

Why Blanket Registration of Youth as Sex Offenders is Bad Public Policy

By Kristan N. Russell and Daniel Pollack | The Crime Report August 5, 2021



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We praise children for their curiosity. How else are they to learn to **navigate the world? But sometimes a child's curiosity leads to a lifetime of punishment and ostracism.**

Sadly, this is the harsh reality of many children who were charged with a sex offense.

Although it can be a difficult notion to accept, children may exhibit sexual behavior as part of their normal childhood development. Some behaviors that stem from curiosity, such as

‘playing doctor’ or touching another child in their genital area can be problematic, harmful, and illegal.

Children may engage in these kinds of behaviors for all types of reasons, including being especially curious after witnessing a sexual scene on television or because they are reacting to their own traumatic experience.

When children engage in these types of behaviors and are adjudicated for a sex offense, they can be required to register on a public sex offense website for life. Registering youth on sex offense registries has been scrutinized by experts for various reasons:

- Sex Offense Registration and Notification (SORN) policies were developed in reaction to adult crimes with the intention of better monitoring and managing adults who have sexually offended. Thus, applying them to youth occurs with little consideration of their development and offending patterns.
- Many youths are highly amenable to treatment and education and are less likely to commit additional sex offenses.
- Public registration is stigmatizing as it labels the registrants as a “sex offender” and makes the public perceive them as dangerous even if they pose no threat. This can lead the registrant to experience ostracism, bullying, threats, vandalism of property, and even physical assault.
- **Registration reduces the individual’s ability to access educational opportunities and makes it difficult to secure stable employment.** These types of barriers can contribute to more offending as it makes it difficult for the individual to rehabilitate and become a successful member of society.

Recognizing the concerns around requiring youth to publicly register, many states have taken steps to scale back these policies. Legislation in some states has given judges more discretion regarding youth registration, or has given youth the ability to petition for removal, or has removed automatic lifetime registration.

Youth who commit a sex offense in Texas may be subject to public registration and community notification, [regardless of age](#). In fact, Texas is one of only [15](#) which continue to register youth publicly on registration websites. This means that **personal details such as the youth's photo, name, and address** are shared with the public.

By law, these youth may petition for modification or removal.

It is unfortunate when the lives of young people can be adversely impacted by youthful indiscretions. It is equally tragic **that such indiscretions remain on a minor's permanent record**. Judges in Texas have discretion over registration and community notification requirements.

Attorneys, too, must be aware that the process of being on a sex offense registry for life can be traumatic for both the minor and their parents. For this reason, attorneys should be involved every step of the way as youth work toward resolving their case.

Sex offense registration may cause harm to a youth with little benefit to society. As such, a juvenile court judge can choose not to register youth, but rather, to provide them with treatment and services. This rehabilitative approach should always be considered, because rehabilitation, rather than punishment, is the foundation of the juvenile justice system.

Judicial discretion alone is not enough to protect youth from the harmful effects of SORN policies. Texas, and other states, have a reputation of being tough on crime.

This stance, combined with possible biases against youth who commit sex offenses, may contribute to judges choosing to require registration even in cases where it is not appropriate.

Being tough on crime is not synonymous with being smart on crime.

Though legislators may fear having a reputation of being “soft on crime,” they may want to consider putting resources and efforts into sex offense prevention and rehabilitation programs for youth, rather than relying on blanket, public shaming measures.



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