

## Illinois Sex Offenses and Sex Offender Registration Task Force

### Testimony: Lessons Learned from Juvenile Registry Reform

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Members of the Task Force,

You may recall that, at your first meeting, I asked you to apply the principle of parsimony during your review of existing policies in our state: evaluate the research behind each practice and abandon those with no clear evidence of effectiveness – because every single suppression, regulation, and enforcement action aimed at people on the registry diverts scarce resources and attention away from services to both victims and offenders that we know actually do alleviate suffering and prevent offending.

Since then, you have discussed creating a pathway toward registry removal for adults, an idea similar to a removal provision created in the juvenile system about ten years ago. In that context, I am here today to talk to you about the work of the Children and Family Justice Center in 25 years of representing young people charged with sexual offenses and nearly a decade representing youth seeking removal from Illinois' juvenile registry.

The impulse to assess juvenile reforms in terms of their applicability to the adult system is commendable, but it is important to also embrace the responsibility to avoid future missteps by evaluating “lessons learned,” identifying the places where outcomes fell short of expectations.

Unfortunately, despite our best efforts and those of a small handful of exceptionally-dedicated attorneys around the state, many more youth are put on the registry each year than can be considered for removal. Because of lifetime registry requirements and severe barriers to the petition process, the juvenile registry's reach is ever-expanding: **since Illinois created the ability to petition for removal from the juvenile sex offender registry, offenses have *fallen* by half – yet the number of youth on the registry has *risen* by 30%.**

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<sup>1</sup> Adapted from oral commentary delivered on September 20, 2017.

When the juvenile registry removal statute was passed a decade ago, considerably less was known about how amenable youth (and adults) would be to treatment and how harmful residency and registration provisions can be. Since then, as you have heard, national public policy, science, and case law have developed significantly. Here in Illinois, attorneys engaged in the juvenile removal petition process have been able to observe the damage inflicted by the highly-punitive nature of being on the registry – a mostly-lawyerless, and often lawless, hidden state of sweeping limitations on basic freedoms. **Illinois’ state juvenile policy advisory board issued a major research report concluding that the “lengthy, complex, and costly” process of obtaining an exemption from registry does not cure fundamental problems with Illinois law, which should be revised to disband the juvenile registry.**<sup>2</sup>

The juvenile removal statute is currently built “upside down,” as though registries and restrictions are grounded in sound research and evidence and the problem is merely that, for a select few, they are applied too broadly. Thus, the burden is shifted to a small number of presumably-exceptional youth to gather their records, obtain an assessment, organize and file a petition, and argue their case in court – all without access to a court-appointed attorney. **This process takes about a year and a half to complete and represents hundreds of hours of work by costly professionals – risk evaluators and attorneys – work equivalent to well over \$10,000 per petition.**

Yes, our office runs a small pro bono representation project that has had a waitlist too long to complete or refer since the project’s inception. We have also sought to expand pro bono representation for youth in these proceedings:

- We have written a manual about how to represent youth seeking registry removal;
- We have offered free CLE trainings in hopes of convincing pro bono attorneys to represent youth on the registry;
- We have had in-depth conversations with some of the largest law firms in Chicago about handling these cases.

The fact is: getting attorneys for youth in these circumstances is nearly impossible. **With over 2,500 young people on the juvenile registry and growing, only about 1% petition for removal each year – despite overwhelming evidence that maintaining youth on the registry is bad public policy.**

To be sure, this work is critical for the hundreds of youth whose lives have been changed by registry removal. For any young person desperately grasping at any hope of something to live for and work toward, the possibility of one day being removed is everything.

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<sup>2</sup> “Remove young people from the state’s counter-productive sex offender registry and categorical application of restrictions and ‘collateral consequences.’ Because there is no persuasive evidence that subjecting youth to registries improves public safety or reduces risks of future offending, Illinois should repeal the registry, restrictions, and notification requirements applied to youth adjudicated delinquent for sexual offenses. Moreover, the research indicates that registries do not repair harm to victims, many of whom are family members.” Illinois Juvenile Justice Commission, *Improving Illinois’ Response to Sexual Offenses Committed by Youth* (March 2014), at 10.

But with this policy, the State of Illinois is abdicating its duty to act in the best interest of public safety, obscuring that fact with a largely-fictional process that externalizes the burden and cost of fundamentally unsound state practices to youth seeking exemptions, to the tune of tens of millions of dollars if the right to petition were actualized. **Replicating the juvenile system for adults would place a burden of over \$300 million on current registrants alone; a pathway open to, at most, 1% of registrants is not an acceptable answer to the riddle of what restrictions (if any) the state should place on people who have already completed a criminal sentence.**

During the recent years-long state budget crisis, Illinois cut back its rape crisis and domestic violence services so severely that several providers shuttered. At the same time, our state continued to invest in enforcing a registry that disrupts family stability, housing, and employment, going so far as to incarcerate people after their sentenced time was served due to the lack of housing that meets registry restrictions. This tragic policy choice is just one example of the way Illinois currently substitutes debilitating scrutiny for rehabilitative services. Worse than a mere waste of funds, this substitution is a bait-and-switch that promotes a false belief that those who commit sex crimes are routinely caught, punished, and publicized (a fiction that diffuses the political will to meaningfully prevent and respond to sexual assault).

Thus, I renew my call to you, to adopt the parsimony principle in your findings and analysis: **after decades of registry and restriction expansion, research shows that only a tiny handful of these practices can be linked in any way to public safety returns; all others should be abandoned.**

I recognize that achieving such an outcome will require a graduated approach, and re-submit the [October 2015 recommendations](#) related to sexual offending from the Justice Coalition for Safety and Fairness (pp 8-9, attached). In brief, **please begin your work by recommending the end of mandatory uniform sex offender registry requirements, public notification, and geographic restrictions.**

If, in addition to scaling back the scope of registry and requirements, you do recommend a pathway for registry removal, consider the lessons learned from juvenile reform and:

- Create a statutory presumption of registry sunset (perhaps 5 years), with the state retaining the ability to request registry renewal for exceptional cases;
- Provide legal representation and access to assessments and experts to indigent persons against whom the state has filed a renewal petition;
- Review registry removal processes to ensure they continue to comport with developing research on best practices.

Thank you for your consideration of this testimony as you move forward with your report and recommendations.