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Re: Sex Offender Management Assessment and Planning Initiative (SOMAPI)

Dear Senator Durbin, Chairman, Senate Committee on the Judiciary

In 2017, the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART Office) published the Sex Offender Management Assessment and Planning Initiative (SOMAPI). This report details in-depth research and evidence-based studies that would begin to bring the current prosecution, incarceration, and rehabilitation up to date.

[https://smart.ojp.gov/sites/g/files/xyckuh231/files/media/document/somapi\\_full\\_report.pdf](https://smart.ojp.gov/sites/g/files/xyckuh231/files/media/document/somapi_full_report.pdf)

After reading the report, United Voices for Sex Offense Reform has growing concerns regarding the lack of forward movement by the Department of Justice in light of current studies and research. For over four years, there has been no follow-up by the DOJ or the Judiciary Committee to review and implement any of the recommendations outlined in the SMART report. This is disheartening and there are valid concerns which are not being addressed.

The following topics that are taken directly from the final report are of particular interest:

- The report was produced under a grant from the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking (SMART). This office falls under the Department of Justice. Current DOJ policies are contradictory to the report's recommendations; we are asking why these very sensible, logical changes are not being reviewed and implemented especially considering the significant amount of research that was conducted.
- The report is touted as a "planning guide, case study and extensive research of data". The recommendations that are given were "**highly encouraged** in order to offset the boiler-plate system currently in place".
- Low-risk, non-contact, non-violent sex offenders currently occupy **85%** of all SOMP BOP facilities.
- The report concludes and recommends that **internet-based and low-risk offenders should NOT be incarcerated and that a community-based probation should be utilized.**
- Community-based treatment demonstrated a higher level of effectiveness than prison-based treatment. The report recommends that the majority of low-risk sex offenders be placed on community release and treatment.

- The public perception is that there is an extremely high-risk recidivism rate among sexual offenders while the exact opposite is true. The overall recidivism rate for all levels of sex offenders was 3.5% compared to 68.0% of all other offenders of non-sex crimes.
- When recidivism DOES occur, it is more often due to a non-sexual crime than a recurrence of a sexual crime.
- A one size fits all sentence or treatment is not effective and is in fact discouraged by the fact-based SMART Report 2017. The report states **“incarceration should be reserved for the most violent, high-risk, repeat offenders and should NOT be used for first time, low-risk offenders”**.
- The report recommends that **law enforcement and prosecution investigate and utilize their resources toward high-risk, violent offenders, NOT the multitude of internet-based offenders**. Prioritizing cases should not be focused on “passive or possession but on the production, high level distribution, solicitation, and contact offenses”.
- The cross over effect from internet-based crimes to contact based crimes is around 2.0%. Online only internet offenders have a relatively low risk for sexual recidivism compared to off-line contact sexual offenders. A very high number of internet-based offenders are employed, have some college education, are married, and have no prior criminal offense and are statistically highly unlikely to offend again. **Internet offenders have an even lower recidivism rate, 2.1% compared to the 5.2% of contact offenders.**
- More arrests and “knee jerk” laws and acts (such as “Megan’s Law” and the “Adam Walsh Act”) are ineffective. Mass incarceration is not a viable option for addressing these issues.

After reading the above excerpts, taken directly from the SOMAPI, it is understandable why UV4SOR is concerned. Our criminal justice system is sorely in need of reform, especially sex offense laws, charges, and sentences. Implementing these changes recommended in the report would be an important step moving forward.

In addition, we have noted that The American Law Institute (ALI) has been clear in their positive response and support of sexual offense reform, going so far as approving their final draft regarding recommendations for revisions to the Model Penal Code chapter on Sexual Assault and Related Offenses at their 2021 Annual Meeting. The Institute explicitly rejects the imposition of mandatory-minimum prison sentences for any offense.

([https://www.ali.org/media/filer\\_public/d5/ac/d5aca7fb-2d9b-4097-8b64-37238a41b3b4/model-penal-code-sexual-assault-td5.pdf](https://www.ali.org/media/filer_public/d5/ac/d5aca7fb-2d9b-4097-8b64-37238a41b3b4/model-penal-code-sexual-assault-td5.pdf))

We are asking for the opportunity to discuss our concerns further with you. Please respond with your suggestions for further discussion. Thank you for your time.

Respectfully,

United Voices for Sex Offense Reform  
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