

Date: May 27, 2020

To: Dear Judiciary Committee Chairman Filler and Members of the Judiciary Committee

From: A Very Concerned Mom affected by the Ill and Mis-Conceived Juvenile Registry

This is a very important topic that we must address now as a society, the state of Michigan.

Currently, we are reaching towards ~ 10,000 out of 44,000 registrants are juveniles who have been placed on the registry in the state of Michigan, that is equivalent to multiple Class A High School's 9-12 grade student populations! Can we really say we are proud of such a statistic as this? No, Vote No on HB 5679!

There is no evidence to place a juvenile, a child 17 years of age and under on a sex offender registry. Even more so, there is no wisdom. I am reposting the FAQs, based on accumulated data and scientific evidence that what is being proposed now in HB 5679 is policy derived from someone's thoughts and not on what the real evidenced based data is indicating. I cannot understand why someone would create such a punitive policy for our kids in Michigan. Do you know that many of these kids are on a spectrum of such things as Autism where they don't understand what they are doing; do not have brains that are developed; are sometimes the butt of a joke? **We need to update this proposal that harms the public and harms our kids and families.**

I am asking the Judiciary Committee and all elected officials that represent the citizens who take the time to vote for you to **OPPOSE HB 5679 or ensure that HB 5679 ensures that adjudicated juveniles 17 years and under are no longer placed on what could be a lifetime registry.** HB 5679 is a document full of malice and not American at all. If you agree with HB 5679, to be consistent, we need to place every adult and every juvenile on a list as proposed by Mr. Lower for all mistakes they have made after they have accounted for their poor choices, that includes all teenagers who are found drinking and driving and taking illegal substances. Likewise, we need to place all adults on a list for drinking and driving (DUI/DWI)—imagine that this follows you for the rest of your life to impose on your ability to go to school, find a place to live, or to hold a job. All those adults convicted of selling drugs too. Where is the list for all these persons who commit crimes?

The data based on evidence says that children 17 years and under, no matter the Tier Level (the Tiers 1 through 3 are all pseudoscience, lies, too), should not be placed on a Sex Offender Registry and should undergo the current rehabilitation program and that is it. Otherwise, get rid of the rehabilitation programs because you really don't believe in science and making decisions based on reality, what is known to be true. Please don't make the mistake that you are insulated from this because I know your kids and grandkids and nieces and nephews are just like my kids and you also face the threat of one mistake placing your kids, grandkids, or nieces and nephews on Michigan's Sex Offender Registry.

We oppose HB 5679 and voice loudly that all adjudicated juveniles on the registry be taken off immediately. Now onto the facts because the state of Michigan and those on this Judiciary Committee have not received the evidence-based data.

Frequently Asked Questions (FAQs) Regarding Juveniles - Research-Based Evidence

How large is the Michigan sex offender registry?

- Michigan has nearly 44,000 individuals on the registry, **making it the fourth largest sex offender registry in the country**, with the **third highest registration rate per capita of any state**.
- There are more people on the registry than live in cities the size of Muskegon, Port Huron, or Mt. Pleasant. Michigan adds about 2,000 people to the registry each year, or about five each day.
- Taxpayers pay between \$1.2 - \$1.5 million each year just on the registration database maintained by the state police's central registration unit.
- But most of the costs of SORA fall on local police, the Department of Corrections, and the Michigan courts, who spend untold millions on registry enforcement each year, with no demonstrable public safety effect.

How many juveniles are on Michigan's sex offender registry?

- It is estimated that, on average, **between 10% and 20% of Michigan's sex offender registry are children**, approximately 4,400 up to ~ 10,000 juveniles, children in the state of Michigan placed into a system of ostracization, banishment, with deep collateral consequences for the juvenile's siblings and parents.

Why do juveniles think differently than adults?

- Juveniles (children) are not developed in brain anatomy and physiology which effects their mental, psychological, endocrine, and emotional development exposing juveniles to pre-existing risky behavior.

Does the Tier system apply to juveniles and are the Tiers assigned based on a professional psychologist's assessment of the juvenile's risk to the public?

- The Michigan SORA is organized with "tiers" that determine the frequency and length of reporting requirements, even for juveniles (children). These tiers were not developed based on evidence and do not correspond with the risk of an individual to the public. **Hence, science is not factored into this system; it is a system of punishment.**

Can low or no risk juveniles (children) be placed on a registry for life after successfully completing Michigan's rehabilitation program and after the state of Michigan's psychologist deemed the juvenile low or no risk to the public?

- Juveniles who are adjudicated who are even found to be very unlikely, low to no risk when assessed by appointed justice system psychologist/social worker can and are placed in a Tier 3 classification, subjecting a 17 year-old or younger juvenile adjudicated (NOT convicted) of a Tier 3 classification and placed on a Sex Offender Registry (SOR) for life.

What types of activities can put a juvenile on the registry?

- Juveniles, children, can end up on the registry for acts they do not truly understand, misguided pranks, sexual exploration, or ill-considered decisions such as sexting (which is epidemic among teens now).
 - Teenagers (juveniles) will be subject to the registry's life-changing burdens even though they do not pose a danger to the public.
 - Teenagers, juveniles, age 14 and older will end up as lifetime registrants if they are Tier III offenders, with no way to shorten the term, regardless of their circumstances or rehabilitation. These are children as young as 14 in Junior High School or entering High School.
 - Children with Autism Spectrum Disorder (Low to high functioning to include Asperger Syndrome) can be at a high risk without being able to discern double meanings and are often easy prey for other teens

We have a State led Rehabilitation Program yet we still place adjudicated juveniles on the Registry even after they successfully complete the program?

- Yes, juveniles (children) are put on the Sex Offender Registry regardless of their successful completion of the State's Rehabilitation program. This is contrary to the primary goal of the juvenile justice system, which is rehabilitation rather than deterrence or retribution.

Do adjudicated juveniles have low rates of recidivism?

- As a group, juveniles (children) who are adjudicated have very unlikely rates of recidivism and an even lower likelihood of recidivism as adults, especially if they receive appropriate treatment. Rehabilitation treatment is provided through the justice system for juveniles; yet juveniles are subjected to sex offender registration.

I am asking that the state of Michigan stand behind their rehabilitation programs and the evidenced-based data that proves that registries are ineffective and that all adjudicated juveniles 17 years of age and younger who have completed Michigan's rehabilitation program be removed from the registry.

I am also advocating for prevention programs to be developed based on evidence research and be offered to both private and public junior high and high school students, so that our teenagers live a life in the public that is safe and promotes well-being for all.

FAQs References:

- 1) Derived from research that is based upon peer-reviewed, evidenced-based literature that is available on **PUBMED.Gov** **Weblink:** <https://www.ncbi.nlm.nih.gov/pubmed/>

Derived from the Michigan Attorney General Dana Nessel Amicus Brief on Jan 30 in People vs. Betts, Supreme Court No. 148981. **Weblink found:** <https://floridaactioncommittee.org/wp-content/uploads/2020/02/445142629-AG-Nessel-Amicus.pdf>