



## The Adam Walsh Act and Wisconsin: One-Size-Fits-All Registration Does Not Fit Everyone

Title 1 of the Sex Offender Registration and Notification Act (SORNA), known as the Adam Walsh Act, requires States to place juveniles as young as 14 on publicly accessible registries and subject them to broader notification protocol. Research has shown that registration and notification do not significantly reduce the incidence of sexual crimes and may negatively impact public safety (Edwards and Hensley, 2001). Wisconsin should continue to allow only confidential registration of juvenile sex offenders, and only in those instances where a judge determines it necessary to protect the public.

The one-size-fits all approach to registering juvenile offenders as outlined under SORNA is not backed by research and undermines the rehabilitative purpose of the juvenile court.

Because the likelihood of reoffending sexually is low, juvenile sex offenders should be exempted from the Adam Walsh Act's registration and notification provisions. Taking an approach that emphasizes individualized assessments followed by carefully crafted supervision and treatment plans is more likely to provide meaningful public safety than blanket registration.

Like many criminal justice statutes, SORNA bases sex offender registration on the crime committed, not the characteristics of the offender or the likelihood of reoffending. Similar to mandatory minimums, there is a grid of offenses requiring different levels of registration. Juveniles who are required to register under SORNA are considered "tier III" offenders, detailed below, does not support categorical classification of these youth as the most dangerous sex offenders. The research indicates that juvenile sex offenders are more responsive to treatment than adults, and are less likely to commit another sex offense.

All 50 states currently have sex offender registries for adults; no state is in compliance with SORNA. Thirty-three states are already registering juveniles, but only 17 have notification requirements for juveniles, which are often different from those than adults (Petteruti and Walsh, 2008). States must come into compliance with SORNA by July 2010 or risk losing a small amount of federal funding.

### What the Adam Walsh Act Will Mean for Wisconsin

Currently, juvenile sex offender registration and notification are regulated by Amie's Law (a Wisconsin law), which passed in 2006, and Caesar G., a Wisconsin Supreme Court case. Together, these provide a framework for juvenile sex offender registration and community notification. In certain juvenile cases, judges have the ability to sentence a juvenile to a limited (nonpublic) juvenile sex offender registration. The registration can be stayed by a judge, pending successful completion of treatment. Notification of the community can be done only in those cases where law enforcement believes it is necessary to protect the public. The Department of Corrections may not release this information under current law (Wis. Stat. § 301.46). SORNA's inclusion of juveniles on registries is more extensive than current Wisconsin law and would subject juveniles not previously registered to public registration.

## Comparison of Current Wisconsin Law and Federal Law

	<b>Wisconsin</b>	<b>Federal</b>
<b>Length of Registration</b>	15 Years	Lifetime
<b>Means of Notification</b>	Police departments choose to release information when in the interest of public safety	The National Sex Offender Registry will be online and accessible to anyone
<b>Reason for Registration</b>	Judicial discretion	Offense-based
<b>Information to be Provided</b>	Name Physical Description Statute Violated and Date Home, Work and School Address Supervising Agency Information When Information was updated	All of Wisconsin's Information, plus: License Plate Number Vehicle Description if One is Owned by the Offender Description of Offense Current Photograph Additional Information is Optional
<b>Update Requirements</b>	<ul style="list-style-type: none"> <li>• Provide current information once a year</li> <li>• Report any changes in work, school or residence within 10 days</li> </ul>	<ul style="list-style-type: none"> <li>• Report every 3 months in person</li> <li>• Report any changes in work, school or residence in person in at least one jurisdiction within 3 days</li> </ul>

\* This applies if the juvenile is classified as a Tier III offender. After 25 years the offender may be eligible to be taken off the registry.

### **How Public is the Registry?**

The current Wisconsin juvenile sex offender registry is open only to law enforcement, judges and certain court personnel. The registry under SORNA is a public website that anyone can access. It will contain pictures of the registrants, even the youth, as well as other identifying information. There is no other federal government website that would list addresses of minors with pictures in this way, and it is possible that this information could be misused to find and target youth on the registry. Ironically, while we caution youth to use the internet wisely and not to post pictures of themselves or their ages and addresses on social networking sites, the registry would make this information publicly available to anyone.

### **Research on Juvenile Sex Offenders**

One study concerning the registration of juvenile offenders demonstrated that there was no significant effect and that recidivism rates for juveniles are very low overall (Letourneau and Armstrong, 2008). There is also a substantial body of professional literature demonstrating that juvenile sex offenders are different from adult sex offenders in that they are very unlikely to recidivate sexually. This research suggests that we should not apply the same policies and treatment to youth (Zimring, Piquero and Jennings, 2007; Prescott, 2006). However, myths about recidivism rates and greater media attention towards sexual offenders perpetuate policies that fail to protect the public but create a false sense of security (Petteruti & Walsh, 2008).

## **Possible Unintended Consequences of SORNA**

When offenders are known to the community they may be subject to harassment, vigilantism, stress, depression, and employment or housing instability, all of which increase the risk of future criminality (Levenson, Brannon, Fortney and Baker, 2007). Reconnecting an offender to the community where there is a chance for some form of acceptance is essential for successful rehabilitation (Levenson et al., 2007). By drawing public attention to juvenile sex offenders, these community connections and successful rehabilitation become significantly less likely.

## **Recommendation**

Wisconsin currently has a comprehensive plan for evaluating each juvenile before the court on a sexual offense and making an individualized assessment to determine which juveniles need to be registered and which do not. There is no evidence that blanket registration will protect the community, and it may put the youth on the registry at risk. Wisconsin should not implement SORNA as it relates to juveniles, but should focus resources and energy on improving assessment, supervision and monitoring, and treatment of youthful offenders that will actually increase public safety. The money lost by not implementing SORNA will be far less than the money it would cost to implement it, and it is not worth the damage it could bring to communities and youth.

## **Resources for More Information**

The Center for Sex Offender Management (CSOM), <http://www.csom.org>

The Justice Policy Institute (JPI), <http://www.justicepolicy.org>

The Association for the Treatment of Sexual Abusers (ATSA) <http://www.atsa.com>

The National Conference of State Legislators (NCSL), <http://www.ncsl.org/statefed/LAWANDJ.HTM>

Stop It Now! <http://www.stopitnow.org>

The U.S. Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking (SMART Office), <http://www.ojp.usdoj.gov/smart>

The Wisconsin Department of Corrections Sex Offender Registry, <http://offender.doc.state.wi.us/public/>

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Wis. Stat. § 301.46

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