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April 16, 2009

The Honorable Eric Holder, Jr.  
Attorney General  
United States Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20001

**RE: Adam Walsh Child Protection and Safety Act of 2006**

Dear Attorney General Holder:

We are writing in support of the Adam Walsh Act Working Group's (AWAWG) request that the Department of Justice extend the compliance deadline for the Sex Offender Registry and Notification Act requirements (SORNA) of the Adam Walsh Child Protection and Safety Act of 2006 (Adam Walsh Act)(P.L. No. 109-248) from July, 2009, until July 2011. We also support the AWAWG's request that the Department of Justice reopen and revise the final guidelines pertaining to this Act which were promulgated in June, 2008, by the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking (SMART Office).

The extension of time will allow all stakeholders in every state sufficient time to analyze the ramifications of the Adam Walsh Act, its effect on public safety, and the costs of implementation. The extension will not prejudice public safety since each state currently has a sex offender registry in place that may be similar or superior to the registry envisioned in SORNA.

On the issue of public safety, some studies have found that public notification laws have had little impact on sex offender recidivism. A study of sex offender notification laws in ten states found that the "passage of sex offender registration and notification laws have had no systemic influence on the number of rapes committed in these states as a

whole.” Jeffrey Walker, et al, Arkansas Crime Information Center, “The Influence of Sex Offender Registration and Notification laws in the United States,” (2005); Donna Schram & Cheryl Milloy, Washington State Institute for Public Policy, “Community Notification: A Study of Sex Offender Characteristics and Recidivism,” (Oct. 1995) (No statistically significant difference in recidivism rates in 4 ½ year period between sex offenders subject to notification and those who committed crimes before community notification went into effect); Geneva Adkins, David Huff & Paul Stageberg, Iowa Department of Human Rights, Division of Criminal and Juvenile Justice Planning and Statistical Analysis Center, “The Iowa Sex offender Registry and Recidivism,” (Dec. 2000) (No statistically significant difference in recidivism rate in pre-registry versus registry group).

Moreover, the lack of social support, destabilization and isolation caused by the public notification can increase the risk of recidivism. Levenson & Leo Cotter, “The Effects of Megan’s Law on Sex Offender Reintegration,” *Journal of Contemporary Criminal Justice*, p. 62 (Feb. 2005). Thus, the public dissemination of information, by leading to job, housing and relationship losses for former offenders, may actually be *undermining* public safety by increasing the risk of recidivism.

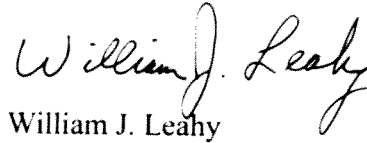
Sex offenders have low recidivism rates compared to other criminals. Sex offense recidivism rates range from 3.5 % to 13.8 %. According to the United States Department of Justice, sex offenders reoffended at a rate of 5.1% based on re-arrests and 3.5% based on reconviction rates. U.S. Department of Justice, Bureau of Justice Statistics, Recidivism of Sex Offenders Released from Prison in 1994 (Nov. 2003) (studying 9,691 former offenders over three year follow-up period). See also Hanson, K and Morton-Bourgon, K, Predictors of Sexual Recidivism: An Updated Meta-Analysis (2004) (13.8% sexual recidivism in meta analysis of 95 studies with over 31,000 sexual offenders over five year follow-up period). What these studies show is that anywhere from 86% to 96% of sexual offenders will **not** reoffend by committing a new sex offense.

In addition, about 87% of victims of sexual violence each year are abused by someone with **no** previous sex crime, i.e., persons who are **not** required to register as sex offenders. No Easy Answers: Sex Offender Laws in the U.S., Human Rights Watch, vol.19, no.4(G), p. 25 (Feb. 2007) citing Lawrence Greenfeld, Bureau of Justice Statistics, “Sex Offenses and Offenders: An Analysis of Data on Rape and Sexual Assault,” Feb. 1997 ([www.ojp.usdoj.gov/bjs/pub/pdf/soo.pdf](http://www.ojp.usdoj.gov/bjs/pub/pdf/soo.pdf)). A study of 136 new sex crimes in Massachusetts found that only 6 were committed by individuals listed on the sex offender registry. No Easy Answers: Sex Offender Laws in the U.S., Human Rights Watch, p. 45 citing Anthony and Carolyn Petrosino, “The Public Safety Potential of Megan’s Law in Massachusetts: An Assessment from a Sample of Criminal Sexual Psychopaths,” *Crime & Delinquency*, vol. 45, pp. 140-158 (1999).

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The SORNA does nothing to prevent the majority of these sex crimes each year, nor does it protect the majority of these sexual violence victims who are abused by someone who has no prior sex offense. Before expending resources to needlessly refurbish sex offender registries that already exist in every State, we recommend an extension of the deadline to fully analyze the costs and benefits of SORNA.

Very truly yours,

  
William J. Leahy

