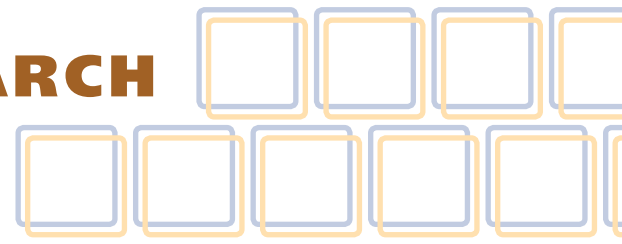




SOMAPI RESEARCH BRIEF

SEX OFFENDER MANAGEMENT ASSESSMENT AND PLANNING INITIATIVE

Luis C.deBaca, Director • July 2015



Registration and Notification for Juveniles Who Commit Sexual Offenses

by Christopher Lobanov-Rostovsky

Introduction

Sex offender registration and notification (SORN) has been used as a management strategy since the 1930s. California became the first state to pass a sex offender registration law in 1947, and Washington became the first state to pass community notification legislation in 1990. In 1994, the U.S. Government first implemented a national sex offender registration law for adult sexual offenders via the Wetterling Act. Community notification was subsequently added through the Megan's Law amendment to the Act in 1996. Per this federal mandate, all 50 states have implemented SORN systems for adult sexual offenders, with some states also applying SORN to juveniles who commit sexual offenses. Presently, 41 states have some kind of registration for juveniles adjudicated delinquent of sex offenses; 30 states either permit or require public website posting for those juveniles; and the vast majority require registration and public notification for juveniles transferred for trial and convicted as adults. The implementation of SORN for juveniles varies by state, with some states choosing to add juvenile registration based on adjudication for a specified crime, whereas others provide for judicial discretion as to whether a juvenile should register and for how long. Finally, in 2006, the federal government included mandatory registration for juveniles ages 14 and older who are adjudicated delinquent for certain violent sexual offenses in the national SORN standards of the Adam Walsh Child Protection and Safety Act (AWA).¹

About SOMAPI

In 2011, the SMART Office began work on the Sex Offender Management Assessment and Planning Initiative (SOMAPI), a project designed to assess the state of research and practice in sex offender management. As part of the effort, the SMART Office contracted with the National Criminal Justice Association (NCJA) and a team of subject-matter experts to review the literature on sexual offending and sex offender management and develop summaries of the research for dissemination to the field. These summaries are available online at <http://smart.gov/SOMAPI/index.html>.

A national inventory of sex offender management professionals also was conducted in 2011 to gain insight about promising practices and pressing needs in the field. Finally, a Discussion Forum involving national experts was held in 2012 for the purpose of reviewing the research summaries and inventory results and refining what is currently known about sex offender management.

Based on the work carried out under SOMAPI, the SMART Office has published a series of Research Briefs, each focusing on a topic covered in the sexual offending and sex offender management literature review. Each brief is designed to get key findings from the literature review into the hands of policymakers and practitioners. Overall, the briefs are intended to advance the ongoing dialogue related to effective interventions for sexual offenders and provide policymakers and practitioners with trustworthy, up-to-date information they can use to identify what works to combat sexual offending and prevent sexual victimization.



Unfortunately, the body of research addressing SORN's effectiveness with juveniles remains extremely limited today. Nevertheless, this Research Brief reviews these studies and their findings for the purpose of informing policy and practice at the federal, state, and local levels. Findings from studies comparing the recidivism rates of juveniles who commit sexual offenses with those of two groups—adult sex offenders and juveniles who commit nonsexual offenses—are also presented to shed light on any comparative differences that exist in the propensity to reoffend.

This brief addresses registration and notification for juveniles who commit sexual offenses. It summarizes what is scientifically known about the topic and identifies policy implications, knowledge gaps, and unresolved controversies that emerge from the extant research and that might serve as a catalyst for future empirical study.

Summary of Research Findings

Studies Examining the Effectiveness of SORN With Juveniles Who Sexually Offend

A study by Holmes (2009) examined sex crime arrest rates before and after SORN implementation, based on an analysis of annual sex crime arrests recorded in the Uniform Crime Report data for 47 states. Data were analyzed for 1994 through 2009. The study did not find a statistically significant decrease in the rate of sex crime arrests in juvenile registration states and juvenile notification states post-SORN (Holmes, 2009).²

A second study examined recidivism levels pre- and post-SORN implementation, focused on juveniles who committed sexual offenses in South Carolina between 1990 and 2004. SORN was implemented in South Carolina in 1995. Observed recidivism rates were based on an average followup period of 9 years. Registration implementation was not found to be associated with a significant reduction in sexual recidivism. However, nonsexual, nonassault recidivism (defined as a new charge) was significantly greater for those subject to SORN, suggesting a possible surveillance effect (Letourneau et al., 2009a).

Finally, a study examining recidivism for juveniles subject to different levels of SORN focused on juveniles

in Washington State who were subject to assessment for SORN level following release to parole after incarceration from 1995 to 2002. The research found that juveniles identified either as Level I or Level II offenders had a 9 percent sexual reconviction rate, whereas those identified as Level III offenders, the highest level requiring active community notification, had a 12 percent sexual reconviction rate (Barnoski, 2008).

Juvenile Disposition Studies

The following findings from two juvenile disposition studies shed light on some of the unintended consequences of SORN's application with juveniles who sexually offend. In one study, disposition outcomes for South Carolina juveniles who committed sexual assault or robbery crimes between 1990 and 2004 were examined. The study found that juveniles who committed sexual offenses were subject to a significant charge reduction in the sex crime disposition process by prosecutors following implementation of the sex offender registry in 1995, as compared to robbery dispositions, particularly for younger juveniles and those with fewer prior offenses (Letourneau et al., 2009b). In a study of dispositions for juveniles who committed sexual offenses in an urban region of Michigan in 2006, Calley (2008) found that a high percentage of serious charges were pled down to a lesser charge and, as a result, a significant number of juveniles who committed sexual offenses were no longer eligible for county-funded sex-offense-specific treatment. In essence, juvenile cases were being pled to nonregistration offenses at the expense of being eligible for treatment (Calley, 2008).

Comparative Recidivism Rates for Juveniles Who Commit Sexual Offenses

Given the limited research on the effectiveness of SORN with juveniles, a brief review of findings concerning the sexual recidivism rates of juveniles who sexually offend in relation to two groups—adult sexual offenders and juveniles who commit nonsexual offenses—is presented below.

Sexual recidivism rates of juveniles who sexually offend compared to those of adult sex offenders. The results of three meta-analyses suggest that juveniles who commit sexual offenses have a sexual recidivism rate between 7 and 13 percent, based on a followup period of

approximately 5 years (Alexander, 1999; Caldwell, 2010; Reitzel & Carbonell, 2006). By comparison, a relatively recent meta-analysis of studies focusing on adult sexual offenders reported average sexual recidivism rates of 14 percent after a 5-year followup period, 20 percent after a 10-year followup period, and 24 percent after a 15-year followup period (Harris & Hanson, 2004). Hence, there appears to be at least a marginal difference in the propensity to reoffend between juveniles who commit sexual offenses and adult sexual offenders.

Sexual recidivism rates of juveniles who sexually offend compared to those of juveniles who commit nonsexual offenses. The premise that juveniles who commit sexual offenses are more likely to sexually recidivate than juveniles who commit other types of crimes has been studied by a number of researchers with mixed results. Although some studies have found a significant difference in the propensity of the two groups to sexually reoffend, others have not. Of the comparison studies between juveniles who commit sexual offenses and those who commit nonsexual offenses, two studies suggested that the sexual recidivism rate for juveniles who committed sexual offenses was significantly different than for juveniles who commit nonsexual offenses. For example, Hagan and colleagues (2001) found sexual recidivism rates of 18 percent for juveniles who committed sexual offenses and 10 percent for juveniles who committed nonsexual offenses. Similarly, Sipe, Jensen, and Everitt (1998) found sexual rearrest rates of 9.7 percent for juveniles who commit sexual offenses and 3 percent for juveniles who commit nonsexual offenses.

On the other hand, a number of studies have not found significant sexual recidivism rate differences. For example, a sexual recidivism rate of 6.8 percent was found for the juveniles who committed sexual offenses and a rate 5.7 percent was found for the juveniles who committed non-sexual offenses (Caldwell, 2007). Similarly, in a study involving juvenile males who committed sexual offenses and juvenile males who did not commit sexual offenses but who were treated in the same program, Caldwell, Ziemke, and Vitacco (2008) found no significant difference in the felony sexual recidivism rates observed for the two groups. A felony sexual recidivism rate of 12.1 percent was found for juveniles who committed sexual offenses compared to 11.6 percent for the juveniles who did not commit a

sexual offense over an average 71.6-month follow-up period (Caldwell, Ziemke, & Vitacco, 2008).

Letourneau, Chapman, and Schoenwald (2008) also failed to find a significant difference in recidivism rates in their study involving juveniles in treatment who either had or did not have a sexual behavior problem. The researchers reported a 2 percent sexual recidivism rate (defined as a new charge) for those juveniles with a sexual behavior problem and a 3 percent rate for those who did not have a sexual behavior problem (Letourneau, Chapman, & Schoenwald, 2008).

Finally, in a birth cohort study involving 3,129 juvenile males and 2,998 juvenile females from Racine, WI, Zimring, Piquero, and Jennings (2007) reported sexual arrest recidivism rates of 8.5 percent for juveniles who committed sexual offenses and 6.2 percent for juveniles who had any police contact. The researchers concluded that the number of juvenile police contacts was more predictive of adult sexual recidivism than juvenile sexual offenses (Zimring, Piquero, & Jennings, 2007).

Research Limitations and Future Needs

The aforementioned studies have limitations common to all studies that employ official statistics on sexual offending or sexual recidivism, namely, the underreporting of sexual offenses to authorities (see, for example, Bachman, 1998, and Tjaden & Thoennes, 2006) and the low base rate for recidivism. In addition, only two of the studies examined outcomes pre- and post- SORN implementation; the other examined SORN effects on recidivism indirectly. Finally, none of the three studies were based on random assignment, although it should be noted that interrupted time series analysis based on a sufficient number of observations can produce highly trustworthy findings.

In terms of the disposition studies, the limitations of these studies include generalizability given the specific geographic regions of the studies, the limited time frame reviewed in the Michigan study, and the retrospective rather than prospective nature of the studies. Finally, there was no survey data on the actual decisionmaking process by prosecutors.

As a result, research using scientifically rigorous methods to assess the impact of SORN on juveniles who



commit sexual offenses is still needed. Such research must be capable of isolating the impact of SORN from other sex offender management strategies (e.g., supervision and treatment) that are also in place and also employ large enough samples to overcome the low base rate for sexual recidivism. Research that examines outcome measures other than sexual recidivism (e.g., supervision compliance; iatrogenic effects on the juvenile, family, and community) is also needed. Research on the potential iatrogenic effects (e.g., loss of housing and employment opportunities, stigmatization, being subject to harassment) of SORN on juveniles is greatly needed. Research also needs to identify whether juveniles are similar to adult sexual offenders prior to using such policies with this population. The goal of intervention with juveniles who commit sexual offenses is to prevent recidivism, decrease risk, and increase protective factors that buffer against reoffending. Society clearly benefits from effective and appropriate intervention with this population, but existing SORN laws may require modification to limit their use with juveniles who commit sexual offenses if public safety is to be effectively enhanced.

Conclusions and Policy Implications

Very few studies examining SORN with juveniles have been undertaken to date. Only three studies were identified in the literature and none of them produced conclusive findings about the application of SORN with juveniles who commit sexual offenses. Findings from studies comparing the sexual recidivism rates of juveniles who sexually offend, adult sexual offenders, and juveniles who commit nonsexual offenses are somewhat mixed. There appears to be at least a marginal difference in the propensity to reoffend between juveniles who commit sexual offenses and adult sexual offenders. However, definitive conclusions about sexual recidivism similarities or differences between juveniles who commit sexual and nonsexual offenses are difficult to make. Two studies found a significantly higher rate of sexual recidivism for juveniles who commit sexual offenses, whereas several other studies did not find a significant difference in the sexual recidivism rates for the two groups.

Given these research findings, the merit and appropriateness of using SORN with juveniles who

sexually offend remains open to question. Although far more research is needed, any further expansion of SORN with juveniles is not recommended in the absence of more extensive empirical evidence supporting the utility of this strategy.

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Notes

1. The federal government cannot require states to implement AWA; however, if states fail to “substantially implement” the provisions of the Act, they are subject to a 10 percent penalty on their Byrne Grant funding.
2. Per author request, permission was received to cite this paper, and Ms. Holmes Didwania (author’s current name) provided a draft revision of the paper dated October 1, 2012.

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ABOUT SMART

The Adam Walsh Child Protection and Safety Act of 2006 authorized the establishment of the Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) Office within OJP. SMART is responsible for assisting with implementation of the Sex Offender Registration and Notification Act (SORNA), and also for providing assistance to criminal justice professionals across the entire spectrum of sex offender management activities needed to ensure public safety.