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Summary of Research Briefing by Elizabeth J. Letourneau, Ph.D.
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Dr. Elizabeth J. Letourneau is a leading researcher and national expert on sex offender policy and intervention particularly as applied to juvenile offenders. She is Associate Professor, Family Services Research Center, Medical University of South Carolina. As of September 1, 2011, she will be Associate Professor, Department of Mental Health, Bloomberg School of Public Health, Johns Hopkins University where she will lead an effort to increase policy-relevant research on sexual offending and child sexual abuse. Her federally funded research projects have included three projects specifically designed to examine the effects of sex offender registration and public notification policies and the largest randomized clinical trial to date examining treatment effectiveness for juveniles who sexually offended. As detailed below, **the empirical evidence fails to support any community safety effect of juvenile registration or notification and further indicates that these policies are associated with harmful unintended effects on youth and on juvenile case processing.**

A. Registration and Notification Fail to Reduce Juvenile Sexual or Violent Recidivism Rates

Using data from South Carolina, my colleagues and I have completed two studies examining the influence of sex offender registration and notification (SORN) on juvenile sexual and nonsexual recidivism rates. SORN failed to influence sexual and nonsexual violent recidivism rates in both studies.

- i.** In the first study (See Ref # 1) registered and nonregistered male youth were matched on year of index offense, age at index offense, race, prior person offenses, prior nonperson offenses, and type of index sexual offense (111 matched pairs). Recidivism was assessed across an average 4-year follow-up. **The sexual offense reconviction rate was less than 1%**, too low to support between-groups analyses. The nonsexual violent offense reconviction did not differ between registered and nonregistered juveniles.
- ii.** In the second study (see Ref # 2) recidivism rates of all male juveniles with sex crime convictions ($N = 1,275$) were examined across an average 9-year follow-up. Survival analyses examined the influence of covariates, including registration status, on risk of new sexual, violent, and nonviolent charges and on new convictions/adjudications. **The sexual offense reconviction rate was less than 3%** for this study. Results indicated that registration had no influence on nonsexual violent recidivism. Results also indicated that registration increased the risk of youth being *charged* but not convicted of new sex offenses and being *charged* but not convicted new nonviolent offenses. **Thus, not only does SORN fail to reduce recidivism, it appears to be associated with increased risk of new charges** (discussed under section B).
- iii.** **Other investigators examining SORN effects on juvenile recidivism rates also failed to find any link between SORN and reduced recidivism.** Dr. Michael Caldwell has completed several studies examining different aspects of juvenile sex offending. Recently, he and his colleagues examined whether SORNA tier designations as defined in the Adam Walsh Act correctly distinguished between lower and higher risk youth

(see Ref # 3). Theoretically youth assigned to Tier I should reoffend at a lower rate than youth assigned to Tier II and youth assigned to Tier II should reoffend at a lower rate than those assigned to Tier III. Analyses examined recidivism events across an average 72 month follow-up period for 91 juvenile sex offenders and 174 juvenile nonsexual violent offenders. **Results indicated that conviction-based tier designations failed to distinguish higher and lower risk youth.** There was no significant difference in the recidivism rates of juvenile sex offenders assigned to Tier I, II or III. **Moreover, youth classified in the highest (Tier III) designation had the lowest nonsexual violent recidivism rate.** It is also noteworthy that these investigators found that the sexual recidivism rate was the same for the juvenile sex offenders and the juvenile nonsex offenders, suggesting that distinctions between these two groups of youth are misplaced.

B. Registration and Notification Increase Juveniles' Risk of Sustaining New Nonviolent Charges

As noted under Section A (above), we have found that South Carolina's SORN policy is associated with increased risk of new charges but not new convictions, particularly for nonviolent offenses. Specifically, registered youth were more likely than nonregistered youth to be charged with relatively minor, misdemeanor offenses (e.g., public order offenses). While it is possible that the burdens related to SORN actually increase youth misbehavior, we believe it is more likely that these findings reflect a surveillance effect. That is, youth who are required to register with law enforcement agencies and who are known to their probation officers as "registered sex offenders" are likely to be viewed (inaccurately) as more dangerous than youth with the same history of sex offending but without the registration label. This perception may cause law enforcement agents to arrest registered youth for behaviors that do not trigger arrests of nonregistered youth. That the new charges do not result in new convictions (see Ref # 2) further supports the hypothesis that registered youth are targeted for behaviors ultimately judged as inoffensive. **Requiring youth to register multiple times per year with law enforcement has significant negative consequences for youth and is not merely inconvenient to those youth and their families.**

Moreover, the process of identifying oneself as a registered sex offender multiple times per year, and of being arrested and possibly charged for new offenses due in part to this label seems likely to cause registered youth to view themselves as "delinquent" even when they are law-abiding. Ample evidence indicates that youth who view themselves as delinquent or outside the mainstream are less likely to change patterns of offending. Policies that promote youths' concepts of themselves as lifetime sex offenders will likely interrupt the development of a positive self-identity (See Ref # 4).

C. Registration and Notification Fail to Deter First-Time Juvenile Sex Crimes

We have completed one study that examined whether South Carolina's sex offender registration and notification (SORN) policy was associated with a general deterrent effect on first-time juvenile sex crimes (see Ref # 5). Examining more than 5,000 juvenile sex offense cases from 1991 through 2004, trend analyses modeled the effects of South Carolina's initial registration law (which did not include online registration) and South Carolina's subsequent revision that permitted online registration of registered youth. If SORN works to deter first-time offenders, then rates of first-time sex crimes should have declined following enactment of South Carolina's SORN policies. **Results indicated no significant deterrent effect for the original SORN policy or for the revised policy. Thus, SORN was not associated with deterrence of first-time juvenile sex crimes.**

D. Registration and Notification Influence Judicial Processing of Juvenile Sex Offense Cases

We have conducted two studies examining the influence of South Carolina's SORN policy on case processing. Both studies revealed evidence that this policy dramatically influenced whether and how juvenile sex offense cases were addressed in family court.

- i. In our first study (see Ref # 6) we examined the effects of SORN on the likelihood that prosecutors would choose to move forward on versus drop or dismiss juvenile sex offense cases. Prosecutor decisions and final dispositions were examined for more than 5,000 juvenile sex offense cases across a 15-year time period. Results indicated that prosecutors were significantly less likely to move forward on serious sexual offense charges after registration implementation. **Specifically, there was a 41% decline in moving forward on juvenile sex offense cases following enactment of SORN.** We interpreted this finding as evidence that prosecutors altered their decision making procedures in order to "protect" many juveniles from long term registration and notification requirements
- ii. In our second study (see Ref # 7) we examined the effects of SORN on the likelihood that juvenile sex offense charges would be plea bargained down to nonsex offense charges. Examining data from nearly 3,000 youth initially charged with sexual offenses, we identified dramatic and significant increases in plea bargains

corresponding with enactment of South Carolina's original SORN policy and additional increases following enactment of online notification. **Specifically, there was a 124% increase in plea bargains to nonsex offense charges from the period predating registration to the period following initial enactment of SORN** and another 50% increase in plea bargains following enactment of online notification. These results indicate that prosecutors amended initial sex offense charges to nonsex offense charges (most often assault charges) to help youth avoid registration and notification.

E. Unintended Effects on of Registration and Notification on Prosecution of Juvenile Sex Offense Cases Might Reduce Community Safety

That prosecutors alter their behavior in response to unnecessarily harsh policies is not surprising, particularly when those policies target juveniles and treat juveniles as if they culpable to the same degree as adults (as lifetime registration requirements do). Moreover, because registration fails to improve community safety, it might seem that community safety is not harmed when prosecutors choose to dismiss, divert, or plea bargain juvenile sex offense cases. This perception is misleading. For example, juveniles who have actually committed sexual offenses but whose charges were dismissed or amended to nonsex offense charges are unlikely to receive appropriate clinical services or supervision. Moreover, youth demographic factors including age and race also influenced prosecutors' decisions, thus introducing the possibility of inequity. Finally, the underlying message to victims—that the harm caused by their offenders did not warrant a sex offense adjudication—might negatively impact victims. Thus, **rather than relying upon prosecutors to selectively protect some youth from ineffective and harmful SORN policies, a more just and equitable solution would be to revise the policies themselves.**

Summary and Policy Recommendations

South Carolina's registration/notification policy is conviction-based, requires life-long registration, and subjects youth to targeted and sometimes broad community notification. In summary, this policy

1. Overwhelmingly targets low risk youth
2. Fails to reduce sexual or violent recidivism
3. Increases risk of nonviolent charges
4. Fails to reduce first-time sex crimes
5. Deters solicitors from prosecuting juvenile sex crime cases and encourages plea bargains

Based on the available data the following policy recommendations are made:

1. Eliminate all notification requirements for juveniles
2. Eliminate registration requirements or restrict registration requirements to highest risk youth as identified by empirically validated actuarial risk assessment
3. Reduce duration of registration; for example, link duration to formal supervision
4. Eliminate collateral consequences triggered by registration (e.g., school & residency restrictions, GPS monitoring)

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