

RECENT STUDIES AND LITERATURE INDICATE THAT JUVENILE SEX OFFENDER REGISTRATION
IS AN INAPPROPRIATE, HARMFUL, AND INEFFECTIVE METHOD OF PREVENTING CRIME

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Throughout history and in present times, our country has continually treated juveniles differently than adults in various aspects of society. Children are required to attend school, forbidden to work without permission before the age of sixteen, unable to vote, and prohibited from drinking alcohol. Caitlin Young, Student Author, *Children Sex Offenders: How the Adam Walsh Child Protection and Safety Act Hurts the Same Children It Is Trying to Protect*, 34 New Eng. J. on Crim. & Civ. Confinement 459, 460 (2008). Our country's criminal justice system in particular has long recognized the need to treat juveniles differently from adults. Britney M. Bowater, Student Author, *Adam Walsh Child Protection and Safety Act of 1996: Is There a Better Way to Tailor the Sentences of Juvenile Sex Offenders?*, 57 Cath. U. L. Rev. 817 (2008). With a steadfast focus on rehabilitation and confidentiality, the justice system has sought to preserve the premise that juvenile offenders are not miniature adults.

Yet, when a juvenile is adjudicated on a sex offense, Oregon makes no meaningful distinction between an adult and juvenile offender. Or. Rev. Stat. § 419C.005, Or. Rev. Stat. § 163.305 et seq. Juveniles must register on the same list as adults, their juvenile status is not apparent from the registry, and they must seek relief from registration through a burdensome statute without court-appointed counsel. Or. Rev. Stat. §§ 181.823-181.826. They must pay a higher filing fee for their application than adults in some counties (\$300 compared to \$189 respectively in Multnomah County). And they must face the same crippling stigma associated with living in a society that demonizes and vilifies those labeled "sex offenders." Phoebe Geer, *Justice Served? The High Cost of Juvenile Sex Offender Registration*, 27 Dev. Mental Health L. 34 (2008).

Increasingly, the plight of the juvenile offender has become the focus of research and critique.¹ Scientists, legal scholars, and interested community members have published in scientific journals, law reviews, newspapers articles, and policy statements. This emerging body of literature reveals that juvenile sex offenders do not mirror the characteristics, recidivism rates, and treatment potential of their adult counterparts. Robert E. Shepherd, *Advocating for the Juvenile Sex Offender, Part 1*, 21 Crim. Just. 53 (2006). This literature also indicates sex offender registration can create a stigmatized and alienated youth that directly thwarts rehabilitation efforts. Lisa C. Trivits and N. Dickon Reppucci, *Application of Megan's Law to Juveniles*, *American Psychologist*, 690 – 704 (September 2002). Finally, analysis of statistics since the passage of sex offender registration laws throughout the country show that requiring juveniles to register as sex offenders is ineffective in preventing future sex crime and costly for states as they seek to comply with registration and monitoring requirements. Justice Policy Institute, *Registering Harm: How Sex Offense Registries Fail Youth and Communities*, www.justicepolicy.org, (Nov. 21, 2008).

- A. Juvenile sex offenders are not short, miniature adults who will inevitably mature into adult offenders.

The National Center on Sexual Behavior of Youth (NCSBY) and research professionals agree that there is a significant disconnect between adolescent sex offending and adult offending in three crucial

¹ See Bibliography.

ways: the characteristics, recidivism rates, and treatment potential. Geer, 27 Dev. Mental Health L. at 40.

1. *Characteristics of a Juvenile Offender*

Studies indicate that juvenile sex offending does not stem from the innate psychopathic characteristics associated with adult offenders. Instead, nonsexual problems and neurological and psychosocial development explain the majority of offending behavior. Elizabeth Garfinkle, Student Author, *Coming of Age in America: The Misapplication of Sex-Offender Registration and Community Notification Laws to Juveniles*, 91 Cal. L. Rev. 163 (2003); Neir Eshel, et al. *Neural Substrates of Choice Selection in Adults and Adolescents: Development of the Ventrolateral Prefrontal and Anterior Cingulate Cortices*, 45 *Neuropsychologia* 1270-1279 (2007).

a. Juvenile offending is often less predatory and psychopathic in nature than adult offending

According to the Association for the Treatment of Sexual Abusers, nonsexual problems appear to be common characteristics shared among juvenile sex offenders, “not paraphilic interests and psychopathic characteristics commonly attached to the portrait of an adult offender.” Garfinkle, 91 Cal. L. Rev. at 191. The Association for the Treatment of Sexual Abusers believes “poor social competency skills and deficits in self-esteem can best explain sexual deviance in juveniles. *Id.* at 190. Although there is no conclusive indication that social backgrounds cause sexual offending, “what the main studies do support is the fact that nonsexual problems appear to be vastly more common than sexual ones for these teenagers.” *Id.*

According to the National Center on Sexual Behavior of Youth, youth sex offenses are not intended to be sexual. Youth do not eroticize aggression and are not aroused by child sex stimuli. J.A. Hunter, et al., *The Relationship Between Phallometrically Measured Deviant Sexual Arousal and Clinical Characteristics in Juvenile Sexual Offenders*, 32 *Behavioral Research and Therapy* 533-538 (1994). As a result, “[t]here is little evidence to support the assumption that the majority of juvenile sexual offenders are destined to become adult sexual offenders, or that these youths engage in acts of sexual perpetration for the same reasons as their adult counterparts.” Garfinkle, 91 Cal. L. Rev. at 188.

In addition to potential non-sexual forces, juvenile offending may also be attributed to normal sexual development. In a landmark study completed more than fifty years ago, Alfred Kinsey, an entomologist, concluded that what was labeled “deviate sexual behavior” was actually far more common than “deviant.” John D’Emilio and Estelle B. Freedman, *Intimate Matters: A History of Sexuality in America* 79 (2d. ed., U. of Chi. Press, 1988); Alfred Kinsey et al., *Sexual Behavior in the Human Male* 157-82 (Ind. U. Press, 1948). Applying scientific methodology to a massive government-sponsored study of human sexual behavior, the entomologist determined that childhood sexual activity was extremely common, that infants and toddlers demonstrated a sexual response, and that most children engaged in some kind of sexual play. Kinsey, *Sexual Behavior in the Human Male* at 157-182. He concluded that “childhood sex play is not psychologically harmful under normal circumstances and is probably a valuable psychosocial experience in developmental terms.” *Id.*

Modern research has corroborated Kinsey’s findings that “adolescent and preadolescent sexual activity is a common facet of American childhoods.” A study by the University of California at Los Angeles determined there was a weak nexus between an identified sex crime and sexual pathology in children. Paul Okami et al., *Sexual Experiences in Early Childhood: 18 –Year Longitudinal Data from the UCLA Family Lifestyle Project*, 34 *J. Sex. Res.* 339 (1997). Rather than an innate psychopathic nature of

sex offenders, the study found no measurable differences in sexual preferences between juveniles adjudicated of sex offending and other juveniles. *Id.* The study concluded that because there was no measurable difference, sex offending appeared to be the result of a lack of appropriate channels for sexual expression, rather than some kind of psychological disorder often attributed to adult offenders. *Id.*

Finally, author Phoebe Geer revealed that the psychological motivations and criminal activities of juvenile sex offenders are quite different from those of adult offenders. Geer, 27 Dev. Mental Health L. at 34. She found sex offenses committed by youth were not generally abusive or aggressive in nature and occur over shorter periods of time. *Id.*; see also J.V. Becker et al., *Factors Associated with Erection in Adolescent Sex Offenders*, 11 Journal of Psychopathology & Behavioral Assessment 353-363 (1989). Juvenile offenders also victimized, on average, fewer individuals than adult sex offenders, their offenses typically involved less aggressive sexual behaviors, and they were less likely to commit the more egregious, socially repulsive sexual offenses. Geer, 27 Dev. Mental Health L. at 41. For example, it is rare that a juvenile will meet the criteria to become classified as a pedophile *Id.*, the group of sex offenders who arguably were a primary motivating focus driving sex registry laws in the 1990s. *Id.* at 41-42.

b. The brains of juveniles are developmentally different than those of adults: they perceive risk differently and have not reached the full maturity necessary for impulse control and planning

Juvenile offenders also differ from adult offenders because they are biologically incapable of making decisions in the same way as an adult. National Institute of Mental Health, *Adolescent Brains Show Lower Activity in Areas that Control Risky Choices*, <http://www.nimh.nih.gov> (March 15, 2007). In particular, emerging research indicates that the part of the youth's brain that deals with judgment and risk assessment is not fully formed well into early adulthood. *Id.*

A study published by Elsevier in *Neuropsychologia* in 2006 found that juveniles have a heightened propensity for risk-taking, impulsivity, and reckless behavior because the cortical structures of the juvenile brain are not fully developed. Eshel, 45 *Neuropsychologia* at 1270-1279. The paper examined the differences in brain activation between adolescents and adults while making decisions to obtain rewards of varying magnitude and probability. *Id.* at 1275. Using anatomical neuro-imaging devices, the study found that prefrontal areas of the brain are some of the last brain regions to mature. *Id.* Therefore, processes such as synaptic pruning, elaboration of dendritic arborization, and increased myelination continue throughout adolescence. *Id.* This late development is especially true in brain areas associated with higher-order cognition and emotional regulation. *Id.* As a result, adolescents tend to perceive risk as smaller and more controllable than adults and are less adept at setting goals and evaluating the ramifications of their decisions. *Id.*

The study concluded that adults engage prefrontal regulatory structures to a greater extent than adolescents when contemplating options and making high risk choices. *Id.* This engagement is negatively correlated with risk selections. *Id.* The difference in brain activation, along with previous results suggesting differential engagement of circuits underlying approach behavior, may explain the propensity for risk-taking and novelty-seeking in youth. *Id.* The neural developmental changes and associated plasticity during this transition period also suggests that adolescence may be an ideal time for interventions aimed at reducing poor decision-making behavior. *Id.*

Research conducted by the MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice reached similar conclusions. MacArthur Foundation Research

Network on Adolescent Development and Juvenile Justice, *Less Guilty by Reason of Adolescence*, Issue 3, www.adjj.org (accessed June 25, 2009). The MacArthur Foundation concluded that although intellectual abilities stop maturing around age 16, psychosocial capabilities continue to develop well into early adulthood. *Id.* at 2. This conclusion is confirmed from brain studies: recent findings in neuroscience are consistent with psychosocial research showing brain maturation is a process that continues through adolescence and into early adulthood. *Id.* For example, there is strong evidence that the brain systems that govern impulse control, planning, and thinking ahead are still developing well beyond age 18. *Id.* at 3. Studies also indicate that the systems governing reward sensitivity are “amped up” at puberty, which would lead to an increase in sensation-seeking and in valuing benefits over risks. *Id.* Finally, there is emerging evidence that the brain systems that govern the processing of emotional and social information are affected by the hormonal changes of puberty in ways that make people more sensitive to the reactions of those around them – and thus more susceptible to the influence of peers.² *Id.* at 3-4

2. Juvenile offenders show significantly lower recidivism rates

Legal scholars and researchers argue that the Adam Walsh Act and similar sex offender registration laws enacted throughout the country were based on the faulty premise that sexual offenders will inevitably re-offend. Jeffrey C. Sandler et al., *Does a Watched Pot Ever Boil? A Time-Series Analysis of New York State’s Sex Offender Registration and Notification Law*, 14 Psychol. Pub. Pol’y & L. 284 (2008). One of the main legislative arguments for sex offender registry laws is the often-cited claim that sex offenders have a far higher recidivism rate than other criminals, and that “the odds are extremely high that [sex offenders] will commit the same or a similar crime again.” Geer, 27 Dev. Mental Health L. at 37-38. For example, then Attorney General, Janet Reno, when weighing in on initial debates, was quoted as saying that “convicted child molesters have a recidivism rate as high as 40% to 70%.” Timothy Wind, *The Quandary of Megan’s Law: When the Child Sex Offender is a Child*, 37 John Marshall L. Rev. 73, 103 (2003).

Though specific results vary, studies seem to uniformly establish that a majority of sex offenders will not recidivate, and the risk of recidivism is no greater than for any other convicted felon. Geer, 27 Dev. Mental Health L. at 34. Individuals (adults and juveniles) previously convicted of sexual offenses have a lower overall re-arrest rate for any new offenses than people convicted of other offenses. *Id.* The US Department of Justice (DOJ) determined that sex offenders’ re-arrest rate for *any* new offenses (not necessarily sexual offenses) ranged between 43 percent to 67.5 percent. Justice Policy Institute at 4. For juvenile crimes specifically, the National Center on Sexual Behavior of Youth (NCSBY) found that the rate of re-offense for adolescent sex offenders (which range from 5-14%) is substantially lower than the recidivism rate for adolescents for “other delinquent behavior” (8-58%). Geer, 27 Dev. Mental Health L. at 40.

When the data is limited to recidivism of sexual offenses only, the recidivism rates for both adult and juvenile sex offenders is significantly lower than the recidivism rates for committing future non-

² See also: Modecki, Kathryn Lynn, Addressing Gaps in the Maturity of Judgment Literature: Age Differences and Delinquency, Law and Human Behavior, February 2008. Recent physiological research offers support for the hypothesis that adolescent judgment may be relatively immature as compared to adults. Research suggests that adolescents and college-aged individuals are yet to develop neurologically and thus may not be equipped with mature judgment. See also, Cruel and Unusual Punishment: The Juvenile Death Penalty: Adolescence, Brain Development, and Legal Culpability, concluding that adolescents have significant neurological deficiencies that result in stark limitations on judgment.

sexual offenses. Margaret A. Alexander reviewed the recidivism rates of adult sex offender populations across seventy-nine different studies. She found a 20.1% recidivism rate for treated rapists and a 14.4% for treated child molesters. Margaret A. Alexander, *Sexual Offender Efficacy Treatment Revisited*, 11 *Sexual Abuse: J. Res. & Treatment* 2, (1999). The recidivism rate for juvenile sex offenders was even lower at 7.1 percent. *Id.* at 5. Her analysis found that, even assuming many sex offenses go unreported, no study on sex offenders has ever found recidivism rates higher than 40% and most found rates were considerably lower compared to the recidivism rates of other convicted felons. *Id.*

Franklin E. Zimring, a professor of criminal law at the University of California, Berkeley, conducted a similar study in the Philadelphia, PA area that was specifically tailored to juvenile and young adult offending. Franklin E. Zimring, *The Predictive Power of Juvenile Sex Offending: Evidence from the Second Philadelphia Birth Cohort Study*, <http://ssrn.com/abstract=995918> (July 21, 2007). He found that “juveniles with sexually-based police contacts have a high volume of non-sex contacts, a low volume of sexual recidivism during their juvenile careers, and an even lower propensity for sexual offenses during young adulthood.” *Id.* at 14. In his conclusion, Professor Zimring strongly stated: “It is not merely that juvenile sex offenders are at a low risk of adult sexual offending. They are actually less of a risk than discrete categories of active auto thieves and shoplifters. It would actually be more efficient to make juveniles with more than five contacts who did not have any juvenile sex record register as potential sex offenders.” *Id.* at 15.

Thus, although the specific percentages vary, studies conducted across the country uniformly establish that a majority of both adult and juvenile sex offenders will not recidivate. The recidivism rate for juvenile sex offenders in particular is even lower than the adult rate. Geer, 27 *Dev. Mental Health L.* at 40-41. These findings directly counter the claim that sex offenders have one of the highest recidivism rates of any type of offender, a claim that fueled the passage of sex offender registration laws throughout the 1990s.

3. *Juveniles Exhibit a Strong Potential for Treatment*

Juveniles also differ from adults in their potential for rehabilitation. When placed in treatment programs specifically tailored to sexually offending youths, juvenile sex offenders showed lower recidivism rates than both treated adult sex offenders and untreated juvenile sex offenders. Wind, 37 *John Marshall L. Rev.* at 105. According to the Center for Sex Offender Management, a project of the U.S. Department of Justice, youths who receive treatment recidivated at significantly lower rates than those who did not. Justice Policy Institute at 21.

Several clinical explanations exist for juvenile responsiveness to treatment. First, patterns of juvenile sexual offending appear to be less embedded than those found in adults. The offending appears more exploratory in nature and does not signify permanent sexual deviance. N.C. Div. of Social Services, Jordan Inst. For Families, *Understanding Juvenile Sex Offenders*, 7 *Children Servs. Prac. Notes* 2 available at http://www.ssw.unc.edu/fcrp/Cspn/vol7_no2/understand_jso.htm (May 2002). Juveniles are still exploring alternative ways to receive sexual gratification and their sexual fantasy is still evolving and not fully joined with their permanent behavior. *Id.* Second, juveniles are more receptive to treatment because they are more available for learning effective interpersonal and social skills. Because they are still developing these skills, treatment programs can help juvenile offenders develop more appropriate interactive and social behaviors. *Id.*

Finally, according to the National Center of Sexual Behavior of Youth, the vast majority of youth sex offenses are manifestations of non-sexual feelings. Michael H. Miner, *Reaction Essay: The Fallacy of*

Juvenile Sex Offender Risk, 6 Criminology & Pub. Policy 3, 565-572 (2007). Most youth behavior that is categorized as a sex crime is activity that mental health professionals do not deem predatory. Justice Policy Institute, page 5. Many of the behaviors reported are status offenses, including such things as pecking and necking that would not be a crime if committed by an adult. *Id.*

Therefore, although sex offender registration requirements paint juvenile and adult offenders with the same brush, research indicates that juveniles are not short, miniature adults. Researchers characterize juvenile sex offending as less predatory and paraphilic in nature, and more often the result of less developed neurological and social skills. Furthermore, juveniles have lower recidivism rates and are more amenable to treatment than their adult counterparts.

B. There are numerous detrimental Impacts of Sex Offender Registration on Youth

The failure to separate youthful offenders from adult offenders has a potential for harmful long-term consequences for juveniles. Wind, 37 John Marshall L. Rev. at 116-117.

1. *Juveniles are labeled and stigmatized as deviant criminals that should be feared and shunned by society.*

Both the public nature of sex offender registration and the societal connotations attached to the label “sex offender” create a public and permanent mark on juveniles that can last a lifetime.

While juvenile proceedings are confidential and juvenile records are sealed, sex offender registration laws create a public record that places the juvenile’s sexual offense directly and prominently in the public eye. Geer, 27 Dev. Mental Health L. at 34-35. Listings of sex offenders are readily accessible from both state police databases and websites that compile and monitor sex offenders. Some areas experience door-to-door neighborhood notification, public announcements in newspapers and television, and other public listings. *Id.* As Phoebe Geer noted in her article, public disclosure may inspire “vigilantism, public shame, social ostracism, and various types of adverse legal action, including loss of employment and eviction.” *Id.* at 47. Therefore, while the criminal justice system takes great measures to shield juvenile proceedings from the public eye, sex offender registration extinguishes the confidentiality and protection afforded all other juveniles.

The devastating impact on youth due to the accessibility of sex offender listings is also largely due to the societal connotations associated with the word, “sex offender.” Wind, 37 John Marshall L. Rev. at 103. Several publications have noted that the rhetorical impact of this label cannot be overemphasized. For example, in a statement made by Congressman Randall Cunningham on the house floor, the politician stated:

“[P]erhaps a sexual predator’s life should be just a little more toxic than someone else in the American citizenry, that an individual that preys on children that maybe their rights should be secondary to children’s and families.” *Id.*

Congressman Fred Upton, in legislating the federal Megan’s Law, stated, “[T]here is no greater crime, I do not believe, than a child that has been molested, perhaps killed, or not killed, but sexually molested by someone else.” Geer, 27 Dev. Mental Health L. at 36. Phoebe Greer notes in her article that this popular notion of sex offenders as the “lepers of the criminal justice system” tends to dehumanize juvenile sex offenders. *Id.* Such rhetoric also means that society will not allow the juvenile offender to

move beyond his earlier mistakes. Wind, 37 John Marshall L. Rev. at 409. In effect, the label creates a perpetual public shaming and everlasting connotation that the juvenile should be feared and shunned.

Besides the mental toll on youth, recent events indicate that registries may also put youth at risk of physical harm. Numerous reports have surfaced of vigilantism against people on the sex offender registry, including harassment, threats, and even assaults. Richard Tewksbury, *Collateral Consequences of Sex Offender Registration*, 21 J. of Contemp. Crim. Just. 1, 67 (2005). For example, in 2005, a man killed two adult sex offenders he tracked through Washington State's community-notification website. *Id.* In 2006, a Canadian man with a list of 29 names and addresses from the Main Sex Offender Registry went to the homes of two convicted offenders, shooting and killing them. Joanna S. Markman, *Community Notification and the Perils of Mandatory Juvenile Sex Offender Registration: The Dangers Faced by Children and Their Families*, 32 Seton Hall Legis. J. 261, 262 (2008). The murders provoked Maine officials to temporarily remove the online registry. *Id.* at 262.

2. *Sex offender registration negatively impacts the normal development of juvenile offenders.*

Not surprisingly, a plethora of literature has emerged detailing the personal and practical struggles associated with living as a sex offender. Timothy Wind, a former law enforcement officer and J.D. recipient, described that sex offender registration alters the juvenile's ability to experience normal childhood development. 37 John Marshall L. Rev. at 116. For example, registration damages the innocence of children who are still developing physically and emotionally and who are trying to develop new friends, personalities, and self-esteem. *Id.* Registration also creates unnecessary stress by exposing juveniles to public scrutiny and ridicule in the community. *Id.*

Juveniles also experience isolation, degradation, and the constant reminder that they are different and deviant from the community. *Id.* As the Justice Policy Institute noted in *Registering Harm*, registration makes it difficult for children to progress through school and participate in age-appropriate adolescent activities. Justice Policy Institute at 5. Youth who are labeled as sex offenders often experience rejection from peer groups and adults and are therefore more likely to associate with delinquent or troubled peers and are less likely to be attached to social institutions such as schools and churches. *Id.* Youth who are detached from normative social institutions may be more likely to engage in illegal behaviors. *Id.*

3. *Sex offender registration undermines treatment and rehabilitation*

First, the very threat of registration can delay access to rehabilitative services that may be needed for a youth facing adjudication. Maggie Jones' 2007 New York Times article, *How Can You Distinguish a Budding Pedophile from a Kid With Real Boundary Problems?*, describes two unintended consequences of sex offender registration that actually served to delay or deny needed intervention altogether. Maggie Jones, *How Can You Distinguish a Budding Pedophile From a Kid With Real Boundary Problems?*, N.Y. Times, available at www.nytimes.com (July 22, 2007). First, juveniles facing adjudication of a register-able offense may want or need treatment. *Id.* However, if admission of guilt will likely expose the juvenile to a future as a registered sex offender, he/she may be less likely to cooperate pre-adjudication and receive needed treatment that would benefit both the victim and offender. *Id.* Second, families may remain silent to protect their children from decades on an internet registry rather than seek intervention. Maggie Jones interviewed one mother who explained her regret after reporting her son's physical abuse of his younger sister to authorities. Believing "counseling would

help,” she did not envision that her son’s DNA and mug shots would be placed on the state’s sex offender registration website for years to come. *Id.*

Registration post-adjudication also hampers a juvenile’s ability to access rehabilitative services necessary to lead a productive life. Geer, 27 Dev. Mental Health L. 34. Specifically, registration thwarts the youth’s ability to access employment, housing, and education. Justice Policy Institute, page 5. The Justice Policy Institute noted sex offender registration creates “barriers to basic services that can inhibit a young person from turning his or her life around and may actually encourage delinquent behavior.” *Id.*

Regarding employment, several fields become off-limits when a juvenile must register as a sex offender. Geer, 27 Dev. Mental Health L. 48. For example, any job in education, health care, or the military is virtually impossible to obtain, and even “job prospects at Target, McDonalds, or any business that performs background checks can be limited. *Id.* Laws also prohibit sex offenders from working within certain distances from “schools, daycare facilities, playgrounds, public swimming pools, video arcades, recreation centers, or public athletic fields and the like” *Id.* at 48. As a result of these restrictions, “[j]obs that require workers to work at new locations on a regular basis such as plumbers, electricians, and construction are now off-limits to convicted sex offenders because of the risk of inadvertently entering the restricted zones.” *Id.* As Maggie Jones quoted in her New York Times article: “If kids can’t get through school because of community notification, or they can’t get jobs, they are going to be marginalized. And marginalized people, commit more crimes.” Maggie Jones, NY Times (July 22, 2007).

Literature also explains how access to housing and educational resources are hampered by sex offender registration. Many landlords simply refuse to rent to sex offenders. Geer, 27 Dev. Mental Health L. at 48. Restrictive laws and ordinances may prohibit juveniles from living within specific distances of schools or daycare centers. As a result of these practices and policies, juveniles often must live with relatives well into adulthood or find housing in peripheral or undesirable neighborhoods. *Id.*

The youth’s education may be adversely affected. School notification laws may provide information about the juvenile’s sex offender history directly to school officials. Trivits, et al., American Psychologist at 694. Also, the juvenile may be required to notify the officials of a school in which juvenile enrolls. *Id.* Terms of probation often also limit or prohibit the youth’s contact with children or peers. As Lisa Trivits and N. Dickon Reppucci of the University of Virginia note, notifying schools about an enrolled juvenile sex offender may increase social ostracism. *Id.* Peers are likely to target the juvenile for ridicule and possible physical assault and parents may protest the presence of the sex offender in school. The combination of peer and parental pressure may force the sex offender to seek alternative educational settings that may compromise the quality of his/her education. *Id.* at 694.

These significant mental, emotional, and practical struggles directly contradict the rehabilitative objectives of the juvenile justice system. Timothy Wind suggests, “effective rehabilitation of youths will be nearly impossible if they are not able to let their delinquent history fade into obscurity and become wholly forgotten.” 37 John Marshall L. Rev. at 117-118.

C. Requiring juveniles to register is ineffective and costly.

The theory driving sex offender registration is as follows: laws will inform the community of potential danger in strangers who have committed sex offenses, and in turn, make communities safer. Wayne A. Logan, *Jacob’s Legacy: Sex Offender Registration and Community Notification Laws, Practice,*

and Procedure in Minnesota, 29 Wm. Mitchell L. Rev. 1287 (2003). However, research indicates that the vast majority of sex crimes could not be prevented by registration. Justice Policy Institute at 12-15. First, the majority of sex crimes are committed by relatives or acquaintances, not strangers. *Id.* Research conducted by Federal Bureau of Investigation has found that 34 percent of youth victims (0-17 years old) were sexually assaulted by a family member and 59 percent were assaulted by acquaintances. *Id.* In other words, only 7 percent of child victims in this study were assaulted by strangers. *Id.* at 5. Second, the Justice Policy Institute also estimates that 87 percent of sexual victimizations would not have been prevented through sex offender registration because the majority of the new victimizations were committed by individuals who were first-time sex offenders. *Id.* at 13. Therefore, these offenders were not listed on a sex offense registry before committing their crimes.

Studies also show that registries have not proven to be effective at preventing future sexual violence. *Id.* States that have implemented registries have not necessarily seen a drop in reported sex offenses, and some states have seen increases. *Id.* In 2006, a group of researchers with the Arkansas Crime Information Center analyzed the effectiveness of Megan's Law at reducing forcible rapes by examining reports of these offenses in ten states. *Id.* The researchers concluded that the data did not provide a definitive answer on whether community notification laws in fact did prevent rapes because most of the changes in the number of offenses were not statistically significant. *Id.* at 14.

A time-series analysis of New York State's sex offender registration and notification law yields similarly unsatisfactory results. Sandler, et al., 14 Psychol. Pub. Pl'y & L. at 284. Researchers from the University of Albany examined differences in sexual offense arrest rates before and after the enactment of New York's Sex Offender Registration Act. *Id.* They uncovered that there is no support for the effectiveness of registration and community notification laws in reducing sexual offending by: a) rapists, b) child molesters, c) sexual recidivists, and d) first-time sex offenders. *Id.* Instead, the analysis showed that over 95 percent of all sexual offense arrests were committed by first-time sex offenders. *Id.* The researchers concluded that their findings cast doubt on the ability of laws that target repeat offenders to meaningfully reduce sexual offending. *Id.*

In sum, registries create a false sense of security for families and communities. They are increasingly overloaded with people convicted of offenses that pose little or no danger to public safety.³ And they do little to prevent sexual abuse perpetrated by family members, acquaintances, or first-time offenders.

CONCLUSION

Now more than a decade into the nationwide effort to register sex offenders, research indicates that such efforts may come at a severe cost to juveniles. A diverse range of publications, journals, and forums have disseminated proof that juvenile sex offenders do not mirror their adult counterparts in characteristics, recidivism rates and treatment potential. This literature also indicates sex offender registration can create a stigmatized and alienated youth that directly thwarts rehabilitation efforts. Finally, analysis of statistics since the passage of sex offender registration laws throughout the country show that requiring juveniles to register as sex offenders is ineffective in preventing future sex crime and costly for states as they seek to comply with registration and monitoring requirements.

³ For example, public urination is a registry-eligible offense and in 29 states, consensual sex between teenagers is also cause for registration (5). JPI

