



SMART

July 17–18, 2019 | Chicago

2019 NATIONAL SYMPOSIUM

on Sex Offender Management and Accountability



Library of Congress Research on SORNA

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Building Solutions | Supporting Communities | Advancing Justice

The Library of Congress





The Library of Congress

- The Library of Congress is the largest research facility in the world. The global collection includes more than **164 million** items in over **450 languages** with more than **838 miles** of bookshelves.
- Over **50%** of the collection is in a foreign language and **60%** of foreign origin.
- The Law collection includes **2.92 million** volumes covering **267 nations** and jurisdictions.



Federal Research Division — History

- FRD, a division of the Library of Congress, was created in 1948 to provide research, analysis and translation support to the newly formed U.S. Air Forces (National Security Act of 1947).
- In 1963, the division's mandate expanded to include the entire Department of Defense and renamed the Defense Research Division.
- In 1970, that mandate expanded for a third and final time, and the unit was renamed the Federal Research Division.



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Federal Research Division — Today

- Over the past 70+ years, FRD has worked with every cabinet-level department within the federal government.
- During that time, it has gained a reputation for scholarly, nonpartisan and unbiased research.
- Given increasing client interest in data, FRD staff are incorporating more complex collection and analysis methods into their research.



Federal Research Division — Expertise

Legal Research and Analysis

Attorneys with Research Expertise and Experience

Legal areas of expertise:

- Immigration law
- International law (all countries)
- Domestic law (all states)
- Nation-building law (Middle East)
- Tax law
- Extradition treaties
- Gender-based violence
- Genocide and war crimes
- Legal issues for DoD service members residing outside the United States
- Sanctions applicable to DoD
- Tribal laws and legal issues
- Legislative impact and analysis

General Research and Analysis

Analysts with Research Expertise and Experience

Research areas of expertise:

- Data collection and analysis
- Data visualization
- Survey development and implementation
- Domestic social issues
- Foreign area studies
- Foreign language research (Arabic, Mandarin)
- Gender-based violence
- Illicit drug use and drug research
- Technology readiness levels (DoD)
- Country-specific dual-use technologies
- Visa category assessments
- Federal spending analysis

Legal Analysis That Encompasses 140 Languages

Research and Analysis That Encompasses Up to 25 Languages



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Library of Congress — Resources

Library Holdings

Largest Research Library in the World

- 70 million manuscripts
- 36 million cataloged books
- 14 million photographs
- Over 8 million sheets of music
- 6 million technical reports
- Over 5 million maps
- Some 4 million recordings
- Nearly 3 million legal holdings
- 140,000 comic books
- 124,000 telephone books
- 50% of holdings in a foreign language (includes more than 450 languages)
- 10,000+ cooperative agreements
- 12,000 items added each working day

Digital Content

Extensive Access to Electronic Databases/Journals

More than 300 current/historical electronic databases on—

- Economics
- Education
- Humanities
- Law
- Social science
- Technology

Over 66,000 current/historical electronic journals on—

- Economics
- Education
- Humanities
- Law
- Social science
- Technology

Four Regional Reading Rooms

African/Middle Eastern, Asian, European, Hispanic

Six Overseas Offices

Cairo, Islamabad, Jakarta, Nairobi, New Delhi, Rio de Janeiro



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Why Research on the Sex Offender Registration and Notification Act and State Registration/Notification?

- The SMART Office identified a gap in the field and the need for unbiased research and analysis.
- FRD is a cost-recovery unit and does not make a profit.
- FRD does not have any authors on staff who have previously written on these issues.
- FRD solely provides research and analysis services; it does not make policy recommendations.



A low-angle, upward-looking photograph of several modern skyscrapers with glass and steel facades. The sun is shining from behind one of the central buildings, creating a bright lens flare. The sky is a clear, vibrant blue with a few wispy white clouds near the horizon. The perspective makes the buildings appear to converge towards the top of the frame.

Research Integrity



The Importance of Quality Research

“Most research findings are false for most research designs and for most fields.”

- Ioannidis JPA (2005) Why most published research findings are false. PLoS Med 2(8): e124.





Questionable Research Practices — Motives

- **Publication bias.** The requirement to show novel and significant research findings.
- **Author bias.** Conscious or unconscious partisan beliefs that alter research outcomes.
- **Conflict of interest.** Financial or reputational incentives to arrive at predetermined results.



Questionable Research Practices

- **Underpowered studies.** Occurs with low sample sizes. Studies may be repeated until the sought after results are found.
- **Omitted variable bias.** Confounding variables either not properly accounted for or corrected.
- **P-hacking.** Adjusting variables or samples to be included in the analysis until the results meet the preferred outcome.
- **HARKing.** Hypothesizing after results are known; typically involves cherry-picking data to work backward toward a hypothesis.



Questionable Research Practices (cont'd.)

- **Outcome switching.** Adding or changing outcome measures to achieve desired results.
- **Overgeneralization.** Widely applying findings that can only be attributed to a narrow, specific group.
- **Exploratory research.** Interpreting and presenting initial and standalone findings as causal (no replication).

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Research Overview and Process



Research Summary — Overview

- Initial research included four reports:
 - Overview of SORNA Research
 - Claimed Impacts of Sex Offender Registration and Notification
 - Claimed State Implementation Challenges
 - Military Processes and Procedures for Sexual Offenses
- The first three reports include systematic assessments of existing literature.
- The fourth report provides an overview of each military component's processes and procedures for sexual offenses.





Research Process — Overview

1. Identify literature sources for review
2. Determine and apply exclusion and inclusion criteria
3. Isolate specific claims
4. Identify possible biases
5. Identify questionable research practices (QRPs)
6. Evaluate methodology and statistical integrity
7. Determine merits of the specific claim

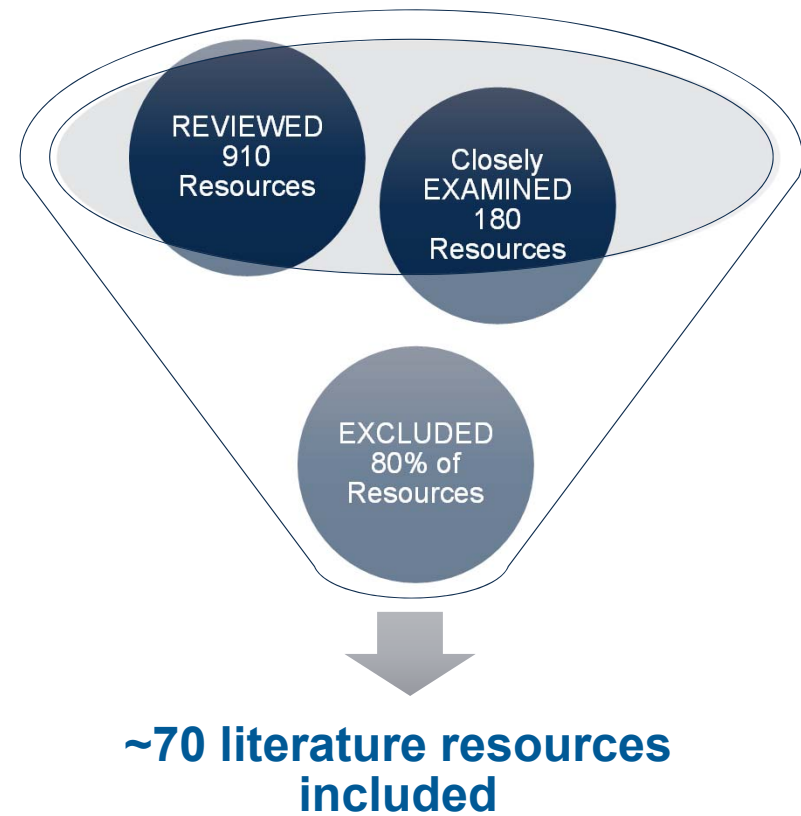


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Research Summary — Literature Selection Process

An analytical keyword search of research resources using such databases as Hein Online, ProQuest, Scopus and Academic databases.



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Research Summary — Assessment Framework

- To objectively assess the quality and integrity of the research hypotheses, methodologies and conclusions, FRD developed a three-part assessment framework.
- The framework, which applied to all research studies, includes —
 - Relevancy Score: Literature Exclusion Criteria
 - Objectivity Score: Literature Assessment Criteria
 - Maryland Scientific Method Score: Statistical Methodology Assessment



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Research Summary — Relevancy Score

- Derived the relevancy score by assessing —
 - The level of relevancy to the research topic. This was a subjective score and based on reading the details of the report, not just the title.



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Research Summary — Objectivity Score

- Derived the objectivity score by assessing —
 - The author’s point of view based on specific language used to describe SORNA or related regulations
 - The funding source
 - Any indication of a pre-determined conclusion



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Research Summary — Maryland Scientific Method Score

The Maryland Scientific Method Score measures:

1. **Internal Validity**, which shows that the effects observed in a study are due to the manipulation of the independent variable and not some other factor. If true, this indicates a causal relationship between the independent and dependent variables.
2. **Construct Validity**, which considers whether the test relates to the underlying theoretical concepts.
3. **External Validity**, which refers to the extent to which the results can be generalized over time or to other settings and people.
4. **Statistical Conclusion Validity**, which examines the degree to which conclusions about the relationship(s) among the variables are correct or “reasonable.”



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Research Summary — Overall Assessment

- The overall assessment included the following factors:
 - Author
 - Affiliation
 - Publisher
 - Research method used
 - Sampling method used
 - Research population
 - Covariates
 - Limiting factors
 - Results



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A low-angle, upward-looking photograph of several modern skyscrapers with glass and steel facades, reaching towards a clear blue sky with a few wispy clouds. The perspective creates a sense of height and scale.

Research Reports

1. Overview of SORNA Research
2. Claimed Impacts of Sex Offender Registration and Notification
3. Claimed State Implementation Challenges

A low-angle, upward-looking photograph of several modern skyscrapers against a clear blue sky with a few wispy clouds. The sun is visible, creating a lens flare effect on the glass facades of the buildings. The perspective makes the buildings appear to converge towards the top of the frame.

1. Overview of SORNA Research



Overview of SORNA Research

- **Registration.** Examines the question of to whom SORNA applies, and what effects, if any, are a result of being on the registry. Although the estimates can be significant, yet misleading, focus is also given to the costs of operating a registry.
- **Notification.** Examines the effects, if any, of notification practices. Notably missing from the body of research that examines this question are the effects of actual SORNA-mandated notification requirements.
- **Classification Schemes.** The tier-based classification scheme of SORNA has been examined against other proposed classification schemes, i.e., tier-based vs. risk-based classification.
- **Recidivism.** Typically examines the effects, if any, of SORNA on recidivism rates. While SORNA was not designed to reduce recidivism, researchers imply that a reduction in recidivism rates would be indicative of high SORNA efficacy as a result of registering and tracking sex offenders.



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Overview of SORNA Research — Research Concerns

Status of Research. A significant portion of the existing research has been found to include flawed research methodologies or statistical analyses and/or seeks to substantiate a claim, rather than arriving at a conclusion based exclusively from the research results.

Research Concerns:

- Essays typically contain unsubstantiated statements, misleading assertions and biased points of view. Likewise, the literature often fails to separate state laws from local policies (e.g., residency restrictions) that are not part of SORNA — muddying the debate over the challenges states may face in implementing the act's standards.
- FRD's evaluation of the selected research reveals that nearly all of the studies struggle with various types of statistical validity issues due to their use of non-random sampling methods (which introduces bias), incorrectly applied statistical tests and analyses that do not support the authors' conclusions.



A low-angle, upward-looking photograph of several modern skyscrapers in a city. The buildings are made of glass and steel, reflecting the sky. The sun is visible between two buildings, creating a lens flare effect. The sky is blue with some white clouds. The text "2. Claimed Impacts of Sex Offender Registration and Notification" is overlaid in white, bold, sans-serif font in the center of the image.

2. Claimed Impacts of Sex Offender Registration and Notification



Claimed Impacts of Sex Offender Registration and Notification — Overview

- Sex offender registration and notification policies have two aims: registration and notification.
- States operate and maintain the public registries, and the federal government provides incentives to the states for their registries to meet certain baseline requirements.
- Research into the impacts of registration on sex offenders predates SORNA. FRD reviewed a body of literature on impacts to registrants that spans from 2000 to 2018, during which time registration and notification policies at the local, state and federal level changed.



Claimed Impacts of Sex Offender Registration and Notification — Overview (cont'd.)

Researchers have studied the potential impacts, or “collateral consequences,” of registration to sex offenders. The potential impacts identified by this body research can be grouped into five categories:

- Employment and finances
- Housing and homelessness
- Physical and psychological well-being
- Impacts on families of sex offenders
- Impacts specific to juvenile sex offenders





Claimed Impacts of Sex Offender Registry and Notification — Research Concerns

Status of Research. Overall, the body of work on impacts to registered sex offenders has effectively been indeterminate in its findings. None of the works reviewed by FRD provided reliable and valid empirical support for the assertion that registration and notification policies have collateral consequences for registered sex offenders.

Research Concerns:

- These works suffer from one or more methodological flaws that render their findings unreliable, invalid or of little or applicability to individuals not directly included in the research itself.
- Another frequent problem with many of these studies was the misuse of statistical methods, including the commission of errors in basic statistical practices.





Claimed Impacts of Sex Offender Registration and Notification — Common Claims

- Registered sex offenders are more likely to lose their job as a result of registration.
- Sex offender registration increases the rate of homelessness.
- Registered sex offenders experience increased rates of harassment and physical violence due to their registration status.
- Family members of registered sex offenders experience financial hardship due to registration requirements.
- Registration of juvenile sex offenders results in increased anxiety, depression and suicide.

A low-angle, upward-looking photograph of several tall skyscrapers in a city. The buildings are made of glass and steel, reflecting the sky. The sun is visible in the center, creating a lens flare effect. The sky is blue with some white clouds. The text "3. Claimed State Implementation Challenges" is overlaid in white, bold font across the middle of the image.

3. Claimed State Implementation Challenges



Claimed Implementation Challenges — Overview

Congress passed the SORNA in 2006 as Title I of the Adam Walsh Child Safety and Protection Act. SORNA's original deadline for state implementation was July 2009, but no state was able to implement the act's many standards and requirements by that date.

Despite receiving two one-year extensions, 32 states have not substantially implemented the law. States have reportedly faced a number of challenges implementing SORNA in the years since its enactment. Yet the research exploring these challenges is scant and problematic.





Claimed Implementation Challenges — Key Findings

- **Pre-2009:** Prior to the implementation deadline set by Congress, the challenges most commonly reported by states were the juvenile registration and reporting requirements, followed by retroactive registration.
- **Post-2009:** Since then, most states have met the requirements for retroactive registration, though the SMART Office has typically passed these states with a “Does Not Substantially Disserve” rating rather than classifying them as substantially or fully meeting this standard.
- **State Compliance:** As of June 2019, the SMART Office has marked 18 states as having substantially implemented SORNA, while 32 states are considered to be non-implemented.





Claimed Implementation Challenges — Summary

SMART Office Review Process. As of 2017, the SMART Office had reviewed all 50 states at least once. Based on FRD's analysis of these implementation reviews, four of the 14 SORNA standards continue to be especially difficult for states to implement. Certain requirements within these four standards pose specific challenges for these non-implemented states.

- **Standard II: Offenses That Must Be Included in the Registry**
 - Requirement F. Juvenile Offenses
- **Standard VIII: Keeping the Registration Current**
 - Requirement D. Notifies of Intent to Relocate to Another Country: Jurisdiction Notifies Other Jurisdictions; Notifies U.S. Marshals Service; Updates National Crime Information Center / National Sex Offender Registry
- **Standard IX: Verification/Appearance Requirements**
 - Requirement A. Meets Frequency of Registration Requirement
- **Standard X: Public Registry Website Requirements**
 - Requirement B. Publishes All Required Information on Public Registry Website



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Claimed Implementation Challenges

Claimed Challenges. Claimed challenges have been categorized into three main areas: legislative, fiscal and operational.

Overall Status of Research. FRD could find little research addressing the actual challenges states face in implementing SORNA's standards and requirements.

Summary of Research Concerns:

- Essays typically contain unsubstantiated statements, misleading assertions and biased points of view. Likewise, the literature often fails to separate state laws from local policies that are not part of SORNA — muddying the debate over the challenges states may face in implementing the act's standards.
- FRD's evaluation of the selected research reveals that nearly all of the studies struggle with various types of statistical validity due to the use of non-random sampling methods, incorrectly applied statistical tests and analyses that do not support the authors' conclusions.



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Claimed Legislative Challenges

- It is difficult to make required changes to existing state laws, especially with regard to juvenile offenders and retroactive registration.
- The “failure to register” requirement is ambiguous, resulting in increased caseloads.



Claimed Fiscal Challenges

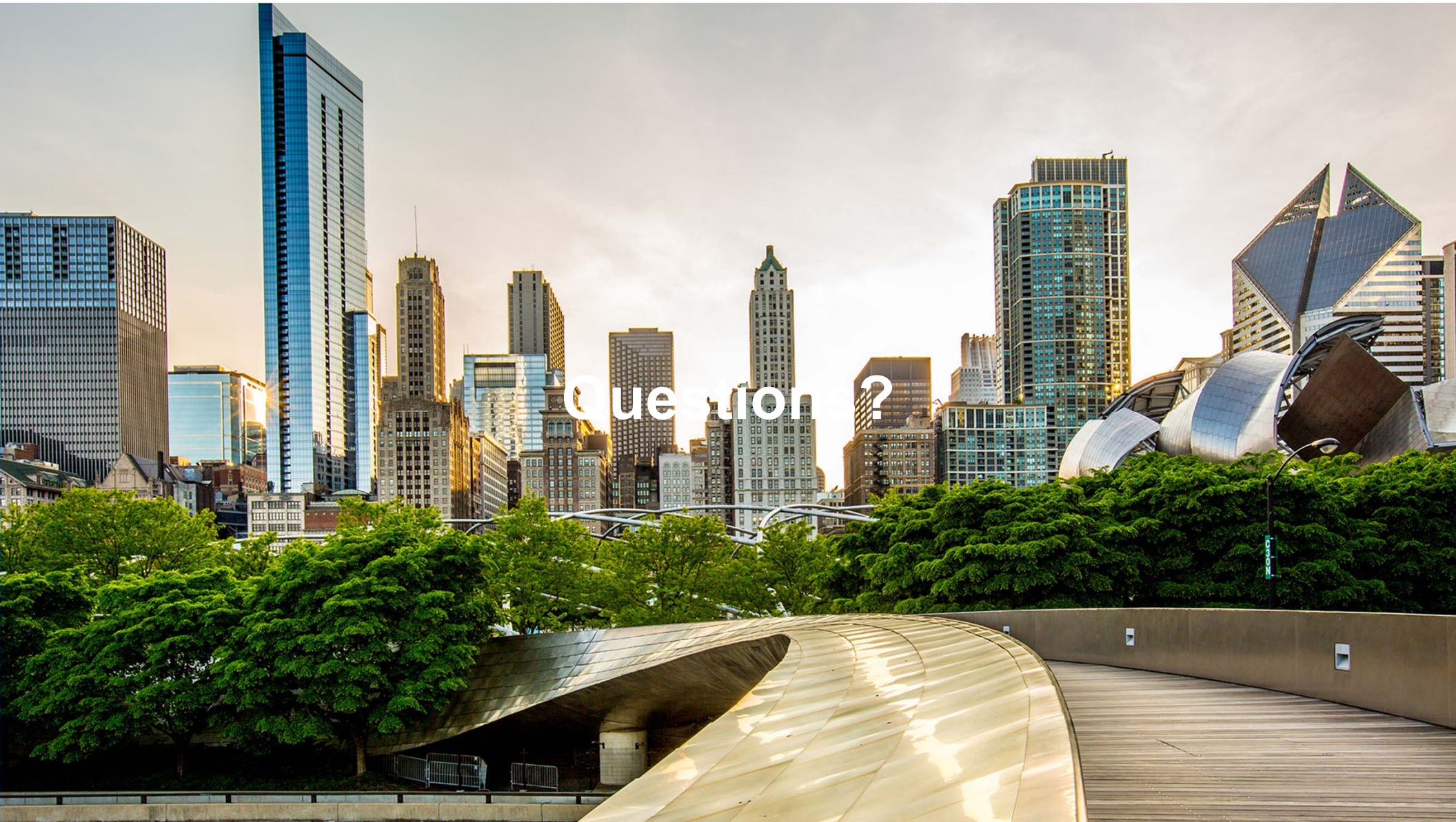
- The overall cost for states to implement SORNA exceeds the benefit of compliance.
- The transition to a tier system classifies more offenders as “high risk,” requiring additional resources to monitor.
- SORNA increases the financial burden on local law enforcement.



Claimed Operational Challenges

- SORNA increases the workload of law enforcement staff.
- SORNA redirects limited resources to the management of low-risk offenders.
- Significant resources are required to manage and prosecute sex offenders who are noncompliant with SORNA.





Question ?



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Thank you.



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