Legislating Juvenile Sex Offenders: Impact for Your Client

August 6, 2008

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Census Estimates

- 2002: >72.8 million people in US under age 18
- Population under 18 will increase 14% between 2000 and 2025
- Juvenile population to remain 25% of overall population through at least 2050

Juveniles ages 12-17:

- 2.5x more likely than adults to be victim of nonfatal violent crime
- 2.5x as likely to be victims of rape/sexual assault

53% victimizations of youth ages 12-14, 32% of youth ages 15-17 at/in school

- Riskiest time: after school
- 57% offenders of victims ages 12-14, 40% offenders of victims ages 15-17 were schoolmates

- Rate of nonfatal violent victimization for youth 12-17 decreased 55%
- Rape/sexual assault victimization rate decreased 46%

Reported to Law Enforcement:

- 26% victims of all crimes juveniles
- 70% sexual assault victims juveniles
- 52% all juvenile victims of violent crime were victims of sexual assault
- 72% female juvenile victims were sexual assaults
- 24% male juvenile victims were sexual assaults
- 47% juvenile sexual assault victims under age 12
- An adult (over age 17) was primary offender against 60% juvenile victims of violent crime and 64% sexual assaults
Statutory Rape Statistics 1996-2000

- 82% offenders of female victims 18 or older
- 99% offenders of 17 year old female victim
  - 48% offenders of 17 year old female victim were >24
- Law enforcement coded relationship as
  - Boyfriend/girlfriend 29%
  - Acquaintances 62%
  - Family member 7%
Juvenile Sex Offender Statistics

2003: juvenile alleged offender in 16% forcible rape arrests, 20% other sex offense arrests

1980-2003: arrests of ages 10-12 decreased 12%, arrests for sex offenses increased 121%

Strained juvenile court system: 41% more delinquency cases 1985-2002
Juvenile Sex Offenders: What Do We Know?

More responsive to treatment
Fewer victims, less aggressive
Don’t have deviant sexual arousal/fantasies
Not sexual predators
Lack long-term tendencies
Recidivism rates lower than those for other crimes
Most aren’t victims of sexual abuse
Today’s Presentation

Law – Melinda Moore

Treatment – Rachel Hagues

Conclusions and Implications – Mary Hermann
Registration and Community Notification Laws

1994 Jacob Wetterling Act

- Began the registration and tracking of individuals convicted of violent sex crimes or crimes against minors

Megan’s Law

- In 1996, this was an amendment to the JWA.
- Changed the language from authorizing to requires state and local LE agencies to release information on persons required to register

Pam Lychner Sexual Offender Tracking and Identification Act of 1996

- Created the criteria for mandatory lifetime registration for “highly dangerous sexual offenders”
- Penalties for failure to register
- Required the FBI to create the national sex offender registry
Federal Legislation Applied to Juveniles

• Juveniles convicted as adults are required to register under these guidelines mentioned in the previous slides.

• Approximately 27 states have juvenile registration laws for juveniles convicted or adjudicated of sex crimes:
  - Some states require that juveniles be subject to the same registration requirements as adult offenders.
  - Other states require juveniles to register until they reach a certain age, although the court may require registration as an adult sex offender once a juvenile is no longer a minor.
State of Georgia Law

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HB 1059

Four year “Romeo/Juliette” provisions for the following offenses:

• Sodomy (if the victim is at least 13, but less than 16 years of age)
• Statutory rape (if the victim is at least 14, but less than 16 years of age)
• Child molestation (if the victim is at least 14, but less than 16 years of age)
• Enticing a child for indecent purposes (if the victim is at least 14, but less than 16 years of age)

*Guilty of a misdemeanor and shall not be subject to the sentencing and punishment provisions of Code Section 17-10-6.2.*

The law is limited to “convictions”, which as juveniles are adjudicated delinquent, the law seems to apply to juveniles who were prosecuted and sentenced as adults.

Those convicted juveniles are subject to adult notification requirements, as Georgia does not have a separate juvenile sex offender registry.

Information included in the registry includes (GA. CODE ANN. § 42-1-12(a)(16) (2006):

- name and current address
- place of employment and vocation
- crime of which convicted
- school name and address (if any)
- date released from prison or placed on parole
- fingerprints
- Photograph
- descriptive physical and behavioral information
- offense history
- documentation of any treatment received for mental abnormality or personality disorder
State of Georgia Community Notification


• Juveniles prosecuted and convicted and adults are more than likely required to follow adult notification requirements.

• Adult Notification is managed by the local sheriff’s office
  - Maintain the list of sexual offenders in their county
  - Includes name, age, physical description, address, crime of conviction (to include date and jurisdiction), photograph, risk assessment level
  - Lists must be maintained and posted in each county’s sheriff’s office, country administrative building, main administrative building for municipal corporations, Office of the Clerk of Superior Court, and on a maintained website
Residency and Employment Restrictions (Georgia)


- May not reside or “loiter” within 1000 feet of a child care facility, school, church, or other areas where minors may be hanging out.

- May not work at a child care facility, church, school, or any business located within 1000 feet of those facilities.

- Sexually dangerous predators may not be employed by any business or entity within 1000 feet of an area where minors congregate.
Duration of Juvenile Sex Offender Registration

GA. CODE ANN. § 42-1-12(e)(2006).

• Again, the law does not specifically address whether juveniles are required to register. It only states that those who are convicted are required to register. Therefore, it more than likely applies to adults and juveniles prosecuted and sentenced as adults.

**Adult Registration Duration** GA. CODE ANN. § 42-1-12(f)(6)-(7) requires a lifetime duration for persons:

• With one or more prior convictions for offense requiring registration,

• With convictions for an aggravated offense requiring registration

• anyone determined to be a *sexually violent predator*

Sex offenders with a single conviction for an offense requiring registration must remain on the sex offender registry for **10 years.**
Why are treatment plans developed specifically for juveniles?

Teenagers are at a different developmental level than adults.
Juveniles vs. Adults

Psychosocially more immature than adults (Scott & Woolard, 2004)

Self-control, judgment, emotions, organization abilities develop between puberty and adulthood (Spano, 2003)

Juveniles have less developed brain structures. Brain maturation continues through teen years.

Puberty brings changes in arousal and motivation but before regulation abilities (Steinberg, 2005)
Juveniles vs. Adults

Studies have found a lower recidivism rate for treated Juvenile sex offenders than treated adults (Reitzel & Carbonell, 2006)

Higher proportion of juvenile sex crimes are done in groups (compared to adult sex crimes) (Garfinkle, 2003)

Adolescents actions are often influenced by their feelings and their social influences (Steinberg, 2005)
Important to note

An adolescent may not actually be competent enough to stand trial in court because of cognitive or emotional immaturity (Grisso, 2003, p74)

Adolescents may not understand consequences yet or have the ability to think futuristically

They still think about short term; immediate gratification
Treatment defined

“The delivery of prescribed interventions as a means of managing crime-producing factors and promoting positive and meaningful goal attainment for participants, all in the interest of enhancing public safety.”

(The Center for Sex Offender Management)
Treatment

The judicial system has traditionally emphasized rehabilitation over punishment with juvenile offenders. This has changed in more recent years, juveniles are increasingly involved in the Criminal Justice System.

Reitzel & Carbonell (2006); Scott & Grisso (1998)
Goals of Treatment

Ultimately:

Offenders are able to safely reintegrate into the community as productive persons

(Efta-Breitbach & Freeman, 2004)
Common Types of Treatment

- Multisystemic Therapy (MST)
- Cognitive-behavioral Techniques
Goals of MST

1-Empower parents by giving them skills and resources that will help in raising teenagers

2-Empower teens to know how to cope with issues inside and outside of the family.

Interventions are developed based on the needs of the youth and his/her family. Different treatment strategies are used.

(Borduin, C. & Schaeffer, C., 2001)
Multisystemic Therapy

MST received the most empirical support for effectiveness with violent and criminal youths

Success of MST is attributed to it being comprehensive treatment

Cognitive-behavioral techniques

- Goal is to understand how thoughts, feelings, and behaviors interact and impact actions.

- Develop healthy patterns of thinking; ways to manage emotions (Center for Sex Offender Treatment, 2006)

- JSO accepting responsibility for the behavior is often the first step (Efta-Breitbach & Freeman, 2004)

- Most Cognitive-behavioral approaches use both individual and group therapy (Righthand & Welch, 2001)
Relapse Prevention

- Probably the most common cognitive-behavioral method

- Goal: identify the risk factors or triggers that are connected to an individual’s tendency to sexually abuse and develop healthy coping mechanisms (Center for Sex Offender Treatment, 2006)

- Teaches JSO new skills that can be used to counter any new beliefs/attitudes that are inappropriate
Treatment Effectiveness

- Failure to complete treatment is one of the most likely risk factors for re-offense (Efta-Breitbach & Freeman, 2004)
- Evaluation data shows that nonsexual recidivism rates in treated JSOs are usually much higher than rates of sexual recidivism (Hunter et al., 2004)
- More research is needed in this field! Very few evaluations on treatment of Juvenile Sex Offenders have been conducted.
- Research shows the most effective treatment programs conduct comprehensive assessments and are holistic in interventions.