,968 people) reported using some other non-email internet identifier** (e.g., Facebook, Instagram).

118. By contrast, 93% of adult Americans use the internet.⁴¹

XIV. DATA ON ENFORCEMENT

A. Absconders, Compliance and Non-Compliance

119. Only **33 registrants (0.1%)** in the **In Community Group** are listed as “absconders,” presumably individuals who are not reporting.

⁴¹ Pew Research, “Internet/Broadband Fact Sheet.” Accessed 27 September 2021. <https://www.pewresearch.org/internet/fact-sheet/internet-broadband/>.

120. However, many more registrants are listed as “non-compliant.” For the **In Community Group**, the data shows whether they are “compliant” or “non-compliant,” and if non-compliant, the type of non-compliance.

121. In this group **90% (31,648 people)** were compliant, and **10% (3,582 people)** were non-compliant.

122. The breakdown for types of non-compliance is:

Table 11
Reasons for Noncompliance

Reasons for current non-compliance	Total	Percent⁴²
Identification violation	2,218	62%
Fee violation	881	25%
Verification violation	648	18%
Palm print violation	448	13%
Address violation	33	1%
Failed to register violation	22	1%
False information violation	12	0.3%
Form violation	7	0.2%
Employment violation	6	0.2%
Phone violation	4	0.1%
Vehicle violation	3	0.1%
Internet violation	3	0.1%
Professional license violation	1	0.03%

123. In 87% of cases there were issues with the fees required under SORA or with identification.

⁴² These numbers at up to more than 100%, as some registrants had more than one reason for non-compliance.

B. Residence Checks

124. For the **In Community Group**, the data shows that there were 61,905 residence checks done during the period from January 1, 2011, to March 1, 2020.⁴³

XV. CLASS AND SUBCLASS INFORMATION

125. We were asked to determine the size and composition of the primary class and subclasses, to the extent possible. For some of the subclasses this determination was relatively straightforward. For others, it was extremely complex. The numbers provided should be understood as best estimates, subject to revision, given the complexity of the analysis involved. We were not able to complete this analysis for all the subclasses in the available time, but will continue to work on doing so.

126. The chart in Exhibit B provides more details about the analysis for each subclass. As noted above, the MSP provided the class data on January 24, 2023. Given that additional people have likely been added to the registry since then, the numbers here may slightly understate the current class and subclass sizes.

A. Primary Class

127. The primary class is defined as: “people who are or will be subject to registration under Michigan’s Sex Offenders Registration Act (SORA).” Stipulated Class Certification Order, ECF 35, ¶ 2.

128. **The primary class is composed of approximately 45,145 people.** This includes registrants who are living, working, or studying in the state, incarcerated people, and registrants who were convicted of a Michigan registrable offense on or after July 1, 2011 and who are now living out of state.⁴⁴

B. Pre-2011 Ex Post Facto Subclass

129. This sub class is defined as members of the primary class who committed the offense(s) requiring registration before July 1, 2011. ECF 35, ¶ 3.

130. **There are approximately 31,249 registrants (69% of the class) in this subclass.** In identifying this subclass, we used the offense date for the final registrable offense on record where available. For 3,481 people, the offense date for

⁴³ We excluded data from after March 2020 because residence checks were likely impacted by the COVID-19 pandemic.

⁴⁴ We also included people whose registration status is pending review (186 people; 0.4%) as they most likely “will be subject to registration,” although that group is so small that it is not statistically significant; people whose status pending-out-of-state, and people whose whereabouts were unknown.

their last registrable offense was not available, and we used the conviction date for their last registrable offense instead. For 48 people, neither the offense date nor the conviction date for their last registrable offense were available, so we assume those individuals are not part of this subclass.

C. Retroactive Extension of Registration Subclass

131. This subclass is defined as members of the primary class who were retroactively required to register for life as a result of amendments to SORA. ECF 35, ¶ 4.

132. Our best estimate at this time is that there are approximately 16,723 registrants (37% of the Primary Class) in this subclass.

133. The data we received did not indicate whether a person's registration term has been extended. Therefore, in order to determine membership in this subclass, we had to run a series of queries that identified people who are currently required to register for life, but whose registrable offenses, at the time committed, did not result in lifetime registration. Class counsel, based on their analysis of the legislative history of SORA, provided us with the parameters for those queries, which are attached as Exhibit B.1.

134. The analysis for this subclass is very complicated due to the number of statutory changes over time, the complexity of the relevant data, and the programming required. The estimate provided is just that, an estimate, and does not account for every variable involved.

D. Barred From Petitioning Subclass

135. The barred from petitioning subclass is defined as:

members of the primary class who are ineligible to petition for removal from the registry and for whom ten or more years will have elapsed since the date of their conviction for the registrable offense(s) or from their release from any period of confinement for that offense(s), whichever occurred last, and who (a) have not been convicted of any felony or any registrable offense since; (b) have successfully completed their assigned periods of supervised release, probation, or parole without revocation at any time of that supervised release, probation, or parole; and (c) have successfully completed an appropriate sex offender treatment program, if successful completion of a sex offender treatment program was a condition of the registrant's confinement, release, probation, or parole.

ECF 35, ¶ 5.

136. Due to the complexity of the analysis, limitations in the data sets, the need

to match various data sets, and time constraints, we have not yet been able to estimate the number of people in this subclass. We are continuing to work on estimating the size of this subclass.

E. Non-Sex Offense Subclass

137. SORA requires individuals convicted of certain offenses that do not have a sexual component to register as sex offenders, namely kidnapping (M.C.L. § 750.349)⁴⁵, unlawful imprisonment (§ 750.349b), and child enticement (§750.350). *See* M.C.L. § 28.722(r)(iii), (v)(ii)-(iii).

138. The non-sex offense subclass is defined as:

members of the primary class who are or will be subject to registration for an offense without a sexual component including convictions for violating M.C.L. § 750.349 (other than convictions for violating M.C.L. § 750.349(1)(c) or M.C.L. § 750.349(1)(f)), § 750.349b, § 750.350, or a substantially similar offense in another jurisdiction.

ECF 35, ¶ 6. The subclass thus includes both individuals with Michigan convictions for the specified offenses, as well as people with “a substantially similar offense in another jurisdiction.”

139. We estimate that 298 people (0.7% of the class) are members of this subclass.

140. There are 276 people with Michigan convictions that are members of this subclass. To identify this group, we ran queries to identify all class members convicted of violating M.C.L. § 750.349 (other than convictions for violating M.C.L. § 750.349(1)(c) or M.C.L. § 750.349(1)(f)), § 750.349b, and § 750.350.

141. In addition, individuals who have non-Michigan convictions that are “substantially similar” to such offenses must register. M.C.L. § 28.722(r)(x), (t)(xiii), (v)(viii). The data we received does not show which non-Michigan offenses are considered “substantially similar” to the specified Michigan offenses. Plaintiffs’ counsel informed us that they sought, but were unable to obtain, documents from Defendants showing which non-Michigan offenses the MSP deems to be “substantially similar” to the specified Michigan offenses.

142. In order to estimate the number of people who are subject to registration for “substantially similar” non-sex-offense convictions in other jurisdictions, we first calculated that 276 people convicted of non-sex offenses in Michigan represent 0.7%

⁴⁵ Subsections (1)(c) or (1)(f) of the kidnapping statute, M.C.L. § 750.349 require a sexual component to the crime.

of the total 42,294 people with Michigan convictions. If a similar percentage applies to the 3,100 people with non-Michigan convictions, then there would be approximately 22 people subject to registration for non-sex offenses from jurisdictions other than Michigan.

143. Adding the 276 people with Michigan non-sex offenses to the estimated 22 people with “substantially similar” non-sex-offense convictions from other jurisdictions, led to our estimate that 298 people are members of this subclass.

F. Plea Bargain Subclass

144. This subclass is defined as:

members of the primary class who gave up their right to trial and pled guilty to a registrable offense in Michigan and who, as a result of retroactive amendments to SORA, (a) were retroactively subjected to SORA even though there was no registration requirement at the time of their plea; or (b) had their registration terms retroactively extended beyond that in effect at the time of their plea.

ECF 35, ¶ 7.

145. Due to the complexity of the analysis, limitations in the data sets, the need to match various data sets, and time constraints, we have not yet been able to estimate the number of people in this subclass. We are continuing to work on estimating the size of this subclass.

G. Post-2011 Subclass

146. This subclass is defined as “members of the primary class who committed the offense(s) requiring registration on or after July 1, 2011.”

147. **There are approximately 13,848 registrants (31% of the class) in this subclass.** In identifying this subclass, we used the offense date where available, and the conviction date for the 55 people for whom the offense date was not available. There are 48 people for whom neither the offense date nor the conviction date for any registrable offenses were available; we assume these individuals are not part of this subclass.

H. Non-Michigan Offense Subclass

148. This subclass is defined as members of the primary class who, according to Defendants, are or will be subject to sex offender registration under SORA 2021 for a conviction or adjudication from a jurisdiction other than Michigan.

149. **There are approximately 3,100 registrants (7% of the class) who have a conviction or adjudication from a jurisdiction other than Michigan and are**

in this subclass.

XVI. ADDITIONAL DATA ANALYSIS

150. Due to time and resource constraints, it was not possible to complete all of the data analysis that we had hoped to accomplish before the deadline for this report. Accordingly, we anticipate continuing to refine our data analysis in advance of any evidentiary hearing or trial in this case.

151. We also recognize that, if the Court grants relief to the Plaintiffs in this case, additional data analysis may be required for purposes of determining remedies, and we may conduct further analysis to inform the Court’s potential decisions on remedy. We can develop more precise determinations of subclass composition with additional time.

152. Finally, should the Court identify particular questions where further data analysis may be useful, we can attempt, depending on data, resource and time constraints, to respond to those questions.

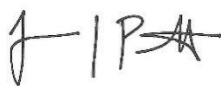
XVII. STATEMENT OF COMPENSATION

153. German Marquez Alcala and James J. Prescott have worked on this report pro bono. Karl Hanson has charged his customary rate of \$250/hour for his contributions to this report.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge, information, and belief.



German Marquez Alcala



James J. Prescott



R. Karl Hanson

Dated: August 7, 2023

EXHIBIT A

CURRICULUM VITAE

German A. Marquez Alcala

University of Michigan Law School | Ann Arbor, MI | gmarquez@umich.edu | Office: (734) 763-1760

EDUCATION

UNIVERSITY OF MICHIGAN | ANN ARBOR, MI | 2016–2018

M.A., Economics

PURDUE UNIVERSITY | WEST LAFAYETTE, IN | 2014–2016

M.S., Agricultural Economics

Thesis: “*The Labor Market Consequences of Endogenous Low-Skill Migration with a Market-Based Immigration Policy*,” selected for a presentation at the Annual Meeting of the Agricultural & Applied Economics Association

CALIFORNIA STATE UNIVERSITY, FRESNO | FRESNO, CA | 2010–2014

B.S., *summa cum laude*, Agricultural Business, Minor in Philosophy

with University Honors via Smittcamp Family Honors College

with College Honors via College of Arts and Humanities Honors Program

Undergraduate Honors Thesis: “*An Ethical Analysis of American Immigration Policy: A Kantian Approach*,” selected for a presentation at the California State University Honors Consortium Conference

RESEARCH INTERESTS

How disadvantaged populations in the U.S. engage with legal and economic systems of power; courts and procedural law; the role of technology in legal and government decision-making.

RESEARCH EXPERIENCE

UNIVERSITY OF MICHIGAN LAW SCHOOL

Research Associate for Empirical Legal Studies

Jan. 2019–Present

I use quantitative research skills to help law faculty shepherd their empirical research projects from concept to publication. I acquire and manage data, brainstorm research questions and provide methodology consultations, perform rigorous statistical analyses, and help draft and edit manuscripts for publication. Notable work from this experience includes:

- Studying criminal record expungements and their labor market and public safety consequences (for Profs. J.J. Prescott & Sonja Starr; published in *Harvard Law Review*)
- Comparing pro se litigant discrimination in online and face-to-face courts (for Profs. J.J. Prescott, Orna Rabinovich-Einy & Avital Mentovich; published in *Alabama Law Review*)
- Studying litigant perceptions of online courts’ legitimacy (for Profs. J.J. Prescott, Orna Rabinovich-Einy & Avital Mentovich; published in *Law & Society Review*)
- Using difference-in-difference and survival analysis methods to study the impact of online dispute resolution in small claims court (for Prof. J.J. Prescott; published in a research volume)
- Compiling and visualizing complex datasets on jails, prisons, and court filings to study the civil rights of incarcerated people, resulting in rich data appendices for an incarceration-focused legal casebook and an article for *Prison Policy Institute* (for Prof. Margo Schlanger)
- Analyzing data from the National Registry of Exonerations for a report on the prevalence of misconduct by police officers, prosecutors, and other officials and its connection to wrongful convictions (for Prof. Samuel Gross)
- Providing editorial assistance for a volume summarizing empirical legal research of sex offender registration and notification laws (Wayne A. Logan & J.J. Prescott, eds., *SEX OFFENDER REGISTRATION AND NOTIFICATION LAWS: AN EMPIRICAL ASSESSMENT*, Cambridge University Press, 2021)

- Using natural language processing methods to understand the role of unrepresented litigants' informal written language in online courts (for Profs. J.J. Prescott, Orna Rabinovich-Einy, David Jurgens, Rob Voigt & Avital Mentovich; *ongoing*)
- Studying homeowners' ability to understand consumer insurance contracts (for Profs. Kyle Logue, Daniel Schwarcz & Brenda Cude; *ongoing*)
- Editing questionnaires, performing database maintenance, and creating annual response reports for the U-M Law School Alumni Survey Project

PURDUE UNIVERSITY DEPARTMENT OF AGRICULTURAL ECONOMICS

Graduate Research Assistant for Professor Thomas Hertel June–Dec. 2015
Compiled data and created visualizations for an analysis of global land use, poverty in the developing world, and the effects of climate change; published in *Nature Climate Change*.

Graduate Research Assistant for Interdisciplinary Climate Research Team Jan.–Sep. 2015
Synthesized scholarship from development economics, ecology, psychology, and cultural anthropology and helped write a comprehensive literature review on conditional cash transfers for an interdisciplinary NSF grant; published in *World Development*.

Graduate Research Assistant for Professor Joseph Balagtas Aug.–Dec. 2014
Wrote a literature review on rice production, poverty impacts of price volatility of staple crops, and existing government interventions for price volatility in the Philippines.

TEACHING EXPERIENCE

UNIVERSITY OF MICHIGAN DEPARTMENT OF ECONOMICS

Graduate Student Instructor Sep. 2017–Apr. 2018
Taught four sections of Principles of Economics I; supervised by Dr. Ronald Caldwell.

CONFERENCE PRESENTATIONS

NLP@Michigan Conference, Ann Arbor, MI, 2022
Annual Meeting of Agricultural and Applied Economics Association (AAEA), Boston, MA, 2016
California State University Honors Consortium Conference, Fullerton, CA, 2014
Voicing Ideas Philosophy Conference, Fresno, CA, 2013

HONORS & AWARDS

Rackham Merit Fellowship, University of Michigan, 2016–2018
Purdue Doctoral Fellowship, Purdue University, 2014–2016
President's Medalist, California State University, Fresno, 2014
Dean's Medalist, Jordan College of Agricultural Sciences & Technology, California State University, Fresno, 2014
President's Honors Scholarship, Smittcamp Family Honors College, California State University, Fresno, 2010–2014
Newman Civic Fellowship, 2013
President's Volunteer Service Award, 2013

JAMES J. PRESCOTT

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EMPLOYMENT

UNIVERSITY OF MICHIGAN LAW SCHOOL, Henry King Ransom Professor of Law (2019–)
Professor of Economics (2015–) (courtesy)
Co-Director, Program in Law and Economics (2012–)
Co-Director, Empirical Legal Studies Center (2014–)
Professor of Law (2011–19)
Assistant Professor of Law (2006–11)

Research: Criminal Law
Civil Litigation and Settlement
Empirical Law and Economics
Sentencing and Corrections
Employment Law

Teaching: Criminal Law
Employment Law
Law and Economics Workshop
Negotiation
Economic Analysis of Law

EDUCATION

MASSACHUSETTS INSTITUTE OF TECHNOLOGY, Ph.D., Economics, 2006

Honors: MIT Department of Economics Fellowship (1997–99)
Jacob K. Javits Fellowship (1998–2002)
Dissertation: *Essays in Empirical Law and Economics*
(Advisers: David Autor, Michael Greenstone, Christine Jolls)

HARVARD LAW SCHOOL, J.D., 2002

Honors: Graduated *magna cum laude*
John M. Olin Fellowship in Law and Economics (1999–2002)
Treasurer (Vol. 115) and Editor, *Harvard Law Review*
Clerkship: Hon. Merrick B. Garland, U.S. Court of Appeals for the D.C. Circuit (2002–03)

STANFORD UNIVERSITY, B.A., Public Policy and Economics, 1996

Honors: Graduated with Honors and Distinction; Phi Beta Kappa (elected in junior year);
Ethics-in-Society Honors Program; Presidential Award for Excellence in the
Freshman Year; Truman Scholar Finalist (CA)
Thesis: *Why Vote? Using Principles to Solve the Paradox of the Irrational Voter*

PUBLICATIONS & MANUSCRIPTS

- Jolly, Richard, and J.J. Prescott, "Beyond Plea Bargaining: A Theory of Criminal Settlement," *Boston College Law Review*, 62(4) (2021), 1047–116.
- Starr, Evan, J.J. Prescott, and Norman D. Bishara, "Noncompete Agreements in the U.S. Labor Force," *Journal of Law and Economics*, 64(1) (2021), 53–84.
- Lave, Tamara Rice, J.J. Prescott, and Grady Bridges, "The Problem with Assumptions: Revisiting the Dark Figure of Sexual Recidivism," *Behavioral Sciences & the Law*, 39(3) (2021), 279–306.
- Bulinski, Maximilian A., and J.J. Prescott, "Designing Legal Experiences: Online Communication and Resolution in Courts," in *LEGAL INFORMATICS* (Daniel Martin Katz, Michael J. Bommarito II and Ron Dolin, eds.) (Cambridge Univ. Press) (2021), 430–48.
- Agan, Amanda Y., and J.J. Prescott, "Offenders and SORN Laws," in *SEX OFFENDER REGISTRATION AND NOTIFICATION LAWS: AN EMPIRICAL ASSESSMENT* (Logan, Wayne A., and J.J. Prescott, eds.) (Cambridge Univ. Press) (2021), 102–44.
- Logan, Wayne A., and J.J. Prescott, eds., *SEX OFFENDER REGISTRATION AND NOTIFICATION LAWS: AN EMPIRICAL ASSESSMENT* (Cambridge Univ. Press) (2021).
- Starr, Evan, J.J. Prescott, and Norman D. Bishara, "The Behavioral Effects of (Unenforceable) Contracts," *Journal of Law, Economics, and Organization*, 36(3) (2020), 633–87.
- Prescott, J.J., and Sonja B. Starr, "Expungement of Criminal Convictions: An Empirical Study," *Harvard Law Review*, 133(8) (2020), 2460–555.
- Prescott, J.J., Benjamin Pyle, and Sonja B. Starr, "Understanding Violent-Crime Recidivism," *Notre Dame Law Review*, 95(4) (2020), 1643–98.
- Mentovich, Avital, J.J. Prescott, and Orna Rabinovich-Einy, "Are Litigation Outcome Disparities Inevitable? Courts, Technology, and the Future of Impartiality," *Alabama Law Review*, 71(4) (2020), 893–979 (winner of 2021 Dispute Resolution Advancement Award presented by the Hugh L. Carey Center for Dispute Resolution at St. John's School of Law)
- Prescott, J.J., and Sonja B. Starr, "The Power of a Clean Slate," *Regulation*, 43(2) (2020), 28–34.
- Prescott, J.J., and Alexander Sanchez, "Platform Procedure: Using Technology to Facilitate (Efficient) Civil Settlement," in *SELECTION AND DECISION IN JUDICIAL PROCESS AROUND THE WORLD: EMPIRICAL INQUIRIES* (Yun-chien Chang, ed.) (Cambridge Univ. Press, 2020), 30–72.
- Spier, Kathryn E., and J.J. Prescott, "Contracting on Litigation," *RAND Journal of Economics*, 50(2) (2019), 391–417.
- Prescott, J.J., and Benjamin Pyle, "Identifying the Impact of Labor Market Opportunities on Criminal Behavior," *International Review of Law and Economics*, 59 (2019), 65–81.
- McJunkin, Ben A., and J.J. Prescott, "Sex Offenders: Technological Monitoring and the Fourth Amendment," *Search & Seizure Law Report*, 46(7) (2019), 75–88.
- Prescott, J.J., "Community Notification Policies," in *THE SAGE ENCYCLOPEDIA OF CRIMINAL PSYCHOLOGY* (Robert D. Morgan, ed.) (Thousand Oaks, Calif.: Sage Publications), Vol. 1 (2019): 138–43.

- Prescott, J.J., “Comment on ‘Judicial Compensation and Performance,’” *Supreme Court Economic Review*, 25 (2019), 149–54.
- O’Neil, Meghan M., and J.J. Prescott, “Targeting Poverty in the Courts: Improving the Measurement of Ability-to-Pay Fines,” *Law and Contemporary Problems*, 82 (2019), 199–226.
- McJunkin, Ben A., and J.J. Prescott, “Fourth Amendment Constraints on the Technological Monitoring of Convicted Sex Offenders,” *New Criminal Law Review*, 21 (2018), 379–425.
- Prescott, J.J., “Assessing Access to Justice Outreach Strategies,” *Journal of Institutional and Theoretical Economics* (JITE), 174(1) (2018), 34–63.
- Prescott, J.J., “Improving Access to Justice in State Courts with Platform Technology,” *Vanderbilt Law Review*, 70 (2017), 1993–2050.
- Hou, Youyang, Cliff Lampe, Maximilian Bulinski, and J.J. Prescott, “Factors in Fairness and Emotion in Online Case Resolution Systems,” *Proceedings of the 2017 ACM Conference on Human Factors in Computing Systems* (May 2017).
- Prescott, J.J., and Kathryn E. Spier, “A Comprehensive Theory of Civil Settlement,” *New York University Law Review*, 91 (2016), 59–143.
- Prescott, J.J., “Portmanteau Ascendant: Post-Release Regulations and Sex Offender Recidivism,” *Connecticut Law Review*, 47 (2016), 1035–78
- Bulinski, Maximilian A. and J.J. Prescott, “Online Case Resolution Systems: Enhancing Access, Fairness, Accuracy, and Efficiency,” *Michigan Journal of Race and Law*, 21 (2016), 205–49.
- Prescott, J.J., “Criminal Sanctions and Deterrence,” in *ENCYCLOPEDIA OF LAW AND ECONOMICS* (2019), vol. 1 (A-E) (Alain Marciano and Giovanni Battista Ramello, eds.) (New York: Springer) (first published online in 2016), 498–510.
- Prescott, J.J., Norman D. Bishara, and Evan Starr, “Understanding Noncompetition Agreements: The 2014 Noncompete Survey Project,” *MSU Law Review*, 2016, 369–464
- Gerstein, Charlie, and J.J. Prescott, “Process Costs and Police Discretion,” *Harvard Law Review Forum*, 128 (2015), 268–88.
- Agan, Amanda Y., and J.J. Prescott, “Sexual Offenses,” in *ENCYCLOPEDIA OF LAW AND ECONOMICS* (2019), vol. 3 (O-Z) (Alain Marciano and Giovanni Battista Ramello, eds.) (New York: Springer) (first published online in 2015), 1871–84.
- Prescott, J.J., Kathryn E. Spier, and Albert H. Yoon, “Trial and Settlement: A Study of High-Low Agreements,” *Journal of Law and Economics*, 57 (2014), 699–746.
- Agan, Amanda Y., and J.J. Prescott, “Sex Offender Law and the Geography of Victimization,” *Journal of Empirical Legal Studies*, 11 (2014), 786–828.
- Prescott, J.J., “Do Sex Offender Registries Make Us Less Safe?” *Regulation*, 35(2) (2012), 48–55.
- Prescott, J.J., “Child Pornography and Community Notification: How an Attempt to Reduce Crime Can Achieve the Opposite,” *Federal Sentencing Reporter*, 24 (2011), 93–101.
- Prescott, J.J., and Jonah E. Rockoff, “Do Sex Offender Registration and Notification Laws Affect Criminal Behavior?” *Journal of Law and Economics*, 53 (2011), 161–206.

Prescott, J.J., “The Challenges of Calculating the Benefits of Providing Access to Legal Services,” *Fordham Urban Law Journal*, 37 (2010), 303–46.

Prescott, J.J., and Sonja B. Starr, “Improving Criminal Jury Decision Making After the *Blakely* Revolution,” *University of Illinois Law Review*, 2006, 301–56.

Jolls, Christine M., and J.J. Prescott, “Disaggregating Employment Protection: The Case of Disability Discrimination,” *NBER Working Paper 10740* (2004).

Prescott, J.J., “Tort as a Debt Market: Agency Costs, Strategic Debt, and Borrowing against the Future,” *Harvard Law Review*, 115 (2002), 2294–316 (Student Note).

Prescott, J.J., “Prevailing Party—*Buckhannon Board & Care Home, Inc. v. West Virginia Department of Health & Human Resources*, 121 S. Ct. 1835 (2001),” *Harvard Law Review*, 115 (2001), 457–67 (Student Supreme Court Case Comment).

Prescott, J.J., “Second Circuit holds that Punitive Damages are Unavailable against Municipalities—*Ciraolo v. City of New York*, 216 F.3d 236 (2d Cir. 2000),” *Harvard Law Review*, 114 (2000), 666–72 (Student Recent Case Comment).

WORKS IN PROGRESS

Prescott, J.J., and Evan Starr, “Subjective Beliefs about Contract Enforceability,” draft available.

Garrett, Brandon L., and J.J. Prescott, “Determinants of Success in Post-Conviction Litigation by the Innocent,” draft available.

Prescott, J.J., “The Possibilities of Offender Choice in Sentencing: Eliciting Forward-Looking Information,” draft available.

Prescott, J.J., “Measuring the Consequences of Criminal Jury Trial Protections,” draft available (revise and resubmit, *Journal of Legal Studies*).

Prescott, J.J., “Empirical Evidence of Prosecutorial Charging Manipulation: And What It Tells Us about What Prosecutors Are Trying to Do,” draft available.

Klick, Jonathan, and J.J. Prescott, “The Effect of Sex Offender Laws on the Sexual Abuse and Health of Minors,” 25-page funding narrative available.

Prescott, J.J., and Eric B. Laber, “The Effects of Judge, Prosecutor, and Defendant Race and Gender Interactions on Defendant Outcomes,” 15-page funding narrative available.

Bailey, Martha J., and J.J. Prescott, “The Regulation of Vice in the 1960s: The Case of Contraception as ‘Obscene,’” précis available.

Prescott, J.J., “Data Set: New Orleans District Attorney’s Office Data, 1988-1999,” including arrest, charging, conviction, and sentencing data with judge, prosecutor, and defendant identifiers and over 30,000 defendant observations.

Prescott, J.J., “A Fifty-State Compendium of Sex Offender Regulation.”

OTHER WRITING

Buhl, William, J.J. Prescott, and Miriam Aukerman, “Michigan Poised to Double Down on Failed Sex Offender Registry,” DETROIT FREE PRESS, Dec. 10, 2020, <https://www.freep.com/story/opinion/contributors/2020/12/10/michigan-sex-offender-registry-legislation/6507848002/>.

Prescott, J.J., Benjamin Pyle, and Sonja Starr, “It’s Time to Start Releasing Some Prisoners With Violent Records,” SLATE, April 13, 2020, <https://slate.com/news-and-politics/2020/04/combating-covid-release-prisoners-violent-cook.html>.

Prescott, J.J., and Sonja B. Starr, “The Case for Expunging Criminal Records,” N.Y. TIMES, March 20, 2019, at A27, <https://www.nytimes.com/2019/03/20/opinion/expunge-criminal-records.html>.

Prescott, J.J., “Unclogging Courts by Resolving Simple Cases Online,” THE BRIDGE, May 19, 2016, <http://bridgemi.com/2016/05/unclogging-courts-by-resolving-simple-cases-online/>.

Prescott, J.J., Kathryn E. Spier, and Albert H. Yoon, “审审审审审审审审审审审审” [Trial and Settlement: A Study of High-Low Agreements] (translated by Yajie Xin. 比审): *Comparative Studies*, no. 80 (2015), 154–189.

Prescott, J.J., “In Michigan, Access to Justice a Click Away,” DETROIT NEWS, March 12, 2015, at 3B, <http://www.detroitnews.com/story/opinion/2015/03/11/prescott-court-innovations/70166738>.

Prescott, J.J. (principal drafter), Miriam J. Aukerman, Michael J. Steinberg, Kary L. Moss, and John R. Minock, “Distinguished Brief: People of the State of Michigan v. David Mark Cole,” *Thomas M. Cooley Law Review*, 30(3) (2013), 313–68.

GRANTS AND AWARDS

American Civil Liberties Union (\$250,000) (“Prosecutor Transparency Project”) (2021)

Distinguished University Innovator Award, University of Michigan (2020)

Vital Projects at Proteus (\$20,000) (2019) (“Understanding Recidivism Rates for Homicide Offenders”) (Co-PI: Benjamin D. Pyle)

National Science Foundation, Cyber-Human Systems (\$909,213) (2018) (“Drawing from Theories of Justice to Respond to Online Harassment”) (Co-PIs: Sarita Yardi Schoenebeck and Clifford Lampe)

University of Michigan, Poverty Solutions at Ford School of Public Policy (\$25,000) (2017) (“Targeting Poverty in the Courts: Improving the Measurement of Ability to Pay”) (Co-PI: Meghan M. O’Neil)

University of Michigan, Global Challenges for Third Century Initiative (Phase Two: \$2,767,500) (2014) (“Technology-Aided Access to Courts through Enhanced Online Functionality”)

University of Michigan, Office of the Vice President for Research (\$15,000) (2013) (“A Survey of Employment Non-Competition Agreements: Incidence, Knowledge, Perceptions, and Mobility”)

Distinguished Brief Award, *Thomas M. Cooley Law Review* (“recognizes the most scholarly brief filed before the Michigan Supreme Court, as determined by a panel of judges”) (2013) (*People v. Cole*, No. 143046, opinion filed May 25, 2012)

University of Michigan, Global Challenges for Third Century Initiative (Phase One: \$275,000) (2013) (“Technology-Aided Access to Courts through Enhanced Online Functionality”)

- University of Michigan, Office of the Vice President for Research (\$15,000) (2011) (“The Role of the Prosecutor in Criminal Justice Outcome Disparities”)
- Population Studies Center, University of Michigan (\$4,000) (2011) (“The Effects of Sex Offender Laws on Teenage Sexual Health and on the Geography of Crime Commission”)
- National Fellow, Hoover Institution, Stanford University, Stanford, CA (2010–11)
- National Science Foundation, Law and Social Sciences Program (\$145,000) (2010) (“Evaluating the Impact of Set-Aside Laws on Ex-Offender Recidivism and Socioeconomic Outcomes”) (Co-PI: Sonja Starr)
- University of Michigan, Office of the Vice President for Research (\$15,000) (2009) (“Evaluating the Impact of Set-Aside Laws on Ex-Offender Recidivism and Socioeconomic Outcomes”)
- National Poverty Center, University of Michigan (\$7,500) (2009) (“Evaluating the Impact of Set-Aside Laws on Ex-Offender Recidivism and Socioeconomic Outcomes”)
- ABA Section on Litigation, Litigation Research Fund (\$12,000) (2008) (with Albert Yoon) (“Settlement and Trial? A Study of High-Low Agreements”)

PROFESSIONAL ACTIVITIES

- Affiliations:
- Co-Editor-in-Chief, *American Law and Economics Review* (2017–)
 - Fellow of the Society for Empirical Legal Studies (2019–)
 - Research Faculty Affiliate, Pop. Studies Center, Univ. of Michigan (2009–)
 - Affiliate, University of Chicago Crime Lab (2016–)
 - Faculty Affiliate, National Archive of Criminal Justice Data (2017–)
 - Senior Academic Affiliate, Edgeworth Economics, LLC (2012–)
 - Faculty Expert, Poverty Solutions, University of Michigan (2017–)
 - Research Associate, Ctr. for Research in Econometric Theory and Applications (CRETA), National Taiwan University (2018–)
 - ICLE (Inst. of Continuing Legal Educ.) Tech. Advisory Board (2016–)
 - Associate Editor, *International Review of Law and Economics* (2012–18)
 - Board of Directors, American Law and Economics Association (2015–18)
 - Co-President, Society of Empirical Legal Studies (2018–19)
 - Board of Directors, Society of Empirical Legal Studies (2016–19)
 - Board of Directors, Innovations for Poverty Action (2010–18)
 - Working Group, Nat’l Task Force on Fines, Fees, and Bail (2016–18)
 - Member, MI Advisory Comm., US Commission on Civil Rights (2013–17)
 - Editorial Board, *American Law and Economics Review* (2014–17)
 - Member, State Bar of California (admitted in 2002)
 - Member, American Bar Association
 - Member, American Economic Association
 - Member, American Law and Economics Association
- Referee Service:
- Journal of Legal Studies*
 - Journal of Law and Economics*
 - Journal of Law, Economics, and Organization*
 - Journal of Empirical Legal Studies*
 - American Law and Economics Review*
 - International Review of Law and Economics*

Review of Law and Economics
Quarterly Journal of Economics
Review of Economics and Statistics
Journal of Labor Economics
American Economic Journal: Applied Economics
Journal of Public Economics
Economic Journal
Economic Inquiry
Law and Society Review
Law and Social Inquiry
Crime and Delinquency
Justice Quarterly

TESTIMONY AND EXPERT ACTIVITIES

Commonwealth of Pennsylvania v. Torsilieri, Court of Common Pleas, Chester County, PA: expert report, Apr. 1, 2021.

Constan v. City of Dearborn Heights et al., Wayne County Circuit Court, Michigan: expert report, Dec. 6, 2020.

Legislative Testimony before *Michigan Senate's Judiciary and Public Safety Committee* (Lansing, MI, via Zoom), on proposed Clean Slate (expungement) legislation, June 4, 2020.

Legislative Testimony before *Michigan House of Representatives' Judiciary Committee* (Lansing, MI, via Zoom), on proposed reforms to Michigan's Sex Offender Registration and Notification Laws, May 27, 2020.

NARSOL v. Joshua Stein, U.S. District Court for the Middle District of North Carolina: expert report, Feb. 27, 2020; deposition, July 10, 2020.

John Does #1–5 v. Richard Swearingen, U.S. District Court for the Southern District of Florida: expert report, Feb. 24, 2020.

John Does #1–7 v. Greg Abbott and Col. Steven McCraw, U.S. District Court for the Northern District of Texas, Dallas Division: expert report, May 25, 2018.

United States v. David Keith Wills, U.S. District Court for the Southern District of Texas, Corpus Christi Division: expert declaration, Jan. 14, 2018; hearing testimony, Jan. 29, 2018.

Lucinda J. Shuell v. Mobile Medical Response, Inc., American Arbitration Association, Case No. 01-16-0001-9155: expert report, Dec. 21, 2017.

Southern Motors Chevrolet, Inc. v. General Motors, U.S. District Court for the Southern District of Georgia, Savannah Division: expert report, June 30, 2015.

State of Georgia v. Beverly Hall, Superior Court of Fulton County for the State of Georgia: expert report, July 11, 2014.

McGuire v. City of Montgomery, Alabama et al., U.S. District Court for the Middle District of Alabama: expert report, Sept. 13, 2013; deposition, Oct. 30, 2013; rebuttal expert report, Dec. 17, 2013; trial testimony, Mar. 31, 2014, and Apr. 1, 2014.

John Does #1–5 and Mary Doe v. Richard Snyder and Col. Kriste Etue, U.S. District Court for the Eastern District of Michigan: expert report, Mar. 16, 2012; deposition, Dec. 12, 2013

UNIVERSITY SERVICE

University of Michigan: Digital Innovation Advisory Group (2014–16); Online Course Selection Committee (2013–14); UM Civil Liberties Board (2010–13).

University of Michigan Law School: Founder and Organizer, Student Research Roundtable (2007–18); Tenure Review Committee (2021–); Personnel Committee (2019–21); Alumni Survey Director (2014–); Technology Committee (2010–20); Alumni Academic Placement Committee (2010–14; 2016–18); Institutional Advancement Committee (2009–11; 2012–13); Graduate Programs and Foreign Affiliations (2011–12); Academic Standards and Practices Committee (2009–10); Clinical Committee (2008–09); Student Careers and Professional Affairs Committee (2007–08); Curriculum Committee (2006–07).

OTHER EMPLOYMENT

Academic: Visiting Lecturer, University of Tokyo Faculty of Law (Summer 2009)
Visiting Researcher, Georgetown University Law Center (2004–2006)
Special Guest, Brookings Institution, Economic Studies Program (2004–2005)
Fellow in Law and Economics, Univ. of Michigan Law School (Winter 2005)
Post-Graduate Olin Research Fellow, Harvard Law School (2003–2004)
Research Assistant, Brookings Institution, Economic Studies (1996–1997)

Law Practice: Summer Associate, Gibson, Dunn & Crutcher, LLP, New York, NY (2002)
Summer Associate, Munger, Tolles & Olson, LLP, Los Angeles, CA (2001)
Summer Associate, Morrison & Foerster, LLP, San Francisco, CA (2001)
Summer Associate, Gibson, Dunn & Crutcher, LLP, Los Angeles, CA (2000)

SELECTED PRESENTATIONS

- 2021:** Northwestern University IDEAL Workshop: Evaluation and Accountability: Technologies for Law (online) (April) (“Evaluating the Effects of Court-Technology Innovations”)
Record Clearing Research Webinar (National Record Clearing Project) (Community Legal Services – Philadelphia) (online) (March) (“Expungement of Criminal Convictions: An Empirical Study”)
Dispute Resolution Works-in-Progress Consortium (online) (March) (Discussant on Gilat Bachar, “The Psychology of Secret Settlements”)
Stanford Law Legal Tech and the Future of Civil Justice Series (Panel: “Legal Tech, A2J, and the Unrepresented”) (online) (February) (“Using ODR Platforms to Level the Playing Field: Improving Pro Se Litigation Through Technology”)
Michigan Journal of Law Reform Symposium (“The Poverty Penalty: America’s Overuse of Fines and Fees) (online) (January) (Panelist: Civil and Criminal Fines and Fees)
- 2020:** Duke Empirical Criminal Law Roundtable (online) (December) (Discussant on Ben Grunwald, “How to Reduce the Prison Population by X%”)
Columbia Law School (Law and Economics Workshop) (online) (November) (“Subjective Beliefs about Contract Enforceability”)

Conference: National Legal Aid & Defender Association (online) (November) (Panelist: “Record Clearing in 2020: Challenges and Opportunities”)

Conference: APPAM Annual Meetings (online) (November) (Discussant on Aria Golestani, Emily Owens, and Kerri Raissian, “Specialization in Criminal Courts: An Evaluation of the Impact of Domestic Violence Courts in Nashville and Davidson County, Tennessee”)

Michigan Law Insights from the Quad (online) (November) (Panelist: “Criminal Justice Reform” with Eve Primus and Margo Schlanger)

Harvard Law School (Empirical Law and Economics Workshop) (online) (October) (“Noncompetes and Employee Mobility”)

Clean Slate Initiative Panel, National Expungement Week (online) (September) (Panelist)

The 2020 University of Michigan Distinguished Innovator Award Address (Ann Arbor, MI) (September) (“Matterhorn: Technology, Access to Justice, and Democratizing American Courts”)

- 2019:** Conference: The Choice Redux: Market, Organization, Democracy, Algorithm or Community? (Univ. of Michigan Ross School of Business) (Ann Arbor, MI) (December) (“Gigs & Regs: Platform Choices for Competitive & Fair Labor Markets”)
- Conference on Empirical Legal Studies (Claremont McKenna College) (Claremont, CA) (November) (“Expungement of Criminal Convictions: An Empirical Study”)
- Notre Dame Law Review Symposium (Notre Dame Law School) (South Bend, IN) (November) (“Understanding Violent-Crime Recidivism”)
- Detroit Police’s Committee on Race and Equality Meeting (Detroit Police Department) (Detroit MI) (October) (“Expungement in Michigan”)
- Columbia Law School (Courts Workshop) (New York, NY) (May) (“Is Judicial Bias Inevitable? Courts, Technology, and the Future of Impartiality”)
- Univ. of Michigan Law School’s 2019 Junior Scholars Conference (Ann Arbor, MI) (April) (Discussant on three papers in “Panel I: Observation and Documentation”)
- Univ. of Southern California Gould School of Law (Law and Economics Workshop) (Los Angeles, CA) (April) (“Expungement of Criminal Convictions: An Empirical Study”)
- Univ. of Michigan Institute for Research on Women & Gender (Ann Arbor, MI) (March) (Book Discussant on David Halperin and Trevor Hoppe, “The War on Sex”)
- Univ. of British Columbia Allard School of Law (Law and Economics Workshop) (Vancouver, BC) (March) (“Noncompetes and Employee Mobility”)
- Conference: The Choice: Market, Organization, Democracy, Algorithm or Community? (Univ. of Michigan Ross School of Business) (Ann Arbor, MI) (February) (“Law and ‘The Choice’”) (focus on analytics, prediction, and algorithms in the law)

- 2018:** 2018 eCourts Conference (National Center for State Courts) (Plenary Panel with Judge Alexis Krot and Elizabeth Lucas) (Las Vegas, NV) (December) (“‘Right-sizing’ Penalties Through Technology”)
- Notre Dame Law School (Law and Economics Workshop) (South Bend, IN) (November) (“Noncompetes and Employee Mobility”)

Symposium: Shining a Light on Dispute Resolution: Transparency, Metrics, and Empirical Research (Texas A&M Univ. School of Law) (Fort Worth, TX) (November) (“Court-Connected Mediation and Online Dispute Resolution”)

NBER Law and Economics Meetings (Cambridge, MA) (July) (Discussant on Jian Jia and Liad Wagman, “Platform, Anonymity, and Illegal Actors: Evidence of Whac-a-Mole Enforcement from Airbnb”)

Univ. of Bonn (Law and Economics Workshop) (Bonn, Germany) (May) (“Noncompetes and Employee Mobility”)

Symposium: Alternatives to Incarceration (Univ. of Haifa, Faculty of Law) (Haifa, Israel) (May) (“Targeting Poverty in the Courts: Improving the Measurement of Ability to Pay Fines”)

Univ. of Michigan Law School (Law and Economics Workshop) (Ann Arbor, MI) (March) (“Noncompetes in the U.S. Labor Force”)

Stanford Law School (Law and Economics Workshop) (Palo Alto, CA) (February) (“Noncompetes in the U.S. Labor Force”)

Supreme Court Economic Review Research Roundtable on the Economics of Legal Error (George Mason Univ. Antonin Scalia Law School) (Arlington, VA) (February) (Discussant on Gregory DeAngelo and Bryan C. McCannon, “Judicial Compensation and Performance”)

Univ. of Virginia Batten School of Policy (Faculty Research Workshop) (Charlottesville, VA) (January) (“Noncompetes in the U.S. Labor Force”)

2017: Harvard Law School (Law and Economics Workshop) (Cambridge, MA) (November) (“Noncompetes and Employee Mobility”)

Univ. of Toronto, Faculty of Law (Law and Economics Workshop) (Toronto, ON) (November) (“Noncompetes and Employee Mobility”)

George Mason Univ. Antonin Scalia Law School (Manne Forum) (Arlington, VA) (September) (Senior Commentator on Megan Stevenson, “Assessing Risk Assessment”)

Empirical Studies of Judicial Systems International Conference (Symposium: Do Courts Rule Efficiently? Empirical Inquiries) (Institutum Iurisprudentiae Academia Sinica) (Taipei, Taiwan) (June) (“Platform Procedure: Using Technology to Facilitate (Efficient) Civil Settlement”)

Seminar on Empirical Methods for the Law (Journal of Institutional and Theoretical Economics, Max Planck Institute for Research on Collective Goods, Bonn, and the Univ. of Bonn, Germany) (Syracuse, Italy) (June) (“Assessing Access to Justice Outreach Strategies”)

Duke Univ. School of Law (Culp Colloquium) (Durham, NC) (May) (Commentator on Andrea Chandrasekher, “Police Contract Status and Labor Unrest,” and Sherod Thaxton, “Disentangling Disparity: Exploring Racially Disparate Effect and Treatment in Capital Charging”)

UC Irvine School of Law Civil Justice Research Institute (Symposium: Practitioners and Scholars in Dialogue: What Do We Know About the Civil Justice System?) (UC Irvine School of Law) (Irvine, CA) (April) (Panel: Innovative Practices)

Vanderbilt Law Review Symposium on State Courts (Vanderbilt Law School) (Nashville, MI) (March) (“Improving Access to Justice in State Courts with Platform Technology”)

Michigan State Law Review Symposium (“Empirical Legal Studies and Legal Analytics: Shall the Twain Meet?”) (Michigan State Univ. College of Law) (East Lansing, MI) (March) (Panel: “ELS and Legal Analytics: Partners in the Same Pursuit or Never the Twain Shall Meet?”)

Univ. of Michigan Complexity and the Law Conference (Ann Arbor, MI) (February) (“UM’s Online Court Project: Big Data, Analytics, and Research Opportunities”)

Univ. of Arizona James E. Rogers College of Law QuantLaw Conference (Tucson, AZ) (February) (“Noncompetes and Employee Mobility”)

2016: Conference on Empirical Legal Studies (Duke Univ. School of Law) (Durham, NC) (November) (“Noncompetes and Employee Mobility”)

National Task Force on Fines, Fees, and Bail Practices Business Meeting (National Center for State Courts) (Lunch Presentation) (Arlington, VA) (November) (“Online Case Resolution”)

National Association for Justice Information Systems 2016 Conference (Tucson, AZ) (November) (“Online Case Resolution Systems: Enhancing Access, Fairness, Accuracy, and Efficiency”)

Georgetown Univ. Law Center (Law and Economics Workshop) (Washington, DC) (October) (“Noncompetes and Employee Mobility”)

George Mason Univ. Antonin Scalia Law School (Law and Economics Workshop) (Arlington, VA) (October) (“Noncompetes and Employee Mobility”)

Justice Codes Symposium (John Jay College of Criminal Justice) (New York, NY) (October) (“Citizens and Online Court Access”)

Columbia Law School (Law and Economics Workshop) (New York, NY) (September) (“Noncompetes and Employee Mobility”)

Concordia Univ. School of Law (Criminal Justice Reform Conference) (Boise, ID) (June) (“Online Case Resolution Systems: Enhancing Access, Accuracy, and Fairness”)

UC Irvine Department of Informatics (Friday Seminar Series) (Irvine, CA) (May) (“Online Case Resolution Systems: Enhancing Access, Fairness, Accuracy, and Efficiency”)

Northwestern Univ. School of Law (Colloquium on Law and Economics) (Chicago, IL) (April) (“Noncompetes and Employee Mobility”)

Univ. of Connecticut School of Law (Faculty Workshop) (Hartford, CT) (March) (“A Comprehensive Theory of Civil Settlement”)

NYU Law School (Law and Economics Colloquium) (New York, NY) (March) (“A Comprehensive Theory of Civil Settlement”)

UCLA Law School (Law and Economics Workshop) (Los Angeles, CA) (February) (“A Comprehensive Theory of Civil Settlement”)

Michigan Journal of Race & Law Symposium (“Innocent Until Proven Poor”) (Univ. of Michigan Law School) (Ann Arbor, MI) (February) (“Online Case Resolution Systems: Enhancing Access, Accuracy, and Fairness”)

2015: Univ. of Texas School of Law (Law and Economics Workshop) (Austin, TX) (November) (“Noncompetes in the U.S. Labor Force”)

Connecticut Law Review Symposium (“The Other One Percent: Prison Reform from Sentencing to Parole”) (Univ. of Connecticut School of Law) (Hartford, CT) (November) (“Post-Release Regulations and Sex Offender Recidivism”)

Conference on Empirical Legal Studies (Washington Univ. Law School) (St. Louis, MO) (October) (“Noncompetes in the U.S. Labor Force”)

Conference on Empirical Legal Studies (Washington Univ. Law School) (St. Louis, MO) (October) (Discussant on Thomas H. Cohen, “Does Change in Risk Matter? Examining Whether Changes in Offender Risk Characteristics Influence Recidivism Outcomes”)

Michigan State Law Review Symposium (“Legal Quanta”) (Michigan State Univ. College of Law) (East Lansing, MI) (October) (“Noncompetes in the U.S. Labor Force”)

Univ. of Michigan School of Information (Information Alliance for Community Development (IACD) speaker series) (Ann Arbor, MI) (September) (“Michigan’s Online Court Project: Improving Access, Accuracy, and Fairness”)

American Law and Economics Association Annual Meetings (Columbia Law School) (New York, NY) (May) (Discussant on Andrea Cann Chandrasekher, “The Effect of Police Slowdowns on Crime”)

NBER Mid-Year Law and Economics Meetings (Cambridge, MA) (February) (“Tailored Suits: Contracting on Litigation”)

Harvard Law School (Law and Economics Workshop) (Cambridge, MA) (February) (“A Comprehensive Theory of Civil Settlement”)

2014: Third Annual Robina Conference: The Future of Criminal Law? (Univ. of Minnesota Law School) (Minneapolis, MN) (“Policing Public Order without the Criminal Law”)

Univ. of Virginia School of Law (Law and Economics Workshop) (Charlottesville, VA) (March) (“Neighborhood Offending: Is Sex Offense Victimization Risk Higher Where Sex Offenders Reside?”)

2013: Conference on Empirical Legal Studies (Univ. of Pennsylvania Law School) (Philadelphia, PA) (October) (“Neighborhood Offending: Do Sex Offenders Reside and Offend in the Same Places?”)

Conference on Empirical Legal Studies (Univ. of Pennsylvania Law School) (Philadelphia, PA) (October) (Discussant on Kuo-Chang Huang, “The Effect of Stakes on Settlement: An Empirical Lesson from Taiwan”)

Tel Aviv Faculty of Law (Law and Economics Workshop) (Tel Aviv, Israel) (May) (“Criminal Choice in Sentencing”)

Cornell-Tel Aviv Conference: Empirical Legal Studies (Tel Aviv Faculty of Law) (Tel Aviv, Israel) (May) (Discussant on Michael Frakes, “The Impact of Criminal Law on the Incidence of Crime: Evidence from Expansions in the Scope and Severity and Statutory Rape Laws”)

Notre Dame Law School (Law and Economics Workshop) (South Bend, IN) (March) (“Criminal Choice in Sentencing”)

2012: NBER Law and Economics Meetings (Cambridge, MA) (July) (Discussant on Dara Lee, “The Digital Scarlet Letter: The Effect of Online Criminal Records on Crime and Recidivism”)

- American Law and Economics Association Annual Meetings (Stanford Law School) (Palo Alto, CA) (May) (“Criminal Choice in Sentencing”)
- Univ. of Toledo College of Law (Faculty Workshop) (Toledo, OH) (March) (“Criminal Choice in Sentencing”)
- 2011:** Conference on Empirical Legal Studies (Northwestern Univ. Law School) (Chicago, IL) (November) (Discussant on Jonah Gelbach, “The Effects of Heightened Pleading on Motion to Dismiss Adjudication”)
- Univ. of Chicago Law School (Law and Economics Workshop) (Chicago, IL) (November) (“Criminal Choice in Sentencing”)
- Columbia Law School (Law and Economics Workshop) (New York, NY) (October) (“Settlement and Trial? A Study of High-Low Agreements”)
- Stanford Law School (Faculty Workshop) (Palo Alto, CA) (March) (“Settlement and Trial? A Study of High-Low Agreements”)
- Cornell Law School (Empirical Colloquium) (Ithaca, NY) (March) (“Settlement and Trial? A Study of High-Low Agreements”)
- NBER Mid-Year Law and Economics Meetings (Cambridge, MA) (February) (Discussant on Howard Chang & Hilary Sigman, “An Empirical Analysis of Cost Recovery in Superfund Cases: Implications for Brownfields and Joint and Several Liability”)
- 2010:** Conference on Empirical Legal Studies (Yale Law School) (New Haven, CT) (November) (“Settlement and Trial? A Study of High-Low Agreements”)
- Conference on Empirical Legal Studies (Yale Law School) (New Haven, CT) (November) (Discussant on Sasha Romanosky, Rahul Telang, and Alessandro Acquisti, “Do Data Breach Disclosure Laws Reduce Identity Theft?”)
- American Law and Economics Association Annual Meetings (Woodrow Wilson School of Public Policy) (Princeton, NJ) (May) (“Settlement and Trial? A Study of High-Low Agreements”)
- Univ. of Haifa Law School (Law and Economics Workshop) (Haifa, Israel via Internet) (May) (“Settlement and Trial? A Study of High-Low Agreements”)
- Univ. of Virginia Law and Economics of Crime Conference (Charlottesville, VA) (March) (“Determinants of Success in Post-Conviction Litigation by the Innocent”)
- Rice Univ. and Univ. of Houston (Applied Economics Workshop) (Houston, TX) (March) (“Do Sex Offender Registration and Notification Laws Affect Criminal Behavior?”)
- American Economic Association Annual Meetings (Atlanta, GA) (January) (“Empirical Evidence of Prosecutorial Charging Manipulation” and Discussant on Richard Boylan and Naci Mocan, “Intended and Unintended Consequences of Prison Reform”)
- 2009:** Harvard Law School (Law and Economics Workshop) (Cambridge, MA) (October) (“Settlement and Trial? A Study of High-Low Agreements”)
- Univ. of Michigan Population Studies Center (Brown Bag) (Ann Arbor, MI) (October) (“Do Sex Offender Registration and Notification Laws Affect Criminal Behavior?”)
- Univ. of Toronto Faculty of Law (Law and Economics Workshop) (Toronto, ON) (September) (“Settlement and Trial? A Study of High-Low Agreements”)

NBER Law and Economics Summer Institute (Cambridge, MA) (July) (“Settlement and Trial? A Study of High-Low Agreements”)

UC Hastings College of Law (Faculty Workshop) (San Francisco, CA) (February) (“Do Sex Offender Registration and Notification Laws Affect Criminal Behavior?”)

Stanford Law School (Law and Economics Workshop) (Palo Alto, CA) (January) (“Do Sex Offender Registration and Notification Laws Affect Criminal Behavior?”)

American Economic Association Annual Meetings (San Francisco, CA) (January) (“Do Sex Offender Registration and Notification Laws Affect Criminal Behavior?” and “The Effects of Judge, Prosecutor, and Defendant Race and Gender Interactions on Defendant Outcomes”)

2008: American Bar Association Litigation Section Access to Justice Symposium (Atlanta, GA) (December) (“The Challenges of Calculating the Benefits of Providing Access to Legal Services”)

Searle Center Research Symposium on Empirical Studies of Civil Liability (Northwestern Univ. Law School) (Chicago, IL) (October) (“Settlement and Trial? A Study of High-Low Agreements”)

Conference on Empirical Legal Studies (Cornell Law School) (Ithaca, NY) (October) (“Do Sex Offender Registration and Notification Laws Affect Criminal Behavior?”)

Conference on Empirical Legal Studies (Cornell Law School) (Ithaca, NY) (October) (Discussant on John F. Pfaff, “The Myths and Realities of Correctional Severity: Evidence from the National Corrections Reporting Program on Sentencing Practices”)

Harvard Law School (Law and Economics Workshop) (Cambridge, MA) (September) (“Do Sex Offender Registration and Notification Laws Affect Criminal Behavior?”)

Law and Society Annual Meetings (Montreal, Canada) (May) (“The Effects of Judge, Prosecutor, and Defendant Race and Gender Interactions on Defendant Outcomes”)

American Law and Economics Association Annual Meetings (Columbia Law School) (New York, NY) (May) (“The Effects of Judge, Prosecutor, and Defendant Race and Gender Interactions on Defendant Outcomes”)

Univ. of Chicago Law School (Criminal Law Colloquium) (Chicago, IL) (April) (“Do Sex Offender Registration and Notification Laws Affect Criminal Behavior?”)

Brooklyn Law School (Faculty Workshop) (Brooklyn, NY) (April) (“Do Sex Offender Registration and Notification Laws Affect Criminal Behavior?”)

Univ. of Haifa Law School (Law and Economics Workshop) (Haifa, Israel via Internet) (March) (“Do Sex Offender Registration and Notification Laws Affect Criminal Behavior?”)

Univ. of Virginia School of Law (Law and Economics Workshop) (Charlottesville, VA) (February) (“Do Sex Offender Registration and Notification Laws Affect Criminal Behavior?”)

NBER Mid-Year Law and Economics Meetings (Cambridge, MA) (February) (Discussant on Betsey Stevenson, “Beyond the Classroom: Using Title IX to Measure the Return to High School Sports”)

- 2007:** Northwestern Univ. Law School (Law and Economics Colloquium) (Chicago, IL) (December) (“Do Sex Offender Registration and Notification Laws Affect Criminal Behavior?”)
- Conference on Empirical Legal Studies (NYU Law School) (November) (Discussant on Stéphane Mechoulan, “The External Effects of Black-Male Incarceration on Black Females”)
- NBER Working Group on Crime (Cambridge, MA) (September) (“Do Sex Offender Registration and Notification Laws Affect Criminal Behavior?”)
- National Federal Sentencing Guidelines Seminar (Salt Lake City, UT) (May) (“Using U.S. Sentencing Commission Data in Empirical Research”)
- American Law and Economics Association Annual Meetings (Harvard Law School) (Cambridge, MA) (May) (“The Effects of Sex Offender Notification laws”)
- 2006:** Conference on Empirical Legal Studies (Univ. of Texas Law School) (Austin, TX) (October) (“Empirical Evidence of Prosecutorial Charging Manipulation”)
- Conference on Empirical Legal Studies (Univ. of Texas Law School) (Austin, TX) (Discussant on Brandon Garrett, “Judging Innocence”)
- Junior Empirical Legal Scholars Conference (Cornell Law School) (Ithaca, NY) (September) (“Empirical Evidence of Prosecutorial Charging Manipulation”)
- Law and Society Annual Meetings (Baltimore, MD) (July) (“Measuring the Consequences of Criminal Jury Trial Protections”)
- Various Job Talks (January and February) (“Measuring the Consequences of Criminal Jury Trial Protections”) (Michigan; Harvard; Stanford; NYU; Columbia; Univ. of Pennsylvania; UCLA; Georgetown; USC; Washington Univ.; Univ. of Texas)
- 2005:** Various Job Talks (September through December) (“Measuring the Consequences of Criminal Jury Trial Protections”) (Yale; Univ. of Virginia; Duke; Cornell; Boston Univ.; Minnesota; Univ. of Colorado; William and Mary; Univ. of Miami)
- MIT Department of Economics Labor Seminar (Cambridge, MA) (November) (“Measuring the Consequences of Criminal Jury Trial Protections”)
- Florida State College of Law (Faculty Enrichment Series) (Tallahassee, FL) (June) (“Measuring the Consequences of Criminal Jury Trial Protections”)
- Brookings Institution, Economic Studies Program (Brown Bag Lunch Talk) (Washington, DC) (June) (“Measuring the Consequences of Criminal Jury Trial Protections”)
- American Law and Economics Association Meetings (NYU Law School) (May) (“Measuring the Consequences of Criminal Jury Trial Protections”)

Curriculum Vitae

R. Karl Hanson, Ph.D., C.Psych

Version: September, 2021

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Education

1986 - Ph.D. in Clinical Psychology, University of Waterloo

1981 - B.A. (Hons), Psychology, Simon Fraser University

Professional Awards and Distinctions

2019 – Criminal Justice Psychology Section of the Canadian Psychological Association: Don Andrews Career Contribution Award

2018 – International Association for the Treatment of Sexual Offenders: Lifetime Achievement Award

2017 – Public Safety Canada: Outstanding Career Award

2015 – Public Safety Canada: Instant Prize

2010 – Public Safety Canada: Student Recognition Award

2007 – Public Safety Canada: Departmental Achievement Award

2007 – Public Safety Canada: Student Recognition Award

2006 – Public Service Merit Award for Exceptional Performance

2006 – Nominated for the Stockholm Prize in Criminology

2003 – Canadian Psychological Association: Fellow

2002 – Association for the Treatment of Sexual Abusers: Lifetime Significant Achievement Award

1998 – Public Service Merit Award for Exceptional Performance

Academic Awards

As a student (1978 – 1986), I received SSHRC doctoral and M.A. fellowships as well as awards and scholarships from Simon Fraser University, Capilano College, and the University of Manitoba (where I completed my internship in clinical psychology).

Current Employment

Start Dates	Location	Duties
6/2004 -	Carleton University	Adjunct Research Professor, Psychology Department
1/2019-	Correctional Service of Canada	Senior trainer on sexual recidivism risk tools (part-time)

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Professional Work Experience

Dates	Location	Duties
2/2015 - 02/2020	Ryerson University	Adjunct Faculty, Yeates School of Graduate Studies
2/2015 – 6/2017	Public Safety Canada	Manager, Corrections Research. Supervise and conduct research on corrections. Manage staff/ budget
2/2009 - 2/2015	Public Safety Canada	Senior Research Scientist. Conduct and supervise research on corrections, with a particular focus on sexual offenders and family violence
4/1991 - 2/2009	Solicitor General Canada/Public Safety Canada	Senior Research Officer
9/1986 – 4/1991	York University	Course Director (Personality, Abnormal, Research). Supervision of student research (part-time)
9/1987- 1/1991	Ontario Ministry of Correctional Services	Assessment, short-term treatment of individuals on probation and parole, staff consultation (part-time)

Between 1987 and 1990, I was a research consultant for several organizations including the Solicitor General Canada (sexual offending, impact of sexual victimization) and Thistleton Regional Centre (intrafamilial sexual abuse). I taught psychopathology at Trent University and the Adlerian Institute. As well, I was engaged in the assessment and treatment of forensic clients, including individuals with a history of sexual offending, at the Clarke Institute of Psychiatry (now Centre for Addiction and Mental Health, Toronto, Ontario, Canada).

Clinical Training

I completed a one-year post-doctoral APA/CPA approved internship at the Health Sciences Centre, University of Manitoba in 1985-86, and had prior internship experience with adults and children at the University of Waterloo, and Sunnybrook Medical Centre (Toronto). I have been registered as a psychologist in Ontario since 1987. My clinical expertise concerns the assessment and treatment of adults with a history of crime and violence.

Journal Publications (refereed)

Blais, J, Babchishin, KM, & Hanson, RK. (in press). Improving our Risk Communication: Standardized Risk Levels for the BARR-2002R. *Sexual Abuse*.

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- Helmus, LM, Hanson, RK, Murrie, DC, & Zabarauckas, CL. (2021). Field validity of Static-99R and STABLE-2007 with 4,433 men serving sentences for sexual offences in British Columbia: New findings and meta-analysis. *Psychological Assessment*. Advance online publication. doi:10.1037/pas0001010
- Thornton, D, Hanson, RK, Kelley, SM, & Mundt, JC. (2021). Estimating lifetime and residual risk for individuals who remain sexual offense free in the community: Practical applications. *Sexual Abuse*. 33(1), 3-33. doi:10.1177/1079063219871573
- Brankley, AE, Babchishin, KM, & Hanson, RK. (2021). STABLE-2007 Demonstrates predictive and incremental validity in assessing risk-relevant propensities for sexual offending: A meta-analysis. *Sexual Abuse*. 33(1), 34-62. doi:10.1177/1079063219871572
- Lee, SC, & Hanson, RK. (2021). Updated 5-year and new 10-year sexual recidivism rate norms for Static-99R with routine/complete samples. *Law and Human Behavior*. 45(1), 24-38.
<https://doi.org/10.1037/lhb0000436>
- Hanson, RK, Newstrom, N, Brouillette-Alarie, S, Thornton, D, Robinson, BE, & Miner, MH. (2020). Does Reassessment Improve Prediction? A Prospective Study of the Sexual Offender Treatment Intervention and Progress Scale (SOTIPS). *International Journal of Offender Therapy and Comparative Criminology*. Advance online publication. doi:10.1177/0306624X20978204
- Babchishin, KM, & Hanson, RK. (2020). Monitoring changes in risk of reoffending: A prospective study of 632 men on community supervision. *Journal of Consulting and Clinical Psychology*, 88(10), 886-898. doi:10.1037/ccp0000601
- Hanson, RK. (2020). Altruistic (Costly) Punishment as Motivation for Vindictive Rape. *Sexual Offending: Theory, Research, and Prevention*, 15(1). Article e3067. <https://doi.org/10.5964/sotrap.3067>
- Lee, SC, Hanson, RK, & Blais, J. (2020). Predictive accuracy of the Static-99R and Static-2002R risk tools for identifying Indigenous and White individuals at high risk for sexual recidivism in Canada. *Canadian Psychology/Psychologie canadienne*, 61(1), 42-57. doi:10.1037/cap0000182
- Lloyd, CD, Hanson, RK, Richards, DK, & Serin, RC. (2020). Reassessment improves prediction of criminal recidivism: A prospective study of 3,421 individuals in New Zealand. *Psychological Assessment*, 32(6), 568-581. <http://dx.doi.org/10.1037/pas0000813>
- Lee, SC, Hanson, RK, Calkins, C, & Jeglic, E. (2019). Paraphilia and antisociality: Motivations for sexual offending may differ for American Whites and Blacks. *Sexual Abuse*. 32(3), 335-365. doi:10.1177/1079063219828779
- Newstrom, NP, Miner, M, Hoefler, C, Hanson, RK, & Robinson, BE. (2019) Sex offender supervision: Communication, training, and mutual respect are necessary for effective collaboration between probation officers and therapists. *Sexual Abuse*, 31(6), 607-631. doi:10.1177/1079063218775970
- Brouillette-Alarie, S, Proulx, J, & Hanson, RK. (2018). Three central dimensions of sexual recidivism risk: Understanding the latent constructs of Static-99R and Static-2002R. *Sexual Abuse*, 30(6), 676-704. doi:10.1177/1079063217691965

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- Mattek, R, & Hanson, RK. (2018). Committed as a violent sexual predator in his 10th decade: A case study. *Archives of Sexual Behavior*, 47, 543-550. doi:10.1007/s10508-017-1041-2
- Bourgon, G, Mugford, R, Hanson, RK, & Coligado, M. (2018). Offender risk assessment practices vary across Canada. *Canadian Journal of Criminology and Criminal Justice*, 60(2), 167-205. doi:10.3138/cjccj.2016-0024
- Hanson, RK, Harris, AJR, Letourneau, E, Helmus, LM, & Thornton, D. (2018). Reductions in risk based on time offense free in the community: Once a sexual offender, not always a sexual offender. *Psychology, Public Policy and Law*, 24(1), 48-63. doi:10.1037/law0000135
- Lee, SC, Hanson, RK, & Zabarauckas, CL. (2018). Sex offenders of East Asian Heritage resemble other Canadian sex offenders. *Asian Journal of Criminology*, 13(1), 1-15. doi:10.1007/s11417-017-9252-y
- Lee, SC, & Hanson, RK. (2017). Similar predictive accuracy of the Static-99R risk tool for White, Black, and Hispanic sex offenders in California. *Criminal Justice and Behavior*, 44(9), 1125-1140. doi:10.1177/0093854817711477
- Hermann, C, McPhail, I, Helmus, L-M, & Hanson, RK. (2017). Emotional congruence with children is associated with sexual deviancy in sexual offenders against children. *International Journal of Offender Therapy and Comparative Criminology*, 61(12), 1311-1334. doi:10.1177/0306624X1560830
- Kahn, RE, Ambroziak, G, Hanson, RK, & Thornton, D. (2017). Release from the sex offender label. *Archives of Sexual Behavior*, 46(4), 861-864. doi:10.1007/x10508-017-0972-y
- Hanson, RK. (2017). Assessing the calibration of actuarial risk scales: A primer on the E/O index. *Criminal Justice and Behavior*, 44(1), 26-39. doi:10.1177/0093854816683956
- Hanson, RK, Babchishin, KM, Helmus, LM, Thornton, D, & Phenix, A. (2017). Communicating the results of criterion referenced prediction measures: Risk categories for the Static-99R and Static-2002R sexual offender risk assessment tools. *Psychological Assessment*, 29(5), 582-597. doi:10.1037/pas0000371
- Lehmann, RJB, Thornton, D, Helmus, LM, & Hanson, RK. (2016). Developing non-arbitrary metrics for risk communication: Norms for the Risk Matrix 2000. *Criminal Justice and Behavior*, 43(12), 1661-1687. doi:10.1177/0093854816651656
- Lehmann, RJB, Goodwill, AM, Hanson, RK, & Dahle, K-P. (2016). Acquaintance Rape: Applying crime scene analysis to the prediction of sexual recidivism. *Sexual Abuse: A Journal of Research and Treatment*, 28, 679-702. doi:10.1177/1079063215569542
- Lee, SC, & Hanson, RK. (2016). Recidivism risk factors are correlated with a history of psychiatric hospitalization among sex offenders. *Psychological Services*, 13, 261-271. doi:10.1037/ser0000081

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- Brouillette-Alarie, S, Babchishin, KM, Hanson, RK, & Helmus, L. (2016). Latent constructs of static risk scales for the prediction of sexual aggression: A 3-factor solution. *Assessment, 23*(1), 96-111. doi:10.1177/1073191114568114
- Hanson, RK, Thornton, D, Helmus, L-M, & Babchishin, KM. (2016). What sexual recidivism rates should be associated with Static-99R and Static-2002R scores? *Sexual Abuse: A Journal of Research and Treatment, 28*(3), 218-252. doi:10.1177/107906321557410
- Babshishin, KM, Hanson, RK, & Blais, J. (2016). Less is more: Using Static-2002R Subscales to Predict Violent and General Recidivism among Sexual Offenders. *Sexual Abuse: A Journal of Research and Treatment, 28*(3), 187-217. doi:10.1177/1079063215569544
- Hanson, RK, Helmus, L, & Harris, AJR. (2015). Assessing the risk and needs of supervised sexual offenders: A prospective study using STABLE-2007, Static-99R and Static-2002R. *Criminal Justice and Behavior, 42*(12), 1205-1224. doi:10.1177/0093854815602094
- Brouillette-Alarie, S, & Hanson, RK. (2015). Comparaison de deux mesures d'évaluation du risque de récidive des délinquants sexuels [Comparison of two recidivism risk measures for sexual offenders]. *Canadian Journal of Behavioural Science/Revue canadienne des sciences du comportement, 47*(4), 292-304. doi :10.1037/cbs0000019
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- Lehmann, RJB, Goodwill, AM, Hanson, RK, & Dahle, K-P. (2014). Crime scene behaviors indicate risk relevant propensities of child molesters. *Criminal Justice and Behavior, 41*(8), 1008-1028. doi: 10.1177/0093854814521807
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- Brouillette-Alarie, S, Hanson, RK, Babchishin, K, & Benbouriche, M. (2014). De la prédiction à la compréhension: Recension des dimensions psychologiques de la Statique-99. *Pratiques Psychologiques, 20*(1), 1-19. doi:10.1016/j.prps.2013.12.001

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- Price, SA, Hanson, RK, & Tagliani, L. (2013). Screening procedures in the United Kingdom for positions of trust with children. *Journal of Sexual Aggression*, 19(1), 17-31. doi:10.1080/13552600.2012.744856
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- Babchishin, KM, Hanson, RK, & Helmus, L. (2012). Communicating risk for sex offenders: Risk ratios for Static-2002R. *Sexual Offender Treatment*, 12(2), 1-12.
- Babchishin, KM, Hanson, RK, & Helmus, L. (2012). Even highly correlated measures can add incrementally to predicting recidivism among sex offenders. *Assessment*, 19, 442-461. doi:10.1177/1073191112458312
- Hanson, RK, Letourneau, EJ, Olver, ME, Wilson, RJ, & Miner, MH. (2012). Incentives for offender research participation are both ethical and practical. *Criminal Justice and Behavior*, 39(11), 1389 - 1402. doi:10.1177/0093854812449217
- Helmus, L, Hanson, RK, Thornton, D, Babchishin, KM, & Harris, AJR. (2012). Absolute recidivism rates predicted by Static-99R and Static-2002R sex offender risk assessment tools vary across samples: A meta-analysis. *Criminal Justice and Behavior*, 39(9), 1148-1171. doi:10.1177/0093854812443648
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- Cortoni, F, Hanson, RK, & Coache, M. (2010). The recidivism rates of female sexual offenders are low: A meta-analysis. *Sexual Abuse: A Journal of Research and Treatment*, 22(4), 387-401.
- Hanson, RK, & Howard, PD. (2010). Individual confidence intervals do not inform decision-makers about the accuracy of risk assessment evaluations. *Law and Human Behavior*, 4, 275 – 281. doi: 10.1007/s10979-010-9227-3.
- Mann, RE, Hanson, RK, & Thornton, D. (2010). Assessing risk for sexual recidivism: Some proposals on the nature of psychologically meaningful risk factors. *Sexual Abuse: A Journal of Research and Treatment*, 22(2), 191-217. doi:10.1177/1079063210366039
- Hanson, RK, Helmus, L, & Thornton, D. (2010). Predicting recidivism among sexual offenders: a multi-site study of Static-2002. *Law and Human Behavior*, 34, 198-211. doi: 10.1007/s10979-009-9180-1
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- Hanson, RK. (2009). The psychological assessment of risk for crime and violence. *Canadian Psychology/Psychologie canadienne*, 20(3), 172-182. doi: 10.1037/a0015726.
- Hanson, RK, Bourgon, G, Helmus, L, & Hodgson, S. (2009). The principles of effective correctional treatment also apply to sexual offenders: A meta-analysis. *Criminal Justice and Behavior*, 36(6), 865-891. doi: 10.1177/0093854809338545
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- Whitaker, DJ, Le, B, Hanson, RK, Baker, CK, McMahon, P, Ryan, G, Klein, A, & Rice, DD. (2008). Risk factors for the perpetration of child sexual abuse: A review and meta-analysis. *Child Abuse & Neglect*, 32(5), 529-548. <https://doi.org/10.1016/j.chiabu.2007.08.005>
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- Hanson, RK, & Morton-Bourgon, KE. (2007). *The accuracy of recidivism risk assessments for sexual offenders: A meta-analysis*. Corrections User Report No 2007-01. Ottawa: Public Safety and Emergency Preparedness Canada.
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- Hanson, RK, & Thornton, D. (2003). Notes on the development of Static-2002. User Report 2003-01. Ottawa: Department of the Solicitor General of Canada.
- Hanson, RK. (2001). Age and sexual recidivism: A comparison of rapists and child molesters. User Report 2001-01. Ottawa: Department of the Solicitor General of Canada.
- Phenix, A, Hanson, RK, & Thornton, D. (2000). Coding rules for the Static-99. Corrections Research: Manuals and Forms. Ottawa: Department of the Solicitor General of Canada.
- Hanson, RK, & Wallace-Capretta, S. (2000). Predicting recidivism among male batterers. User Report 2000-06. Ottawa: Department of the Solicitor General of Canada.
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- Hanson, RK, & Harris, AJR. (1998). Dynamic predictors of sexual recidivism. (User Report 1998-01). Ottawa: Department of the Solicitor General of Canada.
- Hanson, RK. (1997). The development of a brief actuarial risk scale for sexual offense recidivism. (User Report 97-04). Ottawa: Department of the Solicitor General of Canada.
- Hanson, RK. (1996). Measuring empathy in sexual offenders. In *The treatment of imprisoned sex offenders* (pp. 21-24). London, UK: HM Prison Service.
- Hanson, RK, & Bussière, MT. (1996). Predictors of sexual offender recidivism: A meta-analysis. (User Report 96-04). Ottawa: Department of the Solicitor General of Canada.
- Bonta, J, & Hanson, RK. (1994). Gauging the risk for violence: Measurement, impact and strategies for change. Ottawa: Ministry Secretariat, Solicitor General Canada.
- Hanson, RK, & Hart, L. (Eds.). (1993). *The evaluation of treatment programs for male batterers: Conference proceedings*. Ottawa: Ministry Secretariat, Solicitor General Canada.
- Hanson, RK, Steffy, RA, & Gauthier, R. (1992). Long-term follow-up of child molesters: Risk prediction and treatment outcome. (User Report No. 1992-02.) Ottawa: Corrections Branch, Ministry of the Solicitor General of Canada.

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Hanson, RK, Cox, B, & Woszczyzna, C. (1991). Sexuality, personality and attitude questionnaires for sexual offenders: A Review. (User Report No. 1991-13.) Ottawa: Corrections Branch, Ministry of the Solicitor General of Canada.

Hanson, RK. (1990). The psychological impact of crime: A review. (User Report No. 1990-01.) Ottawa: Corrections Branch, Ministry of the Solicitor General of Canada.

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Special Reports

Brankley, AE, Babchishin, KM, Chankin, L, Barsetti, I, & Hanson, RK. (2019). *ACUTE-2007 evaluator workbook: Revised 2019*.

Brankley, AE, Helmus, LM, & Hanson, RK. (2017). *STABLE-2007 evaluator workbook: Revised 2017*. Ottawa: Public Safety Canada.

Gotch, K, & Hanson, RK. (2016). *Risk assessment for males who have engaged in harmful or illegal sexual behavior*. Association for the Treatment of Sexual Abusers.

Singh, JP, Yang, S, Bjorkly, S, Boccacini, MT, Borum, R, Buchanan, A., Cooke, D, de Ruiter, C, Desmarais, SL, Douglas, KS, Doyle, M, Edens, JF, Elbogen, EB, Endrass, J, Fazel, S, Grann, M, Guy, LS, Hanson, RK, Hare, RD, Harris, GT, Hart, SD, Heilbrun, K, Larsen, MA, Monahan, J, Montaldi, DF, Mossman, D, Nicholls, TL, Ogloff, JRP, Otto, RK, Petrila, J, Pham, TH, Rettenberger, M, Rice, ME, Rossegger, A, Scurich, N, Skeem, JL., Trestman, RL, Urbaniok, F, Viljoen, JL, & Mulvey, E. (2013). *Reporting standards for risk assessment predictive validity studies: The Risk Assessment Guidelines for the Evaluation of Efficacy (RAGEE) Statement*. Tampa, FL: University of South Florida.

Phenix, A, Helmus, L, & Hanson, RK. (2016). *Static-99R & Static-2002R evaluators' workbook*. Available at www.static99.org (Previous version in 2012, 2015).

Hanson, RK. (2001). *Note on the reliability of Static-99 as used by California DMH evaluators*. Unpublished report. California Department of Mental Health, Sacramento, CA.

Hanson, RK. (2000). *Risk assessment*. Association for the Treatment of Sexual Abusers.

Doctoral Dissertation

Hanson, RK. (1986). The assessment of cognitive structures: Emotions and the meaning of daily events (Doctoral dissertation, U. of Waterloo, 1986) *Dissertation Abstracts International*, 47, 2214B-2215B.

Selected Conference Presentations (since 2000)

R.K. Hanson, Ph.D.

- Hanson, RK. (2020, October). Prediction statistics for sexual recidivism risk assessment. Workshop at the 39th Annual Conference of the Association for the Treatment of Sexual Abusers. Beaverton, Oregon (virtual presentation).
- Lee, SC, & Hanson, RK. (2020, October). The updated 5-year norms and new 10-norms for Static-99R: Sexual recidivism rates for routine/complet samples. Poster presentation at the 39th Annual Conference of the Association for the Treatment of Sexual Abusers. Beaverton, Oregon (virtual presentation).
- Hanson, RK. (2019, June). Criteria for assessing cultural bias in recidivism risk tools. Presentation at the 4th North American Correctional and Criminal Justice Psychology Conference, Halifax, Nova Scotia.
- Hanson, RK. (2018, October). Using survival analysis to estimate lifetime and residual risk. Presentation at the 37th Annual Research and Treatment Conference of the Association for the Treatment of Sexual Abusers, Vancouver, B.C.
- Brankley, AE, & Hanson, RK. (2018, October). Pedophilic individuals on community supervision represent a distinct category. Presentation at the 37th Annual Research and Treatment Conference of the Association for the Treatment of Sexual Abusers, Vancouver, B.C.
- Brankley, A, Knight, RA, & Hanson, RK. (2018, August). Pedophilic individuals represent a distinct group: A taxometric analysis of adult males evaluated for sexual dangerousness in Massachusetts. Presentation at the 15th Conference of the Interational Association for the Treatment of Sexual Offenders, Vilnius, Lithuania. Abstracted in *Forensische Psychiatrie und Psychotherapie*, 2018, Supplement 1.
- Hanson, RK. (2017, October). Revising risk assessments: Dynamic risk factors and years offence free. Preconference workshop at the 36th Annual Research and Treatment Conference of the Association for the Treatment of Sexual Abusers, Kansas City, Missouri.
- Hanson, RK. (2017, October). Once a sexual offender, not always a sexual offender. Presentation at the 36th Annual Research and Treatment Conference of the Association for the Treatment of Sexual Abusers, Kansas City, Missouri.
- Hanson, RK. (2017, June). A history of sex offending is a valid, but time dependent, indicator of risk for future sexual crime. Presentation at the Annual Convention of the Canadian Psychological Association, Toronto.
- Babchishin, K, & Hanson, RK. (2017, June). The relationship between offenders' change and recidivism: A longitudinal study of ACUTE-2007. Presentation at the Annual Convention of the Canadian Psychological Association, Toronto.
- Hanson, RK, & Babchishin, K. (2017, June). Putting it all together: Current sexual recidivism risk based on static, stable and acute variables. Presentation at the Annual Convention of the Canadian Psychological Association, Toronto.

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- Hanson, RK. (Chair) (2016, November). STABLE-2007: New Findings, New Risk Categories. Symposium at the 35th Annual Research and Treatment Conference of the Association for the Treatment of Sexual Abusers (ATSA) November, 2016, Orlando, FL
- Brankley, AE, Lee, SC, Helmus, LM, Zabarauckas, C, & Hanson, RK. (2016, September). Cross-cultural validity of the Static-99R and STABLE-2007 risk tools: Results from a prospective Canadian field study. Poster presentation at the 14th conference of the International Association for the Treatment of Sexual Offenders, Copenhagen, Denmark.
- Hanson, RK. (Chair) (2016, September). STABLE-2007: New field study findings, new risk categories. Symposium at the 14th conference of the International Association for the Treatment of Sexual Offenders, Copenhagen, Denmark.
- Kahn, RE, Thornton, D, Hanson, RK, & Ambroziak, G. (2016, November). Out of the blue sexual offenses: Information redemption thresholds for sexual offenders. Presentation at the 72nd Annual Meeting of the American Society of Criminology, New Orleans, Louisiana.
- Hanson, RK. (Chair) (2016, June). Current developments in risk assessment for offenders of Indigenous heritage in Canada. Symposium at the Canadian Psychological Association Convention, Victoria, B.C.
- Hanson, RK. (Chair) (2016, June). Field validity of the Static-99/R and STABLE-2000/2007 sexual offender risk assessment tools in the Province of British Columbia. Symposium at the Canadian Psychological Association Convention, Victoria, B.C.
- Hanson, RK. (2015, June). Towards a common language for risk assessment. Presentation at the Third North American Correctional and Criminal Justice Psychology Conference, Ottawa, Ontario.
- Coligado, M, & Hanson, RK. (2015, June). Measuring recidivism risk: A survey of practices in Canadian corrections. Presentation at the Third North American Correctional and Criminal Justice Psychology Conference, Ottawa, Ontario.
- Hanson, RK. (2015, June). Raising the BARR-2002R: A psychological approach to STATIC risk assessment for sexual offenders. Presentation at the Third North American Correctional and Criminal Justice Psychology Conference, Ottawa, Ontario.
- Babchishin, KM, Hanson, RK, & Blais, J. (2015, June). Less is more: Using Static-2002R subscales to predict violent and general recidivism among sexual offenders. Presentation at the Third North American Correctional and Criminal Justice Psychology Conference, Ottawa, Ontario.
- Lee, SC, Hanson, RK, & Gress, C. (2015, June). The utility of Static-99R for sex offenders of East Asian heritage. Presentation at the Third North American Correctional and Criminal Justice Psychology Conference, Ottawa, Ontario.

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- Hanson, RK. (2015, June). Grant T. Harris: Leading the modern era of violence risk assessment. Presentation at the Third North American Correctional and Criminal Justice Psychology Conference, Ottawa, Ontario.
- Lloyd, CD, Hanson, RK, & Serin, RC. (2015, March). "Dynamic" stipulates that re-assessment matters: Examining the hypothesis that repeated measurement enhances the prediction of recidivism. Presentation at the Annual Conference of the American Psychology-Law Society, San Diego, CA.
- Brouillette-Alarie, S & Hanson, RK. (2014, juin). De la prédiction à la compréhension : validité convergente des construits latents de la Statique-99R et de la Statique-2002R. Présentation au 7^{me} Congrès du Regroupement des intervenants en matière d'agression sexuelle, Orford, Québec.
- Hanson, RK. (2014, June). A conviction for a sexual offence is a time dependent risk indicator. Presentation at the 75th Annual Convention of the Canadian Psychological Association, Vancouver, B.C.
- Helmus, L & Hanson, RK. (2014, June). Dynamic risk assessment using STABLE-2007: Updated follow-up and new findings. Presentation at the 75th Annual Convention of the Canadian Psychological Association, Vancouver, B.C.
- Hanson, RK & Helmus, L. (2014, June). Developing non-arbitrary categories for offender risk communication. Presentation at the 75th Annual Convention of the Canadian Psychological Association, Vancouver, B.C.
- Khalifa, S & Hanson, RK. (2014, April). Low self-control, substance abuse, and criminal history in predicting intimate partner violence. Presentation at the Forensic Middle East Congress, Dubai.
- Hanson, RK. (2013, October). The psychological constructs assessed by static risk factors. Presentation at the 32nd convention of the Association for the Treatment of Sexual Abusers, Chicago, IL.
- Babchishin, KM & Hanson, RK. (2013, October). The characteristics of internet sex offenders: An updated meta-analysis. Presentation at the 32nd convention of the Association for the Treatment of Sexual Abusers, Chicago, IL.
- Helmus, L & Hanson, RK. (2013, October). Risk/needs assessments using STABLE-2007 and Risk-Matrix-2000. Presentation at the 32nd convention of the Association for the Treatment of Sexual Abusers, Chicago, IL.
- Lehmann, RJB, Goodwill, AM, Hanson, RK, & Dahle, K-P. (2013, September). Using crime scene information to detect psychologically meaningful risk factors in cases of child molestation. Presentation at the European Association of Psychology and Law Conference, Coventry, UK.
- VanZuylen, H, Sheahan, C, & Hanson, RK. (2013, June). Static-99 and RRASOR predict recidivism among developmentally delayed sexual offenders: A cumulative meta-analysis. Presentation at the Annual Convention of the Canadian Psychological Association, Quebec.

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Helmus, L., & Hanson, RK (2013, June). How should we talk about the accuracy of risk scales? Presentation at the Annual Convention of the Canadian Psychological Association, Quebec.

Hanson, RK (2013, May). Étude de la validité de construit des échelles actuarielles statiques: les facteurs de risque statiques sont des indicateurs de dimensions psychologiques associées à la récidive. Intervention au 7^{me} Congrès internationale francophone sur l'agression sexuelle, Québec, PQ, Canada.

Hanson, RK, & Harris, AJR (2012, October). The reliability and validity of STABLE-2007: A review of the research. Presentation at the 31st Annual Research and Treatment Conference of the Association for the Treatment of Sexual Abusers, Denver, CO.

Helmus, L. & Hanson, RK (2012, October). Dynamic risk assessment using STABLE-2007: Updated follow-up and new findings from the Dynamic Supervision Project. Presentation at the 31st Annual Research and Treatment Conference of the Association for the Treatment of Sexual Abusers, Denver, CO.

Harris, AJR, & Hanson, RK (2012, October). When is a sex offender no longer a sex offender? Presentation at the 31st Annual Research and Treatment Conference of the Association for the Treatment of Sexual Abusers, Denver, CO.

Hanson, RK, & Thornton, D. (2012, October). Preselection effects can explain variability in sexual recidivism base rates in Static-99R and Static-2002R validation studies. Presentation at the 31st Annual Research and Treatment Conference of the Association for the Treatment of Sexual Abusers, Denver, CO.

Hanson, RK (2012, June). The assessment and treatment of sexual offenders. Presentation at Expertisecentrum Forensische Psychiatrie Conference on the Future of Forensic Care: Solutions Worth Sharing, Utrecht, Holland.

Hanson, RK (2011, November). Percentile ranks for Static-99/R and Static-2002/R. Presentation at the 30th Annual Research and Treatment Conference of the Association for the Treatment of Sexual Abusers, Toronto, Ontario.

Hanson, RK. (2011, June). Calculating and presenting percentile ranks for the risk of crime and violence. Second North American Correctional and Criminal Justice Psychology Conference, Toronto.

Seto, MC, Hanson, RK, & Babchishin, KM. (2011, March). Child pornography offenders: Contact offending history and risk of recidivism. Paper presented at the 4th International Congress of Psychology and the Law, Miami, FL.

Babchishin, KM, & Hanson, RK. (2010, October). Even Highly Correlated Measures Can Add Incrementally to Risk Prediction: Comparing Static-99R and Static-2002R. Presentation at the 29th Annual Research and Treatment Conference of the Association for the Treatment of Sexual Abusers, Phoenix, Arizona.

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- Harris, AJR, & Hanson, RK. (2010, October). Adjusting Recidivism Estimates on the Basis of Time Free. Presentation at the 29th Annual Research and Treatment Conference of the Association for the Treatment of Sexual Abusers, Phoenix, Arizona.
- Hanson, RK (2010, June). How should we report the accuracy of risk assessments for crime and violence? Presentation at the Annual Convention of Canadian Psychological Association, Winnipeg.
- Cortoni, F, Hanson, RK, & Coache, M. (2009, November). Recidivism rates of female sexual offenders: A meta-analytic review. Presentation at the American Society of Criminology, Philadelphia, PA.
- Helmus, L., Thornton, D., & Hanson, RK (2009, October). Should Static-99 recidivism estimates be adjusted based on age at release? A multi-sample exploration. Presentation at the 28th Annual Research and Treatment Conference of the Association for the Treatment of Sexual Abusers, Dallas.
- Thornton, D., Helmus, L., & Hanson, RK (2009, October). Does Static-2002 fully allow for the effects of age on release? Presentation at the 28th Annual Research and Treatment Conference of the Association for the Treatment of Sexual Abusers, Dallas.
- Hanson, RK, & Helmus, L. (2009, October). Methods for combining historical and psychological risk factors: An example using Static-2002 and STABLE-2007. Presentation at the 28th Annual Research and Treatment Conference of the Association for the Treatment of Sexual Abusers, Dallas.
- Hanson, RK (2009, June). The Growing Pains of Actuarial Risk Assessment for Sexual Offenders. Presentation at the Annual Convention of Canadian Psychological Association, Montreal.
- Cortoni, F, & Hanson, RK (2009, May). Les principes d'évaluation du risque de récidive. Atelier au 5^{me} Congrès internationale francophone sur l'agression sexuelle, Montréal, Quebec.
- Cortoni, F, Hanson, RK, & Coache, M. (2009, May). Les délinquantes sexuelles : prévalence et récidive. Communication scientifique au 5^{me} Congrès internationale francophone sur l'agression sexuelle, Montréal, Quebec.
- Hanson, RK, & Barsetti, I. (2009, May). L'utilité et la valeur de l'évaluation des facteurs dynamiques dans l'évaluation du risque de récidive sexuelle. Atelier au 5^{me} Congrès internationale francophone sur l'agression sexuelle, Montréal, Quebec.
- Helmus, L, Hanson, RK, & Thornton, D. (2008, October). The stability of recidivism for Static-2002 risk categories. Presentation at the 27th Annual Research and Treatment Conference of the Association for the Treatment of Sexual Abusers, Atlanta, Georgia.
- Harris, AJR, Helmus, L, Hanson, RK, & Thornton, D. (2008, October). Are new norms needed for Static-99? Presentation at the 27th Annual Research and Treatment Conference of the Association for the Treatment of Sexual Abusers, Atlanta, Georgia.

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- Mann, RE, Hanson, RK, & Thornton, D. (2008, October). What should be assessed in sexual offender risk assessments? Presentation at the 27th Annual Research and Treatment Conference of the Association for the Treatment of Sexual Abusers, Atlanta, Georgia.
- Bourgon, G., & Hanson, RK (2008, September). Meta-analysis of sex offender treatment efficacy: The importance of methodological quality and treatment quality. Presentation at the European Society of Criminology, Edinburgh, UK.
- Nunes, KL., Hanson, RK, Firestone, P., Moulden, H., Greenberg, D. M., & Bradford, J. M. (2007, November). Denial predicts recidivism for some sexual offenders. In K. L. Nunes (Chair), A closer look at the relationship between denial and recidivism. Symposium at the 26th Annual Research and Treatment Conference of the Association for the Treatment of Sexual Abusers, San Diego, California.
- Harris, AJR, & Hanson, RK. (2007, November). Dynamic Supervision Project Outcomes: Risk Assessment Partnerships with Multiple Provinces and States Presentation at the 26th Annual Research and Treatment Conference of the Association for the Treatment of Sexual Abusers, San Diego, California.
- Helmus, L, & Hanson, RK. (2007, November). A Multi-Site Comparison of the Validity and Utility of Static-99 and Static-2002 for Risk Assessment. Presentation at the 26th Annual Research and Treatment Conference of the Association for the Treatment of Sexual Abusers, San Diego, California.
- Hanson, RK, & Bourgon, G. (June, 2007). Meta-analysis of sexual offender treatment outcome studies: Distinguishing quality studies from quality treatment. Presentation at the North American Correctional and Criminal Justice Psychology Conference, Ottawa.
- Bourgon, G, Hanson, RK, & Bonta, J. (June, 2007). Risk, Need, and Responsivity: A heuristic for evaluating the "quality" of offender interventions. Presentation at the North American Correctional and Criminal Justice Psychology Conference, Ottawa.
- Helmus, L., & Hanson, RK (June, 2007). The Accuracy of Risk Assessment for Intimate Partner Violence Offenders: A Meta-Analysis. Presentation at the International Association of Forensic Mental Health Services, Montreal, Canada.
- Harris, A.J.R., & Hanson, R.K (2006, September). The dynamic supervision of sexual offenders: Updated data 2006. Presentation at the Annual Treatment and Research Conference of the Association for the Treatment of Sexual Abusers, Chicago, IL.
- Harris, A.J.R., & Hanson, R.K (2005, November). Dynamic assessment beyond static: Value added? Presentation at the Annual Treatment and Research Conference of the Association for the Treatment of Sexual Abusers, Salt Lake City, Utah.
- Price, S., Hanson, R.K., & Andrews, D.A. (2005, November). Automatic processing of sexual information: A Stroop replication study. Presentation at the Annual Treatment and Research Conference of the Association for the Treatment of Sexual Abusers, Salt Lake City, Utah.

R.K. Hanson, Ph.D.

- Hanson, RK (October, 2005). L'évaluation de risque de récidive chez les délinquants sexuels dans la communauté : Facteurs statiques, stables et aigus. Presentation at the Troisième congrès international francophone sur l'agression sexuelle, Hull-Gatineau, Canada.
- Price, S., Hanson, RK, & Andrews, D.A. (June, 2005). Measuring the deviant schema of sexual offenders: A Stroop replication study. Presentation at the Annual Convention of Canadian Psychological Association, Montreal.
- Hanson, RK. (June, 2005). The assessment of criminogenic needs of sexual offenders by community supervision officers: Reliability and validity. Presentation at the Annual Convention of Canadian Psychological Association, Montreal.
- Cortoni, F., & Hanson, RK. (October, 2004). A review of the sexual recidivism rates of female offenders. Presentation at the 23rd Annual Research and Treatment Conference of the Association for the Treatment of Sexual Abusers, Albuquerque.
- Hanson, RK (October, 2004). The future of sexual offender treatment outcome research: Introduction. Presentation at the 23rd Annual Research and Treatment Conference of the Association for the Treatment of Sexual Abusers, Albuquerque, New Mexico.
- Långström, N., & Hanson, R.K. (June, 2004). Hypersexual behavior in the general population: Risk factors and correlates. International Association of Sex Research, Helsinki, Finland.
- Thomas, T., Harris, AJR, Forth, A. E., & Hanson, RK (June, 2004). Static and dynamic factors: Predicting recidivism in adult sexual offenders. Presentation at the Annual Convention of Canadian Psychological Association, St. John's.
- Price, S., & Hanson, RK (June, 2004). Sexual abuse screening procedures for positions of trust with children. Presentation at the Annual Convention of Canadian Psychological Association, St. John's.
- Hanson, RK, Thornton, D., & Price, S. (2003, October). How much do the observed recidivism rates underestimate the actual rates? Presentation at the 22th Annual Research and Treatment Conference of the Association for the Treatment of Sexual Abusers, St. Louis.
- Thornton, D., & Hanson, RK (2003, October). Models of real re-offence rates: Clinical implications. Presentation at the 22th Annual Research and Treatment Conference of the Association for the Treatment of Sexual Abusers, St. Louis.
- Hanson, RK, & Morton, K. E. (2003, June). Recidivism risk factors for sexual offenders: An updated meta-analysis. Presentation at the Canadian Psychological Association Annual Convention, Hamilton, Ontario.

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Harris, A.J.R., & Hanson, R.K. (2003, June). Improving the standard of probation and parole supervision of community-based sexual offenders: The Dynamic Supervision Project. Presentation at the Canadian Psychological Association Annual Convention, Hamilton, Ontario.

Hanson, RK (2002, May). Static-99, RRASOR and SONAR. Presentation at the Canadian Psychological Association Annual Convention, Vancouver, B.C.

Hanson, RK. (2002, May). Constructing empirically based risk scales: Balancing breadth and efficiency. Presentation at the Canadian Psychological Association Annual Convention, Vancouver, B.C.

Hanson, RK. (2001, November). Do sexual offenders burn out? Data from 10 recidivism studies. Presentation at the 20th Annual Research and Treatment Conference of the Association for the Treatment of Sexual Abusers, San Antonio, Texas.

Broom, I, Hanson, RK, & Stephenson, M. (2001, June). An evaluation of community sex offender treatment programs in the Pacific Region. Presentation at the Canadian Psychological Association's Annual Convention, Saint Foy, Quebec.

Hanson, RK, & Harris, AJR (2001, January). La prévision de risque chez les délinquants sexuels: Un programme de recherche. Présentation au Premier congrès international francophone sur l'agression sexuelle, Québec (Québec).

Hanson, RK, & Wallace-Capretta, S. (2000, June). A multi-site study of treatment for abusive men. Presentation at the Canadian Psychological Association, Ottawa.

Hanson, RK. (2000, May). Measuring change in sex offenders. Presentation at the 6th International Conference on the Treatment of Sexual Offenders, Toronto, Ontario.

Conference Presentations (1984 to 1999)

During this period, I gave 50 presentations at professional conferences, on topics including personality theory, social psychology, the reliability and validity of psychological tests, and the assessment and treatment of sexual offenders, mentally disordered offenders, and abusive men.

A selection of invited addresses, conference plenaries, and other noteworthy presentations.

Alberta Hospital Edmonton Grand Rounds (February 10, 2021). Via Zoom. Reassessment of recidivism risk in the community.

Texas Council on Sex Offender Treatment, 28th Annual Conference, San Marcos, Texas (March 8, 2020). What really needs to change: Understanding the risk relevant propensities for sexual recidivism.

British Psychological Society, Forensic Division Annual Conference, Liverpool, UK. (June, 2019). Assessing sexual recidivism risk many years after the index offence.

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Association for the Treatment of Sexual Abusers.

- How much intervention is enough?* (with Robert McGrath). October, 2018, Vancouver, B.C.
- Standardized risk categories for individuals convicted of sexual offences.* November, 2016, Orlando, FL.
- What works: The principles of effective interventions with offenders.* September, 2006, Chicago, IL.
- Confronting clergy abuse: Consulting at the Vatican* (with WL Marshall & M Kafka). October, 2003, St. Louis, Missouri.
- The effectiveness of treatment for sexual offenders: Report of the ATSA Collaborative Data Research Committee.* November, 2000.

International Association for the Treatment of Sexual Offenders.

- Release from the 'Sex Offender' Label: Years Offence Free and Dynamic Reassessment.* September, 2018, Vilnius, Lithuania.
- Development of non-arbitrary risk categories for improving risk communication in sexual offenders.* September, 2016, Copenhagen, Denmark .
- The characteristics of online sex offenders.* September, 2012, Berlin, Germany.
- A meta-analysis of sexual offender treatment outcome studies.* September, 2010, Oslo, Norway.
- Dynamic risk assessment for sexual offenders on community supervision.* September, 2006, Hamburg, Germany
- Empirical evidence of sex offender treatment efficacy.* September, 2002, Vienna, Austria.

Canadian Academy of Psychiatry and Law, Winter Conference, Vancouver, B.C. (March, 2016). The assessment and treatment of sexual offenders: Recent research from the STATIC Development Team.

American Psychology-Law Society, Atlanta, Georgia. (March, 2016). Standardized offender risk levels in corrections and forensic mental health.

University of Toronto, Annual Forensic Research Day, Penetanguishene, Ontario. (April, 2015). Can the numbers tell us who is safe? Reflections on the development of forensic risk assessment.

New York State Association for the Treatment of Sexual Abusers, Albany, New York. (May, 2014). When is a sexual offender no longer a sex offender? Risk reduction based on time offence-free in the community.

New Zealand Psychological Association Convention, Auckland, New Zealand. (September, 2013). Developing non-arbitrary metrics for risk communication.

University of Canterbury, Christchurch, New Zealand (September, 2013). Primed to punish: Altruistic punishment as motivation for vindictive rape.

Winterschool Research in Forensic Psychology, Seeon, Bavaria, Germany. (February, 2013). Altruistic punishment as motivation for vindictive rape.

Trauma and Transformation: The Catholic Church and the Sexual Abuse Crisis, Montreal. (October, 2011). Sexual offenders inside and outside the Church.

R.K. Hanson, Ph.D.

Second North American Correctional and Criminal Justice Psychology Conference, Toronto. (June, 2011). The assessment and treatment of sexual offenders.

Centre international de criminology comparée, Université de Montréal, Montreal. (March, 2009). Improving psychological risk assessments for crime and violence.

International Summer Conference: Research in Forensic Psychiatry, Regensburg, Germany (June, 2008). Chronic propensities and current manifestations: Measuring change in the recidivism risk of sexual offenders.

Canadian Psychological Association – Criminal Justice Section. (June, 2006). A framework for violence risk assessment: Static, stable and acute factors.

Congrès international francophone sur l'agression sexuelle, Hull-Gatineau, Canada. (October, 2005). L'évaluation de risque et évolution des pratiques.

Scottish Prison Service, Edinburgh (September, 1995 and 2003) Sexual offender recidivism.

NOTA Annual Convention (UK): Keynote addresses in 1995 (Cambridge), 1998 (Glasgow), 2003 (Edinburgh) and 2019 (Belfast) . NOTA Scotland (Stirling, 2009).

Karolinska Institut, Stockholm (August, 2003). Assessing the recidivism risk of sexual offenders.

Conference on the Abuse of Children and Young People by Catholic Priests and Members of Religious Orders, Vatican (2003, April). Sexual abuse screening procedures for positions of trust with children; risk assessment for identified offenders.

International Conference for Judicial and Clinical Treatment of Sexual Offenders, Taipai, Taiwan (2002, November). Risk markers for recidivism of sex offenders.

Understanding and Managing Sexually Coercive Behavior: A New York Academy of Sciences Conference, Washington, DC. (2002, June). Sex offender recidivism risk: What we know and what we need to know.

Conférence de consensus Psychopathologie et traitements actuels des auteurs d'agression sexuelle, Paris, France. (2001, November). Facteurs de risque de récidive sexuelle : caractéristiques des délinquants et réponse au traitement.

Università Pontificia Salesiana, Rome, Italy. (2001, November). Evaluation and treatment of sexual offenders.

National Joint Committee of Senior Criminal Justice Officials, Sault Ste. Marie. (May, 2001). Sex offenders: Risk factors and treatment outcome.

R.K. Hanson, Ph.D.

American Academy of Psychiatry and Law, Vancouver, B.C. (October, 2000). Using research to improve risk assessments for sex offenders.

Annual Residential Meeting UK College of Forensic Psychiatry, Amsterdam (February, 99). Characteristics of Abusive Men.

Regroupement des intervenants en matière d'agression sexuelle (RIMAS), Québec (September, 1998). Indicateurs de la récidive chez les agresseurs sexuels dans la communauté.

Home Office Sex Offender Treatment Conference, Coventry, U.K. (September, 1994). Assessing empathy in sexual offenders.

Therapeutic Intervention with Sex Offenders, Gander, Newfoundland. (1991, June). Keynote address: Recent research on the assessment and treatment of sexual offenders.

Sex Offenders and Their Victims Conference, Toronto. (1989, November). Characteristics of sex offenders who were sexually abused as children.

Graduate Student Supervision

Brankley, AE. (2019). A taxometric analysis of pedophilia in adult males convicted of sexual offences: Evidence for a taxon. (Ph.D., Psychology, Ryerson University, co-supervision with Alasdair Goodwill).

Lee, SC. (2018). Cross-cultural validity of actuarial risk assessment instruments for individuals in North America with a history of sexual offending: Static-99R and Static-2002R. (Ph.D., Psychology, Carleton University, co-supervision with Adelle Forth).

Brouillette-Alarie, S. (2016). L'évaluation du risque de récidive des agresseurs sexuels: vers une approche centrée sur les construits psychologiques. (Ph.D., Criminologie, Université de Montréal, co-direction avec Jean Proulx).

Babchishin, KM. (2014). Sex offenders do change on risk-relevant propensities: Evidence from a longitudinal study of the ACUTE-2007. (Ph.D., Psychology, Carleton University, co-supervision with Kevin Nunes).

Price, S. (2006). A modified Stroop task with sexual offenders: A replication of a study. (M.A., Psychology, Carleton University).

Kerry, G. (2001). Understanding and predicting intimate femicide: An analysis of men who kill their intimate female partners. (Ph.D., Psychology, Carleton University).

Dickie, I. (1998). An information processing approach to understanding sympathy deficits in sexual offenders. (M.A., Psychology, Carleton University).

R.K. Hanson, Ph.D.

Rooney, J. (1998). Predicting attrition from treatment programs for male batterers. (M.A., Psychology, Carleton University).

External Examiner

Moore, L. (2019). Static risk assessment of sexual offenders in New Zealand: Predictive accuracy, classification of risk, and the moderating effect of time offence-free in the community. (Ph.D.). University of Canterbury, Christchurch, New Zealand.

Brassard, V. (2015). La réinsertion sociale, le réseau social et les trajectoires d'abandon de la carrière criminelle des délinquants sexual adults : Une étude prospective longitudinale. (Maitrise). Université de Laval., Québec.

Carpentier, J. (2009). Adolescents auteurs d'abus sexuels: carrière criminelle et facteurs associés. (Ph.D.). École de criminologie, Université de Montréal.

Eccleston, L. (2001). Violent offenders' failure on parole – personality and dynamic risk factors. (D. Psych.) University of Melbourne.

Cooper, H. (2000). Long-term follow-up of a community-based treatment program for adolescent sex offenders. (M.A.) Psychology Department, Lakehead University, Ontario.

Jordon, S. A. (1999). An exploration of risk factors for aggression in relationships. (Ph.D.) Psychology Department, University of Ottawa, Canada.

Palmer, W. (1996). Enhancing parole prediction using current, potentially dynamic predictors, a continuous longitudinal criterion, and event history analysis. (Ph.D.) Psychology Department, Queen's University, Kingston, Ontario.

Qualified as an expert witness

Superior Court of New Jersey, Somerset County. 2021. Sexual recidivism rates, risk assessment, residual risk when offence-free in the community. (Registrant M.H. Megan's Law).

Magistrates Court of Tel Aviv, Yafo, Israel. 2021. Scientific evidence concerning the evaluation of sexual recidivism risk (Criminal v Dor).

Cour de Québec. 2020. Validation of violence risk assessment tools for individuals of Inuit Heritage. (R. v. Kritik [Salawatseak]).

U.S. District Court, Southern District of Florida. 2020. Sexual recidivism rates, risk assessment, residual risk when offence-free in the community (Does v. Swearigan, 18-cv-24145-KMW)

Supreme Court of the State of Oregon. 2020. Sexual offender recidivism, risk assessment, residual risk when offence-free in the community (Culbertson; CA A168062; SC S066714).

Supreme Court of the State of California, 2020. Amici Curiae brief concerning sexual offender recidivism risk and online sexual offending (Gadlin).

R.K. Hanson, Ph.D.

U.S. District Court of New Jersey, 2019. Sexual offender recidivism, risk assessment, residual risk when offence-free in the community (C.K.)

Supreme Court of the United States, 2019. Amici Curiae brief concerning sexual offender recidivism risk and online sexual offending (USA v. Haymond).

Massachusetts Sex Offender Registry Board, 2018, 2019. Risk assessment for individual's registration level.

Supreme Court of the United States, 2018. Amici Curiae brief concerning sexual offender recidivism risk and residency restrictions (Vasquez v. Foxx).

U.S. District Court of New Jersey, 2018. Sexual offender recidivism, risk assessment, residual risk when offence-free in the community (Kolton)

U.S. Court of Appeals for the Tenth Circuit, Colorado, 2018. Amici Curiae brief concerning sexual offender recidivism risk (Millard, Knight & Vega v. Rankin)

Court of Common Pleas, Pennsylvania, 2018. Sexual offender recidivism, risk assessment, residual risk when offence-free in the community (Torsilieri, CP-15-CR-0001570-2015)

Supreme Court of the United States, 2018. Amici Curiae brief concerning sexual offender recidivism risk (Gundy v. United States)

Court of Queen's Bench, Province of Alberta, 2017. Sexual offender recidivism, risk assessment (Ndhlovu; sexual offender registry)

Federal Court of Canada (Ontario), 2016. Sexual offender risk assessment (G; sexual offender registry)

Federal Court of Canada (British Columbia), 2016. Construction and evaluation of criminal recidivism risk assessment tools (Ewert)

U.S. District Court, Middle District of Alabama, 2016/2018 (challenge to Alabama's registry restrictions)

State of Wisconsin, 2015, 2016. Sexual offender risk assessment (Static-99/R norms)

U.S. District Court District of New Hampshire, 2015. Sexual offender risk assessment (time free effects)

Massachusetts Sex Offender Registry Board, 2014, 2016. Internet sexual offenders.

Superior Court of the State of Washington for Yakima County, 2013. Sexual offender risk assessment (civil commitment)

U.S. District Court for the Northern District of California, 2012. Sexual offender risk assessment (time free effects; internet free speech)

Washington State, 2007. Evaluation of sexual offenders

Provincial Court of Manitoba, 2004. Community supervision of sexual offenders (Long term offender)

Commonwealth of Massachusetts, 2002, 2004. Sex offender risk assessment

Provincial Court, New Brunswick, 2002, Sex offender risk assessment (Dangerous Offender Hearing)

Superior Court of the State of Arizona, 2000. Sex offender risk assessment

State of California, 1998. Sex offender risk assessment

Testimony for Legislative Review Committees

Government of Canada, Senate Committee on National Security and Defence, June, 2021. A federal framework to reduce recidivism (Bill-228).

Government of Canada, Senate Committee on Legal and Constitutional Affairs, February, 2012. Assessment and treatment of sex offenders.

Government of Canada, House of Commons, Standing Committee on Justice and Human Rights, February, 2011. Recidivism risk of sex offenders.

R.K. Hanson, Ph.D.

Government of Canada, House of Commons, Standing Committee on Justice, Human Rights, Public Safety, and Emergency Preparedness, May, 2005. Assessment and treatment of sex offenders.

Dissemination through popular media

I have been regularly consulted by reporters and my research findings has been presented in a wide range of popular media outlets, including the *Economist*, *Scientific American*, *Scientific American: Mind*, *New York Times*, *Atlantic Monthly*, *Wall Street Journal*, *CBC Radio (national and regional)*, *CBC Television*, *CTV*, *Fox News* (live interview), *Globe and Mail*, *Chatelaine*, and *the National Post*.

Associate Editor

Sexual Abuse: A Journal of Research and Treatment, 1999 – 2010

Editorial Board

Criminal Justice and Behavior, 2006 -

Journal of Sexual Offender Civil Commitment: Science and the Law, 2005 - 2008

Sexual Abuse: A Journal of Research and Treatment, 2010 –

Sexual Offending: Theory, Research, and Prevention, 2020 -

Reviewer

I have been an an ad hoc reviewer for the following journals:

American Psychologist; *Archives of Sexual Behavior*; *Canadian Journal of Behavioural Science*; *Canadian Journal of Criminology and Criminal Justice*; *Cognitive Therapy and Research*; *Criminal Justice and Behavior*; *Criminologie*; *International Journal of Forensic Mental Health*; *Journal of Abnormal Psychology*; *Journal of Consulting and Clinical Psychology*; *Journal of Criminal Justice*; *Journal of Forensic Psychiatry and Psychology*; *Journal of Interpersonal Violence*; *Journal of the American Academy of Psychiatry and the Law*; *Journal of Quantitative Criminology*; *Journal of Threat Assessment and Management*; *Journal of Strategic and Systemic Therapy*; *Justice Quarterly*; *Law and Human Behavior*; *Legal and Criminological Psychology*; *Nature: Human Behaviour*; *Police Practice and Research: An International Journal*; *Psychological Assessment*; *Psychological Bulletin*; *Professional Psychology*; *Psychology, Crime, & Law*; *Sexual Abuse*.

Granting agencies:

Federal Ministry of Education and Research (Germany), Ontario Mental Health Foundation, Fonds pour la Formation de Chercheurs et l'Aide à la Recherche (Québec), Fonds de la recherche en santé (Québec), National Science Foundation (US), the Social Sciences and Humanities Research Council of Canada, and Volkswagen Foundation (Germany).

And book publishers:

R.K. Hanson, Ph.D.

American Psychological Association; Oxford University Press; Wiley.

Memberships in Professional Associations (current)

SAARNA: Society for the Advancement of Actuarial Risk Need Assessment

- President (2020 - present)

Association for the Treatment of Sexual Abusers

- Board of Directors, Chair of Research Committee (2009 – 2012)

Canadian Psychological Association

- Secretary/Treasurer for the Criminal Justice Section (1996 – 2018)

International Association for the Treatment of Sexual Offenders

- Scientific Advisor Committee (2000 - present)

Ontario College of Psychology (since 1987)

National/International Working Groups, Scientific Committees and Advisory Boards

Current:

Centre International de Criminologie Comparée (Montréal) – Collaborator-member (2010 to present).

Dutch Ministry of Justice, Expertise Center for Forensic Psychiatry. Scientific Council (2010 to present).

Forensic Psychology Research Centre, Carleton University (Ottawa). Research Associate (2013 to present).

Singapore National Council of Social Service, Research Consultant (2020 to present).

Hong Kong Correctional Services. Advisory Board/Accreditation (2018 to present).

Previous:

American Psychiatric Association. Advisor to the DSM-V Sexual Disorders Workgroup (2009-2013).

Correctional Service of Canada. Accreditation Panel (1998 – 2006).

Her Majesty's Prison Service (United Kingdom). Advisory Board/Accreditation Panel (1993 – 1999; 2000 – 2001).

Hong Kong Correctional Services – Honorary Advisor of the Construction of Risks and Needs Assessments Tools for Sex Offenders (2010 to 2016).

Safer Society Press (Vermont, USA). Advisory Board (1995 – 1997; 1999 – 2000; 2007 to 2017).

Singapore Ministry of Social and Family Development. International Research Advisor. (2014 – 2020).

Social Sciences and Humanities Research Council of Canada – Committee Member (2011 - 2013).

Società Internazionale di Psicologia Giuridica (Rome; International Society of Psychology and Law). Scientific Committee (2008 to 2014).

Solicitor General Canada. Sexual Offender Working Group Member (1988).

Swedish Council on Technology Assessments in Health Care (SBU). External advisor (2010 – 2011, 2013).

Selected National/International consultation and training

TBS Review Board, Utrecht, Holland – 2009, 2012

New York State Office of Mental Health – 2009

Vatican, Holy See - 2003

R.K. Hanson, Ph.D.

Commonwealth of Massachusetts, Public defenders - 2002
Commonwealth of Massachusetts, Sex Offender Registry Board – 2000
Sex Offender Commitment Defenders Association – 2000
Singapore, Ministry of Social and Family Development - 2018
Wisconsin Sex Offender Treatment Network, 1998/2000 (video training tapes)
State of California, Department of Mental Health - 1997 – 2011, 2014, 2017
Parole Board of Canada – 1996 - 2012

As well, I have provided periodic training workshops for various Canadian and US federal and state organisations (e.g., RCMP, State of Colorado, U.S. Department of Justice, State of Georgia).

Certified Master Trainer in the Static-99R, Static-2002R, STABLE-2007 and ACUTE-2007 risk tools.

Canadian government language competency in French E/C/B

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EXHIBIT B
REGISTRANT GROUPS

This chart summarizes how we identified the registrants in various groups that were used for purposes of data analysis, as well as how we identified the subclasses.

Group	Who Is Included	How the Group Was Identified in the Data	Estimated Number of Registrants
Primary Class/Total Registrants	People who are or will be subject to registration under SORA.	We began with all registrants for whom we received data, and identified a total of 53,605 people with unique registration numbers. We then removed registrants who no longer live, work or attend school in Michigan, and who do not have a Michigan registrable conviction on or after July 1, 2011.	45,145
In Michigan Group	Registrants who live, work, or attend school in Michigan, including people who are incarcerated.	The “status” fields included here are: absconder, active, employment only, homeless, incarcerated, pending out of state, pending review, school only, and whereabouts unknown.	44,154 (98% of Primary Class)
In Community Group	Registrants who live, work or attend school in Michigan, and are not incarcerated.	The “status” fields included here are: absconder, active, employment only, homeless, pending out of state, pending review, school only, and whereabouts unknown.	35,235 (80% of In Michigan Group)

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Incarcerated Group	Registrants who are incarcerated.	The status field here is: incarcerated.	8,919 (20% of In Michigan Group)
Left Michigan Group	Registrants who no longer live, work or attend school in Michigan, but who are required to register because they have a Michigan registrable conviction on or after July 1, 2011. <i>See</i> M.C.L. § 28.723(3). These registrants are not subject to ongoing reporting requirements or public registration.	The status field here is: out of state. In addition, we excluded individuals who do not have a Michigan registrable conviction on or after July 1, 2011.	991 (2% of Primary Class)
Michigan Conviction Group	Registrants with Michigan convictions.	We identified all people who had at least one registrable offense where the entry in the field for “conviction state” was Michigan.	42,294 (94% of Primary Class)
Pre-2011 Ex Post Facto Subclass	Members of the primary class who committed offenses requiring registration before July 1, 2011.	We identified all people where the “committed” date field (or fields if there are multiple offenses) was before July 1, 2011, and who did not have any registrable offenses committed on or after July 1, 2011. If the committed date field was blank, the “convicted” date field was used.	31,249 (69% of Primary Class)

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<p>Retroactive Extension of Registration Subclass</p>	<p>Members of the primary class who were retroactively required to register for life as a result of amendments to SORA.</p>	<p>To determine membership in this subclass, we had to run a series of queries that identify people who are currently required to register for life, but whose registrable offenses, at the time committed, did not result in lifetime registration. <i>See</i> Exhibit 1 for a detailed explanation. Because of the complexity of the statutory changes, as well as the complexity of the data, these numbers are not exact, but rather are the best estimates we could make within the available time.</p>	<p>People with Michigan convictions: 15,582 (35% of Primary Class)</p> <p>Total counting Michigan and non-Michigan convictions: 16,723 (37% of Primary Class)</p>
<p>Barred from Petitioning Subclass</p>	<p>Members of the primary class who are ineligible to petition for removal from the registry and for whom ten or more years will have elapsed since the date of their conviction for the registrable offense(s) or from their release from any period of confinement for that offense(s), whichever occurred last, and who (a) have not been convicted of any felony or any registrable offense since; (b) have successfully completed their assigned periods of supervised release, probation,</p>	<p>Due to the complexity of the analysis, limitations in the data sets, the need to match various data sets, and time constraints, we have not yet been able to estimate the number of people in this subclass.</p>	<p>Unknown at this time.</p>

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	<p>or parole without revocation at any time of that supervised release, probation, or parole; and (c) have successfully completed an appropriate sex offender treatment program, if successful completion of a sex offender treatment program was a condition of the registrant’s confinement, release, probation, or parole.</p>		
<p>Non-Sex Offense Subclass</p>	<p>Members of the primary class who are or will be subject to registration for an offense without a sexual component including convictions for violating M.C.L. § 750.349 [other than convictions for violating M.C.L. § 750.349(1)(c) or M.C.L. § 750.349(1)(f)], § 750.349b, § 750.350, or a substantially similar offense in another jurisdiction</p>	<p>We first identified all members of the primary class with convictions for violating:</p> <ul style="list-style-type: none"> • M.C.L. § 750.349 [other than convictions for violating M.C.L. § 750.349(1)(c) or M.C.L. § 750.349(1)(f)], • M.C.L. § 750.349b, and • M.C.L. § 750.350. <p>Then, to estimate the number of people with “substantially similar” non-sex offenses in other jurisdictions, we calculated what percent of the Michigan Conviction Group had convictions for non-sex offenses (0.7%). We then applied</p>	<p>People with Michigan convictions: 276</p> <p>People with substantially similar offenses in another jurisdiction: Estimated to be 22.</p> <p>Total: 298</p>

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		that percentage to the total number of people with non-Michigan convictions to estimate the number of people subject to registration for non-sex offenses from other jurisdictions.	
Plea Bargain Subclass	Members of the primary class who gave up their right to trial and pled guilty to a registrable offense in Michigan and who, as a result of retroactive amendments to SORA, (a) were retroactively subjected to SORA even though there was no registration requirement at the time of their plea; or (b) had their registration terms retroactively extended beyond that in effect at the time of their plea.	Due to the complexity of the analysis, limitations in the data sets, the need to match various data sets, and time constraints, we have not yet been able to estimate the number of people in this subclass.	Unknown at this time.
Post-2011 Subclass	Members of the primary class who committed the offense(s) requiring registration on or after July 1, 2011.	We identified all members of the primary class, where the “committed date” field had a date on or after 7/1/2011. If the committed date field was blank, the “conviction date” field was used.	13,848 (31% of Primary Class)
Non-Michigan Offense Subclass	Members of the primary class who are or will be subject to sex offender registration under Mich. Comp. Laws 28.722(r)(x);	We identified all primary class members who have a conviction or adjudication from a jurisdiction other than Michigan.	3,100 (7% of Primary Class)

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	(t)(xiii); (v)(viii); or 28.723(1)(d), for a conviction or adjudication from a jurisdiction other than Michigan.		
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EXHIBIT 1:
IDENTIFICATION OF
RETROACTIVE EXTENSION OF REGISTRATION SUBCLASS

This class is defined as members of the primary class who were retroactively required to register for life as a result of amendments to SORA. To determine membership in this subclass, we had to run a series of queries to identify people who are currently required to register for life, but whose registrable offenses, at the time committed, did not result in lifetime registration.

Because we did not receive data about prior registration terms or about which class members had their registration terms extended, we tried to identify the subclass by looking to alterations in SORA over time. In other words, we needed to identify all individuals who were convicted of registrable offenses within a particular date range (when specific prior versions of SORA were in effect) and who are now required to register for life. We then excluded those whose offenses required them to register as lifetime registrants under the statute in effect at the time of their offense. Because offense commission data was incomplete, we used conviction date data.

The date and offense parameters were provided to us by class counsel based on their review of the legislative history of SORA. Due the complexity of the statutory changes over time, these parameters are approximations, and do not account for every instance in which a person may have been retroactively required to register. Citations to the relevant statutes are provided below.

Analysis for Michigan Conviction Group

1. We first identified all people within the Michigan Conviction Group who are subject to lifetime registration.
2. Within that group, we then identified those who were convicted for their only registrable offense(s) prior to October 1, 1995. Because the initial version of SORA did not come into effect until that date, people with offenses before that date were not subject to registration at all at the time of their offense.
3. For the remaining people who were convicted of a registrable offense on or after October 1, 1995, we excluded the following individuals whose offenses were already subject to lifetime registration at the time they were committed:

- a. People who were convicted of their first registrable offense on or after October 1, 1995, and before September 1, 1999, and who were convicted of a second or subsequent registrable offense after October 1, 1995. *See* Mich. Pub. Act 295, §5(4) (1994).
- b. People who were convicted of a registrable offense(s) on or after September 1, 1999, and before October 1, 2002, and whose registrable offense was for any of the following offenses.
 - i. Mich. Comp. Laws § 750.520b (criminal sexual conduct in the first degree) (including all subsections).
 - ii. Mich. Comp. Laws § 750.520c (criminal sexual conduct in the second degree) (including all subsections).
 - iii. Mich. Comp. Laws § 750.349, if the victim was less than 18 years of age (kidnapping) (including all subsections).
 - iv. Mich. Comp. Laws § 750.350 (leading away of a child) (including all subsections).
 - v. Mich. Comp. Laws § 750.145c(2) or (3) (production or distribution of child sexually abusive material).
 - vi. An attempt or conspiracy to commit an offense described in (i) to (v) above. (The way the data was provided, the searches above included attempts or conspiracy.)
 - vii. A second or subsequent offense after October 1, 1995 (meaning having been convicted of more than one registrable offense, at least one of which involved a conviction after October 1, 1995).¹
- See* Mich. Pub. Act 85, § 5(7) (1999).
- c. People who were convicted for a registrable offense or offenses on or after October 1, 2002, and before July 1, 2011, and whose registrable offense was for any of the following offenses.
 - i. Mich. Comp. Laws § 750.520b (criminal sexual conduct in the first degree) (including all subsections).
 - ii. Mich. Comp. Laws § 750.520c(1)(a) (criminal sexual conduct in the second degree, person under 13) (only this subsection)

¹ The statute here has further parameters, which were too complex to include.

- iii. Mich. Comp. Laws § 750.349, if the victim was less than 18 years of age (kidnapping) (including all subsections).
- iv. Mich. Comp. Laws § 750.350 (leading away of a child) (including any subsections).
- v. Mich. Comp. Laws § 750.145c(2) or (3) (production or distribution of child sexually abusive material).
- vi. An attempt or conspiracy to commit an offense described in (i) to (v) above. (The way the data was provided, the searches above included attempts or conspiracy.)
- vii. A second or subsequent offense after October 1, 1995 (meaning having been convicted of more than one registrable offense, at least one of which involved a conviction after October 1, 1995).²

See Mich. Pub. Act 542, § 5(7) (2002).

- d. People who were convicted of a registrable offense of offenses on or after July 1, 2011, are subject to lifetime registration, and:
 - i. Who have more than one conviction for a registrable offense.³
 - ii. Whose only registrable offense(s) are on or after July 1, 2011.

See Mich. Pub. Act 17 § 2(v) (2011).

- 4. After excluding the individuals in No. 3, we were left with people whose offenses were committed on or after October 1, 1995, and who were not subject to lifetime registration at the time their offense was committed.
- 5. We added No. 2 and No. 4 to identify people with Michigan convictions who likely had their registration terms retroactively extended to life.

Analysis for People with Convictions From Other Jurisdictions

Because the Michigan State Police has not recorded what out-of-state offenses it considers “substantially similar” to in-state offenses, we could not determine

² The statute here has further parameters, which were too complex to include.

³ The statutory provision itself requires lifetime registration for people in Tier II who are subsequently convicted of a Tier I or Tier II offense. Mich. Comp. Laws § 28.722(u)(i). A person in Tier I who is subsequently convicted of Tier I or Tier II offense is not automatically subject to lifetime registration. The criteria used here thus may exclude some individuals who were retroactively extended to life, thereby reducing the number of individuals in the subclass. However, due to the complexity of the data, we used this approximation.

precisely which people with out-of-state convictions would no longer be subject to registration or would have shorter registration terms if amendments to SORA had not retroactively extended their registration terms to life. However, we were able to estimate the number of individuals impacted as follows:

We calculated that 15,582 people, or 36.8% of the 42,294 people in the Michigan Conviction Group, have had their registration term retroactively extended to life. Applying that same percentage to the 3,100 people with non-Michigan convictions (the Non Michigan Offense Subclass), we estimate that 1,141 people with non-Michigan convictions are members of the Retroactive Extension of Registration Subclass.

Totals

We estimate that there are 16,723 people in the Retroactive Extension of Registration Subclass (15,582 people in the Michigan Conviction Group and 1,141 people with non-Michigan offenses). Thus, approximately 37% of the total class are members of the Retroactive Extension of Registration Subclass. This is a rough estimate, subject to revision.

Exhibit 2:

Summary of SORA 2021's Obligations, Disabilities,
and Restraints

**Obligations, Disabilities, and Restraints
Imposed by Michigan’s
2021 Sex Offender Registration Act¹**

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¹ This document lists only affirmative obligations, disabilities and restraints imposed directly by Michigan’s Sex Offender Registration and Notification Act, M.C.L. § 28.721 *et.seq.* It does not include other affirmative obligations, disabilities and restraints that are triggered by an individual’s status as a registrant, but that are contained in other Michigan laws and regulations, or in the laws and regulations of the federal government, other states, or local governments. Those restrictions are too extensive to be compiled here.

1. Requirement to Provide Personal Information

Registrants Must Provide:

- a. Legal name and any aliases, nicknames, ethnic or tribal names, or other names by which the individual is or has been known.²
- b. Social Security number and any Social Security numbers or alleged Social Security numbers previously used.³
- c. Date of birth and any alleged dates of birth previously used.⁴
- d. The address where the individual resides or will reside.⁵
- e. The name and address of any place of temporary lodging used or to be used during any period in which the individual is away, or is expected to be away, from his or her residence for more than 7 days, including the dates when the temporary lodging is used or to be used.⁶
- f. The name and address of each employer, including any individual who has agreed to hire or contract for the individual's services.⁷
- g. The name and address of any person who has agreed to hire or contract with the individual for his or her services.⁸
- h. The general areas where the individual works and the normal travel routes taken by the individual in the course of his or her employment if the individual lacks a fixed employment location.⁹
- i. The name and address of any school being attended.¹⁰
- j. The name and address of any school that has accepted the individual as a student that he or she plans to attend.¹¹
- k. All telephone numbers, including but not limited to residential, work and mobile phone numbers, registered to the individual.¹²
- l. All telephone numbers, including but not limited to residential, work and mobile phone numbers, used by the individual.¹³

² M.C.L. § 28.727(1)(a).

³ M.C.L. § 28.727(1)(b).

⁴ M.C.L. § 28.727(1)(c).

⁵ M.C.L. § 28.727(1)(d).

⁶ M.C.L. § 28.727(1)(e).

⁷ M.C.L. § 28.727(1)(f).

⁸ M.C.L. § 28.727(1)(f).

⁹ M.C.L. § 28.727(1)(f).

¹⁰ M.C.L. § 28.727(1)(g).

¹¹ M.C.L. § 28.727(1)(g).

¹² M.C.L. § 28.727(1)(h).

¹³ M.C.L. § 28.727(1)(h).

- m. All electronic email addresses assigned to the individual, if the individual was required to be registered after July 1, 2011.¹⁴
- n. All electronic email addresses used by the individual, if the individual was required to be registered after July 1, 2011.¹⁵
- o. All internet identifiers, meaning all designations used for self-identification or routing in internet communications or posting, registered to the individual, if the individual was required to be registered after July 1, 2011.¹⁶
- p. All internet identifiers, meaning all designations used for self-identification or routing in internet communications or posting, used by the individual, if the individual was required to be registered after July 1, 2011.¹⁷
- q. The license plate number and description of any vehicle owned by the individual.¹⁸
- r. The license plate number and description of any vehicle operated by the individual.¹⁹
- s. Driver's license number or state personal identification card number.²⁰
- t. A digital copy of the individual's passport and other immigration documents.²¹
- u. Occupational and professional licensing information, including any license that authorizes the individual to engage in any occupation, profession, trade, or business.²²
- v. Written documentation of employment status, contractual relationship, volunteer status, or student status when individual enrolls or discontinues enrollment at an institution of higher education.²³
- w. A summary of convictions for listed offenses recorded by the registering authority. That summary includes all listed offenses, regardless of when the conviction occurred, including where the offense occurred and the original charge if the conviction was for a lesser offense.²⁴

¹⁴ M.C.L. § 28.727(1)(i).

¹⁵ M.C.L. § 28.727(1)(i).

¹⁶ M.C.L. §§ 28.722(g); 28.727(1)(i).

¹⁷ M.C.L. §§ 28.722(g); 28.727(1)(i).

¹⁸ M.C.L. § 28.727(1)(j).

¹⁹ M.C.L. § 28.727(1)(j).

²⁰ M.C.L. § 28.727(1)(k).

²¹ M.C.L. § 28.727(1)(l).

²² M.C.L. § 28.727(1)(m).

²³ M.C.L. §§ 28.727(1)(r), 28.724a(5).

²⁴ M.C.L. § 28.727(1)(n).

- x. A complete physical description of the individual recorded by the registering authority.²⁵

2. Public Disclosure of Personal Information

- a. Information that must be made available on a public internet website, searchable by name, village, city, township, county, zip code, and geographical area, includes:²⁶
- i. Legal name.²⁷
 - ii. Aliases.²⁸
 - iii. Nicknames.²⁹
 - iv. Ethnic or tribal names.³⁰
 - v. Other names by which the individual is or has been known.³¹
 - vi. Date of birth.³²
 - vii. Address of residence.³³
 - viii. Address of employment, including the address of any individual who has agreed to hire or contract with the registrant for services.³⁴
 - ix. Address of any school being attended.³⁵
 - x. Address of any school that has accepted individual as a student that he or she plans to attend.³⁶
 - xi. License plate number and description of any vehicle owned by the individual.³⁷
 - xii. License plate number and description of any vehicle operated by the individual.³⁸
 - xiii. Brief summary of convictions for listed offenses.³⁹

²⁵ M.C.L. § 28.727(1)(o).

²⁶ M.C.L. § 28.728(7).

²⁷ M.C.L. § 28.728(2)(a).

²⁸ M.C.L. § 28.728(2)(a).

²⁹ M.C.L. § 28.728(2)(a).

³⁰ M.C.L. § 28.728(2)(a).

³¹ M.C.L. § 28.728(2)(a).

³² M.C.L. § 28.728(2)(b).

³³ M.C.L. § 28.728(2)(c).

³⁴ M.C.L. § 28.728(2)(d).

³⁵ M.C.L. § 28.728(2)(e).

³⁶ M.C.L. § 28.728(2)(e).

³⁷ M.C.L. § 28.728(2)(f).

³⁸ M.C.L. § 28.728(2)(f).

³⁹ M.C.L. § 28.728(2)(g).

- xiv. Complete physical description of the individual.⁴⁰
 - xv. Photograph of the individual.⁴¹
 - xvi. The text of the provision of the law that defines the criminal offense for which the individual is registered.⁴²
 - xvii. Registration status.⁴³
- c. The old SORA prohibited publication of a person's email addresses and electronic identifiers. The new SORA permits such information to be posted on the public website.⁴⁴
 - d. Any member of the public may subscribe to electronic notifications for any initial registrations and changes in registration within a designated area or geographic radius designated by the subscribing member of the public.⁴⁵
 - e. In addition to the public website, access to the above information is also available for inspection by any member of the public during regular business hours at a department post, local law enforcement agency, or sheriff's department.⁴⁶

3. Restrictions on Residency

Registrants Must:

- a. Register the address where the individual resides or will reside.⁴⁷
- b. If the individual does not have a residential address, the individual must identify the location or area used or to be used by the individual in lieu of a residence or, if the individual is homeless, the village, city, or township where the person spends or will spend the majority of his or her time.⁴⁸
- c. The address where the individual resides is made available on the public internet website for adult Tier II and III registrants.⁴⁹

⁴⁰ M.C.L. § 28.728(2)(h).

⁴¹ M.C.L. § 28.728(2)(i).

⁴² M.C.L. § 28.728(2)(j).

⁴³ M.C.L. § 28.728(2)(k).

⁴⁴ Compare M.C.L. 28.728(3)(e) (2020), with Public Act 295 (2020).

⁴⁵ M.C.L. § 28.730(3).

⁴⁶ M.C.L. § 28.730(2).

⁴⁷ M.C.L. § 28.727(1)(d).

⁴⁸ M.C.L. § 28.727(1)(d).

⁴⁹ M.C.L. § 28.728(2)(c); (4).

- d. Report in person or in a manner prescribed by the Michigan State Police (MSP) within three business days when the individual changes or vacates his or her residence or domicile.⁵⁰ The MSP requires in-person reporting.⁵¹
- e. Report within three business days when the individual intends to temporarily reside at any place other than his or her residence for more than 7 days.⁵²
- f. Report within three business days before the individual changes his or her domicile or residence to another state.⁵³ The new state and the new address, if known, must be provided at the time of reporting.⁵⁴

4. Restrictions on Employment

Registrants Must:

- a. Register the name and address of each employer or any person who has agreed to hire or contract with the individual for his or her services.⁵⁵
- b. Register the general areas where the individual works and the normal travel routes taken by the individual in the course of his or her employment if the individual lacks a fixed employment location.⁵⁶
- c. The address where the individual works is made available on the public internet website for adult Tier II and III registrants.⁵⁷
- d. Report in person in person or in a manner prescribed by the MSP within three business days when the individual changes his or her place of employment.⁵⁸ The MSP requires in-person reporting.⁵⁹
- e. Report in person in person or in a manner prescribed by the MSP within three business days when the individual discontinues employment.⁶⁰ The MSP requires in-person reporting.⁶¹

⁵⁰ M.C.L. § 28.725(1)(a).

⁵¹ See MSP Registrant Notice,

https://www.michigan.gov/documents/msp/SORA_Notification_720161_7.pdf.

⁵² M.C.L. § 28.725(2)(b).

⁵³ M.C.L. § 28.725(7).

⁵⁴ M.C.L. § 28.725(7).

⁵⁵ M.C.L. § 28.727(1)(f).

⁵⁶ M.C.L. § 28.727(1)(f).

⁵⁷ M.C.L. § 28.728(2)(d), (4).

⁵⁸ M.C.L. § 28.725(1)(b).

⁵⁹ See MSP Registrant Notice, available at

https://www.michigan.gov/documents/msp/SORA_Notification_720161_7.pdf.

⁶⁰ M.C.L. § 28.725(1)(b).

⁶¹ See Explanation of Duties

- f. Although it is not apparent from the text of the statute, the MSP-created Explanation of Duties form provided to registrants states that the requirements for reporting employment include volunteer work.⁶²

5. Requirement to Create Biometric and Appearance Information

Registrants Must:

- a. Provide fingerprints to the registering authority.⁶³
- b. Provide palm prints to the registering authority.⁶⁴
- c. Have a photograph taken by the Secretary of State, which shall make the photograph available to the Michigan State Police.⁶⁵
- d. Have a new photograph taken whenever the license or identification card is renewed.⁶⁶
- e. Have another photograph taken within 7 days if, according to the registering authority, the photograph on file does not match the individual's appearance sufficiently to properly identify him or her from the photograph.⁶⁷

6. Restrictions on Travel

Registrants Must:

- a. Organize any travel so that the individual is still able to comply with requirements for regular in-person reporting (*e.g.*, Tier III registrants with a birthdate in January must not travel over periods that would take them away from their home for all of January, or all of April, or all of July, or all of October).⁶⁸
- b. Report within three business days when the individual intends to temporarily reside at any place other than his or her residence for more than 7 days, and provide the name and address of any place of temporary lodging used or to be used during any period in which the individual is away, or is expected to

⁶² See Form RI-004, Michigan Sex Offender Registration/Verification Update, §§ VII, 6.b, https://www.michigan.gov/msp/0,1607,7-123-1645_3500---,00.html.

⁶³ M.C.L. § 28.727(1)(q).

⁶⁴ M.C.L. § 28.727(1)(q).

⁶⁵ M.C.L. §§ 28.725a(8), 28.727(1)(p).

⁶⁶ M.C.L. §§ 28.725a(8), 28.727(1)(p).

⁶⁷ M.C.L. § 28.725a(5).

⁶⁸ M.C.L. § 28.725a(3).

be away, from his or her residence, including the dates when the temporary lodging is used or to be used.⁶⁹

- c. Report in person to the local registering authority at least 21 days before he or she travels to another country for more than 7 days.⁷⁰
- d. Report in person to the local registering authority at least 21 days before he or she changes his or her domicile to another country.⁷¹
- e. The new country and, if known, the new address must be reported at the time of reporting.⁷²

7. Restrictions on Education

- a. Michigan resident registrants must:
 - i. Report in person within three business days where his or her new residence or domicile is located if the individual enrolls as a student.⁷³ The MSP requires in-person reporting.⁷⁴
 - ii. Report in person within three business days where his or her new residence or domicile is located if the individual discontinues enrollment as a student.⁷⁵ The MSP requires in-person reporting.⁷⁶
 - iii. Pay the \$50.00 registration fee upon reporting.⁷⁷
 - iv. Present to the local registering authority written documentation of employment status, contractual relationship, volunteer status, or student status. Documentation may include, a W-2 form, pay stub, written statement by an employer, a contract, or a student identification card or transcript.⁷⁸
- b. Michigan non-resident registrants must:
 - i. Report within three business days in person to the campus registering authority if the individual enrolls as a student.⁷⁹

⁶⁹ M.C.L. §§ 28.725(2)(b); 28.727(1)(e).

⁷⁰ M.C.L. § 28.725(8).

⁷¹ M.C.L. § 28.725(8).

⁷² M.C.L. § 28.725(8).

⁷³ M.C.L. §§ 28.724a(2), 28.725(1)(c), 28.724a(3)(b).

⁷⁴ See MSP Registrant Notice, available at

https://www.michigan.gov/documents/msp/SORA_Notification_720161_7.pdf.

⁷⁵ M.C.L. §§ 28.724a(2), 28.725(1)(c), 28.724a(3)(b).

⁷⁶ See MSP Registrant Notice, available at

https://www.michigan.gov/documents/msp/SORA_Notification_720161_7.pdf.

⁷⁷ M.C.L. §§ 28.724a(5), 28.725a(6), 28.727(1).

⁷⁸ M.C.L. § 28.724a(5).

⁷⁹ M.C.L. §§ 28.724a(1)(a), 28.724a(3)(b).

- ii. Report within three business days in person to the campus registering authority if the individual discontinues enrollment as a student.⁸⁰
- iii. Pay the \$50.00 registration fee upon reporting.⁸¹
- iv. Present to the local registering authority written documentation of employment status, contractual relationship, volunteer status, or student status. Documentation may include, a W-2 form, pay stub, written statement by an employer, a contract, or a student identification card or transcript.⁸²
- c. School information is made available to the public on the public internet website for Tier II and III registrants.⁸³

8. Restrictions on Vehicle Use or Ownership

- a. A registrant must report any change in vehicle information within three business days.⁸⁴
- b. Vehicle information is made available to the public on the public internet website.⁸⁵

9. Restrictions on Internet Usage

Registrants whose underlying offense occurred after July 1, 2011, must:

- a. Register all electronic email addresses assigned to the individual.⁸⁶
- b. Register all electronic email addresses used by the individual.⁸⁷
- c. Register all internet identifiers, meaning all designations used for self-identification or routing in internet communications or posting, registered to the individual.⁸⁸

⁸⁰ M.C.L. §§ 28.724a(1)(a), 28.724a(3)(b).

⁸¹ M.C.L. §§ 28.724a(5), 28.725a(6), 28.727(1).

⁸² M.C.L. § 28.724a(5).

⁸³ M.C.L. § 28.728(2)(e); (4).

⁸⁴ M.C.L. § 28.725(2)(a).

⁸⁵ M.C.L. § 28.728(2)(f).

⁸⁶ M.C.L. § 28.727(1)(i).

⁸⁷ M.C.L. § 28.727(1)(i).

⁸⁸ M.C.L. §§ 28.722(g); 28.727(1)(i).

- d. Register all internet identifiers, meaning all designations used for self-identification or routing in internet communications or posting, used by the individual.⁸⁹
- e. Within three business days, report any change in electronic mail address information.⁹⁰
- f. Within three business days, report any change in internet identifiers, meaning all designations used for self-identification or routing in internet communications or posting, used by the individual.⁹¹
- g. The old SORA prohibited publication of a person's email addresses and electronic identifiers. The new SORA permits such information to be posted on the public website.⁹²

10. Requirements for Supervision by Law Enforcement

- a. Registrants must, in addition to other reporting requirements, report in person to the local registering authority:
 - i. Tier I: Once per year during the month of one's birth for 15 years.⁹³
 - ii. Tier II: Twice per year on the schedule below for 25 years.⁹⁴

Birth Month	Reporting Months
January	January and July
February	February and August
March	March and September
April	April and October
May	May and November
June	June and December
July	January and July
August	February and August
September	March and September
October	April and October

⁸⁹ M.C.L. §§ 28.722(g); 28.727(1)(i).

⁹⁰ M.C.L. § 28.725(2)(a).

⁹¹ M.C.L. § 28.725(2)(a).

⁹² Compare M.C.L. 28.728(3)(e) (2020), with Public Act 295 (2020).

⁹³ M.C.L. §§ 28.725a(3)(a), 28.725(11).

⁹⁴ M.C.L. §§ 28.725a(3)(b), 28.725(12).

November	May and November
December	June and December

iii. Tier III: Four times per year on the schedule below life.⁹⁵

Birth Month	Reporting Months
January	January, April, July, and October
February	February, May, August, and November
March	March, June, September, and December
April	April, July, October, and January
May	May, August, November, and February
June	June, September, December, and March
July	July, October, January, and April
August	August, November, February, and May
September	September, December, March, and June
October	October, January, April, and July
November	November, February, May, and August
December	December, March, June, and September

- b. Registrants must, at the above regularly scheduled visits:
- i. Verify domicile or residence.⁹⁶
 - ii. Verify all registration information.⁹⁷
 - iii. Provide whatever documentation is required by the registering authority to prove residency or domicile, including, but not limited to driver's license, state personal identification card, voter registry card, utility bill, or other bill.⁹⁸
 - iv. Provide whatever documentation is required by the registering authority to prove employment status, contractual relationship, volunteer status, or student status, including but not limited to a W-2 form, pay stub or written statement by an employer, a contract, or a student identification card or student transcript.⁹⁹

⁹⁵ M.C.L. §§ 28.725a(3)(c), 28.725(13).

⁹⁶ M.C.L. § 28.725a(3).

⁹⁷ M.C.L. § 28.725a(4).

⁹⁸ M.C.L. § 28.725a(7).

⁹⁹ M.C.L. § 28.724a(5).

- v. Have another photograph taken within 7 days if, according to the registering authority, the photograph on file does not match the individual's appearance sufficiently to properly identify him or her from the photograph.¹⁰⁰

11. Requirements for Reporting to Law Enforcement Within Three Days

Individuals must report within three business days in person¹⁰¹ to their registering authority when the individual:

- a. Changes or vacates his or her residence or domicile.¹⁰²
- b. Changes his or her place of employment.¹⁰³
- c. Discontinues employment.¹⁰⁴ Although not apparent from the text of the statute, the Explanation of Duties form provided to registrants states that the requirement to report in person within three days of obtaining, changing, or discontinuing employment includes volunteer work.¹⁰⁵
- d. Changes his or her name.¹⁰⁶
- e. Enrolls as a student (to campus registering authority).¹⁰⁷
- f. Discontinues enrollment as a student (to campus registering authority).¹⁰⁸
- g. If, as part of his or her course of studies, the individual is present at any other location in Michigan or throughout the United States (to campus registering authority).¹⁰⁹
- h. If the individual discontinues his or her studies at any other location in Michigan or throughout the United States (to campus registering authority).¹¹⁰

¹⁰⁰ M.C.L. § 28.725a(5).

¹⁰¹ In some cases the statute provides that the registrant "shall report in person, or in another manner as prescribed by the department." M.C.L. § 28.725(1). Although no rules have been promulgated, the notice sent by the MSP to registrants indicates that the changes listed here must be reported in person. *See* MSP Registrant Notice, available at https://www.michigan.gov/documents/msp/SORA_Notification_720161_7.pdf.

¹⁰² M.C.L. § 28.725(1)(a).

¹⁰³ M.C.L. § 28.725(1)(b).

¹⁰⁴ M.C.L. § 28.725(1)(b).

¹⁰⁵ *See* Form RI-004, Michigan Sex Offender Registration/Verification Update, §§ VII, 6.b, https://www.michigan.gov/msp/0,1607,7-123-1645_3500---,00.html.

¹⁰⁶ M.C.L. § 28.725(1)(d).

¹⁰⁷ M.C.L. §§ 28.724a(1)(a), 28.724a(3)(b).

¹⁰⁸ M.C.L. §§ 28.724a(1)(a), 28.724a(3)(b).

¹⁰⁹ M.C.L. §§ 28.724a(1)(b), 28.724a(3)(b).

¹¹⁰ M.C.L. §§ 28.724a(1)(b), 28.724a(3)(b).

- i. Before the individual changes his or her domicile or residence to another state. The new state and, if known, the new address must be reported at the time of reporting.¹¹¹

Individuals must report within three business days in a manner prescribed by the MSP when:

- a. Any vehicle information changes.¹¹²
- b. Any electronic mail address changes (for individuals required to be registered after July 1, 2011).¹¹³
- c. Any changes to internet identifiers, meaning all designations used for self-identification or routing in internet communications or posting (for individuals required to be registered after July 1, 2011).¹¹⁴
- d. Any changes to telephone numbers registered to or used by the individual.¹¹⁵
- e. The individual intends to temporarily reside at any place other than his or her residence for more than 7 days.¹¹⁶

12. Financial Obligations

- a. Must pay an initial \$50.00 registration fee, and an annual \$50 fee thereafter.¹¹⁷

13. Affirmative Obligations to the Secretary of State

Registrants Must:

- a. Maintain a valid Michigan driver's license, or an official state issued personal identification card with the individual's current address, unless the individual is homeless.¹¹⁸
- b. Report to the Secretary of State within seven days from incarceration to have his or her digitized photograph taken if the photograph taken for his or her driver's license is more than two years old or his or her appearance has

¹¹¹ M.C.L. § 28.725(7).

¹¹² M.C.L. § 28.725(2)(a).

¹¹³ M.C.L. § 28.725(2)(a).

¹¹⁴ M.C.L. § 28.725(2)(a).

¹¹⁵ M.C.L. § 28.725(2)(a).

¹¹⁶ M.C.L. § 28.725(2)(b).

¹¹⁷ M.C.L. §§ 28.725a(6), 28.727(1).

¹¹⁸ M.C.L. § 28.725a(7).

changed; have a new photograph taken whenever the registrant renews his or her license or state ID if his or her appearance has changed.¹¹⁹

14. Penalties for Failure to Comply

- a. Willful violation of the Act is a felony punishable by:¹²⁰
 - i. Up to 4 years imprisonment and/or a maximum fine of \$2,000.00 for the first conviction of a violation of the registration act.¹²¹
 - ii. Up to 7 years imprisonment and/or a maximum fine of \$5,000.00 for the second conviction of a violation of the registration act.¹²²
 - iii. Up to 10 years imprisonment and/or a maximum fine of \$10,000.00 for the third or greater conviction of a violation of the registration act.¹²³
 - iv. Mandatory revocation of probation for any individual on probation.¹²⁴
 - v. Mandatory revocation of youthful trainee status for any individual assigned to youthful trainee status.¹²⁵
 - vi. Mandatory rescission of parole for any individual released on parole.¹²⁶

- b. Willful failure to comply with any of the following is a misdemeanor punishable by imprisonment for up to 2 years and/or a maximum fine of \$2,000.00:¹²⁷
 - i. Maintain a valid Michigan driver's license, or an official state issued personal identification card with the individual's current address.¹²⁸
 - ii. Report within seven days to the Secretary of State upon release from incarceration to have his or her digitized photograph taken if the photograph taken for his or her driver's license is more than two years old or his or her appearance has changed; have a new photograph taken whenever the registrant renews his or her license or state ID.¹²⁹

¹¹⁹ M.C.L. § 28.725a(8).

¹²⁰ M.C.L. § 28.729(1).

¹²¹ M.C.L. § 28.729(1)(a).

¹²² M.C.L. § 28.729(1)(b).

¹²³ M.C.L. § 28.729(1)(c).

¹²⁴ M.C.L. § 28.729(5).

¹²⁵ M.C.L. § 28.729(6).

¹²⁶ M.C.L. § 28.729(7).

¹²⁷ M.C.L. § 28.729(2).

¹²⁸ M.C.L. §§ 28.729(2), 28.725a(7).

¹²⁹ M.C.L. §§ 28.729(2), 28.725a(8).

- iii. Tier I Individuals: Report once per year during birth month for fifteen years, and:¹³⁰
 - 1. Verify domicile or residence.¹³¹
 - 2. Verify all registration information.¹³²
 - 3. Verify written documentation of employment status, contractual relationship, volunteer status, or student status.¹³³
 - 4. Have another photograph taken within seven days if the photograph on file does not match the appearance sufficiently to properly identify him or her from the photograph.¹³⁴
- iv. Tier II Individuals: Report twice per year on a schedule set by birth month for 25 years, and:¹³⁵
 - 1. Verify domicile or residence.¹³⁶
 - 2. Verify all registration information.¹³⁷
 - 3. Verify written documentation of employment status, contractual relationship, volunteer status, or student status.¹³⁸
 - 4. Have another photograph taken within seven days if the photograph on file does not match the appearance sufficiently to properly identify him or her from the photograph.¹³⁹
- v. Tier III Individuals: Report four times per year on a schedule set by birth month for life, and:¹⁴⁰
 - 1. Verify domicile or residence.¹⁴¹
 - 2. Verify all registration information,¹⁴²
 - 3. Verify written documentation of employment status, contractual relationship, volunteer status, or student status,¹⁴³ and

¹³⁰ M.C.L. §§ 28.729(2), 28.725a(3)(a), 28.725(11).

¹³¹ M.C.L. §§ 28.729(2), 28.725a(3).

¹³² M.C.L. §§ 28.729(2), 28.725a(4).

¹³³ M.C.L. §§ 28.729(2), 28.725a(5), 28.724a.

¹³⁴ M.C.L. §§ 28.729(2), 28.725a(5).

¹³⁵ M.C.L. §§ 28.729(2), 28.725a(3)(b), 28.725(12).

¹³⁶ M.C.L. §§ 28.729(2), 28.725a(3).

¹³⁷ M.C.L. §§ 28.729(2), 28.725a(4).

¹³⁸ M.C.L. §§ 28.729(2), 28.725a(5), 28.724a.

¹³⁹ M.C.L. §§ 28.729(2), 28.725a(5).

¹⁴⁰ M.C.L. §§ 28.729(2), 28.725a(3)(c), 28.725(13).

¹⁴¹ M.C.L. §§ 28.729(2), 28.725a(3).

¹⁴² M.C.L. §§ 28.729(2), 28.725a(4).

¹⁴³ M.C.L. §§ 28.729(2), 28.725a(5), 28.724a.

4. Have another photograph taken within seven days if the photograph on file does not match the appearance sufficiently to properly identify him or her from the photograph.¹⁴⁴
 - c. Willful failure to sign a registration and notice is a misdemeanor punishable by imprisonment for up to 93 days and/or a maximum fine of \$1,000.00.¹⁴⁵
 - d. Willful refusal or failure to pay the \$50.00 registration fee within 90 days is a misdemeanor punishable by imprisonment for up to 90 days.¹⁴⁶
 - e. The court shall revoke the probation of a probationer who willfully violates the act.¹⁴⁷
 - f. The court shall revoke the youthful trainee status of a trainee who willfully violates the act.¹⁴⁸
 - g. The parole board shall rescind the parole of a parolee who willfully violates the act.¹⁴⁹

¹⁴⁴ M.C.L. §§ 28.729(2), 28.725a(5).

¹⁴⁵ M.C.L. § 28.729(3).

¹⁴⁶ M.C.L. § 28.729(4).

¹⁴⁷ M.C.L. § 28.729(5).

¹⁴⁸ M.C.L. § 28.729(6).

¹⁴⁹ M.C.L. § 28.729(7).

Exhibit 3:

SORA 2021 with Highlighted Changes Showing 2011 and 2021 Amendments

Amendments or alterations to SORA added in 2011 are highlighted in purple. Amendments or alterations added in 2021 are highlighted in blue.

SEX OFFENDERS REGISTRATION ACT
Act 295 of 1994

28.721 Short title.

Sec. 1. This act shall be known and may be cited as the "sex offenders registration act".

History: 1994, Act 295, Eff. Oct. 1, 1995.

28.721a Legislative declarations; determination; intent.

Sec. 1a. The legislature declares that the sex offenders registration act was enacted pursuant to the legislature's exercise of the police power of the state with the intent to better assist law enforcement officers and the people of this state in preventing and protecting against the commission of future criminal sexual acts by convicted sex offenders. The legislature has determined that a person who has been convicted of committing an offense covered by this act poses a potential serious menace and danger to the health, safety, morals, and welfare of the people, and particularly the children, of this state. The registration requirements of this act are intended to provide law enforcement and the people of this state with an appropriate, comprehensive, and effective means to monitor those persons who pose such a potential danger.

History: Add. 2002, Act 542, Eff. Oct. 1, 2002.

28.722 Definitions.

Sec. 2. As used in this act:

(a) "Convicted" means 1 of the following:

(i) Having a judgment of conviction or a probation order entered in any court having jurisdiction over criminal offenses, including, but not limited to, a tribal court or a military court. Convicted does not include a conviction that was subsequently set aside under 1965 PA 213, MCL 780.621 to 780.624, or otherwise expunged.

(ii) Except as otherwise provided in this subparagraph, being assigned to youthful trainee status under sections 11 to 15 of chapter II of the code of criminal procedure, 1927 PA 175, MCL 762.11 to 762.15, before October 1, 2004. An individual who is assigned to and successfully completes a term of supervision under sections 11 to 15 of chapter II of the code of criminal procedure, 1927 PA 175, MCL 762.11 to 762.15, is not convicted for purposes of this act. This subparagraph does not apply if a petition was granted under section 8c at any time allowing the individual to discontinue registration under this act, including a reduced registration period that extends to or past July 1, 2011, regardless of the tier designation that would apply on and after that date.

(iii) Having an order of disposition entered under section 18 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18, that is open to the general public under section 28 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.28, if both of the following apply:

(A) The individual was 14 years of age or older at the time of the offense.

(B) The order of disposition is for the commission of an offense that would classify the individual as a tier III offender.

(iv) Having an order of disposition or other adjudication in a juvenile matter in another state or country if both of the following apply:

(A) The individual is 14 years of age or older at the time of the offense.

(B) The order of disposition or other adjudication is for the commission of an offense that would classify the individual as a tier III offender.

(b) "Custodial authority" means 1 or more of the following apply:

(i) The actor was a member of the same household as the victim.

(ii) The actor was related to the victim by blood or affinity to the fourth degree.

(iii) The actor was in a position of authority over the victim and used this authority to coerce the victim to submit.

(iv) The actor was a teacher, substitute teacher, or administrator of the public school, nonpublic school, school district, or intermediate school district in which that other person was enrolled.

(v) The actor was an employee or a contractual service provider of the public school, nonpublic school, school district, or intermediate school district in which that other person was enrolled, or was a volunteer who was not a student in any public school or nonpublic school, or was an employee of this state or of a local unit

of government of this state or of the United States assigned to provide any service to that public school, nonpublic school, school district, or intermediate school district, and the actor used his or her employee, contractual, or volunteer status to gain access to, or to establish a relationship with, that other person.

(vi) That other person was under the jurisdiction of the department of corrections and the actor was an employee or a contractual employee of, or a volunteer with, the department of corrections who knew that the other person was under the jurisdiction of the department of corrections and used his or her position of authority over the victim to gain access to or to coerce or otherwise encourage the victim to engage in sexual contact.

(vii) That other person was under the jurisdiction of the department of corrections and the actor was an employee or a contractual employee of, or a volunteer with, a private vendor that operated a youth correctional facility under section 20g of the corrections code of 1953, 1953 PA 232, MCL 791.220g, who knew that the other person was under the jurisdiction of the department of corrections.

(viii) That other person was a prisoner or probationer under the jurisdiction of a county for purposes of imprisonment or a work program or other probationary program and the actor was an employee or a contractual employee of, or a volunteer with, the county or the department of corrections who knew that the other person was under the county's jurisdiction and used his or her position of authority over the victim to gain access to or to coerce or otherwise encourage the victim to engage in sexual contact.

(ix) The actor knew or had reason to know that a court had detained the victim in a facility while the victim was awaiting a trial or hearing, or committed the victim to a facility as a result of the victim having been found responsible for committing an act that would be a crime if committed by an adult, and the actor was an employee or contractual employee of, or a volunteer with, the facility in which the victim was detained or to which the victim was committed.

(c) "Department" means the department of state police.

(d) "Employee" means an individual who is self-employed or works for any other entity as a full-time or part-time employee, contractual provider, or volunteer, regardless of whether he or she is financially compensated.

(e) "Felony" means that term as defined in section 1 of chapter I of the code of criminal procedure, 1927 PA 174, MCL 761.1.

(f) "Indigent" means an individual to whom 1 or more of the following apply:

(i) He or she has been found by a court to be indigent within the last 6 months.

(ii) He or she qualifies for and receives assistance from the department of health and human services food assistance program.

(iii) He or she demonstrates an annual income below the current federal poverty guidelines.

(g) "Internet identifier" means all designations used for self-identification or routing in internet communications or posting.

(h) "Institution of higher education" means 1 or more of the following:

(i) A public or private community college, college, or university.

(ii) A public or private trade, vocational, or occupational school.

(i) "Listed offense" means a tier I, tier II, or tier III offense.

(j) "Local law enforcement agency" means the police department of a municipality.

(k) "Minor" means a victim of a listed offense who was less than 18 years of age at the time the offense was committed.

(l) "Municipality" means a city, village, or township of this state.

(m) "Registering authority" means the local law enforcement agency or sheriff's office having jurisdiction over the individual's residence, place of employment, or institution of higher learning, or the nearest department post designated to receive or enter sex offender registration information within a registration jurisdiction.

(n) "Registration jurisdiction" means each of the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Northern Mariana Islands, the United States Virgin Islands, American Samoa, and the Indian tribes within the United States that elect to function as a registration jurisdiction.

(o) "Residence", as used in this act, for registration and voting purposes means that place at which a person habitually sleeps, keeps his or her personal effects, and has a regular place of lodging. If a person has more than 1 residence, or if a person has a residence separate from that of his or her husband or wife, that place at which the person resides the greater part of the time must be his or her official residence for the purposes of this act. If a person is homeless or otherwise lacks a fixed or temporary residence, residence means the village, city, or township where the person spends a majority of his or her time. This section shall not be construed to affect existing judicial interpretation of the term residence for purposes other than the purposes of this act.

(p) "Student" means an individual enrolled on a full- or part-time basis in a public or private educational institution, including, but not limited to, a secondary school, trade school, professional institution, or institution of higher education.

(q) "Tier I offender" means an individual convicted of a tier I offense who is not a tier II or tier III offender.

(r) "Tier I offense" means 1 or more of the following:

(i) A violation of section 145c(4) of the Michigan penal code, 1931 PA 328, MCL 750.145c.

(ii) A violation of section 335a(2)(b) of the Michigan penal code, 1931 PA 328, MCL 750.335a, if a victim is a minor.

(iii) A violation of section 349b of the Michigan penal code, 1931 PA 328, MCL 750.349b, if the victim is a minor.

(iv) A violation of section 449a(2) of the Michigan penal code, 1931 PA 328, MCL 750.449a.

(v) A violation of section 520e or 520g(2) of the Michigan penal code, 1931 PA 328, MCL 750.520e and 750.520g, if the victim is 18 years or older.

(vi) A violation of section 539j of the Michigan penal code, 1931 PA 328, MCL 750.539j, if a victim is a minor.

(vii) Any other violation of a law of this state or a local ordinance of a municipality, other than a tier II or tier III offense, that by its nature constitutes a sexual offense against an individual who is a minor.

(viii) An offense committed by a person who was, at the time of the offense, a sexually delinquent person as defined in section 10a of the Michigan penal code, 1931 PA 328, MCL 750.10a.

(ix) An attempt or conspiracy to commit an offense described in subparagraphs (i) to (viii).

(x) An offense substantially similar to an offense described in subparagraphs (i) to (ix) under a law of the United States that is specifically enumerated in 42 USC 16911, under a law of any state or any country, or under tribal or military law.

(s) "Tier II offender" means either of the following:

(i) A tier I offender who is subsequently convicted of another offense that is a tier I offense.

(ii) An individual convicted of a tier II offense who is not a tier III offender.

(t) "Tier II offense" means 1 or more of the following:

(i) A violation of section 145a of the Michigan penal code, 1931 PA 328, MCL 750.145a.

(ii) A violation of section 145b of the Michigan penal code, 1931 PA 328, MCL 750.145b.

(iii) A violation of section 145c(2) or (3) of the Michigan penal code, 1931 PA 328, MCL 750.145c.

(iv) A violation of section 145d(1)(a) of the Michigan penal code, 1931 PA 328, MCL 750.145d, except for a violation arising out of a violation of section 157c of the Michigan penal code, 1931 PA 328, MCL 750.157c.

(v) A violation of section 158 of the Michigan penal code, 1931 PA 328, MCL 750.158, committed against a minor unless either of the following applies:

(A) All of the following:

(I) The victim consented to the conduct constituting the violation.

(II) The victim was at least 13 years of age but less than 16 years of age at the time of the violation.

(III) The individual is not more than 4 years older than the victim.

(B) All of the following:

(I) The victim consented to the conduct constituting the violation.

(II) The victim was 16 or 17 years of age at the time of the violation.

(III) The victim was not under the custodial authority of the individual at the time of the violation.

(vi) A violation of section 338, 338a, or 338b of the Michigan penal code, 1931 PA 328, MCL 750.338, 750.338a, and 750.338b, committed against an individual 13 years of age or older but less than 18 years of age. This subparagraph does not apply if the court determines that either of the following applies:

(A) All of the following:

(I) The victim consented to the conduct constituting the violation.

(II) The victim was at least 13 years of age but less than 16 years of age at the time of the violation.

(III) The individual is not more than 4 years older than the victim.

(B) All of the following:

(I) The victim consented to the conduct constituting the violation.

(II) The victim was 16 or 17 years of age at the time of the violation.

(III) The victim was not under the custodial authority of the individual at the time of the violation.

(vii) A violation of section 462e(a) of the Michigan penal code, 1931 PA 328, MCL 750.462e.

(viii) A violation of section 448 of the Michigan penal code, 1931 PA 328, MCL 750.448, if the victim is a minor.

- (ix) A violation of section 455 of the Michigan penal code, 1931 PA 328, MCL 750.455.
- (x) A violation of section 520c, 520e, or 520g(2) of the Michigan penal code, 1931 PA 328, MCL 750.520c, 750.520e, and 750.520g, committed against an individual 13 years of age or older but less than 18 years of age.
- (xi) A violation of section 520c committed against an individual 18 years of age or older.
- (xii) An attempt or conspiracy to commit an offense described in subparagraphs (i) to (xi).
- (xiii) An offense substantially similar to an offense described in subparagraphs (i) to (xii) under a law of the United States that is specifically enumerated in 42 USC 16911, under a law of any state or any country, or under tribal or military law.
- (u) "Tier III offender" means either of the following:
 - (i) A tier II offender subsequently convicted of a tier I or II offense.
 - (ii) An individual convicted of a tier III offense.
- (v) "Tier III offense" means 1 or more of the following:
 - (i) A violation of section 338, 338a, or 338b of the Michigan penal code, 1931 PA 328, MCL 750.338, 750.338a, and 750.338b, committed against an individual less than 13 years of age.
 - (ii) A violation of section 349 of the Michigan penal code, 1931 PA 328, MCL 750.349, committed against a minor.
 - (iii) A violation of section 350 of the Michigan penal code, 1931 PA 328, MCL 750.350.
 - (iv) A violation of section 520b, 520d, or 520g(1) of the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520d, and 750.520g. This subparagraph does not apply if the court determines that the victim consented to the conduct constituting the violation, that the victim was at least 13 years of age but less than 16 years of age at the time of the offense, and that the individual is not more than 4 years older than the victim.
 - (v) A violation of section 520c or 520g(2) of the Michigan penal code, 1931 PA 328, MCL 750.520c and 750.520g, committed against an individual less than 13 years of age.
 - (vi) A violation of section 520e of the Michigan penal code, 1931 PA 328, MCL 750.520e, committed by an individual 17 years of age or older against an individual less than 13 years of age.
 - (vii) An attempt or conspiracy to commit an offense described in subparagraphs (i) to (vi).
 - (viii) An offense substantially similar to an offense described in subparagraphs (i) to (vii) under a law of the United States that is specifically enumerated in 42 USC 16911, under a law of any state or any country, or under tribal or military law.
- (w) "Vehicle" means that term as defined in section 79 of the Michigan vehicle code, 1949 PA 300, MCL 257.79.

History: 1994, Act 295, Eff. Oct. 1, 1995;—Am. 1999, Act 85, Eff. Sept. 1, 1999;—Am. 2002, Act 542, Eff. Oct. 1, 2002;—Am. 2004, Act 240, Eff. Oct. 1, 2004;—Am. 2005, Act 301, Eff. Feb. 1, 2006;—Am. 2011, Act 17, Eff. July 1, 2011;—Am. 2014, Act 328, Eff. Jan. 14, 2015;—Am. 2020, Act 295, Eff. Mar. 24, 2021.

28.723 Individuals required to be registered.

Sec. 3. (1) Subject to subsection (2), the following individuals who are domiciled or temporarily reside in this state or who work with or without compensation or are students in this state are required to be registered under this act:

- (a) An individual who is convicted of a listed offense after October 1, 1995.
- (b) An individual convicted of a listed offense on or before October 1, 1995 if on October 1, 1995 he or she is on probation or parole, committed to jail, committed to the jurisdiction of the department of corrections, or under the jurisdiction of the juvenile division of the probate court or the department of human services for that offense or is placed on probation or parole, committed to jail, committed to the jurisdiction of the department of corrections, placed under the jurisdiction of the juvenile division of the probate court or family division of circuit court, or committed to the department of human services after October 1, 1995 for that offense.
- (c) An individual convicted on or before October 1, 1995 of an offense described in section 2(d)(vi) as added by 1994 PA 295 if on October 1, 1995 he or she is on probation or parole that has been transferred to this state for that offense or his or her probation or parole is transferred to this state after October 1, 1995 for that offense.
- (d) An individual from another state who is required to register or otherwise be identified as a sex or child offender or predator under a comparable statute of that state.
- (e) An individual who was previously convicted of a listed offense for which he or she was not required to register under this act, but who is convicted of any other felony on or after July 1, 2011.

(2) An individual convicted of an offense added on September 1, 1999 to the definition of listed offense is not required to be registered solely because of that listed offense unless 1 of the following applies:

(a) The individual is convicted of that listed offense on or after September 1, 1999.

(b) On September 1, 1999, the individual is on probation or parole, committed to jail, committed to the jurisdiction of the department of corrections, under the jurisdiction of the family division of circuit court, or committed to the department of human services for that offense or the individual is placed on probation or parole, committed to jail, committed to the jurisdiction of the department of corrections, placed under the jurisdiction of the family division of circuit court, or committed to the department of human services on or after September 1, 1999 for that offense.

(c) On September 1, 1999, the individual is on probation or parole for that offense which has been transferred to this state or the individual's probation or parole for that offense is transferred to this state after September 1, 1999.

(d) On September 1, 1999, in another state or country the individual is on probation or parole, committed to jail, committed to the jurisdiction of the department of corrections or a similar type of state agency, under the jurisdiction of a court that handles matters similar to those handled by the family division of circuit court in this state, or committed to an agency with the same authority as the department of human services for that offense.

(3) A nonresident who is convicted in this state on or after July 1, 2011 of committing a listed offense who is not otherwise described in subsection (1) shall nevertheless register under this act. However, the continued reporting requirements of this act do not apply to the individual while he or she remains a nonresident and is not otherwise required to report under this act. The individual shall have his or her photograph taken under section 5a.

History: 1994, Act 295, Eff. Oct. 1, 1995;—Am. 1995, Act 10, Eff. Oct. 1, 1995;—Am. 1999, Act 85, Eff. Sept. 1, 1999;—Am. 2011, Act 17, Eff. July 1, 2011.

28.723a Hearing to determine if individual exempt from registration.

Sec. 3a. (1) If an individual pleads guilty to or is found guilty of a listed offense or is adjudicated as a juvenile as being responsible for a listed offense but alleges that he or she is not required to register under this act because section 2(t)(v) or (vi) applies or section 2(v)(iv) applies, and the prosecuting attorney disputes that allegation, the court shall conduct a hearing on the matter before sentencing or disposition to determine whether the individual is required to register under this act.

(2) The individual has the burden of proving by a preponderance of the evidence in a hearing under this section that his or her conduct falls within the exceptions described in subsection (1) and that he or she is therefore not required to register under this act.

(3) The rules of evidence, except for those pertaining to privileges and protections set forth in section 520j of the Michigan penal code, 1931 PA 328, MCL 750.520j, do not apply to a hearing under this section.

(4) The prosecuting attorney shall give the victim notice of the date, time, and place of the hearing.

(5) The victim of the offense has the following rights in a hearing under this section:

(a) To submit a written statement to the court.

(b) To attend the hearing and to make a written or oral statement to the court.

(c) To refuse to attend the hearing.

(d) To attend the hearing but refuse to testify or make a statement at the hearing.

(6) The court's decision excusing or requiring the individual to register is a final order of the court and may be appealed by the prosecuting attorney or the individual as a matter of right.

(7) This section applies to criminal and juvenile cases pending on July 1, 2011 and to criminal and juvenile cases brought on and after that date.

History: Add. 2011, Act 17, Imd. Eff. Apr. 12, 2011;—Am. 2020, Act 295, Eff. Mar. 24, 2021.

28.724 Registration; procedures.

Sec. 4. (1) Registration of an individual under this act must proceed as provided in this section.

(2) For an individual convicted of a listed offense on or before October 1, 1995 who on or before October 1, 1995 is sentenced for that offense, has a disposition entered for that offense, or is assigned to youthful trainee status for that offense, the following shall register the individual by December 31, 1995:

(a) If the individual is on probation for the listed offense, the individual's probation agent.

- (b) If the individual is committed to jail for the listed offense, the sheriff or his or her designee.
- (c) If the individual is under the jurisdiction of the department of corrections for the listed offense, the department of corrections.
- (d) If the individual is on parole for the listed offense, the individual's parole agent.
- (e) If the individual is within the jurisdiction of the juvenile division of the probate court or the department of social services under an order of disposition for the listed offense, the juvenile division of the probate court or the department of social services.
- (3) Except as provided in subsection (4), for an individual convicted of a listed offense on or before October 1, 1995:
- (a) If the individual is sentenced for that offense after October 1, 1995 or assigned to youthful trainee status after October 1, 1995, the probation agent shall register the individual before sentencing or assignment.
- (b) If the individual's probation or parole is transferred to this state after October 1, 1995, the probation or parole agent shall register the individual not more than 7 days after the transfer.
- (c) If the individual is placed within the jurisdiction of the juvenile division of the probate court or family division of circuit court or committed to the department of health and human services under an order of disposition entered after October 1, 1995, the juvenile division of the probate court or family division of circuit court shall register the individual before the order of disposition is entered.
- (4) For an individual convicted on or before September 1, 1999 of an offense that was added on September 1, 1999 to the definition of listed offense, the following shall register the individual:
- (a) If the individual is on probation or parole on September 1, 1999 for the listed offense, the individual's probation or parole agent not later than September 12, 1999.
- (b) If the individual is committed to jail on September 1, 1999 for the listed offense, the sheriff or his or her designee not later than September 12, 1999.
- (c) If the individual is under the jurisdiction of the department of corrections on September 1, 1999 for the listed offense, the department of corrections not later than November 30, 1999.
- (d) If the individual is within the jurisdiction of the family division of circuit court or committed to the department of health and human services or county juvenile agency on September 1, 1999 under an order of disposition for the listed offense, the family division of circuit court, the department of health and human services, or the county juvenile agency not later than November 30, 1999.
- (e) If the individual is sentenced or assigned to youthful trainee status for that offense after September 1, 1999, the probation agent shall register the individual before sentencing or assignment.
- (f) If the individual's probation or parole for the listed offense is transferred to this state after September 1, 1999, the probation or parole agent shall register the individual within 14 days after the transfer.
- (g) If the individual is placed within the jurisdiction of the family division of circuit court or committed to the department of health and human services for the listed offense after September 1, 1999, the family division of circuit court shall register the individual before the order of disposition is entered.
- (5) Subject to section 3, an individual convicted of a listed offense in this state after October 1, 1995 and an individual who was previously convicted of a listed offense for which he or she was not required to register under this act, but who is convicted of any other felony on or after July 1, 2011, shall register before sentencing, entry of the order of disposition, or assignment to youthful trainee status for that listed offense or that other felony. The probation agent or the family division of circuit court shall give the individual the registration form after the individual is convicted, explain the duty to register and accept the completed registration for processing under section 6. The court shall not impose sentence, enter the order of disposition, or assign the individual to youthful trainee status, until it determines that the individual's registration was forwarded to the department as required under section 6.
- (6) All of the following shall register with the local law enforcement agency, sheriff's department, or the department not more than 3 business days after becoming domiciled or temporarily residing, working, or being a student in this state:
- (a) Subject to section 3(1), an individual convicted in another state or country on or after October 1, 1995 of a listed offense as defined before September 1, 1999.
- (b) Subject to section 3(2), an individual convicted in another state or country of an offense added on September 1, 1999 to the definition of listed offenses.
- (c) Subject to section 3(1), an individual convicted in another state or country of a listed offense before October 1, 1995 and, subject to section 3(2), an individual convicted in another state or country of an offense added on September 1, 1999 to the definition of listed offenses, who is convicted of any other felony on or after July 1, 2011.
- (d) An individual required to be registered as a sex offender in another state or country regardless of when the conviction was entered.

(7) If a prosecution or juvenile proceeding is pending on July 1, 2011, whether the defendant in a criminal case or the minor in a juvenile proceeding is required to register under this act must be determined on the basis of the law in effect on July 1, 2011.

History: 1994, Act 295, Eff. Oct. 1, 1995;—Am. 1999, Act 85, Eff. Sept. 1, 1999;—Am. 2004, Act 237, Eff. Oct. 16, 2004;—Am. 2004, Act 240, Eff. Oct. 1, 2004;—Am. 2011, Act 17, Eff. July 1, 2011;—Am. 2020, Act 295, Eff. Mar. 24, 2021.

28.724a Status report to registering authority; requirements; reports; written documentation; exception.

Sec. 4a. (1) An individual required to be registered under this act who is not a resident of this state shall report his or her status in person to the registering authority having jurisdiction over a campus of an institution of higher education if either of the following occurs:

(a) The individual is or enrolls as a student with that institution of higher education or the individual discontinues that enrollment.

(b) As part of his or her course of studies at an institution of higher education in this state, the individual is present at any other location in this state, another state, a territory or possession of the United States, or the individual discontinues his or her studies at that location.

(2) An individual required to be registered under this act who is a resident of this state shall report his or her status in person to the registering authority having jurisdiction where his or her new residence or domicile is located if any of the events described under subsection (1) occur.

(3) The report required under subsections (1) and (2) must be made as follows:

(a) For an individual registered under this act before October 1, 2002 who is required to make his or her first report under subsections (1) and (2), not later than January 15, 2003.

(b) Not more than 3 business days after he or she enrolls or discontinues his or her enrollment as a student on that campus including study in this state or another state, a territory or possession of the United States, or another country.

(4) The additional registration reports required under this section must be made in the time periods described in section 5a(2)(a) to (c) for reports under that section.

(5) The local law enforcement agency, sheriff's department, or department post to which an individual reports under this section shall require the individual to pay the registration fee required under section 5a or 7(1) and to present written documentation of employment status, contractual relationship, volunteer status, or student status. Written documentation under this subsection may include, but need not be limited to, any of the following:

(a) A W-2 form, pay stub, or written statement by an employer.

(b) A contract.

(c) A student identification card or student transcript.

(6) This section does not apply to an individual whose enrollment and participation at an institution of higher education is solely through the mail or the internet from a remote location.

History: Add. 2002, Act 542, Eff. Oct. 1, 2002;—Am. 2004, Act 237, Eff. Oct. 16, 2004;—Am. 2011, Act 17, Eff. July 1, 2011;—Am. 2020, Act 295, Eff. Mar. 24, 2021.

28.725 Conditions requiring individual to report in person and provide notice to registering authority; release of incarcerated individual; notice; compliance; removal upon expungement.

Sec. 5. (1) An individual required to be registered under this act who is a resident of this state shall report in person, or in another manner as prescribed by the department, and notify the registering authority having jurisdiction where his or her residence or domicile is located not more than 3 business days after any of the following occur:

(a) The individual changes or vacates his or her residence or domicile.

(b) The individual changes his or her place of employment, or employment is discontinued.

(c) The individual enrolls as a student with an institution of higher education, or enrollment is discontinued.

(d) The individual changes his or her name.

(e) Any change required to be reported under section 4a.

(2) An individual required to be registered under this act who is a resident of this state shall report in the

manner prescribed by the department to the registering authority having jurisdiction where his or her residence or domicile is located not more than 3 business days after any of the following occur:

(a) Except as otherwise provided in this subdivision, any change in vehicle information, electronic mail addresses, internet identifiers, or telephone numbers registered to or used by the individual. The requirement to report any change in electronic mail addresses and internet identifiers applies only to an individual required to be registered under this act after July 1, 2011.

(b) The individual intends to temporarily reside at any place other than his or her residence for more than 7 days.

(3) An individual required to be registered under this act, who is not a resident of this state but has his or her place of employment in this state shall report in person and notify the registering authority having jurisdiction where his or her place of employment is located or the department post of the individual's place of employment not more than 3 business days after the individual changes his or her place of employment or employment is discontinued.

(4) If an individual who is incarcerated in a state correctional facility and is required to be registered under this act is granted parole or is due to be released upon completion of his or her maximum sentence, the department of corrections, before releasing the individual, shall provide notice of the location of the individual's proposed place of residence or domicile to the department of state police.

(5) If an individual who is incarcerated in a county jail and is required to be registered under this act is due to be released from custody, the sheriff's department, before releasing the individual, shall provide notice of the location of the individual's proposed place of residence or domicile to the department of state police.

(6) Not more than 7 days after either of the following occurs, the department of corrections shall notify the local law enforcement agency or sheriff's department having jurisdiction over the area to which the individual is transferred or the department post of the transferred residence or domicile of an individual required to be registered under this act:

(a) The individual is transferred to a community residential program.

(b) The individual is transferred into a level 1 correctional facility of any kind, including a correctional camp or work camp.

(7) An individual required to be registered under this act who is a resident of this state shall report in person and notify the registering authority having jurisdiction where his or her residence or domicile is located not more than 3 business days before he or she changes his or her domicile or residence to another state. The individual shall indicate the new state and, if known, the new address. The department shall update the registration and compilation databases and promptly notify the appropriate law enforcement agency and any applicable sex or child offender registration authority in the new state.

(8) An individual required to be registered under this act, who is a resident of this state, shall report in person and notify the registering authority having jurisdiction where his or her residence or domicile is located not later than 21 days before he or she changes his or her domicile or residence to another country or travels to another country for more than 7 days. The individual shall state the new country of residence or country of travel and the address of his or her new domicile or residence or place of stay, if known. The department shall update the registration and compilation databases and promptly notify the appropriate law enforcement agency and any applicable sex or child offender registration authority.

(9) If the probation or parole of an individual required to be registered under this act is transferred to another state or an individual required to be registered under this act is transferred from a state correctional facility to any correctional facility or probation or parole in another state, the department of corrections shall promptly notify the department and the appropriate law enforcement agency and any applicable sex or child offender registration authority in the new state. The department shall update the registration and compilation databases.

(10) An individual registered under this act shall comply with the verification procedures and proof of residence procedures prescribed in sections 4a and 5a.

(11) Except as otherwise provided in this section and section 8c, a tier I offender shall comply with this section for 15 years.

(12) Except as otherwise provided in this section and section 8c, a tier II offender shall comply with this section for 25 years.

(13) Except as otherwise provided in this section and section 8c, a tier III offender shall comply with this section for life.

(14) The registration periods under this section exclude any period of incarceration for committing a crime and any period of civil commitment.

(15) For an individual who was previously convicted of a listed offense for which he or she was not required to register under this act but who is convicted of any felony on or after July 1, 2011, any period of

time that he or she was not incarcerated for that listed offense or that other felony and was not civilly committed counts toward satisfying the registration period for that listed offense as described in this section. If those periods equal or exceed the registration period described in this section, the individual has satisfied his or her registration period for the listed offense and is not required to register under this act. If those periods are less than the registration period described in this section for that listed offense, the individual shall comply with this section for the period of time remaining.

(16) If an individual required to be registered under this act presents an order to the department or the appropriate registering authority that the conviction or adjudication for which the individual is required to be registered under this act has been set aside under 1965 PA 213, MCL 780.621 to 780.624, or has been otherwise expunged, his or her registration under this act must be discontinued. If this subsection applies, the department shall remove the individual from both the law enforcement database and the public internet website maintained under section 8.

History: 1994, Act 295, Eff. Oct. 1, 1995;—Am. 1999, Act 85, Eff. Sept. 1, 1999;—Am. 2002, Act 542, Eff. Oct. 1, 2002;—Am. 2004, Act 240, Eff. Oct. 1, 2004;—Am. 2005, Act 123, Eff. Jan. 1, 2006;—Am. 2005, Act 132, Eff. Jan. 1, 2006;—Am. 2006, Act 402, Eff. Dec. 1, 2006;—Am. 2011, Act 17, Eff. July 1, 2011;—Am. 2020, Act 295, Eff. Mar. 24, 2021.

28.725a Notice to registered individual; explanation of duties; reporting requirements; homeless exception.

Sec. 5a. (1) The department shall mail a notice to each individual registered under this act who is not in a state correctional facility explaining the individual's duties under this act as amended.

(2) Upon the release of an individual registered under this act who is in a state correctional facility, the department of corrections shall provide written notice to that individual explaining his or her duties under this section and this act and the procedure for registration, notification, and verification and payment of the registration fee prescribed under subsection (6) or section 7(1). The individual shall sign and date the notice. The department of corrections shall maintain a copy of the signed and dated notice in the individual's file. The department of corrections shall forward the original notice to the department **within 7 days**, regardless of whether the individual signs it.

(3) Subject to subsection (4), an individual required to be registered under this act who is not incarcerated shall report in person to the registering authority where he or she is domiciled or resides for verification of domicile or residence as follows:

(a) If the individual is a tier I offender, the individual shall report once each year during the individual's month of birth.

(b) If the individual is a tier II offender, the individual shall report twice each year according to the following schedule:

Birth Month

January
February
March
April
May
June
July
August
September
October
November
December

Reporting Months

January and July
February and August
March and September
April and October
May and November
June and December
January and July
February and August
March and September
April and October
May and November
June and December

(c) If the individual is a tier III offender, the individual shall report 4 times each year according to the following schedule:

Birth Month

January
February
March
April
May
June

Reporting Months

January, April, July, and October
February, May, August, and November
March, June, September, and December
April, July, October, and January
May, August, November, and February
June, September, December, and March

July	July, October, January, and April
August	August, November, February, and May
September	September, December, March, and June
October	October, January, April, and July
November	November, February, May, and August
December	December, March, June, and September

(4) A report under subsection (3) must be made no earlier than the first day or later than the last day of the month in which the individual is required to report. However, if the registration period for that individual expires during the month in which he or she is required to report under this section, the individual shall report during that month on or before the date his or her registration period expires. When an individual reports under subsection (3), the individual shall review all registration information for accuracy.

(5) When an individual reports under subsection (3) an officer or authorized employee of the registering authority shall verify the individual's residence or domicile and any information required to be reported under section 4a. The officer or authorized employee shall also determine whether the individual's photograph required under this act matches the appearance of the individual sufficiently to properly identify him or her from that photograph. If not, the officer or authorized employee shall require the individual to obtain a current photograph within 7 days under this section. When all of the verification information has been provided, the officer or authorized employee shall review that information with the individual and make any corrections, additions, or deletions the officer or authorized employee determines are necessary based on the review. The officer or authorized employee shall sign and date a verification receipt. The officer or authorized employee shall give a copy of the signed receipt showing the date of verification to the individual. The officer or authorized employee shall forward verification information to the department in the manner the department prescribes. The department shall revise the law enforcement database and public internet website maintained under section 8 as necessary and shall indicate verification in the public internet website maintained under section 8(2).

(6) Except as otherwise provided in section 5b, an individual who reports as prescribed under subsection (3) shall pay a \$50.00 registration fee as follows:

(a) Upon initial registration.

(b) Annually following the year of initial registration. The payment of the registration fee under this subdivision must be made at the time the individual reports in the first reporting month for that individual as set forth in subsection (3) of each year in which the fee applies, unless an individual elects to prepay an annual registration fee for any future year for which an annual registration fee is required. Prepaying any annual registration fee must not change or alter the requirement of an individual to report as set forth in subsection (3). The payment of the registration fee under this subdivision is not required to be made for any registration year that has expired before January 1, 2014 or to be made by any individual initially required to register under this act after January 1, 2023. The registration fee required to be paid under this subdivision must not be prorated on grounds that the individual will complete his or her registration period after the month in which the fee is due.

(c) The sum of the amounts required to be paid under subdivisions (a) and (b) must not exceed \$550.00.

(7) Except as otherwise provided in this subsection, an individual required to be registered under this act shall maintain either a valid operator's or chauffeur's license issued under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or an official state personal identification card issued under 1972 PA 222, MCL 28.291 to 28.300, with the individual's current address. The license or card may be used as proof of domicile or residence under this section. In addition, the officer or authorized employee may require the individual to produce another document bearing his or her name and address, including, but not limited to, voter registration or a utility or other bill. The department may specify other satisfactory proof of domicile or residence. The requirement to maintain a valid operator's or chauffeur's license issued under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or an official state personal identification card issued under 1972 PA 222, MCL 28.291 to 28.300, does not apply to an individual required to be registered under this act who is homeless. As used in this subsection, "homeless" means someone who lacks a fixed or temporary residence.

(8) An individual registered under this act who is incarcerated shall report to the secretary of state under this subsection not more than 7 days after he or she is released to have his or her digitalized photograph taken. The individual is not required to report under this subsection if he or she had a digitized photograph taken for an operator's or chauffeur's license or official state personal identification card before January 1, 2000, or within 2 years before he or she is released unless his or her appearance has changed from the date of that photograph. Unless the person is a nonresident, the photograph must be used on the individual's operator's or chauffeur's license or official state personal identification card. The individual shall have a new photograph

taken when he or she renews the license or identification card as provided by law, or as otherwise provided in this act. The secretary of state shall make the digitized photograph available to the department for a registration under this act.

(9) If an individual does not report under this section or under section 4a, the department shall notify all registering authorities as provided in section 8a and initiate enforcement action as set forth in that section.

(10) The department shall prescribe the form for the notices and verification procedures required under this section.

History: Add. 1999, Act 85, Eff. Sept. 1, 1999;—Am. 2002, Act 542, Eff. Oct. 1, 2002;—Am. 2004, Act 237, Eff. Oct. 16, 2004;—Am. 2004, Act 240, Eff. Oct. 1, 2004;—Am. 2005, Act 322, Eff. Jan. 1, 2006;—Am. 2011, Act 17, Imd. Eff. Apr. 12, 2011;—Am. 2013, Act 149, Eff. Apr. 1, 2014;—Am. 2019, Act 82, Imd. Eff. Sept. 30, 2019;—Am. 2020, Act 295, Eff. Mar. 24, 2021.

28.725b Sex offenders registration fund; creation; disposition of money; use; lapse; claim of indigence; waiver of fee; payments.

Sec. 5b. (1) Of the money collected by a court, local law enforcement agency, sheriff's department, or department post from each registration fee prescribed under this act, \$30.00 must be forwarded to the department, which shall deposit the money in the sex offenders registration fund created under subsection (2), and \$20.00 must be retained by the court, local law enforcement agency, sheriff's department, or department post.

(2) The sex offenders registration fund is created as a separate fund in the department of treasury. The state treasurer shall credit the money received from the payment of the registration fee prescribed under this act to the sex offenders registration fund. Money credited to the fund must only be used by the department for training concerning, and the maintenance and automation of, the law enforcement database, public internet website, information required under section 8, or notification and offender registration duties under section 4a. Except as otherwise provided in this section, money in the sex offenders registration fund at the close of the fiscal year must remain in the fund and must not lapse to the general fund.

(3) If an individual required to pay a registration fee under this act is indigent, the registration fee is waived for a period of 90 days. The burden is on the individual claiming indigence to prove the fact of indigence to the satisfaction of the local law enforcement agency, sheriff's department, or department post where the individual is reporting.

(4) Payment of the registration fee prescribed under this act must be made in the form and by means prescribed by the department. Upon payment of the registration fee prescribed under this act, the officer or employee shall forward verification of the payment to the department in the manner the department prescribes. The department shall revise the law enforcement database and public internet website maintained under section 8 as necessary and indicate verification of payment in the law enforcement database under section 8(1).

(5) For the fiscal year ending September 30, 2020 only, \$3,400,000.00 of the money in the sex offenders registration fund is transferred to and must be deposited into the general fund.

History: Add. 2004, Act 237, Eff. Oct. 16, 2004;—Am. 2011, Act 17, Eff. July 1, 2011;—Am. 2020, Act 202, Imd. Eff. Oct. 15, 2020.

28.725c Fee collected by department of corrections; prohibition.

Sec. 5c. The department of corrections shall not collect any fee prescribed under this act.

History: Add. 2004, Act 237, Eff. Oct. 16, 2004.

28.726 Providing or forwarding copy of registration or notification.

Sec. 6. (1) The officer, court, or agency registering an individual or receiving or accepting a registration under section 4 or receiving notice under section 5(1) shall provide the individual with a copy of the registration or notification at the time of registration or notice.

(2) The officer, court, or agency registering an individual or receiving or accepting a registration under section 4 or notified of an address change under section 5(1) shall forward the registration or notification to the department in a manner prescribed by the department immediately after registration or notification.

History: 1994, Act 295, Eff. Oct. 1, 1995;—Am. 1996, Act 494, Eff. Apr. 1, 1997;—Am. 2011, Act 18, Eff. July 1, 2011.

28.727 Registration information; format; fee; requirements; forwarding registration, notice, and verification information to Federal Bureau of Investigation, local agencies, and other registering jurisdictions.

Sec. 7. (1) Registration information obtained under this act must be forwarded to the department in the format the department prescribes. Except as provided in section 5b(3), a \$50.00 registration fee must accompany each original registration. All of the following information must be obtained or otherwise provided for registration purposes:

(a) The individual's legal name and any aliases, nicknames, ethnic or tribal names, or other names by which the individual is or has been known. An individual who is in a witness protection and relocation program is only required to use the name and identifying information reflecting his or her new identity in a registration under this act. The registration and compilation databases must not contain any information identifying the individual's prior identity or locale.

(b) The individual's Social Security number and any Social Security numbers or alleged Social Security numbers previously used by the individual.

(c) The individual's date of birth and any alleged dates of birth previously used by the individual.

(d) The address where the individual resides or will reside. If the individual does not have a residential address, information under this subsection must identify the location or area used or to be used by the individual in lieu of a residence or, if the individual is homeless, the village, city, or township where the person spends or will spend the majority of his or her time.

(e) The name and address of any place of temporary lodging used or to be used by the individual during any period in which the individual is away, or is expected to be away, from his or her residence for more than 7 days. Information under this subdivision must include the dates the lodging is used or to be used.

(f) The name and address of each of the individual's employers. For purposes of this subdivision, "employer" includes a contractor and any individual who has agreed to hire or contract with the individual for his or her services. Information under this subsection must include the address or location of employment if different from the address of the employer. If the individual lacks a fixed employment location, the information obtained under this subdivision must include the general areas where the individual works and the normal travel routes taken by the individual in the course of his or her employment.

(g) The name and address of any school being attended by the individual and any school that has accepted the individual as a student that he or she plans to attend. For purposes of this subdivision, "school" means a public or private postsecondary school or school of higher education, including a trade school.

(h) All telephone numbers registered to the individual or used by the individual, including, but not limited to, residential, work, and mobile telephone numbers.

(i) Except as otherwise provided in this subdivision, all electronic mail addresses and internet identifiers registered to or used by the individual. This subdivision applies only to an individual required to be registered under this act after July 1, 2011.

(j) The license plate number and description of any vehicle owned or operated by the individual.

(k) The individual's driver license number or state personal identification card number.

(l) A digital copy of the individual's passport and other immigration documents.

(m) The individual's occupational and professional licensing information, including any license that authorizes the individual to engage in any occupation, profession, trade, or business.

(n) A brief summary of the individual's convictions for listed offenses regardless of when the conviction occurred, including where the offense occurred and the original charge if the conviction was for a lesser offense.

(o) A complete physical description of the individual.

(p) The photograph required under section 5a.

(q) The individual's fingerprints if not already on file with the department and the individual's palm prints. An individual required to be registered under this act shall have his or her fingerprints or palm prints or both taken not later than September 12, 2011 if his or her fingerprints or palm prints are not already on file with the department. The department shall forward a copy of the individual's fingerprints and palm prints to the Federal Bureau of Investigation if not already on file with that bureau.

(r) Information that is required to be reported under section 4a.

(2) A registration must contain all of the following:

(a) An electronic copy of the offender's Michigan driver license or Michigan personal identification card, including the photograph required under this act.

(b) The text of the provision of law that defines the criminal offense for which the sex offender is registered.

(c) Any outstanding arrest warrant information.

(d) The individual's tier classification.

(e) An identifier that indicates whether a DNA sample has been collected and any resulting DNA profile has been entered into the federal combined DNA index system (CODIS).

(f) The individual's complete criminal history record, including the dates of all arrests and convictions.

(g) The individual's Michigan department of corrections number and status of parole, probation, or supervised release.

(h) The individual's Federal Bureau of Investigation number.

(3) The form used for notification of duties under this act must contain a written statement that explains the duty of the individual being registered to provide notice of changes in his or her registration information, the procedures for providing that notice, and the verification procedures under section 5a.

(4) The individual shall sign a registration and notice. However, the registration and notice must be forwarded to the department regardless of whether the individual signs it or pays the registration fee required under subsection (1).

(5) The officer, court, or an employee of the agency registering the individual or receiving or accepting a registration under section 4 shall sign the registration form.

(6) An individual shall not knowingly provide false or misleading information concerning a registration, notice, or verification.

(7) The department shall prescribe the form for a notification required under section 5 and the format for forwarding the notification to the department.

(8) The department shall promptly provide registration, notice, and verification information to the Federal Bureau of Investigation and to local law enforcement agencies, sheriff's departments, department posts, and other registering jurisdictions, as provided by law.

History: 1994, Act 295, Eff. Oct. 1, 1995;—Am. 1996, Act 494, Eff. Apr. 1, 1997;—Am. 1999, Act 85, Eff. Sept. 1, 1999;—Am. 2002, Act 542, Eff. Oct. 1, 2002;—Am. 2004, Act 237, Eff. Oct. 16, 2004;—Am. 2011, Act 18, Eff. July 1, 2011;—Am. 2020, Act 295, Eff. Mar. 24, 2021.

28.728 Law enforcement database; information to be contained for each registered individual; public internet website; compilation; availability; removal.

Sec. 8. (1) The department shall maintain a computerized law enforcement database of registrations and notices required under this act. The law enforcement database must contain all of the following information for each individual registered under this act:

(a) The individual's legal name and any aliases, nicknames, ethnic or tribal names, or other names by which the individual is or has been known.

(b) The individual's Social Security number and any Social Security numbers or alleged Social Security numbers previously used by the individual.

(c) The individual's date of birth and any alleged dates of birth previously used by the individual.

(d) The address where the individual resides or will reside. If the individual does not have a residential address, information under this subsection must identify the location or area used or to be used by the individual in lieu of a residence or, if the individual is homeless, the village, city, or township where the individual spends or will spend the majority of his or her time.

(e) The name and address of any place of temporary lodging used or to be used by the individual during any period in which the individual is away, or is expected to be away, from his or her residence for more than 7 days. Information under this subdivision must include the dates the lodging is used or to be used.

(f) The name and address of each of the individual's employers. For purposes of this subdivision, "employer" includes a contractor and any individual who has agreed to hire or contract with the individual for his or her services. Information under this subsection must include the address or location of employment if different from the address of the employer.

(g) The name and address of any school being attended by the individual and any school that has accepted the individual as a student that he or she plans to attend. For purposes of this subdivision, "school" means a public or private postsecondary school or school of higher education, including a trade school.

(h) All telephone numbers registered to the individual or used by the individual, including, but not limited to, residential, work, and mobile telephone numbers.

(i) Except as otherwise provided in this subdivision, all electronic mail addresses and internet identifiers

registered to or used by the individual. This subdivision applies only to an individual required to be registered under this act after July 1, 2011.

- (j) The license plate number and description of any vehicle owned or operated by the individual.
 - (k) The individual's driver license number or state personal identification card number.
 - (l) A digital copy of the individual's passport and other immigration documents.
 - (m) The individual's occupational and professional licensing information, including any license that authorizes the individual to engage in any occupation, profession, trade, or business.
 - (n) A brief summary of the individual's convictions for listed offenses regardless of when the conviction occurred, including where the offense occurred and the original charge if the conviction was for a lesser offense.
 - (o) A complete physical description of the individual.
 - (p) The photograph required under section 5a.
 - (q) The individual's fingerprints and palm prints.
 - (r) An electronic copy of the offender's Michigan driver license or Michigan personal identification card, including the photograph required under this act.
 - (s) The text of the provision of law that defines the criminal offense for which the sex offender is registered.
 - (t) Any outstanding arrest warrant information.
 - (u) The individual's tier classification and registration status.
 - (v) An identifier that indicates whether a DNA sample has been collected and any resulting DNA profile has been entered into the federal combined DNA index system (CODIS).
 - (w) The individual's complete criminal history record, including the dates of all arrests and convictions.
 - (x) The individual's Michigan department of corrections number and the status of his or her parole, probation, or release.
 - (y) The individual's Federal Bureau of Investigation number.
- (2) The department shall maintain a public internet website separate from the law enforcement database described in subsection (1) to implement section 10(2) and (3). Except as provided in subsection (4), the public internet website must contain all of the following information for each individual registered under this act:
- (a) The individual's legal name and any aliases, nicknames, ethnic or tribal names, or other names by which the individual is or has been known.
 - (b) The individual's date of birth.
 - (c) The address where the individual resides. If the individual does not have a residential address, information under this subsection must identify the village, city, or township used by the individual in lieu of a residence.
 - (d) The address of each of the individual's employers. For purposes of this subdivision, "employer" includes a contractor and any individual who has agreed to hire or contract with the individual for his or her services. Information under this subsection must include the address or location of employment if different from the address of the employer.
 - (e) The address of any school being attended by the individual and any school that has accepted the individual as a student that he or she plans to attend. For purposes of this subdivision, "school" means a public or private postsecondary school or school of higher education, including a trade school.
 - (f) The license plate number and description of any vehicle owned or operated by the individual.
 - (g) A brief summary of the individual's convictions for listed offenses regardless of when the conviction occurred.
 - (h) A complete physical description of the individual.
 - (i) The photograph required under this act. If no photograph is available, the department shall use an arrest photograph or Michigan department of corrections photograph until a photograph as prescribed in section 5a becomes available.
 - (j) The text of the provision of law that defines the criminal offense for which the sex offender is registered.
 - (k) The individual's registration status.
- (3) The following information must not be made available on the public internet website described in subsection (2):
- (a) The identity of any victim of the offense.
 - (b) The individual's Social Security number.
 - (c) Any arrests not resulting in a conviction.
 - (d) Any travel or immigration document numbers.

(e) The individual's tier classification.

(f) The individual's driver license number or state personal identification card number.

(4) The public internet website described in subsection (2) must not include the following individuals:

(a) An individual registered solely because he or she had 1 or more dispositions for a listed offense entered under section 18 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18, in a case that was not designated as a case in which the individual was to be tried in the same manner as an adult under section 2d of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.2d.

(b) An individual registered solely because he or she was the subject of an order of disposition or other adjudication in a juvenile matter in another state or country.

(c) An individual registered solely because he or she was convicted of a single tier I offense, other than an individual who was convicted of a violation of any of the following:

(i) Section 145c(4) of the Michigan penal code, 1931 PA 328, MCL 750.145c.

(ii) A violation of section 335a(2)(b) of the Michigan penal code, 1931 PA 328, MCL 750.335a, if a victim is a minor.

(iii) Section 349b of the Michigan penal code, 1931 PA 328, MCL 750.349b, if the victim is a minor.

(iv) Section 539j of the Michigan penal code, 1931 PA 328, MCL 750.539j, if a victim is a minor.

(v) An offense substantially similar to an offense described in subparagraphs (i) to (iv) under a law of the United States that is specifically enumerated in 42 USC 16911, under a law of any state or any country, or under tribal or military law.

(5) The compilation of individuals must be indexed alphabetically by village, city, township, and county, numerically by zip code area, and geographically as determined appropriate by the department.

(6) The department shall update the public internet website with new registrations, deletions from registrations, and address changes at the same time those changes are made to the law enforcement database described in subsection (1). The department shall make the law enforcement database available to each department post, local law enforcement agency, and sheriff's department by the law enforcement information network. Upon request by a department post, local law enforcement agency, or sheriff's department, the department shall provide to that post, agency, or sheriff's department the information from the law enforcement database in printed form for the designated areas located in whole or in part within the post's, agency's, or sheriff's department's jurisdiction. The department shall provide the ability to conduct a computerized search of the law enforcement database and the public internet website based upon the name and campus location of an institution of higher education.

(7) The department shall make the law enforcement database available to a department post, local law enforcement agency, or sheriff's department by electronic, computerized, or other similar means accessible to the post, agency, or sheriff's department. The department shall make the public internet website available to the public by electronic, computerized, or other similar means accessible to the public. The electronic, computerized, or other similar means shall provide for a search by name, village, city, township, and county designation, zip code, and geographical area.

(8) If a court determines that the public availability under section 10 of any information concerning individuals registered under this act violates the constitution of the United States or this state, the department shall revise the public internet website described in subsection (2) so that it does not contain that information.

(9) If the department determines that an individual has completed his or her registration period, including a registration period reduced by law under 2011 PA 18, or that he or she otherwise is no longer required to register under this act, the department shall remove the individual's registration information from both the law enforcement database and the public internet website within 7 days after making that determination.

History: 1994, Act 295, Eff. Oct. 1, 1995;—Am. 1996, Act 494, Eff. Apr. 1, 1997;—Am. 1999, Act 85, Eff. Sept. 1, 1999;—Am. 2002, Act 542, Eff. Oct. 1, 2002;—Am. 2004, Act 238, Eff. May 1, 2005;—Am. 2004, Act 240, Eff. Oct. 1, 2004;—Am. 2011, Act 18, Eff. July 1, 2011;—Am. 2013, Act 2, Eff. June 1, 2013;—Am. 2020, Act 295, Eff. Mar. 24, 2021.

28.728a Failure to register or update registration information; duties registering authority; duties of department.

Sec. 8a. (1) If an individual fails to register or to update his or her registration information as required under this act, the local law enforcement agency, sheriff's office, or department post responsible for registering the individual or for verifying and updating his or her registration information shall do all of the following immediately after the date the individual was required to register or to update his or her registration information:

(a) Determine whether the individual has absconded or is otherwise unlocatable.

(b) If the registering authority was notified by a registration jurisdiction that the individual was to appear in order to register or update his or her registration information in the jurisdiction of the registering authority, notify the department in a manner prescribed by the department that the individual failed to appear as required.

(c) Revise the information in the registry to reflect that the individual has absconded or is otherwise unlocatable.

(d) Seek a warrant for the individual's arrest if the legal requirements for obtaining a warrant are satisfied.

(e) Enter the individual into the national crime information center wanted person file if the requirements for entering information into that file are met.

(2) If an individual fails to register or to update his or her registration information as required under this act, the department shall do all of the following immediately after being notified by the registering authority that the individual failed to appear as required:

(a) Notify that other registration jurisdiction that the individual failed to appear as required.

(b) Notify the United States marshal's service in the manner required by the United States marshal's service of the individual's failure to appear as required.

(c) Update the national sex offender registry to reflect the individual's status as an absconder or as unlocatable.

History: Add. 2011, Act 18, Eff. July 1, 2011.

Compiler's note: Former MCL 28.728a, which pertained to feasibility studies for providing search by alias and mapping to show address was repealed by Act 240 of 2004, Eff. Oct. 1, 2004.

28.728b Repealed. 2004, Act 240, Eff. Oct. 1, 2004.

Compiler's note: The repealed section pertained to compilation of individuals not requiring registration.

28.728c Petition to discontinue registration; jurisdiction; limitations; oath; contents; false statement; filing copy with office of prosecuting attorney; notice; hearing; rights of victim; factors in court determination; granting of petition.

Sec. 8c. (1) An individual classified as a tier I offender who meets the requirements of subsection (12) may petition the court under that subsection for an order allowing him or her to discontinue registration under this act.

(2) An individual classified as a tier III offender who meets the requirements of subsection (13) may petition the court under that subsection for an order allowing him or her to discontinue registration under this act.

(3) An individual classified as a tier I, tier II, or tier III offender who meets the requirements of subsection (14) or (15) may petition the court under that subsection for an order allowing him or her to discontinue registration under this act.

(4) This section is the sole means by which an individual may obtain judicial review of his or her registration requirements under this act. This subsection does not prohibit an appeal of the conviction or sentence as otherwise provided by law or court rule. A petition filed under this section shall be filed in the court in which the individual was convicted of committing the listed offense. However, if the conviction occurred in another state or country and the individual is a resident of this state, the individual may file a petition in the circuit court in the county of his or her residence for an order allowing him or her to discontinue registration under this act only. A petition shall not be filed under this section if a previous petition was filed under this section and was denied by the court after a hearing.

(5) A petition filed under this section shall be made under oath and shall contain all of the following:

(a) The name and address of the petitioner.

(b) A statement identifying the offense for which discontinuation from registration is being requested.

(c) A statement of whether the individual was previously convicted of a listed offense for which registration is required under this act.

(6) An individual who knowingly makes a false statement in a petition filed under this section is guilty of perjury as proscribed under section 423 of the Michigan penal code, 1931 PA 328, MCL 750.423.

(7) A copy of the petition shall be filed with the office of the prosecuting attorney that prosecuted the case against the individual or, for a conviction that occurred in another state or country, the prosecuting attorney for the county of his or her residence, at least 30 days before a hearing is held on the petition. The prosecuting

attorney may appear and participate in all proceedings regarding the petition and may seek appellate review of any decision on the petition.

(8) If the name of the victim of the offense is known by the prosecuting attorney, the prosecuting attorney shall provide the victim with written notice that a petition has been filed and shall provide the victim with a copy of the petition. The notice shall be sent by first-class mail to the victim's last known address. The petition shall include a statement of the victim's rights under subsection (10).

(9) If an individual properly files a petition with the court under this section, the court shall conduct a hearing on the petition as provided in this section.

(10) The victim has the right to attend all proceedings under this section and to make a written or oral statement to the court before any decision regarding the petition is made. A victim shall not be required to appear at any proceeding under this section against his or her will.

(11) The court shall consider all of the following in determining whether to allow the individual to discontinue registration under subsection (12) or (13) but shall not grant the petition if the court determines that the individual is a continuing threat to the public:

- (a) The individual's age and level of maturity at the time of the offense.
- (b) The victim's age and level of maturity at the time of the offense.
- (c) The nature of the offense.
- (d) The severity of the offense.
- (e) The individual's prior juvenile or criminal history.
- (f) The individual's likelihood to commit further listed offenses.

(g) Any impact statement submitted by the victim under the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.751 to 780.834, or under this section.

(h) Any other information considered relevant by the court.

(12) The court may grant a petition properly filed by an individual under subsection (1) if all of the following apply:

(a) Ten or more years have elapsed since the date of his or her conviction for the listed offense or from his or her release from any period of confinement for that offense, whichever occurred last.

(b) The petitioner has not been convicted of any felony since the date described in subdivision (a).

(c) The petitioner has not been convicted of any listed offense since the date described in subdivision (a).

(d) The petitioner successfully completed his or her assigned periods of supervised release, probation, or parole without revocation at any time of that supervised release, probation, or parole.

(e) The petitioner successfully completed a sex offender treatment program certified by the United States attorney general under 42 USC 16915(b)(1), or another appropriate sex offender treatment program. The court may waive the requirements of this subdivision if successfully completing a sex offender treatment program was not a condition of the petitioner's confinement, release, probation, or parole.

(13) The court may grant a petition properly filed by an individual under subsection (2) if all of the following apply:

(a) The petitioner is required to register based on an order of disposition entered under section 18 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18, that is open to the general public under section 28 of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.28.

(b) Twenty-five or more years have elapsed since the date of his or her adjudication for the listed offense or from his or her release from any period of confinement for that offense, whichever occurred last.

(c) The petitioner has not been convicted of any felony since the date described in subdivision (b).

(d) The petitioner has not been convicted of any listed offense since the date described in subdivision (b).

(e) The petitioner successfully completed his or her assigned periods of supervised release, probation, or parole without revocation at any time of that supervised release, probation, or parole.

(f) The court determines that the petitioner successfully completed a sex offender treatment program certified by the United States attorney general under 42 USC 16915(b)(1), or another appropriate sex offender treatment program. The court may waive the requirements of this subdivision if successfully completing a sex offender treatment program was not a condition of the petitioner's confinement, release, probation, or parole.

(14) The court shall grant a petition properly filed by an individual under subsection (3) if the court determines that the conviction for the listed offense was the result of a consensual sexual act between the petitioner and the victim and any of the following apply:

(a) All of the following:

(i) The victim was 13 years of age or older but less than 16 years of age at the time of the offense.

(ii) The petitioner is not more than 4 years older than the victim.

(b) All of the following:

(i) The individual was convicted of a violation of section 158, 338, 338a, or 338b of the Michigan penal

code, 1931 PA 328, MCL 750.158, 750.338, 750.338a, and 750.338b.

(ii) The victim was 13 years of age or older but less than 16 years of age at the time of the violation.

(iii) The individual is not more than 4 years older than the victim.

(c) All of the following:

(i) The individual was convicted of a violation of section 158, 338, 338a, 338b, or 520c(1)(i) of the Michigan penal code, 1931 PA 328, MCL 750.158, 750.338, 750.338a, 750.338b, and 750.520c.

(ii) The victim was 16 years of age or older at the time of the violation.

(iii) The victim was not under the custodial authority of the individual at the time of the violation.

(15) The court shall grant a petition properly filed by an individual under subsection (3) if either of the following applies:

(a) Both of the following:

(i) The petitioner was adjudicated as a juvenile.

(ii) The petitioner was less than 14 years of age at the time of the offense.

(b) The individual was registered under this act before July 1, 2011 for an offense that required registration but for which registration is not required on or after July 1, 2011.

History: Add. 2004, Act 240, Eff. Oct. 1, 2004;—Am. 2011, Act 18, Eff. July 1, 2011.

28.728d Providing copy of court order granting petition to department and individual.

Sec. 8d. If the court grants a petition filed under section 8c, the court shall promptly provide a copy of that order to the department and to the individual. The department shall promptly remove an individual's registration from the database maintained under section 8(1).

History: Add. 2004, Act 240, Eff. Oct. 1, 2004;—Am. 2011, Act 18, Eff. July 1, 2011.

28.729 Registration required; violations; penalties.

Sec. 9. (1) Except as provided in subsections (2), (3), and (4), an individual required to be registered under this act who willfully violates this act is guilty of a felony punishable as follows:

(a) If the individual has no prior convictions for a violation of this act, by imprisonment for not more than 4 years or a fine of not more than \$2,000.00, or both.

(b) If the individual has 1 prior conviction for a violation of this act, by imprisonment for not more than 7 years or a fine of not more than \$5,000.00, or both.

(c) If the individual has 2 or more prior convictions for violations of this act, by imprisonment for not more than 10 years or a fine of not more than \$10,000.00, or both.

(2) An individual who willfully fails to comply with section 5a, other than payment of the fee required under section 5a(6), is guilty of a misdemeanor punishable by imprisonment for not more than 2 years or a fine of not more than \$2,000.00, or both.

(3) An individual who willfully fails to sign a registration and notice as provided in section 7(4) is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$1,000.00, or both.

(4) An individual who willfully refuses or fails to pay the registration fee prescribed in section 5a(6) or 7(1) within 90 days of the date the individual reports under section 4a or 5a is guilty of a misdemeanor punishable by imprisonment for not more than 90 days.

(5) The court shall revoke the probation of an individual placed on probation who willfully violates this act.

(6) The court shall revoke the youthful trainee status of an individual assigned to youthful trainee status who willfully violates this act.

(7) The parole board shall rescind the parole of an individual released on parole who willfully violates this act.

(8) An individual's failure to register as required by this act or a violation of section 5 may be prosecuted in the judicial district of any of the following:

(a) The individual's last registered address or residence.

(b) The individual's actual address or residence.

(c) Where the individual was arrested for the violation.

History: 1994, Act 295, Eff. Oct. 1, 1995;—Am. 1999, Act 85, Eff. Sept. 1, 1999;—Am. 2002, Act 542, Eff. Oct. 1, 2002;—Am. 2004, Act 237, Eff. Oct. 16, 2004;—Am. 2005, Act 132, Eff. Jan. 1, 2006;—Am. 2011, Act 18, Eff. July 1, 2011;—Am. 2020, Act 295, Rendered Monday, January 10, 2022

Eff. Mar. 24, 2021.

Compiler's note: For transfer of powers and duties of Michigan parole and commutation board to Michigan parole board within department of corrections, and abolishment of Michigan parole and commutation board, see E.R.O. No. 2011-3, compiled at MCL 791.305.

28.730 Confidentiality; exemption from disclosure; availability of information on public internet website; violation as misdemeanor; penalty; civil cause of action; applicability of subsections (4) and (5) to public internet website.

Sec. 10. (1) Except as provided in this act, a registration or report is confidential and information from that registration or report shall not be open to inspection except for law enforcement purposes. The registration or report and all included materials and information are exempt from disclosure under section 13 of the freedom of information act, 1976 PA 442, MCL 15.243.

(2) A department post, local law enforcement agency, or sheriff's department shall make information from the public internet website described in section 8(2) for the designated areas located in whole or in part within the post's, agency's, or sheriff's department's jurisdiction available for public inspection during regular business hours. A department post, local law enforcement agency, or sheriff's department is not required to make a copy of the information for a member of the public.

(3) The department may make information from the public internet website described in section 8(2) available to the public through electronic, computerized, or other accessible means. The department shall provide for notification by electronic or computerized means to any member of the public who has subscribed in a manner required by the department when an individual who is the subject of the public internet website described in section 8(2) initially registers under this act, or changes his or her registration under this act, to a location that is in a designated area or geographic radius designated by the subscribing member of the public.

(4) Except as provided in this act, an individual other than the registrant who knows of a registration or report under this act and who divulges, uses, or publishes nonpublic information concerning the registration or report in violation of this act is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$1,000.00, or both.

(5) An individual whose registration or report is revealed in violation of this act has a civil cause of action against the responsible party for treble damages.

(6) Subsections (4) and (5) do not apply to the public internet website described in section 8(2) or information from that public internet website that is provided or made available under section 8(2) or under subsection (2) or (3).

History: 1994, Act 295, Eff. Oct. 1, 1995;—Am. 1996, Act 494, Eff. Apr. 1, 1997;—Am. 1999, Act 85, Eff. Sept. 1, 1999;—Am. 2002, Act 542, Eff. Oct. 1, 2002;—Am. 2004, Act 240, Eff. Oct. 1, 2004;—Am. 2006, Act 46, Eff. Jan. 1, 2007;—Am. 2011, Act 18, Eff. July 1, 2011.

28.731, 28.732 Repealed. 2011, Act 18, Eff. July 1, 2011

Compiler's note: The repealed sections pertained to effective date and conditional effective date of act.

28.733-28.736 Repealed. 2020, Act 295, Eff. Mar. 24, 2021.

Compiler's note: MCL 28.733 was added by 2005 PA 121 and 2005 PA 127. 2005 PA 127, being substantively the same as the 2005 PA 121, supersedes and becomes the only version on its effective date.

The repealed sections pertained to student safety zones.

Exhibit 4:

Dr. Sarah Lageson Expert Report

EXPERT DECLARATION OF DR. SARAH ESTHER LAGESON

BACKGROUND AND QUALIFICATIONS

1. I am an Associate Professor with tenure at Rutgers University-Newark School of Criminal Justice in New Jersey. I have worked at Rutgers since August 2015.
2. I received an MA in Sociology (2012) and a PhD in Sociology (2015) at the University of Minnesota-Twin Cities.
3. In my current position at Rutgers, I teach undergraduate and graduate courses, and research the impact of digital technologies on legal systems and criminal punishment.
4. I conduct qualitative and quantitative research, including experimental studies, analyses of criminal record data, interviews with people who have criminal records, fieldwork at expungement seminars and legal aid offices, and assessments of administrative data and public policy. I also serve as a peer reviewer for scientific journals, textbooks, and funding agencies.
5. My research has been reviewed and validated through the peer review process and has been published in academic journals in criminology, sociology, and public policy. In the past five years, my peer-reviewed publications have been cited over 900 times by other researchers.¹ In 2020, I published a peer reviewed book with Oxford University Press, *Digital Punishment: Privacy, Stigma, and the Harms of Data Driven Criminal Justice*. I am the recipient of external funding and research grants, including from the United States Department of Justice and the American Bar Foundation.
6. My research has been covered by major media outlets, including the *New York Times*, the *Guardian*, the *LA Times*, CNN, and National Public Radio.
7. My curriculum vitae is attached as Exhibit A and details all my publications from the last ten years.

¹ Google Scholar profile for Dr. Sarah Esther Lageson, showing 949 citations to research. Retrieved October 1, 2021, from <https://scholar.google.com/citations?user=ElyL7y0AAAAJ&hl=en>.

8. Prior to this case, I have provided expert testimony for *Taha v. Bucks County Pennsylvania et al*, No. 12-CIV-06867 (E. D. Pa.), *A.N. v. Alamogordo Police Department*, No 2:18-CV-00173 (D.N.M.), and *Doe v. Barr*, No. 2:20-CV-03434-CJC-AGR (C.D. Cal).²

9. I was approached by counsel for the plaintiffs in this matter and asked to state my professional opinion concerning the relationship between technology and sex offender registries, as well as the existence of and types of harms resulting from the public dissemination of information about a person's registry status in the state of Michigan.

10. The purpose of this report is to provide a synopsis of the scientific literature documenting the impacts of internet-based criminal information disclosure, including my own research in this area, and externally validated, peer-reviewed research conducted by other social scientists.

SUMMARY OF OPINION

11. Technology has dramatically changed the form, function, and reach of registry information in the nearly two decades since the U.S. Supreme Court in *Smith v. Doe*, 538 U.S. 84 (2003), held that sex offender registration is analogous to a visit to an official archive of criminal records.

12. The architecture and user functions available on the Michigan registry encourage browsing, mapping, and tracking registrants, rather than accessing targeted archival information.

13. The design, language, and functionality of Michigan's registry website represent each person listed as a current danger to society, regardless of whether the person presents such a risk and even though the registry lacks individualized review.

14. The online disclosure of registry information has both increased and expanded the economic, social, and psychological harms of being listed on a registry. I use the term "digital punishment" to describe how online information, spread to innumerable sites and sources, damages registrants far beyond the type and extent of harm the Supreme Court considered in 2003 when it decided *Smith*.

² Of these cases, only *Taha* went to trial, where I testified in court.

15. Registry information is routinely scraped, copied, aggregated, and re-posted to private websites. In a departure from the earlier schemes that required users to conduct a targeted search for particular registrants on a government-run website, registrants' personal information is now routinely harvested to drive web traffic to specific websites and to increase "clicks" through posting registrant information on, for example, real estate and other public records websites.

16. These changes in how the internet organizes and disseminates registry data means that websites "push" registrant data on internet users who are not even looking for such information.

17. The ubiquity of registry information on the internet leads registrants to purposefully avoid digital and institutional spaces that rely on the internet, which, in today's world, constitute the vast majority of public and private life.

18. Registrants' opting out of institutional and social life through "digital avoidance" has consequences for recidivism and public safety, because it makes it more difficult for registrants to access the basic necessities shown to prevent crime, such as safe and stable housing, employment, and community relationships.

19. The consequences of digital labeling through the format of the Michigan registry and the attendant dissemination of registry information on private websites ultimately undermines public safety by making pariahs of registrants, effectively cutting them out of social, institutional, and technological life.

OPINION

Changes in the internet and data sharing technologies have fundamentally changed the nature of registries and dramatically increased the intensity and effects of their attendant stigmatization

Digital Punishment

20. My research shows that the unprecedented rise of the information age has fundamentally changed the function, scope, and permanence of state-operated registry websites. I call this change "digital punishment" because that is the most accurate way to describe the effects of the digital criminal label.

21. Digital punishment occurs when state criminal justice agencies publish personally identifying information about registrants on the internet and implement

technological tools that encourage digital tracking, monitoring, and public shaming of people on registries.³

22. These state disclosures of data that allow for the ongoing monitoring of registrants – by not only the state, but by private actors – are then re-disseminated across the internet, as they are cataloged, indexed, sold, and shared by third parties. A person’s registry status becomes digitally linked to their name and is continuously retrievable via basic internet searches – indeed, it is often the first thing that will show up on a search of the person’s name on Google.⁴

23. The digital punishment of registrants is a special case of technologically-driven “collateral consequences,”⁵ a term typically used to describe “civil” sanctions and restrictions that are imposed based on a criminal conviction⁶ and that limit or prohibit opportunities across social, economic, and political domains.⁷ Due to the highly stigmatizing nature of a sexual conviction, as well as the advanced internet tracking capabilities made possible by the Michigan registry, collateral harms are greater for registrants than for people with other types of criminal convictions or records.⁸

³ Lageson, Sarah Esther. “Digital punishment’s tangled web.” *Contexts* 15, no. 1 (2016): 22-27; Corda, Alessandro, and Sarah Esther Lageson. “Disordered punishment: Workaround technologies of criminal records disclosure and the rise of a new penal entrepreneurialism.” *The British Journal of Criminology* 60, no. 2 (2020): 245-264.

⁴ Lageson, Sarah Esther. *Digital Punishment: Privacy, Stigma, and the Harms of Data Driven Criminal Justice*. Oxford University Press, 2020.

⁵ National Inventory of Collateral Consequences of Conviction. <https://niccc.csgjusticecenter.org/>.

⁶ Uggen, Christopher and Robert Stewart, “Piling On: Collateral Consequences and Community Supervision,” *Minnesota Law Review* 99, no. 5 (January 2015): 1871, 1875.

⁷ Hagan, John and Ronit Dinovitzer, “Collateral Consequences of Imprisonment for Children, Communities, and Prisoners,” *Crime and justice* 26 (1999): 121; Michael Pinard, “Collateral Consequences of Criminal Convictions: Confronting Issues of Race and Dignity.” *NYU Law Review* 85 (2010): 457; see also this online database: “National Inventory of the Collateral Consequences of Conviction.” Justice Center, The Council of State Governments. Accessed February 19, 2020. <https://niccc.csgjusticecenter.org/>.

⁸ Tewksbury, Richard. “Collateral consequences of sex offender registration.” *Journal of Contemporary Criminal Justice* 21, no. 1 (2005): 67-81.

24. Unlike an archive of static criminal record information, the Michigan registry provides a constantly updated set of personal information about registrants, conveying that registrants pose a current serious public safety risk. The Michigan registry therefore disrupts rehabilitative and desistance processes that, as established by decades of research on the cognitive and social elements of crime prevention, are essential to successful reentry.⁹

25. Federal courts have recognized that the digital transformation has changed the practical realities of governmental records and individual privacy interests. In 2016, the Sixth Circuit noted that while the disclosure of booking photos twenty years ago was thought to do no harm, “the internet and social media have worked unpredictable changes in the way photographs are stored and shared.”¹⁰ Overruling a 1996 decision, this decision pointed to how changes in technology have reshaped an individual’s privacy interests in materials related to their criminal proceedings, precisely because of the internet’s permanent archive of such materials, with instant access by anyone from anywhere in the world.

Advanced digital tracking, monitoring, and public labeling of risk in the Michigan registry

26. The format, presentation, and user options for the Michigan registry website allow for advanced information gathering and tracking of registrants. The website also provides personal information that is more detailed than information about people with criminal convictions posted to public court websites and criminal history websites run by the state of Michigan.

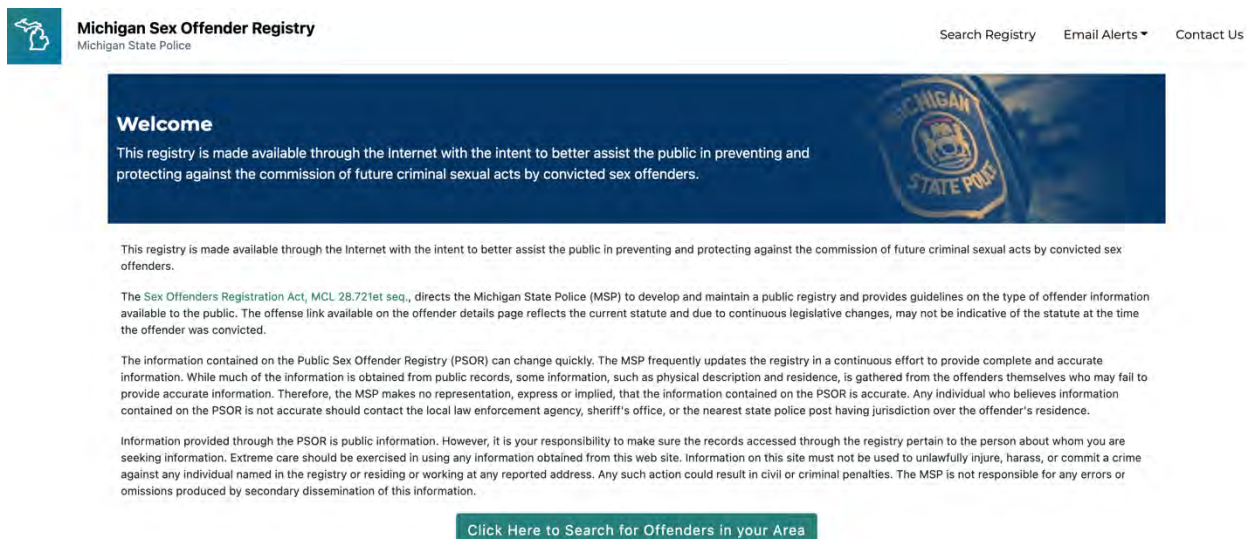
27. The Michigan registry website posts the following information: current photograph, name, registration number, MDOC number, status, age and date of birth, last verification date, compliance status, sex, race, hair color, height, weight, eye color, home address, work address, aliases, offenses, scars/marks/tattoos, and vehicle identification information. (Michigan law also requires many registrants to report to the state all of their internet identifiers, *e.g.*, social media usernames; while the registry does not currently post this information, Michigan law authorizes it to do so.)

⁹ Lageson, Sarah Esther, and Shadd Maruna. “Digital degradation: Stigma management in the internet age.” *Punishment & Society* 20, no. 1 (2018): 113-133.

¹⁰ *Detroit Free Press Inc. v. United States Dep’t of Justice*, 829 F.3d 478, 486 (6th Cir. 2016).

28. Because registrants are required to actively report their personal information, the website contains not just historical conviction records, but continuously updated information about exactly where a person lives and works, what they currently look like, and what vehicles they drive.

29. The public registry allows users to “browse” lists of registrants, rather than requiring a targeted name or address search like most sources of public state criminal record data. Users can enter a city, town, or neighborhood name or simply access the entire list of all registrants through the registry website.



Screenshot of Michigan registry home page, which notes that the purpose of the registry is to protect the public from the risks posed by registrants and that labels the button to enter the registry database as an option to search for offenders in one's broad geographic area. Source: Accessed 6 October 2021, <https://mssql.com/>.

30. An internet user who searches a specific address, city, county, or zip code will pull up an interactive map of the location of all registrants within a specified radius, and need only click on the small black registrant icons to pull up the photo and all the registry details on each individual in the area.



Michigan Sex Offender Registry
Michigan State Police

Offender Search Results - Map

[Return to Offender Search](#)

Search Criteria

Address:

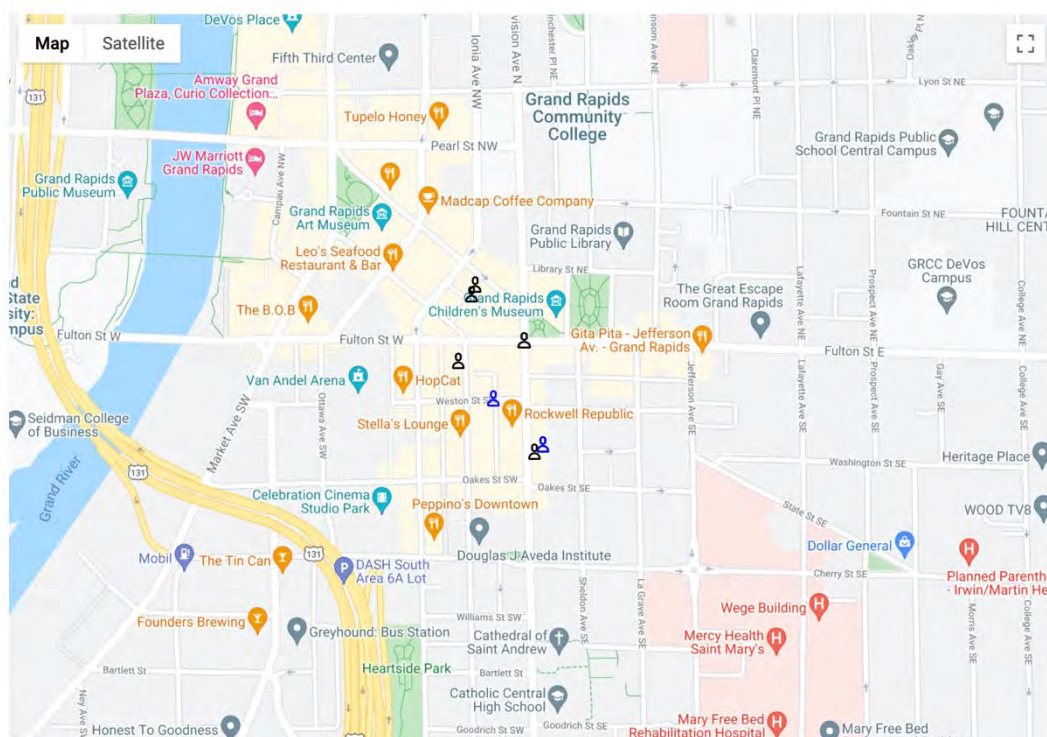
City: grand rapids city

Zip:

County:

Radius

5 Miles



Michigan registry mapping and browsing capabilities, here showing registrants in the City of Grand Rapids on a Google map integrated into the registry website. Source: Accessed 6 October 2021, <https://mssqlor.com/Home/MultiOffenderMap?RadiusStreetAddress=&RadiusCity=grand+rapids+city&RadiusZip=&RadiusMiles=5&RadiusCounty=>.

31. The Michigan registry's browse function is thus unlike the process outlined in *Smith*, where "an individual seeking the information must take the initial step of going to the Department of Public Safety's Web site, proceed to the sex offender registry, and then look up the desired information."¹¹ Unlike the Alaska registry two decades ago in that case, the way Michigan's registry functions today is much more akin to forcing a person to appear in public on the internet: the new public forum. And within that public sphere, the individual is labeled by the state as a dangerous sex offender.

¹¹ *Smith v. Doe*, 538 U.S. 84, 99 (2003).

32. The active publicization of the stigmatizing label is even more pronounced through the web architecture of the Michigan registry, as internet users need not search for information about specific individuals or locations to have information provided to them showing that a neighbor or colleague is on the registry.

Search

This registry is made available through the Internet with the intent to better assist the public in preventing and protecting against the commission of future criminal sexual acts by convicted sex offenders.

Search the Registry ⓘ

Fill in one or more fields.

First Name Last Name or Registration # / MDOC #

Street Address

i.e. 123 Barry Road

City County ZIP Code

See a Neighborhood Map ⓘ

Fill in one or more fields.

Street Address

i.e. 123 Barry Road

City ZIP Code

Radius County

Other Search Options

Show list of all published offenders
Show list of all incarcerated offenders
Show list of all non-compliant offenders

Experiencing Problems?

Contact us at 517-241-1806 if you are experiencing technical problems or need assistance using this site.

Screenshot of broad search and browse options available on the Michigan registry website. Source: Accessed 7 October 2021 at 5:58 PM, <https://mmpsor.com/Home/Search>.

33. The Michigan registry also allows a user to actively “track” an offender through an email signup and notification system. This option is not available for other types of criminal history information made publicly available through the state.

34. In contrast to the registry, other forms of state public criminal record information require a targeted search of a specific person, do not allow for the browsing of lists of convicted persons, and do not include mapping, tracking, or alert capabilities.

35. For example, Michigan criminal court records internet portals provide a summary of a person’s legal history accessible only through a targeted search for that particular person. To conduct a search of court records, a user is typically required to submit both the first and last name of the person under inquiry and to

complete a captcha (an internet tool that requires a user to click an image to prove that the user is a person and not a machine).

36. Michigan criminal court records websites typically post the following personal information: name, attorney name, criminal charges, court events, and hearings.¹² This information is entirely historical, *i.e.*, it does not include rolling updates of personal information like the ones on the Michigan registry.

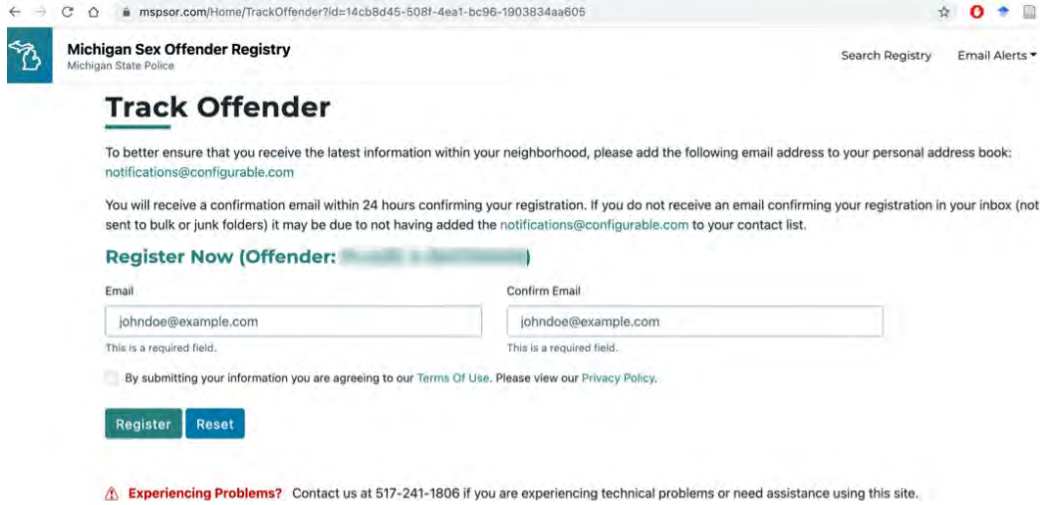
37. Criminal history reports are also available for purchase from vendors, including both private background check companies and state repositories, and the Internet Criminal History Access Tool (ICHAT) in Michigan.¹³

38. ICHAT users must submit the first name, last name, date of birth, race, gender, and reason for search to obtain a criminal history report for a fee.

39. The Michigan registry, in contrast, allows a user to actively “track” an offender through an email signup and notification system. This option is not available for other types of criminal history information made public by state or local governments in Michigan. Thus, the tracking functions of the registry select out these types of convictions as particularly dangerous (and therefore in need of such ongoing monitoring by law enforcement and the public), as compared to convictions for other crimes outside the sexual arena.

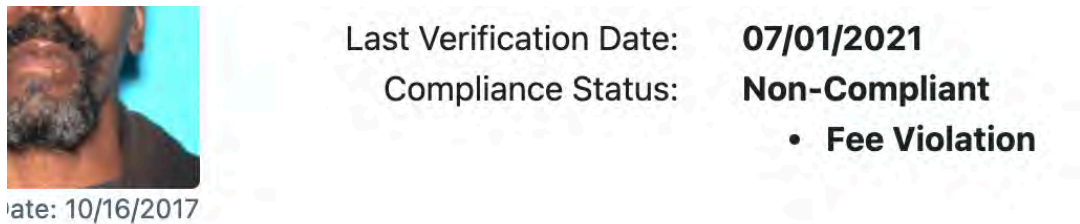
¹² Sample internet court records were obtained from Odyssey Public Access (OPA) for the Third Judicial District of Michigan at: [https://www.3rdcc.org/odyssey-public-access-\(opa\)](https://www.3rdcc.org/odyssey-public-access-(opa)).

¹³ Sample criminal history records were sourced through the Michigan Internet Criminal History Access Tool (ICHAT) at <https://apps.michigan.gov/>.



Options for users to track registrants and receive updates. The registrant’s name has been blurred to protect their identity. Source: Accessed 1 October 2021 at 9:55 AM.¹⁴

40. The Michigan registry also reports whether or not a registrant is “compliant.” This suggests that the registrant is being continuously supervised because the registrant remains currently dangerous to the public.

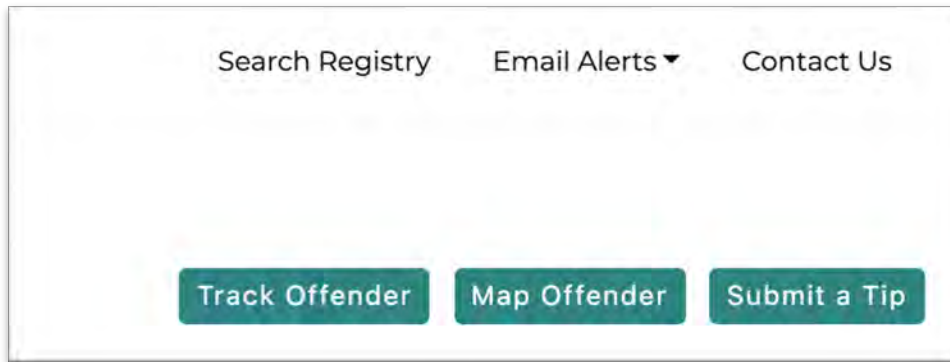


Registry compliance status as reported on state website. Source: Accessed 30 September 2021 at 9:13 AM.¹⁵

41. Unlike other forms of public criminal records available through the State of Michigan’s websites, the registry also allows internet users to “map” the registrant and “submit a tip” directly to authorities.

¹⁴ The links searched have not been included because doing so would disclose the identity of the registrants pictured. Those links are on file with the author and can be provided to the Court upon request.

¹⁵ <https://mdocweb.state.mi.us/otis2/otis2profile.aspx?mdocNumber=644836>.



*User options to track, map, or report a registrant on the registry website
Source: Accessed 30 September 2021 at 9:15 AM.*

42. The registry thus allows for a highly interactive user experience that (a) communicates that registrants are an especially dangerous class of people with convictions and (b) encourages and enables much more serious — and more pervasive — intrusions on registrants’ privacy than those inflicted on individuals with other types of criminal histories.

43. Unlike the static, archival posting of court and criminal history records made available to the public only through targeted searches, the registry website states: “This registry is made available through the Internet with the intent to better assist the public in preventing and protecting against the commission of future criminal sexual acts by convicted sex offenders.” This messaging signals a highly dangerous type of criminal who requires constant public monitoring and scrutiny, while also assigning elevated stigma and leading the public to believe that all registrants are dangerous.

44. Another key difference is that registries consist of regularly updated, registrant-provided data, rather than the archival nature of other forms of criminal record information. For example, the presentation of updated photographs and addresses may create the public perception that a person with a sexual offense conviction is a current public safety threat or that their offense was recent. This may pose particularly harmful perceptions for a long-ago offense that involved consensual sex between an of-age teen and an underage teen that resulted in registration but is now associated with the identification of a grown adult. For example, an internet user viewing a photograph of a 55-year-old registrant who is listed for “criminal sexual conduct III (person 13-15)” will likely assume that there was a 40-year age gap, when in fact, given the age of the offense, the registrant may be listed for having had a teenage relationship.

45. In sum, the interface, text, and tracking options included in the registry website do not simply provide historical conviction information, but present registrants as presently dangerous.

The changing internet context and “pushes” of registrant data to users

46. *Smith v. Doe* was argued in 2002, when the internet was a vastly different tool. Wikipedia was one year old.¹⁶ In 2001, only 3% of Americans said they got most of their information about the 9/11 attacks from the internet.¹⁷ The average internet user spent 83 minutes online per day. In 2002, only 44% of people who had internet access at work said the internet helped them do their jobs.¹⁸

47. In November 2002, the month *Smith* was argued, only 15% of Americans had access to broadband internet in their homes. Today, that number is 77%,¹⁹ with an additional 15% of Americans using smartphones only to access the internet at home.²⁰ While only 59% of American adults used the internet at all in 2002, today 93% of American adults use the internet.²¹ In 2002, only 6% of Americans said they would have a hard time giving up their Blackberry or other wireless email device.²² By 2021, 85% of Americans own a smartphone.²³

¹⁶ Wikipedia, “History of Wikipedia.” Accessed 27 September 2021.

https://en.wikipedia.org/wiki/History_of_Wikipedia.

¹⁷ Pew Research. “World Wide Web Timeline.” Accessed 27 September 2021.

<https://www.pewresearch.org/internet/2014/03/11/world-wide-web-timeline/>.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Pew Research, “Mobile Technology and Home Broadband 2021.” 3 June 2021. Accessed 27 September 2021.

<https://www.pewresearch.org/internet/2021/06/03/mobile-technology-and-home-broadband-2021/>.

²¹ Pew Research, “Internet/Broadband Fact Sheet.” Accessed 27 September 2021. <https://www.pewresearch.org/internet/fact-sheet/internet-broadband/>.

²² Pew Research, “Mobile internet moves into the mainstream.” 25 March 2008. Accessed 27 September 2021.

<https://www.pewresearch.org/internet/2008/03/25/mobile-internet-moves-into-the-mainstream/>.

²³ Pew Research, “Mobile Technology and Home Broadband 2021.” 3 June 2021. Accessed 27 September 2021.

<https://www.pewresearch.org/internet/2021/06/03/mobile-technology-and-home-broadband-2021/>.

48. Internet use has been especially crucial during the COVID-19 pandemic lockdowns. 90% of Americans reported that the internet has been “essential or important” to them and 40% used technology in new ways because of the pandemic.²⁴

49. As noted above, in *Smith*, the majority opinion described the process of accessing registrant information as follows: “An individual seeking the information must take the initial step of going to the Department of Public Safety’s Web site, proceed to the sex offender registry, and then look up the desired information. The process is more analogous to a visit to an official archive of criminal records than it is to a scheme forcing an offender to appear in public with some visible badge of past criminality.”²⁵ This characterization not only does not reflect how Michigan’s registry operates today, but also does not reflect how registrant information that is originally posted on a state registry like Michigan’s is reproduced on the internet. Rather than requiring an internet user to seek out registrant information by accessing a governmental database or criminal record archive, this information is now routinely pushed or provided to web users even without their intent to access such records.

50. Public records, including registrant information, have become a valuable data commodity.²⁶ In particular, registrant information has become a valuable data source for websites that aggregate public records to create reports about people and places. In these largely unregulated web services, companies supply and display geo-specific registry information without a user ever making a specific request. Registry information is scraped from governmental sources and repackaged into a web product that is pushed to internet users.

51. For instance, Homefacts.com, a site that provides neighborhood information, supplies registrant information along with information about property prices and school ratings. The image below shows a free Homefacts report about Detroit that uses registry data as a key indicator of an area overview.

²⁴ Pew Research, “The Internet and the Pandemic.” Accessed 27 September 2021. <https://www.pewresearch.org/internet/2021/09/01/the-internet-and-the-pandemic/>

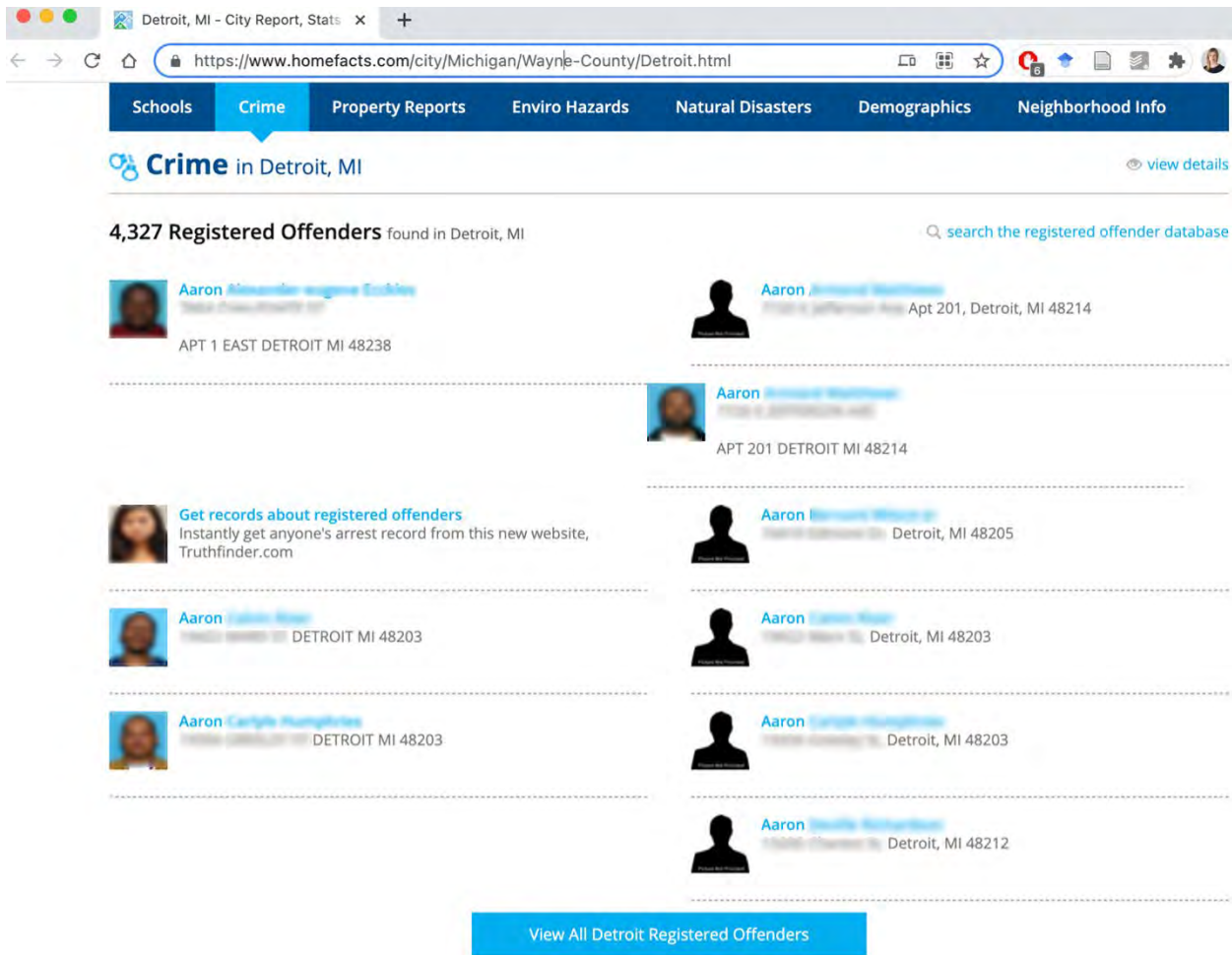
²⁵ *Smith v. Doe*, 538 U.S. 84, 99 (2003).

²⁶ Lageson, *Digital Punishment*.

The screenshot shows the Homefacts website interface for a city report on Detroit, Michigan. The browser address bar shows the URL: homefacts.com/city/Michigan/Wayne-County/Detroit.html. The navigation menu includes: Area Overview, Property Reports, Offenders, Schools, Crime Stats, and More. A search bar is present with the placeholder text "Enter an address, city & state or zip code". The breadcrumb trail is: Home » City » Michigan » Wayne County » Detroit. The main heading is "Detroit, Michigan" with a population of 701,524. The text states: "Detroit is located in Wayne County, MI. The population is 701,524, making Detroit the largest city in Wayne County and the largest city in the state of Michigan. There are 326 public schools in Detroit with an average Homefacts rating of D+. The total crime rate for Detroit is very low, and there are 4,327 registered sex offenders residing in the city. Unemployment in Detroit is high and the median home sales price is \$0. Detailed and up-to-date Detroit property reports are available for any property address. Cities near Detroit include Highland Park, Hamtramck and Hazel Park." The "Detroit Neighborhood Report" section lists the following metrics: Schools (School Rating is Below Average), Crime Rate (60.17% Higher than national avg.), Registered Offenders (73.26% Higher than national avg.), Environmental Hazards (2,334 Found nearby), Unemployment (High 10.7%), and Property Values (Median Property Value \$0). A map of Detroit is shown on the right, highlighting the Hamtramck neighborhood. The footer of the report section includes tabs for: Schools, Crime, Property Reports, Enviro Hazards, Natural Disasters, Demographics, and Neighborhood Info.

Homefacts.com use of registry information to create city assessment reports. Source: Accessed 7 October 2021 at 2:19 PM.

52. Scrolling down the Homefacts webpage, a user is provided with a set of registrants, including their photographs and home addresses.



Homefacts.com dissemination of registrant photographs and personal information. Photos and home addresses have been blurred to protect the identities of registrants featured on this website. Source: Accessed 7 October 2021 at 2:21 PM.

53. Companies like Homedisclosure.com similarly aggregate public records to create customized reports based on an address for prospective home-buyers, using registry records to flag “concerns” and “alerts” for a specific location based on the number of registrants nearby. A sample report from Homedisclosure.com shows the prevalence of registry data in crafting their address scores. Here again, an internet user is provided local registrant information without requesting such information in the first place.

The screenshot displays a web browser window with the URL <https://homedisclosure.com/samplereport/>. The page header includes the Home Disclosure logo and the title "Sample Report". A prominent blue banner states "OVER 450,000 RECORDS CHECKED". Below this, the address "1234 SAMPLE ADDRESS, Sample City, CA 00000" and an "ESTIMATED VALUE RANGE" of "\$874,416 - \$985,324" are shown. The report is organized into three columns: Alerts (18), Concerns (15), and Benefits (5). The Alerts column lists 13 Local Offenders, 2 Nearby Fault Lines, and 3 Environmental Hazards. The Concerns column lists a Slightly High Crime Index, Medium Air Quality, and Moderate Flood Risk. The Benefits column lists Excellent School Ratings, Very Low Tornado Risk, and No Former Drug Activity. Two images are shown: a street view of a house and an aerial view of the neighborhood. A "Crime Alert" section is expanded, showing a Crime Index Rating of Slightly High, 2 Neighborhood Offenders, and 2 Nearby Offenders. It also notes 0 Former Labs Found on the property and 2 Former Drug Labs Found within 1 mile.

Homedisclosure.com report that highlights registrants in the targeted area. Source: Accessed 27 September 2021 at 10:33 AM at <https://homedisclosure.com/samplereport/>.

54. Other companies aggregate public records to sell “people search” reports to consumers. In these reports, companies now proactively include registrant information for people who live nearby the target of the search, pushing registrant data to internet users who are seeking information on a different person altogether.

55. For instance, the web service Instant Checkmate provides background reports that draw upon public records databases and report addresses, criminal histories, and social media accounts for the search target. However, Instant Checkmate also affirmatively posts registrant information for people who live in proximity to the search target. A sample Instant Checkmate report provided by the company displays the registrant data included on background check reports for non-registrants.

The screenshot shows a web browser window with the URL [instantcheckmate.com/crimewire/post/instant-checkmate-sample-report/](https://www.instantcheckmate.com/crimewire/post/instant-checkmate-sample-report/). The page has a navigation bar with links for NEWS, TRUE CRIME, SAFETY, and RELATIONSHIPS. Below the navigation bar is a search bar with the text "Start Your People Search Now!" and input fields for "First Name" and "Last Name".

The main content area is titled "Sex Offenders" and includes a sub-header "Sex Offenders" with a warning icon. Below this is a search prompt: "This section shows the names, locations, and offenses of registered sex offenders living in close proximity to Jane J. Doe. To see what Sex Offenders live in your area, please search your name in the fields above." There is also a "Flag As Inaccurate:" link and a "Rate This Section:" area with five stars.

The search results are for "40 Sex Offenders Near 1234 Barnes Street, Tahoe, California 95060". A map shows the location with several red pins. Below the map are two offender profiles:

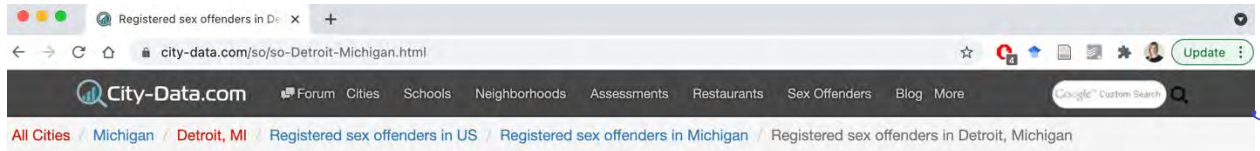
- Paul**: Offense: Lewd of Lascivious Acts With A Child Under 14 Years of Age. Links: View Arrest Details, View Background Report.
- John**: Offense: Lewd of Lascivious Acts With A Child Under 14 Years of Age. Links: View Arrest Details, View Background Report.

At the bottom of the results, there is a link "View All Sex Offenders (2 of 40)".

Click on the "View Sex Offenders" button next to an address to possibly see nearby registered sex offenders. This section includes a map of where the offenders live and links to their Instant Checkmate background checks.

Sample Instant Checkmate report advertising integration of registrant photographs, offense, and link to purchase a background report. Source: Accessed 27 September 2021 at 1:53PM, <https://www.instantcheckmate.com/crimewire/post/instant-checkmate-sample-report/>.

56. Similarly, city-data.com offers a broad set of information about cities, towns, and zip codes, including population demographics, weather patterns, real estate taxes, tourist attractions, industries and occupations, and education. The site also offers its own sex offender locator, built directly into the website. Clicking on a search result reveals the name, home address, sex, age, eye color, hair color, height, weight, scars/marks/tattoos, and race of the registrant.



Registered sex offenders in Detroit, Michigan

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City-data.com makes no representation, implied or expressed, that all information placed on this web site is accurate or timely. City-data.com and its owners accept no responsibility or liability for damages of any kind resulting from reliance on this information or lack thereof. The information that is displayed on this site derives from official public records. It is possible that the information displayed here does not reflect the current residence or other information. Users are forewarned that it is incumbent upon them to verify information with the responsible state agency or the local law enforcement agency. The information displayed on this site provides no representation as to any offender's possibility of future crimes. Persons who use the information contained on this website to threaten, intimidate, or harass any individual, including registrants or family members may be subject to criminal prosecution or civil liability under state or federal law. Each state has its own information collection policy. Review individual state conditions before use. Note that not all criminal offenses require registration with the state police, only those covered by the statutes. Note that other people that are not sex offenders can share the same name.

THE INFORMATION PROVIDED ON THIS SITE IS PROVIDED AS A PUBLIC SERVICE ONLY AND SHOULD NOT BE USED TO THREATEN, INTIMIDATE, OR HARASS. MISUSE OF THIS INFORMATION MAY RESULT IN CRIMINAL PROSECUTION.



According to our research of Michigan and other state lists, there were 3,491 registered sex offenders living in Detroit as of October 01, 2021.

The ratio of all residents to sex offenders in Detroit is 193 to 1.

City-data.com registered sex offender tool integrated into its website. Source: Accessed 1 October 2021 at 9:45 AM.

57. Importantly, none of these private companies push or proactively provide criminal conviction information for any other type of criminal record, including violent crime or homicide. Nor do these third-party websites report any personal information about people with other criminal convictions, such as their home address or photograph. Instead, these websites elect only to provide registry information, something which state-run websites like the Michigan registry made especially easy, by allowing for other users to access their continually-updated data on registrants. This allows third parties to easily copy and repost the registry to other sources and websites.

58. Private entities have also aggregated registrant information posted to state websites and created new, private databases of such information to generate income through reposting information contained in state registries. Family-watchdog.us, for instance, is owned by an Indiana-based for-profit company called FWD Holdings²⁷ that aggregates registry information from states and repackages it for internet users to their site.

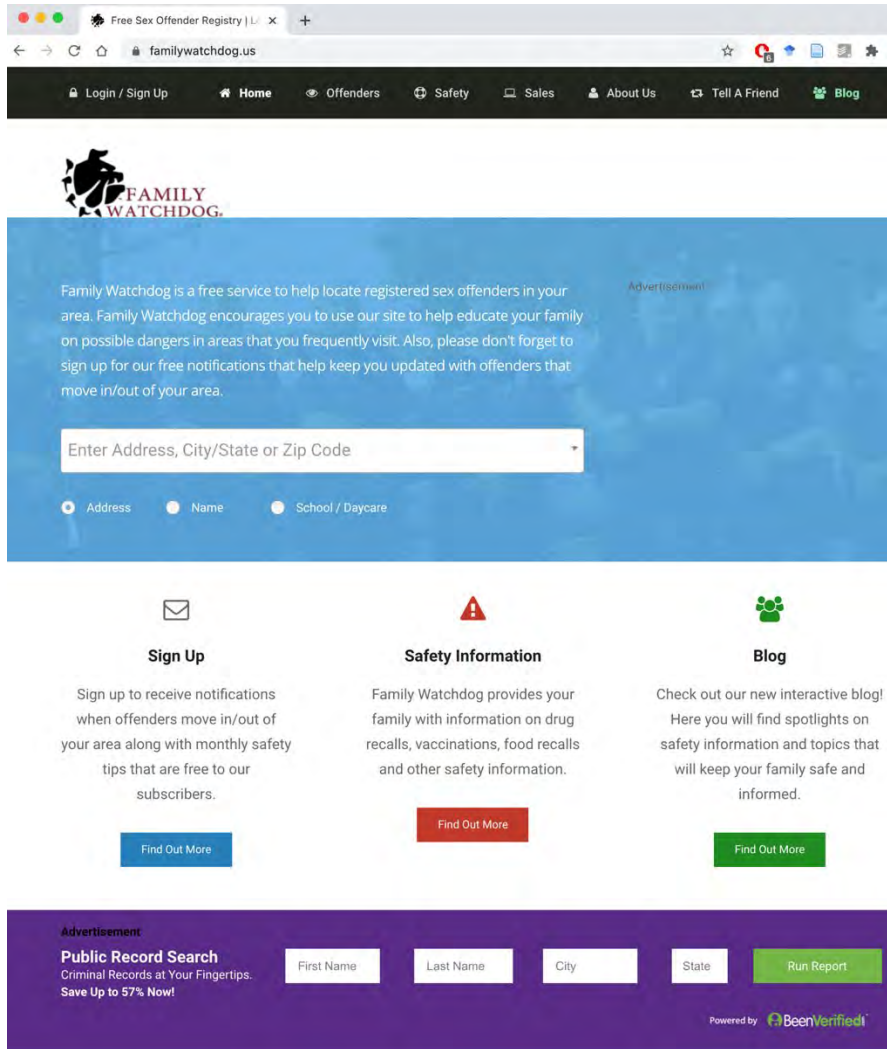
59. The website hosts advertisements and links to other for-profit records aggregators, such as BeenVerified.com. For instance, a search result for an address reveals a map of registrants and also includes an advertisement to the registrant's BeenVerified background check, a non-Fair Credit Reporting Act compliant private background check available for sale to consumers.²⁸ Thus, various for-profit websites work in concert to monetize registrant data across web services.

60. Familywatchdog.us provides sales packages to media entities, law enforcement agencies, and other private companies seeking to mine registry data or host maps or mobile applications showing the locations of registrants, effectively using public registrant information as a for-profit data commodity.²⁹

²⁷ FWD Holdings Incorporated is a domestic, for-profit corporation located at 2230 Stafford Road, Suite 115, Plainfield IN 46168 and operating under Indiana Business ID 2009081300027. See <https://bsd.sos.in.gov/PublicBusinessSearch/>.

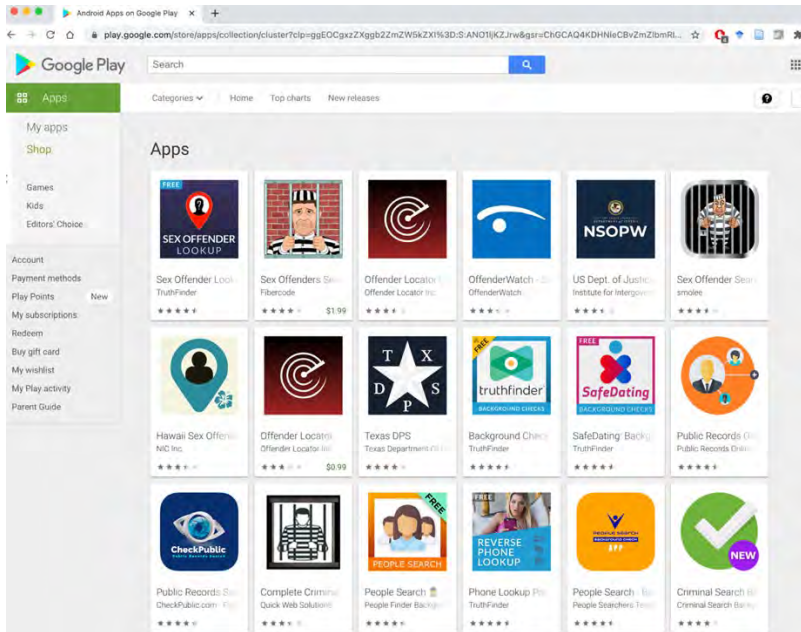
²⁸ "People search" websites like Instant Checkmate and BeenVerified do not consider their businesses Consumer Reporting Agencies and thus do not comply with the requirements of the Federal Fair Credit Reporting Act. Users are warned that the background checks they purchase are not checked for accuracy and are not to be used for hiring or housing decisions.

²⁹ FamilyWatchdog, "Business," Accessed 27 September 2021. <https://www.familywatchdog.us/servicetext/Business.asp>.



Familywatchdog.us options for registrant tracking and links to advertisers selling background reports on registrants revealed through searches. Source: Accessed 27 September 2021 at 1:38 PM at <https://www.familywatchdog.us/>.

61. Mobile apps also collect and aggregate registrant data into new formats that allow “push notifications” that affirmatively alert users when they are in proximity to a registrant’s address.



Mobile apps that source registrant information and aggregate onto private platforms. Source: Accessed 27 September 2021 at 1:50 PM,

https://play.google.com/store/apps/collection/cluster?clp=ggEOCgxzZXggb2ZmZW5kZXI%3D:S:ANO1ljKZJrw&gsrc=ChGCAQ4KDHNleCBvZmZlbnRlcg%3D%3D:S:ANO1ljKOTBw&hl=en_US&gl=US.

62. In sum, changes in internet infrastructure and database technology over the nearly two decades since *Smith v. Doe* have transformed registry information from a government-run source that a user had to intentionally access into a large scale, private-sector data commodity that is duplicated, aggregated, and pushed to innumerable internet users who passively receive registrant information without even intending to access it. The fact that the internet “pushes” registrant data, even where registrant information is not actively sought by a member of the public, illustrates how internet technology has fundamentally altered the scope, reach, and function of registries.

63. The unusually detailed and continually updated nature of the information provided in the Michigan registry in turn enables a growing ecosystem of private sector uses of registry data for surveillance, stigmatization and shaming purposes. These new functions and the broad reach of registry information make today’s registries completely unlike those considered by the Supreme Court in *Smith*.

Search Engine Optimization and Registry Records

64. Search engine optimization has increased public access to registrants’ personal information because the nature of such information is prioritized by internet search engine algorithms, frequently causing the registrant’s status on the

registry and personal information, such as home address, to end up among the top search results for a registrant's name in a basic internet search.

65. The use of internet-based registries and the aggregation and re-posting of registrant information has allowed search engines, like Google, to "index" information posted to governmental websites and incorporate text into search results. As "search engine spiders" continuously "crawl" public webpages,³⁰ a basic Google search for that person's name will often return a link to a governmental sex offender registry website.³¹

66. Search results are ranked by how often an internet user clicks a link. Due to the "shock value" of sex offender information in the search results for a person's name, links to websites that post registry information often maintain dominance as top results for an individual.³²

67. The high ranking of registry-related websites is further compounded by search engine optimization factors that purposefully increase the visibility of governmental websites when users run a basic query. Governmental sites are considered by Google algorithms to be more "trustworthy" and thus more likely to hold a dominant position in search results.³³

68. Analytics provided by Google Trends shows that people have increasingly turned to search engines to seek out registrant information, potentially making it unnecessary to conduct targeted searches of a government-run registry, the original intent of publishing such official websites in the first place. Put different, a user used to directly seek out the state registry website to look for an individual person's registry status. That information is now readily available via a routine Google search. This means that users no longer have to seek out registry information; instead they can inadvertently learn a person is on a registry through a

³⁰ "Search Engine Optimization (SEO) Starter Guide," Google, accessed September 11, 2020:

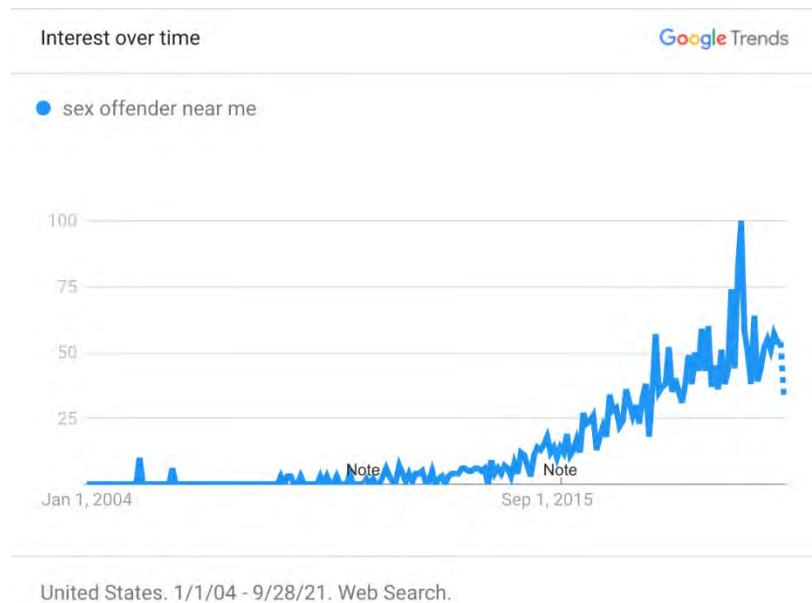
<https://support.google.com/webmasters/answer/7451184?hl=en>.

³¹ Pierce, Doug. "The SEO Behind Mugshot Websites," *Cogney*, October 7, 2013, <https://www.cogney.com.hk/blog/mugshot-seo/>.

³² Pierce, Doug, "The SEO Behind Mugshot Websites," *Cogney*, October 7, 2013, <https://www.cogney.com.hk/blog/mugshot-seo/>.

³³ Digital.gov. "Why government websites need SEO." May 2, 2013: <https://digital.gov/2013/05/02/why-government-websites-need-seo/>.

basic, generic search for an individual. Search engine algorithms boost this type of information, multiplying access to a variety of sources that post registry data.³⁴



United States. 1/1/04 - 9/28/21. Web Search.
 Google Trends analysis of internet search term “sex offender near me” from 2004-2021. Source:
 Accessed 28 September 2021,
<https://trends.google.com/trends/explore?date=all&geo=US&q=sex%20offender%20near%20me>.

69. Accessing registry data used to involve an active exchange of information between the registry websites and an internet user. Today, registry information is disseminated broadly across the internet due to the which, as noted above, is unlike *Smith v. Doe*’s analogy to visiting a criminal records archive.³⁵ The Michigan registry and the attendant private websites have duplicated and disseminated these data into the public sphere – the internet – in a manner far beyond how the internet operated nearly twenty years ago.

³⁴ Google Trends, “Sex Offender Near Me.” Accessed 28 September 2021,
<https://trends.google.com/trends/explore?date=all&geo=US&q=sex%20offender%20near%20me>.

³⁵ Schuler, Rus. “How Does the Internet Work?” Stanford White Paper (2002). Retrieved from: <https://web.stanford.edu/class/msande91si/www-spr04/readings/week1/InternetWhitepaper.htm>.

The Michigan registry creates discriminatory harms and leads to institutional and digital avoidance

70. It is generally accepted by social scientists that being labeled a criminal sexual offender is strongly correlated with a broad set of stigmatization and harms, including discrimination in employment, housing, education, and civic and community organizations, as well as social, psychological, and personal stigmatization, alienation, and public humiliation. These correlations have been tested, peer reviewed, and validated across multiple disciplines, including economics, sociology, criminology, psychology, and empirical legal studies.

71. Social scientists have detailed the specific collateral consequences for registrants, which show social stigmatization, loss of relationships, barriers to employment and housing, and verbal and physical assaults.³⁶

72. In the case of the Michigan registry, the requirement to publish (and update) the address of a registrant's employer may contribute to employment-based discrimination, because employers are likely to be reticent about being publicly associated with a registrant.

73. Numerous studies have detailed the difficulties in obtaining housing for people on the registry.³⁷ Quasi-experimental research has demonstrated that convictions for sex-related offenses are more stigmatized than other convictions and lead to more discrimination within the housing market.³⁸

74. In the case of the Michigan registry, the requirement to publish one's current home address may contribute to housing discrimination, as landlords are likely to be reticent about having their property address associated with the Michigan registry and posted to third party websites that push registrant data to users.

³⁶ Tewksbury, Richard. "Collateral consequences of sex offender registration." *Journal of Contemporary Criminal Justice* 21, no. 1 (2005): 67-81.

³⁷ Tewksbury, Richard, Elizabeth Ehrhardt Mustaine, and Shawn Rolfe. "Sex offender residential mobility and relegation: The collateral consequences continue." *American Journal of Criminal Justice* 41.4 (2016): 852-866; Williams, Monica. *The Sex Offender Housing Dilemma*. New York University Press, 2018.

³⁸ Evans, Douglas N., and Jeremy R. Porter. "Criminal history and landlord rental decisions: A New York quasi-experimental study." *Journal of Experimental Criminology* 11.1 (2015): 21-42.

Institutional Avoidance

75. When a person’s sex offender status “pops up” on the internet, the social consequences can be devastating for individuals, especially in public social environments like schools, workplaces, civic organizations, and religious institutions.³⁹

76. Evidence shows that this personal and social stigmatization leads people to purposefully “opt out” of formal institutional arrangements and relationships that might trigger a Google search, also referred to as institutional and systems avoidance.⁴⁰

77. This avoidance has professional, economic, personal and familial consequences,⁴¹ and has been linked to decreases in civic and political engagement,⁴² such as volunteering (which in turn has been linked to a lower likelihood of future arrest).⁴³

Digital Avoidance

78. People who are publicly stigmatized on the internet also exhibit “digital avoidance” – a purposeful opting out of digital spaces that may trigger an internet

³⁹ Lageson, Sarah Esther. “Found out and opting out: The consequences of online criminal records for families,” *The ANNALS of the American Academy of Political and Social Science* 665, no. 1 (2016): 127. While most of the research in this area has been about the consequences of being identified on the internet as a person with a criminal record, being identified as a sex offender is even more stigmatizing. In addition, as discussed, registry information is more likely to be “pushed” out on the internet unlike other criminal history information.

⁴⁰ Brayne, Sarah. “Surveillance and System Avoidance: Criminal Justice Contact and Institutional Attachment,” *American Sociological Review* 79, no. 3 (June 2014): 367.

⁴¹ Lageson, Sarah and Christopher Uggen, “How Work Affects Crime—And Crime Affects Work—Over the Life Course;” Goffman, Alice. *On The Run: Fugitive Life in an American City* (Chicago: University of Chicago Press, 2014)

⁴² Lerman, Amy E., and Vesla M. Weaver. *Arresting citizenship: The democratic consequences of American crime control*. University of Chicago Press, 2014.

⁴³ Uggen, Christopher, and Jennifer Janikula. “Volunteerism and arrest in the transition to adulthood.” *Social forces* 78, no. 1 (1999): 331-362.

search for their name.⁴⁴ This means choosing not to use routine technologies. Such digital avoidance further reduces the ability of registrants to engage in pro-social behaviors known to reduce crime, such as securing safe and stable employment and housing.⁴⁵

79. Research shows that people stigmatized on public registries resort to self-policing their behavior and avoid using the internet to avoid further publicizing their stigmatizing label.⁴⁶

80. Registry requirements exacerbate these effects when laws require registrants to publicly disclose all internet identities they have created, generating another powerful incentive not to use the internet.

81. The impact of digital avoidance is especially harmful in light of the ubiquity of the internet in daily life, particularly during the pandemic, where 90% of Americans say the internet has been essential or important.⁴⁷ In general, 3 in 10 American adults report that they are almost “constantly” online.⁴⁸ Only 7% of Americans report that they do not use the internet regularly.⁴⁹

82. Not having an online identity can be harmful to employment prospects. The Society of Human Resources Management, for example, reports that a lack of social media presence can hurt job seekers, citing a CareerBuilder study that 35% of employers are less likely to interview applicants they can’t find online.⁵⁰

⁴⁴ Lageson, *Digital Punishment* at 118-122.

⁴⁵ *Ibid.*

⁴⁶ *Ibid.*

⁴⁷ Pew Research, “The Internet and the Pandemic,” 1 September 2021. Accessed 1 October 2021, <https://www.pewresearch.org/internet/2021/09/01/the-internet-and-the-pandemic/>.

⁴⁸ Pew Research, “About three-in-ten U.S. adults say they are ‘almost constantly’ online,” 26 March 2021. Accessed 1 October 2021, <https://www.pewresearch.org/fact-tank/2021/03/26/about-three-in-ten-u-s-adults-say-they-are-almost-constantly-online/>.

⁴⁹ Pew Research, “7% of Americans don’t use the internet. Who are they?” 2 April 2021, Accessed 1 October 2021, <https://www.pewresearch.org/fact-tank/2021/04/02/7-of-americans-dont-use-the-internet-who-are-they/>.

⁵⁰ Society of Human Resources Management, “Lack of Social Media Presence Can Hurt Job Seekers.” 18 May 2015. Accessed 1 October 2021,

83. The internet is also a primary way people connect socially. The percentage of U.S. adults who use at least one social media site has steadily grown since the early 2000's, with 72% of adults now reporting they access social media.⁵¹ Registrants who are reticent to report social media accounts are effectively shut out of this central social platform.

84. Social media is also increasingly used as a communications tool between people and government and other institutions. For example, experts report that social media is increasingly used by local governments to post essential information to constituents.⁵² Requiring registrants to publicly disclose their social media credentials may lead them off platforms that deliver important public information or are fora for public debate. Similarly, many news websites require usernames or social media logins to read or comment on articles. Relatedly, this means that a registrant's use of any site with these credentialing requirements would become known to the state and, if the registrant's identifiers are posted online as Michigan's law allows, also become known to the public.

85. The integration of social media and email accounts directly into other websites also poses obstacles for registrants. Internet sites now routinely allow users to log in using social media credentials, such as a Facebook account. At times, these logins happen automatically, allowing social media to track a person's activity on other websites through their account.⁵³ This means that for registrants, entire categories of routine websites may be impacted by the requirement under Michigan law to register any website account with the state. Not knowing whether or not their social media or email accounts have been linked to other websites will likely contribute to digital avoidance to avoid risking an inadvertent registration

<https://www.shrm.org/resourcesandtools/hr-topics/technology/pages/lack-of-social-media-presence-can-hurt-job-seekers.aspx>.

⁵¹ Pew Research, "Social Media Fact Sheet." Accessed 1 October 2021, <https://www.pewresearch.org/internet/fact-sheet/social-media/>.

⁵² Husing, Chris, "How Social Media is Elevating Engagement for Local Government," *Governing* 24 February 2020. Accessed 7 October 2021, <https://www.governing.com/now/how-social-media-is-elevating-engagement-for-local-government.html>.

⁵³ Experian, "Is it safe to use Facebook to login to other sites?" 29 April 2018. Accessed 7 October 2021, <https://www.experian.com/blogs/ask-experian/is-it-safe-to-use-facebook-to-login-on-other-sites/>.

violation. Registrants may also entirely avoid any website that requires registration at all, as their use of the site may be publicly linked to their registry status.

86. Despite the ubiquity of social media, some platforms, including Facebook⁵⁴ and Instagram⁵⁵, ban people convicted of sex offenses from their sites altogether, and even encourage other users to report such individuals so they can be removed from the platform.⁵⁶ Such blanket bans by social media platforms simply adopt the false assumption that all such individuals pose a lifelong public safety risk – an assumption that is reinforced by state registries. People with past sex offenses convictions are thus excluded from many of the major digital fora that are used today for economic, social, political and commercial exchanges.

Public safety and recidivism consequences

87. Research shows that public labeling can also lead to increased crime and be detrimental to public safety. As described by one scholar: “A stigmatized individual may work to supersede the stigma through excelling at something else; he may seek to capitalize on the stigma for some sense of gain (although this does not seem probable for registered sex offenders). On the other hand, an offender may feel that his case is helpless and he will always be seen in a negative light, and thus reoffending would make little difference... In this last case, the chances for recidivism would be greatest.”⁵⁷

88. Empirical research on labeling theory has documented the so-called self-fulfilling prophecy that can lead to future offending and harm public safety. Research involving 95,919 men and women found that those people who were formally,

⁵⁴ Facebook Terms of Service, Accessed 10 October 2021, <https://www.facebook.com/terms.php>.

⁵⁵ Instagram Terms of Use, Accessed 10 October 2021, <https://help.instagram.com/581066165581870>.

⁵⁶ Facebook Help Center, “How can I report a convicted sex offender on Facebook?” Accessed 7 October 2021, <https://www.facebook.com/help/210081519032737>.

⁵⁷ Tewksbury, Richard. “Collateral consequences of sex offender registration.” *Journal of Contemporary Criminal Justice* 21, no. 1 (2005): 67-81 at 69.

publicly labeled as a criminal were significantly more likely to recidivate within two years than those who were not.⁵⁸

89. Researchers have identified several mechanisms to explain why labeling leads to disengagement with society and a higher potential for reoffending. “Desistance” theories argue that public labels undercut an individual’s ability to overcome stigmatization. In his study of British ex-convicts, Shadd Maruna argues that to maintain “abstinence from crime, ex-offenders need to *make sense* of their lives”⁵⁹ by developing a coherent identity for themselves. He terms this “willful, cognitive distortion” as “making good.”⁶⁰ The highly-influential Maruna studies⁶¹ thus demonstrated that personal agency—though difficult to measure or operationalize—was key in successful desistance.

90. I collaborated with Dr. Maruna to examine his theory in light of the digital transformation and online disclosures of criminal records. Our study found that internet-based stigma, in particular, limits the personal agency inherent in desistance, hindering the necessary cognitive and personal transformations for desistance from crime.⁶²

Vigilantism & Digilantism

91. Researchers have documented vigilantism against registrants, including stalking, threats, harassment, and violence.⁶³

⁵⁸ Chiricos, Ted, Kelle Barrick, William Bales, and Stephanie Bontrager, “The Labeling of Convicted Felons and its Consequences of Recidivism,” *Criminology* 45, no. 3 (August 2007): 547.

⁵⁹ Maruna, Shadd. *Making Good* (Washington, DC: American Psychological Association, 2001), 7.

⁶⁰ Maruna, *Making Good*, 9.

⁶¹ The researcher’s entire body work on this topic has been cited 20,019 times as of October 7, 2021:

<https://scholar.google.com/citations?user=e0qdrFUAAAAJ&hl=en&oi=sra>

⁶² Lageson, Sarah Esther, and Shadd Maruna. “Digital degradation: Stigma management in the internet age.” *Punishment & Society* 20, no. 1 (2018): 113-133.

⁶³ Tewksbury, Richard. “Collateral consequences of sex offender registration.” *Journal of Contemporary Criminal Justice* 21, no. 1 (2005): 67-81 at 76; Williams, Monica. *The Sex Offender Housing Dilemma*. New York University Press, 2018 at 1.

92. In my research, I use the term “digilantism” to describe how vigilante activities targeted toward people with criminal records increasingly occur online as information becomes more easily accessible or inadvertently discovered by internet users.⁶⁴

93. In the case of the Michigan registry, the risk of vigilantism may be increased by the interface of the registry website, which allows for browsing and address searching, including for places of employment. This may also lead to other consequences, such as when landlords and human resources officials are tipped off by neighbors or fellow employees about the registration and internet publication of a rental property or workplace address.

94. People who appear in registries are also vulnerable to “pedophile hunting” groups, which are often organized on social media platforms.⁶⁵ For instance, the hashtag #shootyourlocalpedophile on Twitter and TikTok reveal substantial social media activity around using public registry information to identify, shame, and threaten real life harm to registrants.⁶⁶

95. Digilantism concerns have caused some criminal justice agencies to change policies regarding the availability of personally identifying information in online records. For example, the Arizona Department of Corrections has removed dates of birth from inmate rosters after noting that “some ADC inmates have recently been victims of identity theft and fraud.”⁶⁷ Several police departments have ended the practice of posting pre-arraignment information to social media and websites.⁶⁸

⁶⁴ Lageson, *Digital Punishment* at 91.

⁶⁵ Purshouse, Joe. “‘Paedophile Hunters’, Criminal Procedure, and Fundamental Human Rights.” *Journal of Law and Society* 47, no. 3 (2020): 384-411; Kozłowska, Hannah. “There’s a global movement of Facebook vigilantes who hunt pedophiles.” *Quartz* July 24, 2019. <https://qz.com/1671916/the-global-movement-of-facebook-vigilantes-who-hunt-pedophiles/>

⁶⁶ See, for instance, on Twitter <https://twitter.com/hashtag/shootyourlocalpedophile>

⁶⁷ Arizona Department of Corrections. “Using Inmate Search.” <https://corrections.az.gov/public-resources/inmate-datasearch/using-inmate-datasearch>.

⁶⁸ Bidgood, Jess. “After Arrests, Quandary for Police on Posting Booking Photos.” *New York Times* June 26, 2015. <https://www.nytimes.com/2015/06/27/us/after-arrests-quandary-for-police-on-posting-booking-photos.html>.

The San Francisco Police Department recently banned the release of mugshots to prevent a “potentially negative outcome for justice-involved persons” before their conviction, even though California law deems arrestee information as public record.⁶⁹ Criminal courts have installed software to block search engine indexing and have extensive strategies for redaction and privacy policies.⁷⁰

The Sixth Circuit Has Noted the Vastly Increased Harms of State-Sponsored Internet Disclosures.

96. Federal courts are beginning to recognize the harms of internet-based disclosures of state records of many types. The case of mugshots is illustrative. Although Courts have long recognized the stigmatization of mugshots, they have recently begun to address their significance in a digital media context. Most notable was the Sixth Circuit’s decision in *Detroit Free Press, Inc. v. Department of Justice (Free Press II)*, 829 F.3d 478 (6th Cir. 2016) (en banc), to reverse its earlier decision in *Detroit Free Press, Inc. v. Department of Justice (Free Press I)*, 73 F.3d 93 (6th Cir. 1996).

97. In 1996, the *Free Press I* court ruled that the Freedom of Information Act (FOIA) requires the release of booking photos because defendants lack any privacy interest in their photos.

98. Twenty years later, the en banc court overruled this decision, finding instead that individuals do enjoy a non-trivial privacy interest. Technology played a key role in the majority’s argument, with the judges explaining that potential employers and other acquaintances may easily access booking photos on these websites, “hampering the depicted individual’s professional and personal prospects.”⁷¹

⁶⁹ San Francisco Police Department. Department Notice 20-112. 07/01/20. <https://www.sanfranciscopolice.org/sites/default/files/2020-07/SFPDDN20.112.20200701.pdf>.

⁷⁰ Robertson, Jordan. “AP Impact: When Your Criminal Record Isn’t Yours,” *Associated Press*, December 16, 2011; Clarke, Thomas M. “Privacy and Public Access Policies: Slides to accompany 2017 NACM Annual Conference presentation ‘New Guidelines for Public Access to Court Records: What has Changed?’” *National Center for State Courts* (2017). <https://ncsc.contentdm.oclc.org/digital/collection/tech/id/879>.

⁷¹ *Free Press II*, 829 F.3d at 482.

99. In a concurring opinion, Chief Judge Cole observed that: “Twenty years ago, we thought that the disclosure of booking photographs, in ongoing criminal proceedings, would do no harm. But time has taught us otherwise. The internet and social media have worked unpredictable changes in the way photographs are stored and shared. Photographs no longer have a shelf life, and they can be instantaneously disseminated for malevolent purposes. Mugshots now present an acute problem in the digital age: these images preserve the indignity of a deprivation of liberty, often at the (literal) expense of the most vulnerable among us. Look no further than the online mugshot-extortion business.”⁷²

Conclusion: Given the realities of our modern digital age and how the Michigan registry is configured, the registry promotes extreme public shaming, severely impacts registrants’ ability to participate in on-line economic, social, and political life, and damages registrants’ ability to obtain housing, employment and social supports.

100. In sum, the internet as it exists today has dramatically changed the form, function, and reach of registries. The manner in which registry information is posted and re-posted through the Michigan portal creates a disproportionate level of public shaming, particularly when imposed on people who present no public safety risk.

101. Because inclusion on a registry lacks individualized review, registries present all registrants as equally risky and in need of continued monitoring and public oversight.

102. From a public safety standpoint, digitally accessible records also paint an inaccurate picture of an individual by inferring a likelihood to recidivate, regardless of individual risk factors or the amount of time that has passed since the registrable offense.

103. Because of how the internet and data-sharing capabilities have evolved, as well as the manner in which registries present registrants as posing significant public safety risk, the harms of being branded a sex offender in the digital age are extreme.

⁷² Ibid.

Compensation

I have provided this expert declaration pro bono.

Dated: December 5, 2021



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Academic Positions

Rutgers University-Newark, School of Criminal Justice	
Associate Professor	2021-
Assistant Professor	2015-2021
American Bar Foundation	
Affiliated Scholar	2021-
JPB Foundation Access to Justice Faculty Scholar	2020-2021
Universitat Pompeu Fabra School of Law, Barcelona, Spain	
Visiting Researcher	2019

Education

Rutgers Law School	2022 (expected)
JD; Certificate in Criminal Law & Criminal Procedure	
University of Minnesota, Twin Cities, Department of Sociology	2015
PhD in Sociology	
University of Minnesota, Twin Cities, Department of Sociology	2012
MA in Sociology	
Washington University in St. Louis, School of Arts & Sciences	2007
BA in Anthropology, BA in History	

Books

2020	<p>Sarah Lageson. 2020. Digital Punishment: Privacy, Stigma, and the Harms of Data-Driven Criminal Justice. Oxford University Press.</p> <p>Media: Slate, The Markup, The Crime Report, Team Human, Digital Privacy News, Collateral Consequences Resource Center, ApexArt</p> <p>Reviews: Punishment & Society, Criminal Justice Review, Journal of Constitutional History, Security Dialogue, Drexel Magazine, Journal of Sociology & Social Welfare, Surveillance & Society, Law Library Journal</p> <p>Awards: 2021 Michael J. Hindelang Outstanding Book Award for most outstanding contribution to criminology; 2021 Law and Society Association Jacob Prize Honorable Mention; Privacy Law Scholars Conference Junior Scholar Award (for Chapter 5)</p>
2018	<p>Kyle Green and Sarah Lageson. 2018. Give Methods a Chance. New York: W.W. Norton.</p> <p>Reviews: Teaching Sociology. 2019. 47(2): 161–163.</p>

Peer Reviewed Publications

Forthcoming	<p>Sarah Lageson. "Digital Criminal Record Surveillance and Stigma." <i>Annual Review of Criminology</i> Vol 5.</p>
Forthcoming	<p>Leslie Schneider, Mike Vuolo, Sarah Lageson, and Chris Uggen. "Before and After Ban the Box: Who Complies with Anti-Discrimination Law?" <i>Law & Social Inquiry</i>.</p>
2021	<p>Sarah Lageson, Elizabeth Webster and Juan Sandoval. "Digitizing and Disclosing Personal Data: The Proliferation of State Criminal Records on the Internet." <i>Law & Social Inquiry</i> 46(3): 635-665.</p> <p>Media: <i>Vice</i>, <i>The Crime Report</i>, <i>Digital Privacy News</i>, <i>This Week in Sociological Perspectives Podcast</i>, <i>Criminal Legal News</i></p>

- 2020 Alessandro Corda and Sarah Lageson. "Disordered Punishment: Workaround Technologies of Criminal Records Disclosure and the Rise of a New Penal Entrepreneurialism." *British Journal of Criminology* 60(2):245-264.
Featured in the *Collateral Consequences Resource Center* blog
- 2020 Valerio Baćak, Sarah Lageson, and Kathleen Powell. "Fighting the Good Fight: Why Do Public Defenders Remain on the Job?" *Criminal Justice Policy Review* 31:939–961.
- 2020 Sarah Lageson. "Privacy Loss as Collateral Consequence." *The Annual Review of Interdisciplinary Justice Research* 9:16-31.
- 2019 Sarah Lageson, Megan Denver, and Justin Pickett. "Privatizing Criminal Stigma: Experience, Intergroup Contact, and Public Views about Publicizing Arrest Records." *Punishment & Society* 21(3): 315–341.
- 2019 Sarah Lageson, Suzy Maves McElrath, and Krissinda Palmer. "Gendered Public Support for Criminalizing 'Revenge Porn.'" *Feminist Criminology* 14(5):560-583.
- 2019 Sarah Lageson. "Digital Legal Subjects and the Use of Online Criminal Court Records for Research." *The Elgar Research Handbook on Law and Courts*.
- 2018 Sarah Lageson and Shadd Maruna. "Digital Degradation: Stigma Management in the Internet Age." *Punishment & Society* 20(1):113-133.
- 2018 Mike Vuolo, Chris Uggen, and Sarah Lageson. "To Match or Not to Match? Statistical and Substantive Considerations in Audit Design and Analysis." in S. Michael Gaddis, editor, *Audit Studies: Behind the Scenes with Theory, Method & Nuance*. New York: Springer.
- 2017 Sarah Lageson. "Crime Data, the Internet, and Free Speech: An Evolving Legal Consciousness." *Law & Society Review* 51(1):8-41.
- 2017 Mike Vuolo, Sarah Lageson, and Chris Uggen. "Criminal Record Questions in the Era of 'Ban the Box.'" *Criminology & Public Policy* 16(1):139-165.
- 2017 Mike Vuolo, Chris Uggen, and Sarah Lageson. "Race, Recession, and Social Closure in the Low Wage Labor Market: Experimental and Observational Evidence." *Research in the Sociology of Work* 30:141-183.
- 2016 Sarah Lageson. "Found Out and Opting Out: The Consequences of Online Criminal Records for Families." *The ANNALS of the American Academy of Political and Social Science* 665(1):127-141.
- 2016 Sarah Lageson. "Digital Punishment's Tangled Web." *Contexts* 15(1):22-27. Available [online](#). Reprinted in *Contexts Reader* 3rd Edition, 2018. Syed Ali & Philip N. Cohen, eds. New York: W.W. Norton.
- 2016 Mike Vuolo, Chris Uggen, and Sarah Lageson. "Statistical Power in Experimental Audit Studies: Cautions and Calculations for Paired Tests with Dichotomous Outcomes." *Sociological Methods & Research* 45(2):260-303.
- 2015 Sarah Lageson, Mike Vuolo, and Chris Uggen. "Legal Ambiguity in Managerial Assessments of Criminal Records." *Law and Social Inquiry* 40(1):175-204.

- 2014 Chris Uggen, Mike Vuolo, Sarah Lageson, Ebony Ruhland, Hilary Whitham. "The Edge of Stigma: An Experimental Audit of the Effects of Low-level Criminal Records on Employment." *Criminology* 52(4):627-654.
- 2014 Mike Vuolo, Chris Uggen, and Sarah Lageson. "Taste Clusters of Music and Drugs: Evidence from Three Analytical Levels." *British Journal of Sociology* 65(3):520-54.

Grants

- 2021-2023 Clean Slate Initiative & New Venture Fund, \$441,093
The Impact of Automated Record Clearance on Individuals, Families, and Communities
Co-Principal Investigator with Elsa Chen and Ericka Adams
- 2020-2021 American Bar Foundation/JPB Foundation Access to Justice Scholar Award, \$74,000
Realizing a Clean Slate: Expanding Access and Improving Outcomes for Automated Criminal Record Expungement
Principal Investigator
- 2018-2020 National Institute of Justice, New Investigator/Early Career Award, \$190,909
Multi-level Analyses of Accuracy and Error in Digital Criminal Record Data
Principal Investigator
- 2017-2019 Chancellor's Office Award, Rutgers University, \$94,500
The Nebulous Nature of Criminal Records
Co-PI with Rob Stewart
- 2017 Big Data Analytics Grant Program, Rutgers University, \$40,000
Understanding Systems and Outcomes of Indigent Defense using Big Data
Co-PI with Valerio Bacak and Lee Dicker
- 2017 Chancellor's Seed Grant, Rutgers University, \$31,500
Social and Administrative Networks in Prison-Based Higher Education
Co-PI with Sara Wakefield
- 2016 Chancellor's Seed Grant, Rutgers University, \$75,000.
Community Court Mental Health Initiative
Co-PI with Andres Rengifo
- 2016 Chancellor's Seed Grant, Rutgers University, \$25,000
Criminal Justice Data Practices in Newark
Principal Investigator
- 2015 Social Cohesion and Technology Grant, Univ. of MN, \$2,500
'Give Methods a Chance' Podcast Development
Co-PI with Kyle Green
- 2014-2015 Doctoral Dissertation Fellowship, University of Minnesota, \$22,500
- 2013-2014 Bilinski Educational Foundation Dissertation Fellowship, \$25,500
- 2011-2013 Graduate Digital Media Fellowship, University of Minnesota, \$45,000

Journal Editing

- 2022 *Journal of Contemporary Criminal Justice, Special Issue: Violence, Voice, and Incarceration* (special issue of submissions written by people who are incarcerated).
Co-editor with Todd R. Clear and Jennifer Yang.

Manuscripts Under Review and In Preparation

“Satan’s Minions” and “True Believers”: How Criminal Defense Attorneys’ Employ Quasi-Religious Rhetoric,” with Elizabeth Webster, Kathleen Powell, and Valerio Baćak. Conditionally accepted at *Justice System Journal*

“Criminal Records, Clean Slates, and the Role of Data Privacy,” with Alessandro Corda. Under review at *Law and Society Review*

“Patchwork Disclosure: Divergent Public Access and Personal Privacy Across Criminal Record Disclosure policy in the United States,” with Juan Sandoval. Under review at *Law & Policy*

“The Stress of Injustice: Public Defenders and the Frontline of American Inequality,” with Kathleen Powell and Valerio Baćak. Under review at *American Sociological Review*

“Digital Accusation, Virtual Punishment, and Due Process.” Invited submission to *Illinois Law Review*

“Accusation, Supervision, and Surveillance Before a Conviction,” with Lorena Avila Jaimes. Invited book chapter in *Punishment, Probation, and Parole: Mapping Out Mass Supervision*

“Criminal Record Data Commodities, Self-Discipline, and Techno-Administrative Injustice in Criminal Record Expungement.” In preparation for submission.

“The Problem with Criminal Records,” with Robert Stewart. In preparation for submission.

“Surveillance Deputies,” with Sarah Brayne, Karen Levy, and Lauren Kilgour. In preparation for submission.

Public Writing & Reports

- 2021 How the Criminal Justice System Deploys Mass Surveillance on Innocent People. *Vice*.
- 2020 Companies accused of crimes get more digital privacy rights than people under new Trump policy (with Liz Chiarello). *The Conversation*.
- 2020 The Perils of Zoom Justice. *The Crime Report*.
- 2020 How criminal background checks lead to discrimination against millions of Americans. *Washington Post*.
- 2020 Mugshots don’t belong on search engines. *San Francisco Chronicle*.
- 2020 The Purgatory of Digital Punishment. *Slate*.
- 2020 The Chan-Zuckerberg Initiative funds Clean Slate policy. So why won't Facebook take down mugshots? *The Appeal*.
- 2020 Small businesses just got a \$300B bailout but many who need a second chance won’t get a dime (with Colleen Chien). *New Jersey Star Ledger*.
- 2020 The Problem with ‘Clean Slate’ policies: Could broader sealing of criminal records hurt more people than it helps (with Jen Doleac). *Niskanen Center*.

- 2020 The Criminal Justice System’s Big Data Problem. *Oxford University Press Blog*.
- 2019 Model Law on Non-Conviction Records (advisor). *Collateral Consequences Resource Center*.
- 2019 It’s Time for the Digital Mug Shot Industry to Die. *Slate*.
- 2019 Privacy Concerns Don’t Stop People from Putting Their DNA on the Internet to Help Solve Crimes. *The Conversation*.
- 2019 There’s No Such Thing as Expunging a Criminal Record Anymore. *Slate*.
- 2019 It’s Time to Address the Damage of a ‘Criminal’ Digital Reputation (with Jordan Hyatt). *Collateral Consequences Resource Center*.
- 2019 Can a Criminal Record Ever Be Fully Expunged? *Pacific Standard*.
- 2019 Policy Proposals for the 2019 Legislative Session. *Scholars Strategy Network*.
- Provide Individual Access to Personal Criminal Records
 - Enforce Private Sector Compliance with Criminal Record Expungement Orders”
 - Reclassify Mugshots as Closed, Private Records
- 2019 Criminal Background Checks for Employment Screening. *New Jersey State Office of Innovation, Future of Work Task Force*.
- 2017 Online Criminal Records & Legal Consciousness Theory. *Law & Society Review Blog*.
- 2016 Op-Ed: The Downside of Highlighting Crime on Social Media. *Minneapolis Star-Tribune*.
- 2016 Briefing: The Harmful Effects of Online Criminal Records. *Scholars Strategy Network*.
- 2014 The Enduring Effects of Online Mug Shots. *The Society Pages*.
- 2014 Health, Science, and Shared Disparities. *The Society Pages*
- 2012 Correcting American Corrections. *The Society Pages*.
- 2012 Love, Family and Incarceration: A Conversation with Megan Comfort. *The Society Pages*.
- 2012 Social Scientists Studying Social Movements. With Kyle Green and Sinan Erensu. *The Society Pages*.

Book Chapters & Reviews

- 2021 “Digital Punishment.” In *Fundamental Rights and Criminal Procedure in the Digital Age*. Sao Paulo, Brazil: InternetLab.
- 2021 “Public Accusation on the Internet.” With Kateryna Kaplun. In *Media and Law: Between Free Speech and Censorship, Sociology of Crime, Law, and Deviance, Volume 26*. Deflem, Mathieu and Derek M.D. Silva, eds. Bingley, UK: Emerald Publishing.
- 2021 “Book Review: Captivating Technology: Race, Carceral Technoscience, and Liberatory Imagination in Everyday Life edited by Ruha Benjamin.” *Contemporary Sociology* 50(1): 28-29.
- 2021 “Studying Surveillance and Tech Through ‘Digital Punishment’” in *Society, Ethics & The Law: A Reader*, David A. Mackey and Kathryn M. Elvey, eds. Burlington, MA: Jones & Bartlett.

- 2020 “Book Review: *The Digital Street* by Jeff Lane.” *American Journal of Sociology* 125(4):1156-1158.
- 2018 “The Politics of Public Punishment.” *Criminology & Public Policy* 17(3): 635-642.
- 2018 “Book Review: Policing and Social Media: Social Control in an Era of New Media by Christopher J. Schneider.” *Contemporary Sociology* 47(2):217-219.
- 2017 “Criminal Records,” with Christiane Schwarz. *Oxford Bibliographies in Criminology*. Ed. Beth M. Huebner. New York: Oxford University Press.
- 2015 “Book Review: The Eternal Criminal Record by James B. Jacobs.” *The Canadian Journal of Crime and Criminal Justice*. Available online.
- 2015 “Music and the Quest for a Tribe.” *Getting Culture*. New York: W.W. Norton
- 2014 “Correcting American Corrections, with Francis Cullen, David Garland, David Jacobs, and Jeremy Travis.” *Crime and the Punished*. New York: W.W. Norton.
- 2014 "Discovering Desistance," with Sarah Shannon. *Crime and the Punished*. New York: W.W. Norton.
- 2013 “How Work Affects Crime – and Crime Affects Work – Over the Life Course,” with Chris Uggen. *Handbook of Life Course Criminology*, edited by Marvin Krohn and Chris Gibson. New York: Springer.
- 2013 “Laughter and the Political Landscape,” with Sinan Erensu and Kyle Green. *The Social Side of Politics*. New York: W.W. Norton.
- 2011 “The Wire Goes to College,” with Kyle Green and Sinan Erensu. *Contexts* (10)3:12-15.

Awards

- 2021 Michael J. Hindelang Outstanding Book Award, American Society of Criminology
- 2021 Herbert Jacob Book Prize, Honorable Mention, Law & Society Association
- 2019 New Jersey State Office of Innovation Research Award, \$2,500
- 2018 Privacy Law Scholars Conference Junior Scholar Paper Award, \$2,500
- 2017 University of Minnesota Best Dissertation Award, \$1,000
- 2012 Ron Anderson Technology and Social Cohesion Award, \$2,500
- 2011-2013 Professional Development Award, University of Minnesota, \$3,000
- 2010 Public Sociology Award, University of Minnesota
- 2010 Graduate Research Partnership Program Award, University of Minnesota, \$4,000
- 2010 Academic Technology Award, Univ. of Minn., Office of Information Technology, \$3,000
- 2008 Segal Americorps Education Award, \$5,000
- 2007 Helen & Isaac Izenberg History Writing Award, Washington University in St. Louis

Expert Testimony

2021	ACLU Michigan and United States District Court, Eastern District of Michigan
2021	California State Assembly Committee on Privacy and Consumer Protection, AB-1475 Law Enforcement-Social Media Assembly Bill
2020	United States District Court, Central District of California, <i>Doe v. Barr et al.</i>
2020	United States District Court, District of New Mexico, <i>N. et al v. Alamogordo Police Department et al</i>
2019	United States District Court, Eastern District of Pennsylvania, <i>Taha v. Bucks County Correctional Facility</i>
2018	New Jersey State Assembly Judiciary Committee, A-3620 Expedited Expungement Assembly Bill

Invited Presentations

2022	UC-Berkeley Law, Center for the Study of Law and Society
2022	Columbia University Sociology
2021	Detroit Science Gallery
2021	County of Santa Barbara Public Defender
2021	Poynter Institute
2021	SEARCH: National Consortium for Justice Information and Statistics
2021	Massachusetts Committee for Public Counsel Services
2021	Society for the Study of Social Problems Book Panel
2021	RAND Corporation and the Arnold Foundation
2021	Privacy Law Scholars Conference
2021	Texas A&M Law School
2021	Department of Criminal Justice, Temple University
2021	The Young Women's Leadership School of Astoria, NYC
2021	Department of Sociology, University of Hong Kong
2021	New York State Youth Justice Institute
2021	Zicklin Center for Corporate Responsibility at Baruch College, CUNY
2020	Philadelphia District Attorney's Office
2020	Department of Criminology and Criminal Justice, University of Maryland
2020	Baruch College, the City University of New York
2020	InternetLab perquisa em direito e tecnologia Internation (Brazil) Conference on Fundamental Rights and Criminal Procedure in the Digital Age (Keynote)
2020	McCourt School of Public Policy, Georgetown University
2020	Cleveland Legal Aid Society
2020	Data Science for Public Service Meetup, Atlanta Regional Commission
2020	Department of Criminology, Georgia State University
2020	Crime, Law & Deviance Working Group, Dept of Sociology, UT-Austin
2020	American Bar Foundation Seminar Series
2020	School of Criminal Justice, University of Cincinnati (postponed)
2019	Student-Invited Speaker, University of California-Irvine
2019	Sociology Workshop, University of Minnesota
2019	International Seminar, Universitat Pompeu Fabra, Barcelona, Spain
2019	Digitizing Justice Conference (Keynote), University of Winnipeg
2019	Drug Policy Alliance, New York City
2018	Tech/Law Colloquium, Cornell University
2018	Amsterdam Privacy Conference
2018	Department of Public Policy, Rochester Institute of Technology

2018 Department of Sociology, SUNY-Brockport
2018 Measures for Justice, Rochester NY
2018 Sociology Colloquium, Washington University in Saint Louis
2018 Media Studies Colloquium, Queens College New York
2018 Technology, Law and Society Institute, University of California-Irvine
2018 Privacy Law Scholars Conference, Washington DC
2018 Automated Justice Workshop, Collegium Helveticum, Zurich
2018 LSA Punishment & Society Digital Speaker Series
2018 The University of Manchester Centre for Criminology and Criminal Justice
2018 Queens University Belfast School of Law
2017 Law, Crime & Deviance Workshop, New York University Sociology
2015 Robina Institute, University of Minnesota Law School, Minneapolis, MN.

Courses Designed & Taught

Rutgers University
CJ 653 Criminal Justice Policy PhD Program Seminar
CJ 652 Law & Society PhD Program Seminar
CJ 653 Mixed Methods PhD Seminar (co-I with Sara Wakefield)
CJ 529 Research & Evaluation MA Program Seminar
CJ 202 Constitutional Issues in Criminal Justice
CJ 102 Introduction to Criminal Justice

University of Minnesota
SOC 4108 Current Issues in Crime Control
SOC 4161 Criminal Law in American Society
SOC 3101 Introduction to American Criminal Justice

Student Advising

Dissertation Advising
Lorena Ávila Jaimes
Kateryna Kaplun
Katherine Bright

Dissertation Committees
Brandan Turchan
Chris Chukwedo
Christiane Schwarz
Vijay Chillar
Amanda D'Souza
Lauren Kilgour (*Cornell PhD 2021, current Postdoctoral Research Associate at Princeton*)
Elizabeth Webster (*Rutgers PhD 2018, current Assistant Professor at Loyola University Chicago*)

Empirical Paper Committees
Christiane Schwarz (chair)
Kateryna Kaplun (chair)
Katherine Bright
Brandan Turchan
Sofia Flores

Undergraduate Honors Theses
Maram Tai-Elkarim

Service*University and Academic Service*

2021- Rutgers University Research & Professional Development Committee Chair
 2021- Rutgers University Undergraduate Bridge Program Committee Chair
 2020- Rutgers Law School Criminal Law Society, Evening Student Representative
 2019-2021 Rutgers Program on Learning & Teaching Faculty Governance Committee
 2018-2021 Rutgers University Research & Professional Development Committee
 2018- Law & Society Association, CRN #37 Tech/Law/Society Research Network Chair
 2015-2020 Rutgers University M.A. Program Committee
 2017-2018 American Society of Criminology (ASC) Program Committee
 2017-2018 Rutgers University Faculty Hiring Committee
 2016-2018 National Science Foundation Research Experience for Undergraduates Mentor
 2016-2017 New Jersey Scholarship and Transformative Education in Prisons Committee
 2015-2016 Rutgers Engaged Scholarship & New Professoriate Committee (chair)
 2013-2014 University of Minnesota Promotion, Tenure & Salary Committee
 2010-2011 University of Minnesota Sociology Research Institute Committee

Legal & Non-Profit Service

2021 New York Legal Assistance Group SDNY Federal Pro Se Clinic, Legal Intern
 2021 New Jersey Conviction Review Unit, Actual Innocence Project, Legal Volunteer
 2021 New York Office of the Appellate Defender, Legal Intern
 2021- Justice Catalyst, Consultant
 2020- Good Call NYC Emergency Arrest Hotline, Consultant
 2018- Center for Advancing Correctional Excellence Board Member, George Mason Univ.
 2018- Crime & Justice Research Alliance (CJRA) Expert
 2018- National Incarceration Association (NIA) Expert Advisor
 2015 Minneapolis Police Officer Interview Project
 2014 Crime Victim Service Access Project
 2012 "Mind the Gap" Prisoner Reentry Project
 2012 Seward Towers Housing Complex Community Survey
 2010-2012 'Families in Focus' Prison Program, Minnesota Department of Corrections
 2010 Domestic Violence Research Initiative Report for United Way
 2007-2011 Prisoner Re-Entry Family Strengthening Project, Council on Crime and Justice
 2008-2010 Healthy Educational Lifestyles Project, Minnesota Department of Corrections
 2009 Minnesota FATHER Project Program Analysis
 2008 The State of Fatherhood Programming, Minnesota Fathers & Families Network

Review

American Journal of Sociology, American Sociological Review, Criminology, Criminal Justice Policy Review, European Journal of Criminology, Feminist Criminology, Humanities and Social Sciences, The Information Society, Journal of Black Studies, Journal of Computer Mediated Communication, Journal of Research in Crime and Delinquency, Justice Quarterly, Law & Policy, Law & Social Inquiry, Law & Society Review, Punishment & Society, RAND, SAGE Open, Springer, Qualitative Sociology, Social Forces, Social Problems, Sociological Theory

National Science Foundation, Dutch Research Council (NWO), Independent Social Research Foundation

Editorial

2016-2019 Editorial Board, Contexts Magazine
 2014-2015 Graduate Editorial Board, Law & Society Review
 2010-2015 Graduate Editorial Board, The Society Pages
 2009-2011 Graduate Editorial Board, Contexts Magazine

Media/Production

- 2015-2018 Creator, Producer and Host, Give Methods a Chance Social Science Podcast
 2014-2015 Creator, Producer and Host, Office Hours Social Science Podcast
 2007-2015 Documentary Producer, On Air Host. KFAI Community Radio, Minneapolis MN

Community

- 2017-2018 Prison-based Tutor, Petey Greene Foundation Prison Education Program
 2008-2009 McNair Scholars Program Research Mentor, University of Minnesota
 2008 Instructor, C-Dreams Photography Class for Children of Incarcerated Parents
 2007 Mentor, Youth News Initiative. Minneapolis, MN
 2007 Mentor, International Women's Day Radio Programming. Minneapolis, MN

Conference Presentations

- 2021 Administrative and Technological Injustice in the Expungement Process. American Sociological Association Annual Meeting, Chicago
- 2021 Criminal History Information, Automated Clean Slates and the American Way of Data Privacy. With Alessandro Corda. Privacy Law Scholars Conference (virtual)
- 2021 Author Meets Reviewer: *Predict & Surveil* and *Digital Punishment*. With Sarah Brayne, Mona Lynch, Matthew Clair, and Keith Guzik. Law and Society Association Annual Meeting (virtual)
- 2019 Technology, Privacy, and Criminal Records: Innovations and Challenges in Clean Slate and Expungement Policy, American Society of Criminology Annual Meeting, San Francisco
- 2019 Tools for Communicating Sociology Outside the Discipline: What Works, What Doesn't Work, and What's Promising, American Sociological Association Annual Meeting, New York City
- 2018 Criminal Records as Big Data Commodity. American Society of Criminology Annual Meeting, Atlanta
- 2018 Error in Criminal Justice Data Across Public & Private Platforms. American Society of Criminology Annual Meeting, Atlanta
- 2018 The Weight of Public Service: Occupational Stress and Wellbeing Among Public Defenders. American Society of Criminology Annual Meeting, Atlanta. With Valerio Bacak and Kathleen Powell
- 2018 Surveillance and Social Control Through the Collection and Distribution of Mug Shots in the U.S. American Society of Criminology Annual Meeting, Atlanta. With Sarah Muskovitz
- 2018 Mugshot Distribution in the U.S.: A Sociolegal Approach. Law & Society Association Annual Meeting, Toronto. With Anna Banchik and Sarah Muskovitz
- 2018 Satan's Minions & True Believers. Law & Society Association Annual Meeting, Toronto. With Liz Webster and Kathleen Powell
- 2017 Intersecting Roles of Gender, Race and Skin Tone in Sentencing: Findings from Two Million Records. American Society of Criminology Annual Meeting, Philadelphia. With Valerio Bacak
- 2017 Assessments of Public Defender Attrition." American Society of Criminology Annual Meeting, Philadelphia. With Valerio Bacak and Kathleen Powell
- 2017 Digital Cultures of Control & The Field of Online Crime Reporting. American Sociological Association Annual Meeting, Montreal
- 2017 Banning the Box, Keeping the Stigma? Sustaining Attitudes Post Ban-the-Box. American Sociological Association Annual Meeting, Montreal. With Lesley Schneider, Mike Vuolo, and Chris Uggen.
- 2017 From Handshakes to Mouse Clicks: The Technological Transformation of Commercial Bail. Law and Society Association Annual Meeting, Mexico City. With Josh Page
- 2017 Attrition in Public Defenders Offices. Law and Society Association Annual Meeting, Mexico City. With Valerio Bacak
- 2016 Uses, Abuses, and Error in Criminal History Data Across Platforms. American Society of Criminology Annual Meeting, New Orleans
- 2016 Before and After Ban the Box: Employer Responses in Minnesota. American Society of Criminology Annual Meeting, New Orleans. With Lesley Schneider, Mike Vuolo, and Chris Uggen

- 2016 Digital Punishment in Online American Media. International Sociology Association Conference, Vienna, Austria
- 2016 Criminalizing Revenge Porn. Internet Law Works in Progress Conference, New York Law School.
- 2015 Tough on Crime, Tough on Families? Criminal Justice and Family Life in America. American Society of Criminology Annual Meeting, Washington, DC
- 2015 Legislating Revenge Porn: Protecting Victims and Preserving Civil Liberties. American Society of Criminology Annual Meeting, Washington, DC
- 2015 The Consequences of Online Criminal Records for Children and Families. Tough on Crime, Tough on Families? Criminal Justice & Family Life Conference, Ithaca, NY
- 2014 Digital Punishment: The Production and Consequences of Online Crime Reporting. Sociology Workshop Talk, University of Minnesota, Minneapolis, MN
- 2014 The Effects of Online Reader Comments on Crime News. American Society of Criminology Annual Meeting, San Francisco, CA
- 2014 How Do Employers Ask about Criminal Records on Entry-Level Job Applications? American Society of Criminology Annual Meeting, San Francisco, CA. with Mike Vuolo and Chris Uggen
- 2014 Mass Media and the Public Sphere, Invited Discussant. Midwest Sociological Society Annual Meeting, Omaha, NE
- 2014 Conceptions of the First Amendment and Online Crime Reporting. Law and Society Association Annual Meeting, Minneapolis, MN
- 2013 The Construction of Crime through News and Blogging. American Society of Criminology Annual Meeting, Atlanta, GA
- 2013 Statistical Power in Experimental Audit Studies: Cautions and Calculations for Paired Tests with Dichotomous Outcomes. American Society of Criminology Annual Meeting, Atlanta, GA
- 2013 Punishment, Society and Journalism: Interviews with Bloggers and Journalists. Law and Society Association Annual Meeting, Boston, MA
- 2013 Critical Dialogue: New Media and Sociology. Society for the Study of Social Problems Annual Meeting, New York, NY
- 2013 Public Sociology Online. Media Sociology Pre-Conference to ASA Annual Meeting, New York, NY
- 2013 The Construction of Crime through News and Blogging. American Society of Criminology Annual Meeting, Atlanta, GA
- 2013 The Effect of the Great Recession on Entry-Level Job Applicants by Race: A Happenstance Field Experiment. American Sociological Association Annual Meeting, New York, NY, with Mike Vuolo and Chris Uggen
- 2013 Statistical Power in Experimental Audit Studies: Cautions and Calculations for Paired Tests with Dichotomous Outcomes. American Criminological Society Annual Meeting, Atlanta, GA
- 2012 Evaluation of a Federally-Funded Prisoner Reentry Program. American Society of Criminology Annual Meeting Chicago, IL, with Ebony Ruhland
- 2012 Employer Perspectives on Criminal Records. Midwest Sociological Society Annual Meeting, Minneapolis, MN, with Mike Vuolo and Chris Uggen
- 2011 Music and Drugs: Evidence from Three Analytical Levels. American Sociological Association Annual Meeting, Las Vegas, NV
- 2011 Qualitative Evidence for Employer Decision-Making for Applicants with Criminal Records. Sociology Research Institute, University of Minnesota: Minneapolis, MN
- 2010 Employer Decisions Regarding Criminal Records: A Comparison of Self-Reported and Observed Behavior. American Society of Criminology Annual Meeting, San Francisco, CA., with Mike Vuolo and Chris Uggen

Media

-
- 2021
- Deseret News, "Neighborhood, watched." 8/31/21
 - LA Times, "Police take 'wanted' posters onto social media, nabbing suspects and ruining lives." 6/29/21
 - Legal Talk Today, "Citizen Sleuths: What happens when amateur crime investigators go too far?" 6/11/21
 - USA Today, "Death threats to vitriol: New England families pay a price in public fights for justice" 6/10/21
 - CNN, "Helicopters, a patrol car and virtual bodyguards: Inside Citizen's scattered push to upend public safety." 6/3/21
 - Milford Daily News, "Public pressure is influencing Mikayla Miller's death investigation. Should it have to?" 6/3/21
 - The Sunday Times, "US Confidential: Live crime apps fuel fear and vigilantism in New York City." 5/28/21
 - The Marshall Project, "Does Banning People with Felonies on Dating Apps Really Make Anyone Safer?" 5/20/21
 - The Guardian, "Citizen: crime app falsely accused a homeless man of starting a wildfire." 5/19/21
 - The Crime Report, "False Accusation by Citizen Crime App Highlights Dangers." 5/19/21
 - Criminal Legal News, "Online Records Impose Digital Punishment for Millions." 5/15/21
 - Pew Stateline, "Online, mug shots are forever. Some states want to change that." 5/10/21
 - Digital Privacy News, "Disclosing criminal records on the internet creates 'digital punishment.'" 4/26/21
 - NJ.com "Why it's still so hard to wipe away a criminal record despite promise of a law Murphy signed." 4/26/21
 - The Guardian, "Tinder's plan for criminal record checks raises fears of 'lifelong punishment.'" 4/13/21
 - Tech Policy Press, "Recommendations to End Virtual Stop and Frisk Policing on Social Media." 4/13/21
 - Vice, "The Viral Story About an Amy Poehler Lookalike Is Fake and Harmful." 4/7/21
 - The Crime Report, "Online Criminal Records Impose 'Digital Punishment' on Millions of Americans: Study." 2/9/21
 - Law360, "Virtual Courts Lead to Tension Between Access and Privacy." 1/28/21
 - The Crime Report, "Public Defenders Suffer from the 'Stress of Injustice': Study." 1/26/21
 - The Appeal, "Basically Cyberbullying: How cops abuse social media to publicly humiliate." 12/21/20
- 2020
- The Markup, "Locked Out: When zombie data costs you a home." 10/6/20
 - Street Sense Media, "From parole to pride: DC agency empowers individuals vulnerable to crime." 9/9/20
 - Minneapolis Star-Tribune, "Troubled south Minneapolis neighborhood renews calls for help from police, City Hall." 7/13/20
 - WNYC The Takeaway, "Local news rethinks its use of mugshots." 2/26/20
 - CBS News, "'Citizen' App provides real-time crime alerts in your neighborhood." 2/24/20
- 2019
- Ipsedixit Legal Scholarship Podcast, 11/5/19
 - Quartz, "Are neighborhood watch apps making us safer?" 10/29/19
 - American Bar Association Legal Rebels Podcast, "Expunging Records with New Technology." 10/16/19
 - Center for American Progress, "NeighborhoodStat: Strengthening public safety through community empowerment." 10/2/19
 - Springfield News-Leader, "Facebook groups work to expose child predators in the Ozarks. Are they doing harm or good?" 10/2/19
 - The John Howard Society of Canada Blog, "Internet info on people and crime is damaging and often inaccurate: Lageson." 9/21/19
 - tbs eFM radio, Seoul, South Korea. "News Focus 2 with Sarah Lageson: Impact of mug shots criminal justice system." 9/9/19
 - Apex Art Gallery, "Digital Punishment and the Modern Mugshot." 9/7/19

- The Appeal, "Pennsylvania county owes \$67 million after man finds arrest records on mugshots.com." 8/27/19
- Quartz, "There's a global movement of Facebook vigilantes who hunt pedophiles." 7/24/19
- O Estadão de S. Paolo, "EUA usam árvore genealógica para solucionar crimes." 7/7/19
- Albuquerque Journal, "Like diamonds, mugshots are forever - even for the innocent." 3/23/19
- Noozhawk Santa Barbara, "Mugshots live on - even for the not guilty." 3/23/19
- Massachusetts Daily Collegian, "Expunge all marijuana crimes automatically." 3/21/19
- Sirius XM Radio. "Top of Mind with Julie Rose: Mugshots for Profit." 3/14/19
- Politico, "Green Light for Legal Weed?" 2/19/19
- New Jersey Star Ledger. "N.J.'s governor promised to clear weed convictions. Here's just how hard that will be." 2/17/19
- Law360, "Clean Slate: How ditching a criminal record is no easy task." 2/10/19
- 2018 National Public Radio's Planet Money, "Mugshots for sale." 11/23/18
- Tampa Bay Times, "Weighing access and fairness, Hillsboro Sheriff's Office limits online jail records." 11/5/18
- Team Human Podcast, "Giving Each Other Some Slack." 9/29/18
- The Guardian, "Haunted by a mugshot: how predatory websites exploit the shame of arrest." 6/12/18
- NJ Spotlight, "Can NJ's effort to legalize pot make it through the expungement maze?" 6/5/18
- NJTV News, "As legalization looms, how will NJ address marijuana convictions?" 6/4/18
- San Francisco Examiner, "SFPD blasts alleged drug dealers online as critics decry 'public shaming.'" 4/29/18
- American Bar Association, ABA Journal Blog "Use copyright law to battle mugshot extortion." 3/27/18
- LawPod Podcast, "Digital Punishment Through Online Criminal Records." 3/1/18
- 2017 Austin American-Statesman, "Former RideAustin Driver's Rape Case Reignites Debate over Ride-hailing Background Checks." 11/10/17
- NJ Spotlight, "Governor's Race 2017: Candidates Sharply Divided on Crime, Social Justice." 11/3/17
- New York Times, "Innocent Until Your Mug Shot is on the Internet." 6/3/17
- The Marshall Project, "Mugged!" 6/3/17
- Salon, "Murder on Facebook raises big censorship questions." 4/21/17
- 2016 New York Times, "Have You Ever Been Arrested? Check here." 5/24/16
- 2014 Examiner.com, "Using the Internet for Social Control." 9/11/14
- Law Professor Blogs Network, "How Managers Consider Job-Applicant Criminal History." 10/29/14

Affiliations

American Society of Criminology, American Sociological Association, Eastern Sociological Society, Indigent Defense Research Association, Law and Society Association, Midwest Sociological Society, Racial Democracy Crime and Justice Network, Rutgers Law Criminal Law Society

Exhibit 5:

Dr. Karl Hanson Expert Rebuttal Report

DECLARATION OF R. KARL HANSON

In reference to challenge to Michigan’s Sex Offenders Registration Act

Rebuttal Report

I, R. Karl Hanson, declare as follows:

Executive Summary

1. Nothing in Defendants’ experts’ reports challenges the major points of my previous declaration of October 29, 2021. The experts state that the observed sexual recidivism rates will underestimate the true sexual recidivism rates because not every sexual offence is reported to police, and if reported, not every sexual offence will result in a charge or conviction. This is not contested. What is contested is the relevance of the information presented by Defendants’ experts. The major empirical finding presented in my previous declaration is that, for many individuals with a sexual offending history, their observed sexual recidivism rates are equivalent to the risk of first-time sexual offending among individuals not subject to sexual offender registration or notification. There will be undetected sexual offending in both groups. If the observed rates are the same, and the detection rates are the same, then there is a solid basis for concluding that the overall rates of sexual reoffending (including undetected offences) would also be the same for both groups.

2. Defendants’ experts concede that individuals vary in their risk for sexual recidivism, and that the risk factors for sexual recidivism are well-established. They also agree that there are validated risk assessment procedures, such as Static-99R, that can meaningfully sort individuals into relative risk levels. They conclude, however, that individualized risk assessments are time-consuming, expensive, and impractical to implement on a system-wide basis. I disagree. Many jurisdictions

routinely use individualized sexual recidivism risk assessments, including the Michigan Department of Corrections. None of Defendants' experts stated that offence-based classification systems, such as Michigan's sexual offender registry, accurately identify the risk presented by individuals with a history of sexual crime. Importantly, none of the experts defended Michigan's sexual offender registry as an effective method for reducing sexual victimization.

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I. INTRODUCTION

3. Defendants produced four expert reports and three declarations from lay witnesses in response to my expert report and the reports of Plaintiffs' other experts.¹ Defendants' expert reports present a lot of information, including detailed descriptions of serious sexual crimes committed by serial offenders. Most of this information, however, does not address what I understand to be the key factual questions before the Court. In order to help the Court weigh the expert testimony, I will provide an overview of the evidence divided into three categories: a) findings upon which all experts agreed, or which were uncontested, b) findings upon which we agreed, but disagreed as to relevance, and c) findings upon which we disagreed. The vast majority of the evidence presented by Plaintiffs' experts, including the key factual questions at issue, can be confidently placed in the first category (i.e., explicit agreement among all experts, or uncontested).

4. This case challenges Michigan's automatic imposition of sex offender registration requirements that last for decades or life without any individual review, for people convicted of a sex offence. Such a registration regime is premised on the assumption that all people convicted of sex offences are likely to reoffend for decades or for life, and on the assumption that sex offender registration will reduce reoffending. **Accordingly, the key factual questions are:**

¹ The following reports and declarations were reviewed and form the subject of this Rebuttal Report:

- a. Declaration of Rachel E. Lovell (March 20, 2023). 13 pages.
- b. Expert Declaration of Dr. Rachael Goodman-Williams (March 10, 2023). 31 pages.
- c. Psychological Consultation Report by Darrel B. Turner, Ph.D. (March 20, 2023). 13 pages.
- d. Report of Anna Salter (undated). 16 pages.
- e. Affidavit of Tricia Dare (March 1, 2023). 4 pages.
- f. Declaration of Danielle Russo Bennetts (March 13, 2023). 7 pages.
- g. Declaration of Sarah Prout Rennie (March 21, 2023). 8 pages.

- a. **Do all people who have been convicted of a sex offence present a higher risk of committing a new sex offence than people who have not been convicted of a sex offence, and how long does any heightened risk last?**
- b. **Are sex offender registries effective in reducing reoffending by people convicted of past sex offences?**

5. Defendants' reports and declarations are largely unresponsive to these questions, even if I agree with many of the statements in their reports.

6. My rebuttal declaration is organized as follows: I begin this report by summarizing the main points made in my initial report that Defendants' experts agree with, or that they did not rebut. I then summarize points made in Defendants' reports which I agree with, but explain why those points are irrelevant to the key factual questions at issue here.

7. I then respond to errors of fact and logic in the reports presented by Defendants' experts, and provide the appropriate context for statements in my previous declaration that were mischaracterized by Defendants' experts. My report will address each of Defendants' expert reports. However, because some of the reports present similar arguments based on the same type of research findings, sections of my rebuttal are organized by topic. Given limits of time and space, my decision not to respond to any specific assertion should not be interpreted as acceptance of the experts' opinions.

8. Finally, I will also briefly respond to the declarations of Defendants' lay witnesses, but do not provide a point-by-point rebuttal, as those witnesses lack the expertise to opine on recidivism, and their anecdotal personal experience is insufficient to counter the weight of the scientific evidence in this field.

9. The information in this declaration is based upon my personal knowledge and my research and scholarship, which is listed in my CV, as well as on research and scholarship in the field, including sources of the type which researchers

in my field would rely upon in their work. I incorporate by reference all the claims and representations made in my previous declaration of October 29, 2021.

Preliminary Comments

10. Before providing my rebuttals, I would like the Court to know that I have deep respect for the professional work of Dr. Lovell and Dr. Goodman-Williams, both for advancing the cause of victims of sexual assault and for their empirical work on the analysis of sexual assault kits. Reporting sexual victimization to police is emotionally challenging; victim support of criminal proceedings against offenders is commonly experienced as aversive. Much could be done to improve the criminal justice experience of individuals who have been sexually victimized. Matching DNA samples across sexual assault kits is important work, both for understanding patterns of stranger rape, and for identifying perpetrators who have so far evaded justice.

11. My concern with their reports is that the evidence presented from sexual assault kits does not address the recidivism rates of individuals with a sexual offence conviction, i.e., the individuals subject to registration and notification acts. Furthermore, neither expert explains how sexual offender registration and notification acts would mitigate the problems and harms that they have identified. Neither report justifies devoting resources to the large number of low-risk individuals currently on registries; instead, their evidence and arguments support directing more of our limited resources towards education, police training and investigation, and improved victim services.

12. I, similarly, have professional respect for the work of Dr. Salter. My primary concern with her report, however, is that it does not address the core factual questions under consideration by the Court articulated in §4 above.

II. AREAS WHERE DEFENDANTS' EXPERTS AGREE WITH MY REPORT, OR DO NOT REBUT IT.

13. Defendants' experts either agree with, or do not rebut, all the key findings of my original report (set out at ¶ 3, pp. 1-3, of that report):

A. Recidivism rates are not uniform but vary considerably across all individuals with a history of sexual crime. Risk of reoffending varies based on well-known factors.

14. Both Dr. Turner and Dr. Salter declare that the risk for sexual recidivism varies across individuals. On page 4 of his report, Dr. Turner states that well-known risk factors include antisocial orientation and sexual deviancy. Both Dr. Turner and Dr. Salter conduct sexual recidivism risk assessments as part of their professional duties, using risk tools that have wide acceptance in the profession and in the courts (Static-99R, STABLE-2007, Psychopathy Checklist – R [PCL-R]). There is nothing in the reports of Dr. Goodman-Williams or Dr. Lovell that contradicts the assertion that sexual recidivism risk varies across individuals.

B. The average sexual recidivism rate of individuals with a history of sexual crime is low. Once convicted, most are never re-convicted of another sexual offence.

15. Defendants' experts emphasize the distinction between new sexual crimes that results in criminal justice interventions (which I will call *recidivism*) and the overall rate of new sexual crimes that include hidden, undetected offences (which I will call *reoffending*). We agree that the observed recidivism rates underestimate the actual reoffending rate. Defendants' experts assert that the actual reoffending rates are much higher than the observed recidivism rates; however, they do not dispute that the average *sexual recidivism* rates are low.

16. In my report, I summarize research indicating that studies typically observe sexual recidivism rates of 5% to 15% after 5 years. None of the experts

contests these empirical findings. Dr. Lovell (page 5 §7.e.i) states that “Approximately 8% of the released prisoners convicted of a sexual offense were arrested for a subsequent sexually based offense within those nine years.” This statistic was also repeated in the declaration of lay witness Sarah Rennie. Similarly, Ms. Rennie approvingly quotes my 2004 review² indicating 14% recidivism rates after 5 years (page 5, §12).

C. The risk for sexual recidivism declines with age, with a particularly strong decline for individuals of advanced age. There are very few individuals over the age of 60 who present any significant risk for sexual recidivism.

17. Dr. Turner explicitly acknowledges an “aging” out of risk for reoffending (page 8 §5): “When considering the ‘aging’ out of risk for reoffending, it simply cannot be claimed that these older individuals (or any) will eventually pose ‘no’ threat.” Dr. Turner does not dispute the finding that the recidivism rate of older individuals is low, only that it is not zero. Similarly, Dr. Salter (page 3, first full paragraph) accepts the research indicating that “older offenders reoffended less.” Sarah Rennie cites research indicating that younger individuals are higher risk to reoffend than older individuals (page 5, §13). In contrast, Tricia Dare opines, based on her personal experience, that sexual recidivism risk does not decline with age; however, this is a statement without scientific foundation (see §§64-66 below).

D. The nature of the sexual offence conviction (the name of the offence or criminal code section) is unrelated to the risk of recidivism.

18. None of the expert reports mentions anything about the relationship between the name of the criminal code offence and sexual recidivism risk, nor do

² Harris, AJR & Hanson, RK. (2004). *Sex Offender Recidivism: A Simple Question 2004-03*. Public Safety and Emergency Preparedness Canada, available at <http://www.publicsafety.gc.ca/res/cor/rep/2004-03-se-off-eng.aspx>.

they defend the methods used to assign individuals to tiers in sexual offender registries like Michigan's. The research presented by the Plaintiffs' experts on the lack of a relationship between registry tier levels and sexual recidivism was uncontested.

E. The risk for sexual recidivism can be reliably predicted by widely-used risk assessment tools, such as Static-99R, which are used to classify individuals into various risk levels.

19. Defendants' experts offer some specific critiques of Static-99R as a risk assessment instrument – primarily that it is only predictive of recidivism (not reoffending), that it has not been validated for some populations, and that higher accuracy can be achieved by combining Static-99R with other sexual risk assessment tools. Those critiques will be discussed below. Defendants' experts do not, however, dispute the basic point that there are widely-used risk assessment tools, including the Static-99R, that have good predictive accuracy in classifying individuals into various risk levels.

20. On page 14, Dr. Salter states “Static-99R does what it was designed to do: it measures the chance someone will get caught in the future. It was designed to predict recidivism, and it does so.” Dr. Salter has routinely used Static-99R along with other risk tools in the risk assessments she conducts in her professional practice (page 16). On page 10-11, Dr. Turner states that Static-99R “has been a landmark in the field of prediction of sexual recidivism for decades when no other tools existed. Simply stated, when the instrument is described in a manner commensurate with its actual function – indicating which types of sexual offenses are more likely to result in a rearrest or reconviction – it is unrivaled.”

F. Contrary to the popular notion that all individuals who have ever committed a sexual offence remain at risk of reoffending through their lifespan, the longer individuals remain offence-free in the community, the less likely they are to reoffend sexually.

21. Here Defendants' experts object to my generalizing from recidivism to reoffending, which I will address in more detail below. However, they present no evidence to counter the well-established finding in criminology that recidivism rates – and reoffence rates – go down the longer a person is in the community without any new charges or convictions. This is true for sexual offences just as it is for other offences.

G. The recidivism risk of many registrants was already very low (at the time of the offence), or has declined to baseline levels (comparable to the general male population).

22. Here again Defendants' experts argue that *sexual reoffence rates* are significantly higher than *sexual recidivism rates*, but they do not dispute that the *recidivism* risk of many registrants is low, or for others it has declined over time to baseline levels comparable to the risk that a male in the general population will be convicted of a sex offence.

H. (Sex offender) policies and resources directed towards people who have very low risk initially or who attain very low risk over time serve no public protection function.

23. Defendants' experts do not present any evidence to support the notion that sex offender registration of very low risk individuals protects the public. Although there may be a dispute about how to define who is low risk, Defendants' experts have not suggested that sex offender registration is warranted for people who are very low risk.

24. Finally, it is important to note that Defendants' experts focus entirely on the first of the core factual questions in this case: whether all people who have ever been convicted of a sex offence present a higher risk of committing a new sex offence than people who have not been convicted of a sex offence. Defendants' experts present no evidence or argument at all on the question of whether sex

offender registries are effective in reducing reoffending by people convicted of past sex offences.

III. AREAS WHERE I AGREE WITH DEFENDANTS' EXPERTS' FINDINGS, BUT BELIEVE THOSE FINDINGS TO BE UNRESPONSIVE TO THE KEY FACTUAL QUESTIONS AT ISSUE.

25. Defendants' experts set out a number of factual findings with which I agree. I disagree that these findings justify decades-long or lifetime registration without individualized risk assessment. Many of Defendants' experts' factual findings, even where sound, are not relevant to the key factual questions of whether all people who have been convicted of a sex offence present a higher risk of committing a new sex offence than people who have not been convicted of a sex offence, and whether sex offender registries are effective in reducing reoffending by people convicted of past sex offences.

26. Sexual offending can cause significant harm. Defendants' experts emphasize the harm caused by sexual offending and the costs it imposes on survivors and society. I agree. Sexual offences are serious and harmful offences. It is important to remember, however, the huge variation in the types of sex offences that place an individual on the registry, as well as variability in the impact of these offences on the victim. The criminal justice system recognizes this harm by imposing punishments, in many cases severe punishments, for sexual offences. Society clearly has a strong interest in preventing sexual offending, both by people who have been convicted of past sexual offences and by people without past sexual offence convictions. But recognizing the harm of sexual offending and society's desire to prevent it does not answer the question of the extent to which people on registries present an appreciably higher risk than the general public, or the question whether registries are effective at reducing sexual victimization.

27. Some people convicted of sexual offences have a significant risk of reoffending. Defendants' experts highlight cases of horrible, repeat offenders. There is no question that some people who have been convicted of sex offences have a high risk of reoffending. It does not logically follow, however, that if some convicted individuals present a significant risk, everyone convicted of a sex offence presents a significant risk. Not everyone on the registry looks like the least dangerous named Plaintiffs in the case and not everyone looks like the most dangerous offenders highlighted by Defendants' experts. The reality is that risk levels vary, and that risk decreases over time. Furthermore, we can distinguish between individuals who are very low risk of sexual offending and individuals who are very high risk using methods that are currently available, and widely used.

28. Sexual offences are underreported. Almost all crimes are underreported, including sex crimes. The extent of underreporting for sexual offences is unclear, but there is no question that many sexual offences – whether committed by registrants or non-registrants – are never reported to law enforcement. This is uncontroversial. As discussed in more detail below, however, what matters for purposes of analyzing the registry is whether underreporting is greater for registrants versus non-registrants. And Defendants' experts concede that there is no evidence that the underreporting is greater for offences committed by people with past convictions than for offences committed by people without such a criminal history.

29. There is attrition of sexual offence cases in the criminal justice system. It is uncontroversial that not all sexual crimes reported to police result in a conviction. Again, what matters here is the comparative attrition rates for offences committed by registrants versus non-registrants. Defendants' experts present no evidence that cases brought against registrants are more or less likely to move forward than cases brought against non-registrants. Logically, cases against registrants should be

more likely to move forward because prosecutors are more likely to believe that they will be able to secure convictions.

30. The actual rate of sexual offending and actual rate of sexual reoffending are unknown. All experts agree that we do not know the actual rates of sexual offending or reoffending. Some of Defendants' experts attempt to estimate a lower bound based on a small group of exceptional cases; others make reference to unvalidated statistical models. Defendant's experts vary in the trust they place in their projections; however, none claims to know the actual rate of sexual offending in the general population, nor do they claim to know the actual rate of sexual reoffending among individuals with a history of sexual offending. This uncertainty does not invalidate the comparison between the sexual recidivism rates of individuals with a sexual offending history and the rate of first-time sexual offending in the general male population.

31. Sexual reoffence rates are higher than sexual recidivism rates. I agree with Defendants' experts that the rate at which people with past sex offence convictions reoffend (i.e., the number of times the person commits another sex offence) is higher than the rate at which they sexually recidivate (i.e., the number of times they are arrested or convicted for a new sex offence). Reoffence rates will always be higher than the recidivism rates precisely because not every offence is detected or results in a criminal sanction. That is true not just for sexual offences, but for virtually all crime. Defendants' experts' primary critique of my report is that it is based on known recidivism data, rather than (speculative) reoffence data.

IV. SPECIFIC DISAGREEMENTS AND CLARIFICATIONS

A. Officially recorded crime provides a valid comparison between the sexual recidivism risk of individuals with a sexual offending history and the risk of first-time sexual offending for individuals with no history of sexual crime.

32. All Defendants' experts challenged the validity of criminal history records as a measure of repeat offending. I agree that many, perhaps most, individuals who commit sexual offences are never subject to criminal justice interventions. As I stated in my previous declaration (§§24, §76), however, **the relevant question is not whether some individuals placed on the registry after conviction are committing undetected crimes; instead, the question is whether such convicted individuals subject to registration laws are committing more sexual crimes than individuals with no conviction who are not subject to registration laws.**

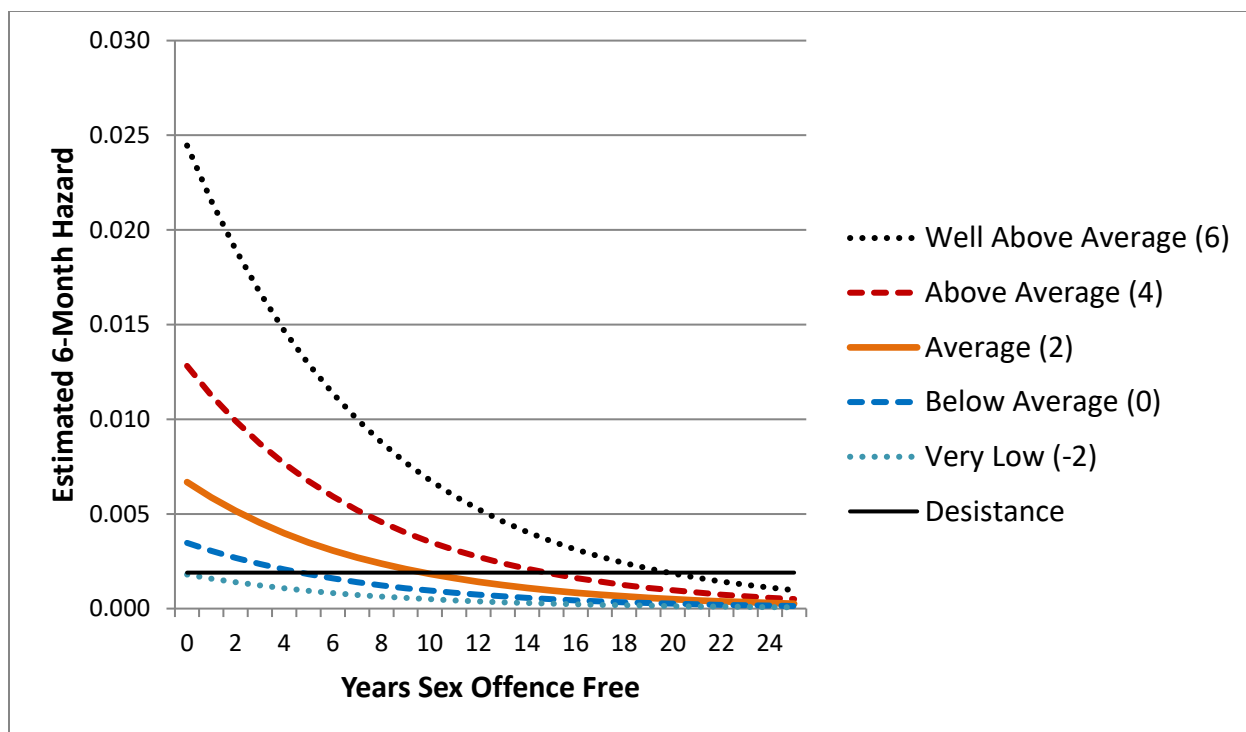
33. Criminal history records provide solid evidence for this comparison. **When the observed rates (based on official criminal justice system records) are equivalent, and the detection rates are equivalent, then the unobserved rates would also be equivalent.**

34. In my previous declaration I provided evidence, based on large samples, that there are many individuals with a history of sexual offending whose observed sexual recidivism rates are indistinguishable from the ambient baseline risk of two groups of individuals not subject to registry restrictions: a) individuals with a nonsexual conviction but no history of sexual offending, and b) men in the general population. The length of time before people with past sexual offence convictions reach "desistance" was calculated based on risk levels and time offence free in the community. Defendants' experts' criticism is that this research is based on official recidivism data rather than (unknown) reoffence rates.

35. Because what matters is the comparative sexual offence rates of people with past convictions (registrants) versus those without convictions, the fact that reoffending rates are higher than official recidivism rates does not affect the comparative analysis, as can be seen by the figures below.

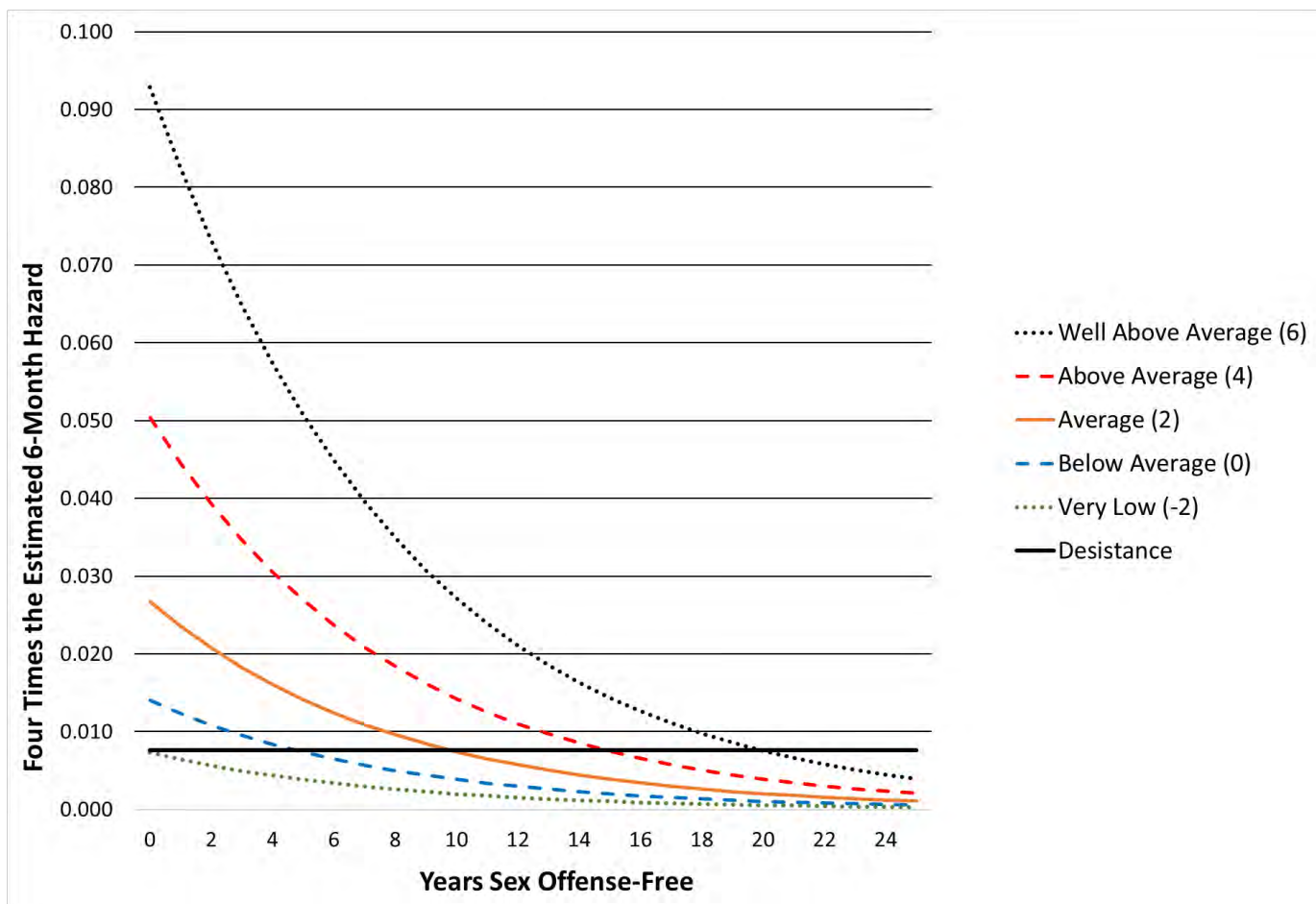
36. The first figure is from the original report. The declining hazard rate curves are calculated from three values: a) a risk level associated estimated by Static-99R scores, b) the number of years offence-free in the community, and c) the baseline risk at time of release for the complete sample of individuals with a history of sexual offending.³ This baseline risk was observed to be 6.7% after five years, or 0.67% during the first six months in the community. The figure also plots a desistance threshold defined as the likelihood of a first-time sexual crime among individuals with a criminal conviction but no history of sexual crime. This desistance threshold was set at 1.9% after five years, or 0.19% during the first six months following release.

³ Equation 5 from Hanson, RK, Harris, AJR, Letourneau, E, Helmus, LM, & Thornton, D. (2018). Reductions in risk based on time offence free in the community: Once a sexual offender, not always a sexual offender. *Psychology, Public Policy and Law*, 24(1), 48-63. doi:10.1037/law0000135.



37. The second figure below demonstrates how changing the base rate of sexual recidivism does not change the length of time it takes for individuals to reach the desistance threshold. The second figure maintains the same effects for initial risk (Static-99R scores) and for years offence-free; however, it quadruples the sexual recidivism base rates from 6.7% to 26.8%. Raising the overall rates by a factor of four is arbitrary, but within the range suggested by the Defendants' experts. Assuming a different value (e.g., multiplying by 2 or by 8) to account for the "dark figure" of sexual offending would not change the results. If there are 3 undetected offenders for each observed sexual offender, then the rate of sexual offending among individuals without a sexual offence history should similarly be raised by a factor of four, i.e., from 1.9% to 7.6% after five years. As can be seen from the revised figure, increasing the base rates to include undetected offences has no effect on the time it takes for individuals to reach the desistance threshold. The shape of the second

figure is identical as the first, with the only difference in the figure being the range of the y-axis. In Figure 1 above, the values ranged from 0.0019 to 0.024; in Figure 2 below, the values range from 0.0073 to 0.093. The lowest risk individuals are still below the desistance threshold at time of release. Most individuals (average risk) cross below the desistance threshold around 10 years, and the highest risk individuals cross below the desistance threshold around 20 years sexual offence-free in the community. Basing the time-free comparisons on official crime statistics or on estimates of the rate of undetected offending makes no difference, provided that the detection rates are equivalent for both groups (which Defendants' experts do not dispute).



B. The Detection Rates Are Equivalent, or Higher, for People with Past Convictions.

38. In my original report I opined that the detection rate for individuals with a previous sexual conviction should not be *lower* than the detection rate for individuals with no prior history of sexual offence convictions. (Indeed, I thought that people with a criminal sexual history were more likely to be investigated after a sexual crime committed by an unknown perpetrator, which might well lead to a *higher* detection rate.)

39. At the time of my previous declaration (October, 2021), I was unable to identify any research that compared the detection rate per sexual offence before and after being convicted of a sexual offence. Since that time, Dr. Kelley and colleagues published a study on the topic.⁴ The results of their study were consistent with my expectation that detection rates increase after the first conviction. The researchers carefully examined the history of detected and undetected sexual offending in a group of 189 men who were civilly committed in Wisconsin due to high risk for sexual recidivism. All these men had been convicted of a sexual offence on more than one occasion, allowing for comparisons between the detection rate for offences committed before their first arrest with the detection rate for offences committed following subsequent releases. Detected sexual offences were defined as those that resulted in an arrest, charge, or conviction, such that they would have been available to researchers studying sexual recidivism using official police statistics.

40. Like other researchers looking at very high-risk offenders, Dr. Kelley's group identified many victims who would not have been detected by researchers

⁴ Kelley, SM, Kahn, RE, Mundt, JC, & Barahal, RM. (2022). Do sanctions affect undetected sexual offending? *Sexual Abuse*. Advance online publication. <https://doi.org/10.1177/10790632221139178>.

using official police statistics. Prior to their first arrest, this group of 189 men had committed offences against 868 victims, of which 253 were detected by police records. This corresponds to a detection rate of 22.6% ($868/253 = 22.6\%$). After their first arrest, the detection rate increased to 36.2%. The detection rate remained in that range for subsequent release periods. To quote the authors: “Our data suggest the first formal sanction for a sexual offence makes a material difference on the detection rate, which would not be evident in the National Crime Victimization Survey and other data sources.”⁵

41. A post-arrest detection rate of 36.2% still indicates that most sexual offences would not appear in the recidivism statistics available to researchers. This does not invalidate, however, the comparisons of the official observed rates for convicted individuals (who are required to be on a sexual offender registry) with the observed rates of those who were not convicted in the past (and therefore are not subject to registration). If the *detection* rates really are 60% higher post-arrest ($36.2/22.6 = 1.60$), then the well-documented empirical equivalence in sexual offending risk for individuals with a history of sex crime convictions compared to the sexual offending risk of individuals without such history would indicate that *many individuals with the sexual offence history would now be lower risk than the average risk for individuals without a history of sexual crime.*

42. Or course, there remains considerable uncertainty concerning the rate of undetected offending. Dr. Kelley’s research is only one study on one specific population; however, her findings are consistent with expectations that the detection rate should increase after being arrested for a sexual offence, and I am aware of no contradictory evidence. Defendants’ experts either make no comment about relative

⁵ Kelley et al. (2022) *supra* note 4, at page 17.

differences in detection rates for registrants and non-registrants, or they assume that the rates are the same (Salter, page 10).

C. Recidivism Is Different from Repeat Offending.

43. There is a meaningful distinction between repeat offending prior to criminal justice intervention and repeat offending after criminal justice intervention. For most crimes, it is rare for individuals to be caught the first time they commit the offence. This applies to minor crimes, such as theft, as well as to major crimes, such as sexual assault. It is less common, however, for individuals to immediately return to crime after being sanctioned.⁶

44. When I discuss recidivism in my declaration, I am referring to repeat offending *after detection and sanction by the criminal justice system*. This focus on repeat offending after conviction is relevant to the current deliberations because only individuals who are *convicted* of sexual crimes are subject to registration and notification measures. Repeat offending among undetected offenders is a real concern, but it is not a concern that can be fixed by a sexual offender registry.

45. I concur with Defendants' experts that it is common for individuals to have committed more than one sexual offence prior to being convicted for their first sexual offence.^{7,8} Sometimes these additional offences are known to the criminal justice system, and sometimes they are known only through self-reporting, or through other means, such as the analysis of sexual assault kits.

⁶ Rhodes, W, Gaes, G, Luallen, J, Kling, R, Rich, T, & Shively, M. (2016). Following incarceration, most released offenders never return to prison. *Crime & Delinquency*, 62, 1003-1025. doi:10.1177/0011128714549655.

⁷ Groth, N, Longo, R, & McFadin, JB. (1982). Undetected recidivism among rapists and child molesters. *Crime & Delinquency*, 28(3), 450-458.

⁸ Weinrott, MR, & Saylor, M. (1991). Self-report of crimes committed by sex offenders. *Journal of Interpersonal Violence*, 6(3), 286-300.

46. Our research team has examined whether the number of different offences in the “index sexual offence” – the offence, or group of offences, which resulted in their first arrest or conviction and for which we are assessing risk using the Static-99R scoring instrument – predicted sexual recidivism.⁹ Our results were surprising. We found that individuals whose index sexual offence conviction involved more than one victim and/or more than one offence *were no more likely to reoffend sexually* than individuals who were convicted of only one sexual offence against only one victim. Consequently, the Static-99R and Static-2002R data-driven (actuarial) risk tools we developed do not include the number of victims or charges in the index sexual offence as an indicator of sexual recidivism risk.

47. What *is* related to sexual recidivism risk are previous offences that *resulted in arrest, charge, or conviction*. Specifically, if an individual is charged with a sexual offence and then later is convicted of a new sexual offence, the individual’s risk for sexual recidivism is now increased by about 60%.¹⁰ In other words, if the recidivism rate after 10 years is 10 out of 100 for individuals with no prior sexual offence conviction, the rate would now be 16 out of 100 for individuals with a prior sex offence conviction.

48. In contrast, for individuals who have more than one sexual offence as part of their index offence (i.e., multiple offences were the basis of the index offence, but the person had no prior sexual arrest, charge, or conviction), their risk would be *the same as that presented by individuals with no prior sexual offence* (i.e., 10 out of 100 in our example). Being arrested and then reoffending is a valid indicator of increased risk. Having more than one sexual offence in the cluster of index offences

⁹ Hanson, RK, & Thornton, D. (2003). *Notes on the development of Static-2002*. User Report 2003-01. Ottawa: Department of the Solicitor General of Canada.

¹⁰ Helmus, LM, & Thornton, D. (2015). Stability and predictive and incremental accuracy of the individual items of Static-99R and Static-2002R in predicting sexual recidivism: A meta-analysis. *Criminal Justice and Behavior*, 42(9), 917-937.

is not. In other words, a person may commit multiple sexual offences *before* being detected by the criminal justice system. But what matters for determining recidivism risk is whether the person is apprehended again *after* being detected by the criminal justice system.

D. Reporting Rates for Sexual Offences Are Not Always Low, and May Be Increasing.

49. Defendants' experts' reports quote various statistics on the low rate at which sexual offences are reported to police, particularly sexual offences against children. Missing from their list of studies is the 2012 study by David Finkelhor and colleagues that was published by the U.S. Department of Justice/Office of Justice Programs.¹¹ Based on a nationally representative sample of 4,549 children (aged 1 month to 17 years) in 2008, they found that most sexual abuse of children by adults *was* reported to police: 76.1% when the abuse was committed by a nonspecific adult, and 64.9% when the abuse was committed by a known adult. Not all types of sexual victimization, however, had such high rates of reporting to police; for example, only 13.1% of sexual abuse by peers and 10.0% of rapes were reported to police. Finkelhor's 2012 survey contrasts with the findings of his earlier 1994 study on childhood victimization.¹² Based on a representative sample of 2,000 young people (ages 10 to 16), the authors found that only 3% of sexual abuse/assault victimizations (based on 1992 data) were reported to police. Although the reporting figures are not directly comparable because different questions and categories were used in the 1992 and 2008 surveys, the authors of the updated study conclude that "More victimization and abuse appear to be known to authorities currently than was the case in a

¹¹ Finkelhor, D, Ormrod, R, Turner, H, & Hamby, S. (2012). *Child and youth victimization known to police, school, and medical authorities*. Juvenile Justice Bulletin: National Survey of Children's Exposure to Violence. Office of Justice Programs. www.ojp.usdoj.gov.

¹² Finkelhor, D, and Dziuba-Leatherman, J. (1994). Children as victims of violence: A national survey. *Pediatrics*, 94(4), 413–420.

comparable 1992 survey.”¹³ It is unlikely that the reporting rates have declined in recent years, and, given the ongoing attention to issues of sexual victimization, they may have increased.

50. Defendants’ experts argue that the observed sexual recidivism rates are sensitive to reporting rates. In particular, they argue that the observed rates are low because the reporting rates are low. But one consequence of this argument is that an increase in the reporting rates – like the ones Finkelhor found – should result in an increase in the observed sexual recidivism. This has not happened. The increase in reporting rates documented in Finkelhor’s 2012 study has not been associated with an increase in observed recidivism rates. Sexual recidivism rates are, if anything, lower in contemporary samples than in samples from the 1980s and 1990s. For example, when we were updating the recidivism rates norms for Static-99R, the inclusion of recent U.S. samples resulted in a modest decrease in the expected recidivism rates.¹⁴ Instead of increasing official observed recidivism rates for people with sex offence convictions – as one would expect – increased reporting has not changed observed recidivism rates for that group. Instead, increased reporting appears to be expanding the number of *new* offenders detected by the criminal justice system.

V. INDIVIDUALIZED ASSESSMENTS ARE AN EFFECTIVE AND EFFICIENT WAY TO ASSESS RISK.

51. Both Dr. Turner and Dr. Salter accept that individuals vary in their risk for sexual recidivism, and that such variation can be determined using individualized assessments. I disagree with these experts, however, when they assert that individualized assessments would be impractical and cost-prohibitive. Dr. Turner presents

¹³ Finkelhor et al. (2012) *supra* note 11, at page 1.

¹⁴ Lee, SC, & Hanson, RK. (2021). Updated 5-year and new 10-year sexual recidivism rate norms for Static-99R with routine/complete samples. *Law and Human Behavior*, 45(1), 24-38. <https://doi.org/10.1037/lhb0000436>.

cost estimates for sexual recidivism risk assessments in the range of \$8,000 to \$20,000. Dr. Salter states she typically devotes 15 hours on her comprehensive evaluations. Although certain experts in certain contexts receive compensation in this range, routine sexual recidivism risk assessments are much less expensive. Most cases are much less complicated than the cases Dr. Salter assesses for civil commitment as Sexually Violent Persons. Currently, Michigan's Department of Corrections requires sexual recidivism risk assessments for individuals who receive treatment in the community.¹⁵ These contracts stipulate that the evaluators will use Static-99R and STABLE-2007,¹⁶ and may use other measures depending on the characteristics of the case. STABLE-2007 measures 13 factors relevant for the treatment and supervision needs of individuals with a sexual offending history, such as lifestyle impulsivity, negative attitudes toward women, and deviant sexual interests. It can be scored by diverse professionals, including probation officers.^{17,18} There are mechanical rules for combining STABLE-2007 with Static-99R; evaluators who consider both measures have more accurate risk assessments than evaluators who only use Static-99R.¹⁹

52. MDOC contracts do not specify the unit cost for a sexual recidivism risk assessment using Static-99R and STABLE-2007; however, the routine inclusion

¹⁵ State of Michigan Department of Corrections. (2021). Contract Change Notice to Contract Number 180000000186 (Wise Mind, PLLC). Lansing, Michigan. See Section 3.1.A Standardized Assessment Tools.

¹⁶ Hanson, RK, Helmus, L, & Harris, AJR. (2015). Assessing the risk and needs of supervised sexual offenders: A prospective study using STABLE-2007, Static-99R and Static-2002R. *Criminal Justice and Behavior*, 42(12), 1205-1224. doi:10.1177/0093854815602094

¹⁷ Hanson et al. (2015) *supra* note 16.

¹⁸ Helmus, LM, Hanson, RK, Murrie, DC, & Zabarauckas, CL. (2021). Field validity of Static-99R and STABLE-2007 with 4,433 men serving sentences for sexual offences in British Columbia: New findings and meta-analysis. *Psychological Assessment*, 33(7), 581-595. doi:10.1037/pas0001010.

¹⁹ Brankley, AE, Babchishin, KM, & Hanson, RK. (2021). STABLE-2007 Demonstrates predictive and incremental validity in assessing risk-relevant propensities for sexual offending: A meta-analysis. *Sexual Abuse*. 33(1), 34-62. doi:10.1177/1079063219871572

of these measures in contracts indicates that it is not cost prohibitive, for the state or for the contractors. The treatment staff who complete the evaluations are paid \$80 to \$185 per hour, much less than Dr. Turner's rate of \$450/hour. It is unlikely that the extra cost is worth it. There is strong evidence that the predictive accuracy of the sexual recidivism evaluations *is based on the methods used to assess risk, and not on the professional expertise of evaluators.*²⁰ To continue Dr. Turner's example, it does not require a Ph.D. in Forensic Psychology to recognize that Ted Bundy is unusually high risk.

A. Differential Reporting Does Not Undermine the Validity of Static-99R

53. Both Dr. Salter (page 12-13) and Dr. Turner (page 10) raise concerns that different patterns of reporting/detection could influence the predictive validity of the Static-99R risk tool. They speculate that certain Static-99R items may not be valid predictors of sexual recidivism risk; instead, they may only be markers for the likelihood of reporting victimization when it occurs. Static-99R was constructed based on empirical relationships between offence characteristics and the likelihood of sexual recidivism as measured by police reports and criminal history records. The Defendants' experts are concerned that such empirical relationships could arise even when the items are unrelated to the likelihood of sexual offending; they suggest that, instead, the empirical associations could be based on the likelihood of reporting sexual offences, should they occur. Their arguments focus on the two of the Static-99R scoring items (out of ten total scoring items): a) only related victims (associated with lower risk) and b) any stranger victims (associated with higher risk). The experts are correct that victimization surveys have found that individuals who are victimized by

²⁰ Hanson, RK, & Morton-Bourgon, KE. (2009). The accuracy of recidivism risk assessments for sexual offenders: A meta-analysis of 118 prediction studies. *Psychological Assessment*, 21, 1-21. doi:10.1037/a0014421

family members are less likely to report to police than individuals victimized by strangers. The experts' argument is that apparent increase in risk associated with having unrelated victims or stranger victims could be an artifact of the increased likelihood that such offences would be reported to police.

54. Defendants' experts' speculation, however, is undercut by the substantial differences between reporting of the first offence by a family member and reporting of subsequent offences. The data cited by Dr. Salter and Dr. Turner concerns first-time reporting of offending by a family member. It is rare to be charged with a new offence against a family member after having been already sanctioned for a sexual offence against a family member. I am not aware of any data that reports the reporting/detection rate for offences committed by family members who are already known to have committed a sexual offence against a family member. I would expect that the reporting rate would be much higher for subsequent offences after arrest/detection than for the first offence or series of offences. Charging a family member with a sexual offence against another family member typically creates a family crisis. The perpetrator is "outed" to family and friends, which happens with or without a registry. The perpetrator is subject to criminal justice interventions (arrest, jail, probation), and child protective services often become involved. Post-disclosure it is common for families to develop formal or informal risk management plans (e.g., don't let Joan be alone with Uncle Jack). Many family members increase their vigilance of "Uncle Jack" for behaviours that could indicate grooming, boundary violations, or new offences. Given the radical reorientation of the family systems following a sexual conviction of one of its members, and given the limited pool of potential victims, it is likely that the real sexual reoffending rates are low for individuals whose only victims have been family members. Low reporting rates *for first-time*

offenders against family members does not diminish the strong empirical evidence of the low observed recidivism rates for this type of sexual crime.

55. Another problem with the argument of the Defendants' experts is that the association between high reporting rates and high observed recidivism rates only applies to certain items. For other items, the reporting rates are low, but the item is, nonetheless, empirically associated with increased observed sexual recidivism. As mentioned by Dr. Turner, males who are victims of sexual offences are less likely to report their abuse than females; however, having a male victim is associated with increased risk for observed sexual recidivism (it is one of the items in Static-99R).

56. Furthermore, a weakness in one item on a risk tool, even if present, does not invalidate the whole risk tool. For risk tools or other assessment measures, each item is expected to measure the construct of interest (in our case, sexual recidivism risk) as well as being influenced by a certain amount of unrelated noise (e.g., variability among prosecutors in charging practices). Test developers include multiple items in their measures with the expectation that the noise will cancel out, thereby increasing the reliability of their measures. For Static-99R, in particular, it is unlikely that random noise associated with any one particular item would meaningfully influence the overall predictive validity of the total scores based on the full set of 10 items. The reason that Static-99R scores are empirically associated with the likelihood of sexual offence recidivism is its items are valid (if imperfect) markers for risk relevant propensities, such as antisocial orientation, atypical sexual interests, and hostility toward women.^{21,22}

²¹ Mann, RE, Hanson, RK, & Thornton, D. (2010). Assessing risk for sexual recidivism: Some proposals on the nature of psychologically meaningful risk factors. *Sexual Abuse: A Journal of Research and Treatment*, 22(2), 191-217. doi:10.1177/1079063210366039.

²² Brouillette-Alarie, S, Babchishin, KM, Hanson, RK, & Helmus, L. (2016). Latent constructs of static risk scales for the prediction of sexual aggression: A 3-factor solution. *Assessment*, 23(1), 96-111. doi:10.1177/1073191114568114.

B. Dr. Turner's Criticisms of the Static-99R Instrument

57. Dr. Turner's report focusses on the limitations of the Static-99R sexual recidivism risk tool to sort registrants into risk levels. His major concern is that it only examines observed recidivism, which would underestimate the actual reoffending rate that included undetected offences. As previously stated, I fully agree that observed recidivism rates underestimate actual recidivism rates. Nevertheless, the Static-99R is still a useful and practical approach to sorting individuals with a sexual offending history into risk levels.

58. One limitation of the Static-99R identified by Dr. Turner is that it cannot be used with individuals whose only sexual offences have involved the possession of child sexual abuse materials (CSAM). This is correct. Static-99R should not be used for individuals with this offence history. There are, however, other validated risk tools normed on individuals whose only sexual offences have involved CSAM, such as the Child Pornography Offender Risk Tool (CPORT).^{23,24} Like Static-99R, the CPORT is a relatively simple tool based on demographic and offence characteristics, and includes items concerning the nature of the sexual abuse materials. The CPORT is widely used. For example, the Michigan Department of Corrections' procurement contract for sex offender counseling services indicates that the CPORT can be used for individuals with a history of CSAM offending.²⁵

59. Another criticism that Dr. Turner levels at the Static-99R is that it ignores antisocial behaviour (page 3-4). This is simply not true. Two of the 10 items directly address antisocial behaviour (prior nonsexual violence, prior sentencing

²³ Seto, M. C., & Eke, A. W. (2015). Predicting recidivism among adult male child pornography offenders: Development of the Child Pornography Offender Risk Tool (CPORT). *Law and Human Behavior*, 39(4), 416-229. <https://doi.org/10.1037/lhb0000128>.

²⁴ Eke, A. W., Helmus, L. M., & Seto, M. C. (2019). A validation study of the child pornography offender risk tool (CPORT). *Sexual Abuse*, 31(4), 456-476.

²⁵ State of Michigan Department of Corrections (2021) *supra* note 15.

dates for anything), and three other items are strongly related to a general propensity for rule violation (young age, never lived with a lover for two years, victimized a stranger).²⁶ Consequently, five of the 10 Static-99R items are solid indicators of anti-social orientation; these items not only predict sexual recidivism, but nonsexual recidivism as well.

60. Dr. Turner raises concerns about the Static-99R reliability across different ethnic groups. In psychology, “reliability” refers to the extent to which different assessments provide the same score. The study cited by Dr. Turner (Varela et al., 2013)²⁷ does not examine reliability; instead, it examines predictive validity. Dr. Turner seems to be unaware of the other studies on the validity of the Static-99R across ethnic groups. A recent summary of these studies is provided by Ahmed and colleagues.²⁸ Based on 17 distinct studies, Ahmed and colleagues found that the Static-99R had equivalent predictive accuracy for White men, Black men, and East Asian men. The predictive accuracy was somewhat lower for men of Latino background, a difference that could be attributed to many of these men being deported. There was, however, meaningfully lower predictive accuracy for men of Indigenous heritage (mostly studies from Canada and Australia). Given that Native Americans comprise a small proportion of the Michigan population (< 1%), the Static-99R would be expected to work as intended for most men in Michigan.

²⁶ Brouillette-Alarie, S, Proulx, J, & Hanson, RK. (2018). Three central dimensions of sexual recidivism risk: Understanding the latent constructs of Static-99R and Static-2002R. *Sexual Abuse*, 30(6), 676-704. doi:10.1177/1079063217691965.

²⁷ Varela, JG, Boccaccini, MT, Murrie, DC, Caperton, JD, & Gonzalez Jr, E. (2013). Do the Static-99 and Static-99R perform similarly for White, Black, and Latino sexual offenders? *International Journal of Forensic Mental Health*, 12(4), 231-243.

²⁸ Ahmed, S., Lee, S. C., & Helmus, L. M. (2023). Predictive accuracy of Static-99R across different racial/ethnic groups: A meta-analysis. *Law and Human Behavior*, 47(1), 275-291.

C. Miscellaneous Criticisms

61. On page 7, Dr. Turner states (correctly) that “Dr. Hanson cites a Bureau of Justice Statistics study which found that 2% of nonsexual offenders were later convicted of a sexual offense within a nine-year period.”²⁹ Dr. Turner also correctly indicates that I said that this 2% figure is likely an underestimate. He then criticizes me for using the 2% figure as the ambient base rate for individuals with a criminal history but no history of sexual offending. This is an odd criticism. As I clearly state in my previous declaration (¶20), the 2% figure was not based on that Bureau of Justice Statistics study; instead, it was based on our prior review paper.³⁰

62. The Bureau of Justice Statistics study was included in my report to indicate that the findings of our previous review were consistent with subsequent research. Dr. Turner seems to imply that, based on this one study, I should have raised my estimate somewhere above 2%. If the estimate of the ambient base rate were raised, it would have strengthened my position that many individuals with a sexual offense history present a risk for sexual offending that is equivalent to the risk of first-time sexual offending among individuals with no previous or current sex crime convictions. Dr. Turner seems to be criticizing me for not recognizing that the evidence for my position is even stronger than the conservative way I presented it.

63. On page 8, Dr. Turner states that using 20-year recidivism rates to estimate lifetime rates is misleading because there are material differences between an individual released at age 20 and an individual released at age 55. Although Dr. Turner does not specify the nature of the differences, I assume that he means that the

²⁹ The study in question is Alper, M, & Durose, MR. (2019). Recidivism of sex offenders released from state prison: A 9-year follow-up (2005-14). Special Report NCJ 251773, U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

³⁰ Kahn, RE, Ambroziak, G, Hanson, RK, & Thornton, D. (2017). Release from the sex offender label. *Archives of Sexual Behavior*, 46(4), 861-864. doi:10.1007/s10508-017-0972-y.

individual released at age 20 (now 40) would be more likely to be alive and in good health than the individual released at age 55 (now 75). My position is that lifetime rates can be meaningfully estimated as 20-year rates, for all adults expected to live at least 20 years. The evidence for my position, stated in my previous declaration, is that the risk of sexual recidivism predictably declines the longer individuals remain offence-free in the community.

64. These “time-free” effects are consistent across age groups.³¹ Although younger individuals are higher risk than older individuals at time of release, *the pattern of decline is the same*. After 20 years offence-free, the likelihood of a new sexual offence is as small for individuals who were released when they were 20 as it is for individuals who were released when they were 55. It is sufficiently small for all age groups that it is within the measurement error of our current prediction model; hence, there is no perceptible difference between the lifetime recidivism rates and the 20-year recidivism rates.

65. On page 8, Dr. Turner states that the Static-99R has raised ethical concerns about how it uses base rate information. To support this position, he cites a 2010 opinion article by Cauley entitled “The Death of the Static-99.” Cauley argued that the Static-99/R should not be used because, among other things, it “does not have the support of cross-validation, independent studies or any peer reviewed publications.” Cauley considered the problems with the Static-99/R to be serious, predicting that its use in applied practice would diminish to nothing, and that it would be increasingly rejected by courts. I am unsure why Dr. Turner decided to mention this particular article. The criticisms leveled by Cauley clearly do not apply to the

³¹ Hanson, RK, Harris, AJR, Helmus, L, & Thornton, D. (2014). High risk sex offenders may not be high risk forever. *Journal of Interpersonal Violence*, 29(15), 2792-2813. doi:10.1177/0886260514526062.

Static-99R as it currently stands. A recent review article identified 56 Static-99R validation studies.³² The average predictive accuracy in these studies was similar to the predictive accuracy in the development samples, and there were no statistically significant differences in the accuracy for studies involving the Static-99R's developers/authors 10 studies (AUC³³ = .66) and the independent authors' studies 46 studies (AUC = .69).

66. Cauley's prediction that Static-99/R would stop being used was spectacularly wrong. Static-99R is the most commonly used sexual recidivism risk tool in the world, with routine use in the US³⁴ (including Michigan³⁵), Canada,³⁶ Europe and East Asia.^{37,38} It is also widely accepted in the US courts. Helmus and colleagues reviewed 83 cases in which Static-99 or Static-99R faced Daubert or Frye tests in the US.³⁹ In the vast majority of cases, Static-99/R results were admitted as presented by the evaluators. The few cases in which it was not admitted, or admitted in an altered form, tended to be from the early 2000s. At that time, it was unfamiliar, only

³² Helmus, LM, Kelley, SM, Frazier, A, Fernandez, YM, Lee, SC, Rettenberger, M, & Boccaccini, MT. (2022). Static-99R: Strengths, limitations, predictive accuracy meta-analysis, and legal admissibility review. *Psychology, Public Policy, and Law*, 28(3), 307-331.

³³ AUC stands for the Area Under Curve. It is measure of predictive accuracy that ranges between zero and one and can be interpreted as the likelihood that a randomly selected recidivist would have a higher Static-99R score than a randomly selected individual who did not recidivate. AUC values between .64 and .71 are considered "moderate". See RK Hanson. (2022). *Prediction statistics for psychological assessment*. American Psychological Association.

³⁴ Kelley, S. M., Ambroziak, G., Thornton, D., & Barahal, R. M. (2020). How do professionals assess sexual recidivism risk? An updated survey of practices. *Sexual Abuse*, 32(1), 3-29. <https://doi.org/10.1177/1079063218800474>.

³⁵ State of Michigan Department of Corrections (2021) *supra* note 15.

³⁶ Bourgon, G., Mugford, R., Hanson, R. K., & Coligado, M. (2018). Offender risk assessment practices vary across Canada. *Canadian Journal of Criminology and Criminal Justice*, 60(2), 167–205. <https://doi.org/10.3138/cjccj.2016-0024>.

³⁷ Helmus, Kelley et al. (2022) *supra* note 32.

³⁸ Lee, S. C., Hanson, R. K., & Yoon, J. S. (2022). Predictive validity of Static-99R among 8,207 men convicted of sexual crimes in South Korea: a prospective field study. *Sexual Abuse*, <https://doi.org/10.1177/10790632221139173>.

³⁹ Helmus, Kelley et al. (2022) *supra* note 32.

basic user guidance was available, and there was less research than in subsequent decades. Since 2011, there have been only a handful of admissibility challenges as Static-99R has gained widespread acceptance in applied practice. To quote Helmus and colleagues “Today, admissibility challenges centered on general acceptance are unlikely to succeed” (p. 322). Static-99R is very much alive.

67. On page 8, Dr. Turner raised concerns about Static-99R’s application to older populations. To support this claim, he cites a single Australian study from 2011.⁴⁰ The study scored 51 individuals with a history of sexual offending, using both Static-99 and Static-99R. Static-99R is identical to Static-99, with the exception of revised age weights. The researchers found that 11 of the 51 men had the same score on both instruments. This is as it should be. Updating risk tools using actuarial data should modestly change the results for most individuals scored on a previous version; nevertheless, some individuals may retain the same score, for example, individuals who are aged between 35 and 40 would receive the same score of zero for the age item on both the Static-99 and Static-99R. There is no data in that article that raises any concerns about Static-99R application to older men. I have no idea why Dr. Turner cited this article to support his point. In contrast, there are some articles from the early 2000s that validly criticized the application of Static-99 to older (50+) men because Static-99 (the original version) failed to account for the significant decline in sexual recidivism risk with advanced age.^{41,42} This criticism of

⁴⁰ Lennings, C., Seidler, K., Heard, R., Collins, E., & Nasr, R. (2011). Age and the Static-99R. *Sexual Abuse in Australia and New Zealand*, 3(1), 34–41.

<https://search.informit.org/doi/10.3316/informit.668112059639029>

⁴¹ Barbaree, HE, Langton, CM, Blanchard, R, & Cantor, JM. (2009). Aging versus stable enduring traits as explanatory constructs in sex offender recidivism: Partitioning actuarial prediction into conceptually meaningful components. *Criminal Justice and Behavior*, 36, 443-465. doi:10.1177/0093854809332283.

⁴² Wollert, R., Cramer, E., Waggoner, J., Skelton, A., & Vess, J. (2010). Recent research ($N = 9,305$) underscores the importance of using age-stratified actuarial tables in sex offender risk

the original version of Static-99 motivated the revised age weights used in Static-99R.⁴³

VI. RESPONSE TO THE NON-EXPERT DECLARATIONS

68. Tricia Dare opines at [9] that “The likelihood of committing criminal sexual conduct does not appear to change significantly with age. I have prosecuted many cases where the perpetrator was 60+ years old.” The generalization concerning the likelihood of sexual offending and age is not true, and has no scientific basis. I am not aware of any researcher who has argued that individuals over the age of 60 are never charged with sexual crimes. A prosecutor with a long career would be expected to deal with a non-trivial number of older men charged with sexual offences (many for crimes committed years earlier).

69. Scientific statements concerning the likelihood of sexual crime must be supported by group data indicating that fewer individuals in the 60+ age category commit sexual crimes than younger individuals. Tricia Dare presents no such data. There are, however, lots of data available on the topic of age and the risk of sexual crime. Well-conducted studies, by diverse research teams, using large sample sizes

assessments. *Sexual Abuse: A Journal of Research and Treatment*, 22, 471-490. doi:10.1177/1079063210384633.

⁴³ Helmus, L, Thornton, D, Hanson, RK, & Babchishin, KM. (2012). Improving the predictive accuracy of Static-99 and Static-2002 with older sex offenders: Revised age weights. *Sexual Abuse: A Journal of Research and Treatment*, 24(1), 64-101.

consistently find that the likelihood of all types of sexual crime declines significantly with advancing age.^{44,45,46,47,48}

70. The five studies I have cited are but a fraction of the available research on age and sexual offending. The decline in criminal behaviour with age is one of the most well-documented findings in criminology, and applies to both sexual and non-sexual crime. The pattern of decline is slower, however, for individuals who have sexually offended against children⁴⁹ than for other types of crimes; consequently, the small cohort of men over 60 before the courts will often contain a disproportionate number of individuals who have sexually victimized children. It may be this overrepresentation of individuals charged with sexual offences against children among the older men in courts that is the subjective experience motivating Ms. Dare's incorrect statement that the risk of sexual offending does not decline with advanced age.

71. Danielle Russo-Bennetts opines [at 12] that "This [sexual] crime carries a higher rate of recidivism, based upon the cases I've personally handled in my years as a prosecutor." The meaning of her phrase "higher rate of recidivism" is not entirely clear, but I would assume that it means returning to the courts for either any new

⁴⁴ Alper & Durose (2019) *supra* note 29.

⁴⁵ Fazel, S., Sjöstedt, G., Långström, N., & Grann, M. (2006). Risk factors for criminal recidivism in older sexual offenders. *Sexual Abuse, 18*(2), 159-167.

⁴⁶ Hanson, R. K. (2002). Recidivism and age: Follow-up data from 4,673 sexual offenders. *Journal of interpersonal violence, 17*(10), 1046-1062.

⁴⁷ Raymond, B. C., McEwan, T. E., Davis, M. R., Reeves, S. G., & Ogloff, J. R. (2021). Investigating the predictive validity of Static-99/99R scores in a sample of older sexual offenders. *Psychiatry, Psychology and Law, 28*(1), 120-134.

⁴⁸ Skelton, A., & Vess, J. (2008). Risk of sexual recidivism as a function of age and actuarial risk. *Journal of Sexual Aggression, 14*(3), 199-209.

⁴⁹ Hanson (2002) *supra* note 46.

offence or, more narrowly, a new sexual crime. She appears to be discussing officially reported crime because she supports her assertion based upon the cases she has “personally handled in my years as a prosecutor.” Personal experience, however, does not qualify as scientific evidence. Scientific statements concerning relative rates of officially recorded recidivism require statistics about the proportion of individuals who returned to court for the same crime, for a different crime, or did not return at all. She provides no such statistics. There are, however, many well-conducted studies, by diverse research teams, using large samples that compare the recidivism rates of individuals who have committed sexual and nonsexual crimes. As mentioned in my previous declaration, these studies find that the overall recidivism rate (any new offence) of individuals convicted of a sexual crime to be lower than the overall recidivism rate for individuals convicted of a nonsexual crime.^{50,51,52}

72. If Ms. Russo-Bennetts means “recidivism” to mean only a new sexual arrest or conviction by someone with a past sexual offence, then her comparison statement (“higher”) requires a comparison group. If the comparison group is defined as individuals who have committed nonsexual crimes and the rate at which they are rearrested or convicted of a similar offence, her assertion is clearly false. The rate of nonsexual recidivism is far higher than the rate of sexual recidivism – even for individuals who have committed sexual offences. For example, a large Bureau of Justice Statistics study by Alper and Durose (2019)⁵³ found that 7.7% of individuals released following sexual offence conviction were rearrested for rape or

⁵⁰ Alper & Durose (2019) *supra* note 29.

⁵¹ Langan, PA, Schmitt, EL, & Durose, MR. (2003). Recidivism of sex offenders released from prison in 1994. NCJ 198281. U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

⁵² Stewart, LA, Wilton, G, Baglole, S, & Miller, R. (2019). A comprehensive study of recidivism rates among Canadian federal offenders. Publication Number R-426. Correctional Service of Canada. <https://www.csc-scc.gc.ca/research/005008-r426-en.shtml>.

⁵³ Alper & Durose (2019) *supra* note 29.

sexual assault during the nine-year follow-up period; however, 67% were arrested for any crime. In comparison, 84% of individuals released following a nonsexual offence conviction were rearrested in the same follow-up period. Among individuals whose most serious commitment offence was drugs, 60.4% were rearrested with another drug offence. For individuals committed for public order offence, 70.1% were rearrested for another public order offence. For individuals committed for assault, 44.2% were rearrested for assault. And so on. The only commitment offence that showed lower “crime specific” recidivism than sexual offending (7.7%) was homicide (2.7%).

73. Critics may argue that the rate of sex crime specific recidivism is still high (despite decades of data to the contrary) because of the low proportion of sexual crimes reported to police. Sexual crimes are not the only crimes, however, where the perpetrators go undetected. Motor vehicle theft is usually reported to police, but the police rarely identify the perpetrator (clearance rate of less than 15%).⁵⁴ A tiny fraction of drug offences would be reported to the police because both parties are willing participants; nevertheless, the drug-crime specific recidivism rate is high (60%). Reporting rates for sexual crimes may be low, but the police clearance rate for sexual crimes is relatively high. Most sexual crimes are committed by individuals known to the victim, meaning that it is easy to identify the perpetrator once the police have determined that a sexual offence has occurred. Low detection rates are not unique to sexual offences.

74. Sarah Rennie opines that “Convicted sex offenders are likely to reoffend with a sex offense after release” (page 1, §1). She presents no evidence to support this statement. In her report she cites recidivism statistics indicating

⁵⁴ FBI: UCR. 2017 Crime in the United States. <https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017/topic-pages/clearances#:~:text=Overview,by%20arrest%20or%20exceptional%20means>.

observed recidivism rates of 5% to 15% after five years. These recidivism statistics were drawn from many of the same studies I cited in my October, 2021, declaration. She does not present any rationale for how she extrapolated from the five-year recidivism statistics of 5% to 15% to a likelihood of reoffending. Instead, she simply states that “the reoffence and recidivism are difficult to measure” (page 1, §2). Consequently, Ms. Rennie’s statement that individuals with a sexual offence conviction are likely to reoffend is a personal opinion without scientific foundation.

VII. CONCLUSION

75. In summary, my position is that officially recorded arrests, charges, and convictions are valuable, if imperfect, indicators of sexual recidivism risk. Observed rates will underestimate the actual rates; however, when used as the outcome variable in prediction studies, relative differences in officially recorded sexual crimes are a valid indicator of relative risk for sexual recidivism. Groups that have equivalent observed sexual recidivism rates can reasonably be assumed to have equivalent real sexual reoffence rates. And as noted above, if anything the comparative reoffence rates of those with past sexual offences may be lower (not higher) given that offences by people with past convictions are more likely to be detected and prosecuted. Nothing put forward by Defendants’ experts suggests otherwise. Consequently, I stand by my previous conclusion that many individuals subject to sexual offender registration and notification laws pose no more risk for sexual offending than do individuals not subject to such laws. Furthermore, we can identify individuals with a sexual offending history who now pose a very low risk for sexual recidivism using currently available methods. Requiring these very low risk individuals to register as sexual offenders serves no public protection function.

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

A handwritten signature in black ink, appearing to read "R. K. Hanson", followed by a long horizontal line extending to the right.

R. Karl Hanson, Ph.D., C.Psych.

Dated: April 25, 2023

Exhibit 6: Explanation of Duties

Authority: MCL 28.721, et seq.
Compliance: MANDATORY
Penalty: Misdemeanor

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MICHIGAN SEX OFFENDER REGISTRATION/VERIFICATION/UPDATE

Initial Registration
 Verification
 In-Person Update

Agency	Administrator	Phone Number	Date
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Your next verification month is:

Registration Tier	Verification Frequency	Registration Status	Estimated End Date
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I. Offender Information

Last Name		First Name		Middle Name		Suffix		Date of Birth	
Race	Sex	Hair	Eye Color	Height	Weight	Last Verification Date (only for Verifications)			
Registration Number		Social Security Number		Driver's License/Personal ID Number		FBI Number			
MI/SID Number			Michigan Department of Corrections Number			Immigration Number			
Fingerprints on File <input type="checkbox"/> Yes <input type="checkbox"/> No		Palm Prints on File <input type="checkbox"/> Yes <input type="checkbox"/> No			DNA on File <input type="checkbox"/> Yes <input type="checkbox"/> No				
Passport Number		Professional License Number			Professional License Type				

II. Residence Information

Address		City		State	ZIP Code		Start Date	
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III. Incarceration(s)

Facility Name		Incarceration Start Date		Incarceration End Date		Total Days Incarcerated		
Address		City			State	ZIP Code		

IV. Contact Information

Telephone Number #1		Phone Type		Telephone Number #2		Phone Type	
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The following email/internet information is only collected for those with offenses committed on or after **July 1, 2011**. For each account enter either "Email", followed by the full email address, or enter the name of the internet identifier, followed by the username or screen name

Email/Internet Identifier #1		User/Screen Name		Email/Internet Identifier #2		User/Screen Name	
Email/Internet Identifier #3		User/Screen Name		Email/Internet Identifier #4		User/Screen Name	
Email/Internet Identifier #5		User/Screen Name		Email/Internet Identifier #6		User/Screen Name	

V. Alias(es)

List All Aliases

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VI. Scars/Marks/Tattoos (SMT)							
SMT Type #1	SMT Location	SMT Description	SMT Type #2	SMT Location	SMT Description		
SMT Type #3	SMT Location	SMT Description	SMT Type #4	SMT Location	SMT Description		
VII. Employment Information							
Employer Name		Employer Address		County		Volunteer <input type="checkbox"/> Yes <input type="checkbox"/> No	
Employer Name		Employer Address		County		Volunteer <input type="checkbox"/> Yes <input type="checkbox"/> No	
VIII. Campus							
Campus Name		Campus Address			County		Start Date
IX. Vehicle(s) (as defined under MCL 257.79)							
Make	Model	Style	Color	Year	License	State VIN	
Make	Model	Style	Color	Year	License	State VIN	
Make	Model	Style	Color	Year	License	State VIN	
X. Mobile Home (s)							
Make	Model	Style	Color	Year	License	State VIN	
XI. Offense Information							
Offense Date #1	Crime Code and Description		Counts	Victim Age	Conviction State	Conviction Date	Case Number
Offense Details							
Offense Date #2	Crime Code and Description		Counts	Victim Age	Conviction State	Conviction Date	Case Number
Offense Details							
Offense Date #3	Crime Code and Description		Counts	Victim Age	Conviction State	Conviction Date	Case Number
Offense Details							
Offense Date #4	Crime Code and Description		Counts	Victim Age	Conviction State	Conviction Date	Case Number
Offense Details							
XII. Registration Fee							
Balance Owed	Fee Paid	Collecting Agency		Indigent <input type="checkbox"/> Yes <input type="checkbox"/> No		Date Paid	

EXPLANATION OF DUTIES TO REGISTER AS A SEX OFFENDER

Each duty on this list is followed by the specific section of Michigan Compiled Law (MCL) which requires that specific duty.

1. I am required by law to register as a sex offender. Failure to register as required by law is a felony and may result in prosecution under Michigan Compiled Law (MCL) 28.729(1).
 - a. If I am a Tier I offender, I must register for 15 years. MCL 28.725(11)
 - b. If I am a Tier II offender, I must register for 25 years. MCL 28.725(12)
 - c. If I am a Tier III offender, I must register for the remainder of my life. MCL 28.725(13)
 - d. I understand my registration period excludes all period(s) of incarceration. MCL 28.725(14)

2. I am required to sign the required registration form(s). Failure to sign the required registration form(s) is a misdemeanor and may result in criminal prosecution.

3. If I am required to register because of a conviction in another state, my registration, verification requirements and/or duration may differ from what is listed on this form or that of the convicting state. If the "Next verification month" listed on page 1 of this form is blank, please contact the MSP SOR Unit at 517-241-1806 four weeks after receipt of this form for additional information.

4. I am required by law to verify my address by reporting in-person and providing proof of residency at a local law enforcement agency, sheriff's office, or Michigan State Police post that has jurisdiction over my residence. Failure to verify my address as required by law is a misdemeanor and may result in prosecution.

- a. If I am a Tier I offender, I am required by law to verify my address once every year during my month of birth. MCL 28.725a(3)(a)
- b. If I am a Tier II offender, I am required by law to verify my address twice each year according to the following schedule: MCL 28.725a(3)(b)

<u>Birth Month</u>	<u>Reporting Months</u>	<u>Birth Month</u>	<u>Reporting Months</u>
January	January and July	July	January and July
February	February and August	August	February and August
March	March and September	September	March and September
April	April and October	October	April and October
May	May and November	November	May and November
June	June and December	December	June and December

- c. If I am a Tier III offender, I am required by law to verify my address four times each year according to the following schedule: MCL 28.725a(3)(c)

<u>Birth Month</u>	<u>Reporting Months</u>	<u>Birth Month</u>	<u>Reporting Months</u>
January	January, April, July, and October	July	January, April, July, and October
February	February, May, August, and November	August	February, May, August, and November
March	March, June, September, and December	September	March, June, September, and December
April	January, April, July, and October	October	January, April, July, and October
May	February, May, August, and November	November	February, May, August, and November
June	March, June, September and, December	December	March, June, September and, December

5. Upon registering as a sex offender, I am required by law to provide the following information:
 - a. My legal name and any aliases, nicknames, tribal names, ethnic names, and any other name by which I have been known. MCL 28.727(1)(a)
 - b. My social security number and any social security numbers or alleged security number that I have previously used. MCL 28.727(1)(b)
 - c. My date of birth and any alleged dates of birth that I have previously used. MCL 28.727(1)(c)
 - d. The address where I reside or will reside. If I do not have a residential address, then I must provide the location that I use in lieu of a residence. If I am homeless, then I must provide the name of the village, city, or township where I spend or will spend the majority of my time. MCL 28.727(1)(d)
 - e. The name and address of any temporary lodging used or to be used when I am away from my residence for more than seven days. MCL 28.727(1)(e)
 - f. The name and address of each of my employers. "Employers" includes contractors. If my employment location is not in a fixed location, then I must provide the general areas where I work and the normal travel routes that I take while working. MCL 28.727(1)(f)
 - g. The name and address of any school that I attend or that has accepted me if I plan to attend. MCL 28.727(1)(g)
 - h. All telephone numbers registered to me or used by me, including, but not limited to, residential, work, and mobile telephone numbers. MCL 28.727(1)(h)
 - i. All electronic mail (email) addresses and internet identifiers registered to me or used by me. *This section only applies to individuals with offenses committed on or after July 1, 2011.* MCL 28.727(1)(i) (Internet identifiers means all designations used for self-identification or routing in internet communications or posting. MCL 28.722(g))
 - j. The license plate number and description of any vehicle that I own or operate. MCL 28.727(1)(j)
 - k. My passport and all other immigration documents that I may have. MCL 28.727(1)(l)

- I. All occupational and professional licensing information that I may have. MCL 28.727(1)(m)
6. During my verification periods, I am required by law to review all of my registration information for accuracy. MCL 28.725a(4)
7. I am required by law to report in person not more than three business days after to a local law enforcement agency, sheriff's office, or Michigan State Police post having jurisdiction over my residence, all of the following:
 - a. My new address after changing or vacating my residence within the state of Michigan. If I am homeless or lack a fixed or temporary residence, I am required by law to provide the village, city, or township where I spend the majority of my time. MCL 28.725(1)(a) and MCL 28.727(1)(d)
 - b. The name and address of my employer upon obtaining, changing, or discontinuing employment, including volunteer work. MCL 28.725(1)(b)
 - c. The name and location of the school upon enrolling or discontinuing enrollment at an institution of higher learning. MCL 28.725(1)(c)
 - d. My new name upon changing my name. MCL 28.725(1)(d)
8. I am required by law to notify in person a local law enforcement agency, sheriff's office, or Michigan State Police post having jurisdiction over my residence not more than three business days before if I change my residence to another state. I shall indicate the new state and, if known, the new address. MCL 28.725(7)
9. If I am not a resident of the state of Michigan but my place of employment is in Michigan, I am required by law to report, not more than three business days after a change of my place of employment or the discontinuation of my employment. MCL 28.725(3)
10. I am required by law to report, not more than three business days after the change, by first class mail to a local law enforcement agency, sheriff's office, or Michigan State Police post having jurisdiction over my residence, all of the following:
 - a. My temporary address and dates of travel if I intend to temporarily reside at any place other than my residence for more than seven days. MCL 28.725(2)(b) and MCL 28.727(1)(e)
 - b. Any electronic mail (email) addresses and internet identifiers registered to me or used by me. *This section only applies to individuals with offenses committed on or after July 1, 2011.* MCL 28.725(2)(a)
 - c. The license plate number and description of any vehicle that I own or operate. MCL 28.725(2)(a)
 - d. All telephone numbers registered to me or used by me, including, but not limited to, residential, work, and mobile telephone numbers. MCL 28.725(2)(a)
11. I am required by law to provide my new or temporary address by reporting in person to a local law enforcement agency, sheriff's office, or Michigan State Police post having jurisdiction over my residence 21 days prior to traveling to another country for more than seven days or changing my residence to another country. Failure to report this information is a felony and may result in criminal prosecution. MCL 28.725(8)
Additionally, I am required by federal law to report in-person to a local law enforcement agency, sheriff's office, or Michigan State Police post having jurisdiction over my residence 21 days before any international travel to provide anticipated travel dates, places of departure, arrival, or return, method of travel, the destination country and address. Failure to report this information is a crime and may result in prosecution. 34 USC 20914(A)(7); 28 CFR 72.6(d)
12. The Michigan Department of Corrections may not release me until I provide the address of my proposed place of residence. A county jail located within Michigan will not release me until I provide the address of my proposed place of residence. MCL 28.725(4) and MCL 28.725(5)
13. I am required by law to maintain either a valid Michigan operator's or chauffeur's license or Michigan personal identification card with a digitized photograph. This card may be used as proof of residency. *This does not apply to an individual required to be registered under this act who is homeless as outlined in MCL 28.725a(7).*
Other proof of residency may be required, such as a voter registration card, utility bill, or other bill. Unless otherwise specified by law, my digitized photograph will be included on the public sex offender registry website. Failure to maintain the proper identification is a misdemeanor and may result in criminal prosecution. MCL 28.725a(7) and MCL 28.725a(8)
14. I am required by law to pay a \$50.00 registration fee at the time of my initial registration and annually following the year of initial registration. The payment of the annual registration fee shall be paid at the time I report during the first verification reporting month for me unless I elect to prepay the annual registration fee for any future year for which an annual registration fee is required. Prepaying my annual registration fee does not change or alter my reporting requirements as detailed in section 3 above. The sum of the amounts paid under this section shall not exceed \$550.00. If I am determined to be indigent by the collecting agency, this fee will be temporarily waived for 90 days. Failure to pay the registration fee is a misdemeanor and may result in criminal prosecution. MCL 28.725a(6), MCL 28.724a(5), and MCL 28.725b(3)
15. I am required by law to have my fingerprints and palm prints taken if they are not already on file with the department of State Police. Those fingerprints and palm prints will be forwarded to the Federal Bureau of Investigation if they are not already on file with the Federal Bureau of Investigation. I must be reprinted if my fingerprints or palm prints were expunged and/or returned to me. MCL 28.727(1)(q)
16. It is a felony to knowingly provide false or misleading information concerning a registration, notice, or verification, and doing so may result in prosecution. MCL 28.727(6)
17. I acknowledge that I have read the above requirements and/or had them read to me.

Authority: MCL. 28.721, et seq.
Compliance: MANDATORY
Penalty: Misdemeanor

RECEIVED by MSC 2/18/2025 4:33:53 PM

Your next verification month is:

Registration Number:

PLEASE READ CAREFULLY BEFORE SIGNING

A registrant shall not knowingly provide false or misleading information. MCL 28.727(6). I have reviewed my registration information and have verified the information is accurate and complete to the best of my ability. Willfully violating the Sex Offenders Registration Act is a crime. MCL 28.729(1). Willfully failing to sign a registration and notice is a crime. MCL 28.729(3).

I have read the above requirements and/or had them read to me.

SIGNATURES

Signature of Offender

Signature of Notifying Official

Signature of Parent, Legal Guardian, or Power of Attorney, if applicable

Printed Name of Notifying Official

Date

Notifying Agency

SUBMIT COMPLETED FORM VIA MAIL TO:

Michigan State Police
Sex Offender Registry Unit
P.O. Box 30634
Lansing, MI 48909-0634

OR

FAX To: 517-241-1868