



Institute for Human Services

Building the World's Capacity to Protect Children & Strengthen Families

Youth with Problematic Sexual Behavior on Sex Offender Registries: Risk or Benefit?

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Objectives

- Participants will be able to describe how being subject to sex offender registration and notification harms youth
- Participants will be able to describe the lack of impact registries have on prevention of child sexual abuse
- Participants will be able to list key points for providing anticipatory guidance for parents around healthy and problematic sexual behaviors of youth



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Center for Child Policy
A Child Maltreatment Think Tank

Issues in Brief
June 2024



Sex Offender Registration for Youth With Problematic Sexual Behaviors: What Happened When One State Discontinued This Practice?

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Introduction

There are currently more than 200,000 people who are listed on sex offender registries—some for life—for acts they committed when they were children (Juvenile Law Center, 2023). Their offenses often include acts such as simulating intercourse with similar-age siblings or peers, sexual exploration with younger children, or consensual sexual contact with another youth.

There are many widely documented negative and life-long consequences for youth placed on sex offender registries that can seriously affect their social, physical, and cognitive development as well as their mental health. These youth are trapped in a broad net that was cast 30 years ago, when less was known about the extremely low recidivism rate of youth who act out sexually, and during a period when the United States was politically tough on crime.

Annual costs to governments for managing youthful offenders are estimated to “range from \$10 million to \$100 million per year” (Belzer, 2015, p. 6). This is a relatively small portion of the total costs—social costs

increase this number by at least tenfold (Belzer, 2015, p. 6). Further, direct costs passed on to youth and their families range from hundreds to thousands of dollars per year and may lead to incarceration of the youth when impoverished families cannot meet these obligations (Human Rights Watch, 2013). The international advocacy organization Human Rights Watch (2013) claims that under human rights law, youth should be treated in ways that are appropriate for their age and capacity for rehabilitation, and that respect their rights to family unity, to education, and to be protected from violence. Registration and notification do just the opposite.

Policy History

Nearly a century ago, sex offender registries were created as a tool to help law enforcement identify potential suspects when a sex crime occurred. After the tragic and highly publicized murders of two children, Adam Walsh and Megan Kanka, by sex offenders in the 1990s, many

Note About References

Research results and findings presented in these slides are fully referenced in the document “*Removing Youth from Sex Offender Registries: What Happened When One State Discontinued This Practice*” being shared today.

Please do not use or distribute these slides without the accompanying paper.

Introduction

- **There are currently more than 200,000 people who are listed for life on sex offender registries for acts they committed when they were children (Juvenile Law Center, 2023).**
 - acts such as simulating intercourse with similar-age siblings or peers, sexual exploration with younger children, or consensual sexual contact with another youth.
- **Annual costs to governments for managing youthful offenders are estimated to “range from \$10 million to \$100 million per year” (Belzer, 2015 p.6).**
 - Social costs increase this by at least ten-fold.
- **The health, educational and social consequences for youth with problematic sexual behaviors can be catastrophic.**

Historical & Social Contexts

- The first state sex offender registry was introduced in 1947 (CA), but used locally earlier as a tool to help law enforcement identify potential suspects when a sex crime occurred.
- After the tragic and highly publicized murders of two children, Adam Walsh and Megan Kanka, by sex offenders in the 1990s, many states created sexual offender registries and made community notification and publication of information from these registries the norm.
- In July 2006, President Bush signed the Adam Walsh Child Protection and Safety Act into federal law, mandating that all states create/maintain registries.

The 1990's also brought us:

- **The first rollback in key provisions to the juvenile justice system since its development in the 1960's and 1970's.**
 - The myth of the super-predator
 - Megan's Laws
- **Abstinence only sex-education**
- **Social unacceptability to discuss sexuality – even in terms of health –**
 - United States Surgeon General Joycelyn Elders was forced out of office in 1994 for answering a question about masturbation at a World Aids Day conference!

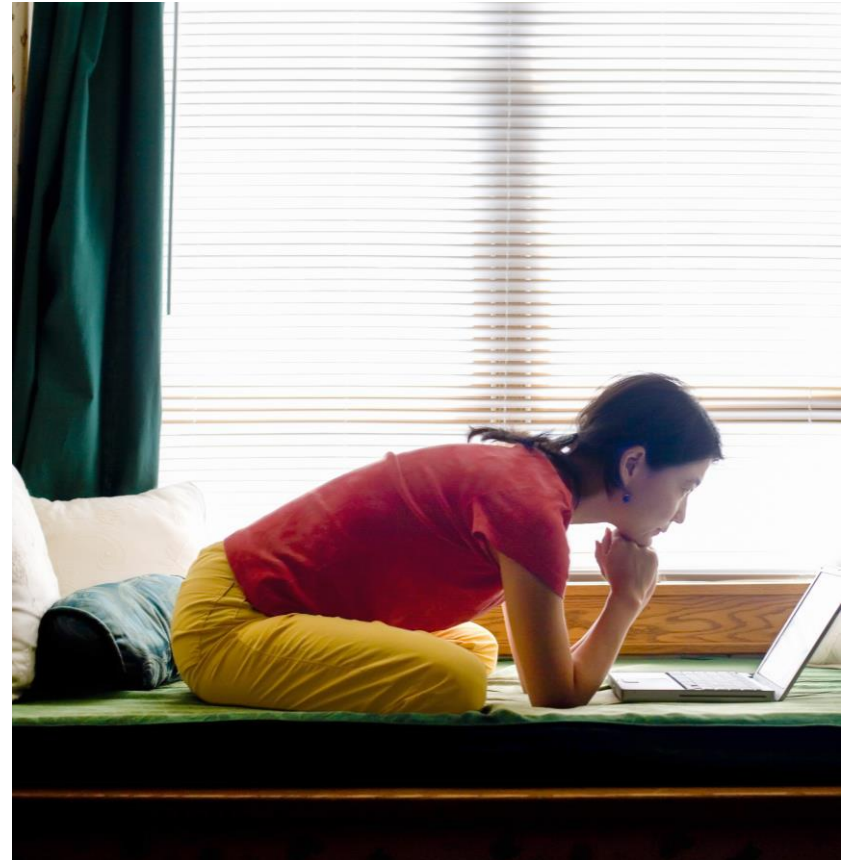
Point:

- While laws were being enacted that had lifelong consequences for youth who acted out sexually, restrictions increased on access to resources that promote healthy sexual development.
- This is further exacerbated now by youth having more access to pornography than quality sex information.



Registries Are Not the Answer: Unintended Consequences of Registration for Youth

- Harassment and unfair treatment
- Segregation from nuclear family
- Educational disruption
- Financial burdens on their family
- Increased risk of suicide
- Increased risk of being approached by an adult for sex
 - Especially if reporting to a public building, with others on the registry for annual check-ins.



Registries Do Not Prevent Sexual Abuse

In 2014, after a suit brought by The Juvenile Law Center, The Pennsylvania State Supreme Court ruled that placing juveniles on sex offender registries was unconstitutional.



Read the ruling here!

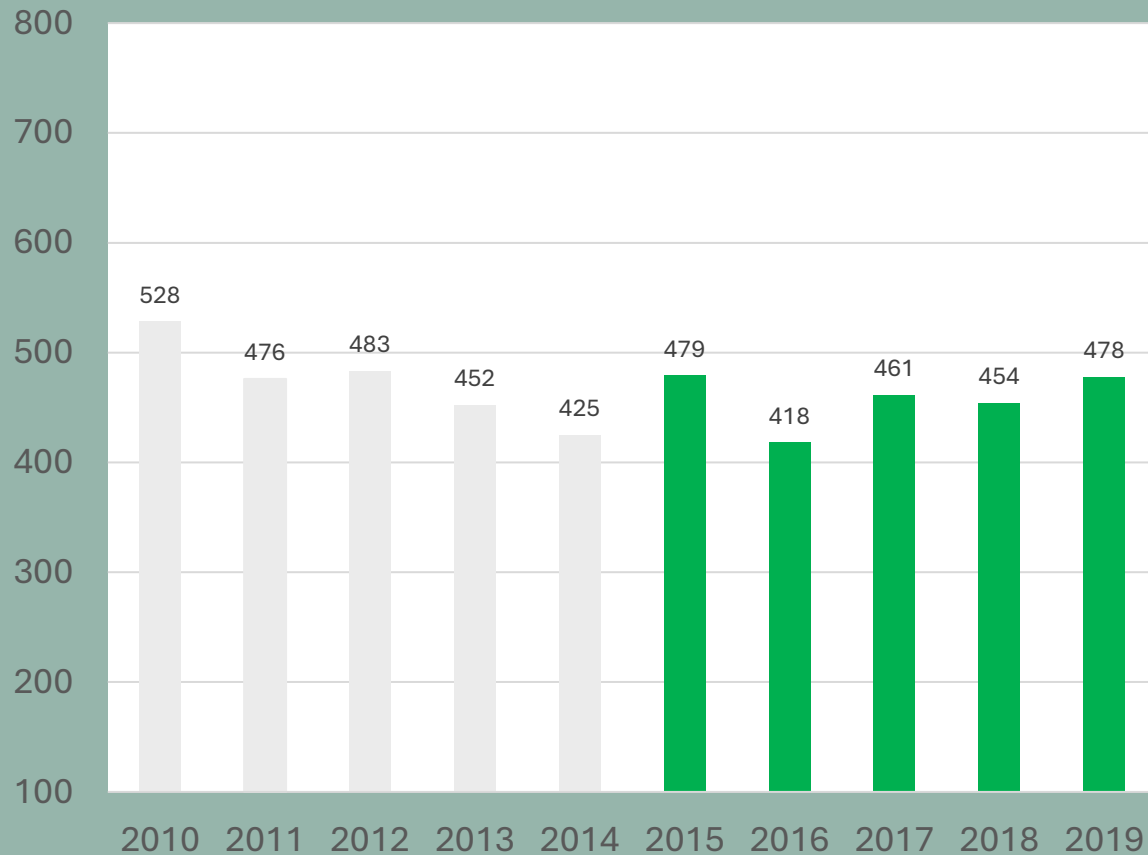
[Pennsylvania Supreme Court Rules Sex Offender Registration Unconstitutional for Youth | Juvenile Law Center \(jlc.org\)](#)



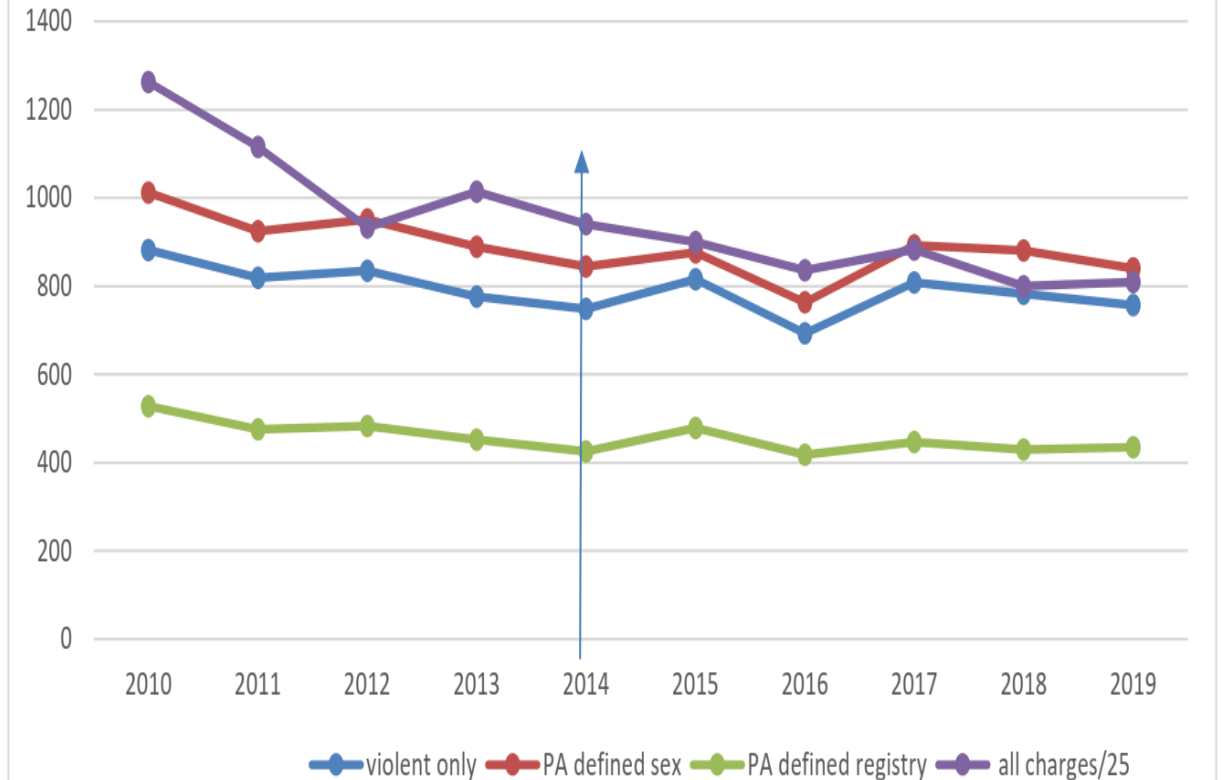
Disclaimer:

The data utilized in the processing of Pennsylvania Juvenile Court Judges' Commission data were generated by, belongs to, and made available by the National Juvenile Court Data Archive, which is maintained by the National Center for Juvenile Justice in Pittsburgh, Pennsylvania, and supported by a grant from the Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice. NCJJ bears no responsibility for the analyses of interpretations presented therein. Points of view or opinions contained within this document are those of the author and do not necessarily represent the official position or policies of the Juvenile Court Judges' Commission.

Trend in Registry Eligible Charges 5 Years Before and 5 Years After Discontinuing the Practice



10 year trends in youth with sex-related charges



Sex Offender Registries Are an Example of Crime Control Theater *

*Defined as public policies that produce the appearance, but not the effect, of crime control, and as such are essentially socially constructed “solutions” to socially constructed crime “problems.” Generally a ‘reactionary response to moral panic’ (Hammond Et al., 2009)
Examples include DARE, Safe Haven Laws, Amber Alerts .

What Can Help?

- Appropriate terminology
- Evidence-based treatment
- Anticipatory guidance for parents and youth around sexuality

What's in a Name? Evaluating the Effects of the “Sex Offender” Label on Public Opinions and Beliefs

Andrew J. Harris¹ and Kelly M. Socia¹

Sexual Abuse: A Journal of

Research and Treatment

2016, Vol. 28(7) 660–678

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Language Matters!

- When presented with the same fact pattern, respondents were much more likely to recommend treatment over prosecution for a ‘youth with problematic sexual behavior’ than a ‘juvenile sex-offender’

A Growing Body of Evidence for Treatment

The rate of recidivism is lower for problematic sexual behaviors than for many other types of juvenile offenses (see, for example, Borduin et al., 2009).

Sex offender treatment appears to be more successful with adolescents than it is with adult offenders (Kim et al., 2015).

Community-based treatments have a larger effect in reducing recidivism when compared to institutionally based treatments. The findings reported in Bourdin et al.(2009) highly support this conclusion.

Both individual studies and synthesis research suggests that therapeutic interventions for youth who sexually offend can and do work (Pryzbylsky, 2015).

Surgeon General's Healthy People 2030

The Healthy People initiative began in 1979 when Surgeon General Julius Richmond issued a landmark report titled "Healthy People: The Surgeon General's Report on Health Promotion and Disease Prevention." Healthy People 2030 is the fifth iteration of the initiative. It builds on knowledge gained and lessons learned to address the latest public health priorities.

- **Goal:** "Increase the proportion of adolescents who get formal sex education before age 18 years".



Healthy People 2030 reports the number of youth receiving sex education remains stagnant @ 54%.

- **LACK OF SEXUALITY INFORMATION IS A COMPONENT OF PROBLEMATIC SEXUAL BEHAVIOR**

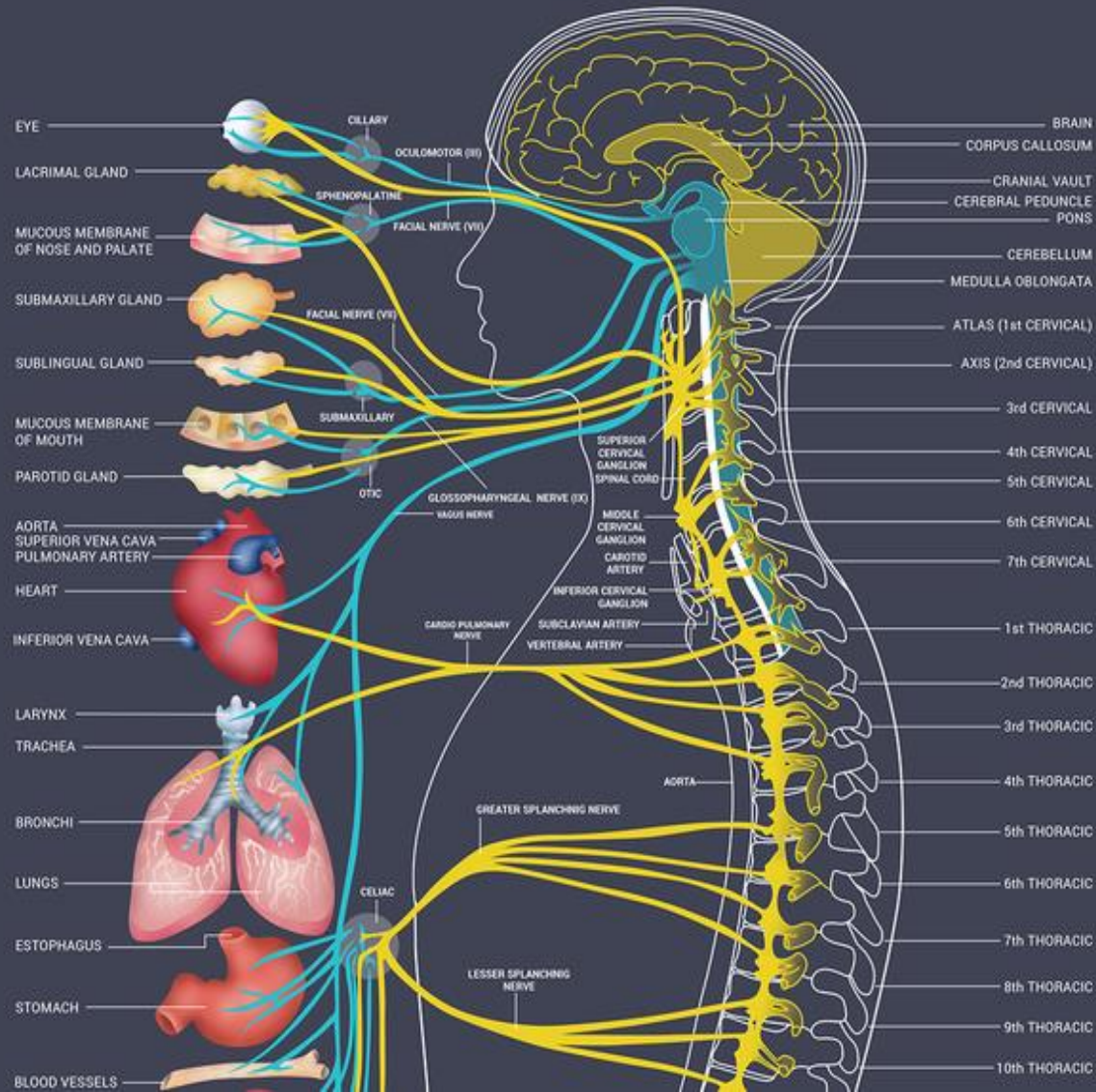
AUTONOMIC NERVOUS SYSTEM

■ SYMPATHETIC

Dominant in times of stress
(Fight/Flight response)

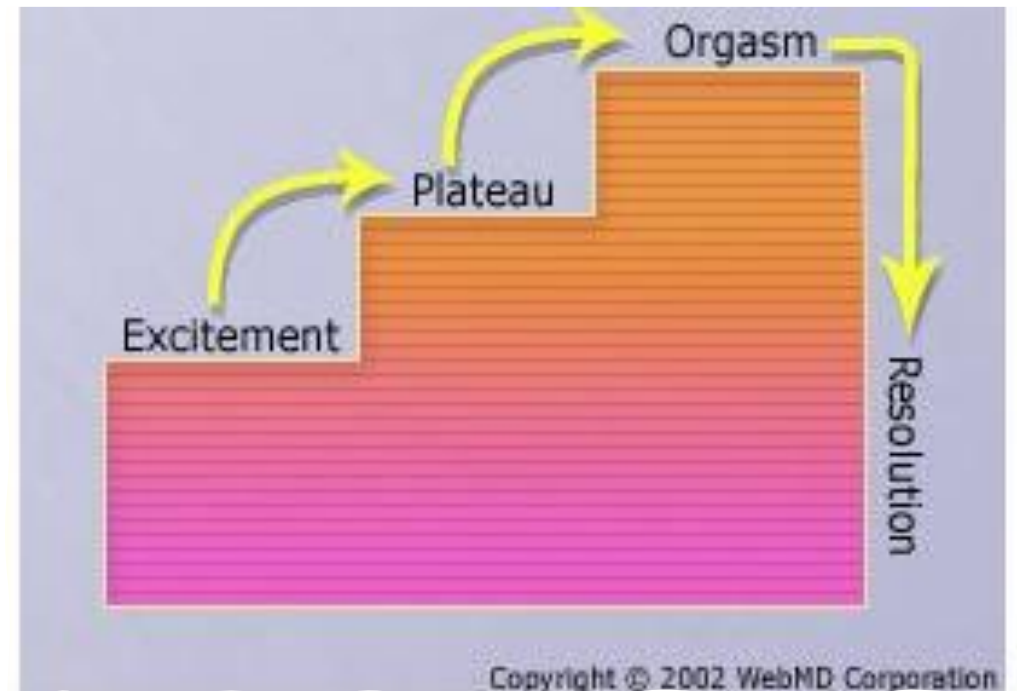
■ PARASYMPATHETIC

Dominant in Digestion, Rest,
Regeneration, Reproduction



Youth Need to Understand Human Sexual Response

- Autonomic arousal does not mean consent
- Autonomic arousal is not a call to action with a partner



Calls to Action

- **Use and share the resources offered by The National Center on the Sexual Behavior of Youth (NCSBY).**
- **Work within your communities to move the investment of public funds from registries and enforcement to supporting professionals to deliver evidence-based interventions.**
- **Promote the availability of medically accurate, age-appropriate information on sexual development for parents and children**

NCSBY



For More Information on
Registries and Youth with
Problematic Sexual Behavior
visit www.cmprc.org or scan
the QR code.

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Poll Question #1:

I have worked with a family where a child or teen was exhibiting problematic sexual behaviors.

- Strongly Agree
- Agree
- Disagree
- Strongly Disagree
- Unsure

Poll Question #2:

I am confident that I could support a family with a child or teen exhibiting problematic sexual behaviors.

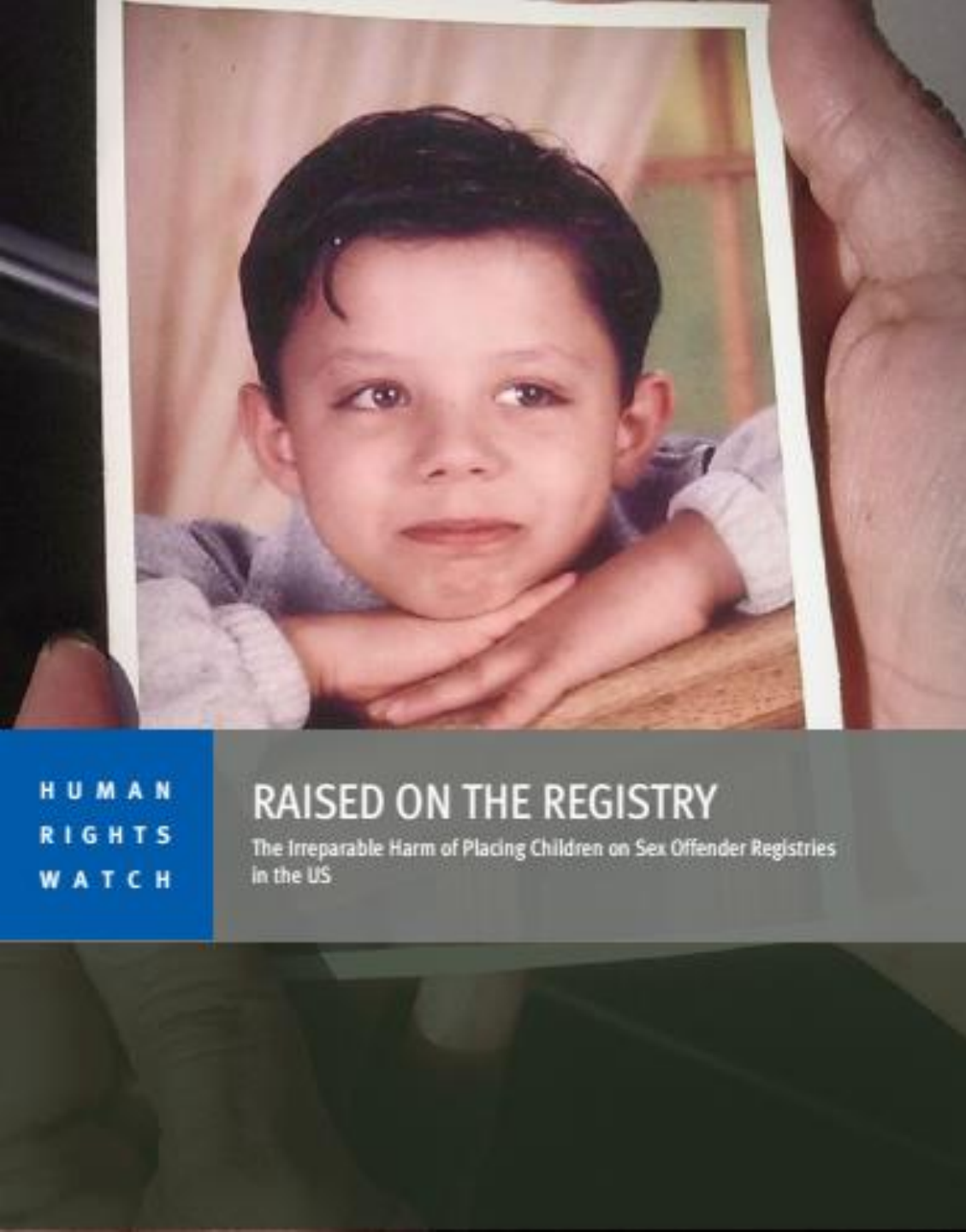
- Strongly Agree
- Agree
- Disagree
- Strongly Disagree
- Unsure

Poll Question #3:

Policies should be re-evaluated to account for the potential harm caused by registering juveniles as sex offenders.

- Strongly Agree
- Agree
- Disagree
- Strongly Disagree
- Unsure

Additional Resources



An International Spotlight

- The international advocacy organization, Human Rights Watch claims that under human rights law, youth should be treated in ways that are appropriate for their age, their capacity for rehabilitation, and that respect their rights to family unity, to education, and to be protected from violence (Human Rights Watch, 2013).
- Registration and notification do just the opposite.
- Link for report <https://cmprc.org/s/Raised-on-the-Registry.pdf>

Sex Offender Registries: A Policy With No Effect on Rates of Abuse

- “Results provide no support for the effectiveness of registration and community notification laws...”
- Results of the analyses indicated that the 1996 enactment of NY SORA (and thus the beginning of the registry) *had no significant impact on rates of total sexual offending, rape, or child molestation, whether viewed as a whole or in terms of offenses committed by first-time sex offenders or those committed by previously convicted sex offenders (i.e., repeat offenders).*”

Psychology, Public Policy, and Law
2008, Vol. 14, No. 4, 284–302

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1076-8971/08/\$12.00 DOI: 10.1037/a0013881

DOES A WATCHED POT BOIL? A Time-Series Analysis of New York State’s Sex Offender Registration and Notification Law

Jeffrey C. Sandler, Naomi J. Freeman, and Kelly M. Socia
University at Albany

Despite the fact that the federal and many state governments have enacted registration and community notification laws as a means to better protect communities from sexual offending, limited empirical research has been conducted to examine the impact of such legislation on public safety. Therefore, utilizing time-series analyses, this study examined differences in sexual offense arrest rates before and after the enactment of New York State’s Sex Offender Registration Act. Results provide no support for the effectiveness of registration and community notification laws in reducing sexual offending by: (a) rapists, (b) child molesters, (c) sexual recidivists, or (d) first-time sex offenders. Analyses also showed that over 95% of all sexual offense arrests were committed by first-time sex offenders, casting doubt on the ability of laws that target repeat offenders to meaningfully reduce sexual offending.

Research: What About States That Use a Risk Prediction Tool?

- “Results showed inconsistencies in risk designations between the J-SOAP-II, SORNA tiers, and state risk measures, and none, except for the PCL:YV, significantly predicted new general, violent, or sexual offense charges. (Psychopathology checklist: Youth Version)
- Note that juveniles who did reoffend in this study have ‘extremely high PCL:YV scores’ with all pathology not necessarily related to sexuality.
- This finding ‘cuts across sex offenders and non-sex-offending delinquents alike” (page 106)
- Please read this article for a detailed discussion on how little validity there is among assessment measures!

Psychology, Public Policy, and Law
2008, Vol. 14, No. 2, 89–114

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1076-8971/08/\$12.00 DOI: 10.1037/a0013241

AN EXAMINATION OF THE SEX OFFENDER REGISTRATION AND NOTIFICATION ACT AS APPLIED TO JUVENILES

Evaluating the Ability to Predict Sexual Recidivism

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University of Wisconsin–Madison and
Mendota Mental Health Institute

Mitchell H. Ziemke
University of Alabama

Michael J. Vitacco
Mendota Mental Health Institute

The recently enacted Adam Walsh Child Protection and Safety Act will expand and standardize the registration of adolescent sex offenders. To evaluate the effectiveness of this and similar legislation, the authors assessed 91 juvenile males who had been adjudicated for a sexual felony offense and 174 juvenile males who had no history of sexual offending with several risk measures. On admission to treatment, all participants were assessed with the Psychopathy Checklist: Youth Version (PCL:YV; A. E. Forth, D. Kosson, & R. D. Hare, 2003). The Juvenile Sex Offender Assessment Protocol-II (J-SOAP-II; R. A. Prentky & S. Righthand, 2003), 3 state-developed risk protocols (from Wisconsin, Texas, and New Jersey), and the tier designation embedded in the federal Sex Offender Registration and Notification Act of 2006 (SORNA) were coded from the sex offender participants' records. Participants were followed for an average of 71.6 months ($SD = 18.1$ months) to determine charges for general, violent, and sexual offenses. Results showed inconsistencies in risk designations between the J-SOAP-II, SORNA tier, and state risk measures, and none, except for the PCL:YV, significantly predicted new general, violent, or sexual offense charges. Policy and legal implications concerning the assessment of adolescent sex offenders are discussed.

Evidence Based Treatment

- The Armand et. al meta-analysis of treatment interventions for children with problematic sexual behaviors (2008) showed the importance of community-based treatment because the primary agent of change for youth sexual behavioral problems appears to be the youth's parent or caregiver who is engaged in the treatment process.
- In practice, certain provisions of registration and notification laws make it impractical, if not impossible, for youth to access community-based treatment, creating yet another unintended negative consequence of registration.

Weighing the Costs of Registries

Annual costs to governments for managing youthful offenders are estimated to “range from \$10 million to \$100 million per year”. (Belzer)

Add **Indirect costs** and this number goes up 10x.

Costs to victims e.g. inability to leave state for college; check-ins expose them to predators

Costs to families e.g. multiple dwellings, separation of families

Costs to communities e.g. lost tax revenue as property values decrease in a neighborhood with a registered offender



Applying the best available evidence to resolve critical issues in child maltreatment policy and practice

To further the policy objective of removing youth from registries, we need empirical evidence to support the clinical evidence of the harms of registration.

- **Our Child Maltreatment Policy Resource Center undertook a two-year process to identify states who were considered by advocates to be least likely to place youth on registries.**
- ***Linklaters*, an international law firm, provided a pro bono team to analyze laws in six states identified by advocates.**

Our Research Process



- The Pennsylvania data files were obtained after executing an agreement with the National Center for Juvenile Justice, which was approved by the Pennsylvania Juvenile Justice Commission.
- The files contain data on cases after they are closed; therefore, using a file created in 2022, we used only cases with an open date of 2019 or earlier.
- This is an incidence study, not a recidivism study; the unit of observation is a charge.

Abstract of Findings

- The trend in the incidence of sex related charges in Pennsylvania Juvenile Court did not change after a Pennsylvania State Supreme Court Ruling in 2014 discontinued the practice of placing youth on sex offender registries.
- The trend in sex-related juvenile court referrals generally mirrors the trend for all juvenile court referrals.
- These findings support the work of researchers and advocates who urge an end to the practice of placing juveniles on sex-offender registries.

Confounding Policy Issues	Description
Registries as Crime Control Theater	Refers to the issue of public policies or programs which have been found to have no effect but are too popular with the public to terminate
Wide Variation Between States	In the laws, policies or procedures In judicial approaches In assessing risk In updating laws to reflect court cases
Challenges in Promoting Legal Changes	No one want to be seen as soft on sex offenders or for not protecting children

Current Issues for Advocacy

- Reframing youth with problematic sexual behaviors as a public health problem
- Promoting evidenced based treatment
- Trying youth as adults
- Have the number of cases changed in the states who have changed their policies about registration and notification for youth?
 - PA data shows it has not
 - Other state data coming soon

The risk to youth may be increasing as more youth act out sexually on-line

2009 Sex Offender Management Assessment & Planning Initiative Report (SOMAPI)

- Youth account for 35.6% of reported offenses against youth
 - [Juveniles Who Commit Sex Offenses Against Minors \(ojp.gov\) https://www.ojp.gov/pdffiles1/ojjdp/227763.pdf](https://www.ojp.gov/pdffiles1/ojjdp/227763.pdf)

Sexual Abuse and Assault in a Large National Sample of Children and Adolescents (Gerwitz-Meydan and Finkelhor 2020)

- "Results indicate most offenses are at the hands of other juveniles (76.7% for males and 70.1% for females), primarily acquaintances, and occurring more frequently for adolescents aged 14–17."

More current reports show that number increasing, particularly technology facilitated offenses

Take Aways:

Potential applications to your work

- **Sex Offender registries are NOT effective prevention tools!**
- **Expanding them may make little sense, and in fact does more harm by casting a wide net that catches people who pose no danger.**
 - This is especially true for youth; note the work of Elizabeth Letourneau at the Moore Center at Johns Hopkins
- **Advocacy point: The cost of registries could have been used to support evidence-based interventions, which registries clearly are not.**
 - Once source to cite on cost: In 2006, The Congressional Budget Office estimated that it would cost \$1.5 Billion over 5 years to implement The Adam Walsh Child Protection and Safety Act. (See Sandler et. al)

Calls to Action to Promote Justice and Equity

- Learn about your state policies affecting youth with problematic sexual behaviors
- Replace the term 'juvenile sex offender' with 'youth with problematic sexual behaviors' and advocate for peers and colleagues to do likewise
- Access the research findings on youth with problematic sexual behaviors and use it to educate others about the lack of effectiveness of registration and notification, and the ensuing serious harms for youth.





PREVENT TOGETHER

The National Plan to Prevent
Child Sexual Abuse and Exploitation



Other's Six Pillars
Child Sexual Abuse and Exploitation



A National Plan to
Prevent Child Sexual
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www.PreventTogether.org