

No Baby in this Bathwater: Juvenile Sex Offender Registration is Failed Policy

Elizabeth J. Letourneau

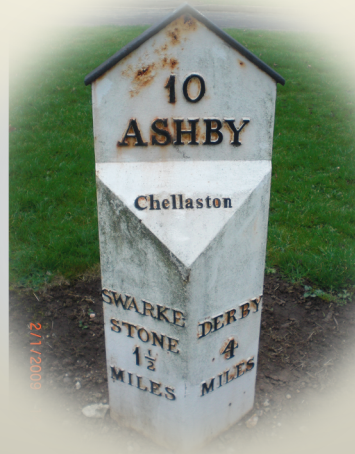
Professor, Department of Mental Health
Director, Moore Center for the Prevention of Child Sexual Abuse

ElizabethLetourneau@jhu.edu



JOHNS HOPKINS

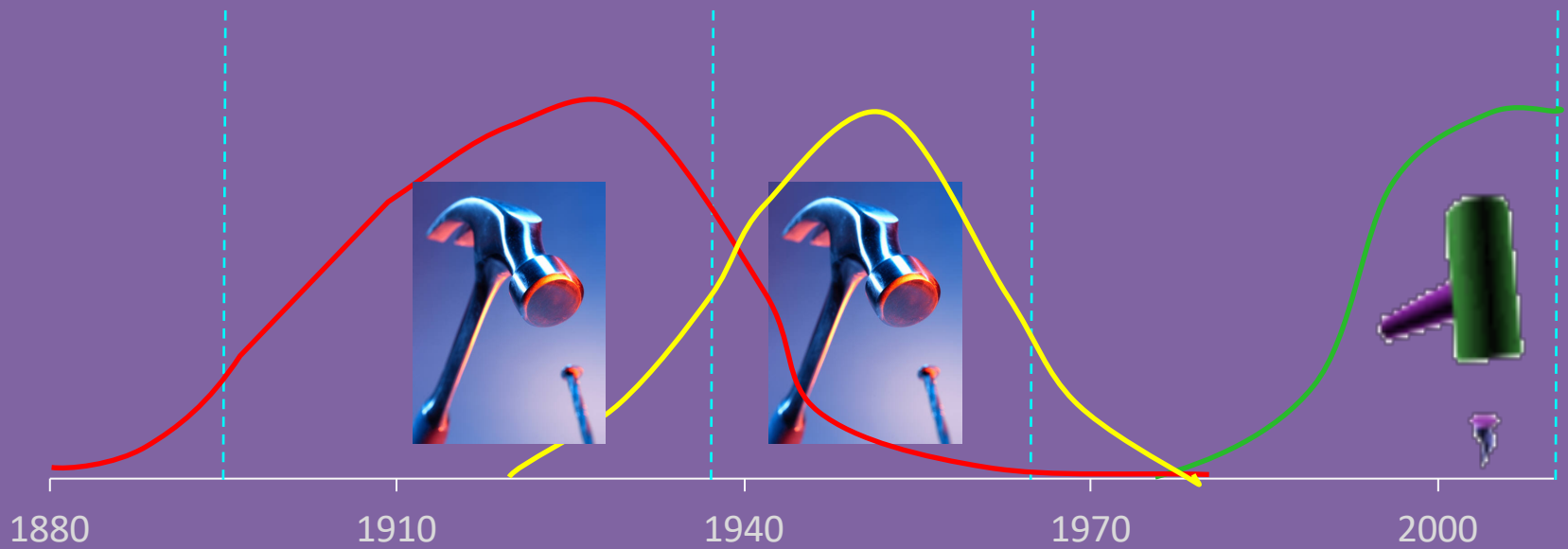
BLOOMBERG SCHOOL
of PUBLIC HEALTH



Early Practice & Policy

Milestones

Three Waves of Sex Crime Legislation



Wave I
*Involuntary Sterilization
& Institutionalization*

Wave II
*Pre-sentence
Sex Offender
Civil
Commitment*

Wave III
*Longer Sentences, Sex
Offender Civil
Commitment,
Registration, Notification,
Residence Restriction,*

*Wave III: Registration,
Notification, Sex Offender
Civil Commitment*

Johnnie, aged 15 years

At 11 he fondled and received
oral sex from his younger sister

Adjudicated and sent to
residential treatment

Following treatment, pictured on
the Delaware internet registry

His first suicide attempt came 2
weeks later, after classmates
learned of his registration



How Did We Get Here?

Child sex crime policies influenced by:

- Violent crime peak in late 1980's
- Advent of 24/7 news media in the 1990s
- “Experts” predictions about sexually violent predators and juvenile super predators
- Research from highly select adult samples
- Experts who were uninformed on child development, child sexual behavior, general delinquency
- Perception that LE and MH minimized or ignored sexual harm caused by children



Revised Report from the National Task Force on Juvenile Sexual Offending of the National Adolescent Perpetrator Network (1993)

- *Intervention with sexually abusive youth should be based on the legal constructs of this society*
- *Youth must be held accountable*
- *For most clients, the expectation in treatment is for the youth to control his deviant sexual behaviors*
- *Electronic monitoring can satisfy treatment objectives for some adolescent sex offenders*
- *Routine polygraph exams may facilitate more complete disclosures*
- *Registry improves outcomes*



We Didn't Get Here By Accident

If we believe that children who sexually offend are driven by unalterable deviant arousal and a lack of conscience or self-control, it seems reasonable to

- Place children on registries
- Subject children to public notification
- Subject children to intensive supervision
- Restrict where children live, attend school, work



Program of Research on Effects of Juvenile Registration and Notification Policies

Funders

- Annie E. Casey Foundation
- Centers for Disease Control and Prevention
- National Institute of Justice
- National Science Foundation
- Office of Juvenile Justice and Delinquency Prevention
- Open Society Foundation

Collaborators

- Kevin Armstrong
- Dipankar Bandyopadhyay
- Michael Caldwell
- Rebecca Fix
- Andy Harris
- Geoff Kahn
- Mike Miner
- Reshmi Nair
- Jeff Sandler
- Ryan Shields
- Debjashota Sinha
- Donna Vandiver
- Scott Walfield

No Baby in the Bathwater: Juvenile Registration is a Failed Policy

All available research finds:

1. No specific deterrence of sexual recidivism
2. No general deterrence of first time sex crimes
3. Unintended effects on juvenile case processing
4. Severe collateral consequences on children



Registration does not Deter Sexual Recidivism

1. SC: Matched sample of 111 registered and 111 nonregistered boys. Recidivism unaffected by registration status; < 2% recidivism over 4.5-y follow-up.
2. SC: Survival analysis of 1,275 boys; 2.5% reoffended across a 9-year follow-up. Recidivism unaffected by registration status; <3% recidivism over 9-year follow-up.
3. WI: Survival analysis of 172 registered and nonregistered boys; recidivism unaffected by registration status; 12% recidivism over 4-year follow-up.



Registration does not Deter Sexual Recidivism

Two additional studies evaluate predictive utility of Adam Walsh Act tier system

1. NJ: 67 boys who met Tier III classification compared with 41 who did not; groups did not differ on recidivism; < 2% recidivism over 2-yr follow-up.
2. WI: 64 boys who met Tier III classification compared with 27 who did not; groups did not differ on sexual recidivism over a 6-year follow-up.



Registration does not Deter First-time Sex Offenses

Three studies evaluate policy effects on general deterrence of first-time sexual offenses

1. Idaho, SC, UT, VA: Time-series analyses of tens of thousands of juvenile sex crime reports; likelihood of reports unaffected by policy implementation.
2. SC: Time-series analysis of 3,148 juvenile sex crime charges between 1991 – 2004; likelihood of charges unaffected by policy implementation.
3. MD & OR: Time-series analyses of 26,000 juvenile sex crime charges and adjudications between 1991 – 2013; likelihood of charges and of adjudications unaffected by policy implementation.

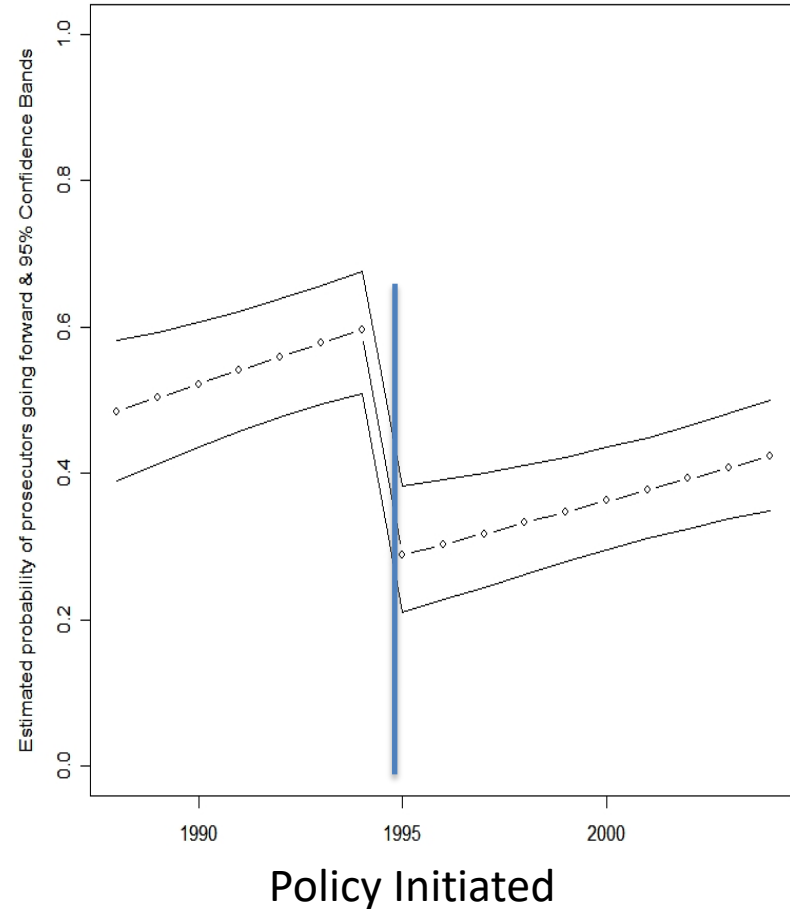


Unintended Effects on Juvenile Case Processing

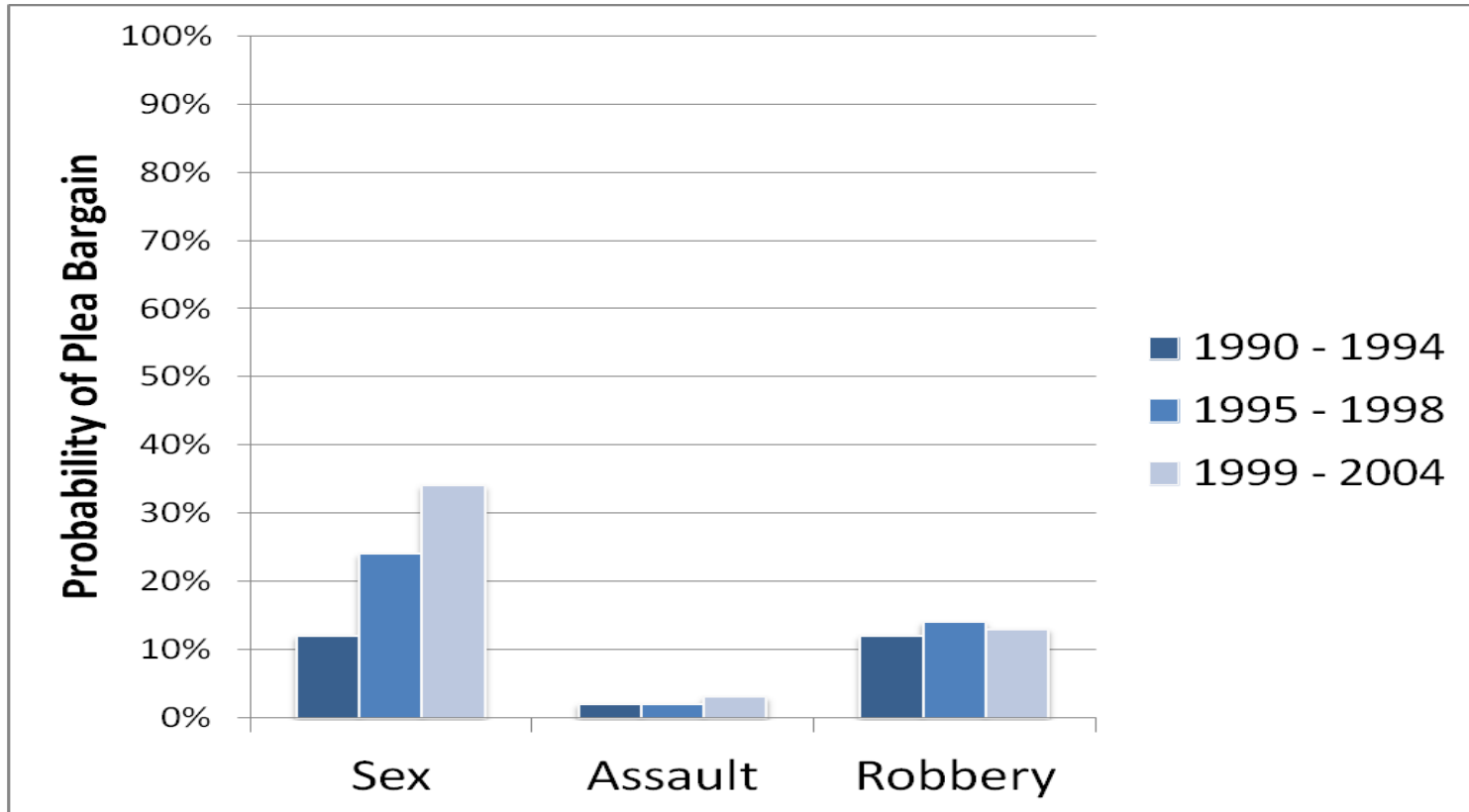
Examined all violent juvenile cases '91 – '04

- 5,503 sex charges
- 14,095 assault charges
- 2,942 robbery charges

41% reduction in the odds of prosecuting juvenile sex crime cases following implementation



Unintended Effects on Juvenile Case Processing



Egregious Effects on Children

We have published two studies evaluating the effects of registration and notification on children.

- Practitioners
- Children ages 12-17 years
- Parents/caregivers of these children
- Young adults ages 18-21

Results published for practitioner and child surveys



Egregious Effects on Children: Practitioner Survey

Practitioner Profile

265 practitioners surveyed

- Mean age = 52.6 yrs
- 59% men
- 92% White
- 32% doctoral degree
- 32% solo practice
- 47 states represented

Child Client Profile

Serving 2,884 child clients

- 48% < 16 years of age
- 86% boys
- 78% one or more sexual offense adjudications
- 30% one or more nonsexual offense adjudications



Practitioner Survey Results

Mental Health (12 items)	% Agree
Are more afraid for their own safety	89
Have less hope for the future	89
Harassment/Unfair Treatment (4 items)	
Are treated differently by teachers or other adults at school	84
School Problems (6 items)	
Are more likely to have had to switch schools	77
Have more trouble concentrating at school	73
Living Instability (4 items)	
Are more likely to have changed caregivers	65
Risk of Reoffending (2 items)	
At greater risk to commit a future sex offense	37



Egregious Effects on Children: Child Survey

256 youth ages 12-17 recruited

- All youth were in active treatment for harmful/illegal sexual behaviors
- Mean age = 15.1 years
- 98% boys
- 55% White, 27% African American, 18% Latino
- 86% heterosexual
- 97% attending school
- 18 states represented



Child Survey

- 74 children (29%) subjected to registration and/or notification requirements
- Registered children were, on average, older, reported more victims, reported more sex offense charges, and were more likely to be white.
- Analyses controlled for these differences



Child Survey Results

Measure	Registered (%)	Nonreg (%)	p value	Odds Ratio (95% CI)
Suicide attempted in past 30 days	6.8%	1.7%	0.050	3.61 (0.78,16.60)
Past year history of sexual victimization	13.7%	8.0%	0.171	1.95 (0.76,4.99)
Past year approached by an adult for sex	8.6%	1.7%	0.019	5.06 (1.06,24.04)





Christian Adamek hung himself at age 15 when threatened with registration after streaking at a football game.

Summary

Juvenile registration policies

- fail to reduce sexual offending
- exert unintended effects on juvenile case processing
- confer substantial risk of harm to child mental health, safety, living stability and schooling
- are associated with peer relationship problems, lower sense of safety, increased risk of suicide attempts and increased risk of sexual assault victimization
- Cost governments \$10 to \$100 million *annually* to administer



Arguments in Favor of Juvenile Registration

We don't want to remove an effective tool from prosecutors

- The Association of Prosecuting Attorneys published a paper by Paul Stern detailing the many harms of registration and arguing for a more informed approach. [Available here](#) or at <http://view.publitas.com/13771/457665/pdfs/002716570d9a9ed846c0e7802c2154b65b0bb258.pdf>

We have to look out for the best interests of victims

- This concern rightly pertains to *all* children, including children who have made mistakes and harmed others.



Organizations Opposed to Juvenile Registration

American Bar Association

American Professional Society on the Abuse of Children

American Psychological Association

Annie E. Casey Foundation

Association of Prosecuting Attorneys

Association for the Treatment of Sexual Abusers

California Sex Offender Management Board

Council of State Governments

Federal Advisory Commission on Juvenile Justice

Human Rights Watch

Juvenile Law Center

National Association of Criminal Defense Lawyers

National Juvenile Justice Network

R Street Institute

Stop It Now!



What Does Work to Prevent or Address Problem Sexual Behavior in Children?

Effective Prevention Programs

- Shifting Boundaries
- Safe Dates
- Responsible Behavior with Younger Children (promising)

Effective Treatment Programs

- Multisystemic Therapy for Problem Sexual Behavior
- Problem Sexual Behavior - Cognitive Behavior Therapy
- These interventions are both clinically AND cost effective.

Safe, Stable, & Nurturing Environments for *All* Children



References

Slide 3: Owens-Adair, B. A. (1922). *Human Sterilization* (p. 145). Portland, OR: Metropolitan Press

Slide 4: In re Stoneham [232 Cal. App. 2d 337]

Slide 5: Jones, M. (2007). *How can you distinguish...*NYT Magazine

Slide 18: Letourneau, E. J. & Armstrong, K. S. (2008). Recidivism rates for registered and nonregistered juvenile sexual offenders. *Sexual Abuse: A Journal of Research and Treatment, 20*, 393-408.

Slide 11 Letourneau, E. J., Bandyopadhyay, D., Sinha, D., & Armstrong, K. S. (2009b). The influence of sex offender registration on juvenile sexual recidivism. *Criminal Justice Policy Review, 20*, 136-153.

Slide 11: Caldwell, M. F., & Dickinson, B. A. (2009). Sex offender registration and recidivism risk in juvenile sex offenders. *Behavioral Sciences & the Law, 27*, 941-956.

Slide 12: Batastini, A. B, Hunt, E., Present-Koller, J., & DeMatteo, D. (2011). Federal standards for community registration of juvenile sex offenders: An evaluation of risk prediction and future implications. *Psychology, Public Policy and Law, 17*, 451-474.

Slide 12: Caldwell, M., Ziemke, M. H., & Vitacco, M. J. (2008). An examination of the Sex Offender Registration and Notification Act as applied to juveniles. *Psychology, Public Policy, and Law, 14*, 89-114.



References

- Slide 13: Sandler, J. C., Letourneau, E. J., Vandiver, D. M., Shields, R. T., & Chaffin, M. (2017). Juvenile sexual crime reporting rates are not influenced by juvenile sex offender registration policies. *Psychology, Public Policy, and Law*, 23, 131-140.
- Slide 13: Letourneau, E. J., Bandyopadhyay, D., Armstrong, K. S., & Sinha, D. (2010). Do sex offender registration and notification requirements deter juvenile sex crimes? *Criminal Justice and Behavior*, 37, 553-569.
- Slide 13: Letourneau, E. J., Shields, R. T., Nair, R., Kahn, G., Sandler, J. C., & Vandiver, D. M. (in press). Juvenile registration and notification policies fail to prevent first-time sexual offenses: An extension of findings to two new states. *Criminal Justice Policy Review*.
- Slide 14: Letourneau, E. J., Bandyopadhyay, D., Sinha, D., & Armstrong, K. S. (2009a). The effects of sex offender registration policies on juvenile justice decision making. *Sexual Abuse: A Journal of Research and Treatment*, 21, 149-165.
- Slide 15: Letourneau, E. J., Armstrong, K. S., Bandyopadhyay, D., & Sinha, D. (2013). Sex offender registration and notification policy increases juvenile plea bargains. *Sexual Abuse: A Journal of Research and Treatment*, 25, 189-207.
- Slides 17-18: Harris, A. J., Walfield, S., Shields, R., & Letourneau, E. J. (2016). Collateral consequences of juvenile sex offender registration and notification: Results from a survey of treatment providers. *Sexual Abuse: A Journal of Research and Treatment*, 28, 770-790.
- Slides 19-21: Letourneau, E. J., Harris, A. J., Shields, R. T., Walfield, S. M., Ruzicka, A. E., Buckman, C., Kahn, G. D., & Nair, R. (in press). Effects of juvenile sex offender registration on adolescent well-being: An empirical examination. *Psychology, Public Policy, and Law*.

