

Two reports published by the SMART Office have been cited at times as indicating that studies examining the effectiveness of the sex offender registries are “mixed” or “inconclusive”. See, e.g., the discussion of the first report in *Doe Whitmer*, 751 F. Supp. 3d at 792-93 (quoting *Sex Offender Management*, *supra*, n.**Error! Bookmark not defined.**). While the entire report is 327 pages, the section discussing this research is only three pages.¹ At that length, it cannot be the kind of comprehensive and careful literature review one expects in a peer-reviewed journal or university press, such as the 40-page analysis published by the University of Cambridge.² But in fact, the SMART Office report’s *own* characterizations of the 16 studies it describes are entirely *consistent* with the Cambridge conclusion that registries like Michigan’s, at issue in that case, do not reduce reoffending. What is “mixed” about those 16 studies is not the answers they found, but the questions they asked. Those that asked whether registries like Michigan’s reduce recidivism all found the same answer: they do not. Table 1 shows this by presenting the SMART Office report’s own comments on each of the 16 studies it examined. The table is summarized here:

¹ The entire discussion of studies on registry effectiveness is at pages 196-198 of the report. The paragraph quoted by the District Court is on page 202; the paragraph’s second half appears to refer to material on pages 199-201 that addresses other subjects.

² Agan & Prescott, *supra*, n.**Error! Bookmark not defined.**

1. Studies one through twelve: The SMART Office report concludes these twelve studies all found no evidence that public notification (which includes public websites), nor registration alone (where notification effects were not examined separately from registration) reduced recidivism rates (or sex crime rates generally, when recidivism rates were not separately examined). Studies one through seven were peer-reviewed studies, eight was self-published, and nine through twelve were government reports.

2. Studies thirteen and fourteen examined the impact of registries in Minnesota and Washington, which tier registrants by individually assessed risk scores that rely on scientifically valid tools like the Static-99R and limit their public website to the small group classified higher risk.³ These studies provide *no* support for registries like Michigan's that classify by offense and place *most* registrants on their public website. They show only that *other* registry designs may work.

3. Studies fifteen and sixteen are mistakenly described: The SMART Office report's description of Study 15 simply omits the study's finding that there is *no* evidence that South Carolina's public website affected sex crime rates. The report's description of Study 16 omits the authors' caution about its limited statistical analysis and, more importantly, any mention of the more sophisticated analysis the same authors conducted in their subsequent peer-reviewed publication, which

³ See *supra*, nn. 14-**Error! Bookmark not defined.**

concluded there was *no* evidence “that Megan’s Law is effective in reducing either new first-time sex offenses or sexual re-offenses.”

In sum, the brief discussion in the 2017 SMART Office report surveyed some of the relevant literature and correctly described most of it, but the report’s summary comments obfuscate its findings. This is hardly surprising. The SMART Office is the principal government agency monitoring state compliance with the federal government’s SORNA standards, including those requiring public notification and the use of SORNA’s offense-based tiering system.⁴ One would not normally expect a government agency to highlight research casting doubt on the efficacy of the laws its employees are charged with administering.

The District Court also quoted language from the 2022 report that “research is not conclusive about whether SORN laws have mitigated sex offender recidivism” and has “methodological shortcomings.” *Doe*, 751 F. Supp. 3d at 793 (quoting Fed. Rsch. Div., Libr. of Cong., *Sex Offender Registration and Notification Act—Summary and Assessment of Research* 2, 19 (2022)⁵). This report was prepared by the Library of Congress (LOC) under a contract with the SMART Office that requested a review of “research pertaining to SORNA.” The resulting LOC report was as unfocused as the request.

⁴ SMART Office, *About SMART*, <https://smart.ojp.gov/about> (last accessed June 25, 2025).

⁵ Available at <https://www.ojp.gov/pdffiles1/smart/305231.pdf>.

The anonymous authors examined 28 of the 833 articles they found in keyword searches of “a variety of databases and internet search engines.”⁶ The phrases quoted by District Court came from the LOC report’s summary of its four-page section on “recidivism” describing seven of these 28 articles.⁷ The other 21 articles were discussed in other sections of the LOC report addressing topics entirely unrelated to the question of whether registries reduce sexual offending. As it turns out, six of the seven articles discussed in the “recidivism” section are similarly off-topic, as shown in the detailed description of them in Table Two of the Appendix, which we summarize here. (Appendix, pp 13-14.)

The first of these seven is a “two-page report” released in 2008 by the Association for the Treatment of Sexual Abusers (ATSA),⁸ but ATSA apparently withdrew it (the provided link is dead) after later endorsing the American Law Institute’s 2022 analysis of registry effectiveness (to which we turn below). The second article just describes SORNA’s statutory language, and the third describes interviews with juvenile registrants. The fourth and fifth show that SORNA’s offense-based tiers are uncorrelated with actual recidivism rates or with recidivism risk as measured by the Static-99R, and the sixth concludes that recidivism rates for juvenile sexual offenders are so low that it is not possible to measure any impact the

⁶ Fed. Rsch. Div., *Sex Offender Registration and Notification Act*, at p. 6.

⁷ *Id.* at pp. 62-64.

⁸ *Id.* at pp. 36, 64.

registry might have on them. The seventh, and only article on point, is a Washington state agency's review of studies on registry effectiveness which concludes that there is some evidence that Minnesota's and Washington's risk-based tiers and limited websites may reduce recidivism, but no evidence that any other state's does.

Thus, the LOC report's summary statement, relied upon by the District Court (that articles addressing the effectiveness of SORN laws in mitigating sexual recidivism have "methodological shortcomings") is, at best, bizarrely inapt. Three of the seven could not have "methodological shortcomings" because they presented no data and thus had no method. Three others did present data—but not on the question of whether registries reduce sexual recidivism. The seventh did present data on that question—but only for Minnesota and Washington, which reject SORNA's offense-based tiering and instead use individual risk assessments and limit their websites to a minority of registrants. The report's authors, inexperienced in this field, were apparently unaware of the crucial respects in which SORN laws vary. The report is thus unworthy of any reliance by any Court.