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Jeff Slowikowski
Designated Federal Official
U. S. Department of Justice

November 14, 2016

To: Mr. Robert Listenbee, Administrator
Office of Juvenile Justice and Delinquency Prevention (OJJDP)

From: Hon. George W. Timberlake, Chair
Hon. Amy M. Davenport, Vice Chair
Federal Advisory Committee on Juvenile Justice (FACJJ)

Re: Recommendations of the Federal Advisory Committee on
Juvenile Justice

Through this correspondence we respectfully convey to you the policy recommendation of the Federal Advisory Committee for Juvenile Justice regarding the identification, support and prioritization of community-based, evidence-based and family-focused responses to youthful sexual offending. This recommendation was developed with careful consideration of current research and data on the characteristics of youth with sexual behavior problems and the interventions most likely to prevent further sexual offending, support victims and strengthen families.

This research indicates that effective responses are individualized, utilize a risk-needs-responsivity framework, provide evidence-based supervision and support, actively engage families and caregivers and, when consistent with public safety, take place in community-based settings. This recommendation recognizes that OJJDP and DOJ can play important roles in identifying and informing juvenile justice practitioners, policy makers and the public about effective responses to illegal sexual conduct by youth, in supporting evidence-based policy and practice and in eliminating approaches which have been shown to be ineffective or harmful. The recommendation and its underlying rationale is discussed in more detail below.

Thank you for your support of the FACJJ, including your consideration and responsiveness to our prior recommendations. We look forward to collaboration and dialogue to advance this recommendation as well. On behalf of the FACJJ, please accept our thanks for your leadership and support, and that of your staff, as we have worked together to improve the well-being of young people and communities in each of our states.



RECOMMENDATION¹: The Office of Juvenile Justice and Delinquency Prevention, Department of Justice, should identify, support and incentivize the development and use of community-based², evidence-based and family-focused responses to youthful sexual misconduct and offending that are consistent with public safety.

Rationale: Most youth who engage in illegal sexual behavior present low risk for future sexual offending. Evidence-based responses have been demonstrated to be effective in promoting accountability, protecting public safety, reducing risks for future offending and producing more positive results for youth and their families. Because sexual offending by youth typically occurs within a family or social network, these evidence-based strategies also protect and support positive outcomes for victims and the community. Key features of evidence-based responses include the use of developmentally appropriate methods, intervention based on assessment of risks, needs, and strengths, family-focused treatment and support and, when appropriate and consistent with public safety, community-based services and support.

Findings:

Youth are different from adults

Responses to sexual offending by youth were initially developed by applying the same methods that had been used with adult offenders. But we now know that juveniles are not younger versions of adult offenders. Studies of adolescent brain development reveal that children and teenagers are impulsive, emotional, and present-oriented. Their developing brains often ignore, discount, or fail to comprehend the consequences of their actions for themselves or others. Sexual offending by juveniles is generally less aggressive, less deviant, often experimental, and may be transitory in nature. As adolescents mature, risky and illegal behaviors, including sexual offending, tend to cease.

Juvenile sex offenders are at very low risk of reoffending

Recidivism rates³ for juvenile sex offenders are consistently low, an average of 7% across studies, based upon the most recent systematic review and synthesis of research findings (Caldwell, 2010). New offenses by these youth are much more likely to be of a non-sexual nature.

¹*This recommendation is complementary to the FACJJ's earlier recommendation of May 2016 that: "Existing federal law should be amended to explicitly exempt juveniles (all persons who were below the age of 18 at the time of their offense) from all sex offender registration, community notification, and residency restriction laws."*

² *In this context, "community-based" refers to home-based, non-secure or other therapeutic services delivered in the least restrictive setting consistent with public safety and positive youth outcomes.*

³ *These recidivism statistics have been updated from the FACJJ's earlier recommendation of May 2016.*



Registration does not reduce recidivism or produce positive outcomes

Studies indicate that the registration of youth as sex offenders is not associated with reductions in future sex crimes, or other crimes. Juveniles placed on registries face shame and stigma as well as obstacles to education, employment, housing and stable family relationships which may increase risks for criminal conduct and minimize long term chances of young people becoming contributing members to society. Moreover, victims of sexual abuse by juveniles are often members of the immediate or extended family due, in large part, to the developmental underpinnings of problematic youth sexual behavior. As a result, imposing sex offender registration on youth, along with community notification and restrictions on housing and other community activities, may also have profound harmful and lasting consequences for victims of sexual offending.

Evidence-based treatment is effective in reducing offending

In contrast to registry strategies, there is empirical evidence to support the effectiveness of developmentally appropriate interventions. These comprehensive, coordinated, community-based approaches show positive impact in addressing the needs of youth with problem sexual behaviors, protecting child victims of sexual abuse, reducing reoffending and protecting community safety.

Effective interventions are individualized

Early identification of children and youth with problem sexual behaviors can promote positive outcomes. Individualized support, services and supervision of youth with problem sexual behaviors should be based on a valid, developmentally appropriate assessment of a youth and family's risks, needs and strengths.

Effective interventions utilize a risk-needs-responsivity framework and “do no harm”

Effective responses utilize a risks-needs-responsivity (RNR) framework which matches the intensity and types of services and supervision to a youth's individual risks and needs. An RNR framework ensures that youth with greater risk factors or criminogenic need receive more intense or higher “dosages” of treatment. At the same time, RNR responses recognize that over-intervention or inappropriate interventions may disrupt youth development, exacerbate criminality and ultimately increase risks of reoffending rather than reducing them.

Evidence-based strategies utilize research-based models and skilled staff

Effective responses utilize evidence-based programs and treatments which have been demonstrated to reduce behavior problems. These programs utilized knowledgeable and skilled staff and provide ongoing quality assurance and professional development. Effective programs monitor outcomes and consistently ensure “fidelity” to the model being utilized.



Effective interventions focus on healthy youth development, relationships and skills

Effective interventions assist caregivers with effective safety planning and monitoring of youth with behavior problems, while fostering positive youth maturation, self-regulation and healthy relationships with family, peers and the community. The most effective interventions address the impact of trauma on youth, victims and families and focus on the development of prosocial attitudes, relationships and skills among youth and family members.

Effective responses to youth sexual offending requires community-based resources

Problematic sexual behavior by children and youth is a family and community issue. In addition, research indicates that community-based interventions are more effective and far less expensive than secure confinement or incarceration-based strategies. Thus, communities need support to foster healthy youth development and effectively respond to problem sexual behavior using multi-disciplinary, coordinated and evidence-based strategies.

CONCLUSION: Most youth who engage in sexual misconduct or offending present low risk for future sexual offending. For those youth who do present risks of future offending, evidence-based responses have been demonstrated to be effective in promoting accountability for harmful conduct, protecting public safety and producing more positive results for youth and their families. Because sexual offending by youth typically occurs within a family or social network, these evidence-based strategies can also protect and support positive outcomes for victims. Effective responses to problem sexual behavior by youth are individualized, utilize a risk-needs-responsivity framework, provide evidence-based supervision and support, actively engage families and caregivers and, when possible consistent with public safety, take place in community-based settings. While current research highlights clear principles of effective, developmentally appropriate responses to illegal sexual behavior by youth, there is more work to be done to develop and implement a continuum of evidence-based and promising programs. Moreover, the best available data suggest that a large proportion of programs nationwide are not utilizing best practices which reflect the science of development and may, in fact, be based upon intervention strategies designed for adults.

OJJDP and DOJ can play important roles in identifying and informing juvenile justice practitioners, policy makers and the public about effective responses to illegal sexual conduct by youth, in supporting evidence-based policy and practice and in eliminating approaches which have been shown to be ineffective or harmful. To do so, OJJDP and DOJ must discourage juvenile sex offender registration laws which are inconsistent with research and evidence based practice and undermine positive outcomes, and support the use of evidence-based, community-based and family-focused responses to sexual misconduct and offending by youth. This support may include (but is not limited to):



- 1) Identifying and advancing effective, evidence-based strategies through the support and publication of research and the provision of technical assistance and other guidance on effective responses to youth sexual offending. OJJDP and DOJ support of high-quality, ongoing research on this issue is particularly important. While federal agencies have recently begun investing in treatment for sexually abusive behaviors, further collaboration is recommended in order to support ongoing research on effective – and ineffective – interventions with youth who have engaged in illegal sexual behavior; and
- 2) Supporting the implementation of effective, evidence-based strategies through formula and discretionary funding. When necessary and appropriate, OJJDP and DOJ should seek resources to support these efforts; and / or
- 3) Prioritizing the use of evidence-based strategies and promising practices over those shown to be ineffective or harmful when allocating existing resources and funding.

Sources: “*Child Maltreatment, Our Minds Are Made Up So Don’t Confuse Us With The Facts: Commentary Concerning Children with Sexual Behavior Problems and Juvenile Sex Offenders,*” Mark Chaffin, Sage Publications, 2009; “*Revising Harmful Policy: An Inside Look At Changes to US Juvenile Sex Crime Laws,*” Elizabeth J. Letourneau, Presentation to the Federal Advisory Committee on Juvenile Justice, March 18, 2016; “*Youths Who Sexually Abuse: What Works,*” Sue Righthand, Presentation to the Federal Advisory Committee on Juvenile Justice, March 18, 2016; “*Community Based Services for Youth with Problematic Sexual Behavior, Child Victims and Caregivers,*” Jane F. Silovsky, Presentation to the Federal Advisory Committee on Juvenile Justice, March 18, 2016; “*Juvenile Sex Offenders and SORNA, National Conference of State Legislatures,*” May 2011; “*Costs And Benefits Of Subjecting Juvenile to Sex-Offender Registration and Notification,*” Richard B. Belzer, R Street Policy Study #41, September 2015; “*Improving Illinois’s Response to Sexual Offenses Committed By Youth: Recommendations for Law, Policy and Practice,*” Illinois Juvenile Justice Commission, March 2014, Michael F. Caldwell, Caldwell, M.F. (2010). *Study characteristics and recidivism base rates in juvenile sex offender recidivism.* International Journal of Offender Therapy and Comparative Criminology, 54(2), 197–212; McGrath, R.J., Cumming, G.F., Burchard, B.L., Zeoli, S., & Ellerby, L. (2010). *Current Practices and Emerging Trends in Sexual Abuser Management: The Safer Society 2009 North American Survey.* Brandon, VT: Safer Society Press.