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Jessica M. Salerno  
*The University of Illinois at Chicago*

Margaret C. Stevenson  
*University of Evansville*

Tisha R. A. Wiley  
*The University of Illinois at Chicago*

See next page for additional authors

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Public Attitudes toward Applying Sex Offender Registration Laws to Juvenile Offenders

Jessica M. Salerno
The University of Illinois at Chicago

Margaret C. Stevenson
The University of Evansville

Tisha R. A. Wiley
Cynthia J. Najdowski
Bette L. Bottoms
Rachel A. Schmillen
The University of Illinois at Chicago
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Public Attitudes toward Applying Sex Offender Registration Laws to Juvenile Offenders

There are many approaches to preventing child sexual abuse. One is to require convicted adult sex offenders to register with the police, often publicly on the Internet. The first registration law was the 1994 Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act (42 U.S.C. § 14071), which required all 50 United States to force sex offenders to register with local law enforcement agencies after serving their time in prison system to ensure that their whereabouts were known. This legislation was intended to facilitate the prompt apprehension of repeat sexual offenders. In 1994, the Violent Crime Control and Law Enforcement Act (42 U.S.C. § 13701), commonly known as Megan’s Law, added the requirement that states have community notification procedures in place to inform neighbors when sex offenders move into their community so they could “take common sense measures for the protection of themselves and their families” (42 U.S.C. § 16911, p. 4).

In 2006, prior federal legislation was superseded and expanded with the Sex Offender Registration and Notification Act (SORNA; 42 U.S.C. § 16911), also known as the Adam Walsh Act. The Adam Walsh Act requires all states to participate in an online registry that includes juvenile offenders (Caldwell et al., 2008). Specifically, it requires registration for all juveniles who are convicted of a sex offense in adult criminal court and those adjudicated in juvenile court if they are at least 14 years old and attempted to commit or committed a sex offense involving aggravating circumstances (i.e., use of force or threat of serious violence, rendering the victim unconscious, or involuntarily drugging the victim). These guidelines are minimum standards,
however, so states can register younger juveniles or juveniles who commit less severe crimes. (For a detailed history of the application of sex registration laws to juveniles, see Chaffin, 2008, and Trivits & Repucci, 2002.)

It is important to determine the implications of these laws for protecting children from being victims of sex crimes. But it is also important to consider the potential for these laws to harm juveniles by placing them on a stigmatizing watch list for years, even life. Although more work is needed, emerging research suggests that, overall, registry laws have not decreased the incidence of child molestation (nor general sex offending) for prior offenders or first-time offenders (Sandler, Freeman, & Socia, 2008). An important question, then, is whether the assumed protective effect of registry laws outweighs any harmful effects of mandatory registry laws particularly for juvenile offenders. In this chapter, we provide a summary of current registration laws for juvenile sex offenders across the United States and discuss the assumptions that drive these laws. We consider whether these assumptions have been supported or refuted by the research produced on the topic thus far. Then, turning to new data from our own laboratory, we discuss public perceptions of registration laws. This is an important issue because expansion of registry laws to juveniles might be driven by strong public support—or politicians’ and policy makers’ perceptions that there is public support—for expansion of the registry. As we discuss, research does indeed suggest that there is strong public support for registration laws for adult sex offenders, but is there such strong public support registration laws for juvenile sex offenders? What factors influence support for these laws? To answer these questions, we present findings from new research investigating attorneys’ and laypersons’ perceptions of registration laws.

Case Illustration
The Jacob Wetterling Act, Megan’s Law, and the Adam Walsh Act were each passed in reaction to heinous sexual crimes committed against children. For example, Megan’s Law was passed in reaction to the sexual assault and murder of 7-year-old Megan Kanka in New Jersey. Jesse Timmendequas, a previously-convicted sex offender who lived with two other convicted sex offenders, raped and murdered his 7-year old neighbor after luring her into his apartment with a puppy. It is a compelling argument (emotionally surely, but also logically) that had Megan’s parents known about the potential danger next door, they might have been able to protect her. Thus, it is not hard to understand public support for these laws.

Although horrific violent sexual assault cases are often highly publicized, and although juveniles do sometimes commit serious sexual assaults, the majority of sex crimes committed by juveniles may not fit this prototype. For example, in 2007, forcible rapes accounted for only 15% of the sex crimes committed by persons under age 18 (U.S. Department of Justice, 2007). Some juveniles are even placed on the registry for behaviors that could be considered normative adolescent sexual experimentation, such as exposing themselves in classrooms (“No Easy Answers,” 2007), sending naked pictures of themselves to peers (A. H. v. Florida, 2007), or engaging in consensual sexual relationships with their peers (“No Easy Answers,” 2007; Wilson v. Georgia, 2007). For example, juveniles registered as sex offenders include a 12-year-old who mooned a class of 5- to 6-year-old classmates in Texas and a mildly mentally retarded 17-year-old who grabbed an 18-year-old’s buttocks in Nebraska (Trivits & Reppucci, 2002). Thus, many juveniles on the registry do not fit the serious sex offender profile commonly portrayed in the media or commonly characterized by adult offenses.

Overview of the Issues
Current State Laws Governing Juvenile Sex Offender Registration

To determine the extent to which states have moved to include juveniles on sex offender registries, we reviewed registration laws from across the United States. Because juvenile sex offenders who are convicted in adult court are generally treated in accord with registration laws for adults, we were specifically interested in examining registration policies for juvenile sex offenders who are adjudicated in juvenile court. We visited each state’s official website in the summer and fall of 2008 and reviewed statutes relevant to juvenile sex offender registration. We summarize what we found on Tables 1 and 2. Although the information on the tables is as accurate as possible as of press time for this chapter, the reader should be aware that state laws are currently in flux, and state websites are not always updated. In an attempt to combat these problems ourselves, after we obtained information from all state websites, we compared our findings with similar information that had been collected by Nicole Pittman, a juvenile justice policy analyst and attorney at the Defender Association of Philadelphia, who is also researching state laws about juvenile offenders. In some cases, we relied on her information rather than state web archives, because she had uncovered more recent information by directly contacting states. As show in Table 1, only 13 states never require juvenile offenders who are adjudicated in juvenile court to register as sex offenders. Thirty-three states, however, currently require juveniles to register as sex offenders under some circumstances. In 26 of those states, juvenile registration is mandatory; that is, if a juvenile is adjudicated guilty of certain offenses, the juvenile is legally required to register as a sex offender, and neither prosecutors nor judges can make case-by-case decisions about the appropriateness of registration.

In our opinion, registration laws in the 33 states in which juvenile sex offenders might be required to register reflect little acknowledgment of juveniles’ developmental immaturity, which,
from a psychological point of view, should make juveniles less culpable or at least less worthy of severe punishment, than adults. Although Indiana, Ohio, Oklahoma, and South Dakota explicitly prohibit juveniles younger than 14 years old from being required to register, in other states there are no such prohibitions, and in some states juveniles as young as 7 years old may be placed on sex offender registries. Further, in the majority of states that require juvenile registration, registration extends long after adolescence, often with no opportunity for discretion, appeal, or petition. Specifically, 22 states require juveniles to register for at least 10 years, and in California and South Carolina, for example, juvenile (and adult) sex offenders remain on the registry for their entire lives. In only 9 of these states (including California) can the registration requirement be appealed or petitioned. Some states do appear to be sensitive to the role that age and immaturity might play in juvenile sex offending, however. Ohio stands out in particular: Individuals placed on sex offender registries as juveniles are allowed to petition to be removed from the registry after 3 to 5 years. And in at least 8 other states (Arkansas, Arizona, Idaho, Kansas, Missouri, North Carolina, Nevada, and Oklahoma), registration length is determined by the juvenile’s age, typically lasting until the juvenile is 18 or 21 years old.

Registration laws also vary across states with respect to the types of offenses for which a juvenile is required to register and the nature of registration itself. For example, in Kansas and Oregon, registration is required only in cases that involve threats, the use of force, or incapacitation, but in at least 19 other states juveniles adjudicated guilty of non-forceful offenses may be required to register. And, although registration typically requires only that offenders report their residential and work addresses to local law enforcement, juvenile sex offenders are also required to provide DNA samples in states such as Arkansas, Indiana, Kansas, and South Carolina. Further, information about juvenile sex offenders is publicly available via online
databases in states such as Arkansas, Arizona, California, Delaware, Iowa, Kansas, Kentucky, New Jersey, and South Dakota.

Thus, although registration laws currently vary across states, the most common policy is to mandate registration for juvenile sex offenders adjudicated in juvenile court with no allowance for prosecutorial or judicial discretion. But the laws in these states and in states with more lenient juvenile registration policies will probably become more inclusive as they come into compliance with the most recent iteration of the SORNA guidelines governing the Adam Walsh Act. That is, states are federally mandated to either comply with the Adam Walsh Act or risk losing 10% of their federal funding for law enforcement activities (42 U.S.C. §16911; Caldwell, Ziemke, & Vitacco, 2008). This threat has led some states to rapidly implement the new sex offender registration policy (Letourneau, 2008). Even so, many other states have been slow to come into compliance with the Adam Walsh Act, due in part to reservations and court challenges regarding its provisions for juvenile offenders (N. Pittman, personal communication, January 7, 2009). As of December 2008, only 5 states were in full compliance (see Table 2; for up-to-date information on Adam Walsh Act compliance, visit http://www.ojp.usdoj.gov/smart/). Therefore, many states’ laws are in flux as legislators attempt to comply with the Act in ways that balance the goals of juvenile sex offender registration with concerns about their efficacy. We review these factors next.

Assumptions Underlying Registration Laws and Empirical Findings to Date

In general, registration laws are driven by the assumption that communities need protection from sex offenders who pose a uniquely dangerous threat to public safety. Implicit in this assumption is the belief that sex offenders represent a particularly bad breed of offenders who recidivate at high rates and who cannot be rehabilitated. The recent expansion of such laws
to juveniles is driven by the notion that juvenile sex offenders do not differ appreciably from adult sex offenders in terms of recidivism risk or rehabilitation potential, although more studies are needed, extant psychological research raises doubts about these suppositions, especially the appropriateness of sex offender registration for juveniles (for review see Letourneau & Miner, 2005; Trivits & Reppucci, 2002). Next, we discuss the utility of expanding registration laws to a population that diverges in important ways from the prototypical adult sexual offenders for whom the laws were intended.

Recidivism. The extension of sex offender registration laws to juvenile sex offenders is based on the premise that juvenile sex offenders recidivate at a rate similar to adult sex offenders. Approximately 20-40% of adult sex offenders eventually re-offend (Trivits & Reppucci, 2002) in contrast to only 5-15% of juvenile sex offenders (Chaffin, 2008; Trivits & Reppucci 2002). Pre-adolescents (5-12 year olds) with sexual behavior problems have an even lower recidivism rate (2-7% over 10 years) (Carpentier, Silovsky, & Chaffin, 2006). Several studies even indicate that, compared to other juveniles who commit nonsexual offenses, juvenile sex offenders are no more likely to commit future sexual crimes and are even less likely to go on to commit nonsexual crimes (Caldwell, 2007; Caldwell et al., 2008; Carpentier et al., 2006; Zimring, Piquero, & Jennings, 2007). Thus, the argument that registration is necessary to reduce juvenile sex offenders’ high rate of recidivism is fundamentally flawed.

Do the laws fulfill the goal of reducing the amount of juvenile and or adult sex offender recidivism? Sandler and colleagues (2008) collected arrest rates for child molestation, rape, general sexual offending, and non-sexual offenses in the state of New York from 1986 (10 years before the registration laws were enacted) to 2006 (11 years after the registration laws were enacted). They found no significant difference between arrest rates (in any category) before
versus after the enactment of registration laws (for either convicted sex offenders or first-time offenders). Further, they found that roughly 96% of sex offenses in New York between the years 1986 and 2006 were committed by first-time offenders (i.e., people who were not on the sex offender registry). Thus, only 4% of sexual offenses even had the potential to be influenced by sex offender registry laws.

Two studies comparing recidivism rates for registered versus non-registered juvenile and adult sex offenders have revealed no differences (Adkins et al., 2000; Schram & Milloy, 1995), although registered offenders who did reoffend were apprehended more quickly than non-registered offenders who reoffended, arguably a positive outcome of the registry (Schram & Milloy, 1995). Adkins and colleagues did not, however, match their pre- and post-registry groups, which limits conclusions about the effectiveness of the registry.

In the only study we know of to focus on the effectiveness of registry laws exclusively for a sample of juvenile offenders, Letourneau and Armstrong (2008) matched 111 registered and non-registered juvenile sex offenders on a host of case and demographic characteristics (e.g., crime severity, age, race, prior offenses). Even after more than four years, there were no differences in recidivism rates between the registered and non-registered juveniles -- but because only 2 subsequent sexual offenses were committed, statistical comparison was not possible, and it is clear that a study with a much larger N is needed.

Thus, registration laws might not reduce recidivism, according to comparisons of recidivism rates of offenders who are registered versus not registered (Adkins et al., 2000; Letourneau & Armstrong, 2008; Schram & Milloy, 1995) and comparisons of general sexual offending incidence rates before and after registry law implementation (Sandler et al., 2008). According to a survey by Malesky and Keim (2001), mental health professionals are at least
intuitively aware of this failure -- many of them believe that registration laws do not decrease the number of children who are sexually abused each year through deterrence or better preparing parents to protect their children.

Rehabilitation and amenability to treatment. As noted previously, inherent in the inclusion of juveniles on the registry is also driven by the assumption that juvenile sex offenders represent a special class of juvenile offenders who are particularly dangerous and cannot be rehabilitated. This assumption runs counter to one of the central tenants of the juvenile justice system: that juveniles are amenable to rehabilitation and should be reformed. A recent meta-analysis revealed that the methods typically used to treat adult sex offenders (e.g., addressing specific sexual behaviors) did not affect recidivism rates in a sample of juvenile sex offenders. In contrast, treatments that have been shown effective with non-violent juvenile offenders (e.g., addressing family-level dynamics) effectively reduced the likelihood that juvenile sex offenders would re-offend (St. Amand, Bard, & Silovsky, 2008). Thus, in terms of rehabilitation potential, juvenile sex offenders appear to be more similar to juveniles who commit nonsexual crimes than they are to adult sex offenders. Of more importance, research suggests that juvenile sex offenders are amenable to treatment (for reviews, see Chaffin, 2008; Trivits & Reppucci, 2002), further calling into question one of the assumptions underlying the extension of registration laws to juveniles.

Juvenile sex offenders: the rule or the exception? In 2007, forcible rapes accounted for only 15% of the sex crimes committed by persons under age 18 (U.S. Department of Justice, 2007). Therefore, many juveniles who are charged with sex crimes do not match the prototype of the perpetually dangerous sex offender for which the registry was created. Yet in some jurisdictions there is no distinction between juveniles who commit less serious offenses (e.g.,
exposing oneself to a classmate) and those who commit more serious offenses (e.g., forceful rape). In fact, in recognition that sex offenders represent different levels of threat based on the offenses they commit, the Adam Walsh Act established a tiered system of (among other things) the length of registration required, and whether details about the least serious offenses must be disclosed on online registries versus not (42 U.S.C. § 16911 p. 21). But jurisdictions are not required to use the tier system as long as they meet the minimum guidelines for each tier. That is, jurisdictions with registry laws that are more inclusive than the Adam Walsh minimum guidelines (i.e., laws that include younger juveniles, or juveniles that commit less severe offenses) are considered to be in compliance with the tier system.

This policy translates into a practice by which juvenile sex offenders are treated as a homogeneous group, even though juveniles vary in terms of causal patterns and typologies (for review see Lambie & Seymour, 2006). Juvenile sex offenders vary not only in terms of the types of offenses they commit (e.g., whether they use force or weapons) but also in terms of factors related to the victim (e.g., pre-pubescent versus post-pubescent) and their own characteristics (e.g., whether they have been abused, whether they engage in other non-sexual delinquent behavior) (Almond, Canter, & Salfati, 2006; Hunter, Figueredo, Malamuth, & Becker, 2003). It is important to recognize that there are different subgroups of offenders because, even among those who commit similar crimes, their motivations may differ (e.g., sexual exploration, Becker & Kaplan, 1990; Moffit, 1993). Further, although certainly some juveniles commit heinous sex offenses and persist in such behavior into adulthood, juvenile sex offenders also vary in recidivism rates and amenability to treatment (Trivits & Reppucci, 2002). Policies that do not recognize these differences are problematic.
Currently, the only factor used to differentiate juvenile sex offenders is age: The original Adam Walsh Act required registration for all juveniles 14 years old or older who committed sex offenses against victims 12 years old or younger. Of interest, research suggests that these criteria for juvenile sex offender registration are not predictive of sexual offense recidivism. Specifically, Caldwell and colleagues (2008) found that juvenile sex offenders who would be required to register according to the age guidelines set forth in the Adam Walsh Act were less likely to be charged with any subsequent violent offense (not sexual offenses specifically) compared to juvenile offenders who would not be required to register. Thus, registration laws based explicitly on the age of the offender and victim do not appear to be effective at protecting communities from those most likely to re-offend. Fortunately, the Adam Walsh Act guidelines were recently revised: Registration is still required for juveniles 14 years old or older, but with a new guidelines that requires registration only for those who commit an offense that includes force or threat of force (42 U.S.C. § 16911). But, as mentioned earlier, the guidelines governing the Adam Walsh Act set a minimum standard and registration laws can be more inclusive.

*The Iatrogenic Effects of Registration Laws: Unintended Consequences*

Sex offender registration laws might even have a negative impact on adult and juvenile offenders’ lives. Anecdotally, being listed on the registry might put offenders’ lives in danger—four registered offenders were targeted through the registry and killed by strangers in 2005 and 2006 (“No Easy Answers,” 2007). Some sex offenders have committed suicide after being required to register, including a juvenile who was registered for exposing himself to a girl in gym class (“No Easy Answers,” 2007). Although these extreme outcomes are certainly noteworthy, they are of course not representative, so it is important to consider the more mundane, yet pervasive negative consequences that registration has on sex offenders’ lives. Empirical research
shows that sex offenders on the registry experience a wide variety of negative outcomes (Levenson & Cotter, 2005; Levenson et al., 2007; Tewksbury, 2005; Tewksbury & Lees, 2006). Researchers in these studies surveyed convicted sex offenders about their experiences related to being listed on the sex offender registry and found that the majority of registered sex offenders who were sampled reported feeling isolation, loss of close relationships, shame and embarrassment, hopelessness, and stress that interfered with recovery as a result of someone finding out that they were registered as a sex offender (Levenson & Cotter, 2005). Across a number of studies, registered sex offenders have also reported that as a consequence of their registry status being discovered by others, they have experienced job loss (21-43%), being forced out of a place to live (10-45%), being harassed by neighbors (21-47%), being physically assaulted (5-16%), and having property damaged (18-21%) (Levenson & Cotter, 2005; Leveson et al., 2007; Tewksbury, 2005). Although these studies focused on adult sex offenders (even though there might have been some juveniles in these samples), these effects are likely to apply to juvenile sex offenders as well. As noted by Sampson and Laub (2005, p. 15), juvenile delinquency is more likely to occur when “individuals’ bonds to society are attenuated.”

Registration laws appear to do just this. Thus, Letourneau and Miner (2005) have argued that iatrogenic effects of sex offender registration might inadvertently lead to re-offending.

Summary

Although research does not provide empirical support for legal assumptions about juvenile sex offenders’ recidivism rates, amenability to treatment, and homogeneity, registration laws for juveniles have become more inclusive. The gap between data and public policy appears to be widening (Chaffin, 2008). Not only is there growing evidence that registration laws might be less necessary and ineffective for preventing juvenile sex offenders from recidivating, they
might also unintentionally increase recidivism among juvenile sex offenders. Clearly there are dangerous juvenile sex offenders for whom registration might be appropriate. But for juveniles who commit less serious offenses, the potential protection offered to the community may be outweighed by the negative impact of being stigmatized as a sex offender during an important developmental phase (Chaffin, 2008; Trivits & Reppucci, 2002; Letourneau & Miner, 2005).

Why, then, do registration policies continue to move in the direction of greater inclusion of juvenile sex offenders?

Public Perceptions

The expansion of sex offender registration laws to include more and more juveniles might be due to strong public support—or perceptions that there is public support—for the registry. That is, politicians and policy makers might be hesitant to reconsider juvenile registration laws, even in the face of mounting empirical evidence calling them into question, because they believe that the public wants juvenile registration laws. Is this assumption correct?

First, we review the growing literature regarding public perceptions of adult sex offender registration laws. Second, we describe our recent research examining public perceptions of the application of registration laws to juveniles. To our knowledge, our work is the first to investigate this controversial issue.

Perceptions of Registration Laws for Adult Sex Offenders

Malesky and Keim’s (2001) found that 80% of mental health professionals believed registries to be ineffective in reducing the incidence of child sexual abuse. Seventy percent believed registries give parents a false sense of security. There is very strong public support for registration laws for adult sex offenders (Levenson et al., 2007; Phillips, 1998). Levenson and colleagues (2007) surveyed community members and found that 76% believed that all adult sex
offenders should register. Only 6% believed low risk offenders with no history of violence should not have to register. Such support might be based on inaccurate beliefs about the effectiveness of registration and offender characteristics. For example, 83% of Levenson et al.’s (2007) respondents agreed that registration is effective in reducing sex offenses and 74% agreed that the majority of adult sex offenders recidivate—a gross overestimation of the actual 20-40% recidivism rate for adults (Trivits & Reppucci, 2002). Other surveys found that the public believes sex offender registries to be very important (Caputo & Brodsky, 2004; Phillips, 1998). Further, the more one believes the registry to be important, the more fearful one is about crime (Caputo & Brodsky, 2004).

This strong public support for adult sex offender registration might deter politicians and policy makers from reconsidering these laws in light of the social science evidence we have reviewed. The research on perceptions of adult sex offender registration laws suggests that a “tough on sex crimes” platform would be much more popular with the public than a platform based on making sex offender registration laws more lenient. Chaffin (2008) remarked that “the sound bite that we should put our kids’ safety before the rights of sexual offenders, adult or juvenile, sounds so intuitively correct that it is a guaranteed political winner, even if the policy it promotes is ultimately destructive and fails to deliver the child protection goods” (p. 120). Many politicians use a “tough on sex crimes” platform when running for office for this very reason. For example, in May, 2008, Tim Fox, a Republican candidate for Montana Attorney General, announced during his campaign that enforcing sex offender registration laws was his top priority. Politicians who question the laws might face trouble: The only Iowa House member to vote against a 2002 bill to implement housing restrictions for sex offenders was targeted with negative campaign flyers with a photograph depicting a prisoner in an orange jumpsuit looking through a
fence at a schoolyard full of children, and a tagline asking, “Why does Ed Fallon think it's ok for sex offenders to live near schools?” (Brenton, 2008).

Perceptions of Registration Laws for Juvenile Sex Offenders: New Empirical Evidence

Would politicians and policy makers be correct in assuming that the public supports the extension of registration laws to juvenile sex offenders? Is public support for juvenile registration laws sensitive to developmental or case factors? Surprisingly, research has not yet explored public perceptions of registration laws for juveniles. Next, we describe some findings from our program of research on public perceptions of juvenile sex offender registration. To our knowledge, ours is the first research to address this issue directly. In our first study, we examined general attitudes toward registration laws for juveniles versus adults, and whether these attitudes differ between laypeople and legal professionals. In our second study, we examined whether support for registration laws and estimates of recidivism are influenced by juvenile and case characteristics.

Study 1: General support for adult versus juvenile sex offender registration. Our first research question was whether public support for registration laws would differ as a function of whether the offender was an adult or juvenile. We predicted that participants would support registration laws more for adult sex offenders than for juvenile sex offenders. We were also interested in examining potential differences between laypeople and legal professionals, so we compared samples of undergraduate students, family law attorneys, and prosecuting attorneys. We expected that prosecutors would support harsher registration laws than would family law attorneys, who are more likely to have had experience working with juvenile sex offenders in an advocacy role. Because we expected undergraduates to have less crystallized opinions about
these laws and the punishment of offenders generally, we predicted that they would fall in the middle of the two polarized attorney groups in terms of registration support.

Our participants were undergraduates at the University of Illinois at Chicago (UIC), a large, ethnically diverse urban university ($N = 150, 66\%$ women), family law attorneys ($N= 57, 39\%$ women), and prosecuting attorneys ($N = 82, 45\%$ women). Participants received one of two versions of a survey assessing attitudes about registration laws: Half of the surveys asked about the laws with regard to adult sex offenders and the other half asked about the law with regard to juvenile sex offenders (i.e., 16 years old or younger). Participants indicated their support for sex offender registration on a 3-point measure: 1 ([Adult/juvenile] sex offenders should never be required to register at all with law enforcement in their communities), 2 ([Adult/juvenile] sex offenders should be required to register, but their information should never be posted on the Internet), or 3 ([Adult/juvenile] sex offenders should be required to register and their information should be publicly posted on the Internet beginning at the time they are convicted).

We treated this variable as a continuous scale of registry support with higher numbers denoting support for harsher registration laws. Participants also answered the question, “In your opinion, what percentage of all [juvenile/adult] sex offenders eventually commit another sex offense?” Participants responded on an 11-point scale ranging from 0\% to 100\%, in intervals of 10\%.

A 2 (offender age: juvenile, adult) x 3 (sample: undergraduates, family law attorneys, prosecutors) between-subjects analysis of variance (ANOVA) on our measure of registry support showed that, as predicted, participants supported harsher registration laws for adult sex offenders than for juvenile sex offenders, $F(1, 238) = 10.59, p < .05$. In addition, support for registration laws differed as a function of sample, $F(2, 238) = 20.22, p < .05$. As predicted, family law attorneys supported significantly less harsh registration laws than did undergraduates or family
law attorneys, all simple effects $Fs \geq 26.68$, all $ps < .05$. Undergraduates’ and prosecutors’ support for registration laws did not significantly differ, $F(1, 238) = 2.85$, $ns$. A significant interaction between offender age and sample, $F(2, 238) = 6.68$, $p < .05$, however, revealed that offender affected only family law attorneys. That is, only family law attorneys supported more lenient laws for adults than for juveniles, $F(1, 238) = 17.44$, $p < .05$, but this effect was not significant for undergraduates or prosecutors, all $Fs(1, 238) \leq 1.10$, $ns$, as shown in Figure 1.

A similar ANOVA revealed that estimations of recidivism rates were, overall, lower for juvenile sex offenders than for adult sex offenders, $F(1, 233) = 6.75$, $p < .05$. Of course, estimations for both groups are overestimations compared to actual recidivism rates. Also, estimates of recidivism differed as a function of sample, $F(2, 233) = 21.02$, $p < .05$. Prosecutors estimated that sex offenders recidivate at higher rates than did undergraduates, who in turn estimated that sex offenders recidivate at higher rates than did family law attorneys, all $Fs \geq 14.46$, all $ps < .05$. As with support for laws, a marginally significant interaction between offender age and sample, $F(2, 233) = 2.88$, $p = .06$, indicated that only family law attorneys estimated that adult sex offenders recidivate at higher rates than juvenile sex offenders, $F(1, 233) = 11.13$, $p < .05$, as shown in Figure 2.

Thus, we found that only family law attorneys (who are more likely to act as advocates for juvenile sex offenders) make age-related adjustments in their beliefs about sex offenders and their attitudes towards registration laws, supporting significantly more lenient sex offender registration laws for juveniles compared to adults, and correctly judging that juvenile sex offenders recidivate at significantly lower rates than do adults. Finally, it is worth noting that our finding that undergraduates, family law attorneys, and prosecutors all overestimated actual
recidivism rates for adult offenders is consistent with prior research (Levenson et al., 2007), and, the finding that they also overestimate recidivism rates for juvenile sex offenders is novel.

Study 2: Case-specific support for juvenile sex offender registration. In a second study, we explored our suspicion that undergraduates’ and prosecutors’ judgments were not influenced by offender age because our survey asked them about their attitudes toward sex offenders in the abstract. Family law attorneys, who presumably have more experience advocating for juvenile offenders, might have been thinking of more typical juvenile sex offenders who commit less serious offenses, recidivate at low rates, and are amenable to treatment. In contrast, prosecutors and undergraduates might have been thinking of the prototypical sex offender (e.g., repeat rapist) when making their judgments. This is an interesting possibility, in light of the fact that many states’ mandatory registration laws require juveniles to register, regardless of the severity of the offense, and their online registries do not differentiate between offenders who committed less versus more severe offenses. Is public support for registration laws by offense severity? In our second study, we presented participants with different types of cases and examined their support for registration as a function of offense severity and again the age of the juvenile.

Participants were 384 UIC undergraduates (55% women) who each read one brief vignette describing a juvenile as either 12 years old or 16 years old and as having committed the following offenses, descriptions of which we based on real cases (a) child pornography (was caught looking at naked pictures of his underage girlfriend) (Stockinger, 2009), (b) harassment (ran through school hallways slapping girls’ buttocks) (Godsmith, 2007), (c) statutory rape (participated in mutually desired sexual activity with an underage girl) (Wilson v. State, 2006), or (d) rape (raped a girl in a park) (CITATION). Participants then indicated their level of registry support for the juvenile and estimated the likelihood that the juvenile would recidivate. These
measures were similar to those used in Study 1, but asked about the specific juvenile in the case (i.e., David), not sex offenders in general. Also, because we were not asking about support for adult offenders in this study, our item assessing registry support was altered to include an additional option that is sometimes available for juvenile offenders. Thus, participants in Study 2 indicated their support for registration on a 4-point scale: 1 (David should not be required to register at all with law enforcement in his community), 2 (David should be required to register, but his information should never be posted on the Internet), 3 (David should be required to register, but his information should not be posted on the Internet until he turns 18, at which time his information should be publicly posted on the Internet), or 4 (David should be required to register and his information should be publicly posted on the Internet immediately).

A 2 (juvenile offender age: 12 years old, 16 years old) X 4 (offense severity: child pornography, harassment, statutory rape, rape) between-subjects ANOVA on registry support revealed that participants supported significantly more lenient registry laws for a 12-year-old than 16-year-old juvenile sex offender, $F(1, 376) = 14.05, p < .05$ (see Figure 3). In addition, registry support differed as a function of case severity, $F(3, 376) = 47.16, p < .05$. Specifically, planned comparisons revealed that participants who read about the rape case supported significantly harsher laws than did those who read about either the statutory rape case or the harassment case, who did not differ from each other but who both supported harsher laws than did participants who read the pornography case (all $Fs \geq 9.85$, all $ps < .05$). The case severity by offender age interaction was not significant, $F(3, 366) = 1.64, ns$.

A similar ANOVA on participants’ estimates of recidivism likelihood revealed no significant differences in estimates for a younger juvenile and an older juvenile, $F(1, 366) = 2.81, p = .09$. Recidivism estimates differed significantly as a function of offense severity, $F(3,$
The pattern of this effect is the same as the pattern described above. Specifically, planned comparisons revealed that participants who read about the rape case estimated greater recidivism than did participants who read about the statutory rape case or the harassment case, who both estimated greater recidivism rates than did participants who read about the pornography case (all $F$s $\geq$ 8.45, all $p$s $<$ .05). The case severity by offender age interaction was not significant, $F(3, 366) = .98, ns$.

Results of our second study provided some indirect support for our speculation that the public would be less likely to support registration laws for juvenile sex offenders when given specific cases to consider as compared to when thinking of juveniles in the abstract. We found that participants were significantly less likely to recommend registration for a juvenile who committed child pornography rather than the other three more serious offenses. The harassment and mutually desired sexual activity cases did not differ from each other, and both elicited support for more lenient registration laws compared to the rape case. The rape case was the only offense for which the majority of participants supported registration (in fact 100% supported the registry in this condition), whereas the participants who supported registration in the less severe case conditions were in the minority (pornography = 22%, harassment = 42%, statutory rape = 44%). Even for a rape case, the majority (65%) did not support posting the juvenile’s information online immediately (25% thought the juvenile’s information should never be posted online, 45% thought it should not be posted online until the juvenile turned 18).

It is interesting to compare the percentage of people who were opposed to registration laws when asked about them abstractly in Study 1-- 3% thought juvenile sex offenders in general should “never register”-- to the percentage of participants who were opposed to registration laws when asked about a rape case in Study 2 -- 0% thought such an offender should “never register”
-- and to the percentage of participants who were opposed to registration laws for the less severe cases in Study 2 -- 67% thought perpetrators of those crimes should “never register”. Thus, when asked in the abstract about their support for juvenile sex offender registration, it seems that members of the public are probably envisioning the most extreme cases of sex offenders on the registry (i.e., rapists) and not the many other lesser offenses for which juveniles are sometimes registered. These findings suggest that application of registration laws to juveniles without consideration of age or offense severity does not comport with public sentiment.

It was also interesting that participants did not view the case of mutually desired sexual activity between teenagers as an offense for which a juvenile should be registered. In fact, they were no more likely to support registration for that than for a juvenile who ran down the hall slapping girls’ buttocks. Yet, many juveniles are currently on the registry for having engaged in what some consider to be “consensual” sex. Our depiction of this offense was based on the actual case of Genarlow Wilson, who engaged in non-forced oral sex with a 15-year-old girl when he was 17 years old (Wilson v. State, 2006). In an attempt to avoid sex offender registration, he refused a plea bargain for only one year in jail and chose to contest the offense in adult court, where he was subsequently convicted of aggravated sexual molestation and sentenced to 10 years in prison. He was recently released after serving 2 years. Thus, registering juveniles for some instances of mutually desired sexual acts with a similarly aged peer is not only contrary to public sentiment, but fear of registration might influence juveniles’ legal decisions (e.g., decisions about plea bargains) in adverse ways. Of course, it is a difficult and controversial task to define consensual sex among youth, one that involves consideration of social mores as well as psychological evidence (Ondersma, Chaffin, Berliner, Cordon, Goodman, & Barnett, 2001.), and
we are not suggesting that young adolescents can make such decisions, especially with older-aged partners.

Conclusions and Policy Recommendations

The sex offender registry was created in the United States with the best of intentions—to protect children from dangerous sexual predators. This, of course, is a commendable goal, one to which this entire book is dedicated. Unfortunately, there is little scientific evidence that sex offender registration actually protects children by decreasing sex offenders’ recidivism rates (Adkins et al., 2000; Letourneau & Armstrong, 2008; Sandler et al., 2008; Schram & Milloy, 1995). Even so, recent policy changes have extended registration requirements to juvenile sex offenders. The application of the registry to juveniles is particularly questionable given that (a) juvenile sex offenders can be rehabilitated; (b) juvenile sex offenders recidivate at low base rates, especially as compared to adult sex offenders; and (c) registration has negative consequences that might inadvertently increase recidivism rates. The movement to include juveniles on the registry might be due in part to politicians’ and policy makers’ perceptions of public support for such policies. Our research, however, demonstrates that perceived public support for these laws might only be an artifact of the way questions have been framed. Our research suggests that the public supports juvenile sex offender registration in the abstract, but support wanes when considering registration for a specific juvenile accused of a specific, less severe offense (i.e., not rape).

Whether sex offender registration laws should be challenged is not a popular question to ask. It is, however, an important one. To advocate a re-examination of policies that require juveniles to register as sex offenders might at first seem contrary to the goal of protecting children. But we recommend that more research be conducted on the issue and that current
policies be revisited, for several reasons. First, these laws might have iatrogenic effects that may unintentionally increase recidivism, ultimately resulting in more rather than less child sexual abuse. Second, these laws could instill a sense of false security in parents. The vast majority of child sexual abuse perpetrators are not strangers, but instead are known to their victims (Lieb, Quinsey, & Berliner, 1998). Thus, parents may falsely believe that the registry protects their children from sex crimes, when in reality the registry does not protect children from those most likely to abuse them. Finally, one could question whether requiring juveniles to register for offenses that are arguably acts of immature, but not dangerous, adolescent sexual experimentation constitutes child abuse in and of itself. This concern is highlighted in tragic cases in which juveniles have committed suicide after being put on the registry for arguably harmless crimes (e.g., a boy exposing himself to a group of girls on their way to gym class (“No Easy Answers,” 2007). Few would argue that juveniles who commit sexual crimes should be identified and treated, in line with the goal of rehabilitation. But labeling juveniles as sex offenders stigmatizes them in ways that might lead to feelings of deviance and alienation. Ultimately, sex offender registration could be a self-fulfilling prophecy.

Protecting children means protecting them from sexual abuse, but we believe it also means protecting juveniles from unnecessarily being placed on a public registry for behavior that the public perceives as not necessitating registration. Mandatory across-the-board application of sex offender laws to low-risk juvenile sex offenders might do more harm than good. We hope to inform politicians and policy makers of the research we have presented in this chapter, so they can understand that their constituents might not be as supportive of mandatory or universal application of registration laws to juveniles as they might assume.
References

A. H. v. Florida, 949 So. 2d 234 (Fla. 1st Dist. 2007).


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Table 2

*Summary of State Compliance of Adam Walsh Act Guidelines as of December 2008*

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Figure Captions

*Figure 1*
Mean support for registration laws as a function of offender age and sample group for Study 1.

*Figure 2*
Estimates of sex offender recidivism rates as a function of offender age and sample group for Study 1.

*Figure 3*
Mean support for registry a function of offender age and case severity for Study 2.

*Figure 4*
Estimates of sex offender recidivism rates as a function of offender age and case severity for Study 2.
Undergraduates
Family Law Attorneys
Prosecutors

Sample Group

Register, post info online

Do not register

Register, do NOT post info online
Juvenile Sex Offender Registration

- Juvenile Sex Offender
- Adult Sex Offender

Recidivism Rate Estimate (%)

Sample Group
Juvenile Sex Offender Registration

- Pornography
- Harassment
- Statutory Rape
- Rape

Recidivism Rate Estimate (%)

Case Severity

12 years old
16 years old