

Juvenile Sex Offender Registry Laws Like Oregon's Are Ineffective and Harmful

What does Oregon's registry law require?

According to ORS 181.602, the purpose of sex offender registration “is to assist law enforcement agencies in preventing future sex offenses.” Any child or youth under the age of 18 who is adjudicated in juvenile court of a felony sex offense is automatically required to register as a sex offender for the rest of his or her life unless the person successfully obtains relief from a juvenile court. ORS 181.609. Registrants must report to law enforcement at least once a year and any time upon a change in residence.

Is Oregon's law typical?

Ten states do not have any registration requirement for youth adjudicated in a juvenile court.¹ Forty states have some registry requirement for juveniles; however, unlike Oregon, most states have restrictions or exceptions that limit the number of adjudicated youth required to register. Limitations include: minimum ages for registration; age or time limits for registration; limits based upon the severity of the offense; and/or judicial or prosecutorial discretion regarding the imposition of registration for youth. Oregon has the highest rate (496 per 100,000) of registered sex offenders in the country—more than double the national average.

Does the juvenile registry protect the public?

No, according to Dr. Elizabeth LeTourneau, who has led or reviewed several major research studies on juvenile registry laws and their effects, testified to the Oregon Legislature that “Registration of juveniles fails, in any way, to improve community safety.”

There are several reasons why juvenile registries do not serve a public safety function:

1. The rates of re-offense (measured by arrests, charges or convictions) for juvenile sex offenses are very low across the US, whether youth are required to register or not. The vast majority (88% - 98%, depending upon the study) of registered youth do not re-offend.
2. Juveniles adjudicated of a sex offense are not more likely to commit future sex offenses than juveniles who have committed non-sex offenses.²
3. “[A]pproximately 96% of offenders *arrested* for sexual offenses have no prior sexual offense convictions and, thus, would not have been on a sex offender registry at the time of the offense.”³
4. Most offenses are committed by a family member, acquaintance or other person known to the victim. “93% of child sexual abuse victims knew their abuser (34.3% were family members and 58.7% were acquaintances).”⁴

¹ Alaska, Connecticut, Georgia, Hawaii, Maine, Nebraska, New York, Vermont, and West Virginia, plus the District of Columbia

² The sex offense rates within 5 years (measured by charges filed) were 6.8% for juveniles with a previous sex offense adjudication versus 5.7% of youth with a serious, non-sex offense adjudication. Caldwell's study of 2,029 youth, found that the difference was not statistically significant.

³ Sandler, et. al. (2008), based upon “21 years (252 months) of New York State monthly arrest counts for several types of offending.”

What are the impacts of juvenile registry laws like Oregon's?

Because they fail to prevent new offenses, juvenile registry laws waste public resources:

1. The most common criminal charge against a registered person is the failure to register as required, yet failing to register is has not been shown to indicate an increased risk of re-offending. Failure to register is a Class C felony in Oregon.
2. Registered individuals are targeted for surveillance by law enforcement, resulting in a higher number of arrests and charges, primarily for minor, non-sexual offenses.
3. Oregon State Police struggle to maintain updated registry information on 25,000+ individuals, and the numbers continue to increase each year. (In 2014, OSP reported a backlog of unprocessed registrations, including 1,200 new and 13,000 annual registrations.)

The greatest cost is to the registered individual and his or her family:

1. Youth required to register are legally barred from any publicly subsidized housing and face tremendous difficulties obtaining other housing. Registrants are commonly denied when they attempt to rent housing or may be evicted when a landlord discovers the individual's registry status.
2. Registrants face tremendous difficulties obtaining employment, which means they are at high risk for poverty and homelessness.
3. Registrants face suspicion, harassment and violence from other members of the public. This also means that family members, including a victim, may encounter harassment and violence, as well.
4. Many registrants will eventually have children of their own. The limitations imposed on registrants affect the whole family and may prevent the registered parent from visiting his or her child's school, sporting events or other activities, even decades after the parent committed an offense. (As of Nov. 2010, only 13% -- 366 out of 2,780 -- of juveniles required to register had ever successfully obtained relief in Oregon.)

Sources:

Caldwell, Michael F. (2007) Sexual Offense Adjudication and Sexual Recidivism Among Juvenile Offenders. Published in the Journal Sex Abuse http://www.njjn.org/uploads/digital-library/resource_557.pdf

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⁴ Sandler, et. al. (2008).