



Oregon Voices
PO Box 13175
Salem, OR 97302

March 4, 2025

Senator Prozanski (Chair),
Senator Thatcher (Vice-Chair),
and members of the Senate Judiciary Committee:

I am writing on behalf of Oregon Voices in qualified support of SB 821. Director Arthur has expressed clearly the challenges facing them and their work in his discussion of the bill. There is, simply, no way that even with a major infusion of funds, the Board could score and classify all of these people by the currently imposed deadline. The legislature looked at this problem several years ago and simply kicked the can further down the road by issuing a short extension. Thus, although we support this bill, we also believe that we need to do something that will actually address the problem.

About 15 years ago, Oregon's registry had somewhere between 16,000 and 17,000 persons on it. Now the registry has doubled in size, and there is no prospect in the near future of scoring and classifying all of the historical registrants. Indeed, we add more individuals to the registry every month, than the relief process can process and remove in a year.

This all comes at a cost.

- This growing size of the registry raises the anxiety level of parents who want to protect their children.
- It also condemns many persons on the registry who do not pose any meaningful risk to a lifetime on the registry simply because there are insufficient resources to score and classify them all.
- It condemns the innocent families of those registrants and their children to a lifetime of restrictions that constrict and harm their lives without any benefit to society as a whole.
- It imposes a huge and expensive task on law enforcement and the Oregon State Police registry office without the benefit that might be there if resources were focused on the persons that we have measurable reasons to worry about.

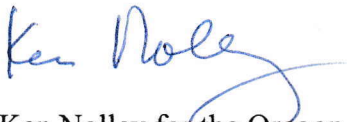
Fortunately, we now have a good deal of information that we did not have when this system was initiated back in 2015. We now have hard data in Oregon that confirms what researchers have been saying for years—that sexual recidivism by persons with previous sex crimes is actually relatively rare. For example, a 2017 study by the Criminal Justice Commission found just a 1.8% recidivism rate in three years for people releasing from prison after a sex crime.

Even more importantly, in 2018, the research team that developed the Static 99R which Oregon uses to classify most registrants found that whatever risk a person represented upon release, that risk declines predictably by 50% with each five years spent offense-free in the community. This

was true of all the cases in the study, no matter how high their initial risk was. And the study found that of all the individuals they looked at, no one reoffended after 20 years living sex offense free in the community—not even those who posed the highest possible risks at time of release. Simply doing a criminal background check on everyone who has been on the registry for 20 years would be a start. Individuals who have not reoffended during 20 years of living back in the community should not need to apply for relief; a simple background check would give us the information we need.

This information on what the researchers call *desistance* is now a part of the protocols for the Static 99R, although Oregon is only making limited use of it. Even if we did nothing more than to do background checks on persons with 20 years on the registry in the community and then relieved those who have not reoffended of the obligation to register, we could stop this growth of the registry, safely reduce the number of people who need watching, and make Oregon safer in the process. Consequently, we urge you to support this bill, but also to follow that up with actions that might reduce our bloated registry in a safe and substantial way. Perhaps a step toward that might be another work group like the one the legislature established after the 2011 session.

Sincerely,

A handwritten signature in blue ink that reads "Ken Nolley". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Ken Nolley for the Oregon Voices



A Primer on Recidivism and Who Commits Sex Offenses

People have been led to believe that persons who have committed sex crimes are highly likely to reoffend sexually. However, the evidence strongly contradicts this.

Two 2021 BOJ studies showed that:

- Of **all prison releases**, 71% were rearrested within 5 years for any crime; 82% after 10 years.
- Of **sex offense only releases (rape and sexual assault)**, 48% were rearrested within 5 years for any crime; 62.8% after 10 years.
- **Of persons released after those sex offenses, 4.3% were incarcerated for a new sex crime after 5 years; 6.35% after 10 years.**

Bureau of Justice Statistics (2021)

<https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/rpr34s125yfup1217.pdf> BOJ Statistics (2021)

https://bjs.ojp.gov/BJS_PUB/rpr24s0810yfup0818/Web%20content/508%20compliant%20PDFs

A 2017 Oregon Criminal Justice Commission study showed that:

- In Oregon, of **all DOC releases**, 45% were reconvicted within 3 years for any new crime.
- Of persons **released from prison after any sex offense**, 17.1% were reconvicted within 3 years for any new crime.
- **Of persons released after any sex offense, just 1.8% were reconvicted within 3 years for a new sex crime.**

Oregon Criminal Justice Commission, *Oregon Recidivism Analysis, May 2017, p. 20.*

https://www.oregon.gov/cjc/CJC%20Document%20Library/Oregon_Recidivism_Analysis_May2017.pdf

And a 2018 actuarial study by the group who developed the widely used Static 99R assessment tool showed that risk of sexual reoffending declines predictably by about 50% with every five years spent offense-free in the community.

Karl Hanson, and others, "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* (2018) 24:1, pp., pp.8-63.

<https://www.apa.org/pubs/journals/features/law-law0000135.pdf>

So, who is committing all those new sex crimes? A 2008 New York study found that:

- Nearly 96% of arrests for rape are of persons not previously convicted of a sex offense.
- Nearly 96% of arrests for all registerable sex crimes are of persons not previously convicted of a sex offense.
- 94% of arrests for child molestation are of persons not previously convicted of a sex offense.

Sandler, Jeffrey C., et al., "Does a Watched Pot Boil? A Time-Series Analysis of New York State's Sex Offender Registration and Notification Law," *Psychology, Public Policy and Law* (2008), 14:4, 290.

RAINN (Rape, Abuse and Incest National Network) reports this from a DOJ study:

- 93% of child victims knew the perpetrator. Only 7 % of perpetrators were strangers.

Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Sexual Assault of Young Children as Reported to Law Enforcement* (2000).