

Perils of Registering Youth Who Commit Sex Offenses

RESEARCH UPDATE

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Despite being among the most widely used law enforcement tools in the U.S., registries and notification laws for people who commit sex offenses offer no clear public safety benefits—only a false sense of security. This makes it especially troubling that we subject youth to their many restrictions, which can have crippling consequences that last a lifetime. Though registration is not an effective way to reduce sex offending among adults and youth alike, it is an especially inappropriate response to youth, who are highly unlikely to become repeat sex offenders.^a

Registration and Notification Offer No Clear Public Safety Benefits

Studies on the effectiveness of sex offender registration and notification have been inconclusive, finding that while these requirements may reduce offending in some cases, they may actually increase it in others.¹ A study specific to youth who committed sex offenses found that registering them had no deterrent effect at all, and as with adults, actually may have increased youths' risk of new charges.² Meanwhile, some law enforcement officials complain that registering a large number of low-risk offenders can clog registries with distracting data, actually making it harder to target truly dangerous offenders.³

While these issues characterize all sex offender registries, the type of registry prescribed by the Sex Offender Registration and Notification Act (SORNA) is particularly problematic. A study

^a Many of the most damaging effects of registries for people who commit sex offenses relate to the public disclosure of their identifying information. As of 2011, the Sex Offender Registration and Notification Act (SORNA) no longer requires the inclusion of youth on public registries, thus easing some of the harms described here. However, a number of jurisdictions have chosen to include youth on their public registries nonetheless.

funded by the National Institute of Justice found that SORNA’s three-tier system was a poor predictor of future offending, most likely because it categorizes offenders by the nature of their conviction, not by their risk of reoffending.⁴ As a result, registrants who pose little to no future risk to their communities—many of them youth—are rigorously monitored for decades at great expense to the public with little return on investment.

Creating and Maintaining Registries is Expensive

Expanding sex offender registries to include youth is not just counterproductive—it’s also costly. Several states have conducted cost-benefit analyses and concluded that implementing and maintaining registries that met SORNA requirements would cost them thousands or even millions of dollars (typically much more than the federal funding they stand to lose for failing to comply).⁵ Furthermore, the costs a state incurs in complying with SORNA will most likely far exceed those of providing evidence-based treatment programs for youth who have committed sex offenses.⁶

Registration Harms Youth and Their Families

Placing youth on registries is not only ineffective and needlessly expensive, but also profoundly damaging. Instead of offering youth an opportunity for rehabilitation, sex offender registries saddle them with penalties that last well into adulthood and compromise their long-term chances of gaining employment, cultivating positive social networks, and developing into mentally and emotionally healthy adults. The collateral consequences of registration and notification are many:

- ***Registration causes psychological harm.***
The stigma of being a registered sex offender is always destructive, but it is especially damaging for adolescents, who are still forming their identities and may internalize the “sex offender” label for life.⁷ Stigma may lead friends and family to reject youth who are registered, leaving them isolated and at risk of mental anguish and self-harm.⁸ Youth who were themselves victims of trauma prior to committing a sex offense are especially vulnerable to these negative consequences. In order to heal and avoid reoffending, these youth require a trauma-informed response that they often do not receive.⁹
- ***Registration prevents youth from participating in school and work.***
Registration can seriously limit educational and employment opportunities for youth. Instability created by residency restrictions may make it difficult to achieve academically, and in some cases, youth may be prevented from entering schools at all. Meanwhile,

registration requirements limit the fields in which youth may work, and many employers are deterred from hiring registered youth due to the stigma of registration.

- ***Registration negatively impacts the families of youth who offend.***
The requirements imposed upon youth who commit sex offenses are necessarily imposed upon their families as well:
 - Residency requirements may prohibit a youth from living with his or her family, disrupting family bonds and creating serious challenges for his or her parents. This is a common problem for youth who commit sex offenses, because their offenses often happen within the family context, and as a result, they may not be permitted to live with younger siblings. Residency requirements can make it difficult for youth to secure housing, increasing their chances of homelessness.
 - Registration may cause some youths' families to experience harassment or property damage inflicted by other members of their community.¹⁰
 - In some cases, the stringent registration requirements applied to youth on registries may discourage parents from seeking treatment for their children out of fear of the consequences of registration.
 - Because youth cannot be expected to shoulder the costs of their own registration, families must take on the financial burden of registering their child, as well as the costs associated with complying with other requirements, like moving expenses.

- ***Registration places youth at risk of victimization.***
With their identifying information made public, youth who are listed on registries become vulnerable to harassment, assault, and even sexual predation by pedophiles.¹¹ This increases the odds that these youth will be victimized or, in the case of the 20 to 50 percent who were themselves sexually victimized in childhood, re-victimized.¹²

Far from preventing future offending, these collateral consequences alienate and stigmatize youth in a way that exacerbates their existing psychological challenges and may actually increase the chances that they will engage in antisocial behavior.

Because subjecting youth to registration and notification requirements appears to do little to prevent sex offending, there is little justification for the extreme burden these requirements place on youth, their families, and their communities.

¹ For example, a 2011 study of sex offender registries in 15 states found evidence that although confidentially providing information on people convicted of sex offenses to law enforcement reduced the frequency of reported sex offenses by an average of 13 percent, adding public notification requirements to registries of average size actually

increased the number of sex offenses by about 1.57 percent. The researchers found that notification appeared to deter non-registered people from committing offenses, but increased recidivism among registered offenders. See J.J. Prescott and Jonah E. Rockoff, “Do Sex Offender Registration and Notification Laws Affect Criminal Behavior?” *Journal of Law and Economics* 54, no. 1 (2011): 192.

² This 2008 study examined the effect of South Carolina’s sex offender registration laws on recidivism among youth who had committed sex offenses. The study yielded no evidence that registration deters these youth from reoffending. In some instances, evidence suggested that registration status can increase the risk of new charges. See Elizabeth J. Letourneau, D. Bandyopadhyay, K. S. Armstrong, and D. Sinha, “Do Sex Offender Registration and Notification Requirements Deter Juvenile Sex Crimes?” *Criminal Justice and Behavior* 37 (2008): 147.

³ Nicole Pittman, “Raised on the Registry: The Irreparable Harm of Placing Children on Sex Offender Registries in the US,” Human Rights Watch (2013): 23.

⁴ Kristen M. Zgoba et al., “Summary, A Multi-State Evaluation of Sex Offender Risk and Recidivism Using the Adam Walsh Act Tiers,” *Corrections Today* (2013): 92.

⁵ National Conference of State Legislatures, “Cost-Benefit Analyses of SORNA Implementation,” NCSL Report (2010), at <http://bit.ly/1oNZzDd>.

⁶ Elizabeth J. Letourneau and Michael F. Caldwell, “Expensive, Harmful Policies that Don’t Work or How Juvenile Sexual Offending is Addressed in the U.S.,” *International Journal of Behavior Consultation and Therapy* 8, no. 3-4 (2013): 25, at <http://1.usa.gov/1pMQiLV>.

⁷ Pittman, “Raised on the Registry,” 50.

⁸ Jill Levenson and Richard Tewksbury, “Collateral Damage: Family Members of Registered Sex Offenders,” *American Journal of Criminal Justice* (2009): 13, at <http://bit.ly/1oNZKy9>.

⁹ Kathryn Huber, “Statistically Speaking: Distinguishing Misinformation from Effective Intervention in the Court System’s Treatment of PTSD-Affected Juvenile Sex Offenders,” *Children’s Legal Rights Journal* 34, no. 1 (2013): 129, <http://bit.ly/1t1wknv>.

¹⁰ Levenson and Tewksbury, “Collateral Damage,” 12.

¹¹ Pittman, “Raised on the Registry,” 56.

¹² Elizabeth J. Letourneau and Charles Borduin, “The Effective Treatment of Juveniles Who Sexually Offend: An Ethical Imperative,” *Ethics and Behavior* 18, no. 2-3 (2008): 288, at <http://1.usa.gov/1pMQiLV>.