

MICHIGAN'S REGISTRY: KNOW THE FACTS

Michigan has one of the largest registries in the country.

There are over 45,000 people on Michigan's registry—more people than live in Muskegon or Mount Pleasant. Of those, 80% (over 35,000) live in the community, and 20% (almost 9,000) are incarcerated.¹ Michigan's registry is reportedly the fourth largest in the country.²

There is no individual review before a person must register.

Registration is automatic. Judges can't look at individual circumstances, like whether the person has a disability or whether the offense involved a relationship with an underage teen.³

The vast majority of people on the registry will never be convicted of another sexual offense.

Experts who analyzed Michigan's registry found that 93% to 95% of people being put on the registry today will not be convicted of another registrable offense.⁴

Few registrants were convicted of the most serious offenses.

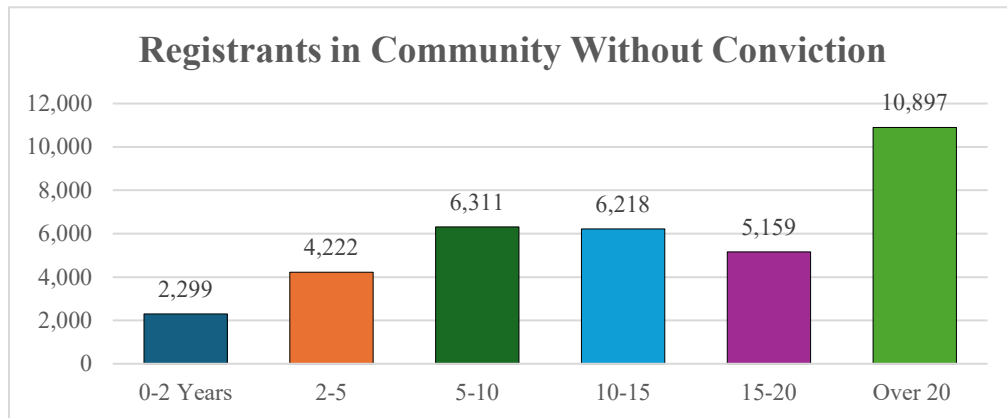
People must register for a wide range of offenses, from rape to sex with an underage partner. 84% of registrants in the community were convicted of an offense other than criminal sexual conduct in the first degree (the most serious crime).⁵

Registration is pointless for about half of all registrants living in the community because they are just as safe as the average man.

Experts who analyzed Michigan's registry found that of the approximately 35,000 registrants living in the community, 17,000-19,000 people—about half—are no more likely to be convicted of a sexual offense than men in the general population.⁶

Thousands of registrants have lived safely in the community for years.

The chart below shows that how many Michigan registrants have been living safely in the community and for how long.⁷

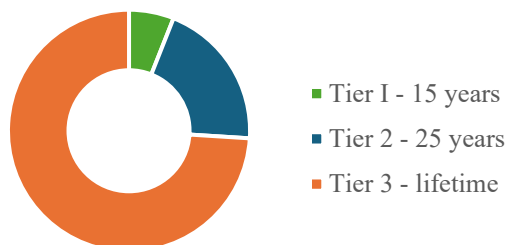


Lifetime registration is pointless because registrants who have lived in the community for 15 years without a new conviction are just as safe as the average man.

The longer people live in the community without recidivating, the less likely they are to be convicted of a new offense. After 15 years, their rate is similar to that of males in the general population.⁸

Almost three-quarters of registrants are on for life.

73% of registrants must register for life, 20% for 25 years, and 7% for 15 years.⁹



The registry's tier levels are inversely correlated to risk.

The registry divides people into tiers based on their convictions. But when registrants are assessed for risk, those in Tier III (lifetime registrants) are lower risk than those in Tier II (25-year registrants), who are lower risk than those in Tier I (15-year registrants).¹⁰

The registry does not decrease, and may increase, sexual offending in Michigan.

Experts agree, and dozens of studies have shown, that registries do not reduce recidivism. In fact, the research suggests that registries may *increase* sexual crime, likely because registries make it harder for people to find employment and housing, which are key to successful reentry into society.¹¹

Almost 17,000 people had their registration terms retroactively extended to life.

Michigan has made its registry law harsher over time. As a result of changes in 2011, more than 1/3 of all registrants (almost 17,000 people) had their registration terms retroactively increased to life (rather than 25 years), without any individual review.¹²

For most registrants, there is no way to get off the registry except to die.

With very few exceptions, people cannot petition to be removed from the registry, even if they have lived productive, crime-free lives for decades.¹³

There are thousands of children on Michigan's registry, though children almost never reoffend.

Five percent of registrants (over 2,000 people) are registered for offenses committed as children. 99% of child registrants have never been convicted of another sex offense.¹⁴

People of color are disproportionately subject to registration.

Blacks make up on 14.1% of Michigan's population, but 25% of registrants.¹⁵

A quarter of registrants are over 60, making them unlikely to reoffend.

As people age, the chance that they will commit a sexual offense goes down. The recidivism rate of people over 60 is 3-4%. A quarter of Michigan's registrants (over 11,000 people) are over 60, and 7% of registrants (over 3,300 people) are over 70.¹⁶

Hundreds of registrants never committed a sexual offense.

Michigan's law requires some people to register as sex offenders even though they never committed a sex offense.¹⁷ Around 300 people were on the sex offender registry for offenses that are not sexual offenses,¹⁸ but some will come off under a recent court decisions that such registration is unconstitutional.¹⁹

People on the registry have difficulty finding work.

45% of registrants living in the community reported no current employment in January 2023, a time when Michigan's unemployment rate was 4.3%.²⁰

People on the registry are often homeless.

12% of registrants who have been living in the community for at least ten years reported having been homeless. This does not include those living in a shelter.²¹

The vast majority of sexual crimes are committed by people who are not on the registry.

90-95% of those arrested for a sexual crime are people who are not on a registry.²²

The registry costs millions that could be used for programs that are effective in preventing sexual crimes.

Although no comprehensive study has been done, the annual cost of Michigan's registry is at least \$10 million and could be as high as \$17 million. This does not include the cost to local police—likely millions more—who are responsible for registration.²³ There are programs that, unlike the registry, are effective in preventing sexual offending, and that are sorely in need of adequate funding.

The Courts have repeatedly held that Michigan's registry is unconstitutional.

The Michigan Supreme Court, the Sixth Circuit Court of Appeals, and the U.S. District Court for the Eastern District of Michigan have all held that Michigan's registry is unconstitutional.²⁴

A workgroup of stakeholders put together proposals for common sense reforms, but the legislature in 2020 passed a law that repeats the same problems as the prior law.

After the Sixth Circuit held that Michigan's registry is unconstitutional, a work group of stakeholders—including prosecutors, the Michigan State Police, and advocates for survivors—met for about a year and half to develop reform legislation. The group looked at individual review, shorter registration terms, paths off the registry for rehabilitated people, reduction in the number of registrable offenses, simplification of reporting, ending registration of children, and provisions for people with disabilities. Instead of adopting these proposals, in 2020 the legislature passed a law that is very similar to the old law, and still imposes registration without individual review—in most cases for life—on thousands of people who are just as safe as the average man.²⁵

¹ This fact sheet is based on an expert analysis of data about Michigan's registry that was produced in *Does III v. Whitmer*, No. 22-cv-10209 (E.D. Mich.). See Class Data Report, ECF No. 123-6, ¶ 1. The data is from January 2023.

² Rob Gabriele, *Sex Offender Registry Rates: 2023 Report*, SafeHome.org (June 5, 2023), <https://www.safehome.org/data/registered-sex-offender-stats/>.

³ M.C.L. § 28.723.

⁴ Class Data Report, at ¶ 9. This analysis was based on data for a 10-year follow-up period. The data also shows that 93% of those living in the community have never been convicted of a subsequent registrable offense. *Id.* at ¶ 7.

⁵ *Id.* at ¶ 15.

⁶ *Id.* at ¶¶ 12, 69.

⁷ *Id.* at ¶ 66.

⁸ *Id.* at ¶ 61.

⁹ *Id.* at ¶ 18.

¹⁰ *Id.* at ¶ 19.

¹¹ Plaintiffs' Statement of Material Facts, ECF 123-1, ¶¶ 152-158; Letourneau Expert Report, ECF 123-9, ¶¶ 6, 14-15; Prescott Expert Report, ECF 123-10, ¶ 5-19; Socia Supplemental Declaration, ECF 123-12, ¶ 100; Zgoba Expert Report, ECF 123-15, ¶ 30.

¹² Class Data Report, at ¶¶ 131-132.

¹³ Only certain Tier I registrants and certain child-registrants can petition for removal from the registry based on the fact that they are not a danger to the public. M.C.L. § 28.728c.

¹⁴ Class Data Report, at ¶ 18.

¹⁵ *Id.* at ¶ 9.

¹⁶ *Id.* at ¶¶ 40-42.

¹⁷ M.C.L. §28.722(r)(iii), (r)(x), (v)(ii), v(iii), (v)(vii).

¹⁸ Class Data Report, at ¶¶ 137-143.

¹⁹ *People v. Lymon*, -- N.W.3d --; 2024 WL 3573528 (Mich. 2024); *Does v Whitmer*, No. 22-cv-10209, ECF 158 (E.D. Mich., Sept. 27, 2024).

²⁰ Class Data Report, at ¶¶ 108-110.

²¹ *Id.* at ¶ 114.

²² J.C. Sandler, N.J. Freeman & K.M. Socia, *Does a Watched Pot Boil? A Time-Series Analysis of New York State's Sex Offender Registration and Notification Law*, 14 PSYCHOL PUB. POL'Y & L. 284 (2008); see also Plaintiffs' Statement of Material Facts, ECF 123-1, ¶ 159; Socia Expert Report, ECF 123-11, ¶ 2.

²³ Plaintiffs' Statement of Material Facts, ECF 123-1 ¶¶ 170-172, 425-427; Levine Amended Expert Report, ECF 123-18, ¶ 15.

²⁴ *Does v Whitmer*, No. 22-cv-10209, ECF 158 (E.D. Mich., Sept. 27, 2024); *People v. Betts*, 968 N.W.2d 497 (Mich. 2021); *Does #1-5 v. Snyder*, 834 F.3d 696 (6th Cir. 2016); *Does #1-5 v. Snyder*, 101 F. Supp. 3d 672 (E.D. Mich. 2015); *Does #1-5 v. Snyder*, 101 F. Supp. 3d 722 (E.D. Mich. 2015).

²⁵ Plaintiffs' Statement of Material Facts, ECF 123-1, ¶¶ 121-124.