

Youth, Rights & Justice

ATTORNEYS AT LAW

To: House Committee on Judiciary, 2013 Oregon Legislature

From: Mark McKechnie, Executive Director

Date: February 28, 2013

Re: Support for HB 2552

Chair Barker and Members of the Committee:

Youth, Rights & Justice, a 35 year old not-for-profit law firm, represents children and youth in the juvenile dependency and delinquency systems. We have represented 50,000 clients since 1975.

Last session we began an important conversation on Oregon's lifetime registry law and its effects on youth. This committee soundly rejected a bill that would have led to internet posting of youth on the registry. Our discussion also resulted in the unanimous passage by the House of Senate Bill 408. This bill has made it easier for some juvenile registrants to apply for relief from registration. This was a very important step. We have worked over the interim with Rep. Olson to draft HB 2552 to address additional policy considerations, building on SB 408.

HB 2552 contains provisions to clean up two omissions or oversights from SB 408. One is to allow a juvenile registrant who has moved to another state to petition for relief in Oregon. The second allows someone who committed an act as a youth to apply for relief in the rare, but unfortunate cases, when delayed reporting has led to adult prosecution. Convictions under Measure 11 are specifically exempt from this provision.

In addition, this bill would allow Oregon to join other states in limiting the registration requirement to older youth – those who are 16 or 17 at the time of the offense. This provision also does not apply to youth who are automatically waived to adult court under Measure 11.

Lifetime registration is automatically imposed upon youth in Oregon, one of only a handful of states with this requirement. Unless or until they can successfully petition for relief, registration will be a burden youth carry for the remainder of their lives. Registration in Oregon has been imposed upon children as young as eight years of age.

Because we know that children and adolescents are not merely "small adults," there is a wide range of approaches to youth registration across the country. There are 14 states with no registration requirements for youth, including states such as Alaska, Georgia, Kentucky, New York, Vermont, West Virginia and Wyoming. Many other states limit youth registration in a number of ways, including:

- Minimum ages (as proposed in HB 2552)
- Limited duration registry
- Automatic termination of registration, between the ages of 17 - 21
- Judicial discretion to impose or limit registration

- Juvenile registry not accessible to the public

Registration exacerbates the very risk factors that treatment and rehabilitation seek to address: social isolation and education and social skills deficits. The good work done by the Oregon Youth Authority and by county juvenile departments and treatment providers across the state is undermined by the onerous burden placed upon youth and young adults by the registry. According to ATSA, a national organization of treatment providers who serve offenders, which is based in Beaverton, OR, multiple studies have shown that youth subject to the public exposure and limits that registration places upon housing:

“suffer from significant stress factors, such as the loss of a job or home, harassment, and physical assault. A majority of offenders experience chronic difficulty finding a place to live and are frequently forced to move far away from the support and resources that may keep them stable.”ⁱ

This is too heavy a burden for youth and adolescents who may be prosecuted for behavior that is developmentally normal or the result of childish curiosity, impulsivity or risk-taking. According to the Center on Early Adolescence at the Oregon Research Institute:

“[A]dolescents’ brains are undergoing massive growth and re-organization in the pre-frontal cortex, and this growth is not finished until the early 20’s. The pre-frontal cortex is where emotional regulation, impulse control, risk assessment, and rational decision-making happen. Until the pre-frontal cortex is fully developed, adolescents tend to be emotionally unpredictable, impulsive, risk taking, and to show poor judgment. In fact, sensation seeking and impulsivity peak during adolescence. In addition, during adolescence, levels of serotonin (an important neurotransmitter) in the brain decline due to increases in sex hormones. With that decline in serotonin, irritability, aggression, and depression increase.”ⁱⁱ

We know that the vast majority of these young people grow up and grow out of this type of behavior. Youth who receive appropriate treatment rarely reoffend.

Most studies reviewing youth recidivism rates have found that youth adjudicated of a sex offense are the least likely to reoffend among all offenders, at rates ranging from 3%-12%. A statewide study in Wisconsin found youth offenders *unlikely* to commit future sex offenses regardless of the type of original charge. (See attached.) Whether or not they originally committed a sex-related offense, the rates of future offending in both groups were only 6%-7%.

A study in 2010 found that registration and notification laws have not reduced recidivism, a finding that was consistent with previous findings that registration policies have virtually no impact on sexual abuse recidivism.ⁱⁱⁱ Further, registration policies fail to recognize the simple fact that adjudicated youth and victims often know one another and may live in the same household, which makes public registration a pointless requirement.

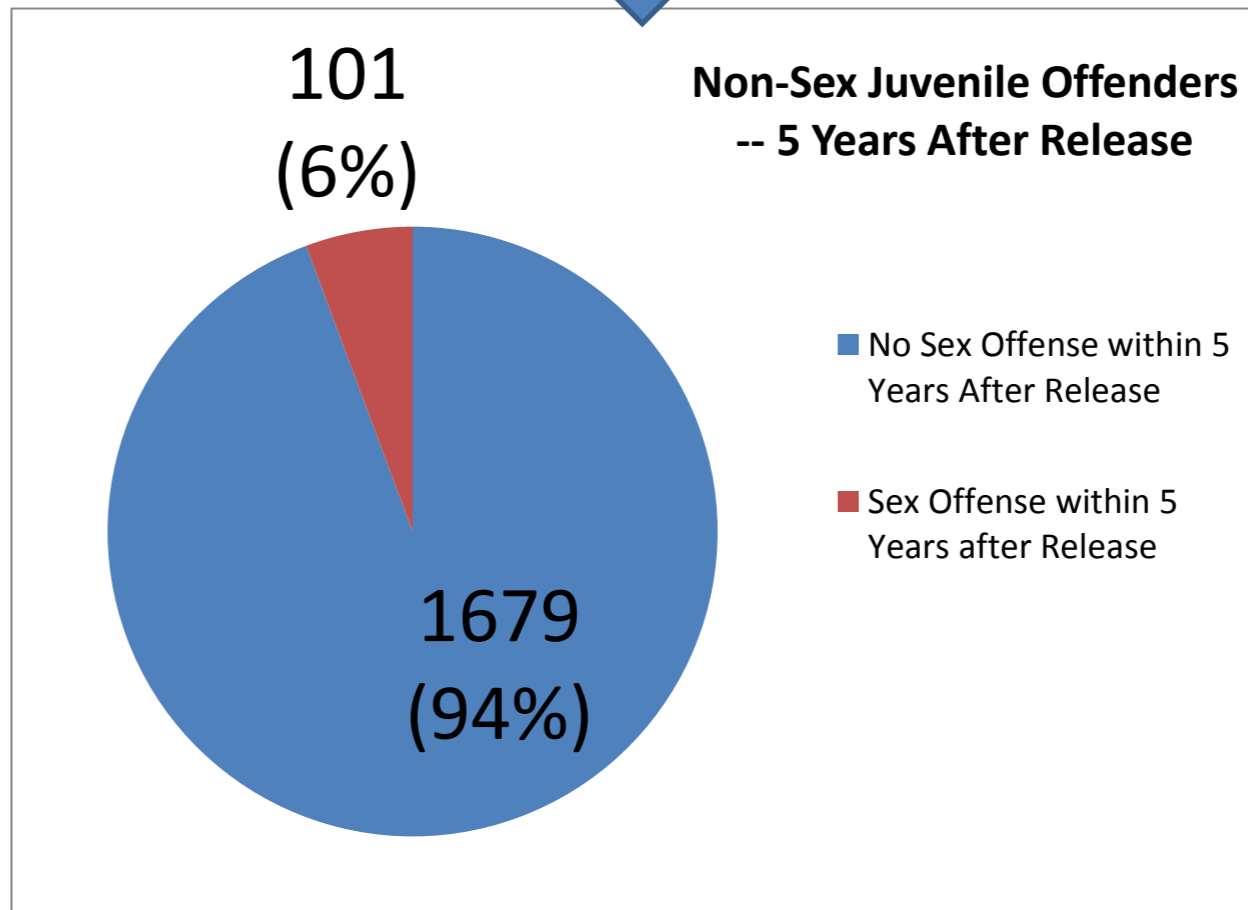
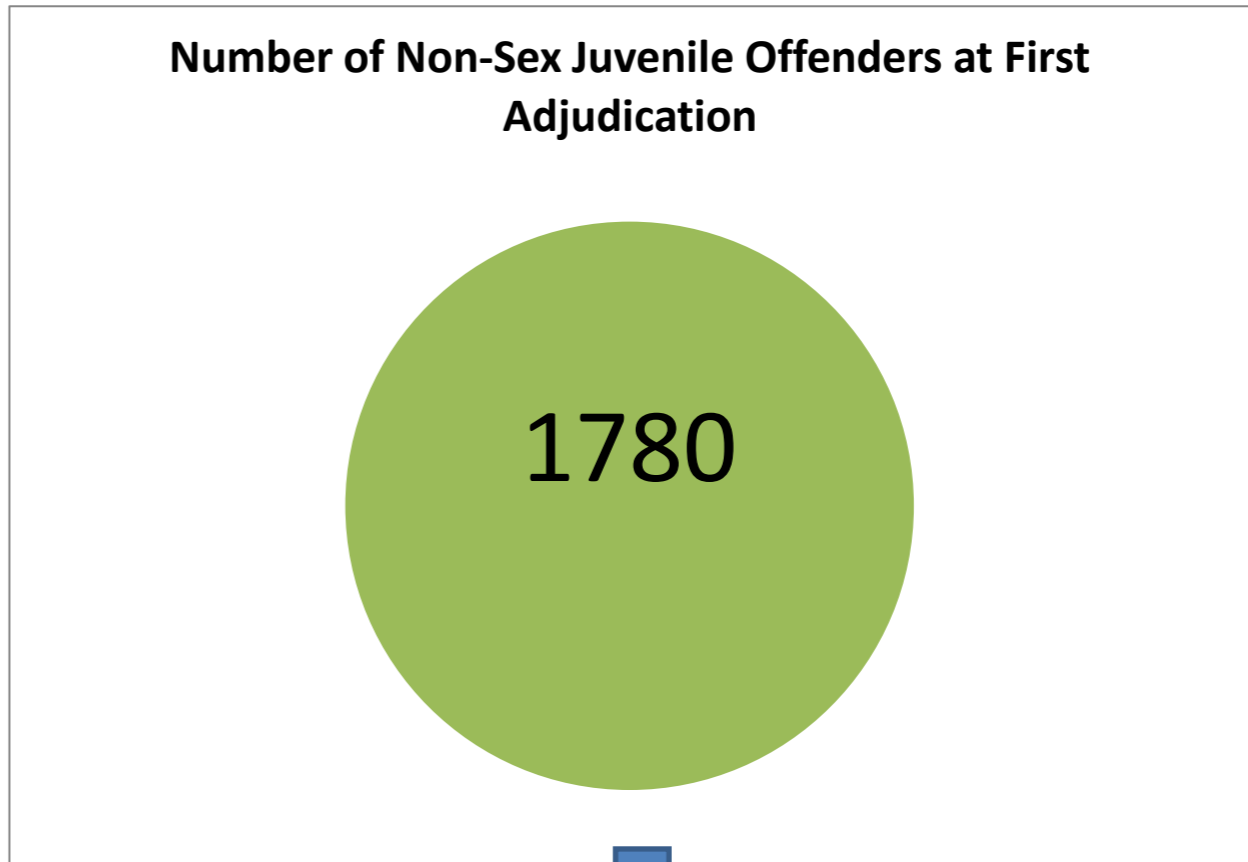
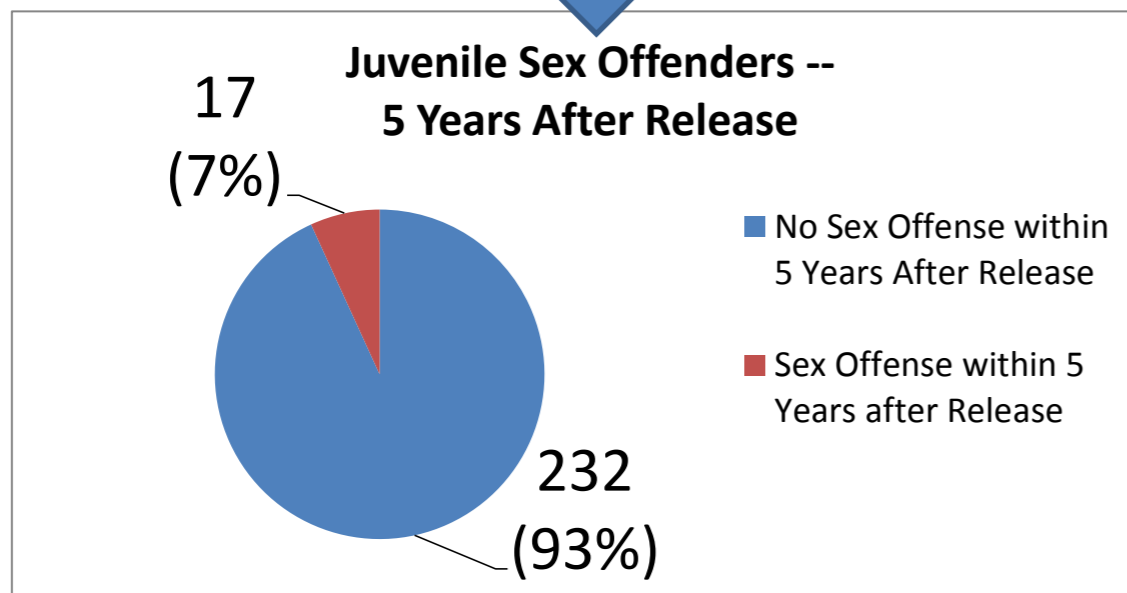
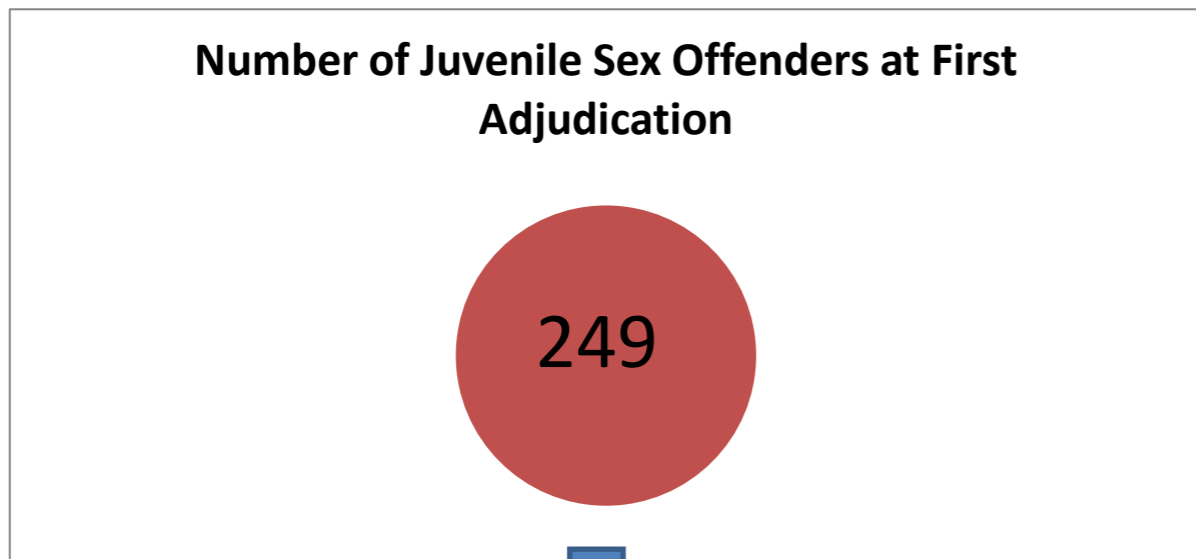
Youth, Rights & Justice urges your support of HB 2552. Children are different than adults. Promoting their success through treatment and rehabilitation, and removing barriers to education, employment and housing that result from registration, is good policy and a better use of scarce public resources.

ⁱ Association for the Treatment of Sexual Abusers, A reasoned approach: Reshaping sex offender policy to prevent child sexual abuse.

ⁱⁱ Metzler, C.W., Biglan, A., Embry, D.D., Sprague, J.R., Boles, S.M., & Kavanagh, K.A. (2008). Improving the well-being of adolescents in Oregon. Eugene, OR: Center on Early Adolescence, Oregon Research Institute.

ⁱⁱⁱ Association for the Treatment of Sexual Abusers, A reasoned approach: Reshaping sex offender policy to prevent child sexual abuse.

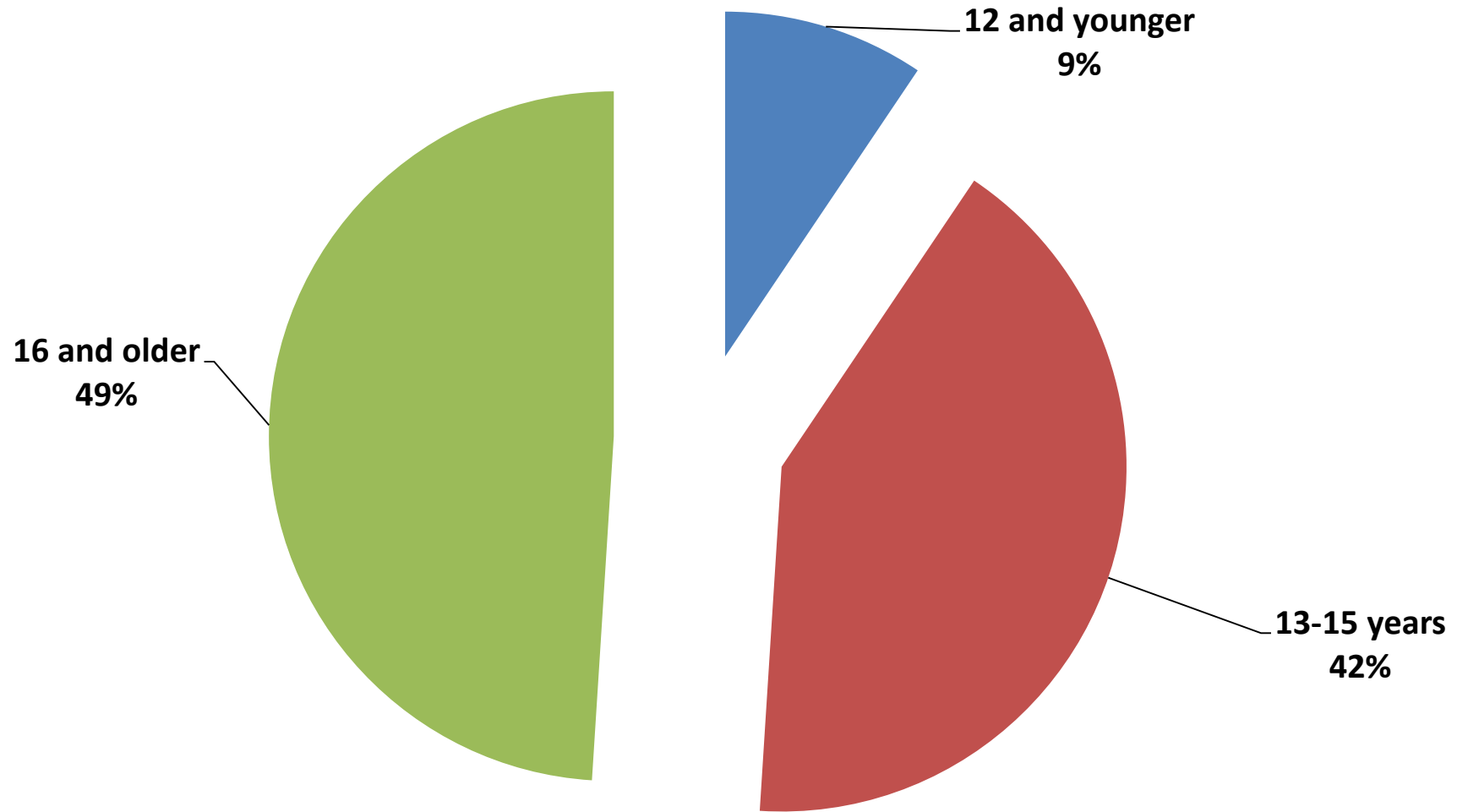
Comparing Rates of Future Sexual Offenses Between Juvenile Offender Types



This study compares the recidivism patterns of a cohort of 249 juvenile sexual offenders and 1,780 non-sexual offending delinquents *who were released from secured custody* over a two and one half year period. The prevalence of sex offenders with new sexual offense charges during the 5 year follow-up period was 6.8%, compared to 5.7% for the non-sexual offenders, a non-significant difference.

Source:
 Sexual Offense Adjudication and Sexual Recidivism Among Juvenile Offenders
 Michael F. Caldwell, Department of Psychology, University of Wisconsin, Madison
 Published in the Journal *Sex Abuse* (2007)

Ages of Youth with Dispositions for Sex Offenses, Oregon 2011



Dispositions of Youth Adjudicated or Convicted, Oregon 2011

