

Youth, Rights & Justice

ATTORNEYS AT LAW

To: Senate Committee on Judiciary, 2015 Oregon Legislature
From: Mark McKechnie, Executive Director, Youth, Rights & Justice
Date: April 20-21, 2015
Re: Support for SB 914

Chair Prozanski and Members of the Committee:

Youth, Rights & Justice (YRJ) was founded 40 years ago and has been dedicated to providing legal representation and advocacy to over 50,000 children and youth involved in the juvenile court system, including children in foster care and youth in the juvenile justice system. YRJ has also worked extensively with the Legislature, the Oregon Law Commission, various state agencies and other organizations to improve policies and services to the children of Oregon during that time.

YRJ supports SB 914, which would allow judges to determine whether a youth offender is required to register as a sex offender based upon his or her individual risk to re-offend. Currently, Oregon's automatic, lifetime registry has led to our state to require more youth to register per capita than most states in the country.

Since sex offender registry laws first became established more than two decades ago, substantial research has been done on their effects and their effectiveness. The *research* on these laws as they apply to juveniles **has not found any measurable benefit** when it comes to the deterrence of first-time offenders or the prevention of future offenses by youth offenders.¹ There are a number of reasons why juvenile registration simply fails to meet the stated purpose.

Re-offense rates are very low. 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 adjudicated youth do not re-offend.

Most new offenses are not committed by someone who was previously adjudicated or convicted, and therefore not registered. A New York study over more than two decades found: "[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."²

¹ Affidavit of Elizabeth J. Letourneau, Ph.D., Moore Center for the Prevention of Child Sexual Abuse, Johns Hopkins Bloomberg School of Public Health, Submitted to the Oregon House and Senate Judiciary Committees at the public hearing on September 18, 2013. <https://olis.leg.state.or.us/liz/201311/Downloads/CommitteeMeetingDocument/30407>

² Sandler, et. al. (2008), based upon "21 years (252 months) of New York State monthly arrest counts for several types of offending."

Sadly, children are more likely to be abused by someone they know and trust, making public registration irrelevant to preventing these crimes. “93% of child sexual abuse victims knew their abuser (34.3% were family members and 58.7% were acquaintances).”³

Juvenile Registration has no clear benefit, yet the costs to the state, to families and to youth offenders are immense. 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.)

The indiscriminate registration of youth offenders has made Oregon’s registry overcrowded and rendered it ineffective. The negative effects on victims, families and the offenders themselves greatly outweighs any possible benefit of Oregon’s automatic, lifetime registry for juveniles.

Youth, Rights & Justice urges your support for SB 914.

³ Sandler, et. al. (2008).