



California Sex Offender Management Board

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Tiered Registration Frequently Asked Questions (FAQ)

1. Re-offense rates are lower for sex offenses than for other types of offenses.

Individuals who have offended sexually reoffend less often than other types of offenders. Most people who commit a sexual crime are no more likely to commit a new sexual crime than someone who was only convicted of a nonsexual crime.¹ Most offenders who are convicted of sexual offenses are unlikely to commit a new sexual offense². Only 10% of sexual offenders are at high risk of committing a new sex offense³. Once convicted, most sexual offenders are never re-convicted of another sex offense⁴.

2. If someone commits a new sex offense they must register *as a sex offender* for a longer period and may also be placed in a higher sex offender registry tier.

California has three registration tiers. Tier 1 requires registration for 10 years. Tier 2 requires registration for 20 years. Tier 3 requires lifetime registration. Before they may petition to be removed from the sex offender registry, a person must complete their tier without committing a new sex offense. If they violate registration laws or are incarcerated for any offense they may need to register longer. The new offense may place the individual in a higher tier, including lifetime registration.

3. Consequences of registration may deter rehabilitation and re-entry into the community.

Any type of criminal offender needs a job, adequate housing, and support from family or community members to succeed in changing their life. This may be hardest for those who offended with a sex offense. Registration of sex offenders, while intended to protect the public, can make it harder to succeed because of the effects on multiple areas of an individual's life. These include being unable to obtain housing, having trouble finding a job, being unable to form

¹ Hanson, R. Karl, et al., *Reductions in Risk Based on Time Offense Free in the Community: Once a Sexual Offender, Not Always a Sexual Offender*, Psychology, Public Policy, and Law (2017). 10.1037/law0000135.

² Hanson, R. Karl, et al., *The Field Validity of Static-99/R Sex Offender Risk Assessment Tool in California*, 1 J. of Threat Assessment and Management 102-117 (2014); Studies by the California SARATSO (State Authorized Risk Assessment Tools for Sex Offenders (Committee) at www.saratso.org under Resources.

³ Studies of California Offenders verify that only about 10% are high risk for repeat offense. See the California studies online at <http://www.saratso.org/index.cfm?pid=1447>.

⁴ CASOMB. (2014) A Better Path to Community Safety: Sex Offender Registration in California "Tiering Background Paper." Found on www.casomb.org under Reports.

positive friendships, feeling isolated, experiencing mental health issues, and being cut off from the normal support of family and friends.

4. Victims of sex crimes do not often report the crime to police, which *may be because they are reluctant to report a relative or acquaintance.*

Most sex crimes against children are perpetrated by family members or friends and acquaintances of the child's family⁵. Survivors share that they often do not report sexual abuse or sexual assault by family members or acquaintances. Reluctance to report and continued cooperation with the court process is often due to the severity of the consequences: imprisonment, registration and notification policies. Registration and community notification laws affect a survivor's entire family, not just the offender.

5. Limiting the Lifetime Registration Tier to high-risk offenders allows law enforcement to concentrate scarce resources on them, because they pose the greatest risk of re-offending.

It is hard to justify the amount of money that is spent to register low risk offenders. Research does not support the use of long term or lifelong registration and public notification practices for low-risk individuals. Additionally, research shows there are many unintended negative consequences of registration, including finding housing, jobs, establishing and maintaining stable relationships, and attending education. Stable housing and employment, maintaining healthy relationships, and access to education are all protective factors which would reduce the likelihood of recidivism.⁶

6. The current system does not adhere to Risk Need Responsivity Principles, placing low-risk offenders in higher tiers than warranted by their risk levels and type of crime committed

The original 2017 tiering reform bill after being amended during the legislative process, placed some categories of offenders, generally containing low risk offenders, into the lifetime registration tier. Individuals who are placed in a higher tier will either have no way off the registry or their ability to access the off-ramp from registration will be delayed. This delay does not allow an individual an opportunity for rehabilitation and growth.

7. The current system does not give young offenders a chance to change.

Current research shows that human brains, especially in males, are not fully developed until age 25. During adolescence, teenagers learn how to control their behavior as their brains are gradually developing. The part of the brain (called the frontal lobe) that is most important for making good decisions, regulating impulsive behavior, and having empathy for others is the last

⁵ Snyder, H., *Sexual Assault of Young Children as Reported to Law Enforcement: Victim, Incident, and Offender Characteristics*, Bureau of Justice Statistics NCJ 182990 (July 2000).

⁶Levinson, J. & Hern, A.L., *Sex Offender Residence Restrictions: Unintended Consequences and Community Reentry*, Justice Research and Policy, Vol. 9, No. 1 (2007).

part to develop⁷. It would make sense, given what we know now about brain development, to join with other states that treat transition-age young adults more like adolescents. For young adults ages 18-24, registration periods should be more like those of individuals under 18.

8. Research Shows That Over Time, People Who Have Not Offended Again Become Lower and Lower Risk to Ever Commit Another Sex Offense.

Contrary to popular belief, the longer an individual remains offense free in the community, the less likely they are to re-offend sexually. Eventually, they are less likely to sexually re-offend than any other person with a non-sex offense criminal conviction⁸.

⁷ CASOMB (2022). CASOMB's Guidelines for Treating and Supervising Youth Who Have Committed a Sexual Offense. Found on www.casomb.org under Reports.

⁸ Hanson, R. Karl, et al., *Reductions in Risk Based on Time Offense Free in the Community: Once a Sexual Offender, Not Always a Sexual Offender*, Psychology, Public Policy, and Law (2017). 10.1037/law0000135.