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Seeking Evidence Based Policies, Practices and Laws

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Interested Party Testimony Substitute Senate Bill 288/ House Bill 699

Chairperson LaRe, Vice Chairperson White, Ranking Member Leland, and members of the House Criminal Justice Committee: my name is Barbara Wright, and I appreciate the opportunity to clarify some of the concerns arising over expungement of records for persons convicted of a sexual offense.

I am an advocate with Ohio Rational Sexual Offense Laws (OHR SOL). OHR SOL is an advocacy group devoted to evidence-based laws regarding sexual offense registration. We advocate for education and prevention about the nature of sexual offending.

Laws and policies regarding sexual offenses and sexual offenders are understandably harsh, given the heinous nature of those offenses. But while reform efforts over the last several years have recognized the difference between a career drug offender and a user, those reform efforts do not extend to persons with a conviction for a sexual offense. Indeed, reform efforts specifically exclude sexual offenses from most, if not all, reform efforts, despite recommendations to the contrary. Record sealing and expungement could possibly be the only exception. I would like to address some of the misconceptions about persons with a sexual offense, in general, and then address expungement, in particular.

Much of what we believe about persons who commit sexual offenses is based on fear, not facts

The Ohio Attorney General sexual offense registry (“SORN”) contains a link to a Department of Justice pamphlet which states:

There are many misconceptions about sexual offenses, sexual offense victims, and sex offenders in our society. Much has been learned about these behaviors and populations in the past decade and this information is being used to develop more effective criminal justice interventions throughout the country. This document serves to inform citizens, policy makers,

and practitioners about sex offenders and their victims, addressing the facts that underlie common assumptions both true and false in this rapidly evolving field.¹

The pamphlet goes on to discuss some of the most common myths about persons who commit sexual offenses. Two of the most common myths are as follows:

Myth: Most sex offenders re-offend

Fact: *Reconviction data suggest that this is not the case. Further, reoffense rates vary among different types of sex offenders and are related to specific characteristics of the offender and the offense.*

Myth: "Treatment for sex offenders is ineffective."

Fact: *Treatment programs can contribute to community safety because those who attend and cooperate with program conditions are less likely to re-offend than those who reject intervention.²*

A third myth is that sexual offense registries can accurately predict who is likely to commit a sexually oriented offense. In fact, evidence shows that 95% of all sexual assault is committed by persons NOT on the registry.³

And finally, the myth persist that persons registered for a conviction of a sexual offense remain a continuing risk to offend.⁴ Evidence shows that the majority of re-arrests of persons convicted of a sexual offense, if any, occur within the first five years after release,⁵ and that even the highest risk offender reaches desistance after 17 years.⁶

¹ Ohio Attorney General's Office "Protecting Ohio Families" Offender Search/Links/Myths and Facts About Sex Offenders <http://icrimewatch.net/index.php?AgencyID=55149>

² *Myths and Facts About Sex Offenders* (Center for Sex Offender Management, U.S. Department of Justice, 2000) <https://www.csom.org/pubs/mythsfacts.html>.

³ Zgoba, K.M. and Mitchell, M.M. (Sept. 2021). *The Effectiveness of Sex Offender Registration and Notification: A meta-analysis of 25 years of findings* (Journal of Experimental Criminology) <https://doi.org/10.1007/s11292-021-09480-z>, at p. 5.

⁴ See **EXHIBIT A**, attached.

⁵ In an analysis of recidivism rates of prisoners released from prison in 1994 after a conviction for a sexual offense, the U.S. Department of Justice found that the five-year re-arrest rate for new sexual offenses was 5.1%; the nine-year rate only increased to 7.7%. Alper & Durose: *Recidivism of Sex Offenders Released from State Prison: A 9-Year Follow-Up (2005-2014)* (Bureau of Justice Statistics, U.S. Department of Justice, May 2019) <https://bjs.ojp.gov/content/pub/pdf/rsorsp9yfu0514.pdf>, Table 5 at p. 7. See **EXHIBIT B**.

This is consistent with the ten-year rate of prisoners serving time in Ohio prisons, which shows that 50% of all re-commitments, if any, occurred within the first two years, and 2/3 within 3 years. Sex Offender Classification and Treatment In Ohio Prisons (Correctional Institution Inspection Committee, 2006). <https://www.prisonlegalnews.org/media/publications/sex%20offender%20classification%20and%20treatment%20in%20ohio%20prisons-%20ciic.pdf>, p. 16. See **EXHIBIT C**.

⁶ Declaration of Dr. R. Karl Hanson. United States District Court for the Northern District of California. Civil Case No. C 12 5713. Filed 11-7-12 (reprinted in *A Better Path to Community Safety: Sex Offender Registration in California*. 2014. California Sex Offender Management Board). <https://narsol.org/wp-content/uploads/2017/10/A-Better-Path-to-Community-Safety-NARSOL.pdf>. See **EXHIBIT D**.

From Hanson, K., et al (2018). Reductions in Risk Based on Time Offense-Free in the Community: Once a Sexual Offender, Not Always a Sexual Offender © The Crown in Right of Canada (Public Safety), 2017, Psychology, Public Policy, and Law 2018, Vol. 24, No. 1, 48 – 632018, <http://dx.doi.org/10.1037/law0000135>, at p. 55.

- Recidivism research is widely misunderstood. The term can mean re-arrest, re-conviction, or re-commitment to prison; follow-up periods range from 3 years to 20 years; offenders and offenses range from low risk, consensual activity to career criminals; and perhaps most importantly, studies may include general (non-sexual) recidivism, or sexual recidivism. And many studies include technical violations as a new sexual offense. Evidence shows that this could skew the results in Ohio by as much as 3-6%.⁷

- For this reason, I would rather not focus on the **rate** of recidivism; instead, I would like to discuss the research on the factors which affect the likelihood that a person will re-offend

Researcher Karl Hanson shows that the majority of persons convicted of a sexual offense tested low risk (16%) or medium risk (68%), and that desistance was achieved within 0-14 years for those groups. Even high-risk offenders achieved desistance after 17 years. Hanson found:

- 1) Recidivism rates are not uniform across all sex offenders. Risk of re-offending varies based on well-known factors and can be reliably predicted by widely used risk assessment tools such as the Static-99 and Static-99R, which are used to classify offenders into various risk levels.
- 2) Once convicted, most sexual offenders are never re-convicted of another sexual offence.
- 3) First-time sexual offenders are significantly less likely to sexually re-offend than are those with previous sexual convictions.
- 4) Contrary to the popular notion that sexual offenders remain at risk of reoffending through their lifespan, the longer offenders remain offence-free in the community, the less likely they are to re-offend sexually. Eventually, they are less likely to re-offend than a non-sexual offender is to commit an “out of the blue” sexual offence.
 - a) Offenders who are classified as low-risk by Static-99R pose no more risk of recidivism than do individuals who have never been arrested for a sex-related offense but have been arrested for some other crime.
 - b) After 10 - 14 years in the community without committing a sex offense, medium-risk offenders pose no more risk of recidivism than Individuals who have never been arrested for a sex-related offense but have been arrested for some other crime.
 - c) After 17 years without a new arrest for a sex-related offense, high-risk offenders pose no more risk of committing a new sex offense than do individuals who have never been arrested for a sex related offense but have been arrested for some other crime.⁸

The minimum amount of time a person with a qualifying sexual offense would have to wait before applying for expungement would be 25-30 years.

⁷ Sex Offender Classification and Treatment In Ohio Prisons, *supra*, note 5, followed prisoners released in 1989 after a conviction for a sexual offense. The report, at p. 16, shows a 34% recidivism rate over ten years following release, of which 8% included a new sexual offense, and 3% included a technical violation. See **EXHIBIT C**.

⁸ *Supra*, note 6.

Assuming a person classified Tier I receives a sentence of community service when he is 18, he will be required to register for fifteen years (R.C. 2950.07(B)(3)), unless his duty to register is terminated after ten years pursuant to R.C. 2950.15. Under new section 2953.32, he would have to wait 5 years before applying for record sealing. 2953.32(B)(1)(a)(iv), then another 10 years before applying for expungement. Am 134_2171-2. The person would be 43, if he received early termination (10 + 5 + 10 = 25), or 48, if his duty terminated pursuant to 2950.07 (15 + 5 + 10 = 30).

Assuming a sentence of community supervision, a Tier II would have to wait an additional 15 years pursuant to 2950.07(B)(2) (25 years on SORN registry + 5 years to apply for sealing + 10 years to apply for expungement = 40 years). A person who was convicted when he was 18 would be 58.

The 18-year old who was convicted of a qualifying sexual offense will be between 43 and 58 before his record is expunged.

The Ohio Department of Rehabilitation and Corrections shows that only 10% of new commitments to Ohio prisons in 2022 were persons over the age of 50.⁹ And statistically, it can be predicted that only 7% of those had a prior criminal record for a juvenile or adult sexual offense.¹⁰ It is therefore highly unlikely that anyone who receives expungement of a sexual offense will re-offend.

Further, expungement is not a given. It still requires the discretion of the court before a person's record is extinguished forever. And under SB 288/ HB 699, persons with a conviction for a sexual offense must wait longer than persons with a similar level offense before record sealing or expungement are granted.

Senate Bill 288/ House Bill 699 recognize what scholars and researchers have long known: the group of persons who commit sexual offenses are a heterogenous group, with widely varying risk and needs. As with other types of criminal offenses, only a small minority of those who commit a sexual offense are career criminals likely to commit a new sexually oriented offense.

In closing, I would like to urge the members of this committee to consider the good that can come from all of the reform provisions included in SB 288, but especially the good that can come from allowing persons with an old conviction for a sexual offense to become contributing members of society.

Thank you for allowing me to testify today. I will try to answer any questions at the time.

⁹ Ohio Department of Rehabilitation and Corrections , Commitment Report FY 2022, at p. 3 https://drc.ohio.gov/Portals/0/COMMITMENT%20REPORT_FY2022.pdf. See **EXHIBIT E**.

¹⁰*Profile of Sex Offenders in Ohio Prisons* (Correctional Institution Inspection Committee, Sept. 23, 2015) <http://www.ciic.state.oh.us/docs/Sex%20Offenders%202015.pdf>. See **EXHIBIT F**.

EXHIBIT A

The Myth that Sex Offender Recidivism is “Frightening and High”

Excerpts from "*Frightening and High*": *The Supreme Court's Crucial Mistake About Sex Crime Statistics*¹.

The myth that the sexual re-offense rate is “frightening and high” has been cited well over 100 times to justify increasingly harsher post-release sanctions, nearly all triggered by their inclusion in sex offender registries, despite evidence that such sanctions do not deter or prevent crime.

This myth traces back to Justice Kennedy’s majority opinions in *McKune v. Lile*, 536 U.S. 24 (2002) and *Smith v. Doe*, 538 U.S. 84 (2003). The quote is based upon an article in *Psychology Today* boasting the author’s success rate treating career criminals with a history of mental illness. Further, Justice Kennedy’s opinion in *Smith* quoted facts from a Department of Justice publication out of context. “Recidivism of Prisoners Released in 1983 cited a higher rate of recidivism among released sex offenders than non-sex offenders, but also indicated:

1. Recidivism rates of released prisoners are highest in the first year after release.
2. Recidivism rates can be predicted based upon certain demographic factors, which factors are the basis for risk assessment tools.
3. The older the prisoner, the lower the rate of recidivism.
4. More than 40% of all re-arrests were property offenses; less than 2% were sexual.
5. A small fraction of offenders (5%) was responsible for the majority of re-arrests.
6. Prisoners released from prison in 1983 accounted for 1.8% of all arrests for rape that year.

An amicus brief by the Solicitor General in *Smith* made similar assertions, without evidence, that have been quoted extensively. The only reference for these assertions was a collection of speeches given at a 1998 conference of advocates for sex offender registries which disavows any Justice Department endorsement of its contents.

The “so-called evidence” in all of these cases has been refuted by subsequent studies,² by courts,³ by researchers and scholars,⁴ and even by the author of the *Psychology Today* article in question.⁵ Yet the myth of high rates of recidivism persists today.

¹ Ellman, I.M. & Ellman, T. (2015): "*Frightening and High*": *The Supreme Court's Crucial Mistake About Sex Crime Statistics*. University of Minnesota Law School Volume 30:495

https://conservancy.umn.edu/bitstream/handle/11299/188087/30_03_495_Ellman.pdf?sequence=1&isAllowed=y.

² “Recidivism of Sex Offenders Released from Prison in 1994”, *supra*, note 4, confirmed and updated the results of the previous report. It indicated that: 1) 5.3% of persons with a sexual offense were re-arrested for a new sex crime within three years, and 3.5% of those were convicted; 2) 40% of those offenses were allegedly committed by the released sex offenders within the first year; and 3) **6 times as many sexual offenses are committed by released prisoners without a conviction for a sexual offense than for those previously convicted of a sexual offense.**

³ *Does v. Snyder*, 834 F.3d 696, (Cir. 2016).

⁴ *Supra*, note 1.

⁵ Sullum, J. (Sept. 14, 2017). 'I'm Appalled,' Says Source of Phony Number Used to Justify Harsh Sex Offender Laws." Reason.com <https://reason.com/2017/09/14/im-appalled-says-source-of-pseudo-statis/>.



Recidivism of Sex Offenders Released from State Prison: A 9-Year Follow-Up (2005-14)

Marier Alper, Ph.D., and Matthew R. Durose, *BJS Statisticians*

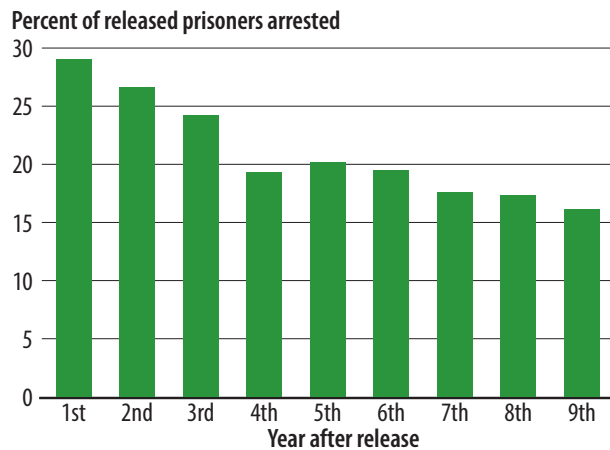
Among persons released from state prisons in 2005 across 30 states after serving a sentence for rape or sexual assault, 8% were arrested for rape or sexual assault during the 9 years after their release. Overall, 67% of sex offenders released in 2005 were arrested at least once for any type of crime during the 9-year follow-up period.¹

About 3 in 10 (29%) sex offenders released in 2005 were arrested during their first year after release (**figure 1**). About 1 in 5 (20%) were arrested during their fifth year after release, and nearly 1 in 6 (16%) were arrested during their ninth year.

The Bureau of Justice Statistics (BJS) used criminal-history data and prisoner records to analyze the post-release offending patterns of former prisoners both within and outside of the state where they were imprisoned. This is BJS's first recidivism study on sex offenders with a 9-year follow-up period.

¹For this report, "sex offenders" refers to released prisoners whose most serious commitment offense was rape or sexual assault.

FIGURE 1
Annual arrest percentage of prisoners released in 30 states in 2005 after serving a sentence for rape/sexual assault



Note: The denominator is the 20,195 prisoners released in 30 states in 2005 after serving a sentence for rape/sexual assault. See table 7 for estimates and appendix table 9 for standard errors.

Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005 data collection, 2005–2014.

HIGHLIGHTS

Within 9 years of their release from prison in 2005—

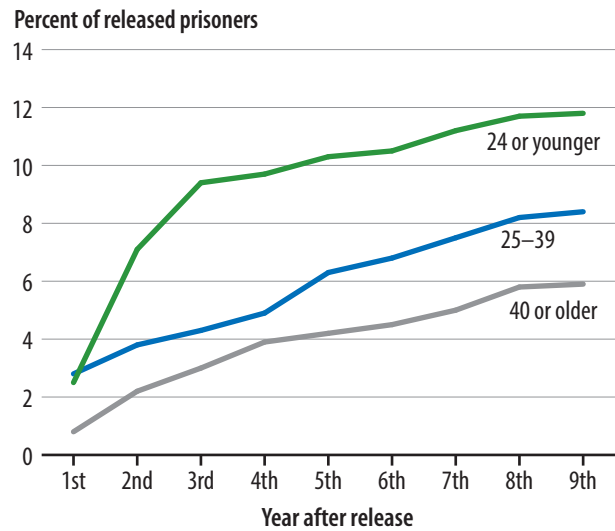
- Rape and sexual assault offenders were less likely than other released prisoners to be arrested, but they were more likely than other released prisoners to be arrested for rape or sexual assault.
- Released sex offenders were more than three times as likely as other released prisoners to be arrested for rape or sexual assault (7.7% versus 2.3%).
- About two-thirds (67%) of released sex offenders were arrested for any crime, compared to about five-sixths (84%) of other released prisoners.
- Half of released sex offenders had a subsequent arrest that led to a conviction.
- Released sex offenders accounted for 5% of releases in 2005 and 16% of arrests for rape or sexual assault during the 9-year follow-up period.
- Less than half of released sex offenders were arrested for any crime within the first 3 years, while more than two-thirds were arrested within 9 years.
- Eleven percent of released sex offenders were arrested at least once for any crime outside the state of release.
- Among released prisoners who had a prior arrest for a sex offense but were serving time for an offense other than a sex offense, 6.7% were subsequently arrested for rape or sexual assault.

Younger sex offenders were more likely than older sex offenders to be arrested for another sex offense post-release

Overall, 4.4% of sex offenders were arrested for another sex offense within 3 years following release (table 5). After 9 years following release, the percentage rose to 7.7%. Younger sex offenders (those age 24 or younger at the time of release) were more likely to be arrested for rape or sexual assault following release than older sex offenders (age 40 or older at the time of release).

Nearly 10% (9.4%) of sex offenders age 24 or younger at the time of their release were arrested for rape or sexual assault within 3 years of release, compared to 3.0% of those age 40 or older (figure 2). About half of those age 24 or younger who were arrested within 3 years of release for rape or sexual assault were arrested in year-2 alone (4.6%). Overall, within 9 years of release, sex offenders age 24 or younger were twice as likely to be arrested for rape or sexual assault (11.8%) as sex offenders age 40 or older (5.9%).

FIGURE 2
Cumulative percent of prisoners released in 30 states in 2005 after serving a sentence for rape/sexual assault who were arrested for rape/sexual assault after release, by age and year after release



Note: Age groups are based on prisoners' age at time of release after serving a sentence for rape or sexual assault. See table 5 for estimates and appendix table 7 for standard errors.

Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005 data collection, 2005–2014.

TABLE 5

Cumulative percent of prisoners released in 30 states in 2005 after serving a sentence for rape/sexual assault who were arrested for rape/sexual assault after release, by age and year after release

Most serious commitment offense	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9
All prisoners	0.5%	0.9%	1.2%	1.5%	1.8%	2.0%	2.2%	2.4%	2.6%
Prisoners released after serving a sentence for rape/sexual assault	1.9	3.5	4.4	5.1	5.9	6.3	6.9	7.6	7.7%
Age at release									
24 or younger	2.5	7.1	9.4	9.7	10.3	10.5	11.2	11.7	11.8
25–39	2.8	3.8	4.3	4.9	6.3	6.8	7.5	8.2	8.4
40 or older	0.8	2.2	3.0	3.9	4.2	4.5	5.0	5.8	5.9
Race/Hispanic origin									
White ^a	1.6	2.6	3.2	3.9	4.6	5.1	5.5	5.8	6.2
Black/African American ^a	1.7	4.4	4.6	6.0	6.5	6.8	7.7	9.7	9.7
Hispanic/Latino	3.3	4.9	7.5	7.5	8.1	8.1	8.6	8.6	8.6
Other ^{a,b}	1.0	2.6	3.8	4.1	4.5	4.7	6.7	6.7	6.9

Note: Persons could have been in prison for more than one offense, the most serious of which is reported. Data on prisoners' sex and age at release were known for 100% of cases, and race/Hispanic origin was known for 99.86%. See appendix table 7 for standard errors.

^aExcludes persons of Hispanic/Latino origin (e.g., "white" refers to non-Hispanic whites and "black" refers to non-Hispanic blacks).

^bIncludes Asians, Native Hawaiians, and Other Pacific Islanders; American Indians and Alaska Natives; and persons of two or more races.

Source: Bureau of Justice Statistics, Recidivism of State Prisoners Released in 2005 data collection, 2005–2014.

EXHIBIT C

**CORRECTIONAL INSTITUTION
INSPECTION COMMITTEE REPORT:**

**SEX OFFENDER
CLASSIFICATION AND TREATMENT
IN
OHIO PRISONS**

**PREPARED AND SUBMITTED
BY CIIC STAFF**

January 5, 2006

D. REPORTED RECIDIVISM RATES FOR SEX OFFENDERS IN OHIO

The Ohio Department of Rehabilitation and Correction examined data from 14,261 offenders released from custody in 1989. There were 879 sex offenders released from Ohio prisons in 1989, or six percent of those released. Results of the study are contained in the Ten-Year Recidivism Follow-Up Of 1989 Sex Offender Releases, prepared by the ODRC Bureau of Planning and Research.

The 879 sex offenders included in the study were convicted of the following:

OFFENSE	FREQUENCY	PERCENT
Gross Sexual Imposition	352	40.0%
Rape	247	28.1
Sexual Battery	202	23.0
Corruption of Minor	71	8.1
Other Sex Offense*	7	.8
TOTAL	879	100%

* Other Sex Offenses include: disseminating material harmful to juveniles, sexual imposition, sodomy, pandering, illegal use of minor in nudity oriented material, and pandering sexual material to a minor.

The study defined the recidivism of sex offenders as the rate at which offenders return to prison for any new offense including technical parole violations. The researchers note that it would be unlikely for an offender with a prior sexual offense not to be re-incarcerated for a new offense. (Ten-Year Recidivism Follow-Up, 2001.)

According to the Executive Summary, the baseline **recidivism rate of sex offenders followed-up for ten years after release from prison was 34 percent.** The rate was comprised of the following:

<u>Recommitment for a New Crime</u>	23%
Sex Offense	8.0%
Non-Sex Offense	14.3%
<u>Recommitment for a Technical Violation</u>	11.7%
Sex Offense	1.3%
Sex Lapse	1.7%
Non-sex Related	8.7%

The total sex-related recidivism rate, including technical violation of supervision conditions, was 11.0 percent.

Sex Offenders who returned for a new sex related offense did so within a few years of release. Of all the sex offenders who came back to an Ohio prison for a new sex offense, one half did so within two years, and two-thirds did so within three years.

EXHIBIT D

Declaration of Dr. R. Karl Hanson.

United States District Court for the Northern District of California. Civil Case No. C 12 5713. Filed 11-7-12

Selection:

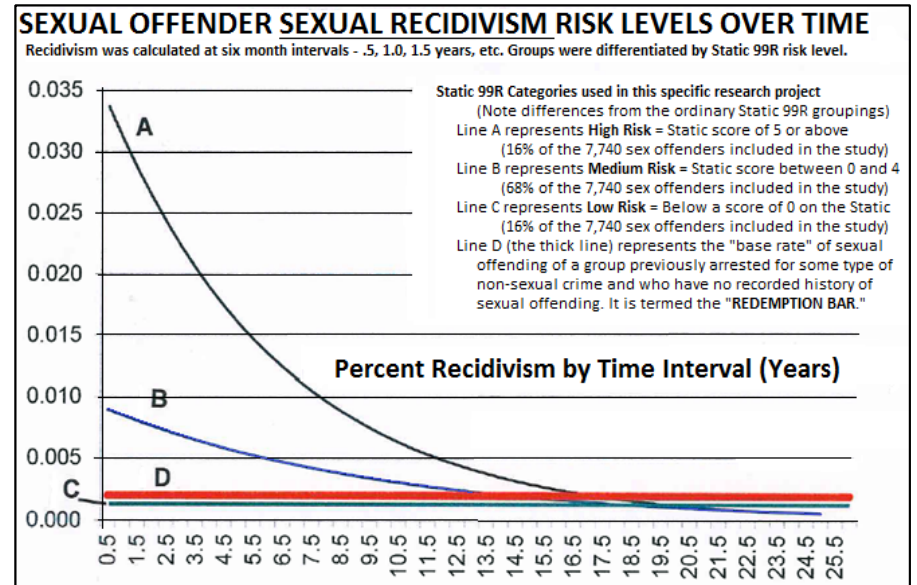
I, R. Karl Hanson, declare as follows:

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

Summary of Declaration:

My research on recidivism shows the following:

- 1) **Recidivism rates are not uniform across all sex offenders.** Risk of re-offending varies based on well-known factors and can be reliably predicted by widely used risk assessment tools such as the Static-99 and Static-99R, which are used to classify offenders into various risk levels.
- 2) **Once convicted, most sexual offenders are never re-convicted of another sexual offence.**
- 3) **First-time** sexual offenders are significantly **less likely** to sexually re-offend than are those with previous sexual convictions.
- 4) Contrary to the popular notion that sexual offenders remain at risk of reoffending through their lifespan, **the longer offenders remain offence-free in the community, the less likely they are to re-offend sexually.** Eventually, they are less likely to re-offend than a non-sexual offender is to commit an "out of the blue" sexual offence.
 - a) Offenders who are classified as low-risk by Static-99R pose no more risk of recidivism than do individuals who have never been arrested for a sex-related offense but have been arrested for some other crime.



- b) After 10 - 14 years in the community without committing a sex offense, medium-risk offenders pose no more risk of recidivism than Individuals who have never been arrested for a sex-related offense but have been arrested for some other crime.
- c) After 17 years without a new arrest for a sex-related offense, high-risk offenders pose no more risk of committing a new sex offense than do individuals who have never been arrested for a sex related offense but have been arrested for some other crime.
- 5) Based on my research, my colleagues and I recommend that rather than considering all sexual offenders as continuous, lifelong threats, **society will be better served when legislation and policies consider the cost/benefit break point** after which resources spent tracking and supervising low-risk sexual offenders are better re-directed toward the management of high-risk sexual offenders, crime prevention, and victim services.

(Emphasis added)

¹ *DOES A WATCHED POT BOIL? A Time-Series Analysis of New York State's Sex Offender Registration and Notification Law.* Jeffrey C. Sandler, Naomi J. Freeman, and Kelly M. *Social Psychology, Public Policy, and Law* 2008, Vol. 14, No. 4, 284-302. "However, as stated earlier, research has found relatively low recidivism rates for sex offenders (ranging from 5% to 19%)." AND "The current study also found that 95.9% of all arrests for any RSO, 95.9% of all arrests for rape, and 94.1% of all arrests for child molestation were of first-time sex offenders."

² See *Declaration of Dr. Karl Hanson*, above.

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

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

⁵ *Megan's Law: Assessing the Practical and Monetary Efficacy.* Grant Award # 2006-IJ-CX-0018 National Institute of Justice. Kristen Zgoba, Ph.D., Philip Witt, Ph.D. "This lack of outcome studies means that Megan's Laws constitute an untested mandate in the domain of empirical research. Despite widespread community support for these laws, there is virtually no evidence to support their effectiveness in reducing either new first-time sex offenses (through protective measures or general deterrence) or sex re-offenses (through protective measures and specific deterrence). (Page 7) "Conclusion: Despite wide community support for these laws, there is little evidence to date, including this study, to support a claim that Megan's Law is effective in reducing either new first-time sex offenses or sexual re-offenses." (Page 41)

⁶ *Public Awareness and Action Resulting From Sex Offender Community Notification Laws.* Amy L. Anderson and Lisa L. Sample. *Criminal Justice Policy Review*, 2008; 19; 371. "Few studies have examined the degree to which citizens access registry information or take preventative action in response. Survey responses from a representative sample of Nebraska residents were used to examine the degree to which people access registration information, the feelings this information invokes, and if preventative measures are subsequently taken by citizens. The results suggest that the majority of citizens had not accessed registry information, although the majority of people knew the registry existed, and few respondents took any preventative measures as a result of learning sex offender information."

Research that Defies Assumptions

A number of assumptions support the creation and maintenance of sex offender registries. Although these assumptions are widely held, accumulating scientific research on the actual realities makes it clear that these assumptions are, in almost every case, not accurate... Note that the following information is based upon currently available research and could change should new studies become available...

WHAT THE RESEARCH SAYS

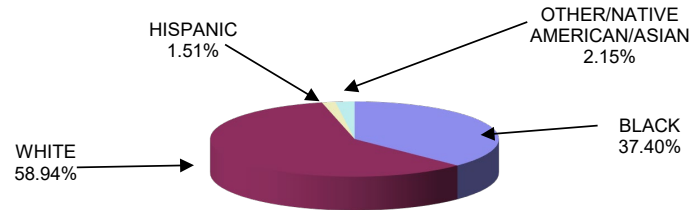
- 1 Sex offenders differ in many important ways, including their risk to reoffend.^{1, 2}
- 2 The longer a sex offender remains offense free in the community, the **less likely he is** to reoffend.³
- 3 About **95%** of solved sex crimes are committed by individuals never previously identified as sex offenders and **so not registered.**¹
- 4 Approximately **93%** of sex offenses against children are committed by persons **known** to the victim, not by "strangers."⁴
- 5 Research studies have found **no relationship** between having a registry and a **decrease in sex offenses.**⁵
- 6 Little research has been done but one study indicates that a minority of citizens access the internet information and only a minority of those take any action.⁶

From: *A Better Path to Community Safety: Sex Offender Registration in California.* 2014. California Sex Offender Management Board (Emphasis added.)

EXHIBIT E

NUMBER OF COMMITMENTS BY RACE/ETHNICITY AND GENDER FISCAL YEAR 2022						
RACE/ETHNICITY	MALE		FEMALE		GROUP TOTAL	PERCENT OF TOTAL
	N	%	N	%		
BLACK	5,014	40.32	338	18.02	5,352	37.40
WHITE	6,958	55.96	1,477	78.73	8,435	58.94
HISPANIC	177	1.42	39	2.08	216	1.51
WHITE HISPANIC	2	0.02	0	0.00	2	0.01
BLACK HISPANIC	0	0.00	1	0.05	1	0.01
HISPANIC (RACE NOT SPECIFIED)	175	1.41	38	2.03	213	1.49
NATIVE AMERICAN	19	0.15	4	0.21	23	0.16
ASIAN /PACIFIC ISLANDER	23	0.18	6	0.32	29	0.20
OTHER	243	1.95	12	0.64	255	1.78
TOTAL	12,434	100.00	1,876	100.00	14,310	100.00

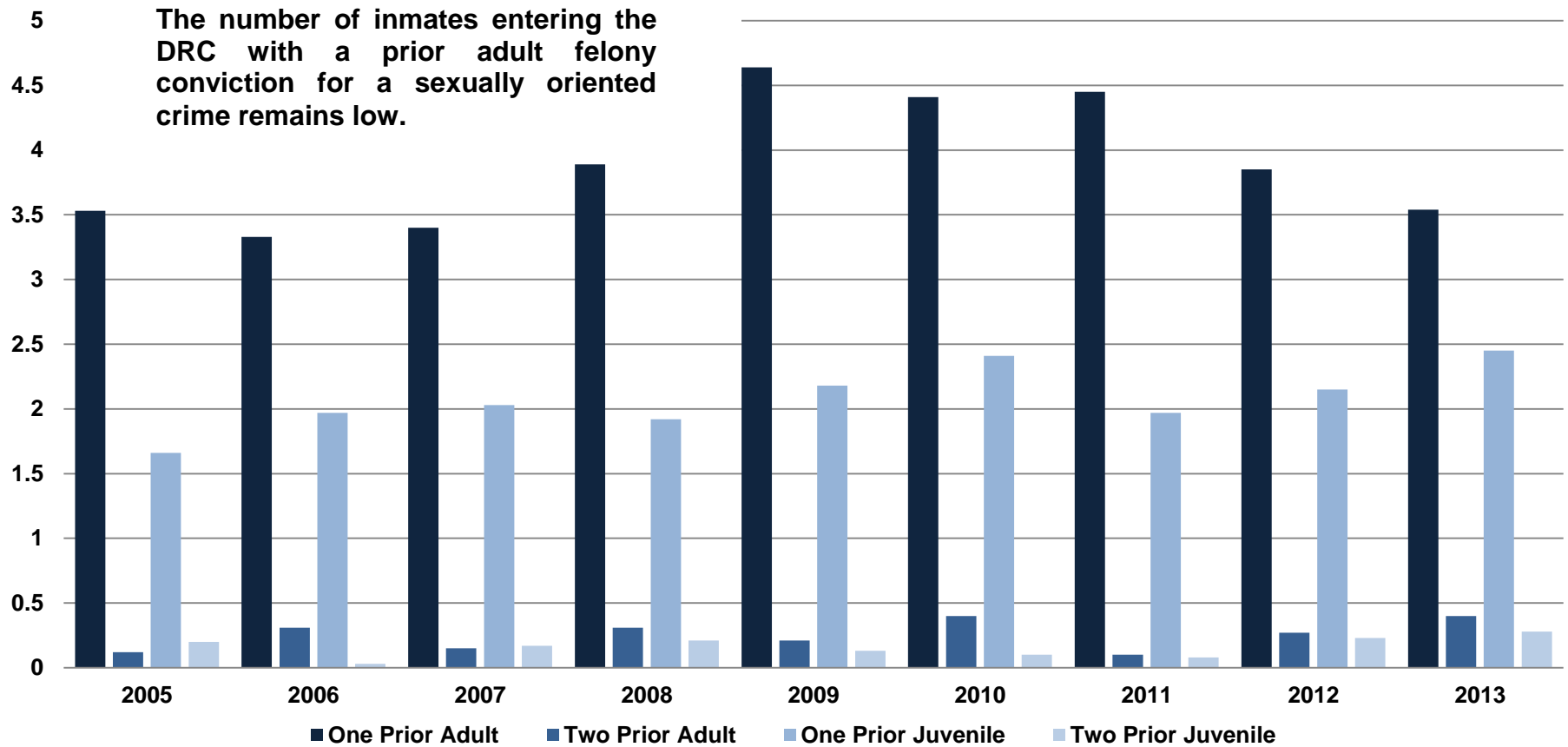
Figure 2. Commitment by Race/Ethnicity



NUMBER OF COMMITMENTS BY AGE AT ADMISSION AND GENDER FISCAL YEAR 2022						
INMATE AGE	MALE		FEMALE		AGE TOTAL	PERCENT OF TOTAL
	N	%	N	%		
16	6	0.05	0	0.00	6	0.04
17	31	0.25	1	0.05	32	0.22
18	89	0.72	4	0.21	93	0.65
19	202	1.62	14	0.75	216	1.51
20	320	2.57	31	1.65	351	2.45
21 - 24	1,363	10.96	166	8.85	1,529	10.68
25 - 29	2,132	17.15	344	18.34	2,476	17.30
30 - 34	2,375	19.10	416	22.17	2,791	19.50
35 - 39	2,025	16.29	374	19.94	2,399	16.76
40 - 44	1,564	12.58	256	13.65	1,820	12.72
45 - 49	925	7.44	133	7.09	1,058	7.39
50 - 54	652	5.24	71	3.78	723	5.05
55 - 59	417	3.35	38	2.03	455	3.18
60 - 64	209	1.68	24	1.28	233	1.63
65 - 69	78	0.63	4	0.21	82	0.57
70 - 74	27	0.22	0	0.00	27	0.19
75 - 79	12	0.10	0	0.00	12	0.08
80 - 100	7	0.06	0	0.00	7	0.05
TOTAL	12,434	100.00	1,876	100.00	14,310	100.00
MEAN	35.31		35.02		35.27	
MEDIAN	34.00		34.00		34.00	
50 AND OVER	1,402	11.28	137	7.30	1,539	10.75
17 AND UNDER	37	0.30	1	0.05	38	0.27
18 AND OVER	12,397	99.70	1,875	99.95	14,272	99.73

EXHIBIT F

Percentage of Total Offenders with Prior Sex Felony Convictions CY 2005 – 2013



*Data provided by the Ohio Department of Rehabilitation and Correction. All information taken from the DRC's Intake Reports, which provides an analysis of a sample of inmates at intake. All reports can be accessed here: <http://www.drc.ohio.gov/web/Reports/reports.htm>.