

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:

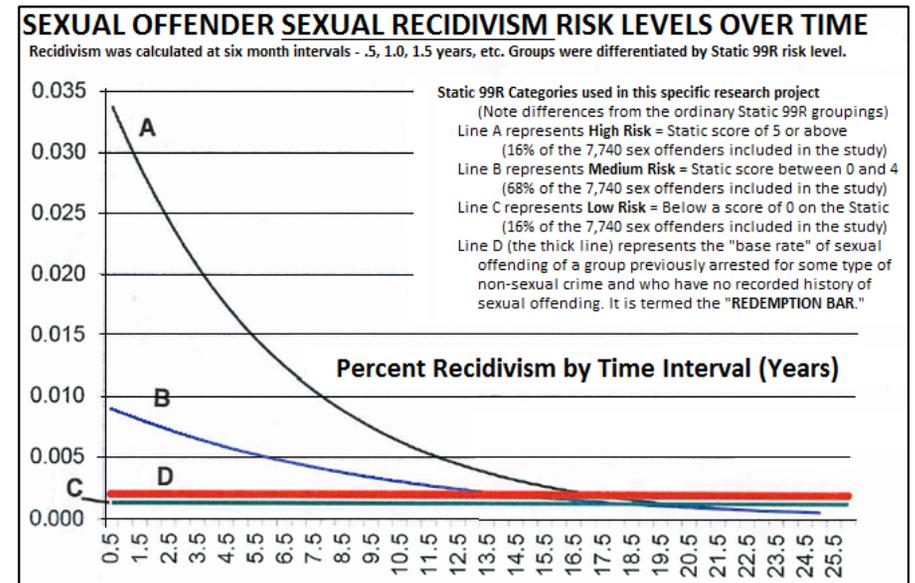
I, R. Karl Hanson, declare as follows:

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.)