

In the push to target dangerous individuals and protect children from sexual violence, lawmakers have indiscriminately targeted some youth with legislation that publicly brands them as sexual predators. This is bad policy because public registries not only fail to protect communities, but they hurt young people by stigmatizing them and alienating them from crime-reducing social networks like families, schools and jobs. This fact sheet debunks some of the most common misperceptions about young people convicted of sex offenses.

FICTION: Youth commit a large portion of sex offenses.

FACT: Less than 1 percent of all arrests of youth 17 years of age and younger were for sex offenses.¹ In 2006, youth 17 years of age and younger accounted for 18 percent of arrests for sex offenses. Youth under the age of 15 accounted for 9 percent of sex offense arrests in the same year.

FICTION: Youth convicted of sex offenses will become adults who commit sex offenses.

FACT: Research has shown that a young person who commits a sex offense is unlikely to commit another one.

- Recidivism rates are difficult to ascertain and compare because states and localities often define recidivism differently. However, a few academic studies have attempted to determine recidivism rates generally for youth and specifically for sex offenses. Overall, general recidivism rates for youth convicted of all offenses are higher than recidivism rates for youth convicted of sex offenses.

Recidivism rates for youth convicted of any offense

The Virginia Department of Juvenile Justice² conducted a study in 2005 that reviewed 27 states' juvenile recidivism rates. They calculated recidivism rates based on the different definitions of recidivism used in each state. The results showed that:

- Re-arrest: 55 percent of juveniles released from facilities in Florida, New York and Virginia were rearrested within one year.
- Re-referral to court: 45 percent of youth released from incarceration in Colorado and Maryland were re-referred to Court during the 12-month follow-up period.
- Re-conviction/Re-adjudication: 33 percent of youth released from detention centers in Arkansas, Florida, Georgia, Kentucky, Maryland, North Dakota, Oklahoma and Virginia were reconvicted or re-adjudicated within one year.
- Re-incarceration/Re-confinement: 24 percent of juveniles released from facilities in Florida, Maryland and Virginia were reincarcerated during the 12-month follow-up period.

Recidivism for youth convicted of sex offenses

- A 2002 review of 25 studies concerning juvenile sex offense recidivism rates reveals that youth who commit sex offenses have a 1.8 – 12.8 percent chance of rearrest and a 1.7 – 18.0 percent chance of reconviction for another sex offense.³
- A 2000 study of 96 youth who committed a sex offense in Philadelphia, showed a 3 percent sex reoffense rate.
- A 2006 retrospective study of 300 males on a sex offense registry in Texas who were under age 18 at the time of their first sex offense charge found that 4.3 percent of the sample was rearrested as an adult for another sex offense.⁴

¹ Sex offenses included here do not include forcible rape or prostitution. Federal Bureau of Investigation, "2006 Uniform Crime Report," Arrests by Age, Table 38, 2007, http://www.fbi.gov/ucr/cius2006/data/table_38.html

² Virginia Department of Juvenile Justice. 2005. Juvenile recidivism in Virginia. *DJJ Research Quarterly*. Richmond, VA: VDJJ; cited in Snyder, Howard N. and Melissa Sickmund. 2006. *Juvenile offenders and victims: 2006 national report*. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention.

³ Michael F. Caldwell, "What We Do Not Know About Juvenile Sexual Reoffense Risk," *Child Maltreatment* 7, no. 4 (November 2002): 291-302.

- A 2007 study funded by the MacArthur Foundation reviewed a longitudinal data set of three cohorts of youth in Racine, Wisconsin and found that of men who had contact with police for a sex offense as youth, 8.5 percent had contact with police for a sex offense as adults.⁵

FICTION: Sex offenses committed by youth are deviant and violent.

FACT: Many youth are charged with sex offenses for normative, if inappropriate behavior.

- Youthful sex offenses are not deviant, or violent in nature. Sex offenses committed by youth are not generally abusive or aggressive in nature and occur over shorter periods of time.⁶
- Following the guidelines and definitions in the *Diagnostic and Statistical Manual of Mental Disorders*, most youth do not meet the criteria of pedophilia, which requires that an adult (a person over the age of 18) be the instigator of sexual behavior with a child. In other words, a child can not be a pedophile because he or she is not an adult.⁷
- In most states, intercourse with a child under the age of 14, 15, or 16 is considered sexual assault regardless of consent. However, according to the National Longitudinal Survey of Youth, slightly more than three-quarters of youth in the survey reported having had sexual intercourse. Of those youth, more than 80 percent reported having had sex by age 15.⁸

FICTION: Individuals convicted of sex offenses should be treated the same—regardless of their age.

FACT: All youth are particularly amenable to treatment designed to help end delinquency. Treatment approaches for adults convicted of sex offenses will not work for youth.

- Like youth who commit other offenses, youth who commit sex offenses should receive evidence-based practices that have been shown to effectively intervene in the lives of youth who commit delinquent offenses.⁹ Registration and notification is likely to interfere with the provision of evidence-based interventions.
- Brain development is not completed until a person is in their early 20's, which makes youth more amenable to treatment than adults.¹⁰

FICTION: Notifying the community and putting youth on sex offender registries will make the community safer.

FACT: Registries and public notification impede a youth's ability to participate in social networks and access education and employment opportunities, which in turn, increase the chance that a youth will participate in criminal or delinquent behavior in the future.

- No evidence suggests that registries and notification systems for people convicted of sex offenses are effective ways of improving public safety or deterring sexual violence. For youth, registries and notification systems cut youth off from beneficial social networks, creating social stigma and isolation,¹¹ increasing the risk of suicide, alienating a youth from school and community, and raising barriers to successful participation in society.¹²

⁴ Donna M. Vandiver, "A Prospective Analysis of Juvenile Male Sex Offenders: Characteristics and Recidivism Rates as Adults," *Journal of Interpersonal Violence* 21, no. 5(May 2006): 673-688.

⁵ Franklin E. Zimring, Alex Piquero, and Wesley Jennings, "Sexual Delinquency in Racine: Does Early Sex Offending Predict Later Sex Offending in Youth and Young Adulthood?," *Criminology and Public Policy* 6, no. 3 (2007): 507-534., p. 523, Figure 7.

⁶ National Center on Sexual Behavior of Youth, "What Research Shows About Adolescent Sex Offenders," *NCSBY Factsheet* no. 1 (July 2003).

⁷ National Center on Sexual Behavior of Youth, "What Research Shows About Adolescent Sex Offenders," *NCSBY Factsheet* no. 1 (July 2003).

⁸ Michael F. Caldwell, "What We Do Not Know About Juvenile Sexual Reoffense Risk," *Child Maltreatment* 7, no. 4 (November 2002): 291-302.

⁹ Elizabeth Letourneau and Michael Miner, "Juvenile Sex Offenders: A Case Against the Legal and Clinical Status Quo," *Sexual Abuse: A Journal of Research and Treatment* 17, no. 3 (July 2005): 293-312.

¹⁰ Association for the Treatment of Sexual Abusers (ATSA). (2000, March 11). The effective legal management of juvenile sex offender. Retrieved from <http://www.atsa.com/ppjuvenile.html>

¹¹ Franklin E. Zimring and others, "Sexual Delinquency in Racine: Does Early Sex Offending Predict Later Sex Offending in Youth and Young Adulthood?" *Criminology and Public Policy* 6, no.3 (2007): 507-534.

¹² Sarah Tofte, *No Easy Answers* (New York: Human Rights Watch, 2007).