

# SEX OFFENDER MANAGEMENT ASSESSMENT and PLANNING INITIATIVE

**SMART**  
Office of Sex Offender Sentencing, Monitoring,  
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## Chapter 6: Registration and Notification of Juveniles Who Commit Sexual Offenses

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### 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, while Washington became the first state to pass community notification legislation in 1990. In 1994, the U.S. federal government first implemented a national sex offender registration law for adult sexual offenders via the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act. Community notification was subsequently added through the Megan's Law amendment to the Act in 1996. Per these federal laws, 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 an adult.<sup>1</sup> The implementation of SORN for juveniles varies by state, with some states choosing to add juvenile registration based on adjudication for a specified crime, while others provide for judicial discretion related to whether a juvenile should register and for how long. Finally, in 2006, the U.S. Congress 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<sup>2</sup>).

The expansion in the use of sex offender management strategies traditionally designed for adult sex offenders with juveniles who commit sexual offenses arguably has been made based on assumptions that there is a high rate of juvenile sexual offending, that juveniles who commit sexual offenses are similar to adult sex offenders, and that juveniles who commit sexual offenses lack heterogeneity, are difficult to intervene with, and are at high risk for recidivism (Chaffin, 2008; Letourneau & Miner, 2005). (For more information on the "Recidivism of Juveniles Who Commit Sexual Offenses," see [chapter 3](#) in the Juvenile section.)

Unfortunately, the body of research addressing SORN's effectiveness with juveniles remains extremely limited today. Definitive conclusions regarding the impact of SORN with juveniles who commit sexual offenses are difficult to make at this time, not only because so few studies have been conducted but also because the available research is generally hampered by an inability to isolate the impact of SORN from other interventions (e.g., specialized supervision and treatment) and the overall low rate of sexual recidivism attributed to juveniles. (For more information on treatment, see [chapter 5](#), "Effectiveness of Treatment for Juveniles Who Sexually Offend," in the Juvenile section.) Nevertheless, this chapter 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 chapter does not discuss the theoretical and sociological explanations for registration and notification or place the research within this context. Its focus is on SORN for juveniles who commit sexual offenses. (For information about SORN as it relates to adult sex offenders, see [chapter 8](#), "Sex Offender Management Strategies," in the Adult section.)

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### Summary of Research Findings

As stated above, very few studies examining the impact of SORN on juveniles have been undertaken to date. Only three studies were identified in the literature that examined (either directly or indirectly) the effect of SORN on juvenile sex offense rates. One of these studies examined juvenile sex crime arrest rates prior to and following the implementation of SORN, and another examined the recidivism of juveniles who sexually offend prior to and following SORN implementation. The third study examined the recidivism of juveniles subject to different SORN levels. Findings from these studies are presented below.

#### Studies Examining 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

### FINDINGS

To date, 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 an adult.

Conclusions about the impact of sex offender registration and notification (SORN) with juveniles are difficult to make because so few studies have been conducted, the available research has not isolated the impact of SORN from other interventions, and the overall rate of sexual recidivism attributed to juveniles is low.

Juvenile cases have been pled to nonregistration offenses at the expense of the juvenile not being eligible for treatment.

rate of sex crime arrests in juvenile registration states and juvenile notification states post-SORN (Holmes, 2009).<sup>3</sup>

The study examining recidivism levels pre- and post-SORN implementation focused on juveniles who committed sexual offenses ( $N = 1275$ ) 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,<sup>4</sup> suggesting a possible surveillance effect (Letourneau et al., 2009a).

The 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 ( $N = 319$ ). Sexual reconviction rates were examined over a 5-year followup period. The research found that juveniles identified either as Level I or Level II ( $n = 278$ ) offenders had a 9-percent sexual reconviction rate, while those identified as Level III offenders had a 12-percent sexual reconviction rate. Level III is the highest SORN level in Washington State, requiring active community notification, while Levels I and II do not require community notification (Barnoski, 2008).

### **Limitations**

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.<sup>5</sup> 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.

### **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 ( $N = 18,068$ ) were examined. The study found that juveniles who committed sexual offenses ( $n = 5,166$ ) were subject to a significant change in prosecutor decision-making following implementation of the sex offender registry in 1995, particularly younger juveniles and those with fewer prior offenses. Letourneau and colleagues (2009b, p. 158) concluded, "For sexual offense charges, there was a 41 percent reduction in the odds of a prosecutor moving forward after registration was implemented than before."<sup>6</sup> Similarly, there was a statistically significant reduction in assault dispositions of 22 percent,<sup>7</sup> but there was not a statistically significant reduction in robbery dispositions over the same time period (Letourneau et al., 2009b).

In a study of dispositions for juveniles who committed sexual offenses in an urban region of Michigan in 2006 ( $N = 299$  petitions filed), 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 not being eligible for treatment (Calley, 2008).

### **Limitations**

The limitations of these studies include generalizability given the specific geographic regions of the studies, the limited timeframe reviewed in the Michigan study, and the retrospective rather than prospective nature of the studies. Finally, there were no survey data on the actual decision-making process by prosecutors.

### **Comparative Recidivism Rates for Juveniles Who Commit Sexual Offenses**

Given the limited research on 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.

#### **Compared With 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.

#### **Compared With 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. While 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, in a study involving a sample of 150 offenders, Hagan and

colleagues (2001) found sexual recidivism rates (defined as reconviction) of 18 percent for juveniles who committed sexual offenses and 10 percent for juveniles who committed nonsexual offenses over an 8-year followup period, a statistically significant difference (Hagan et al., 2001).<sup>3</sup> Similarly, in a study involving 306 juveniles, 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 over a 6-year followup period, a difference that again is statistically significant (Sipe, Jensen, & Everitt, 1998).<sup>3</sup>

On the other hand, a number of studies have not found significant sexual recidivism rate differences. For example, in a study of 2,029 juveniles released from secure custody, including 249 who committed sexual offenses and 1,780 who committed nonsexual offenses, Caldwell (2007) reported sexual recidivism rates of 6.8 percent for the juveniles who committed sexual offenses and 5.7 percent for the juveniles who committed nonsexual offenses over a 5-year followup period, a difference that is not statistically significant (Caldwell, 2007). Similarly, in a study involving 91 juvenile males who committed sexual offenses and 174 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 sexual offense over an average 71.6-month followup period. Letourneau, Chapman, and Schoenwald (2008) also failed to find a significant difference in recidivism rates in their study involving 1,645 juveniles in treatment who either had or did not have a sexual behavior problem (as defined by the caregiver-reported scoring on the Child Behavioral Checklist Sex Problems scale developed by Achenbach, 1991). 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, Wisconsin, 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, a difference that is not statistically significant. The recidivism rates were based on a 4- to 14-year followup period after age 18. 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).

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## Summary

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 to 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 the juveniles who commit sexual offenses, while 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 remain open to question. **While far more research is needed, participants in the SOMAPI forum recommended against any further expansion of SORN with juveniles in the absence of more extensive empirical evidence supporting the utility of this strategy.**

**The SOMAPI forum participants identified the need for research using scientifically rigorous methods to assess the impact of SORN on juveniles who commit sexual offenses.** There is a clear need for research that is capable of isolating the impact of SORN from other sex offender management strategies (e.g., supervision and treatment) that are also in place and that employs large enough sample sizes 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) also is 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 more research is needed to examine whether SORN laws may require modification in their use with juveniles who commit sexual offenses if public safety is to be effectively enhanced.

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## Notes

<sup>1</sup> For further details about each state's treatment of juveniles adjudicated delinquent of sex offenses and their corresponding registration responsibilities and notification requirements, see ALA. CODE § 15-20A-28 (2014), ARIZ. REV. STAT. ANN. § 13-3821(D) (2014), ARK. CODE ANN. § 9-27-356 (2014), CAL. PENAL CODE § 290.008 (a) (2014), COLO. REV. STAT. § 16-22-102(3) (2013), DEL. CODE ANN. tit. 11, §§ 4121(a)(4)(b) & 4123 (2014), FLA. STAT. § 943.0435(a)(1)(d) (2014), IDAHO CODE ANN. § 18-8403 (2014), 730 ILL. COMP. STAT. 150/3-5 (2014), IND. CODE ANN. § 11-8-8-4.5(b) (2014), IOWA CODE § 692A.103 (2013), KAN. STAT. ANN. § 22-4902(b)(2) (2013), LA. REV. STAT. ANN. § 15:542 (2013), MD. CODE ANN., CRIM. PROC. § 11-704.1 (2014), MASS. GEN. LAWS. ANN. CH. 6, § 178K (2014), MICH. COMP. LAWS. SERV. § 28.722 (2014), MINN. STAT. § 243.166 (2014), MISS. CODE ANN. § 45-33-25 (2013), MO. REV. STAT. §§ 211.425 & 589.400 (2014), MONT. CODE ANN. § 46-23-502 (2013), NEB. REV. STAT. ANN. § 29-4003 (2013) (only juveniles relocating from out of state with preexisting registration requirements are required to register, <https://sor.nebraska.gov/FAQ>), NEV. REV. STAT. ANN. § 179D.095 (2014), N.H. REV. STAT. ANN. 651-B:1(XI), N.J. REV. STAT. § 2C:7-2 (2014), N.M. STAT. ANN. § 29-11A-5.1 (2013), N.C. GEN. STAT. § 14-208.26 (2014), N.D. CENT. CODE § 12.1-32-15 (2013), OHIO REV. CODE ANN. § 2950.01 (2014), OKLA. STAT. tit. 10A, § 2-8-102 (2013), OR. REV. STAT. §§ 181.823 & 181.609 (2013), 42 PA. CONS. STAT. § 9799.12 (2014), R.I. GEN. LAWS § 11-37.1-2(c)(4) (2014), S.C. CODE ANN. § 23-3-430(C) (2013), S.D. CODIFIED LAWS § 22-24B-2 (2014), TENN. CODE ANN. § 40-39-202(28) (2014), TEX. CODE CRIM. PROC. ANN. art 62.001 & 62.351 (2014), UTAH CODE ANN. § 77-41-102(9)(f) (2014),

<sup>2</sup> 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 of their Edward Byrne Memorial Justice Assistance Grant Program funding.

<sup>3</sup> Per author request, permission was received to cite this paper, and Ms. Holmes Didwania (author's current name) anticipates a revision of the paper to be completed in 2014.

<sup>4</sup>  $p < .05$ .

<sup>5</sup> For example, Letourneau et al. (2009a) found the percentage of youth in their sample with new sexual offense charges (7.5 percent) or adjudications (2.5 percent) to be below.

<sup>6</sup>  $p < .0001$ .

<sup>7</sup>  $p < .001$ .

<sup>8</sup>  $p > .05$ .

<sup>9</sup>  $p < .04$ .

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