



California Sex Offender Management Board

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Juvenile Registration Addendum: Registration is Counterproductive for Youth¹ Who Have Offended Sexually

In 2018, the Board was tasked by the legislature with making policy recommendations about the management of juveniles who have offended sexually². CASOMB continues to monitor the research and discussions related to the management of youth who commit sexual based offenses and provides this updated addendum, on Juvenile Registration, to continue to provide expertise on this matter.

The Board recommends that California does not reinstate registration for juveniles whose only sexual offending was under the age of 18. Research supports that juveniles should be treated differently than adults due to their low re-offense rates and their amenability to treatment and rehabilitation. Creating barriers to obtaining jobs, securing housing, and accessing an education by requiring registration may exacerbate rather than help rehabilitate juveniles. It may also preclude home or appropriate residential placement.

Legislative History of Recent Changes to Juvenile Registration

California has registered juveniles who have offended sexually for over 30 years.³ Until that mandate change in 2021, the registration term has always been for life.⁴ This means that individuals who were adjudicated for committing a registrable sexual offense at ages 11-17, some over 30 years ago, are still registering today for these old offenses, even though statistics indicate the vast majority have never reoffended. Currently in California there are 2,641 individuals on the sex offender registry whose offenses were committed under the age of 18 and were previously discharged from DJJ. Most individuals who commit sexual based offenses as juveniles are treated in the community. These juveniles receive home or county-level placement and do not have a duty to register. Currently, decisions about placement are not necessarily based on risk level.

¹ Youth is defined for this paper as an individual 17 years of age or less

² [Juvenile Recommendations January 2019-CASOMB](#)

³ Pen. Code, § 290.008, and as amended in 2021.

⁴ The only exception to the lifetime registration requirement currently available is obtaining a court order to seal the juvenile record. (Welf. & Inst. Code, § 781.) Proposition 21, effective March 8, 2000, foreclosed the option of sealing the record for any juvenile adjudicated of committing an offense listed in section 707(b) of the Welfare & Institutions Code. (*In re G.Y.* (2015) 234 Cal.App.4th 1196.)

California has never displayed information about juveniles⁵ on the Megan’s Law public Internet web site, due to the potential lifelong negative consequences of Internet posting. Local registering law enforcement agencies can provide community notification about an individual registrant, including a juvenile, if it is warranted by the current level of risk posed by that person.⁶

Senate Bill 384 went into effect in January of 2021 and created a tiered based system. This created two tiers of registration for juvenile registrants for periods of 5 years and 10 years. SB 384 afforded the registrant an ability to petition the court for termination of their sex offender registration following the mandatory minimum registration period. The previous lifetime registration requirement for juveniles in California was contrary to evidence-based research. SB 384 was a step in the right direction; however, it continues to not align with evidenced based research about managing juveniles who have offended sexually. During this same time period, the [Governor’s 2020-21 Budget](#) transferred the responsibility for managing all committed youth housed at the Division of Juvenile Justice (DJJ) from the state to local county jurisdictions. Senate Bill 823, otherwise known as DJJ Realignment, transferred responsibility for the custody, treatment, and supervision of youth to the counties, bringing an end to the state’s juvenile justice operations and ended juvenile registration. This result was supported by the board.

Research Supports Abolishing Juvenile Registration

Juvenile sex offender registration and notification policies were designed to improve community safety by deterring sexual recidivism and/or by deterring first-time sexual offenses⁷. Registration has not been found to deter sexual reoffending nor deter first-time sexual offenses in juveniles.⁸ Studies have measured the effectiveness of juvenile sex offender registration, asking whether registration prevents recidivism or deters first-time offenders. Research over the past 10 years demonstrates that very few juvenile offenders reoffend sexually: a recent survey of several studies showed juvenile recidivism rates to be very low when measured at five years after release from custody—only 2.75%.⁹ In other words, more than 97% of youth adjudicated for a sexual offense

⁵ Juveniles convicted as adults, however, are displayed on the public Megan’s Law web site; this can include juveniles as young as 14.

⁶ Pen. Code, § 290.45, subd. (a); *supra fn. 1*, at Penal Code section 290.45(a).

⁷ Letoutneau, E.J., Shields, R.T., Nair, Reshmi, Kahn, G., Sandler, J.C., & Vandiver, D.M., *Juvenile Registration and Notification Policies Fail to Prevent First-Time Sexual Offenses: An Extension of Findings to Two States*, Criminal Justice Policy review, Vol 30 (7) 1109-1123 (2019).

⁸ Caldwell, M.F., *Quantifying the Decline in Juvenile Sexual Recidivism Rates*, Psychology, Public Policy and Law (Jul. 2016) advance online publication <<http://dx.doi.org/10.1037/law0000094>>, at p. 7.

⁹ Sandler, J.C., et al., *Juvenile Sexual Crime Reporting Rates Are Not Influenced by Juvenile Sex Offender Registration Policies*, 23 Psychology, Public Policy, and Law, no. 2, at p. 133 (2017) [explaining the weighted mean recidivism rate was 2.75% after 5 years]; see also Harris, *supra fn. 8*, at p. 771: research has documented that juvenile sex offenders rarely reoffend sexually; Carpentier, M., et al., *Randomized Trial for Treatment of Children with Sexual Behavior Problems: 10-Year Follow up*, 74 J. of Consulting & Clinical Psychology, no. 3, 482-488 (2006).

do not reoffend sexually within 5 years.¹⁰ In fact, “the vast majority of juvenile sexual crimes committed in any given time period are perpetrated by juveniles with no prior sexual offense adjudications.”¹¹ Studies have identified the juvenile registration doesn't increase public safety.¹²

An unintended consequence of juvenile registration is that it may deter prosecutors from moving forward on charges that require juvenile registration.¹³ A survey of juvenile and family court judges found that most judges had significant reservations regarding the placement of juvenile offenders on public registries.¹⁴

Additionally, requiring juveniles to register as sex offenders has been shown to substantially increase problems associated with mental health, peer relationships, and victimization¹⁵ and an increased attempted suicide rate.¹⁶ Juvenile registrants in one study were four times as likely to report an attempted suicide in the prior 30 days.¹⁷

Registration may also place juveniles at risk of victimization themselves. Studies have found that juvenile registrants are five times more likely to have been approached by an adult for sex in the past year.¹⁸ Research has demonstrated that placing juveniles on the sex offender registry results in bullying and social isolation.¹⁹

Registration carries grave consequences, which can eliminate educational and employment opportunities or restrict housing options.²⁰ Detective Bob Shilling, who spent his life helping apprehend child predators and educate law enforcement about registration, recently wrote “*An Open Letter to My Colleagues in Law Enforcement: Ending the Abusive Policy of Putting Children on Sex Offender Registries.*”²¹ In it, Detective Shilling notes that eliminating options for school,

¹⁰ Letourneau, E. J., et al., *Effects of Juvenile Sex Offender Registration on Adolescent Well-Being: An Empirical Examination*, Psychology, Public Policy, and Law, at p. 12, online at <http://dx.doi.org/10.1037/law0000155>, (Nov. 2017).

¹¹ Sandler, *supra* fn. 11, at p. 133.

¹² Letourneau, *supra* fn. 12, at p. 12.

¹³ Letourneau, *supra* fn. 12, at p. 161.

¹⁴ Bumby, K. M., Talbot, T. B., & West, R., *System challenges and substantive needs regarding juvenile sex offenders: A summary of perspectives from the bench*. Presentation at the 25th Annual Conference of the Association for Treatment of Sexual Abusers. Chicago, IL. (2006).

¹⁵ Letourneau, *supra* fn. 12, at p. 10.

¹⁶ Letourneau, *supra* fn. 12, at p. 2.

¹⁷ Letourneau, *supra* fn. 12, at p. 9.

¹⁸ Letourneau *supra* fn. 12, at p. 10.

¹⁹ Letourneau, E.J., et al., *Effects of Sex Offender Registration Policies on Juvenile Justice Decision Making*, 21 Sexual Abuse: A Journal of Research and Treatment, no. 2, at 149-165 (June 2009) citing Jones, 2007; Oliver, 2007; Trivits & Reppucci, 2002).

²⁰ *People v. Hofsheier* (2006) 37 Cal.4th 1185, rev'd on other grounds, *People v. Johnson* (2015) 60 Cal.4th 871; see *In re Taylor* (2015) 60 Cal.4th 1019; *People v. Nguyen* (2014) 222 Cal.App.4th 1168, rw. den.

²¹ Online at <https://www.linkedin.com>, published March 2018.

jobs and housing does not make our communities safer. Alienating youth from family and support, increasing the likelihood of depression, anxiety and suicide does not make communities safer.

Juveniles who have offended sexually, regardless of the requirement to register, should be required to complete mandatory sex offender-specific treatment that is specifically designed for juveniles. This was recommended in the 2022 Youth Guidelines authored by CASOMB.

Recommendations

- The Board recommends that California eliminate the requirement of registration for individuals whose only sexual offenses were committed as youth. The combination of the negative impact of the unintended consequences of juvenile registration (such as unemployment or homelessness) on public safety,²² low likelihood of sexual reoffending by juveniles and difficulty in accurately identifying high risk juveniles make any form of juvenile registration problematic.
- CASOMB continues to support a change in language to Penal Code 9000 to expand certification requirements of providers and programs to include those who also provide services to youth, who have been referred by the courts or probation for treatment for a sexual offense. Continue to educate legislative stakeholders on the importance of uniform application of treatment and supervision for youth across the state.
- The State Authorized Risk Assessment Tools for Sex Offenders (SARATSO) review committee, in unison with CASOMB, recommend minor statutory changes to allow SARATSO to resume its role of selecting risk instruments for youth who have committed a sexual offense.

²² Harris, *supra* fn. 2, at p. 783; van Den Berg, C., et al., *The Juvenile Sex Offender: Criminal Careers and Life Events*, 29 Sexual Abuse 81-101 (2017), finding employment reduced the likelihood of reoffending by about 34%: “Thus, expanding meaningful employment options for juvenile sex offenders may help many juvenile sex offenders to desist from offending....” citing Calhoun, S., From the Literature review, 19 Sex Offender Law Report, no. 1 (Dec./Jan. 2018), at p. 5.