DOES SEX OFFENDER REGISTRATION AND NOTIFICATION WORK WITH JUVENILES? BY ELIZABETH J. LETOURNEAU

The intention of sex offender registration and notification policies (SORN) is to improve community safety, deter sex crimes, and provide law enforcement with tools for more comprehensive and coordinated approaches to sex crime investigations. The primary aims of this project, funded by the Center for Disease Control, were to empirically examine the effects of South Carolina’s sex offender registration and notification (SORN) policies with respect to (1) preventing initial acts of juvenile sex crimes, (2) reducing juvenile sexual recidivism, and (3) influencing juvenile judicial decision making. This Brief presents a summary of individual studies that addressed these three project aims, and provides general conclusions and policy recommendations.

AIM 1: GENERAL DETERRENCE OF JUVENILE SEX CRIMES

Summary: We have completed one study that examined whether South Carolina’s sex offender registration and notification (SORN) policy was associated with a general deterrent effect on juvenile sex crimes. Using juvenile justice data from 1991 through 2004, we analyzed trends of first time juvenile sex crimes across three time periods: prior to 1995 (the year South Carolina’s SORN policy was initially implemented), between 1995 and 1998, and from 1999 (the year the policy was revised to include online registration) to 2004. Initial results suggested a significant deterrent effect of SORN on first-time juvenile sex crimes. Specifically, the probability of first-time sex crime charges declined significantly between the pre-SORN time period and subsequent years. However, comparison analyses with nonsex offenses identified a similar pattern with first-time robbery crimes. Follow-up analyses indicated that the apparent declines identified for first-time sex and robbery offenses were due to another legislative change, also enacted in 1995, that moved the prosecution of 16-year-old defendants from juvenile to adult court. When these cases were included in the database, follow-up trend analyses indicated no significant post-SORN reduction. Thus, neither South Carolina’s original SORN policy nor the modification that required online notification for some juvenile registrants was associated with deterrence of juvenile sex crimes.
Aim 2: Specific Deterrence of Juvenile Sexual Violence

Summary: We have completed two studies examining the influence of SORN on juvenile sexual and nonsexual recidivism rates. In the first study registered and nonregistered male youth were matched on six important characteristics: year of offense, age at offense, race, prior person offenses, prior nonperson offenses, and type of sexual offense (111 matched pairs). Recidivism was assessed across an average 4-year follow-up period. There were just two sexual offense reconvictions, too few to analyze differences between the groups. There were no long-term differences between the groups with respect to new nonsexual violent offense convictions. There were significant differences with respect to new nonperson offense convictions. Specifically, registered youth were more likely than nonregistered youth to have new nonperson offense convictions across the follow-up period. Follow-up analyses indicated that registered youth were more likely than nonregistered youth to be charged and convicted of relatively minor, misdemeanor offenses (e.g., public order offenses). This increased rate of convictions for minor offenses might reflect a police surveillance effect. Results did not support a reduction in recidivism attributable to SORN.

The second study examined the recidivism rates of 1,275 male juveniles with sex crime convictions across an average 9-year follow-up period. Results indicated that being registered had a marginal effect \( p < .10 \) on increasing the risk of sex crime charges but not new sex crime convictions. Likewise, analyses also suggested that being registered had a significant effect \( p < .01 \) on increasing the risk of new nonperson crime charges but not new convictions. Thus, relative to nonregistered youth, registered youth were at greater risk for new sex and nonsex/nonperson charges but not new convictions. This increased rate of charges but not convictions suggests that law enforcement more quickly apprehend youth who are registered, perhaps because they are more familiar with these youth (due to in-person registration requirements) and also because they view registered youth to pose higher risks than nonregistered youth. That the charges did not result in convictions suggests insufficient evidence to support a conviction. Results did not support a reduction in recidivism attributable to SORN.

Aim 3: Unintended Effects on the Prosecution of Juveniles who Sexually Offend

Summary: We have completed two studies and are working on a third examining the influence of South Carolina’s SORN policy on the prosecution and adjudication of juveniles who sexually offend. The first study examined effects of South Carolina’s SORN policies on juvenile judicial decision making. We examined family court prosecutor decisions and final disposition outcomes across a 15-year time period. Results indicated that prosecutors were significantly less likely to move forward on felony-level sex crime charges post-SORN relative to pre-SORN. Thus, more juvenile sex crime charges were dropped or dismissed post-SORN. Comparison analyses indicated
that, over this same time period prosecutors became less likely to move forward on assault crime charges. However, the estimated effect was nearly twice as large for sexual offenses. There also was increased likelihood of guilty adjudications for sexual and assault offenses over time. We hypothesized that prosecutors were reluctant to subject some juveniles who sexually offended to South Carolina’s lifetime registration and public notification requirements and, instead, selectively forwarded more serious cases after the implementation of SORN. One result of prosecuting cases more selectively was the increased adjudication rate identified in the post-SORN time period.

The second study focused on the prosecution of juveniles charged with two or more sex crimes. As with the prosecution of first-time sex crimes, there was a significant reduction in the prosecution of repeat sex crime cases immediately post-SORN. After this initial drop prosecutors became more likely to move forward on repeat sex crime cases over time.

We are continuing to examine the unintended effects of SORN on plea bargain results. As depicted in the chart below, approximately 20-25% of juvenile sex crime cases pleaded to nonsекс crimes prior to SORN (1990-1994). Between the implementation of SORN (1995) and the addition of online registration (1999), this percentage increased 50% and has remained at or above 50% since 1999. More formally, the odds of pleading from sex to nonsекс crimes was 3.2 times higher for the 1999-2004 (post-online SORN) time period compared to the 1990-1994 (pre-SORN) time period ($p < 0.0001$). Comparison analyses for assault and robbery offenses in which cases pleaded from more to less serious crimes (e.g., aggravated assault and battery reduced to simple assault) indicated only modest changes in rates of plea bargains.

**SUMMARY**

South Carolina’s SORN policy is not associated with deterrence of juvenile sex crimes. Juveniles sex offenders do not reoffend less frequently as a result of South Carolina’s SORN policy. In fact, relative to nonregistered youth, registered youth appear
to be at increased risk for being charged with nuisance offenses. Prosecutors were significantly less likely to move forward on serious first-time sexual offense charges after the implementation of SORN and there was also a significant reduction in the prosecution of repeat sex crime cases immediately post-SORN. Finally, there has been a three-fold increase in plea bargains of juvenile sex offenses to non-sex crimes.

**Conclusions**

Results from these studies indicate that SORN, as implemented in South Carolina, does not accomplish its intended public safety benefit. There was no evidence of a general deterrent effect, thus, community safety was not improved by preventing first-time juvenile sex crimes. There was no evidence of a specific deterrent effect, thus, community safety was not improved by reducing sexual or nonsexual recidivism rates. There was evidence that SORN influenced juvenile prosecution and conviction rates in unexpected ways. In particular, results indicated a significant decline in the likelihood of prosecutors moving forward on juvenile sex crime cases after the implementation of SORN. When cases did move forward, there was a significant increase in the odds of pleading from a sex to a nonsex crime; thus, community safety could in fact be compromised as a result of reduced likelihood of prosecution for juvenile sex crimes.

**Policy Recommendations**

We believe the relevance of findings from this series of studies potentially extends beyond state borders. South Carolina’s SORN policy shares several characteristics with the registration and notification elements of the more recently enacted federal Adam Walsh Child Protection and Safety Act of 2006 (AWA). For example, both policies require long-term registration and online notification of some juveniles adjudicated for sex crimes. These registration and notification requirements are triggered, in both policies, by adjudication offenses rather than risk assessments. Neither policy permits judicial actors discretion in the application of registration or notification requirements. Given these similarities, it seems that widespread implementation of juvenile AWA requirements might also fail to benefit society.

Based on these findings and extensive literature on juvenile behavioral development, three policy recommendations are suggested. First, registration requirements should be based on objective measures of the recidivism risk posed by an individual youth rather than on a youth’s adjudication offense. Second, the duration of juvenile registration should be limited to reflect the developmental stage of youth, as is the case for juvenile probation. Third, juvenile registration information should be accessible only to law enforcement personnel and not made public. These changes will not weaken community safety efforts but will address many of the concerns raised by state legislators and other entities concerned with the application of adult legal consequences to juvenile offenders.
About the Author

Elizabeth Letourneau is an associate professor at Medical University of South Carolina. She has conducted sex crime and victimization research since for 20 years.

326 Calhoun Street
4th Floor McClennan Banks Building
Charleston, SC 29401
843.876.1868 (phone); letourej@musc.edu

This research was funded by a grant from the Center for Disease Control (R49 CE00567).

References


