

No. 37 MAP 2018

IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

COMMONWEALTH OF PENNSYLVANIA,

Appellant,

v.

GEORGE J. TORSILIERI,

Appellee.

Appeal from the Order of the Court of Common Pleas of Chester
County entered on July 10, 2018 at No. CP-15-CR-1570-2016.

**BRIEF OF *AMICI CURIAE* ASSOCIATION FOR THE TREATMENT OF
SEXUAL ABUSERS, JOSEPH J. PETERS INSTITUTE, ASSESSMENT
AND TREATMENT ALTERNATIVES, AND MENTAL HEALTH
TREATMENT AND SOCIAL SERVICES PROVIDERS IN SUPPORT OF
GEORGE J. TORSILIERI AS APPELLEE**

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TABLE OF CONTENTS

INTEREST OF THE AMICI CURIAE..... 1

STATEMENT OF THE QUESTIONS INVOLVED..... 4

STATEMENT OF THE SCOPE AND STANDARD OF REVIEW 4

STATEMENT OF THE CASE 4

SUMMARY OF ARGUMENT 4

ARGUMENT 6

I. SORNA’s Notification and Registration Requirements Do Not
Further the Law’s Purpose of Preventing Ex-Offender
Recidivism.6

II. Lengthy Notification and Registration Inhibit Successful
Reintegration and Rehabilitation.....9

III. Imposing Requirements Based on Offense Type Is Ineffective
at Assessing Recidivism Risk and Dilutes the Power of the
Registry..... 12

CONCLUSION..... 18

TABLE OF AUTHORITIES

	Page(s)
CASES	
<i>Commonwealth v. Muniz</i> , 164 A.3d 1189 (Pa. 2017).....	4
<i>In the Interest of J.B.</i> , 107 A.3d 1 (Pa. 2014).....	9
<i>State v. Eppinger</i> , 743 N.E.2d 881 (Ohio 2001)	16
STATUTES	
Pennsylvania’s Sex Offender Registration and Notification Act, 42 Pa. C.S. §§ 9799.10, <i>et seq.</i> (2018)	4
42 Pa. C.S. § 9799.14.....	12
42 Pa. C.S. § 9799.15.....	12, 13
42 Pa. C.S. § 9799.15(a)(1)	9
42 Pa. C.S. § 9799.15(a)(3)	9
42 Pa. C.S. § 9799.15(a)(5)	9
42 Pa. C.S. § 9799.15(a)(6)	9
42 Pa. C.S. § 9799.15(a.2).....	12
42 Pa. C.S. § 9799.11(a).....	5
42 Pa. C.S. § 9799.11(a)(4)	6
42 Pa. C.S. § 9799.11(b)(1)	5

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Danielle J.S. Bailey, et al., *Ashamed and Alone: Comparing Offender and Family Member Experiences With the Sex Offender Registry*, 43 CRIM. JUST. REV. 4 (2018)..... 10

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Ind. Dep't of Corr., <i>Recidivism Rates Decrease for 3rd Consecutive Year</i> (2009), http://www.in.gov/idoc/files/IDOC_Recidivism.pdf	7
Jill S. Levenson, et al., <i>Grand Challenges: Social Justice and the Need for Evidence-based Sex Offender Registry Reform</i> , 43 J. OF SOC. & SOC. WELFARE (June 2016).....	passim
Jill Levenson & Leo Cotter, <i>The Effects of Megan's Law on Sex Offender Reintegration</i> , 21 J. OF CONTEMPORARY CRIM. JUST., No. 3 (2005)	11
Joan Tabachnick & Alisa Klein, <i>A Reasoned Approach: Reshaping Sex Offender Policy to Prevent Child Sexual Abuse</i> , ASS'N FOR THE TREATMENT OF SEXUAL ABUSERS (2011).....	11
Kristen M. Zgoba, et al., <i>The Adam Walsh Act: An Examination of Sex Offender Risk Classification Systems</i> , SEXUAL ABUSE: A J. OF RES. & TREATMENT, Feb. 2015	8, 13, 14
MICHIGAN.GOV, <i>Attorney General Nessel Weighs in On Sex Offender Registration Cases before MI Supreme Court</i> , Feb. 8, 2019, https://www.michigan.gov/som/0,4669,7-192-47796-489212--,00.html	17
Naomi J. Freeman & Jeffrey C. Sadler, <i>The Adam Walsh Act: A False Sense of Security or an Effective Public Policy?</i> , 23 CRIM. JUST. POL'Y REV. 1 (2009)	13
Pa. Dep't of Corr., <i>Recidivism Report 2013</i> (2013)	6, 7
Pa. State Police Megan's Law Section, 2017 Annual Report, <i>available at</i> https://www.pameganslaw.state.pa.us/Documents/MegansLawAnnualReport.pdf	14, 25
R. Karl Hanson, et al., <i>High-Risk Sex Offenders May Not Be High Risk Forever</i> , J. INTERPERSONAL VIOLENCE (2014), <i>available at</i> http://jiv.sagepub.com/content/early/2014/03/20/0886260514526062	8

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INTEREST OF THE AMICI CURIAE

The Association for the Treatment of Sexual Abusers (“ATSA”) is an international, multi-disciplinary organization dedicated to preventing sexual abuse. Through research, education, and shared learning, ATSA promotes evidence-based practice, public policy, and community strategies that lead to the effective assessment, treatment, and management of individuals who have sexually abused or are at risk to abuse. ATSA is an association of individuals from around the world committed to achieving a high level of professional excellence. ATSA promotes the philosophy that empirically based assessment, practice, management, and policy strategies will: enhance community safety, reduce sexual recidivism, protect victims and vulnerable populations, transform the lives of those caught in the web of sexual violence, and illuminate paths to prevent sexual abuse.

The Joseph J. Peters Institute (“JJPI”) is a non-profit organization of medical professionals (psychiatrists, psychologists, social workers, counselors, and case managers) that have provided services across the continuum of abuse since 1955. JJPI offers outpatient and partial hospitalization level of care using evidenced-based treatments for those suffering from the effects of sexual abuse, interpersonal violence, and other types of trauma. Additionally, JJPI provides evidence-based, trauma-informed treatments to individuals with a history of sexual misconduct, sexual offending, and/or perpetration of interpersonal violence. JJPI also engages

in targeted education initiatives on sexual abuse in Philadelphia and surrounding Pennsylvania communities.

Assessment and Treatment Alternatives (“ATA”) is a forensic mental health agency with specialties to include evaluation and treatment of both perpetrators and victims of sexual abuse and other interpersonal violence. ATA’s staff includes psychologists, psychiatrists, and therapists. ATA employs empirically validated treatment modalities to address both perpetration and trauma. ATA’s provision of treatment to individuals convicted of sexual offenses is carried out within the Containment Model.

Dr. Allan D. Pass is licensed in Pennsylvania and Maryland as a mental health practitioner and serves as the Director of National Behavioral Science Consultants, with offices in Pennsylvania and Maryland, who has specialized for over 46 years in the assessment and treatment of violent psychopathology and psychosexual pathology. Dr. Pass is a published author of peer-reviewed publications in the field and a frequent lecturer and board member of the Cyril Wecht Institute of Forensic Science and Law with Duquesne University. He has been accepted in both state and federal court jurisdictions as an expert in forensic mental health issues.

Mary Deitch, J.D., Psy.D., of Deitch Therapy and Consulting LLC; David J. Kolko, Ph.D., ABPP, of the University of Pittsburgh School of Medicine Western

Psychiatric Institute and Clinic; David Attryde, M.S., L.P.C., of Resources for Human Development; Ben Yaroch M.S.W., L.C.S.W., A.C.S.W., of Yaroch Counseling; Alison C. Hall, Executive Director of Pittsburgh Action Against Rape; Nancy L. Cader, L.S.W., of InVision Human Services; Andrea Brannen, M.A., L.P.C., of the Pennsylvania Department of Corrections; and Dr. Jennifer Weeks of Sexual Addiction Treatment Services are experts, treatment providers, advocates, and individuals from across the Commonwealth who dedicate their lives to working with persons who commit or are victimized by sexual offenses.

The *amici curiae* are affected directly by SORNA's notification and registration requirements. They all treat patients who have been subjected to decades-long, and potentially lifelong, government monitoring and community notification requirements. These rules make it more difficult for the *amici curiae* to reintegrate their current patients and undermine the *amici curiae*'s ability to protect the community from patient recidivism. Both the mission of the *amici curiae* and the safety of the community are jeopardized by the retroactive change in notification and registration requirements.

The *amici curiae*'s combined experience treating victims, counseling released offenders, and educating the community is unique in Pennsylvania. They offer an experienced, on-the-ground perspective of the challenges facing victims and citizens formerly convicted of a sexual offense. Furthermore, their guiding

goals promote the three primary purposes of sexual-offender notification and registration laws: (1) protect the community from recidivism, (2) treat and protect former victims, and (3) monitor, rehabilitate, and reintegrate released offenders.¹

STATEMENT OF THE QUESTIONS INVOLVED

The *amici curiae* defer to the statement of the questions involved provided by the Appellee.

STATEMENT OF THE SCOPE AND STANDARD OF REVIEW

The *amici curiae* defer to the statement of the scope and standard of review provided by the Appellee.

STATEMENT OF THE CASE

The *amici curiae* defer to the statement of the case provided by the Appellee.

SUMMARY OF ARGUMENT

The principal goal of Pennsylvania’s Sex Offender Registration and Notification Act (“SORNA”), 42 Pa. C.S. §§ 9799.10, *et seq.* (2018), is to “protect

¹ Many of these same *amici* filed a brief with this Court in connection with *Commonwealth v. Muniz*, 164 A.3d 1189 (Pa. 2017). The same concerns regarding SORNA outlined in that brief persist with the statute in its current form.

the safety and general welfare of the citizens of this Commonwealth by providing for increased regulation of sexual offenders.” 42 Pa. C.S. § 9799.11(b)(1); *see also id.* § 9799.11(a) (finding that the law’s registration and notification requirements will make the public safer). The registration and notification requirements imposed by SORNA on persons who previously committed a sexual offense, however, do not further that goal. In fact, they undermine it.

First, the law increases the risk of patient recidivism. Prolonged community notification aggravates risk factors that make sexual-offense recidivism more, rather than less, likely. Second, the law decreases the chances that patients will rehabilitate and reintegrate successfully into their communities. Requiring notification for decades, and possibly even life, is equivalent to the state proclaiming that persons convicted of sexual offenses cannot rehabilitate, marginalizing the work of treatment organizations that provide therapy at the order of the courts or as a condition of parole. Third, SORNA’s offense-based risk classification system does not accurately classify recidivism risk. As a result, the police and the community are not properly warned about a person’s recidivism risk, and consequently public safety further is undermined.

Research on these issues is compelling and conclusive. The recent amendments to SORNA did little to address the discrepancy between the law’s stated goals and the means by which it tries to achieve them. Together, SORNA’s

burdensome measures increase, rather than decrease, the risks to the community posed by persons who may commit a sexual offense.

ARGUMENT

I. SORNA’s Notification and Registration Requirements Do Not Further the Law’s Purpose of Preventing Ex-Offender Recidivism.

Although the requirements SORNA imposes are based on the legislative finding that “[s]exual offenders pose a high risk of committing additional sexual offenses,” 42 Pa. C.S. § 9799.11(a)(4), the scientific evidence does not support the finding that persons subject to SORNA’s requirements pose this risk. Evidence shows that Pennsylvanians who committed a prior sexual offense are the least likely ex-offenders to recidivate in any way, let alone commit a new sexual offense.

The Commonwealth’s own data demonstrates this fact. The Pennsylvania Department of Corrections has found that persons who had previously committed a sexual crime pose a lower than average risk of any sort of recidivism when compared to those who had committed non-sexual offenses.² And very few

² The average rate of recidivism for all individuals released from incarceration in Pennsylvania is 59.9%. Pa. Dep’t of Corr., *Recidivism Report 2013*, 21, tbl. 12 (2013). The average for individuals who were convicted of a sexual offense is 53.2%. *Id.* For those that do recidivate, over 60% of reincarcerations are for technical parole violations, not stand-alone crimes. *Id.* at 24, tbl. 18; *see also* Jill S. Levenson, et al., *Grand Challenges: Social Justice and the Need for*

recidivist offenses are sexual offenses—in fact, sexual offenses comprised only 3.1% of all Pennsylvania recidivist offenses in 2008.³ Both national and state studies additionally show that the risk of recidivating by the commission of another sexual offense within three years is extremely low.⁴

Also striking is the fact that, notwithstanding SORNA’s long-running conditions, the likelihood of recidivating decreases substantially over time. An individual who is among the few to recidivate is most likely to do so within the

Evidence-based Sex Offender Registry Reform, 43 J. OF SOC. & SOC. WELFARE, June 2016, at 3, 14 (stating that persons with prior sex-offense convictions “are less likely to be re-arrested for a new crime compared to other violent, property, and drug offenders”).

³ Broken down, the 3.1% is comprised of 0.6% forcible rapes, 0% statutory rape, and 2.5% other sexual offenses. *Recidivism Report 2013*, at 22, tbl. 14. Significantly, the Pennsylvania data demonstrates that “inmates who recidivated were not necessarily rearrested or reincarcerated for the same crime as the original commitment crime.” *Id.* at 20. In other words, not all of the recidivist sexual offenses were re-offenses.

⁴ A United States Department of Justice study found that only 5.3% of individuals convicted of a sexual offense recidivated with a new sexual offense within three years. Bureau of Justice Statistics, *Recidivism of Sex Offenders Released from Prison in 1994*, 24 (2003). More recently, state-specific studies have found three-year sexual offense recidivism rates of 1.05% and 0.80%, respectively. Ind. Dep’t of Corr., *Recidivism Rates Decrease for 3rd Consecutive Year*, 1 (2009) http://www.in.gov/idoc/files/IDOC_Recidivism.pdf; Cal. Dep’t of Corr. & Rehab., *2014 Outcome Evaluation Report*, 30, tbl. 13 (2015), http://www.cdcr.ca.gov/adult_research_branch/Research_Documents/2014_Outcome_Evaluation_Report_7-6-2015.pdf.

first few years after having committed the original offense.⁵ After those first few years, the risk of sex-offense recidivism considerably decreases for persons with prior offenses who remain in the community.⁶ Further, “[a]fter 10 years, moderate risk sex offenders reach recidivism rates comparable to general criminal offenders.”⁷ After 16.5 years without re-offense, even “high risk sex offenders are no more likely to be arrested for a new sexual crime than an offender with no prior sex crime history.”⁸

⁵ Kristen M. Zgoba, et al., *The Adam Walsh Act: An Examination of Sex Offender Risk Classification Systems*, SEXUAL ABUSE: A J. OF RES. & TREATMENT, Feb. 2015, at 1, 15; *see also* R. Karl Hanson, et al., *Reductions in Risk Based on Time Offense Free in the Community: Once a Sexual Offender, Not Always a Sexual Offender*, PSYCHOL., PUB. POL’Y, & L., 6 (2017), available at <http://dx.doi.org/10.1037/law0000135>. In Pennsylvania, as explained above, the high-water mark of sexual offense recidivism is somewhere near 3.1% in the first three years. *See supra* note 3.

⁶ *See, e.g.*, R. Karl Hanson, et al., *Reductions in Risk*, *supra* note 5.

⁷ Levenson, *Grand Challenges*, *supra* note 2, at 18-19.

⁸ *Id.* at 19. Research also suggests that registries do not impact recidivism rates. For example, one South Carolina study concluded that that state’s registration requirements had *no effect* on decreasing recidivism. *See* Elizabeth J. Letourneau, et al., MED. UNIV. OF S.C., *Evaluating the Effectiveness of Sex Offender Registration and Notification Policies for Reducing Sexual Violence against Women* 4, 19 (2010), available at <https://www.ncjrs.gov/pdffiles1/nij/grants/231989.pdf>. And recent longitudinal research on re-offense rates found that there was no difference in trends between individuals with prior offenses in the United States and Canada, where no public registry exists. *See, e.g.*, Hanson, et al., *Reductions in Risk*, *supra* note 5, at 4; R. Karl Hanson, et al., *High-Risk Sex Offenders May Not Be High Risk Forever*, J. INTERPERSONAL VIOLENCE 6-7 (2014), available at <http://jiv.sagepub.com/content/early/2014/03/20/0886260514526062>.

Under SORNA, those who commit the least serious offenses—the so-called “Tier 1” offenders—must register as a sex offender for at least fifteen years. *See* 42 Pa. C.S. § 9799.15(a)(1). Those committing more serious offenses are subject to more substantial requirements, potentially including *lifetime* registration. *See id.* § 9799.15(a)(3), (5), (6). As the research shows, all persons with prior convictions are unlikely to recidivate to begin with and even less so only after a few years have passed from the commission of the original offense.⁹

There is no way to reconcile SORNA’s stated finding that persons who have previously offended are especially likely to re-offend with the current widely accepted research. The law’s onerous registration requirements burden individuals who are among the least likely to commit a new sexual offense.

II. Lengthy Notification and Registration Inhibit Successful Reintegration and Rehabilitation.

The evidence shows that SORNA’s registration and notification requirements work against its stated purpose: they *increase* the risk of sexual offense recidivism and hinder treatment. Consequently, the law aggravates the risk to communities it ostensibly aims to protect.

This Court has recognized that lifetime notification for juveniles “leads to . . . in some cases, an increased risk of other criminal acts.” *In the Interest of J.B.*,

⁹ *See* Hanson, et al., *Reductions in Risk*, *supra* note 5, at 6.

107 A.3d 1, 10 (Pa. 2014). Indeed, SORNA’s conditions separate young persons from support and care, encourage isolation, and directly interfere with patient rehabilitation. Scientific studies demonstrate that registration and notification—which entail harmful and isolating collateral consequences—can increase the risk of recidivism in adults as well. A person who is placed on the registry faces, in many cases, unemployment, homelessness, physical and verbal harassment, and property damage.¹⁰ Oftentimes, treatment centers see patients that are denied housing by landlords on the basis of their sex offender status.¹¹ Even government programs meant to aid returning citizens in securing employment routinely exclude sexual offenders from their services.¹² Psychologically, the tolls are just as serious and include “shame, stigma, isolation, anxiety, depression, and hopelessness.”¹³ These are all dynamic risk factors that increase the risk of sexual offense

¹⁰ *Id.* at 11.

¹¹ *See id.* at 13 (“[H]ousing instability is consistently associated with criminal recidivism and absconding.”).

¹² *See, e.g.,* THE MAYOR’S OFFICE OF REINTEGRATION SERVS. FOR THE EX-OFFENDER (R.I.S.E.), *Guide to the Philadelphia Reentry Employment Program (PREP)*, 7 (2011).

¹³ Levenson, *Grand Challenges*, *supra* note 2, at 13. Feelings of shame and social isolation in turn have been shown to lead to an increased risk of recidivism. *See* Danielle J.S. Bailey, et al., *Ashamed and Alone: Comparing Offender and Family Member Experiences With the Sex Offender Registry*, 43 CRIM. JUST. REV. 4 (2018).

recidivism.¹⁴ On the other hand, a steady job, livable home, and social support—which often are denied to persons with prior sexual offenses in part due to the notoriety associated with registration—all decrease the risk of sexual offense recidivism.¹⁵ By limiting access to tools that help decrease the risk of recidivism, registration and notification may lead to the opposite, unintended outcome: increased recidivism rates.

Higher recidivism rates are only one part of the problem. Extensive notification and registration requirements increase the burden on, and decrease the likely effectiveness of, treatment for individuals who have committed a sexual offense. Permanent public shaming through decades-long notification may drive patients underground, away from treatment, employment, and a chance at

¹⁴ See, e.g., R. Karl Hanson & Kelly Morton-Bourgon, *Predictors of Sexual Recidivism: An Updated Meta-Analysis* (2004), available at <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2004-02-prdctrs-sxl-rcdvsm-pdtd/2004-02-prdctrs-sxl-rcdvsm-pdtd-eng.pdf>; Joan Tabachnick & Alisa Klein, *A Reasoned Approach: Reshaping Sex Offender Policy to Prevent Child Sexual Abuse*, ASS'N FOR THE TREATMENT OF SEXUAL ABUSERS, 7 (2011). Cf. Candace Kruttschnitt, et al., *Predictions of Desistance Among Sex Offenders: The Interactions of Formal and Informal Social Controls*, 17 JUST. Q., No. 1, 78-80 (2000) (finding that stable employment and treatment significantly reduces the risk of recidivism).

¹⁵ See, e.g., Jill Levenson & Leo Cotter, *The Effects of Megan's Law on Sex Offender Reintegration*, 21 J. OF CONTEMPORARY CRIM. JUST., No. 3, 298-300 (2005).

rehabilitation and reintegration.¹⁶ In the face of homelessness, harassment, depression, and joblessness, it is challenging for *amici* and their patients to overcome these stressors and focus on treatment. When persons seeking treatment have difficulty meeting their basic needs, that treatment is less effective. And treatment stops altogether if a patient recidivates, whether it is by failing to register or committing a new crime. The cycling between jail and the community puts more stress on treatment centers, which must re-evaluate individuals each time they are re-released from prison. Therefore, by inhibiting patient treatment and constraining the individuals on the front lines of preventing recidivist behavior, SORNA's registration and notification requirements places the community at greater risk.

III. Imposing Requirements Based on Offense Type Is Ineffective at Assessing Recidivism Risk and Dilutes the Power of the Registry.

SORNA assigns recidivism risk based on offense type instead of individual offender and offense characteristics. *See* 42 Pa. C.S. §§ 9799.14, 9799.15. Although SORNA's recent amendments potentially lessened some registration and notification requirements, *see, e.g., id.* § 9799.15(a.2) (allowing lifetime registrants to petition a court for removal of registration requirements after twenty-five years of full compliance), SORNA's prolonged registration terms for individuals based

¹⁶ Kruttschnitt, *supra* note 14, at 67-87.

on offense-type needlessly strain public resources, misinform the public, and dilute the effectiveness of the registry. SORNA's classification of persons broadly based on the type of offense rather than individual characteristics fails to provide an accurate tool for assessing an individual's recidivism risk and misclassifies those individuals for notification purposes.

SORNA requires persons convicted of a sexual offense to register for a fifteen-year term, a twenty-five-year term, or their entire lifetime, based solely and rigidly on the type of offense he or she committed. *See* 42 Pa. C.S.A. § 9799.15. This one-size-fits-all approach to offender classification is not nearly as effective as individualized, judicially determined risk profiles.¹⁷ Close empirical study has found that SORNA's "tiers overestimate risk in most cases and erroneously imply that the majority of [ex-offenders] pose a high threat to community safety."¹⁸ This discordance leads to overburdened law enforcement and a misinformed public, again undermining the statute's stated objectives.

¹⁷ Naomi J. Freeman & Jeffrey C. Sadler, *The Adam Walsh Act: A False Sense of Security or an Effective Public Policy?*, 21 CRIM. JUST. POL'Y REV. 1 (2009). *See also* Levenson, *Grand Challenges*, *supra* note 2, at 18-20 (discussing the Static-99-R, a "validated actuarial risk assessment tool[] . . . that demonstrate[s] predictive ability to screen offenders into relative risk categories").

¹⁸ *See* Zgoba, *supra* note 5, at 14-15 ("Tier 3 offenders did not have significantly higher rates of recidivism than Tier 2 offenders.").

For the police, offense-based classification systems require them to monitor individuals who are at low risk of reoffending but who have been misclassified as high-risk, diverting law enforcement resources from monitoring those who are more likely to recidivate.¹⁹ As of 2017, there were 22,001 people on Pennsylvania’s sex offender registry who are under decades-long monitoring requirements.²⁰ The staggering number of individuals subject to SORNA ensures less monitoring and less effective monitoring. State and local police forces must monitor more individuals, spreading out already thin resources, and must do so potentially for the rest of those individuals’ lives.²¹

Overlong notification may also confuse the public for the same reasons it can hinder law enforcement: misclassification. Extended notification requirements communicate a skewed picture of from where sexual offense risk stems. Most

¹⁹ *See id.* at 2 (“[I]mposing higher levels of treatment and supervision than is necessary based on offender risk is not cost-effective and can create collateral consequences to offenders and communities that potentially compromises public safety.”).

²⁰ This number includes 11,784 persons categorized as a Tier 3 offender and 2,116 persons who have been adjudicated sexually violent predators, persons who potentially are subject to lifetime monitoring. Pa. State Police Megan’s Law Section, 2017 Annual Report, *available at* <https://www.pameganslaw.state.pa.us/Documents/MegansLawAnnualReport.pdf>.

²¹ *See Levenson, Grand Challenges, supra* note 2, at 16 (“With individuals placed on registries for mandatory durations of 25 years to life, little attrition occurs, and fiscal burdens for states will continue to escalate.”).

sexual offenses are committed by persons who have never previously offended and who are known to their victims—not strangers living nearby. The U.S. Department of Justice has found that 87% of sexual crimes committed in a year are committed by those who have not previously offended.²² Another Department of Justice study found that almost all sexually abused children are victimized by someone familiar to them, not a stranger.²³ Finally, a study based in Baltimore, Maryland found there was *less* risk of sexual offense victimization in neighborhoods that have higher concentrations of citizens on sexual offense registries.²⁴

In short, community notification does not accurately warn community members of the risk that they will fall victim to a sexual offense and, in fact, obfuscates the real source of risk. Aside from misinforming the public in general, such obfuscation also may lead to exacerbated feelings of anxiety and experiences of trauma in victims.

²² Bureau of Justice Statistics, *Sex Offenses and Offenders: An Analysis of Data on Rape and Sexual Assault* (1997).

²³ See Bureau of Justice Statistics, *Sexual Assault of Young Children as Reported by Law Enforcement: Victim, Incident, and Offender Characteristics*, 10 (2000) (finding that only 7% of sexually abused children are victimized by strangers).

²⁴ Amanda Y. Agan & J.J. Prescott, *Sex Offender Law and the Geography of Victimization*, 11 J. EMPIRICAL LEGAL STUDIES 786, 786 (2014). See also *supra*, note 8 (registration and notification requirements are not the cause of

Ohio serves as an important example of how extensive, possibly lifetime notification dangerously dilutes the registry. In striking down a law that would have ballooned Ohio’s sexual offense registry, Ohio’s Supreme Court explained that, “if we were to adjudicate all sexual offenders as sexual predators, we run the risk of ‘being flooded with a number of persons who may or may not deserve to be classified as high-risk individuals, with the consequence of diluting both the purpose behind and the credibility of the law.’” *State v. Eppinger*, 743 N.E.2d 881, 888 (Ohio 2001) (quoting *State v. Thompson*, 748 N.E.2d 1144, 1151 (Ohio Ct. App. 1999)).²⁵ Pennsylvania’s SORNA already has added over 22,000 individuals to the registry for extended periods of registration and notification. With so many people on the registry, it is a monumental task for the police to

reduced recidivism rates among persons who previously committed a sexual offense).

²⁵ Even after the court’s warning, the change in Ohio’s classification system led to a flood of so-called high-risk ex-offenders. Of the total population of individuals previously convicted of a sexual offense, after 20 years, only between 24–27% may recidivate. In Ohio, double this number, 56%, were placed in Tier 3. This tier is supposed to delineate those individuals with the highest risk for re-offense. Andrew J. Harris, et al., *Widening the Net: The Effects of Transitioning to the Adam Walsh Act’s Federally-Mandated Sex Offender Classification System*, 37 CRIM. JUST. & BEHAV., May 2010, at 503, 514-16. Classification will not match risk in Pennsylvania either. Currently, 63% of registrants have been classified as having the greatest risk of re-offense and subject to the most onerous registration requirements. See Pa. State Police, *supra* note 20.

determine a registrant's true recidivism risk, and an impossible one for the public.²⁶

SORNA's requirements, as a result, make the registry less useful in the short- and long-term and fail to protect the community as promised.²⁷

²⁶ See Levenson, *Grand Challenges*, *supra* note 2, at 17 (declaring that "the ability of the public to differentiate high risk offenders is diluted" by SORNA's lifetime registration and offense-based classification system).

²⁷ Notably, Michigan's Attorney General recently filed briefs of *amicus curiae* in two cases pending before her state's supreme court, *Michigan v. Betts*, No. 148981, and *Michigan v. Snyder*, No. 153696, arguing that Michigan's sex offender registration law, which is similar to Pennsylvania's, "has swelled without any focus on individualized assessment of risk to the community, which makes it increasingly difficult for law enforcement officers to know which offenders to focus on" and "makes it difficult for offenders to rehabilitate and reintegrate into the community." See MICHIGAN.GOV, *Attorney General Nessel Weighs in On Sex Offender Registration Cases before MI Supreme Court*, Feb. 8, 2019, <https://www.michigan.gov/som/0,4669,7-192-47796-489212--,00.html>. The law, the Attorney General contends, "imposes burdens that are so punitive in their effect that they negate the State's public safety justification." *Id.*

CONCLUSION

The government and the *amici curiae*'s interests are aligned: safe communities, recovered victims, and rehabilitating and reintegrating citizens who have offended. Experience and careful study strongly indicate that imposing lengthy and burdensome registration and notification requirements on individuals will lead to increased recidivism. It will strain already-limited public and private resources. It will misinform the public and dilute the power of a small, focused registry of those with the greatest risk of recidivating. It will jeopardize the efforts of treatment centers. And, ultimately, it likely will endanger the community.

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WORD COUNT CERTIFICATION

Pursuant to Pa. R.A.P. 2135, the text of this brief of amici curiae consists of 5012 words as counted by the Microsoft Word word-processing program used to generate this petition.

CERTIFICATE OF COMPLIANCE

I, Jason A. Leckerman, hereby certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

CERTIFICATE OF SERVICE

I, Jason A. Leckerman, hereby certify that on this 29th day of April, 2019, I caused a true and correct copy of the foregoing Brief of Amici Curiae to be served by electronic filing.

/s/ Jason Leckerman
Jason A. Leckerman