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2009

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#### Recommended Citation

Reynolds, C. E., Najdowski, C. J., Salerno, J. M., Stevenson, M. C., Wiley, T. R. A., & Bottoms, B. L. (2011). Public perceptions of registry laws for juvenile sex offenders. In N. A. Ramsay & C. R. Morrison (Eds.), *Youth violence and juvenile justice: Causes, intervention and treatment programs* (pp. 331-334). Hauppauge, NY: Nova Science Publishers, Inc.

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Public Perceptions of Registry Laws for Juvenile Sex Offenders

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The first federal sex offender registry law was established in 1994 with the creation of the Jacob Wetterling Crimes Against Children Sexually Violent Offender Registration Act (1994).

This law requires that sex offenders register personal information (e.g., name, address, photograph, etc.) with law enforcement after serving their sentences. Megan's Law amended the Wetterling Act, further requiring that all states have procedures in place to notify communities of local sex offenders.

These laws were created to prevent sex offender recidivism. Specifically, the goals of these laws are to (a) facilitate the quick and efficient apprehension of offenders, (b) deter offenders from re-offending by letting them know that they are being watched, and (c) make the public more aware of offenders living nearby. In 2006, the Sex Offender Registration and Notification Act (SORNA; 42 U.S.C. § 16911), also known as the Adam Walsh Act, extended adult sex offender registry laws to include juveniles convicted in adult court of sex offenses and juveniles 14 years of age and older adjudicated in juvenile court for sex offenses involving aggravating circumstances. SORNA established these minimum registration guidelines for

juveniles, but many states have stricter, more inclusive laws. For example, in some states, juveniles as young as 7 years of age can be required to register.

As reviewed by Salerno and colleagues (in press), 33 states require juveniles adjudicated in juvenile court to register as sex offenders under certain circumstances. In 26 of those states, registration is mandatory for juvenile sex offenders. That is, if juveniles are found guilty of certain sex offenses, they are required to register—judges are unable to exercise discretion on a case-by-case basis. Twenty-two states require that juvenile offenders remain on the registry for at least 10 years; other states require that juveniles remain on the registry for their entire lives.

States also vary on the types of offenses for which juvenile offenders are required to register. Some states require that juveniles register for only more severe offenses that involve threats, use of force, or incapacitation. Others, however, require juveniles to register after being adjudicated of any sex offense, even for acts such as sending naked pictures of themselves to peers (*A. H. v. Florida*, 2007), having consensual sexual relationships with peers (“No Easy Answers,” 2007; *Wilson v. State of Georgia*, 2006), and puerile acts such as mooning and grabbing buttocks (Trivitts & Reppucci, 2002). Thus, many juveniles on the registry might not fit the prototype of a sex offender (e.g., a rapist) that is commonly envisioned by proponents of the sex offender registry.

Sex offender registration laws are implemented under the presumption that they decrease the otherwise high rates of sex offender recidivism. These assumptions, however, might be false. Sandler, Freeman, and Socia (2008) found no evidence that sex offenses have decreased since registry laws were implemented, for either first-time adult offenders or re-offenders. Others found no differences between recidivism rates for registered and nonregistered juvenile and adult sex offenders (e.g., Adkins, Huff, & Stageberg, 2000; Letourneau & Armstrong, 2008; Schram &

Milloy, 1995). Furthermore, the assumption that juvenile offenders have recidivism rates similar to that of adult offenders is not supported: Compared to adult offenders who re-offend at rates of 20-40% (Trivits & Reppucci, 2002), only 5-15% of juvenile sex offenders re-offend (Chaffin, 2008; Trivits & Reppucci, 2002). Juveniles 12 years old and younger have an even lower recidivism rate (2 to 7% over 10 years) (Carpentier, Silovsky, & Chaffin, 2006). Finally, in terms of rehabilitation, juvenile offenders are more similar to juveniles who commit nonsexual crimes than adults who commit sexual offenses (St. Amand, Bard, & Silovsky, 2008). Thus, the reasons for including juveniles on the registry in the first place are unsupported by extant research.

Requiring sex offenders to register can have negative outcomes. Research on sex offenders shows that registration can lead to job loss, harassment, and physical assault (Levenson & Cotter, 2005; Levenson, D'Amora, & Hern, 2007; Tewksbury, 2005). Some have suggested that these negative outcomes might actually make offenders *more* likely to re-offend (Letourneau & Miner, 2005; Trivits & Reppucci, 2002). Juveniles also may be at risk for experiencing these iatrogenic effects.

Registry laws are implemented because politicians and policymakers believe that the public supports them, but this assumption may not be true. Research on public perceptions of sex offender registry laws for *adult* offenders reveals generally strong support (Levenson, Brannon, Fortney, & Baker, 2007; Phillips, 1998; Caputo & Brodsky, 2004). Such support probably deters politicians from attempting to redefine these laws in line with research findings (Chaffin, 2008; Brenton, 2008).

How much public support is there for registry laws applied to *juvenile* offenders? To date, few studies have assessed perceptions of registry laws for juvenile offenders (but see

Salerno et al., in press; Stevenson, Sorenson, Smith, Sekely, & Dzwairo, in press). Salerno and colleagues (in press) found that family law attorneys, but not undergraduates or prosecuting attorneys, supported registry laws for juvenile sex offenders less than for adult sex offenders when asked in the abstract about their support for laws. This effect might be explained by the fact that family law attorneys were the only group to recognize that juvenile sex offenders are less likely to recidivate than are adult sex offenders. In a follow-up study, Salerno et al. asked about laws applied to specific offenders in scenarios. Undergraduates read about either a 12- or 16-year-old juvenile, who was involved in pornography (i.e., was caught looking at naked pictures of underage girlfriend), harassment (i.e., ran through school hallways slapping girls' buttocks), statutory rape (i.e., had consensual oral sex with an under-aged girl), or rape. Participants supported registry laws more for (a) the 16-year-old than for the 12-year-old, and (b) the rape offense than for the statutory rape and harassment cases, and more for these cases than for the pornography case. Participants estimated similar recidivism rates for the 12- and 16-year-old, but different recidivism rates depending on offense severity, echoing the pattern describe above for registry support.

In another similar study, Stevenson and colleagues (in press) experimentally manipulated the ethnicity of the juvenile sex offender and the victim (African American or White) in the context of the same statutory rape case described above. Community members were more supportive of registration when the defendant and the victim were of different races than when they were of the same race—an effect likely driven by societal lack of acceptance of interracial relationships. In addition, women (but not men) recommended registration more when the victim was White than African American, illustrating evidence of racial bias in these types of

cases. Finally, these effects were driven by desire for retribution rather than by utilitarian goals to protect society.

Based on this preliminary evidence, the public actually does *not* appear to support mandatory registry laws for juveniles: Participants' support for registry laws depended on offender age and offense severity, and it was influenced by extralegal factors like race. Thus, registry laws that do not allow the judge discretion based on offender age or offense severity are not in line with public sentiment. At the same time, precautions must be taken to ensure that extralegal factors do not influence which juveniles are required to register. Although it is important to protect children from future abuse by potential offenders, it may also be prudent to protect juveniles, especially young juveniles, from being placed on the registry for acts that the public does not deem worthy of such punishment, especially since the registry might have negative consequences for youthful offenders. Future research should continue to assess the public's perceptions of these juveniles and the constraints on their support for these laws.

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