

NATIONAL JUVENILE JUSTICE NETWORK

Youth Who Commit Sex Offenses

RESEARCH UPDATE

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Popular policy responses to youth who commit sex offenses,^a like listing them on sex offender registries, are largely based on misconceptions about why youth commit such offenses and how best to address their behavior. In fact, registries required by laws like the Sex Offender Registration and Notification Act (SORNA)^b not only fail to protect child welfare and overall public safety, but actually jeopardize it, while taking an enormous toll on the youth who have offended. Fortunately, new research sheds light on why youth commit sex offenses and how to achieve the best outcomes for those they have harmed, the public, and the youth themselves.

Youth Who Commit Sex Offenses are Still Young People in Development

Because youth are developmentally different from adults, their misbehavior cannot be interpreted and treated in the same way. Advances in research on adolescent brain development in the fields of neuroscience and psychology help explain what causes youth to sexually offend and how to respond to their behavior.

Why do youth commit sex offenses?

- Youth tend to be present-oriented and are unable to fully understand and appreciate the future consequences of their actions.¹
- Youth are more likely than adults to make emotional, rather than rational, decisions.²

^a For the purposes of this fact sheet, sex offenses are defined as unwanted physical contact that is sexual in nature.

^b The Sex Offender Registration and Notification Act is Title I of the Adam Walsh Child Safety and Protection Act of 2006. It required, for the first time, that states register youth as young as 14 who are adjudicated or convicted for sexual crimes.

- Youth are more prone to risk-taking and inappropriate sexual behavior, which many outgrow.³ What some might be quick to label “deviant” behavior may actually be normative, if inappropriate, sexual expression and exploration.

These findings have been affirmed by the United States Supreme Court, which increasingly cites brain development studies in its juvenile justice decisions. Recent cases include *Graham v. Florida* (2010) and *Miller v. Alabama* (2012), in which the court ruled against the sentencing of youth to mandatory life without parole.⁴ Understanding that youth’s brains are still changing helps us understand that their judgment and decision-making abilities will continue to change as well.

Most Youth Who Commit Sex Offenses Will Never Recidivate

Most youth who commit a sex offense will never commit another. Studies have found recidivism rates for youth who commit sex offenses to be between four and seven percent, or even as low as one percent.⁵ This suggests that their behavior was more likely caused by temporary factors tied to their stage of development than by permanent traits.⁶ Ultimately, sexual offending during childhood or adolescence is not an effective predictor of sexual offending in adulthood—which makes it pointless to include youth on sex offender registries for decades.⁷

Youth Who Commit Sex Offenses are Not a Special Group

Laws that subject youth to registration and notification requirements make the mistake of defining youth who commit sex offenses as belonging to a unique class of offender, based on what are likely to be one-time events in their lives.⁸ In reality, youth who commit sex offenses cannot be defined by any single motivator or life circumstance, and tend to have more in common with youth who commit other types of offenses than with adults who commit sex offenses. Like other youth, they may act out because they have experienced trauma, are insensitive to others’ needs, seek to imitate observed behavior, suffer from mental illness—or a host of other reasons.⁹ If youth who commit sex offenses do reoffend, their next offense will most likely be nonsexual.¹⁰

Youth who commit sex offenses cannot, in most cases, be considered pedophiles. They typically do not exhibit the abnormal, unchanging sexual preferences associated with pedophilia, nor do they commit repeated sex offenses over long periods of time.¹¹ Their offenses often are not predatory, violent crimes, but are instead driven by opportunity, experimentation, or the need to reenact their own traumatic victimization by others.¹²

Youth Who Commit Sex Offenses Respond Well to Treatment

Youth are immensely receptive to rehabilitation. Because their brains have not fully developed, they are primed to develop new values and life skills that can prevent them from reoffending. Yet, like the punitive policies we use to punish them, the treatments we offer these youth typically ignore their developmental stage and the characteristics that make them different from adults who commit sex offenses. Too many treatments focus on the wrong thing, such as reducing deviant sexual arousal, rather than addressing the many influences that lead youth to commit sex offenses.¹³ The most effective treatments instead focus on a youth's environment, including his or her family, peer groups, and school, and how these might impact his or her behavior.¹⁴ These family- and community-based interventions, including multisystemic therapy, have been shown to effectively reduce problem sexual behavior and delinquency.¹⁵ In addition, those who have experienced trauma that may have contributed to their offending require a trauma-informed response that provides treatment for their specific mental health needs.¹⁶

¹ Nicole Pittman, "Raised on the Registry: The Irreparable Harm of Placing Children on Sex Offender Registries in the US," Human Rights Watch (2013): 26.

² Ibid.

³ Elizabeth J. Letourneau and Michael F. Caldwell, "Expensive, Harmful Policies that Don't Work or How Juvenile Sexual Offending is Addressed in the U.S.," *International Journal of Behavior Consultation and Therapy* 8, no. 3-4 (2013): 25.

⁴ "Criminal Justice and the Juvenile Brain," Columbia Law School, July 10, 2013, <http://bit.ly/1s9oTcM>.

⁵ Pittman, "Raised on the Registry," 30.

⁶ Michael F. Caldwell, "Sexual Offense Adjudication and Sexual Recidivism Among Juvenile Offenders," *Sex Abuse* (2007): 6, at <http://bit.ly/1t1w6MY>.

⁷ Ashley K. Christiansen and John P. Vincent, "Characterization and Prediction of Sexual and Nonsexual Recidivism Among Adjudicated Juvenile Sex Offenders," *Behavioral Sciences and the Law* 31, no. 4 (2013): 523, at <http://1.usa.gov/1yKyOTI>.

⁸ Amanda M. Fanniff and Eva R. Kimonis, "Juveniles Who Have Committed Sexual Offenses: A Special Group?" *Behavioral Sciences and the Law* 32, no. 2 (2014): 254, at <http://bit.ly/1qbSGeb>.

⁹ Mark Chaffin, "Our Minds Are Made Up—Don't Confuse Us With the Facts: Commentary on Policies Concerning Children With Sexual Behavior Problems and Juvenile Sex Offenders," *Child Maltreatment* 13, no. 2 (2008): 117.

¹⁰ Christiansen and Vincent, "Characterization and Prediction," 522, at <http://1.usa.gov/ZscaWb>.

¹¹ Franklin E. Zimring, *An American Tragedy: Legal Responses to Adolescent Sexual Offending* (Chicago: University of Chicago Press, 2004), 65.

¹² Kathryn Huber, "Statistically Speaking: Distinguishing Misinformation from Effective Intervention in the Court System's Treatment of PTSD-Affected Juvenile Sex Offenders," *Children's Legal Rights Journal* 34, no. 1 (2013): 130, <http://bit.ly/1t1wknv>.

¹³ Elizabeth J. Letourneau and Charles Borduin, "The Effective Treatment of Juveniles Who Sexually Offend: An Ethical Imperative," *Ethics and Behavior* 18, no. 2-3 (2008): 290, at <http://1.usa.gov/1pMQiLV>.

¹⁴ Elizabeth J. Letourneau, et al., "Two-Year Follow-Up of a Randomized Effectiveness Trial Evaluating MST for Juveniles Who Sexually Offend," *Journal of Family Psychology* 27, no. 6 (2013): 299, at <http://1.usa.gov/1pMQwm2>.

¹⁵ Ibid, 983.

¹⁶ Huber, "Statistically Speaking," 129.