

THE ADAM WALSH COALITION OF BUCKS COUNTY,
PENNSYLVANIA

To Whom It May Concern:

In response to concerns regarding the Sex Offender Registration and Notification Act of 2006 (SORNA), professional stakeholders from Bucks County, PA formed a work group to review the potential unintended consequences of the mandated guidelines set forth by the Act, particularly as it applies to juveniles. The Adam Walsh Work Group of Bucks County considered the potential impact on juvenile offenders identified through the Court system. The work group was comprised of professionals from various disciplines representing the legal and therapeutic systems. As a result of our review, we have identified several concerns regarding the implementation of SORNA and the potential affect it will have on various stakeholders within the system and community. Our summary is documented herein.

JUVENILE SUBGROUP:

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JUVENILE SUBGROUP DISCUSSION

FACTS ABOUT JUVENILE SEX OFFENDERS

The majority of research and literature available to date has found that juvenile sex offenders are a distinct population from adult offenders. As such, they present with unique a set of needs and considerations, some of which have been outlined below:

Developmental Issues

Recent studies have shown that the human brain does not fully mature until the early to mid-twenties, specifically the prefrontal cortex. This area of the brain is responsible for decision making, impulse control, and decision-making. An adolescent's ability to solve problems, to make decisions, to control impulses, and to consider the consequences of their conduct are reasonably restricted; however, maturation is a natural cure for these concerns. In addition, juvenile behavior is more amenable to change because behavioral patterns are not permanently fixed. Appropriate intervention and treatment in conjunction with maturation serve to effectively enhance behavior patterns in adolescence.

Juvenile Sex Offender Demographics

The median age of the juvenile sex offender is between 14 and 15 years old while the median age of victims is 7 years old (Bartol & Bartol, 2004). According to the National Council of Juvenile Court Judges, more than 90% of juvenile sex offenders know their victims (1993); these victims are oftentimes relatives or close acquaintances of the juvenile offenders. Research suggests that juvenile sex offenders are a heterogeneous group from a variety of socioeconomic circumstances, religions, ethnicities, and academic abilities (Hunter, Figueredo, Malamuth, & Becker, 2003).

Risk Factors for Recidivism

Research has consistently identified social isolation, peer rejection, and limited educational and vocational opportunities as substantial risk factors for recidivism within the juvenile sex offender population. The continued research conducted by Terrie Moffitt, et al. regarding juvenile delinquency has identified these factors as contributing to life-persistent criminality (2006).

School

Criminological literature has consistently shown that access to education is a fundamental factor in enhancing adjustment, particularly for adolescents. Education provides vocational and career opportunities, social networks, avenues to enhance decision-making, to name a few. Access to education is, therefore, a significant factor in providing a future to adolescents in providing the adolescent the opportunity to become a productive and responsible member of the community.

Recidivism

Research has found that recidivism rates for juvenile sex offenders who have received treatment vary in range from a low of 2% to a high of 14%. Most important is the finding that juvenile sex offenders as a whole are less likely than adult offenders to recidivate sexually.

SORNA'S PROPOSED APPLICATION TO JUVENILE SEX OFFENDERS

According to the guidelines of SORNA and the information provided by the Department of Justice's Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) Office, it is mandatory for adjudicated juvenile sex offenders to register if the following criteria are met:

1. The offender is 14 years of age or older at the time of the offense
2. The offender was adjudicated for that offense
3. The offense was comparable to or more severe than Aggravated Sexual Abuse (as defined by Federal Legislation)

Once it is determined that a juvenile is subject to reporting, he will be required to register as a Tier III offender. Tier III offenders constitute the most serious sex offenders and are required to report for their lifetime. A Tier III juvenile sex offender is eligible to apply for clean record consideration after 25 years on the registry. This, however, is assuming that the offender receive no further criminal convictions, that they have successfully completed a period of supervision without revocations, and they have completed an approved sex offender program.

POTENTIAL NEGATIVE CONSEQUENCES OF SORNA

Based on the proposed registry criteria, juvenile offenders will disproportionately be required to register as Tier III offenders due to the likelihood that their victim will meet the age requirement for inclusion (under 12 years old). As noted above, most victims of juvenile sex offenses are under the age of 12 while the offenders are above the age of 14. As a result of their Tier III status, these juvenile offenders will likely be subject to restrictions that could have long-lasting and negative affects on their future adjustment and success. These affects include but are not limited to the following:

1. School restrictions: Most proposed (state) legislations require that Tier III offenders remain 2,000 feet from schools, playgrounds, and other places where children congregate. This would effectively limit educational opportunities for these juveniles.
2. Social isolation/peer rejection: Absent the opportunity to attend school, many of these juveniles will remain isolated and not have the opportunity to practice and establish healthy interpersonal interactions.
3. Lifetime Reporting: Will likely stigmatize and ostracize the offender. Career, educational, vocational, and interpersonal opportunities will be significantly restricted.

4. Community reintegration: Proposed (state) legislation seeks to restrict extra-county travel and the establishment of viable residence.
5. Noncompliance with registration: The juvenile may not be developmentally capable of understanding the expectations of registration. Further, they may be dependent on parents or guardians who do not appreciate the seriousness of these requirements and the implications of noncompliance for their children.
6. Increased Recidivism: Restricted opportunity and labeling may actually increase recidivism unexpectedly due to an increased sense of shame, stress, and general hopelessness.

STATISTICS SPECIFIC TO BUCKS COUNTY, PENNSYLVANIA

This chart reflects 2006 Bucks County Juvenile Court disposition data submitted to the PA Juvenile Court Judges' Commission on offenses that *could* qualify for required sex offender registrations under the Adam Walsh Act. Thirty-one petitions were disposed against twenty-six juvenile offenders who victimized thirty-five individuals.

SORNA ELIGIBLE JUVENILE SEX OFFENDERS IN BUCKS COUNTY - 2006*		
JUVENILE OFFENDER PROFILE		
Sex Offenders		
Petitions Disposed 2006	31	
Total Qualifying Offenders	26	
Average Age at Referral	14.6	
Offenses		
Indecent Assault	20	65%
Involuntary Deviate Sexual Intercourse	7	23%
Aggravated Indecent Assault	2	6%
Rape/Attempted Rape	2	6%
VICTIMOLOGY		
Victims Age		
Total Victims	35	
Under Age 12	27	77%
Age 12 - 13	1	3%
Age 14 - 17	6	17%
Age 18 and older	1	3%
Victim/Offender Relationship		
Immediate Family	9	26%
Extended family	8	23%
Acquaintance/ Neighbor	18	51%
Stranger	0	0%

* Source: 2006 Bucks County Juvenile Court disposition data submission to PA Juvenile Court Judges' Commission

States are required to pass their own version of SORNA which will determine which PA statutes would qualify for registration. The offenses listed above reflect our interpretation of potential offenses that could result in Tier III – or lifetime registration for these juveniles.

EMPIRICAL FINDINGS

- Recent research suggests that 7 out of 10 victims are abused by an acquaintance or some known to them.
- None of the studies done to date (addressing the effects of registration and notification on recidivism) have shown a statistically significant difference between registered sex offenders and non-registered sex offenders.
- Research has consistently demonstrates that “community notification” oftentimes does have a negative impact on the offender, his family members and even the community.
 - Impact on the offender and his family members include:
 - Denial of housing and/or employment.
 - Harassed/attacked by community members.
 - Social isolation fueled by anxiety and resentment; these feelings may erode offender’s restraint.
 - These factors are indirectly related to increased levels of stress for the offender; high levels of stress may contribute to relapse (recidivism).
 - Impact on the community include:
 - False sense of safety; overlook the potential for risk in known relationships and persons.
 - Overwhelmed with fear, worry and anxiety with knowledge that an offender is nearby (living to interfere with daily living and functioning).
 - Studies have found that neighbors who have received notification feel a greater risk of victimization; simply knowing did not provide safety; people were more likely to fear personal victimization.
- Some researchers have suggested that notification can even be detrimental to treatment because it takes the responsibility of rehabilitation and recidivism prevention off the offender and places it on the community.
- Registration and notification should be used to supplement more productive forms of prevention and community safety.
- Many researchers have recommended only offenders who present greatest risk should be required to submit to public registry and notification requirements
 - Electronic Monitoring for most at risk provides monitoring of the offender’s (actual) physical location; may be helpful for offender transition back to the community (temporary based on risk) – should be provided in conjunction with constant supervision.
 - One study estimated the cost to be \$3,650/year (excluding manpower; equipment and wages).
 - Periodic risk assessment is important to reduce recidivism; risk assessment is continuous and necessary to ensure offender compliance.

- Juvenile offenders and confidential registries for law enforcement and C&Y agencies
 - Current states: Idaho, South Carolina, Ohio and Oklahoma

Levenson Study (2005): Florida Registrants

- About 1/3 of study participants reported an increased willingness to manage their risk behavior because of neighborhood vigilance and most were motivated to prevent reoffending to prove themselves to others (may be counterproductive due to secrecy and impression management concerns, deception and manipulation are reinforced)
 - The majority of offenders reported that they do not believe that registration helps protect the public

In the research conducted by Tewksbury (2005)

- A large number of offenders reported feelings of helplessness; having little hope (quality of life and future prospects) that their present action would make a difference or change the community's reaction/perception of them.
- A major social collateral consequence experienced was the offender's separation from his family.
 - Other identified collateral consequences include:
 - emotional impact for family members
 - isolation + frustration = **RECIDIVISM**
 - isolation results in few or no social support systems for the offender which is critical to risk prevention
- Purpose of registration and notification: to shame and discourage recidivism; shame is counterproductive.

Kentucky Study (2004 – 2005)

- Offenders in non-metropolitan areas experienced more social consequences as a result of registration and notification.
 - Top 5 consequences:
 1. Loss of friend (s)
 2. Harassed face-to-face
 3. Loss of /Denied a place to live
 4. Loss of Job
 5. Treated rudely in public
- Offenders with child victims reported that most people in their lives did not know about their offenses; seemed more successful at hiding their offender status from others.
 - Indicates that even those closest in contact to these offenders were not aware of their offenses regardless of their inclusion in offender registration and notification.

- Results also demonstrated that participants were divided in their feelings about the deterrent effect of registration and notification.

According to the PA Containment Model (2006)

- Social Skill training is imperative to offender treatment.
 - Offenders with poor social skills may become frustrated in ordinary social situations with adults and either over power victims or retreat to lower stress environments of children.
 - Improved social skills can reduce the need to force victims or interact primarily with children by increasing effectiveness and satisfaction in adult interactions.
- Group Therapy has received the most empirical support regarding treatment effectiveness.
 - Provide outpatient group therapy on a weekly basis for offenders in the community (a least 2 times a week for total of 4 hours)
- Assessment and evaluation of the offender are an ongoing process and should occur at various phases of treatment.
 - Progress in treatment and level of risk are not consistent over time and shift because of the cyclical nature of internal and external factors (mood, cognition and life stressors)
- Differences between sex offenders must be acknowledged – “one size does not fit all...”
- Monitoring of risk must be a continual process.
- Collaboration is required among professionals (approach must be united).
 - Specialized training is required for therapists, supervision officers, etc.

ATSA Recommendations (2007)

- Risk of identifying victim must be considered because victims related to their offenders may be less inclined to report their abuse; in approximately 90% of sexual assault cases, the victim and offender are family members, acquaintances, friends, etc.
 - Breach confidentiality of victims and non-victim family members (must prioritize this).
 - Effects the functioning of the family as a whole.
- Community education: how to protect children; dynamics of sex offending; the differences among specific offender groups.
- Change the definition of **aggravated sexual abuse** so it does not disproportionately place younger offenders in the highest tier.
- Allow judicial discretion based on offender history; risk assessment; treatment outcomes, etc.
- Across the country residence restrictions are being tied to notification status which will effect housing, living arrangements, family reunification, school, extracurricular activities, etc.

Coalition for Juvenile Justice – OJJDP (2006)

- Enhance prevention by facilitating positive youth development (hallmarks).
These hallmarks include:
 - Family communication
 - Non-parental role models
 - Peer role models
 - Good health practices
 - Time spent in group activities
 - Community involvement
 - Responsible choices
 - Aspirations for the future

RECOMMENDATIONS OF THE BUCKS COUNTY JUVENILE SUBGROUP:

1. Confidential Registries: Based on the aforementioned concerns, the Juvenile Subgroup recommends a confidential registry for first-time juvenile offenders adjudicated delinquent of hands-on sex offense charges. Those listed on the confidential registry should be subject to further sanction and community registry upon failure to comply with treatment, continued sex offenses, and/or treatment noncompliance. This confidential registry should only be accessible to law enforcement, child welfare organizations, and related agencies charged with providing investigation, supervision, and treatment to the juvenile offender population. Disclosure of past offenses during the course of mandated treatment not known prior to adjudication and disposition should not be factors that select an individual into community notification. Confidential registries would comply with the standards mandated by registration and notification laws by enhancing community protection. Further, such registries would be in compliance with standards promoted by the American Juvenile Justice System. More importantly, these registries would be in compliance with the principles established by the philosophy of Balanced and Restorative Justice (BARJ) in Pennsylvania by offering community protection, offender accountability, and competency development. It is anticipated that confidential registries would protect first-time juvenile sexual offenders from negative social consequences related to public registration while simultaneously providing protection and assurance to the community.
2. Specialized Supervision: The Juvenile Subgroup recommends the development of a mandatory and standardized training curriculum for those charged with the assessment, supervision, custody, care, and treatment of juvenile sex offenders. Providing these professionals with specialized training will enhance community protection, successful offender reintegration, family reunification, and victim reconciliation (when appropriate) by organizing and directing the trifurcated treatment process outlined above.

3. Education and Employment: The Juvenile Subgroup suggests that restrictions provisions under SORNA should not preclude the restoration of the juvenile under BARJ principles. Competency development includes the enhancement and maintenance of prosocial skills, moral reasoning, academic skills, workforce development, and independent living skills. Recommended zoning and residency restrictions would prohibit identified juvenile offenders from entering educational institutions resulting in restricted academic and vocational success in the future. It is assumed that such restrictions will be counterproductive to the community and the offender as supported by the aforementioned empirical findings. Therefore, it is recommended that SORNA legislative provisions that run counter to competency development under BARJ principles be reconsidered.
4. Therapeutic Intervention: The Juvenile Subgroup recommends the development of standardized and empirically supported treatment standards. These standards should include cognitive behavioral interventions such as cognitive restructuring and relapse prevention while also focusing on integrative approaches to wellness such as *The Good Lives Model*. In order to promote successful community reintegration and to maintain public safety, parents and other family members need to be educated on the dynamics of sexual offenses and they should participate in family therapy. Objective measures must also be incorporated including measures of sexual interest and arousal (Abel Assessment and Plethysmography), psychological and personality testing, and polygraph. Regular collaboration between treatment providers and juvenile justice personnel should be mandated to ensure the collaborative management of offenders and community protection. Such professional collaboration is expected to enhance the quality of supervision and treatment provided to this population, as it will emphasize the collective goal of community protection.
5. Public Education: Research to date has suggested that a significant portion of sex offender legislation appears to be based on conjecture and popular myths about the dynamics of sexual abuse and sexual offenders rather than empirically based research. As a result, it is respectfully recommended that public education be a more focal goal of the Adam Walsh Child Safety and Protection Act. It is imperative that community members understand the true risks of sexual victimization to themselves and their children. Protecting ourselves and our children against the potential “*Stranger Danger*” is antiquated and insufficient if our goals are to reduce victimization and ensure community protection. Education should be provided to clinical and counseling professionals, academic professionals, law enforcement professionals, the layperson, parents, etc. (the list is inexhaustible).

Respectfully Submitted by the Juvenile Subgroup,

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