State of Illinois
Department of Human Services

IMPROVING ILLINOIS' RESPONSE TO SEXUAL OFFENSES COMMITTED BY YOUTH

Recommendations for Law, Policy, and Practice

March 2014

A report to the Governor and General Assembly pursuant to Public Act 097-0163.

Illinois Department of Human Services

ILLINOIS JUVENILE JUSTICE COMMISSION

Positive Youth Outcomes. Public Safety. Fiscal Responsibility.

Acknowledgments

The Illinois Juvenile Justice Commission (the Commission) serves as the federally mandated State Advisory Group to the Governor, General Assembly and the Illinois Department of Human Services in developing, reviewing, and approving the State's juvenile justice plan for the expenditure of funds granted to Illinois by the Office of Juvenile Justice and Delinquency Prevention in the U.S. Department of Justice. The Commission members include:

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The Commission acknowledges the generosity of the many stakeholders, including providers of treatment to victims, offenders and families; the Illinois Department of Juvenile Justice employees; probation officers and offices across the state; the Illinois Criminal Justice Information Authority; and the Center for Prevention Research and Development. They willingly shared their knowledge, experience, and data. The information and insight provided forms the backbone of this report.

This report has been completed only through the immense efforts of Anita Weinberg, Director, and Amy Meek, Post-Graduate Policy Teaching Fellow, ChildLaw Policy Institute at Loyola University Chicago School of Law, Civitas ChildLaw Center. Professor Weinberg provided the initial vision for this project and also volunteered for her and her students to carry out the lion's share of the research and analysis which undergirds the report. Her advocacy for children involved in sexual abuse, whether as victims or offenders, and her consistent fair-mindedness strengthened the report in immeasurable ways.

The Commission also thanks Shannon Hartnett for her assistance in drafting the report, along with Robert Vickery and Heidi Mueller for their contributions. In addition, the Commission acknowledges the tremendous work of Loyola University Chicago School of Law and Northwestern School of Law students and clinical fellows including Kendall Coker, Jenny Marie Coronel, Allison Freedman, Amy Gilbert, Kelsey Green, Cynthia Herrera, Stephanie Kollmann, Emily Lowe, Soledad McGrath, Robert Mooney, Caitlin Olwell, Rupa Ramadurai, Natasha Townes, and Agnieszka Zielinski.

Each Commissioner contributed to this report, most notably Julie Biehl, Jacqueline Bullard, Esther Franco-Payne, Lisa Jacobs, George Timberlake, and Dana Weiner.

Finally, the Commission recognizes the leadership and contributions of former Senator John Millner, Senator William Haine, and former Representative Jim Sacia, who crafted and supported the legislation that made this study possible. In doing so, they have created an unprecedented opportunity to enhance public safety, protect victims and improve the outcomes of young people and communities through evidence-informed policy and practice.

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Executive Summary

Illinois passed its first laws concerning sex offense registries nearly 30 years ago. At that time, little research was available concerning the characteristics of individuals who commit sex offenses, the risks for reoffending and strategies to prevent reoffending. Even less was understood about young people who commit sex offenses.

Since then, nearly every legislative session has yielded multiple new laws concerning sex offending. Until 1999, registry and notification laws applied only to adults, but since 1999, the scope of such laws has broadened to include youth. Today, most Illinois youth who are adjudicated delinquent for sex offenses under the Juvenile Court Act have all adult sex offender rules and restrictions imposed upon them; many receive permanent adult felony convictions for registry violations. Adult sex offender restrictions are largely applied to juveniles without any consideration of the youth's age at the time of offense, background, current risk level, or clinical recommendations. The restrictions are assigned without sufficient clarity from practitioners about which provisions are mandatory, discretionary, or apply only to adults.

Over the same period, a growing body of evidence has produced a clearer picture of the characteristics of youth with sexual behavior problems and the interventions most likely to prevent further sexual offending, strengthen families, and support victims. The increased availability of high-quality, reliable, youth-specific research findings presents an exceptional opportunity to align law and practice with expert consensus about best practices for responding to youth sex offenses.

Most importantly, research over the last few decades has conclusively established that youth are highly amenable to treatment and highly unlikely to sexually reoffend. Research also indicates that strategies used with adults—principally sex offender registries and residency/employment restrictions—are not only unnecessary as applied to youth, but also counterproductive, as they often jeopardize victim confidentiality and can interfere with youth rehabilitation to an extent that undermines the long-term safety and well-being of our communities.

In recognition of this research and the vital need to identify evidence-based best practices with regard to this very serious issue, the General Assembly charged the Illinois Juvenile Justice Commission with making recommendations to ensure the effective treatment and supervision of youth who are adjudicated delinquent for a sex offense.[1]

To fulfill its legislative charge, the Commission, partnering with Civitas ChildLaw Policy Institute at Loyola University Chicago School of Law[2] and the Center for Prevention Research and Development at the University of Illinois[3]:

- Analyzed Illinois and federal law;
- Collected and analyzed Illinois arrest, probation, detention, and incarceration data;
- Reviewed 179 probation files and 77 Illinois Department of Juvenile Justice master files;
- Surveyed social science research on youth adjudicated delinquent for a sex offense—including recidivism and best practices studies; and
- Interviewed practitioners who work with victims, youth who have offended and the families impacted by youth sexual offending.

In presenting this report, the Commission emphasizes that neither the study nor its findings and recommendations attempt to understate the harm experienced by victims of sexual offending. On the contrary, it is the intent of the Commission to help reduce sexual victimization and the harm it causes by advancing public policy and law that prevents sexual victimization, addresses the harm done to victims, and strengthens Illinois families and communities.

Based on its comprehensive analysis of law, empirical research, Illinois data and practitioner experience, the Commission found that:

- The number of youth arrested for sexual offenses in Illinois is small and has declined.
- The majority of youth arrested for sexual offenses are young; half are 14 years old or younger.
- Youth detained or incarcerated for sex offenses are a very small proportion of admissions, and are incarcerated far longer than their peers, including for administrative reasons.

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[1] 20 ILCS 505/17a-5, enacted as P.A. 97-0163 and effective as of January 1, 2012, directs the Commission to "study and make recommendations to the Governor and General Assembly to ensure the effective treatment and supervision of the specialized population of juvenile offenders who are adjudicated delinquent for a sex offense." The Act further required that the Commission "utilize available information and research on best practices within the state and across the nation including, but not limited to, research and recommendations from the U.S. Department of Justice. Among other relevant options, the Commission shall: consider requiring specially trained probation, parole or aftercare officers to supervise juveniles adjudicated as sex offenders; explore the development of individualized probation or parole orders which would include, but is not limited to, supervision and treatment options for juveniles adjudicated as sex offenders; and consider the appropriateness and feasibility of restricting juveniles adjudicated as sex offenders from certain locations including schools and parks."

[2] The Civitas ChildLaw Center's Policy Institute seeks to improve the lives of children and families in Illinois through systems reform and legislative advocacy. The Policy Institute develops and promotes child-centered laws, policies and practices, and builds coalitions and partnerships to improve the functioning of the legal, social welfare, juvenile justice, health care and other systems that impact underrepresented children and families.

[3] The Center for Prevention Research and Development (CPRD) is part of the Institute of Government and Public Affairs at the University of Illinois. CPRD seeks to support public policy by improving state and community capacity for prevention, improving prevention and educational practices through research and evaluation, and improving policies and decision-making.

- Illinois sex offense charges can encompass a wide range of youth behavior and do not differentiate between nature, harm, or severity of unlawful sexual conduct.
- Most youth sexual offending involves a family member or a person known to the youth.
- Most youth who sexually offend never repeat their harmful conduct.
- Risk-responsive treatment is effective in reducing sexual reoffending. Successful interventions include key and replicable features:
    - Individualized supervision and treatment based on an assessment of a youth's risks, needs, and strengths;
    - Community-based interventions provided by skilled practitioners to address risk and build social and developmental skills;
    - Comprehensive, family-focused, evidence-based treatment attentive to the needs of victims and their families while promoting offender accountability; and
    - Intensive and specialized treatment for the small number of youth who present serious and persistent risks for future sexual offending.
- Illinois' current practice of requiring youth to register as sex offenders and imposing collateral restrictions without regard to risk does not enhance public safety; moreover, research indicates that applying these strategies can actually undermine rehabilitation and the long-term well-being of victims, families, youth, and communities:
    - Categorical responses misjudge public safety risks and undermine the goals of juvenile court;
    - Illinois' registration and community notification laws impose mandatory, categorical collateral consequences on youth behavior, including for natural life;
    - Federal law instructs states to institute a mandatory and categorical registry for youth; most states do not comply;
    - Due to lengthy mandatory registration periods, the Illinois juvenile registry continues to grow even as offenses have decreased;
    - There is no persuasive evidence that the growing number of youth on Illinois' sex offender registry prevents victimization;
    - Identifying youth as "sex offenders" can create significant obstacles to rehabilitation and public safety;
    - Youth lack legal representation to resolve confusing or inconsistent directives;
    - Victim and offender therapists agree that sex offense stigma interferes with successfully treating their clients; and

- Individualized restrictions support the accountability and rehabilitation purposes of the Juvenile Court Act.

Some aspects of the Illinois juvenile justice system are aligned with the research presented in this study on "what works" to address sexual offending by youth, but others are not. To better align Illinois law, policy and practice with current research on youth sexual offending, the Commission recommends that Illinois:

1. Develop and implement professional best practice standards and provide current, objective, and evidence-informed training for professionals who work with youth offenders and victims of sexual abuse. Various entities such as the Illinois Sex Offender Management Board (SOMB), the Illinois Law Enforcement Training and Standards Board (ILETSB), the Administrative Office of Illinois Courts (AOIC), the Illinois Supreme Court, and the Illinois Department of Juvenile Justice (IDJJ), should promulgate evidence-based standards of professional practice for intervening with sexually offending youth and victims and should take steps to ensure that professionals receive appropriate training to equip them to meet these standards. In addition, these entities should implement meaningful quality assurance strategies for the professionals and agencies they support. To assist in these efforts, the Commission will support the development and delivery of high-quality, evidence-based training and professional development to practitioners.

2. Equip courts and communities to intervene effectively with individualized, community-based, family-focused services and supervision. Ensure that interventions proven effective in reducing risks of reoffending and addressing the needs of offenders and victims are implemented at all juvenile justice system decision points.

At Pre-Adjudication

- Develop protocols for pre-adjudication evaluation of youth to better inform decision-making while protecting youth constitutional due process rights.
- Empower state's attorneys, defenders and judges to make decisions based on the individualized, comprehensive approach envisioned in the Illinois Juvenile Court Act, rather than imposing requirements that are based solely on offense category.

At Sentencing, Probation and Treatment

- Rely on individualized, comprehensive, evidence-informed assessments conducted by qualified assessors to determine each youth's risk, needs, and strengths.

- Develop individualized case plans based on an assessment where the level of intervention corresponds to the risk level.
- Apply community-based programs that allow youth to reside at home, whenever possible and appropriate, which research shows can bolster public safety more effectively than incarceration.
- Ensure that probation officers and treatment providers have access to training, ongoing support, oversight, evidence-based and family-focused services, and intensive specialized treatment resources when necessary to effectively supervise youth in the community.
- Ensure that judges have access to assessments, evaluations, and evidence-based practices to inform appropriate supervision and service plans for each youth.
- Fully implement a recent change to the Juvenile Court Act (effective January 1, 2012)[4] by eliminating the unnecessary use of IDJJ commitments when less-restrictive alternatives are appropriate and ensuring that all judges have access to such alternatives.

While Committed to Illinois Department of Juvenile Justice and Under the Jurisdiction of the Illinois Prisoner Review Board

- Ensure that youth receive high-quality, evidence-informed treatment and services and are transitioned into community-based services and supervision in a timely manner.
- Eliminate unnecessary stays in secure facilities and long-term residential placements.
- Expedite transition of youth from Illinois Department of Corrections (IDOC) parole officers, who supervise large caseload of adults, to skilled aftercare specialists who are qualified to work with youth committed to IDJJ for sexual offenses.
- Apply evidence-informed, youth-appropriate standards for release, parole conditions, and parole discharge.

3. Remove young people from the state's counter-productive sex offender registry and categorical application of restrictions and "collateral consequences." Because there is no persuasive evidence that subjecting youth to registries improves public safety or reduces risks of future offending, Illinois should repeal the registry, restrictions, and notification requirements applied to youth adjudicated delinquent for sexual offenses. Moreover, the research indicates that registries do not repair harm to victims, many of whom are family members.

[4] HB 83 [P.A. 97-0362] modified the Juvenile Court Act of 1987 by amending 705 ILCS 405/5-750.

Methodology

To fulfill its legislative charge, the Commission partnered with the Civitas ChildLaw Policy Institute at Loyola University Chicago School of Law[5] and the Center for Prevention Research and Development at the University of Illinois Urbana Champaign[6] to conduct its comprehensive and exhaustive research study.[7] Over the course of more than 18 months, the Commission[8]: interviewed practitioners who work with victims of sexual abuse, youth who have offended, and the families impacted by youth sexual offending; collected and analyzed state and federal law; analyzed state and national data on youth involved in the juvenile justice system for sexual offenses; reviewed probation and Illinois Department of Juvenile Justice files; and reviewed U.S. Department of Justice and social science research on youth who sexually offend, best practices for intervention, and recidivism rates.

Stakeholder Interviews

To understand the impact of youth sexual offending and the needs of victims, families, and youth offenders, the Commission sought feedback from a wide range of professionals who work in the state's juvenile justice system. The Commission developed a structured interview tool and used it to conduct interviews with probation officers, forensic psychiatrists, IDJJ staff and providers of direct services to victims, offenders, and families. The interview questionnaire is attached as Appendix A. The Commission also met with members of the Illinois Juvenile Officers' Association.[9] All interviewees were guaranteed anonymity to encourage frank and thorough responses. The interviews addressed current policy and practice regarding youth who sexually offend, the strengths and weaknesses of Illinois' responses to youth who have sexually offended, the impact of offending behavior on victims and families, and the challenges and opportunities in supporting victims and working effectively with youth offenders and their families. A compilation of interview excerpts is attached as Appendix B. In addition, the Commission interviewed leading national experts on juvenile sex offending, including Dr. Mark Chaffin[10] and Dr. Elizabeth Letourneau.[11]

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[5] *See* Civitas ChildLaw Center's Policy Institute, *supra* note 2. The Civitas ChildLaw Center's Policy Institute seeks to improve the lives of children and families in Illinois through systems reform and legislative advocacy. The Policy Institute develops and promotes child-centered laws, policies and practices, and builds coalitions and partnerships to improve the functioning of the legal, social welfare, juvenile justice, health care and other systems that impact underrepresented children and families.

[6] *See* Center for Prevention Research and Development, *supra* note 3.

[7] Members of the Commission along with its partners from the ChildLaw Policy Institute and CPRD formed a study team to design and conduct the research and analysis necessary for this report. References to the work of the Commission throughout this report encompass tasks completed by both members of the Commission and its individual study partners.

[8] The Illinois Criminal Justice Information Authority provided the Commission with valuable assistance in its data collection efforts.

[9] The Illinois Juvenile Officers' Association is an organization of the state's police officers specializing in working with youth.

Legal Research

The interviews with front-line practitioners revealed widespread confusion regarding the application of adult sex offender laws to youth and a need for analysis of current law. In response, the Commission analyzed the provisions of the Illinois Juvenile Court Act, the Illinois Criminal Code, the Illinois Sex Offender Registration Act, the Illinois Sex Offender Community Notification Act, the Illinois Sex Offender Evaluation and Treatment Providers Act and other state and federal law applicable to youth adjudicated delinquent for sexual offenses. A timeline of the development of Illinois' laws is attached as Appendix C and a 50-state survey of the registration laws for youth adjudicated delinquent for sexual offenses is attached as Appendix D.

Data Collection and Analysis

The Commission collected and analyzed state and national data on the prevalence and scope of sexual offending by youth, the demographics of this population, and secure detention and incarceration trends within Illinois. The Commission collected state data for 2004, 2006, 2008, and 2010 to ensure a sufficiently large sample size for analysis.

The Commission analyzed data on youth arrested for sexual offenses using the Illinois Criminal History Records Information System (CHRI), which is maintained by the Illinois State Police and contains statewide data from over 1,200 law enforcement agencies. State law requires arrest data to be submitted for all juvenile felony arrests, but reporting is optional for class A and B misdemeanors. Therefore, data on arrests for the most serious offenses is contained in the CHRI database, but not all misdemeanor arrests are included.

The Commission also collected and examined data on the confinement of youth in the state's 16 county-based secure detention facilities, using data from the Illinois Juvenile Monitoring Information System. All Illinois detention centers provide the following information on each youth to JMIS: demographics, an offense record, youth status, detention admission and release data, adjudication, and disposition. Using this information, the Commission was able to match five personal identifiers to determine readmissions to detention.

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[10] Dr. Mark Chaffin is an expert on pediatric psychology and has authored several studies on juvenile sex offending. He is a Professor in the Department of Pediatrics, a counseling psychologist, and the Director of Research in the Section of Developmental and Behavioral Pediatrics at the University of Oklahoma.

[11] Dr. Elizabeth Letourneau is a leading researcher and national expert on sex offender policy and intervention particularly as applied to juvenile offenders. She is an Associate Professor in the Department of Mental Health within the Bloomberg School of Public Health at Johns Hopkins University.

Finally, the Commission gathered data on commitment of youth to the Illinois Department of Juvenile Justice using IDJJ's Juvenile Tracking System (JTS). Data captured includes youth admissions and exits, parole, average length of stay, and daily populations at all IDJJ Youth Centers. This information was supplemented with information from the implementation of the 2010 Illinois Capstone project, which reviewed[12] 87 IDJJ master files of youth incarcerated in IDJJ facilities beyond their release dates to identify placement issues for the youth. Thirty-four of the youth included in the Capstone file review had been incarcerated for sex offenses.

File Review

The Commission reviewed probation and IDJJ case files to obtain case-level details not otherwise available in state data systems. Statewide arrest data identified 16 counties with the highest number of juvenile sex offender arrests from 2008 to 2010. The Commission sought permission from the chief circuit judge in each of these counties to access probation files. With court authorization in nine communities, the Commission developed protocols to protect the security and confidentiality of information and created a standardized data coding form to collect youth demographic information, offense details, prior offense history (if any), victim information, risk assessment results, probation supervision, services, and treatment outcomes. The standardized data collection form is attached as Appendix E. The Commission then coded and analyzed the data from all of the 179 files for youth adjudicated delinquent for sex offenses and placed on probation in participating counties from 2008 to 2010.

In addition, the Commission reviewed master files for youth committed to the Illinois Department of Juvenile Justice for a sex offense. The Commission worked with IDJJ to identify all youth committed to IDJJ for sexual offenses statewide in 2008, 2009 and 2010. The Commission reviewed 77 randomly selected files of youth in four facilities, accounting for approximately half of the youth incarcerated in IDJJ for sex offenses from 2008 to 2010. Similar to the process used with probation files, reviewers used a standardized data collection form to code the files for analysis. The standardized data collection form is attached as Appendix F.

Best Practices Research

Finally, the Commission conducted a comprehensive review of research from a variety of sources, including the U.S. Department of Justice and randomized clinical trials of specific interventions. The

[12] In 2010, a team of seven leaders in the Illinois executive branch participated in Georgetown University's Center for Juvenile Justice Reform certificate program. The team partnered with Northwestern University to examine the reasons for youth being incarcerated in IDJJ facilities beyond their release dates; many of the youth held beyond their release dates were those incarcerated for sex offenses.

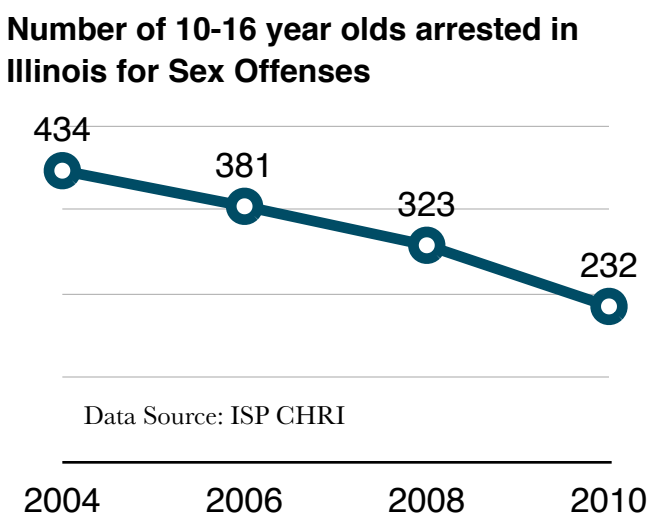
Commission completed an extensive literature review, drawing upon a wide range of individual social science studies and meta-analyses of: the origins of youth sexual offending; the characteristics of youth who commit sexual offenses; risks for reoffending among youth with problem sexual behaviors; and the interventions demonstrated most effective in reducing risks for reoffending, protecting victims and enhancing public safety. A bibliography of research is attached as Appendix G.

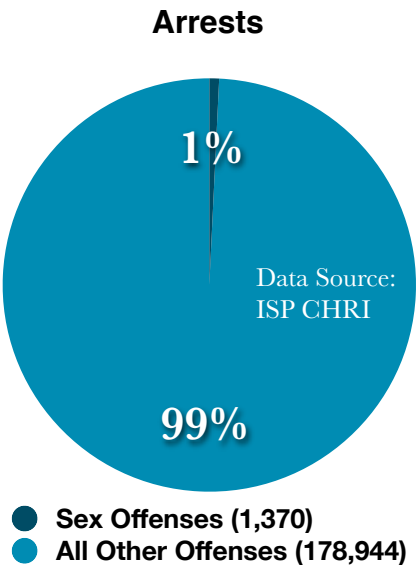
Research Findings

FINDING 1: The number of youth arrested for sexual offenses in Illinois is small and has declined.

Annual statewide youth arrests for sex offenses have steadily declined to 232 during the most recent study year—roughly half (53.5 percent) of the number of arrests made in 2004.[13]

Youth arrested for sex offenses comprised less than one percent of all juvenile arrests during the four sample years.[14] These findings are consistent with national data indicating that approximately 1.2 percent of arrests of youth aged 16 and under are for sex offenses.[15]





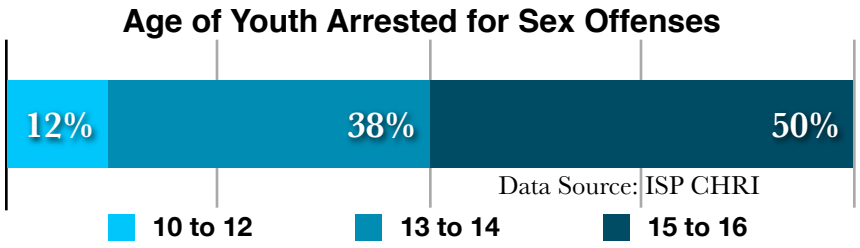
FINDING 2: The majority of youth arrested for sexual offenses are young; half are 1 years old or younger.

During the study period, fully half of the youth arrested for sexual offenses were 14 years old or younger. One in eight youth arrested were not yet teenagers.

[13] During the four years studied for this report (2004, 2006, 2008, 2010), a total of 1,370 youth were arrested in Illinois for sex offenses. ILLINOIS DEPARTMENT OF JUVENILE JUSTICE, STATEWIDE DATA REPORT ON ILLINOIS JUVENILE SEX OFFENDERS 4 (2012) [hereinafter IDJJ Data Report].

[14] *Id.*

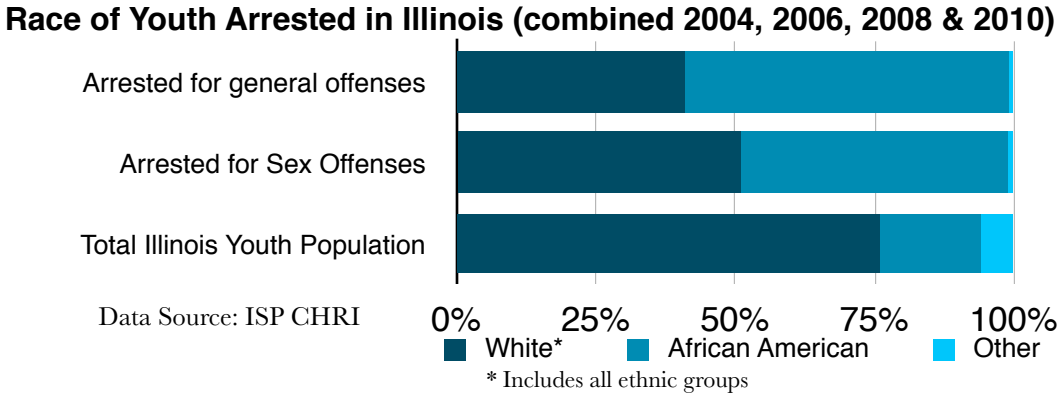
[15] Crime in the United States 2011: Arrests by Age, Federal Bureau of Investigation, http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2011/crime-in-the-u.s.-2011/tables/table-38.



Other demographic information: A disproportionate number of youth identified for sexually offending behavior have themselves been sexually abused. Study samples include sexual abuse victimization rates ranging from 30-46 percent of youth offenders, abuse rates five times higher than those of adolescent non-sex offenders.[16]

Ninety-five percent of youth arrested for sex offenses in Illinois during the study period were male, whereas males comprise 78 percent of all other youth arrests.

The majority (51 percent) of youth arrested for sex offenses during the study period were white (see figure). Because Illinois arrest data does not include ethnicity, it is not possible to ascertain the proportion of Latino youth in these populations.

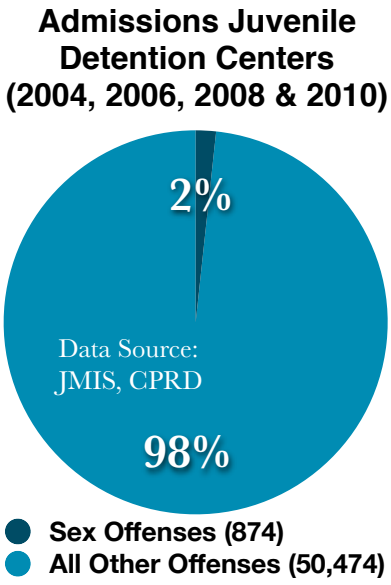


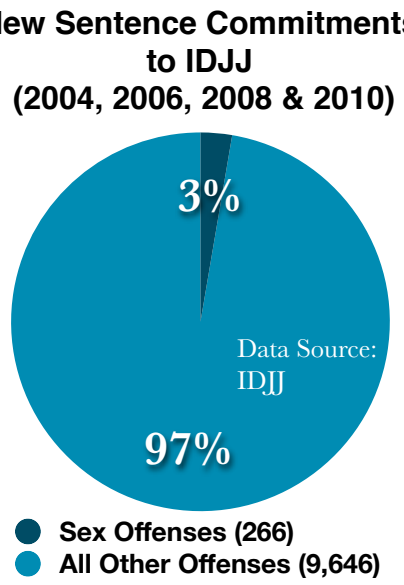
[16] Michael C. Seto & Martin L. Lalumiere, *What Is So Special About Male Adolescent Sexual Offending? A Review and Test of Explanations through Meta-Analysis*, 136 PSYCHOLOGICAL BULLETIN, 544-548 (2010).

FINDING 3: Youth detained or incarcerated for sex offenses are a very small proportion of admissions, and are incarcerated far longer tha their peers, including for administrative reasons.

Detentions: Youth admitted to Illinois' 16 county-operated secure juvenile detention facilities for a sex offense constitute less than two percent of all youth admitted during the four years studied for this report.[17] Two percent of youth admitted to juvenile detention facilities are charged with a sexual offense. The admission rate is double the proportion of youth arrested for sexual offenses (see Finding 1).

Commitments to the Illinois Department of Juvenile Justice (IDJJ): Youth sentenced for sex offenses made up less than three percent of all youth committed to IDJJ. The incarceration rate is nearly triple the proportion of youth arrested for sexual offenses (see Finding 1).[18] While the total number of youth committed to IDJJ facilities for sex offenses is very small compared to all other offenses, youth committed for sex offenses have an average length of stay more than twice that of youth committed for all other offenses.[19]

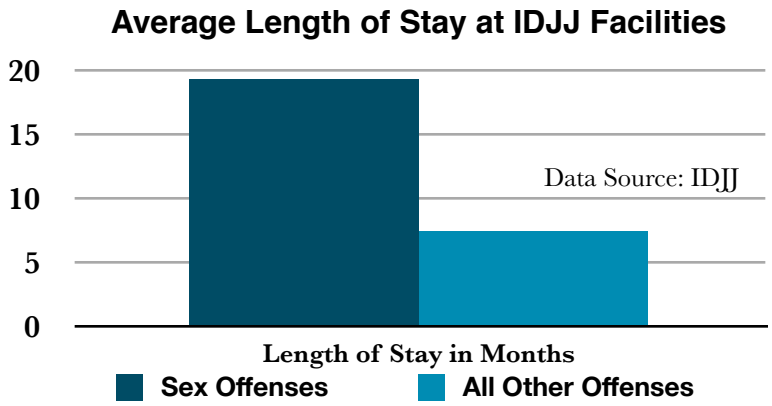




[17] IDJJ DATA REPORT, *supra* note 13.

[18] *Id.*

[19] Youth adjudicated delinquent for sex offenses and committed to IDJJ had an average length of stay of 19.3 months. Youth adjudicated delinquent for non-sexual offenses stayed for an average of 7.4 months in IDJJ. *Id.* at 24. As discussed in detail in the Commission's 2011 Youth Reentry Improvement Report, children are committed to the IDJJ for an indeterminate sentence. ILLINOIS JUVENILE JUSTICE COMMISSION, YOUTH REENTRY IMPROVEMENT REPORT 16 (2011), available at http://ijjc.illinois.gov/reentryimprovementreport [hereinafter IJJC YOUTH REENTRY REPORT]. Thus, the Administrative Review Date (ARD) acts as a guidepost for IDJJ in determining when to present a youth to the Prisoner Review Board for a parole hearing. A youth's ARD is based largely on the youth's committing offense and offense history and is assigned within 10 days of his or her incarceration.



As discussed in Finding 8, these lengths of stay reflect, in part, the residency and movement restrictions placed on youth adjudicated for sexual offenses (e.g. outside proximity of schools, parks, daycare centers, or other children).

FINDING 4: Illinois sex offense charges can encompass a wide range of youth behavior and do not differentiate between nature, harm, or severity of unlawful sexual conduct.

All sexual conduct involving youth under 17 is unlawful per se, including any manner of sexual contact between peers without the use of force. However, Illinois uses only four offense classifications to describe 89 percent of arrests, 92 percent of detentions and 95 percent of IDJJ commitments for youth charged with sex offenses: criminal sexual abuse, aggravated criminal sexual abuse, criminal sexual assault, and aggravated criminal sexual assault.

Four extremely broad sexual offense categories may be an appropriate approach to criminal code classification for adults, but due to the breadth of each definition, Illinois sexual offense charges cannot adequately communicate meaningful information about the nature, harm, or severity of an incident of unlawful youth sexual conduct.

Each of the four charges encompasses a wide range of behaviors:

- Illinois law contains no "Romeo and Juliet" or "age gap" provisions decriminalizing certain consensual teen sexual behaviors, as is done in at least 35 other states;[20]
- Force is not a required element of any of the four offenses (but any of the offenses can involve the use or threat of force);

[20] BRITTANY LOGINO SMITH & GLEN A. KERCHER, CRIME VICTIMS' INSTITUTE, CRIMINAL JUSTICE CENTER, SAM HOUSTON STATE UNIVERSITY, ADOLESCENT SEXUAL BEHAVIOR AND THE LAW 8-13 (2011), *available at* http://www.crimevictimsinstitute.org/documents/Adolescent_Behavior_3.1.11.pdf.

- As routinely defined, sexual penetration[21] is not a required element for any of the four offenses (but any of the offenses can involve penetration);
- Aggravating factors that significantly elevate charges (the age of the victim, presence of disability, family relationship, or residence in the same home[22]) are intended to target adult predators, but are applied to youth regardless of predation or risk;
- Youth can be considered simultaneous perpetrators and victims under the law; both participants in a consensual encounter may be charged, including with aggravated offenses due to characteristics of vulnerability that both victim-perpetrators share;[23] and
- Youth victims who report unwanted sexual contact from another young person to mandatory reporters or law enforcement may be charged with sex offenses based on their testimony about the fact that the incident occurred, if there is insufficient evidence to prove the use of force.[24]

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[21] Under 720 ILCS 5/11-0.1, the legal definition of "sexual penetration" includes a range of activities (e.g. oral sex, fondling) that do not meet the medical definition of penetration. People v. W.T., 626 N.E.2d 747, 755 (Ill. App. 2d Dist. 1994). The legal definition includes "any contact, however slight" between one person's sex organ and the sex organ, mouth, or anus of another, as well as "any intrusion, however slight" of an object, finger, etc., into an anus or sex organ. Because Illinois courts have held that "the female 'sex organ' is not limited to the vagina but also includes the labia majora and labia minora, the outer and inner folds of skin of the external genital organs. . .vaginal penetration is not necessary to constitute sexual penetration under Illinois law," which can occur by touching the external female genitalia. *Id.*

[22] Under 720 ILCS 5/11-0.1, the legal definition of "family member" for the purpose of sex offense charges includes not only many blood relations, but anyone under 18 who has resided in the household with the accused for at least 6 months, including fellow adolescents who may not have a formal or blood relationship to the accused (i.e. a parent's roommate's children; fellow foster children; step-siblings). Sexual encounters without the use of force that occur between housemates who are minors constitute aggravated criminal sexual abuse (Class 2 felony) or criminal sexual assault (Class 1 felony). [23] "[W]here, as here, two minors engage in a consensual sexual act, the statute may validly be applied to prosecute both minors on the basis that each is the victim of the other. . . .The purpose. . .is to protect children 13 to 16 years old from the consequences of premature sexual experiences through experimentation." In re T.W., 685 N.E.2d 631 635, 637 (Ill. App. 1st Dist. 1997). See also Pappas v. Zorzi, No. 11 C 6239, 2013 U.S. Dist. LEXIS 170393, at *5 (N.D. Ill. Dec. 3, 2013) ("When a 15-year-old and 16-year-old both willingly engage in sexual conduct, both are guilty of misdemeanor sexual abuse.").

[24] "If plaintiff voluntarily engaged in unforced sexual activity with Brown, then she committed misdemeanor sexual abuse in violation of 720 ILCS 5/12-15(b) and defendants had probable cause to arrest her even though that was not the stated basis for her arrest. Again, no finding is being made by the court that plaintiff, *an alleged victim of forcible sexual abuse*, willingly engaged in unforced sexual activity with Brown. The question is whether defendants had information sufficient to support a probable cause determination that plaintiff engaged in unforced sexual activity and therefore *a sufficient basis existed to arrest her for engaging in misdemeanor sexual abuse, if not false-reporting of disorderly conduct as well.*" *Pappas*, 2013 U.S. Dist. LEXIS 170393, at *17 (emphasis added).

Characteristics of Sex Offense Charges in Illinois			
Offense	Behavior	Criminal or Aggravating Circumstances	Registration Period
Aggravated Criminal Sexual Assault *720 ILCS 5/11-1.30*	Sexual penetration (as defined in note 21)	• Victim under 8 years old, and offender under 17[25]; • Force/threat of force with victim age 9-12 and offender under 17; • Victim severely or profoundly intellectually disabled; or • Criminal sexual assault with aggravating circumstances (dangerous weapon, elderly or physically disabled victim, bodily harm[26] to victim, threat to person's life).	Lifetime
Criminal Sexual Assault *720 ILCS 5/11-1.20*	Sexual penetration (as defined in note 21)	• Force or threat of force; • Knowledge that the victim can't understand or consent; or • Victim is a family member under 17 years old (as defined in note 22).	Lifetime
Aggravated Criminal Sexual Abuse *720 ILCS 5/11-1.60*	Touching or fondling[27] (in most cases)	• Victim is a family member under 18 years old (as defined in note 22); • Victim is under 9 years old, and offender under 17; • Force or threat of force with victim age 9-16, and offender under 17; • Victim is severely or profoundly intellectually disabled; or • Criminal sexual abuse with aggravating circumstances (dangerous weapon, elderly or physically disabled victim, bodily harm to victim, threat to person's life).	Lifetime
Criminal Sexual Abuse *720 ILCS 5/11-1.50*	Touching or fondling (in most cases)	Force or threat of force; Knowledge that the victim can't understand or consent; Victim age 9-16 years old, and offender under 17 (can also include penetration; or Victim age 13-16 years old (see note 23), and offender less than 5 years older (can also include penetration).	10 years

[25] In Illinois, the age of sexual consent is 17 as is the age of default juvenile jurisdiction. People v. Lloyd, 987 N.E.2d 386, 393 (Ill. 2013); The Juvenile Court Act of 1987 (705 ILCS 405 as amended by P.A. 98-61, effective January 1, 2014). Age-specific sexual offenses, elements, aggravating factors, and definitions should be clarified accordingly, remaining at 17 for matters tied to consent and victimhood, while being raised to 18 for matters concerning criminal responsibility.

[26] Bodily harm includes evidence of first sexual experience. People v. Lauderdale, 593 N.E.2d 757, 759 (Ill. App. 1st Dist. 1992).

[27] Under 720 ILCS 5/11-0.1 "sexual conduct" means any knowing touching or fondling by the victim or the accused, either directly or through clothing, of the sex organs, anus, or breast of the victim or the accused, or any part of the body of a child under 13 years of age, or any transfer or transmission of semen by the accused upon any part of the clothed or unclothed body of the victim, for the purpose of sexual gratification or arousal of the victim or the accused.

The issues underlying each offense vary as widely as the behaviors comprising offense categories. Youth who commit sexual offenses have been described by researchers as a heterogeneous group with little in common with each other beyond the "sex offender" label.[28] Studies have shown that youth with problem sexual behaviors vary greatly across individual, social and familial risk and protective factors.[29]

Youth labeled as "sex offenders" include:

- Traumatized youth reacting to their own sexual victimization;
- Otherwise normal early-adolescent boys who are curious about sex and act experimentally but irresponsibly;
- Immature and impulsive youth acting without thinking;
- So-called "Romeo and Juliet" cases;
- Those who are indifferent to others and selfishly take what they want;
- Youth misinterpreting what they believed was consent or mutual interest;
- Children imitating actions they have seen in the media;
- Youth ignorant of the law or the potential consequences of their actions;
- Youth attracted to the thrill of rule violation;
- Persistently delinquent teens who commit both sexual and nonsexual crimes;
- Youth imitating what is normal in their own family or social ecology;
- Depressed or socially isolated teens who turn to younger juveniles as substitutes for age mates;
- Seriously mentally ill youth;
- Youth responding primarily to peer pressure;
- Youth preoccupied with sex;
- Aggressive and violent youth;
- Youth under the influence of drugs and alcohol;
- Youth wept away by the sexual arousal of the moment; or
- Youth with incipient sexual deviancy problems.

Mark Chaffin, *Our Minds Are Made Up – Don't Confuse Us With the Facts: Commentary on Policies Concerning Children With Sexual Behavior Problems and Juvenile Sex Offenders*, 13 CHILD MALTREATMENT 110 (2008).

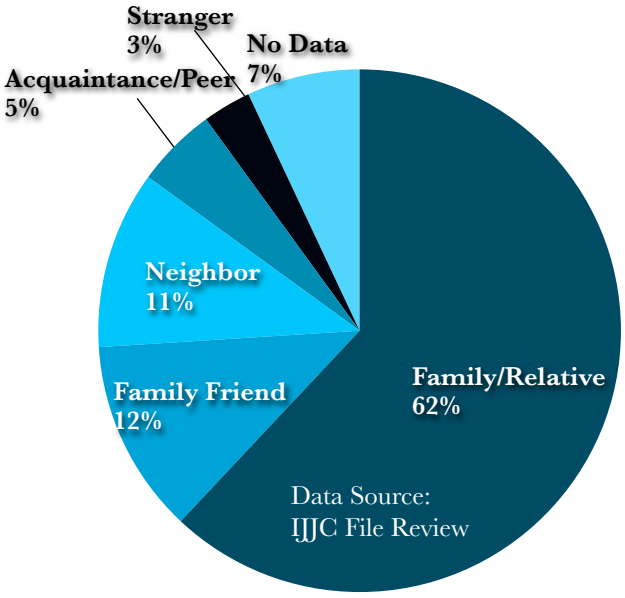
[28] Stephen M. Butler & Michael C. Seto, *Distinguishing Two Types of Adolescent Sex Offenders*, 41 J. AM. ACAD. CHILD ADOLESCENT PSYCHIATRY (2002); FRANK C. DICATALDO, THE PERVERSION OF YOUTH: CONTROVERSIES IN THE ASSESSMENT AND TREATMENT OF JUVENILE SEX OFFENDERS 18 (2009).

[29] *Id.*; Anton Van Wijk et al., *Juvenile Sex Offenders Compared to Non-Sex Offenders*, 7 TRAUMA, VIOLENCE, & ABUSE 227, 228 (2006); FRANKLIN E. ZIMRING, AN AMERICAN TRAVESTY: LEGAL RESPONSES TO ADOLESCENT SEXUAL OFFENDING (2d ed. 2009); John A. Hunter et. al., *Juvenile Sex Offenders: Toward the Development of a Typology*, 15 SEXUAL ABUSE: J. RES. TREATMENT 27 (2003).

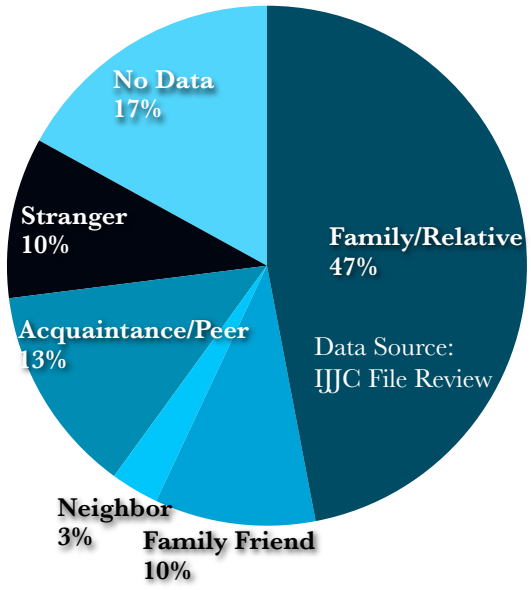
FINDING 5: Most youth sexual offending involves a family member or a person known to the youth.

Illinois data, national research, and the Commission's interviews and file reviews demonstrate that youth rarely victimize a stranger.[30] Rather, youth sexual offending typically involves family members or people known to the youth. Sixty-two percent of cases in the Commission's probation file reviews reflected offending within the family.[31] Forty-seven percent of the cases in the IDJJ file reviews reflected intra-familial offending, with an addition 17 percent of the files lacking data to make a clear determination of the relationship between the youth and the victim. Interviews with treatment providers and review of probation and IDJJ files for this report similarly found that these offenses almost always involve victims previously known to the offender, and most often involve family members.

Relationship of Probation Youth to Victim (N=179)



Relationship of Youth in IDJJ Facilities to Victim (N=79)



[30] Gail Ryan, et al., *Trends in a National Sample of Sexually Abusive Youths*, 35 J. AM. ACAD. OF CHILD AND ADOLESCENT PSYCHIATRY 17-25 (1996); David Finkelhor, et al., *Juveniles Who Commit Sex Offenses Against Minors*, OJJDP JUVENILE JUSTICE BULLETIN 1-11 (2009).

[31] *See* discussion of statutory definition of "family member," *supra* note 22.

The Chicago Children's Advocacy Center (CCAC)[32] reported similar findings in its analysis of all reports of child sexual abuse in 2013 where a youth was alleged to be the offender. The CCAC found that in 96 percent of the cases, the victim knew the youth before the offense. Overall, 60 percent of these cases involved a family member (29 percent involved a sibling and 21 percent involved a cousin).

FINDING 6: Most youth who sexually offend never repeat their harmful conduct.

Juvenile Sexual Recidivism is Unlikely: Over the last decade, researchers have produced multiple meta-analyses in which the results of individual studies are combined, compared and contrasted. Meta-analysis allows researchers to test the strength and consistency of results across multiple studies and identify the findings that are most reliable and generalizable to a larger population. The large and recent meta-analysis of sexual recidivism patterns among youth identified for a sexual offense is set forth below.[33] Individual studies have produced similar findings using various definitions of recidivism, sources of data and sample sizes.[34] Collectively, these analyses indicate that youth are unlikely to sexually reoffend in adulthood.[35]

Recidivism Meta-Analysis of Youth Who Sexually Offend

Meta analysis	Composite Studies	Total Youth in Sample	Average Follow up Period	Average Sexual Recidivism Rate
Caldwell (2010)[36]	63	11,219	59.4 months	7.1%

[32] The Chicago Children's Advocacy Center (CCAC) coordinates reports of sexual abuse involving children in Chicago received through the police or the Department of Children and Family Services Child Abuse Hotline. CCAC coordinators schedule interviews, coordinate investigations, and provide referrals to children and families. *See* CHICAGO CHILDREN'S ADVOCACY CENTER, FY13 CYSBP SUMMARY REPORT (2013) attached as Appendix H.

[33] Michael F. Caldwell, *Study Characteristics of Recidivism Base Rates in Juvenile Sex Offender Recidivism*, 54 INT'L. J. OFFENDER THERAPY COMP. CRIMINOLOGY 197, 197–212 (2010).

[34] Studies have consistently estimated sexual recidivism rates average between 5-15 percent, with the more recent and comprehensive research finding low sexual recidivism rates, mirroring the overall decline in juvenile sex offenses. *See* Caldwell, *supra* note 33 at 201-07; Kristie McCann & Patrick Lussier, *Antisociality, Sexual Deviance, and Sexual Reoffending in Juvenile Sex Offenders*, 6 YOUTH VIOLENCE & JUV. JUSTICE 363, 363–85 (2008); James R Worling & Niklas Långström, *Risk of Sexual Recidivism in Adolescents Who Offend Sexually: Correlates and Assessment, in* THE JUVENILE SEX OFFENDER 219–47 (Howard E. Barbaree & William L. Marshall eds., 2008); Lorraine R. Reitzel & Joyce L. Carbonell, *The Effectiveness of Sexual Offender Treatment for Juveniles as Measured by Recidivism: A Meta-Analysis*, 18 SEX ABUSE 401, 401–21 (2006); James R. Worling & Niklas Långström, *Assessment of Criminal Recidivism Risk with Adolescents Who have Offended Sexually*, 4 TRAUMA VIOLENCE ABUSE 341, 341–62 (2003) [hereinafter Worling & Långström, *Assessment of Criminal Recidivism*]; James R. Worling & Tracey Curwen, *Adolescent Sexual Offender Recidivism: Success of Specialized Treatment and Implications for Risk Predication*, 24 CHILD ABUSE & NEGLECT 965, 965–982 (2000).

[35] *See* Caldwell, *supra* note 33, at 197-212.

[36] *Id.*

Such low re-offense rates are perhaps not surprising given the young age at which many youth are arrested for sexual offending. Research on adolescent brain development[37] shows that youth are still gaining the capacity to make decisions, assess risk, control impulses, make moral judgments, consider future consequences, evaluate rewards and punishment, and react to positive and negative feedback.[38]

Unlike logical-reasoning abilities, which appear to be fully developed by age 15, psychosocial capacities that improve decision-making and curb risk taking—such as impulse control, emotion regulation, delay of gratification, and resistance to peer influence—continue to mature well into young adulthood.[39]

[37] *See* Elizabeth R. Sowell et al., *In Vivo Evidence For Post-Adolescent Brain Maturation In Frontal And Striatal Regions*, 2 NATURE NEUROSCIENCE 859, 859–61 (1999) (finding that the frontal lobe does not mature until the early 20s and undergoes far more change during adolescence than any other stage of life).

[38] *See* Elizabeth R. Sowell et al., *Mapping Cortical Change Across the Human Life Span*, 6 NATURE NEUROSCIENCE 309, 309–15 (2003) ("Structural brain imaging studies in normal children and adolescents have been helpful in relating the dramatic maturation of cognitive, emotional, and social functions with the brain structures that ultimately underlie them."); Brief of Amici Curiae, American Medical Association et al. at 12, Roper v. Simmons, 543 U.S. 551 (2005) (No. 03-633); ELKHONON GOLDBERG, THE EXECUTIVE BRAIN: FRONTAL LOBES & THE CIVILIZED MIND, 31, 143 (2001); Abigail A. Baird et al., *Functional Magnetic Resonance Imaging of Facial Affect Recognition in Children and Adolescents*, 38 J. Am. Acad. Child & Adolescent Psychiatry 1, 1 (1999).

[39] *See* Edward P. Mulvey et al., *Trajectories of Desistance and Continuity In Antisocial Behavior Following Court Adjudication Among Serious Adolescent Offenders*, 22 DEV. & PSYCHOPATHOLOGY, 453, 453–475 (2010); Laurence Steinberg, *A Social Neuroscience Perspective on Adolescent Risk-Taking*, 28 Dev. REV. 78, 78–106 (2008).

Adolescent Brain Development and the Law

Prominent experts in mental health, law, criminal justice, education, and public policy who compose the MacArthur Foundation's Research Network on Adolescent Development and Juvenile Justice agree that the "systems governing reward sensitivity are 'amped up' at puberty, which would lead to an increase in sensation-seeking and in valuing benefits over risks." RESEARCH NETWORK ON ADOLESCENT DEVELOPMENT AND JUVENILE JUSTICE, LESS GUILTY BY REASON OF ADOLESCENCE 3 (2009), *available at* http://www.adjj.org/downloads/6093issue_brief_3.pdf. In this report, the authors state that studies "do not say that adolescents cannot distinguish right from wrong, nor that they should be exempt from punishment. Rather, they point to the need to consider the developmental stage of adolescence as a mitigating factor when juveniles are facing criminal punishment." *Id.*

The Illinois Juvenile Court Act recognizes that youth are less culpable than adults by relying on restorative justice principles to guide policy and practice away from harsh punishment and toward youth accountability and competency development.

The Supreme Court has also recognized what research shows: adolescent antisocial decision-making is strongly influenced by developmental forces, and these behaviors often change with the transition into adulthood. In three recent decisions, the Court cited the significant research on adolescent brain development, how it impacts a youth's criminal culpability, and the importance of giving youth the opportunity and resources for rehabilitation.

In *Roper v. Simmons*, the Court held that it was unconstitutional to impose capital punishment for crimes committed while under the age of 18. 543 U.S. 551 (2005). Citing numerous scientific studies of adolescent brain development, the Court found that "a greater possibility exists that a minor's character deficiencies will be reformed." *Id.* at 570. In 2010, the Court ruled in *Graham v. Florida* that because of the developmental differences between adolescents and adults, youth are categorically less culpable than adults. 560 U.S. 48 (2012). This ruling was based on the reasoning that since youth are still developing, they "are more capable of change than are adults, and their actions are less likely to be evidence of 'irretrievably depraved character' than are the actions of adults." *Id.* at 68. Finally in 2012, the Supreme Court ruled in *Miller v. Alabama* that "children's diminished culpability and greater prospects for reform mean that they are less deserving of the most severe punishments." 132 S. Ct. 2455, 2469 (2012).

Reoffending Risks Are Distinct and Do Not Include Being a Survivor of Sexual Abuse:

Most "youth sex offenses are not intended to be sexual."[40] Youth do not tend to eroticize aggression, nor are they aroused by child sex stimuli.[41] On the contrary, immaturity, developmental challenges, and deficits in social skills are risk factors for youth sexual offending.[42] Youth typically experience sexual offending as out of character and are uncomfortable with what they perceive to be deviant behavior. They do not want to identify as "sex offenders" and are highly motivated to change.[43] The growing research on juvenile sex offenders supports the view of mental health treatment providers that "normal development wins out most of the time for these kids."[44]

"Jurisdictions should employ a deliberate, strategic, and collaborative model for managing and reducing risk."
- Center for Sex Offender Management

There is some evidence of correlation for the following youth sexual reoffense risk factors: deviant sexual interests, sexual offending involving multiple victims over time, sexually victimizing strangers, social isolation, and treatment non-compliance.[45] However, youth who display these continuing risk factors are a distinct minority of youth identified for sexually offending behavior.[46] Promisingly, for the high percentage (at least one-third) of sexually-offending youth who have themselves been sexual abuse victims, research has shown that past sexual victimization is unlikely to predict continued sexual offending.[47]

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[40] JUSTICE POLICY INSTITUTE, THE NEGATIVE IMPACT OF REGISTRIES ON YOUTH, WHY ARE YOUTH DIFFERENT FROM ADULTS, *available at* http://www.justicepolicy.org/uploads/justicepolicy/documents/08-08_fac_sornakidsaredifferent_jj.pdf.

[41] *Id.*; *see also* NATIONAL JUVENILE JUSTICE NETWORK, FACT SHEET ON YOUTH WHO COMMIT SEX OFFENSES, *available at* http://www.acacamps.org/sites/default/files/images/knowledge/Fact%20Sheet--Youth%20Offenders.pdf.

[42] *See* John A. Hunter et al., *Developmental Pathways in Youth Sexual Aggression and Delinquency: Risk Factors and Mediators*, 19 J. FAMILY VIOLENCE 233, 233–242 (2004). Chaffin and Bonner (1998) explain that "poor social competency skills and deficits in self-esteem can best explain sexual deviance in children," not sexually unusual and deviant interests or psychopathic characteristics. Mark Chaffin & Barbara Bonner, *Editor's Introduction: Don't Shoot, We're Your Children: Have We Gone too Far in Our Response to Adolescent Sexual Abusers and Children with Sexual Behavior Problems?* 3 CHILD MALTREAT. 314, 316 (1998).

[43] *See* GAIL RYAN ET AL., JUVENILE SEXUAL OFFENDING: CAUSES, CONSEQUENCES AND CORRECTION (John Wiley & Sons, Inc., 2010); DONNA D. SCHRAM, ET AL., JUVENILE SEX OFFENDERS: A FOLLOW-UP STUDY OF REOFFENSE BEHAVIOR (1991), *available at* http://www.wsipp.wa.gov/ReportFile/1139/Wsipp_Juvenile-Sex-Offenders-A-Follow-Up-Study-of-Reoffense-Behavior_Full-Report.pdf.

[44] HUMAN RIGHTS WATCH, NO EASY ANSWERS: SEX OFFENDER LAWS IN THE US (2007), *available at* http://www.hrw.org/reports/2007/us0907/7.htm#_ftnref238 (citing Human Rights Watch telephone interview with Dr. Robert Longo, a child psychiatrist who specializes in treating child sex offenders, August 1, 2005).

[45] *See* Worling & Långström, *Assessment of Criminal Recidivism*, *supra* note 34.

[46] *See generally id.; see also* Seto & Lalumiere, *supra* note 16.

[47] Seto & Lalumiere, *supra* note 16 at 565 ("In other words, sexual abuse is associated with the likelihood that someone commits a sexual offense for the first time, but it does not predict who is more likely to sexually reoffend once identified").

Offense Patterns are Comparable to Other Delinquent Youth:

Research also contradicts assumptions that youth adjudicated delinquent for a sex offense are at significantly higher risks of future sexual offending than "general offense" delinquent youth who have no history of sexual offending.[48] In fact, sexual offending rates are similar between these two groups. Further, sexual recidivism is substantially lower than general delinquency reoffending rates, including person, property, and drug crimes.[49] As discussed previously, the vast majority of youth who have committed a sexual offense never repeat it; further, like other delinquent youth, they will ultimately stop all other criminal activity before reaching adulthood.[50]

"Most cases are much more about adolescence and developmental changes. Often, these cases will involve reenactments of something kids have seen, like pornography or exposure to sexual material. It doesn't reflect a true danger to society. For most offenders, it's a one-time thing, a single incident."
- Treatment provider for victims and youth offenders

Illinois recidivism reflects national studies: Although there is a significant body of national research on the sexual recidivism of youth, research on Illinois-specific sexual and non-sexual recidivism rates is scarce. Findings from an August 2012 Illinois Criminal Justice Information Authority (ICJIA) report examining juvenile and adult arrest records of youth released from IDJJ facilities were consistent with national estimates of recidivism.[51] The ICJIA data found that re-arrest rates were high for all youth released from IDJJ, but that youth adjudicated for sex offenses were the least likely to be rearrested.[52]

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[48] *See, e.g.*, Michael F. Caldwell, *Sexual Offense Adjudication and Sexual Recidivism Among Juvenile Offenders*, 19 SEX ABUSE 107, 109–11 (2007) (comparing recidivism rates among 249 youth who had sexually offended with 1,780 youth charged with other delinquent offenses who were released from custody between 1998 and 2000, finding that during a five-year follow-up period, 6.8 percent of youth who were originally in custody for a sexual offense obtained a new charge for a sexual offense, while 5.7 percent of those youth released after committing a non-sexual offense were charged with a sexual offense); *see also* Elizabeth J. Letourneau & Kevin S. Armstrong, *Recidivism Rates for Registered and Nonregistered Juvenile Sexual Offenders*, 20 SEXUAL ABUSE: J OF RES. & TREATMENT 393, 393–408 (2008). Brown & Burton conducted a smaller study (N=290) to explore the overlap in male juvenile sexual offending and general delinquency. *See* Adam Brown & David Burton, *Exploring the Overlap in Male Juvenile Sexual Offending and General Delinquency: Trauma, Alcohol Use, and Masculine Beliefs*, 19 J. OF CHILD SEXUAL ABUSE 450, 450–68 (2010). Researchers found that even sexually aggressive youth who reoffended were three to four times more likely to recidivate non-sexually than sexually. *Id.*

[49] *See* Caldwell, *supra* note 45; Letourneau & Armstrong, *supra* note 45 at 393–408.

[50] *See* FRANK C. DICATALDO, THE PERVERSION OF YOUTH 83 (New York University Press, 2009); Caldwell, *supra* note 45.

[51] The ICJIA analysis focused only on youth in the "deep end" of the Illinois juvenile justice system (those sentenced to the Illinois Department of Juvenile Justice). The analysis did not address recidivism rates for all youth arrested or adjudicated in the Illinois juvenile justice system. Lindsay Bostwick et al., Juvenile Recidivism: Examining Re-arrest and Re-incarceration of Youth Released from the Illinois Department of Juvenile Justice, Chicago, IL: Illinois Criminal Justice Information Authority (2013), available at http://www.icjia.state.il.us/public/pdf/ResearchReports/Juvenile%20Recidivism%20in%20Illinois_063013.pdf. Youth sent to IDJJ are generally considered to have committed more serious offenses and/or to be at higher risk of offending than other adjudicated youth (including probation populations or other diverted youth). *Id.*

[52] *Id.* at 19 ("Youth released from IDJJ for sex offenses were the least likely to be rearrested — 27 percent were not re-arrested for any offense during the study period [n=45]").

The general recidivism rates and low sexual reoffending rates among youth released from IDJJ custody were consistent with the national data and findings reported in other states as well.[53]

Observations by Illinois practitioners corroborate research: Treatment providers and evaluators interviewed for this report corroborated the foregoing academic research regarding sexual recidivism among youth.[54] These practitioners stressed the low likelihood that youth will commit new sex offenses and estimated that only a small percentage (estimates ranged from one percent to five percent) of the youth they evaluated or treated presented high-risk factors for sexual reoffending.

As with all youth, those who commit sexual offenses are still developing and are highly amenable to positive change. Taken as a whole, the national research, state-level data and practitioner interviews indicate that youth adjudicated delinquent for a sexual offense present low risks of further sexual offending, despite public misperceptions.[55] In fact, the vast majority of "juvenile sex offenders" never commit another sexual offense, especially with appropriate intervention.

FINDING 7: Risk-responsive treatment reduces sexual reoffending. Successful interventions include key and replicable features.

While overall reoffending rates are low, research and practitioner interviews also demonstrate clear strategies for working effectively with youth who sexually offend. The Center for Sex Offender Management (CSOM) (a partnership among the U.S. Department of Justice's Office of Justice Programs, National Institute of Corrections, and the State Justice Institute) highlights these strategies in its 2007 publication, Enhancing the Management of Adult and Juvenile Sex Offenders: A Handbook for Policymakers and Practitioners.[56] CSOM states that jurisdictions should employ a deliberate, strategic, and collaborative model for managing and reducing risk[57]that includes three fundamental components.

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[53] *Id.* at 26–27. The ICJIA report found that Illinois' one-year and two-year re-arrest rates for youth released from IDJJ facilities (66 percent) were similar to that of other states, including California (62 percent), Florida (59 percent), Maryland (62 percent), New York (49 percent), Texas (43 percent), and Virginia (53 percent).

[54] *See* Appendix B.

[55] In February 2010, the National Center for Sex Offender Management (CSOM) conducted a public opinion survey to better understand the public's knowledge of sex offending. CSOM determined that 66 percent of survey respondents significantly overestimated recidivism rates of youth adjudicated for sexual offenses. CENTER FOR SEX OFFENDER MANAGEMENT, EXPLORING PUBLIC AWARENESS AND ATTITUDES ABOUT SEX OFFENDER MANAGEMENT: FINDINGS FROM A NATIONAL PUBLIC OPINION POLL 1–12 (2010), *available at* http://www.csom.org/pubs/CSOM-Exploring%20Public%20Awareness.pdf.

[56] CENTER FOR SEX OFFENDER MANAGEMENT, ENHANCING THE MANAGEMENT OF ADULT AND JUVENILE SEX OFFENDERS: A HANDBOOK FOR POLICYMAKERS AND PRACTITIONERS 1–98 (2007), *available at* http://www.nationalafc.com/images/file/CSOM%20Enhancing%20the%20Management%20of%20Adult%20and%20Juvenile%20Sex%20Offenders.pdf.

[57] *See* CENTER FOR SEX OFFENDER MANAGEMENT, THE COMPREHENSIVE APPROACH TO SEX OFFENDER MANAGEMENT 1–18 (2010), *available at* http://www.csom.org/pubs/managing%20sex%20offenders-%20a%20toolkit%20for%20legislators.pdf.

Individualized supervision and treatment based on an assessment of a youth's risks, needs and strengths.

Effective assessment allows those supervising or providing services to youth to understand, manage and reduce risks for future offending. CSOM describes risk assessment as a process that has interdependent goals—risk prediction and risk management—that practitioners should understand and communicate about clearly and consistently.[58]

- **Risk prediction** is the science of estimating the likelihood of recidivism over a period of years. The most accurate and useful estimations of risk come from objective, empirically-based, scientifically-validated tools. These tools enhance the ability of practitioners to identify youth who pose a higher risk to reoffend than others and those who pose low risk.

"In doing risk assessment, [we] need to consider the youth, their cognitive ability, static and dynamic factors as risk predictors, their history and what is changing, their past and current living environments."
- Treatment provider

- **Risk management** is the process undertaken by probation/parole officers, treatment providers, police officers, victim advocates, families and others of recognizing and responding to factors that may present a risk of reoffending. This process is premised on the understanding that every youth has unique characteristics and circumstances that may need to be addressed to reduce the risk of reoffending and to produce positive outcomes.

Promising risk assessment tools for youth who sexually offend include the Juvenile Sex Offender Assessment Protocol—J-SOAP-II [59] and the Estimate of Risk of Adolescent Sexual Offense Recidivism —ERASOR.[60] According to CSOM,[61] these tools have gained widespread acceptance for assisting

[58] *Id.* at 11–12.

[59] *See* Robert Prentky, *An Actuarial Procedure for Assessing Risk with Juvenile Sex Offenders*, 12 SEXUAL ABUSE 71–93 (2000).

[60] *See* JAMES R. WORLING & TRACEY CURWEN, ESTIMATE OF RISK OF ADOLESCENT SEXUAL OFFENSE RECIDIVISM (THE "ERASOR"): VERSION 2.0 1–10 (2001), *available at* http://www.erasor.org/uploads/8/7/7/6/8776493/erasor_2.0_10-page_coding_form.pdf. Both J-SOAP II and ERASOR are tools used to offer a prediction of how likely a youth is to sexually reoffend by weighing a range of sex-offense specific risk factors (associated with increased reoffending) against protective factors (that help guard against reoffending). *See also id.;* Prentky, *supra* note 59; R. KARL HANSON, ASSOCIATION FOR THE TREATMENT OF SEXUAL ABUSERS, RISK ASSESSMENT 1–11 (2000), *available at* http://www.atsa.com/sites/default/files/InfoPack-Risk.pdf.

[61] *See* CENTER FOR SEX OFFENDER MANAGEMENT, *supra* note 56.

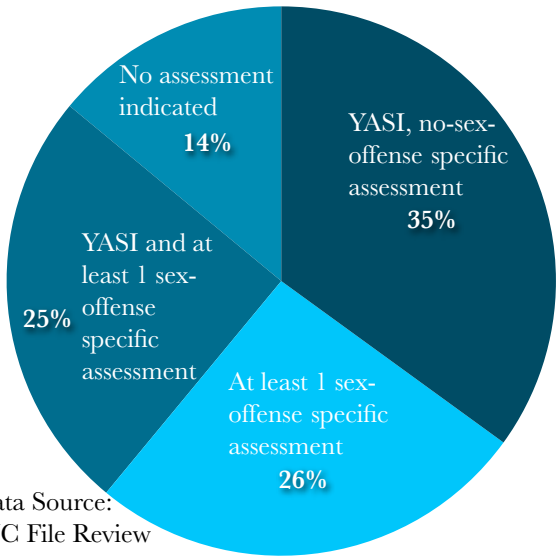
juvenile court judges, supervision officers, case managers, treatment providers, and other professionals system-wide with:

- Determining the appropriate level of care and intensity of supervision;
- Identifying the most effective targets of treatment;
- Assessing changes in risk over time; and
- Gauging the impact of interventions.

"[T]o maximize opportunities for pro-social activities and positive family or other supports, individualized interventions should be offered in settings that offer the least restrictiveness while at the same time providing for community safety."
- Association for the Treatment of Sexual Abusers

It is important to note that developers of the J-SOAP and the ERASOR recommend that only properly trained clinical evaluators conduct sex offense risk assessment and that assessments be updated every six months during treatment or supervision to account for the rapid changes in adolescent development.[62] Further, while specialized risk assessment tools are an important source of information, the research indicates that these tools should be used in conjunction with other information sources and clinical expertise to make informed decisions.[63]

Probation File Assessments (N=179)



Data Source: IJJC File Review

The Commission's review of the 179 probation files indicated inconsistent use or documentation of risk assessment tools.[64] Most probation files reviewed included the Youth Assessment and Screening Instrument (YASI). Mandated for use with all youth on probation by the Administrative Office of the Illinois Courts, the YASI has been validated to predict the risk of future delinquency, but is not designed or intended to predict specific risks for sexual offending. About half (49 percent) of the probation files examined did not include an assessment specific to sex offenses (14 percent had

[62] *See Approaches to Assessing Risk*, CENTER FOR SEX OFFENDER MANAGEMENT, http://www.csom.org/train/juvenile/3/3_12.htm; Prentky, *supra* note 59; WORLING & CURWEN, *supra* note 60.

[63] *See generally Clinical Assessments,* CENTER FOR SEX OFFENDER MANAGEMENT, http://www.csom.org/pubs/cap/2/2_4.htm; *Approaches to Assessing Risk*, *supra* note 62.

[64] The Commission was unable to draw conclusions about risk assessments in DJJ files because youths' associated mental health files, which generally include the bulk of risk assessment information, were unavailable for review.

no assessment information and 35 percent included only the YASI).

While the other half of the files included information from at least one risk assessment instrument specific to sex offenses, the files indicated inconsistent use of assessment tools to predict risk and inform decisions. Some files included as many as four different assessments, while others failed to specify the assessment tool used.

During stakeholder interviews, Illinois treatment providers and evaluators agreed that effective assessment is critical for effective supervision and treatment of youth, and they expressed concern regarding a lack of training and consistency in conducting sex-offense specific risk assessments.[65]

Community–based interventions, provided by skilled practitioners, to address risk and build social and developmental skills.

Youth who sexually offend can be effectively treated in the community, without removal from their homes or incarceration. Worling and Curwen assessed the success of specialized community-based treatment specifically for reducing adolescent sexual reoffending and found that the recidivism rate for sexual offenses for treated adolescents was 5.17 percent.[66]

Studies on overall juvenile offending consistently find that incarceration is no more effective than probation or alternative sanctions in reducing offending among adjudicated youth.[67] States that have reduced juvenile confinement experienced more favorable reductions in juvenile crime than jurisdictions that maintained or increased their correctional facility populations.[68] In fact, the interventions and treatment strategies that reduce recidivism, particularly those focused on skill-building, strengthening family relationships, and cognitive behavioral strategies, are ineffective in detention centers or youth prisons.

Victim empathy is a core element of cognitive behavioral therapy. Many treatment providers assert that part of a youth's success depends on their understanding of the negative impact of sexual abuse has on the victim and their family. While victim empathy is important in all sexual abuse cases, a victim-centered approach is particularly significant for youth, given that the victim and the offender often live in the same home.

[65] *See* Appendix B.

[66] Worling & Curwen, *supra* note 34 at 971–976.

[67] *See* ANNIE E. CASEY, NO PLACE FOR KIDS: THE CASE FOR REDUCING JUVENILE INCARCERATION 1–47 (2011), *available at* http://www.aecf.org/~/media/Pubs/Topics/Juvenile%20Justice/Detention%20Reform/NoPlaceForKids/JJ_NoPlaceForKids_Full.pdf.

[68] *Id.* at 26–27.

Success of community-based treatment is also evident in recent findings from the Lucas County, Ohio Juvenile Court's community-based program for working with youth adjudicated for sexual offenses. In 2007, Lucas County, Ohio implemented a juvenile sex offender treatment and probation (JSOT) program,[69] which includes comprehensive assessment, highly structured community-based supervision, and evidence-based services.[70] The Lucas County Juvenile Court and the University of Cincinnati evaluated the JSOT and the initial findings indicate that less than two percent of the 250 youth who have participated in the specialized community-based supervision and treatment program since November 2007 have committed another sexual offense. In addition, program costs have been reduced from over a million dollars spent per year to under one hundred thousand. Final results from this evaluation study will be available later in 2014.[71]

Despite the success of community-based supervision and treatment models[72] with youth who sexually offend—and solid evidence that unnecessary incarceration or residential placement is counterproductive[73]—"juvenile sex offenders as a group are disproportionally placed in public and private facilities nationwide."[74] This results from faulty assumptions about recidivism risk, limited treatment capacity, and few housing alternatives for juveniles who victimize children within the family.[75] However, research demonstrates that incarceration[76] is ineffective in reducing recidivism among all

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[69] *See* email from Stuart M. Berry, MSW, LCSW, Special Projects Director for the Lucas County Juvenile Court, to author (Feb. 7, 2014) (on file with author). Mr. Berry is a licensed independent social worker in Ohio. For the past 17 years, he has been a teacher, trainer and consultant to juvenile courts, state and federal government and social welfare agencies, providing training, evaluation, planning, and facilitation. *Id.* *See also* brochures describing the Lucas County Juvenile Sex Offender Treatment Program attached as Appendix I.

[70] *Id.*

[71] *Id.*

[72] ROBERT J. MCGRATH ET AL., THE SAFER SOCIETY FOUNDATION, CURRENT PRACTICES AND EMERGING TRENDS IN SEXUAL ABUSER MANAGEMENT: THE SAFER SOCIETY 2009 NORTH AMERICAN SURVEY 1–158 (2010), *available at* http://www.safersociety.org/uploads/WP141-Current_Practices_Emerging_Trends.pdf.

[73] Unnecessary residential placement may undermine youth development by increasing their risk of victimization, exacerbating criminality, and interfering with developmental and social milestones that move youth toward appropriate social behavior. Elizabeth J. Letourneau & Charles M. Borduin, *The Effective Treatment of Juveniles Who Sexually Offend: An Ethical imperative*, 18 ETHICS & BEHAV. 286, 286–306 (2008).

[74] CENTER FOR SEX OFFENDER MANAGEMENT, *supra* note 57 (citing M. Chaffin, *Our Minds are Made Up – Don't Confuse Us with the Facts: Commentary on Policies Concerning Children with Sexual Behavior Problems and Juvenile Sex Offenders*, 13 CHILD MALTREATMENT 110, 110–21 (2008)); John A. Hunter et al., *Strengthening Community-Based Programming for Juvenile Sex Offenders: Key Concepts and Paradigm Shifts*, 9 CHILD MALTREATMENT 177, 177–189 (2004); MELISSA SICKMUND, UNITED STATES DEPARTMENT OF JUSTICE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, JUVENILE OFFENDERS IN RESIDENTIAL PLACEMENT, 1997–1999 (2002), http://www.prisonpolicy.org/scans/ojjdp/fs200207.pdf; MELISSA SICKMUND, UNITED STATES DEPARTMENT OF JUSTICE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, JUVENILES IN CORRECTIONS (2004), https://www.ncjrs.gov/pdffiles1/ojjdp/202885.pdf.

[75] CENTER FOR SEX OFFENDER MANAGEMENT, *supra* note 57.

[76] For information about the commitment of sex offenders to the IDJJ, *see supra* Finding 3 and *infra* Finding 8.

delinquent youth, including youth adjudicated of sex offenses.[77] Some researchers even suggest that residential treatment creates harmful side effects for many youth by increasing their risk of victimization, exacerbating criminality, and interfering with developmental and social milestones that move youth toward appropriate social behaviors.[78]

Research consistently demonstrates that community-based interventions produce more positive youth, family and community outcomes, at a fraction of the cost of incarceration-based strategies.[79] In its cost-benefit analysis, the Washington State Institute for Public Policy (WSIPP)[80] concluded that community-based treatment for youth identified for sexually offending behavior is highly cost effective.[81] Based on studies concerning juvenile sex offender treatment programs, Illinois could save between $60,000 to $100,000 annually in reduced incarceration costs per youth.[82]

"Evidence-based treatment is out there—we could be using it, we aren't."
- Treatment Provider

Comprehensive cost-benefit analyses incorporate not only potential savings in criminal justice costs, but benefits to potential victims of crime as well. Sexual assault victims are at risk for post-traumatic stress disorder, depression, and substance abuse, with the costs of sexual victimization in the United States totaling between $8 billion and $26 billion per year.[83] When benefits to potential crime victims were factored in, the estimated savings from Multisystemic Therapy, which relies on community-based intervention treatment, rose to $182,789 per youth, producing savings of $38.52 for every dollar spent on treatment.[84] Simply put, effective treatment reduces both suffering and financial costs borne by potential victims of crime.

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[77] ANNIE E. CASEY, *supra* note 67.

[78] Letourneau & Borduin, *supra* note 73.

[79] Community-based programs save money by avoiding the high costs of incarceration or residential placements and, in the long term, by reducing reoffending, associated criminal justice expenses, and costs to future victims. STEVE AOS ET AL., WASHINGTON STATE INSTITUTE FOR PUBLIC POLICY, EVIDENCE-BASED PUBLIC POLICY OPTIONS TO REDUCE FUTURE PRISON CONSTRUCTION, CRIMINAL JUSTICE COSTS, AND CRIME RATES 1–44 (2006), *available at* http://fl1.findlaw.com/news.findlaw.com/hdocs/docs/nsa/dojnsa11906.pdf.

[80] Washington State Institute for Public Policy is a public non-partisan research unit that advises the Washington state legislature, governor, and other policy makers.

[81] Elizabeth K. Drake et al., *Evidence-Based Public Policy Options to Reduce Crime and Criminal Justice Costs: Implications in Washington State*, 4 VICTIMS & OFFENDERS 170, 170–96 (2009).

[82] *See, e.g.*, Letourneau &. Borduin, *supra* note 73 (citing CM Borduin & SJ Klietz, *Multisystemic Therapy with Juvenile Sexual Offenders: Clinical and Cost Effectiveness*, paper presented at the meeting of the American Psychological Association (2003)).

[83] *Id.* at 287.

[84] Charles M. Borduin et. al, *A Randomized Clinical Trial of Multisystemic Therapy with Juvenile Sexual Offenders: Effects on Youth Social Ecology and Criminal Activity*, 77 J. OF CONSULTING & CLINICAL PSYCHOL. 26, 35 (2009) (citing SJ Klietz et al., *Cost-Benefit Analysis of Multisystemic Therapy with Juvenile Sexual Offenders*, unpublished manuscript (2007)).

Comprehensive, family-focused, evidence-based treatment attentive to the needs of the victim and their families while promoting offender accountability. Intensive and specialized treatment for the small number of youth who present serious and persistent risks for future sexual offending.

Research demonstrates that cognitive-behavioral and family-oriented approaches effectively use individualized, comprehensive strategies to build skills and reduce risk of recidivism among juvenile sex offenders. Cognitive-behavioral approaches use modeling, practice and positive reinforcement to change thinking patterns and improve skills and behaviors. Most of the treatment providers interviewed use elements of cognitive-behavioral therapy in their programs.[85]

"It's important for determinations to be specific to the victim and the offender, not one size fits all. For example, in some cases the offender needs to be separated from the victim, and in others they can live together with appropriate safety planning."
- Treatment Provider

Cognitive-behavioral therapy often includes:

- confronting the offense;
- developing victim empathy;
- anger and stress management;
- social skills training; and
- relapse prevention.[86]

Multisystemic Therapy (MST), a family and home-based treatment that incorporates cognitive-behavioral and structural family therapy, was developed over 25 years ago and is considered to be one of the most effective interventions for troubled youth.[87] MST has since been adapted specifically to treat youth who sexually offend and research demonstrates this adaption is effective in reducing problem behaviors and future offending.

Some of this research has roots in Illinois: Letourneau studied 127 youth accused of sex offenses in Cook County who were referred over a 2½-year period to attend sex offender treatment.[88] Sixty-seven

[85] *See* Appendix B.

[86] *See* Aviva Moster et al., *Cognitive Behavioral Therapy Interventions with Sex Offenders*, 14 J. OF CORR. HEALTH CARE, 109, 109–21 (2008).

[87] *See generally* Borduin, *supra* note 84; *see also Multisystemic Therapy (MST) for Juvenile Offenders*, THE SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINSTRATION'S NATIONAL REGISTRY OF EVIDENCE-BASED PROGRAMS AND PRACTICES (2012), http://nrepp.samhsa.gov/ViewIntervention.aspx?id=254.

[88] Elizabeth J. Letourneau et al., *Multisystemic Therapy for Juvenile Sexual Offenders: 1-Year Results from a Randomized Effectiveness Trial*, 23 J. OF FAMILY PSYCHOL. 89, 91 (2009).

received "youth" MST and 60 attended weekly, 60-minute sex offender group sessions of 8 to 10 youths —or treatment as usual (TAU).[89] Clinicians specially trained in MST provided treatment to the 67 youth and their caregivers in their homes or a community setting. Probation officers who had completed a certification course to treat juvenile sex offenders led TAU youth in discussions on victim empathy, deviant arousal, and cognitive distortions.[90]

After controlling for sex offense records and demographics, researchers found that youth in the MST group experienced significant reductions in problem sexual behavior, delinquent behavior and substance abuse over the 12-month follow up period compared to the TAU group.[91] The research tracked a variety of indicators over the course of a year, and the findings included a 45 percent reduction in delinquent behavior within the MST group, in contrast to only 8 percent reduction in the TAU group.[92] Further, substance use among youth in the MST group was cut in half, while it nearly doubled in the TAU group.[93] Finally, the probability that youth in the MST group would be removed from the home in the year after placement stayed static at 7 percent, while it jumped to 17 percent for youth in the TAU group.[94]

What is Multisystemic Therapy?

Multisystemic therapy (MST) is an intensive, family- and home-based treatment that incorporates multiple clinical techniques, including cognitive-behavioral and structural family therapy.

Key elements of MST include:

- **Individualized, flexible interventions**
- **Participation by parents and families**
- **Collaboration with community-based resources including case workers, probation/parole officers, and school professionals**

Evidence-informed approaches, like MST, also focus on a youth's pro-social peer development. Researchers identified social isolation and a lack of close peer relationships as risk factors for sexual reoffending among youth.[95] Evidence-informed treatment providers help youth develop social skills and promote healthy peer relationships; researchers attribute the success of MST in part to its strong

[89] *Id.* at 93.

[90] *Id.* at 94.

[91] *Id.* at 89 ("Relative to youth who received TAU-JSO, youth in the MST condition evidenced significant reductions in sexual behavior problems, delinquency, substance use, externalizing symptoms, and out-of-home placements").

[92] *Id.* at 97.

[93] *Id.*

[94] *Id.*

[95] Worling & Långström, *Assessment of Criminal Recidivism*, *supra* note 34, at 341–62.

emphasis on socialization processes and interpersonal skills.[96] Studies of effective interventions such as MST also highlight caregiver involvement and support as an important factor in lowering recidivism.[97]

Unfortunately, MST—one of the most effective forms of cognitive behavioral therapy—is unavailable throughout much of the state due, in part, to the costs to providers of establishing an MST program and retaining qualified staff in an era of unpredictable and declining state funding, despite its proven ability to reduce risk at a cost significantly less than incarceration. By incorporating MST and other cognitive-behavior forms of therapy, Illinois can meet the clinical needs of juvenile sex offenders in a highly cost-effective manner.

[96] Borduin, *supra* note 84, at 26–37.

[97] Scott W. Henggeler et al., *Mediators of Change for Multisystemic Therapy with Juvenile Sexual Offenders*, 77 J. OF CONSULTING AND CLINICAL PSYCHOL. 451, 451–62 (2009).

Commitment of Youth Sex Offenders to IDJJ

Reports by the John Howard Association (JHA) and experts in RJ v. Bishop indicate that – despite commendable and ongoing efforts by IDJJ leaders and staff – the IDJJ is currently unable to provide even minimally acceptable education or mental health services to youth in its custody and does not provide the specialized treatment required to rehabilitate youth with sexual behavior problems.[98]

Youth committed to IDJJ for sex offenses are held at IYC Kewanee, located 2 1/2 hours west of Chicago.[99] Kewanee's location and status as a secure prison facility creates obstacles to the family-focused interventions which have been demonstrated effective in reducing risks for reoffending and improving outcomes for youth adjudicated delinquent for sexual offenses. The facility's location also presents challenges in employing enough qualified clinical staff to provide even basic programming and treatment. In 2013, the JHA found that IYC Kewanee staffing levels were inadequate to meet the youth's needs, with only 10 of 17 clinical positions filled,[100] resulting in a cumulative deficit of 262 hours of treatment per week.[101] The ACLU's experts set forth a number of findings regarding the lack of mental health support for all youth, and note, in particular, the absence of specialized sex offender treatment to prepare youth for a safe, successful return to the community.

Moreover, as this study demonstrates, youth committed to IDJJ for sex offenses have significantly longer stays than youth committed for other offenses, staying an average of 19.3 months compared with an average length of incarceration of 7.4 months for other offenses. Youth cannot be released without a host site approved by a parole agent or aftercare specialist, who typically applies adult parole standards in making these determinations. These standards create sometimes insurmountable obstacles for youth who could otherwise safely return to their homes.[102] The 2013 JHA report indicates that, at the time of their monitoring visit, at least 14 boys were held even after the PRB had approved their release, because they were not allowed or able to return home and no "placement" had been secured for them.[103]

IDJJ's lack of clinical resources, coupled with insufficient family engagement, inappropriate release standards, and costly lengths of stay raise significant concerns especially for youth committed to IDJJ for sexual offenses, many of whom have experienced prior abuse or trauma and require specialized services.

[98] The John Howard Association is the state's prison watch-dog group. *RJ v. Bishop* is a class action lawsuit brought by the American Civil Liberties Union challenging the conditions, services, and treatment at IDJJ. RJ v. Bishop, 1:12-cv-07289 (N.D. Ill. Sept. 12, 2012).

FINDING 8: Illinois' current practice of requiring youth to register as sex offenders and imposing collateral restrictions without regard to risk does not enhance public safety; moreover, research indicates that applying these strategies can actually undermine rehabilitation and the long-term well-being of victims, families, youth, and communities.

Categorical responses misjudge public safety risks and undermine the goals of juvenile court. Registries and other restrictions for youth appear to have resulted from the perception that 1) there is an epidemic of juvenile sex offending, 2) juvenile sex offenders have more in common with adult sex offenders than with other juvenile delinquents, and 3) juvenile sex offenders are at high risk of reoffending.[104] As discussed throughout this report, the available data do not support any of these assumptions.[105] Yet "now that the data has shown most of the assumptions [about juvenile sex offenders] were wrong, it is difficult to undo those messages,"[106] which influence the legal interventions applied to juvenile sex offenders, including the application of adult interventions to youth.

Juvenile courts are rooted in rehabilitative and restorative principles of accountability and the recognition that youth are fundamentally different than adults.[107] Youth who sexually offend, however, have been carved out as an exception under sex offender registration and notification laws at the federal level and in many states, including Illinois. All Illinois juvenile registration laws are driven by offense category, meaning that registration requirements are derived exclusively from sex offense definitions in the adult criminal code - never from the level of risk a youth presents or their behavior. As a result,

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[99] During the four-year period studied in this report (2004, 2006, 2008 and 2010), 266 youth adjudicated delinquent for sex offenses were committed to the Illinois Department of Juvenile Justice. Illinois law requires that youth committed to IDJJ serve an "indeterminate" sentence, as opposed to a finite sentence determined at the time of commitment. Juvenile Court Act of 1987, 705 ILCS 405/5-750(3). While indeterminate sentences are limited by the maximum adult term of imprisonment for the committing offense, there are effectively two ways for a youth to be released from incarceration in an IDJJ facility: to "age out" of the juvenile justice system at age 21 or to be released by the Prisoner Review Board based on its determination that the youth is no longer in need of further institutional programs and that parole is in the best interest of the youth and community. There are no definitive timelines for IDJJ to present youth to the PRB for release consideration, and there are no detailed written standards or criteria to guide release decisions of the PRB.

[100] JOHN HOWARD ASSOCIATION, MONITORING VISIT TO IYC-KEWANEE 1 (2013), *available at* http://thejha.org/sites/default/files/JHA_IYC_Kewanee_Report%202013.pdf.

[101] *Id.*

[102] IJJC YOUTH REENTRY REPORT, *supra* note 19, at 12.

[103] MONITORING VISIT TO IYC-KEWANEE, *supra* note 100, at 2.

[104] Elizabeth J. Letourneau & Michael H. Miner, *Juvenile Sex Offenders: A Case Against the Legal and Status Quo*, 17 SEX. ABUSE: J. RES. & TREAT. 293, 293–312 (2005).

[105] 1) In the past several decades, rates of juvenile offending have remained relatively stable. *Id.* at 296. 2) Juvenile sex offenders are distinct from adult offenders and have more in common with other types of juvenile offenders. *Id.* at 296-300. 3) Sexual recidivism rates for juvenile offenders are low. *Id.* at 300.

[106] David Crary, *Child-on-Child Sex Abuse Poses Complex Challenges*, SAFEHORIZON (Jan. 9, 2012), http://www.safehorizon.org/index/pressroom-5/safe-horizon-in-the-news-28/news/safe-horizon-svp-nancy-arnow-discusses-child-on-child-sex-abuse-case-issues-with-associated-press-114.html (quoting Dr. Mark Chaffin).

[107] *See generally* Juvenile Court Act of 1987, 705 ILCS 405.

youth are placed on sex offender registries, usually for the rest of their lives, with little or no demonstrable benefit to public safety.[108]

Illinois registration and community notification laws impose mandatory, categorical collateral consequences on youth behavior, including for natural life. Illinois began requiring registration for sex offenses in 1986[109] - almost 10 years before federal registry legislation - and has been expanding requirements since. Sex offender registries are intended to track individuals convicted of specific offenses following their release into the community.[110] Early laws focused only on adults convicted of sex offenses. But in 1999, Illinois enacted legislation to apply the registration and community notification requirements to youth adjudicated for sex offenses.[111] Over the years the law has expanded the list of offenses requiring registration, extended the length of registration from 10 years to life for a range of offenses, and extended the length of registration by 10 years for any individuals who fails to properly register under the law.[112]

Currently, every youth adjudicated delinquent for any sexual offense – including low-risk youth, those whose offenses are misdemeanors, and those whose offenses did not involve force – is required to register for either 10 years or for life. Failure to complete registry requirements[113] is a felony offense; youth in their late teens receive public, permanent adult felony convictions and prison sentences for juvenile registry errors.[114] Since 1999, community notification provisions have also expanded, requiring law enforcement to distribute information about youth who have sexually offended to schools, institutions of higher education, and "any person when that person's safety may be compromised for some reason

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[108] Michael F. Caldwell & Casey Dickinson, *Sex Offender Registration and Recidivism Risk in Juvenile Sexual Offenders*, 27 BEHAVIORAL SCIENCES & THE LAW 941, 953 (2009).

[109] Habitual Child Sex Offender Registration Act (Ill. Rev. Stat. 1987, ch. 38, par. 221 *et seq*. as enacted by P.A. 84-1279, eff. Aug. 15, 1986).

[110] OFFICE OF SEX OFFENDER SENTENCING, MONITORING, APPREHENDING, REGISTERING, AND TRACKING (SMART), THE NATIONAL GUIDELINES FOR SEX OFFENDER REGISTRATION AND NOTIFICATION 3, *available at* www.smart.gov/pdfs/final_sornaguidelines.pdf.

[111] Sex Offender Community Notification Law, 730 ILCS 152/105 (as amended by P.A. 91-48, effective July 1, 1999).

[112] Sex Offender Registration Act, 730 ILCS 150/7.

[113] To register, a youth must go in person to the police station in each community in which he or she resides and attends school at least once per year. Registration costs $100 per year and requires the youth to provide information including: photo identification, addresses, home and mobile phone numbers, license plate numbers, all email addresses, school name and location, employer name and location, any known Internet Protocol (IP) addresses at home or work, any tattoos/marks, and information about the offense and perhaps the members about the youth's household. The youth must re-register in person within three days of moving, attending school, or starting a new job. In addition, the youth must provide local law enforcement with a detailed itinerary before traveling for three or more days. 730 ILCS 150/3.

[114] *Id.* § 150/10.

related to the juvenile sex offender."[115] Current law does not place a duty of confidentiality on those so notified.

In 2007, the General Assembly created a mechanism to petition a court for removal from the sex offender registry after a specified waiting period.[116] However, the statute creates a number of limitations and the removal process is lengthy, complex,[117] and costly.[118] There is no right to an appointed attorney to assist with the process, and a petition can be filed only after securing and financing an costly risk assessment and complying with the registry requirements and restrictions for the specified waiting period. Petitions are rare. Current Illinois data shows that 70 percent of the youth on the state's sex offender registry will remain there for life unless they successfully navigate the complicated and costly process of petitioning a court for removal.[119]

[115] Sex Offender Community Notification Law, 730 ILCS 152/121.

[116] Sex Offender Registration Act, 730 ILCS 150/3-5(c).

[117] The judge must consider a risk assessment, in addition to the youth's sex offender history; mental, physical, educational and social history; evidence of rehabilitation; age at the time of the offense; and any submitted victim impact statements. The judge may also consider any other factors he or she deems relevant. *Id.* § 150/3-5(e).

[118] The youth is responsible for the cost of the risk assessment by a licensed evaluator, which can exceed $500, in addition to any court costs and attorney fees.

[119] *See* Chart, *infra* page 43.

Overview: Illinois Juvenile Sex Offender Registry Provision

Who must register?

Under Illinois law, any youth adjudicated for a sex offense (including misdemeanors as well as felony offenses) is required to register with law enforcement, regardless of his or her age at the time of offense or current level of risk.

With whom must they register?

Youth adjudicated of sex offenses must register, in person, with a number of different agencies:

- the local police chief or county sheriff in every city, town, or county where he or she lives, works, attends school, or attends an institution of higher education; and
- the security director of any institution of higher education where he or she attends school or works.

What information does a youth need to provide when registering?

Youth must provide a signed written statement and a current photo, address, place of work, phone number(s), employer's phone number, school attended, email addresses, Internet messaging and chat identities, URLs registered or used, blogs posted, license plate number, and DNA submission. The youth must also show documentation of residence at the address at which they are staying.

How often does a youth have to register?

Youth adjudicated of sex offenses must register at least annually in person. In addition, youth must register again when any of the following life events occur:

- Within 3 days and in person anytime he or she begins school, gets a new job or starts work, or moves to a new residence (even temporarily). 730 ILCS 150/3(b), (d).
- If no fixed address, youth must notify agency in person within 3 days of becoming homeless, within 3 days of leaving a jurisdiction, AND register weekly in person to the agency where he or she is located. 730 ILCS 150/3(a).
- When temporarily absent for 3 or more days from a registered address, must notify ALL agencies and provide a travel itinerary. 730 ILCS 150/3(a).
- At request of the agency (not more than 4 times a year). 730 ILCS 150/6.
- In person whenever he or she changes phone numbers (including cell phones). 730 ILCS 150/6.
- Within 3 days after establishing any residence, job, or attending school outside the state of Illinois. 730 ILCS 150/5.

Overview: Illinois Juvenile Sex Offender Registry Provision (continued)

How much does it cost a yout t register?

First time registration costs $100. There also is a $100 annual fee so long as one is required to be registered. The fee may be waived upon a finding of indigence, but there are no guidelines for law enforcement to make a determination of indigence.

What are the penalties for not registering?

A conviction for failure to register constitutes a permanent adult felony, punishable by a minimum of 7 days confinement in jail, a minimum $500 fine, and 10-year extension of the registration period. A criminal conviction (or an arrest without conviction) for failure to register is public information, even though the underlying juvenile adjudication is not.

Who has access to youth's information?

While registry information on juveniles adjudicated of sex offenses is not publicly available online, the laws do allow the information to be shared with "any person when that person's safety may be compromised for some reason related to the juvenile sex offender." This information is then vulnerable to becoming public. Law enforcement agencies are also required to share information that a youth has been identified as sexually offending and provide the information to any school in which he is enrolled.

What can a school do with a youth's information?

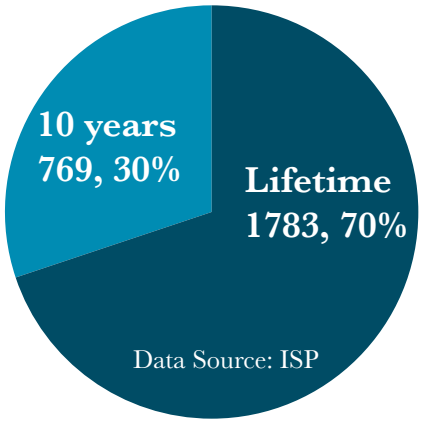
Registration information is provided to the principal of the school the youth attends, as well as to any guidance counselor that he or she designates, and the information must be kept separate from other records. 730 ILCS 152/121(b). However, the law does not require that school officials refrain from sharing this information with other school personnel, students, or others.

Do public defenders assist youth with the registration process?

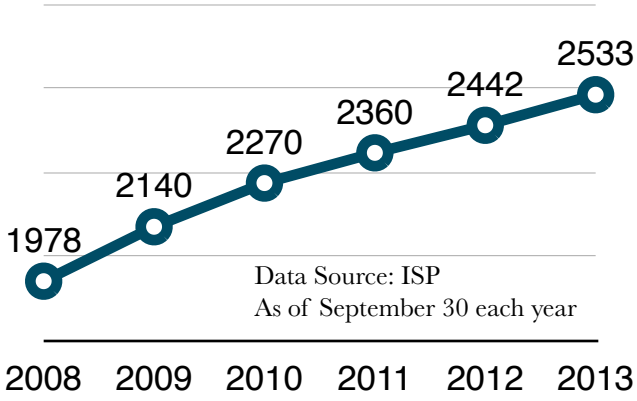
Youth seldom have access to public defenders after adjudication. Only youth who can afford a private attorney can receive ongoing assistance with registration issues or with filing a petition for registry removal.

Due to lengthy registration periods, the Illinois juvenile registry continues to grow even as offenses have decreased. As of December 4, 2013, there were 2,553 individuals on Illinois' Juvenile Sex Offender Registry.[120] Of those, 1,783 (69.9 percent) are registered for life while the other 769 (30.1 percent) are required to register for 10 years. The number of youth placed on the Illinois Sex Offender Registry has increased 28 percent since 2008, although offenses during the study period fell by half.[121]

Juveniles on the Illinois Sex Offender Registry, December 2013



Juveniles on the Illinois Sex Offender Registry 2008-2013



There is no persuasive evidence that Illinois' growing juvenile sex offender registry prevents victimization. Youth are increasingly subject to sex offender registration laws based on the assumptions that a) they pose a uniquely high risk for future sexual violence[122] and that b) registration may help to mitigate this risk. However, recent studies have specifically examined the impact of youth sex offender registries and have concluded that categorical registries have not been demonstrated to reduce sexual recidivism.

Offense-driven registries can't forecast risk. Studies have found that conviction-based tier designations on juvenile registries, such as those envisioned by SORNA and currently used in Illinois, fail to distinguish between low-risk and high-risk youth, as measured both by risk instruments and sexual recidivism rates.[123] State-level data has also supported the findings of broader national research.[124] Further, youth who

[120] Correspondence with Illinois State Police (Dec. 2013).

[121] *Compare* the fact that the number of youth placed on the Illinois Sex Offender Registry has increased 28 percent since 2008, *with* Finding 1, *supra* page 15 (noting that the number youth arrested for sex offenses comprised less than 1 percent of all juvenile arrests during the four sample years and was reduced by half between 2004-2010).

[122] *See* text accompanying notes 45-50 (noting that sexual recidivism rates are similar between delinquent youth who are and are not considered sex offenders).

have sexually offended do not commit future sexual offenses at rates higher than non-sexually-delinquent youth, calling into question the very purpose of the designation.[125]

Youth reoffend sexually at similarly low rates whether or not they are placed on a registry. The collection of recidivism studies, some of which have been described here, demonstrate that most youth on sex offender registries do not go on to commit sexual offenses in the future. Multiple studies have found comparable and low rates of reoffending when comparing youth who are registered as a "sex offender" with those who have committed similar offenses but are not required to register.[127] There is simply no evidence in the research that registration lowers future risk of sexual reoffending among youth.[128]

"To date the research provides no support for the effectiveness of sex offender registration of adolescent offenders."
-Caldwell and Dickinson, 2009[126]

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[123] *See, e.g.*, Ashley B. Batastini, et al., *Federal Standards for Community Registration of Juvenile Sex Offenders: An Evaluation of Risk Prediction and Future Implications*, 17 PSYCHOL. PUB. POL'Y & L. 451, 451–74 (2011) (examining the ability of the classification system of the Adam Walsh Act and SORNA to predict future offending among a sample of 112 adjudicated juvenile sex offenders over a 2-year outcome period, and finding that offenders who met criteria for registration did not reoffend (sexually or non-sexually) at a significantly higher rate than those who did not meet registration criteria). Michael F. Caldwell, et al., *An Examination of the Sex Offender Registration Act as Applied to Juveniles: Evaluating the Ability to Predict Sexual Recidivism*, PSYCHOL. PUB. POL'Y & L., 89, 89–114 (2008) (Study examined whether SORNA registry strategies correctly distinguished between lower and higher risk youth and whether there were differences in recidivism rates among the various risk levels as designated in SORNA. Researchers followed 91 juvenile sex offenders and 174 juvenile nonsexual violent offenders for an average 72 months. They found that conviction-based tier designations on the registry failed to distinguish between lower and higher risk youth. There was also no significant difference in recidivism rates of juvenile sex offenders among the registry's tiers.).

[124] *See, e.g.*, Donna M. Vandiver, *A Prospective Analysis of Juvenile Male Sex Offenders: Characteristics and Recidivism Rates as Adults*, 21 JOURNAL OF INTERPERSONAL VIOLENCE, 673, 673–88 (2006) (examining the impact of sex offender registration laws in Texas on youth sexual offense recidivism and finding that of the 300 male youths on Texas' sex offender registry, only 4.3 percent were rearrested as an adult for a new sex offense while more than half were arrested at least once for a nonsexual offense). Elizabeth J. Letourneau, et al., *The Influence of Sex Offender Registration on Juvenile Sexual Recidivism*, 20 CRIM. JUST. POL'Y REV., 136, 136–53 (2009) (Study examined recidivism rates of all male juveniles with sex crime convictions (N=1,275) across an average nine-year follow up. Researchers studied the influence of registration status on risk of new sexual, violent, and nonviolent charges and on new convictions/adjudications. Findings included a sexual offense reconviction rate less than 3 percent and evidence that registration has no impact on nonsexual violent recidivism). Because the sexual recidivism rate was the same for the juvenile sex offenders and the juvenile nonsexual offenders, Letourneau suggests that distinctions between these two groups of youth are misplaced. Elizabeth J. Letourneau, *Affidavit* (2011), *available at* https://olis.leg.state.or.us/liz/2013I1/Downloads/CommitteeMeetingDocument/30208.

[125] *See id.* (Because the sexual recidivism rate was the same for the juvenile sex offenders and the juvenile nonsexual offenders, Letourneau suggests that distinctions between these two groups of youth are misplaced*; see also* text accompanying notes 33–35.

[126] *See* Caldwell & Dickinson, *supra* note 108, at 953.

[127] For instance, a study evaluating the influence of South Carolina's sex offender registration and notification on juvenile sexual and nonsexual recidivism rates matched 111 pairs of registered and nonregistered male youth based on the following criteria: 1) year of index offense, 2) age at index offense, 3) prior person offenses, 4) prior nonperson offenses, and 5) type of index sexual offense. Youth were followed for an average of four years and researchers found a sexual recidivism rate of less than 1 percent (just two events for 222 youth). The nonsexual violent offense reconviction rate did not differ between registered and nonregistered males. Letourneau & Armstrong, *supra* note 45, at 393–408; *see* Caldwell & Dickinson, *supra* note 108, at 953; *see also* Batastini, *supra* note 152, at 451–74.

[128] Letourneau & Armstrong, *supra* note 46, at 393–408; *see* Caldwell & Dickinson, *supra* note 108, at 953.

Identifying youth as "sex offenders" can create significant obstacles to rehabilitation and public safety. Delinquent youth rehabilitate more quickly and comprehensively when they are able to access healthy family relationships, safe and stable living environments, educational and employment opportunities, required therapies, a network of pro-social peers, and responsible, caring adults in a community setting.[129]

By contrast, surveillance-only strategies can disrupt youth rehabilitation and even increase recidivism when they are applied to low- and moderate-risk youth.[130] As one example, identifiable law enforcement officers appearing at school, work, and home effectively destroy juvenile court confidentiality and can directly affect the stability of education, employment and housing. Yet in addition to Illinois' statutory registry and community notification requirements, youth adjudicated delinquent for sex offenses face a complex array of "collateral consequences" – restrictions to which they are largely subject as a result of being labeled as sex offenders. When restrictions and other collateral consequences are applied without an individualized assessment of risk (and in some cases in direct tension with treatment need), they may impede treatment progress and unduly restrict activities that are critical to healthy adolescent development and long-term successful rehabilitation.

"People don't change in a shaming environment."
-Treatment provider for victims and offenders

A detailed explanation of collateral restrictions placed upon Illinois youth is too lengthy to include here, but may be found at Appendix J. Youth are routinely told that they must comply with all of the statutory, regulatory, and administrative restrictions and requirements of an adult sex offender, regardless of whether each restriction is clinically recommended or statutorily required. Taken in combination, restrictions can be baffling or even contradictory.

As just one example, youth who have been committed to IDJJ facilities are subject to parole conditions and administrative practices that – even when not required by statute – may result in re-incarceration or even the inability to be paroled from a facility at all.[131] As the Commission's reentry report notes in detail, all youth who are released from IDJJ facilities are subject to 17 general "boilerplate conditions" of parole based on adult standards, plus any discretionary or youth-specific conditions that may be imposed.[132] In addition, youth adjudicated delinquent for a sex offense are subject to another four

[129] IJJC YOUTH REENTRY REPORT, *supra* note 19, at 28.

[130] *Id.* at 27–28.

boilerplate sex offender parole restrictions[133] and up to 18 statutorily-based discretionary restrictions.[134] Youth who do not comply with non-statutory parole conditions are still subject to re-incarceration for parole violation. Several common restrictions can be simultaneously imposed even though they are self-contradictory; for instance, youth may be both required to attend school and barred from school grounds, with violation of either condition potentially resulting in incarceration.

"How have we crafted this kind of draconian response to juvenile offenders without knowing everything we need to know about that kid's life"?
- Administrator for program for child victims sexual offenses

All collateral consequences deriving from registry status continue to apply well after youth have completed their juvenile court supervision – often for the rest of their lives. It is critical to note that many restrictions can also stigmatize and destabilize the families of the youth offender, since the youth's family more often than not includes the victim of the sexual offense.[135]

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[131] Illinois law and practice currently vest adult IDOC parole officers with authority to approve "host homes" to which a youth adjudicated for a sexual offense is allowed to be released upon parole. Although it is not mandated by law, adult parole agents routinely reject a youth's family home as a "host home" if any child is present, regardless of a) whether any children in the home were victimized or are at risk of victimization, b) whether family-based therapy and engagement is recommended, and c) regardless of the youth's individual risk factors, strengths, and rehabilitation. *See id.* at 28. Even when no children are present and regardless of whether the law requires it, a family home may be rejected because it is near a park, school, day care center, swimming pool, beach, theater, or any other place minor children congregate. 730 ILCS 5/3-3–7(b-1)(12). When a youth's home is rejected, he or she remains incarcerated until an alternative is found. As discussed earlier in this report, youth adjudicated delinquent for sex offenses remain incarcerated more than twice as long as youth incarcerated for all other offenses and are disproportionately represented in the population of youth who stay beyond their Administrative Review Date awaiting placement. As one facility staff member noted in an interview, "(We have) a whole housing unit that cannot be paroled because of housing issues. They have completed treatment and passed (their) ARD, but cannot be paroled because their proposed host site is too close to a school or something. It could be years where they could have been paroled."

[132] "A parolee must: not commit a crime in any jurisdiction, not possess a firearm or other dangerous weapon, report all arrests to an agent of the Department of Corrections within 24 hours after release from custody, successfully complete sex offender treatment if convicted of a sex offense, not possess narcotics or other controlled substances or frequent locations where controlled substances are illegally distributed, follow specific instructions provided by the parole agent, consent to searches of his person and property, provide truthful information to his parole officer and seek permission from the Department of Corrections before leaving the state or changing residences." IJJC YOUTH REENTRY REPORT, *supra* note 19, at 22; *see* 730 ILCS 5/3-3-7(a).

[133] *See id.* § 5/3-3-7(b).

[134] *See id.* § 5/3-3-7(b-1).

[135] Sixty-two percent of cases in the Commission's probation file reviews reflected offending within the family. *See supra*, Finding 5, at 22.

Common Collateral Consequences		
May Restrict:[136]		
Housing • Location • Family in home • Other nearby residents • Subsidy availability	**Education** • K-12 school attendance • College/technical school admissions • Campus housing	**Employment** • Employer application questions • Employer background search • Professional licensing denial
Family relationships • Time spent with minor non-victim siblings • Family-focused treatment/ counseling • Maintaining positive relationship with own children: Attending school/extracurricular events; taking own child to park, public places; and permitting child to socialize with peers.	**Communication** • Calls/texts • Smartphone possession • Computer/internet use • Social networking (e.g. Facebook, LinkedIn)	**Presence in public places** • Ability to leave house without prior permission • Curfews and other movement restrictions • Public parks, beaches, zoos, forest preserves
Confidentiality • Via visits at home, school, and work by enforcement • Via community notification to multiple local agencies • Via disclosures (no remedy/penalty) • Via obvious restrictions (e.g. phoneless, ankle bracelet) • Via registry-related public adult arrests/felony convictions		**Religious Worship** **Military service** **Treatment opportunities** **Socialization with age peers** **Recreation**
Restrictions may be based upon one or more:		
• Statutory requirements • Registry requirements • Organizational policies • Mandatory parole/probation conditions • Discretionary parole/probation conditions • Confusion over mandatory/discretionary conditions • Incorrect application of adult guidelines to youth	• Confusion over whether adult guidelines apply • Uniform administrative practice for all youth • Treatment need • Public housing guidelines • Misunderstanding about youth classification • Breach of confidentiality	

[136] *See*, e.g., Appendices J, K.

Youth lack legal representation to resolve confusing or inconsistent directives. Some restrictions are mandated by law, flowing from a youth's status as a "registered sex offender." Others are solely routine administrative practice, such as the habitual imposition of non-mandatory adult sex offender parole conditions on youth. Additional challenges arise from ambiguity or confusion regarding the law or rules to be applied to juveniles,[137] the sources of specific practices, and whether a particular practice can be modified.

Practitioners interviewed for this study – including law enforcement officials, probation officers, IDJJ staff, treatment providers and others – indicated widespread confusion on the growing network of federal and state law and regulations regarding registry, community notification, and other restrictions on youth. Interviews indicated that understanding and following statutory restrictions is not only difficult for youth and families, but for the wide array of professionals seeking to enforce or comply with the law.

The broad leeway to establish further conditions of parole or probation can also create confusion not only for the youth, but for family members, treatment providers, and other justice professionals who counsel youth regarding their obligations and options. For instance, attorneys advising youth about a plea offer often cannot fully inform their clients about potential collateral consequences by answering basic questions about how sex offense provisions will affect their clients' future prospects.

After adjudication, youth usually navigate mandates and restrictions without the advice of a public defender or other attorney, for years after the conclusion of their court case. As a result, youth adjudicated for sex offenses encounter widespread confusion and often inconsistent advice about their duties to register or to notify others about their status as well as about where they may live, work or go to school. Failure to follow a mandatory restriction can result in incarceration and/or new adult felony criminal charges, which become permanent public record.

[137] As just one example of the lack of clarity, Illinois' Sex Offender Registration Act (SORA) explicitly includes youth with juvenile adjudications in the statutory definition of "sex offender" and requires juveniles to register. Sex Offender Registration Act, 730 ILCS 150/2(A)(5), 150/3. However, the definition of "sexual predator" contained in the same act is less clear. Juvenile adjudications are not enumerated in the predator definition (730 ILCS 150/2(E)). Although the "sex offender" definition states that convictions and adjudications are the same for the purpose of the section (730 ILCS 150/2(A)), the placement of the statement and the special attention paid to adults who are adjudicated rather than convicted suggests that juveniles might not have been anticipated by the sexual predator definition. The distinction is important, since designated sexual predators must register for life and are subject to greater restrictions. *See* Appendix J. Another such designation, "child sex offender," defined in an entirely different statute; appears to categorically exclude adjudications, yet youth are still often subject to restrictions based on the designation. *See* Appendix K.

Victim and offender therapists agree that sex offense stigma interferes with successfully treating their clients. Holding youth who have sexually offended accountable for the harm they have caused is an important goal of the juvenile justice system. Ensuring that young people develop victim empathy and positive peer and family relationships is an important part of preventing reoffending. But the stigma attached to registry and collateral consequences can isolate both offenders and intrafamilial victims from their communities, preventing healthy activities and interpersonal relationships.

Simply put, treatment and rehabilitation of children is not bolstered by publicizing that they were adjudicated or convicted of a sex crime. As one treatment provider for youth offenders noted in interviews for this study, "[t]o find employment, to get into school - these become additional hurdles. All these things affect resiliency. You take away the (ability) to build self-esteem, make a living (or) go to school." Creating a sense of hopelessness – regardless of ongoing lawful behavior, rehabilitation or remorse – can undermine compliance with treatment objectives as well as with the law.

> **"We should stop putting kids on the sex offender registry. There's zero scientific evidence that it prevents reoffending. The earlier we label them and shame them, the more we could be actually damaging them."**
> - Clinician specializing in risk assessments for youth identified for sexually offending behavior

A provider of treatment services to victims of sexual abuse noted, "[t]here's collateral based damage to having offenders on [the] registry. We forget the collateral damage to victims and family members who live in those homes and the destabilization that occurs."

> **"Labeling as 'juvenile sex offender' affects treatment because of the stigma, lost hope."**
> - Residential treatment provider

Individualized restrictions support the accountability and rehabilitation purposes of the Juvenile Court Act. Some or all of the restrictions and requirements can be appropriate to manage reoffending risks for individual youth who pose high risks of reoffending in very specific ways. Mandates which are narrowly tailored to an individual youth's risks, needs, and strengths can be effective in achieving restorative goals for victims, improving youth outcomes, and increasing public safety.[138] Yet excessive, impractical and

[138] *See, e.g.*, Moster, *supra* note86, at 109–21.

rigid conditions – especially those which fail to address a youth's individual needs and strengths – undermine rehabilitation and long term public safety.[139]

Under current Illinois law, juvenile courts, juvenile probation officers, the Illinois Department of Juvenile Justice, and the Prisoner Review Board are able to place restrictions on delinquent youth who have not offended sexually (e.g. victim contact, place of residency, movement, use of computers and social media, interactions with other minors, curfew, etc.) until the age of 21 for serious offenses – without the involvement of a registry. Removing youth from the sex offender registry would likewise still permit authorities to place reasonable restrictions on specific youth for lengthy periods of time, in the few high-risk cases in which it is recommended.

In short, the evidence is clear and growing: treating youth like adults and categorically applying registries and other barriers to stable housing, education, family relationships, and employment does not protect public safety. On the contrary, employing these strategies is much more likely to undermine youth rehabilitation, harm intrafamilial victims of sexual abuse, stigmatize families, and produce poor outcomes for communities.

Federal law instructs states to institute a mandatory and categorical registry for youth; most states do not comply. Over a span of 12 years (1994-2006), several federal laws created and expanded sex offender registries and community notification laws.[140] The most recent, the Adam Walsh Child Protection and Safety Act (AWA), reorganized and consolidated registration and notification provisions, applying them to youth for the first time. Title I of the AWA, the Sex Offender Registration and Notification Act (SORNA), created a comprehensive set of federal guidelines directing states to expand the scope of their registration and notification laws.[141] Most notably, SORNA requires that youth age 14 years or older adjudicated delinquent of a sexual offense comparable to or more severe than aggravated sexual abuse must register with local law enforcement.[142]

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[139] *See* U.S. DEPARTMENT OF JUSTICE, MOTIVATING OFFENDERS TO CHANGE: A GUIDE FOR PROBATION AND PAROLE (June 2007), *available at* https://s3.amazonaws.com/static.nicic.gov/Library/022253.pdf.

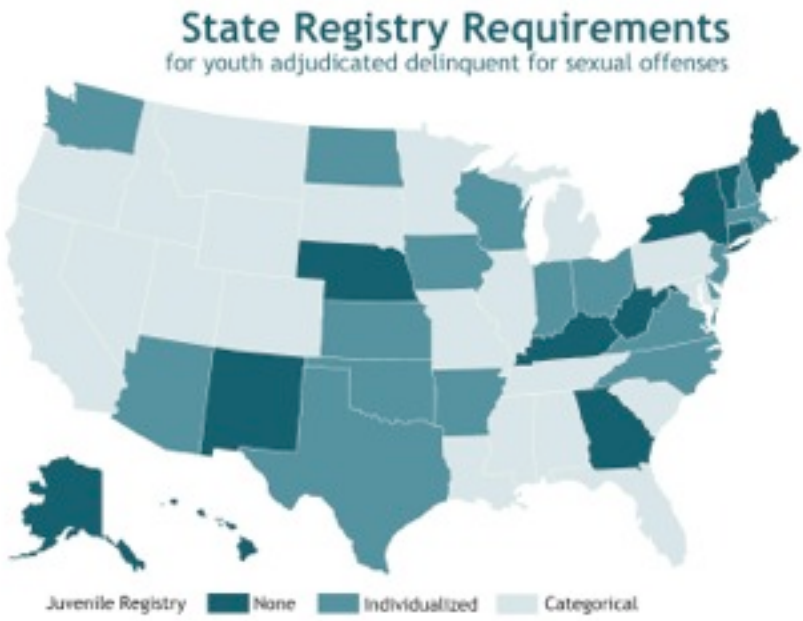
[140] Federal laws creating or expanding federal registry requirements and community notification provisions include the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act enacted in 1994, Subtitle A of Title XVII of the Violent Crime Control and Law Enforcement Act, Pub. L. No. 103-322 (1994); Megan's Law enacted in 1996, 42 U.S.C. § 14071(d) (1996); The Pam Lychner Sex Offender Tracking and Identification Act enacted in 1996, 42 U.S.C. § 14071 (1996); and the Adam Walsh Child Protection and Safety Act, 42 USCA § 16901 et seq. (2006).

[141] The Adam Walsh Child Protection and Safety Act, Pub. L. No. 109-248 (2006).

[142] *Id.* at §111(8).

SORNA Noncompliance - The AWA established deadlines by which states were to implement different parts of SORNA and provided penalties for non-compliance.[143] The initial deadline for implementation was July 2009. According to the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART), the entity charged with managing the implementation of the Adam Walsh Act/SORNA, 33 out of 50 states were not in compliance with SORNA as of February 2013, including Illinois.[144]

Due to widespread non-compliance, the U.S. General Accounting Office conducted a performance audit designed to identify compliance obstacles.[145] The audit, conducted from January 2012 to February 2013, identified a series of challenges that resulted in states being out of compliance, including: conflicts between state laws and the federal law; retroactive application of requirements, as required under the federal law; the inclusion of juveniles on registries; and the costs associated with implementation of the requirements.[146] States also expressed concern that SORNA registration requirements are based on categories of convictions and do not identify individuals who pose the highest risks of reoffending.[147]



Alternatives to SORNA Youth Registry - Many of the states currently out of compliance with SORNA requirements do not subject youth to the same federally-recommended registration and community

[143] The AWA provides for a penalty for non-compliance of the loss of 10 percent of the state-level portion of the jurisdictions Byrne/Justice Assistance grant funds.

[144] U.S. Government Accountability Office, GAO-13-211, SEX OFFENDER REGISTRATION AND NOTIFICATION ACT – JURISDICTIONS FACE CHALLENGES TO IMPLEMENTING THE ACT, AND STAKEHOLDERS REPORT POSITIVE AND NEGATIVE EFFECTS, A REPORT TO THE SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES (Feb. 2013) [hereinafter GAO Report].

[145] *Id.*

[146] *Id.* First year costs of implementing SORNA may outweigh potential penalties associated with non-compliance. JUSTICE POLICY INSTITUTE, WHAT WILL IT COST STATES TO COMPLY WITH THE SEX OFFENDER REGISTRATION AND NOTIFICATION ACT? (2012), *available at* http://www.justicepolicy.org/images/upload/08-08_FAC_SORNACosts_JJ.pdf.

[147] GAO Report, *supra* note 123.

notification requirements as adults.[148] As an alternative, 11 states and the District of Columbia choose to exercise individualized supervision over youth in juvenile court—these states do not have a juvenile registry and only require youth who have been tried and convicted as adults to participate on the sex offender registry. Another 19 states require registry for some juvenile cases but impose registry requirements with some degree of individualized consideration. Besides Illinois, 19 other states use a categorical (offense classification-based) juvenile registry; although over half of these states limit it to only the oldest juvenile offenders, Illinois does not.

Constitutional Challenges to Youth Registries - Recognizing numerous problems with juvenile registration, legal challenges have arisen in some states with juvenile registries. In 2012, the Ohio Supreme Court held that a statute placing juveniles on an automatic lifetime registry violated the federal and state constitutional prohibition against cruel and unusual punishment.[149] It also held that the statute violated the state and federal Due Process Clause, finding that the principle of "[f]undamental fairness requires that the judge decide the appropriateness of any such penalty"[150] because "[a]n automatic long term punishment is contrary to the juvenile system's core emphasis on individual, corrective treatment and rehabilitation."[151]

More recently, Pennsylvania lower courts have held federal and state SORNA laws and similar juvenile registration schemes unconstitutional under several different rationales:

- Lifetime registries are particularly cruel for youth.[152]
- Juveniles are less deserving of punishment due to their diminished culpability and increased prospects for reform.[153]
- Sexual recidivism rates are low, as demonstrated by remarkably consistent findings across studies, time, and population.[154]

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[148] For a detailed analysis of other states' responses to youth registration for sexual offenses, see Appendix D.

[149] In re C.P., 967 N.E.2d 729, 732 (Ohio 2012) ("To the extent that it imposes automatic, lifelong registration and notification requirements on juvenile sex offenders tried within the juvenile system, R.C. 2152.86 violates the constitutional prohibition against cruel and unusual punishment contained in the Eighth Amendment to the United States Constitution and the Ohio Constitution, Article I, Section 9, and the Due Process Clause of the Fourteenth Amendment to the United States Constitution and the Ohio Constitution, Article I, Section 16.").

[150] *Id.* at 749.

[151] *Id.* at 748.

[152] In re J.B. et al., No. CP-67-JV-0000726-2010, 1, 34 (Penn. Ct. Com. Pl. of York County Nov. 4, 2013) ("[L]ifetime registration . . . is particularly harsh for juveniles in light . . . of . . . the detrimental effects that registration can have on all aspects of their lives and livelihood.").

[153] *Id.* at 16 ("Because juveniles have diminished culpability and greater prospects for reform, they are less deserving of the most severe punishments").

- Juveniles are likely to suffer irreparable harm as a result of being required to register.[155]
- Lifetime registration is contrary to the rehabilitative goals of the juvenile justice system.[156]
- Requirements such as retroactive registration, periodic in-person appearances, verification, and penalties for non-compliance impose a substantial burden on juveniles, and there is little to indicate that lawmakers assessed how these requirements would impact juveniles or whether such provisions are necessary.[157]
- State and federal lawmakers did not design categorical registry laws to focus on high-risk youth.[158]
- No adjudication-based registry would identify high-risk youth.[159]
- Juveniles are likely to be shunned where their registration is known which creates collateral consequences by imposing limits on their ability to obtain housing, schooling, and employment.[160]
- Being labeled a sexual offender goes much further than simply implying that a juvenile was adjudicated delinquent.[161]

Registries with Individualized Consideration of Youth – Nineteen states currently reject a categorical registry for youth offenders, adopting a customizable approach. One such example is the "targeted and limited" juvenile registry used in Oklahoma, where registry of youth is individualized and risk-based rather than categorical and offense-based as in Illinois.[162] This statutory framework allows a court to consider an

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[154] *Id.* at 18 ("There are now more than 30 published studies evaluating the recidivism rates of youth who sexually reoffend. The findings are remarkably consistent across studies, across time, and across populations: sexual recidivism rates are low").

[155] *Id.* at 19–20 ("[T]he Court finds that juvenile sex offenders . . . are likely to suffer various forms of irreparable harm as a result of being required to register . . .").

[156] *Id.* at 34 ("Such lifetime registration is also contrary to the rehabilitative goals of our juvenile justice system, as a court of second chances").

[157] *Id.* at 19–20 ("[R]etroactive registration, periodic in-person appearances, verification, and penalties for non-compliance impose a substantial burden on juvenile sex offenders. These provisions were enacted despite a minimal legislative history with regard to how they would impact juvenile offenders, or whether such provisions were necessary with regard to juveniles").

[158] In re B.B. et al., No. 248 JV 2012, 1, 30 (Penn. Ct. Com. Pl. of Monroe County Jan 16, 2014) ("[W]e have reviewed both the state and federal legislative histories for reasoning or evidence which supports the premise that the adjudication-based registration is closely tied to juveniles at a high risk of reoffense. We have found none").

[159] *Id.* at 25 ("[E]ven if the legislature were to preface its legislature with very extensive research it is hard to see how it would be possible to create an adjudication-based registry to cover only those juveniles who are, in fact, dangerous").

[160] *Id.* at 17 ("The Juveniles will almost certainly be shunned wherever their registration is known. Presence on a sexual offender registry may impose limits on the Juveniles ability to obtain housing. Schools may refuse to admit them. Businesses may refuse to employ them. At this point the precise effects of the law are unknown, but its negative consequences are highly likely").

[161] *Id.* at 17, 21 ("The term 'sexual offender' does not simply imply that the juvenile was adjudicated delinquent . . . The law will imbue the juvenile with the reputation of a sexual offender through formative stages of his life and continuing into old age").

individual youth's age, offense history and behaviors, treatment history and progress, risks to reoffend, needs, and strengths, in order to decide whether that youth should be required to register as a sex offender.[163] Under the Oklahoma statute, only youth who offended at the age of 14 or older can be required to register as juveniles.[164]

The registration review involves three steps: First, at the conclusion of a youth's treatment or placement, a district attorney reviews the youth's behavior and progress, deciding whether to file an application for registry based on indicia of significant risks to reoffend.[165] Second, if an application is filed, a panel of two court-appointed juvenile mental health professionals evaluates the youth and submits a written report and recommendation regarding registration to the court.[166] Judges, prosecutors and defenders handling these cases have also received training on effective evaluation, supervision and treatment of youth who have sexually offended.[167] Third, upon submission of the evaluation report, the court determines whether the juvenile represents an "ongoing serious or aggressive threat to the public or children under sixteen years of age" and, if so, shall order the youth to register on the state's juvenile sex offender registry.[168]

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[162] Oklahoma Juvenile Sex Offender Registration Act, 10A § 2-8-102–2-8-112.

[163] *Id.* § 2-8-104(A).

[164] *Id.* § 2-8-102.

[165] *Id.* § 2-8-104(A).

[166] *Id.* Oklahoma law provides specific and detailed criteria for clinicians to qualify to evaluate youth for registry and the State Office of Juvenile Affairs provides a listing of clinicians who meet these established criteria, for use by courts in conducting the evaluations. *Id.* While not specifically mandated by law, the evaluation uses a structured and objective assessment tool—typically the Juvenile Sex Offender Assessment Protocol or JSOAP—as well as the youth's records and the clinical judgment of evaluators with expertise in working with youth on sex offending problems. Interview with Dr. Mark Chaffin, Professor and Director of Research (Oct. 25, 2012).

[167] *Id.*

[168] Oklahoma Juvenile Sex Offender Registration Act, 10A § 2-8-104(B).

Recommendations for Aligning Law, Policy, and Practice with Research on Effective Interventions

The Illinois Juvenile Court Act promotes a juvenile justice system that protects communities, imposes accountability for harmful behavior, and equips affected youth with the competencies to live responsibly and productively.[169] A strong body of research on "what works" with youth who sexually offend offers tools to achieve these goals. Aligning law, policy and practices with research and proven strategies will enhance public safety, improve offender and victim outcomes, and reduce and address the harms caused by sexual victimization.

Based on the data, research and stakeholder interviews, the Commission has advanced key principles to rehabilitate youth who have committed sexual offenses:

- **Apply fact, research, and data:** Evidence-informed policy and practice take advantage of objective knowledge, research, and data regarding the origins of sexual misconduct among youth and the low rates of sexual offending among youth to develop interventions which reduce future offending and ensure the safety of the victims and community;
- **Implement alternatives to costly and ineffective incarceration:** Evidence-informed policy and practice prioritizes individualized, community-based, and family-focused interventions to reduce risk for future offending and to produce long-term positive outcomes for victims, offenders, families, and communities; and
- **Do no harm:** Above all – interventions and policy must ***do no harm*** to victims or to youth with great potential for rehabilitation. Policy makers should take action to eliminate laws that undermine rehabilitation, increase risk of offending or cause harm to victims, youth, and families.

To realize these principles of evidence-informed policy and practice, Illinois should:

RECOMMENDATION 1: Develop and implement professional best practice standards and provide current, objective, and evidence-informed training for professionals who work with youth offenders an victims of sexual abuse.

Today, research and analysis provides practitioners with strategies to intervene effectively with youth who exhibit sexual misconduct problems, to produce better outcomes with youth, victims, and families and to avoid the long-term harm that antiquated, adult-oriented and punitive approaches can cause.

[169] Juvenile Court Act of 1987, 705 ILCS 405/5-101.

Professionals called upon to intervene with youth should be provided with the knowledge and skills necessary to handle these challenging cases. Entities such as the Illinois Sex Offender Management Board (SOMB), the Illinois Law Enforcement Training and Standards Board (ILETSB), the Administrative Office of the Illinois Courts (AOIC), the Illinois Supreme Court, and the Illinois Department of Juvenile Justice (IDJJ) should promulgate standards of professional practice to guide the work of clinicians and treatment providers, law enforcement officers, lawyers and judges, probation officers, and IDJJ facility and aftercare staff.

These agencies and entities should also equip police, teachers, clinicians, lawyers,[170] judges and probation or parole officers, community-corrections professionals and aftercare specialists with the current, accurate, evidence-informed, and high-quality information and training on youth sexual offending, sexual abuse, and victimization needed to meet the professional standards and to deliver services effectively.

State and local policy makers should also apply current and objective research to develop law and policy that holds youth accountable in a manner that effectively supports victims and families, advances rehabilitation, and uses scarce public resources effectively. Agencies should promulgate evidence-based standards of professional practice for intervening with sexually offending youth and victims and should take steps to ensure that professionals receive appropriate training to equip them to meet these standards. In addition, these entities should implement meaningful quality assurance strategies for the professionals and agencies they support. To assist in these efforts, the Commission will support the development and delivery of high-quality, evidence-based training and professional development to practitioners.

RECOMMENDATION 2: Equip courts and communities to intervene effectively with individualized, community-based, family-focused services and supervision.

At Pre-Adjudication: Individualized, comprehensive and evidence-informed assessments of each youth's risk, needs, and strengths are the cornerstone of effective intervention. The Illinois Juvenile Court Act recognizes the importance of meaningful assessment, providing that "any minor found to be guilty of a sex offense… shall be required as part of the social investigation to submit to a sex offender

[170] Attorneys, in particular, have clear professional obligations to be highly knowledgeable and skilled in handling these complex cases. Model Rules of Prof'l Conduct R. 1.1 (2004), *available at* http://www.law.cornell.edu/ethics/aba/current/ABA_CODE.htm ("A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation."). Prosecutors, defenders and judges make daily decisions regarding charges and pleas, providing an effective defense, and developing effective interventions. As such, they should be required to access specialized professional development opportunities and apply the interventions most appropriate for each individual young offender.

evaluation. The evaluation shall be performed in conformance with the standards developed under the Sex Offender Management Board Act and by an evaluator approved by the Board."[171]

However, the Illinois Sex Offender Management Board standards address only adult offenders, with no existing standards or guidelines for the evaluation of youth.[172] As a result, assessment protocols for youth vary widely across the state, potentially undercutting juvenile courts' ability to make informed, fair, and effective decisions and develop appropriate supervision plans.

To address these gaps, Illinois should

- Develop protocols that provide for pre-adjudication evaluation of youth to better inform plea negotiations and pre-adjudication decision-making, while protecting constitutional due process rights and rights against self-incrimination;
- Mandate that only assessors with demonstrated expertise in evaluating youth shall conduct juvenile sex offender evaluations and that all evaluations shall rely on evidence-informed assessment tools and protocols intended for youth; and
- Recognize and address the negative impact categorical registry requirements and their collateral consequences have on the appropriate charging and disposition of juvenile cases, and instead empower state's attorneys, defenders and judges to make decisions based on an individualized, comprehensive approach envisioned in the Illinois Juvenile Court Act.

At Sentencing, Probation, and Treatment: The Illinois Juvenile Court Act explicitly encourages "programs and services that are community based" and provides that youth should "reside within their homes whenever possible and appropriate" with the "support necessary to make this possible."[173] It further provides that secure confinement should be applied narrowly and only when minors present a danger to the community.[174] To take full advantage of the positive outcomes offered by community-based supervision and services, Illinois should:

- Rely on individualized, comprehensive, evidence-informed assessments conducted by qualified assessors to determine each youth's risks, needs and strengths;

[171] Juvenile Court Act of 1987, 705 ILCS 405/5-701.

[172] PA 97-1098 amended the Sex Offender Evaluation and Treatment Provider Act to establish qualifications for sex offender evaluators and treatment providers, but eliminated prior requirements for the SOMB to promulgate guidelines and standards for the evaluation or treatment of juvenile offenders, which had not been implemented.

[173] Juvenile Court Act of 1987, 705 ILCS 405/5101(2).

[174] *Id.*

- Require probation officers to be active participants in developing assessment-based individualized case plans where the level of intervention corresponds to the risk level;
- Implement community-based programs that allow youth to reside at home whenever possible and appropriate, which research shows can bolster community safety more effectively than incarceration-based strategies;
- Ensure that probation officers and treatment providers have access to training, ongoing support, oversight, evidence-based and family-focused services, and intensive specialized treatment resources to effectively supervise youth in the community;[175]
- Ensure that judges have access to assessments, evaluations and evidence-based practices to inform appropriate sentencing and supervision decisions for each youth; and
- Fully implement 705 ILCS 405/5-750 to eliminate unnecessary use of IDJJ commitments when less-restrictive alternatives are appropriate and ensure that all judges have access to these alternatives.

Research on family-focused, community-based services for youth adjudicated for sexual offending offers reliable strategies for working effectively with youth who sexually offend and at a fraction of the cost of incarceration-based strategies. Multisystemic Therapy for youth with Problem Sexual Behaviors (MST - PSB), for example, targets youth who have sexually offended and intensively engages with youth and families in the context of their homes, schools, and neighborhoods. In randomized clinical trials, MST-PSB has been demonstrated to reduce reoffending, improve family functioning and improve long-term outcomes for youth, parents and other siblings.[176] While the Commission does not endorse a specific program, Illinois should:

- Ensure that every court and every community has access to evidence-informed, family-focused services for youth, families, and victims who need them;
- Ensure that the small number of youth who present possible serious and persistent risk of sexual offending receive intensive and specialized treatment; and
- Ensure that scarce resources are not wasted on intensive and specialized treatment for youth who pose no serious risk of sexual reoffending as determined through the use of evidence-informed assessment tools.

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[175] "Specialized" probation caseloads per se are not necessary to provide effective supervision of youth and families in sexual offense cases.

[176] OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, BLUEPRINTS FOR VIOLENCE PREVENTION 71 (July 2004), *available at* https://www.ncjrs.gov/pdffiles1/ojjdp/204274.pdf

While Committed to Illinois Department of Juvenile Justice and Under the Jurisdiction of the Illinois Prisoner Review Board: Comprehensive, family-focused, and skills-developing interventions are difficult, if not impossible, to implement in any incarceration setting and are not currently used within the Illinois Department of Juvenile Justice. As a result, youth committed to IDJJ stay for long periods of time—well over twice as long as youth committed for all other offenses—and receive inadequate education, mental health care, and specialized services to prepare them for a successful return home. While the Commission commends the Department's reform efforts, given these current deficits, the Commission strongly recommends that commitment of youth to IDJJ must be used as a last resort, consistent with Illinois law. If youth are committed to IDJJ, Illinois should:

- Meet its fundamental obligations to provide safe and humane treatment and to prepare the youth in its custody for the timely and successful return to their communities;
- Expedite efforts to address serious deficits at IDJJ, including providing adequate mental health care and educational services, eliminating the use of damaging and counter-productive isolation, protecting youth from abuse by staff or other youth in custody, and ensuring the use of appropriate disciplinary strategies;
- Develop and implement evidence-informed standards of practice for in-facility and aftercare treatment and services to youth adjudicated for sexual offending and expedite transitioning youth from IDOC parole officers to skilled youth aftercare specialists;[177]
- Ensure that youth are not held in secure facilities or placed in expensive residential facilities unnecessarily due to categorical restrictions on "host homes" that prevent safe family reunification; and
- Require the Illinois Prisoner Review Board to develop and apply evidence-informed, youth-appropriate standards when making release or discharge decisions and imposing parole requirements on youth committed to IDJJ for sexual offenses.

RECOMMENDATION 3: Remove young people from the state's counter-productive sex offender registry and the application of categorical restrictions and "collateral consequences."

After careful consideration and analysis of data, interviews, and social science research, the Commission has determined that, unlike community-based, family-focused, evidence-based interventions, offense-based registration strategies do not show positive results. There is no persuasive evidence that subjecting youth to registries and restrictions enhances public safety or prevents reoffending. In fact,

[177] To do so, IDJJ should recruit and retain highly skilled and qualified aftercare staff to work with youth committed to IDJJ for sexual offenses and should develop individualized and youth-appropriate case plans and supervision strategies rather than applying categorical, adult-focused restrictions and requirements.

research demonstrates that these statutory strategies do not improve community safety and can actually increase risk of reoffending and exacerbate harms to victims, particularly when they are siblings or other family members of the youth. Further, as discussed in this report, a growing number of state legislatures and courts—including the U.S. Supreme Court—are recognizing that the imposition of life-long consequences for acts committed as a child are unnecessary and counter-productive.

In addition, the Commission notes that individualized, evidence-informed practices like risk-based, family-focused intervention, treatment, and supervision offer real, practical approaches to achieve the goals of reducing reoffending, minimizing trauma for victims and their families, imposing accountability for harm caused, effectively using scarce resources, and fostering environments where youth are encouraged to become contributing members of our communities.

Conclusion

The Illinois Juvenile Justice Commission performed extensive scientific and legal research to understand the complex issues of the behavior, treatment, and rehabilitation of juvenile sex offenders and the extent to which current knowledge has resulted in practical applications throughout the state. The findings from this research shaped the Commission's recommendations, which aim to increase public safety, improve outcomes for young offenders, and allocate scarce public resources effectively. To do this, Illinois should implement evidence-informed policies for professionals who work with victims and youth offenders; provide individualized, community-based, family-focused treatments and services; and repeal counter-productive sex offender registration requirements and categorical restrictions for young people.

We, the members of the Illinois Juvenile Justice Commission, respectfully request that the Illinois General Assembly and the Governor of the State of Illinois give due consideration to the findings and recommendations set forth in this report, and take all action necessary to promote public safety, equip Illinois youth for successful, sustainable life in the community, and ensure a fiscally efficient and effective Illinois juvenile justice system.

Respectfully submitted,

Juvenile Justice Commission

State of Illinois

Appendix A

Template for Interviews with Providers of Treatment to Victims and Offenders Concerning Youth Identified as Sexually Offending

Thank you for meeting with us today. Again, we are here to speak with you in regards to best practices for the assessment, treatment and supervision of juvenile sex offenders, and to your work with this specialized population. The Illinois Juvenile Justice Commission (IJJC) was charged with conducting this study under a state law passed last year. Loyola University's ChildLaw Policy Institute is working with the Commission on the study. As part of the study, we are conducting these interviews in an effort to obtain a better understanding of the evaluation, assessment and treatment of juveniles who have been adjudicated for a sex offense, and to identify any recommendations for reform. As a reminder, the results of this interview will be reported in the aggregate and specific responses will be kept confidential. Your candor today is greatly appreciated and will help in the recommendation of effective treatment and supervision of juveniles who are adjudicated delinquent for a sex offense.

We have roughly thirty-five questions to help guide the conversation today. If at any time a question is not clear, please let us know and we will do our best to clarify. Also, if at the end of the interview there is something you did not have the opportunity to discuss that you would like us to know, please feel free to share. Do you have any questions for us before we begin?

Background information:

Please describe your work and the work of your organization.

How does a client get referred to you?

To whom do you provide services? The victim? The offender? The family?

If family, whose family? (victim, offender, both)

What is the age range of your clients who are identified as the offender?

About how many juvenile sex offense cases does your office/agency handle each year?

Psycho-sexual evaluations:

We are defining the psycho-sexual evaluation as the comprehensive report that assesses a juvenile's risk of offending and that gathers sufficient information to be used to make effective treatment and management decisions for an individual youth. Would you agree with this definition?

If no, how would you define?

Does your agency do psycho-sexual evaluations?

If yes, what do you include in the psycho-sexual evaluation?

What tools do you use for risk assessment?

At what stage of your work is a psycho-sexual evaluation completed?

Are different components completed at different times?

What aspects of psycho-sexual evaluation would be completed when?

Is there a standard process for evaluation, including risk assessment of juvenile sex offenders, in your organization? In the County(ies) where you work (id counties)? In the state? If yes, please describe.

At your agency, what type of training is required for someone to complete a psycho-sexual evaluation of a juvenile sex offender?

Would there be different training for different components of the evaluation?

If yes, what would the different training requirements be?

Are there state or federal certification or licensing requirements to do psycho-sexual evaluations or components of the evaluation?

If so, what type of training is required?

For which components?

Should there be more training required?

What type of training?

Generally, what type of training do you think should be required before someone can do psycho-sexual evaluations or parts of the evaluation?

Do you have an opinion about the types of psycho-sexual evaluations or risk assessment tools that are best?

What are the criteria for a good tool?

Treatment:

How often is a pre-plea psycho-sexual evaluation utilized in plea agreements?

Which components of the evaluation would be used?

How often are psycho-sexual evaluations or parts of the evaluation utilized for treatment decisions?

Which components of the evaluation would be used?

When you work with a client who has been adjudicated for a sex offense, do you know how the police initially charged the juvenile?

If yes, how does it affect treatment?

If no, would it be relevant to know?

Do all youth with sexual behavioral problems need sex offender treatment?

If no, how does one determine if treatment is needed?

Is the adjudication relevant in deciding the type of evaluation/treatment/services the juvenile receives?

If yes, how?

If no, should it be?

Can the fact that a juvenile is adjudicated as a sex offender impact treatment and the juvenile's responsiveness to treatment?

Is adjudication as a "juvenile sex offender" versus other findings important in treatment?

What factors do you consider when developing your treatment plans?

Do you work with third parties when treating a juvenile sex offender?

Do you involve the victim? The offender or victim's family?

What is "treatment"? What does it look like? What does it/what might it entail?

How do you determine if someone is finished with treatment?

Do these youth need to acknowledge that their behavior was wrong or inappropriate?

If the offense was pled down to something other than a sex offense, does a juvenile receive treatment?

If yes, does it differ from those adjudicated for a sex offense?

If the juvenile does not receive treatment, should he/she?

Does potential sex offender registration and other restrictions impact treatment?

If yes, in what ways?

Can juvenile sex offender treatment be successful?

What does it mean to be successful?

How do you determine if treatment is successful?

Types of sex offenses:

Of the juvenile sex offense cases you (or your agency) have seen in the past three years, approximately how many (or what percentage) involve:

Clear intent to harm or predatory behavior

Poor boundaries between children, without clear predatory or harmful intent

Intra-familial offending

Behavior seeming to result from the offender previously being abused

"Romeo and Juliet" scenarios (consensual sex between two adolescents)

Recidivism of juvenile sex offenders as adults:

To what extent are you aware of recidivism among adult sex offenders who were first adjudicated as juvenile sex offenders?

For how long do you track youth once treatment is completed?

Are there sufficient resources to follow juvenile sex offenders and evaluate the impact of treatment once they've become adults?

Summarizing questions:

What do you believe is the greatest challenge in your work?

Do you think there is certain information about juvenile sex offenders or evaluations and treatment that [police officers/ judges/ legislators/ policy makers/ families/ the public] need to know/ think about (not specific to individual cases, but broadly)?

Are there certain state policies or laws you would want to see put into place?

Would your recommendations regarding best practices and policy and legislation reform be different for this population?

Is there anything more you'd like for us to know about these issues?

* Ask for any materials they are able to provide regarding the facility, evaluations, treatment, etc.

Appendix B

Quotes from interviewees regarding youth identified as sexually offending

Profile of youth identified as sexually offending

Low reoffending

"[In my experience] most adolescents sexually offending will not turn into adults offenders. Most adult offenders do start off as juvenile sex offenders." – Residential treatment provider for youth identified as sexually offending

"Most adolescents with appropriate treatment will not reoffend. We have separate adult and juvenile systems for a reason." – Evaluator who specializes in assessment of violent or sexual offenses for adults and juveniles

"I can count on one hand juveniles who reoffended as adult." – Youth probation officer

"Among children adjudicated delinquent of sex offenses, the recidivism rate is as low as one percent." – Researcher on youth identified for sexually offending behavior

"Sexual offenses are socially constructed. They are considered much more serious, but the recidivism rate is low. If you look at homicides, the recidivism rate is much higher, but we don't treat it like that. – Administrator of youth correctional facility

Few predators

"Focus of literature and books has been on predators and pedophiles, but in fact they are very few in number." – Residential treatment provider for victims of sexual offenses and evaluator of adult and youth sex offenders

"The word "predator" is used loosely." – Treatment provider for victims of sexual offenses and some adult and youth sex offenders

"We have to figure out where the person is on the continuum. The left side of the continuum is bad judgment and many more offenders at that end." – Treatment provider for victims of sexual offenses and evaluator of youth and adult sex offenders

"The vast majority of [sexual offenses by youth] is due to poor boundaries without any clear predatory or harmful intent…. Fewer than 3-4% have intent to harm or predatory behavior." – Treatment provider for youth identified as sexually offending

"It's often about power and control, not sexual arousal." – Treatment provider for victims of sexual offending and offenders

"90% of children we see are without clear predatory or harmful intent – they represent poor boundaries between children." – Residential treatment provider for youth identified as sexually offending)

"I've only seen a very small handful of adolescents with severe, predatory or pathological behavior." – Clinician who specializes in risk assessments for youth identified for sexually offending behavior

"They are not mini-adults, not predatory." – Youth probation officer

"I have only seen a very small handful of severe, predatory behavior among adolescents. . . .Maybe 5% of the offenders are psychopaths. When you see them, you know. They might as well be glowing. " – Evaluator who specializes in assessment of violent or sexual offenses for adults and juveniles

Adolescence and lack of maturity

"A very small percentage of these kids are predatory. Most cases are much more about adolescence and developmental changes. . . . Often, these cases will involve reenactments of something kids have seen, like pornography or exposure to sexual material. It doesn't reflect a true danger to society. For most offenders, it's a one-time thing, a single incident." – Treatment provider who works with victims and offenders

"Brain development and comprehension of what they've done -they're being punished for things for which they can't comprehend the impact." – Administrator for program for child victims of sexual offenses

"Social deficits – they don't know how to approach someone their own age. They are exploring, or had early exposure to poor sex behaviors, not related to intent to hurt someone." – Youth probation officer

"Behavior does not define kids; it's one thing they did. You need to put it into perspective" – Residential treatment provider for youth identified as sexually offending

"Lots of sexual experimentation – stupid decision – what sometimes is needed is monitoring, but not long-term registration." – Residential treatment provider for youth identified as sexually offending

General comments about youth identified as sexually offending

"It would shock people to know the trauma history of these kids [youth sexually offending]." – Residential treatment provider for youth identified as sexually offending

"Juveniles offend for many different reasons, and different than adults." – Youth probation officer

"Every case is different." – Youth probation officer

"My experience is to focus more on the general criminal behavior and thinking patterns than on the sex offending behaviors." – Administrator of youth correctional facility

"To suggest that we're talking about same level of risk for 14 year old as 45 year old is short sighted and stupid." – Administrator for program for child victims of sexual offenses

It's pointless to try to use any adult tools with juveniles." – Administrator for program for child victims of sexual offenses

"If you get arrested, yeah it's a sexual assault, but how much of it is the youth's propensity for sexual assault versus a mob mentality, following one's peers." – Administrator of youth correctional facility

"In most cases, the offenders are victims themselves, often of sexual abuse." – Clinician who specializes in risk assessments for youth identified for sexually offending behavior

"Juveniles are different from adults, and evaluators need to be well versed in that." – Evaluator who specializes in assessment of violent or sexual offenses for adults and juveniles

Intra-familial

"I've watched victims and offenders continue to live together and be effective as a family and seen people recover….. Not every family that chooses to go ahead and live together is in denial." – Treatment provider for victims of sexual offending and some offenders

"The current approach is destabilizing families. These cases will go underground versus come out and say we need help." – Treatment provider for victims of sexual offending and some offenders

"We see lots of refusals to prosecute with intra-familial cases. Parents don't want to prosecute their own kids, and they don't see it as helpful." – Treatment provider who works with victims and offenders

"The majority of the offenses I see involving youth are intra-familial. It often starts with curiosity and experimentation." – Evaluator who specializes in assessment of violent or sexual offenses for adults and juveniles

"I see lots of families with intra-familial offenses, so there is very much a concern about safety when the family is remaining intact. It's important to manage treatment and family dynamics in the safety plan." – Evaluator who specializes in assessment of violent or sexual offenses for adults and juveniles

Risk Assessment

"I attended a training where the presenter said 'tools don't work well with children and adolescents because they are a moving target, the brain is changing,' and I thought, well, that's exactly right. A lot of tools we categorize are snapshots of the moment; give them a week and the kid changes." – Treatment provider for victims of sexual offenses and evaluator of youth and adult sex offenders

"No risk assessment tool can stand alone." – Treatment provider for youth identified as sexually offending

"In doing risk assessment, need to consider the youth, their cognitive ability, static and dynamic factors as risk predictors, their history and what is changing, their past and current living environments." – Treatment provider for youth identified as sexually offending

"ERASOR is a dynamic tool that helps identify what we need to target and what we need to work on. But even it is only valid for six – would like to say even only three – months because youth change and grow." – Treatment provider for youth identified as sexually offending

[To do good evaluations, need] "good solid background in child development, and know how to assess and what to assess. It isn't happening."

"Most adolescents are unlikely to reoffend sexually, but may be struggling in other areas. It's important for the evaluation to address what's going on overall in their lives." – Clinician who specializes in risk assessments for youth identified for sexually offending behavior

"Formal training for tools like ERASOR is important – someone should teach you and help you practice with supervision. Tools used without training are very dangerous." – Clinician who specializes in risk assessments for youth identified for sexually offending behavior

"There are definitely youth who are accepting pleas who, if they would have gotten the evaluation prior to the plea, would not have been facing (for example) a Class X felony." – Clinician who specializes in risk assessments for youth identified for sexually offending behavior

"Evaluations should inform treatment, but often don't. For example, some kids will not be improved by group treatment, but their DJJ contract may dictate what treatment they get." – Clinician who specializes in risk assessments for youth identified for sexually offending behavior

"For youth, risk assessment is good every 6 months. It needs to be redone after that, especially if they go to treatment." – Evaluator who specializes in assessment of violent or sexual offenses for adults and juveniles

"Tools should be current, grounded in transparent research, population-specific, and easy to read and understand. It's also important to understand the limits of these tools." – Evaluator who specializes in assessment of violent or sexual offenses for adults and juveniles

"One important aspect of risk assessments is that they be dynamic, recognizing that risk levels for youth may change over time." – Treatment provider and researcher working with youth identified for sexually offending behavior

"A really persistently high-risk youth is pretty blatantly obvious, because they often have very little control over their behavior." – Treatment provider and researcher working with youth identified for sexually offending behavior

Registries and restrictions

Impact of registries and restrictions on treatment

"Registration laws keep changing. A big part of treatment becomes making sure youth understand the laws and consequences of violations." – Residential treatment provider for youth identified as sexually offending

"Keeping our clients [youth adjudicated for sexually offending] understanding the registry laws is challenging." – Residential treatment provider for youth identified as sexually offending

"How does a 13-14 year old get themselves to where they have to go to register?" – Residential treatment provider for youth identified as sexually offending

"Registry absolutely impacts treatment." – Treatment provider for youth identified as sexually offending

"For treatment, hope is the oxygen of the soul." – Treatment provider for victims of sexual offending and some offenders

"I treated a kid for over a year who was in a good, stable foster home and was doing well. At age 18 he had to move out of the foster home because the house was within a mile of a school. It's not a good outcome for him." – Clinician who specializes in risk assessments for youth identified for sexually offending behavior

"Registration does provide a carrot for treatment – petitioning to be released from registration after treatment. But hopelessness, embarrassment, shame. It's not helpful to treatment." – Youth probation officer

"Labeling as 'juvenile sex offender' affects treatment because of the stigma, lost hope." – Residential treatment provider for youth identified as sexually offending

Consequences of registries and restrictions

"To find employment, to get into school, these become additional hurdles. All these things affect resiliency. You take away the resiliency to build self-esteem, make a living, go to school, etc." – Residential treatment provider for youth identified as sexually offending

"People don't change in shaming environment." – Treatment provider to victims of sexual offenses and some offenders, speaking on lack of effectiveness of use of registries

"With current laws, kids are boxed out of society forever…. [S]omehow they are just sanctioned for life." – Treatment provider to victims of sexual offenses and some offenders

"There's collateral based damage to having offender on registry…. We forget the collateral damage to victims and family members who live in those homes and the destabilization that occurs." – Treatment provider to victims of sexual offenses and some offenders

"When trying to help youth reenter the community, youth has nowhere to go; can't feel motivated; can't get past that they will always be identified as sex offender." – Treatment provider for sexual offenders

"Some victims look at the law and say 'I would never have told.' However good willed the laws were in the beginning, way too often it further hurts victims." – Treatment provider to victims of sexual offenses and some offenders

"A whole housing unit that cannot be paroled because of housing issues. They have completed treatment and passed ARD but cannot be paroled because their proposed host site is too close to a school or something. It could be years where they could have been paroled." – Administrator of youth correctional facility

"Sometimes we have to drop them at a homeless shelter one they age out. They say, 'why should I bother? I'll just stay here and be a jerk.'" – Administrator of youth correctional facility

"Their lives are over. It becomes a self-fulfilling prophesy they can't escape from. Long term dire consequences affecting going to school, having and raising children, getting a job." – Administrator for program for child victims of sexual offenses

"Can say it's private, but if school learns, if school board has to determine if risk, then doesn't remain private." – Administrator for program for child victims of sexual offenses

"Labeling someone a 'juvenile sex offender' is an awful thing to do, and informs how they think about themselves. It shames the youth and gets in the way of treatment. It doesn't acknowledge other factors, like parental issues and substance abuse, and it treats sex offenses like addictions. Labeling youth for life is overly broad." – Clinician who specializes in risk assessments for youth identified for sexually offending behavior

"We should stop putting kids on the sex offender registry. There's zero scientific evidence that it prevents reoffending. The earlier we label them and shame them, the more we could be actually damaging them." – Clinician who specializes in risk assessments for youth identified for sexually offending behavior

"Geographic and housing restrictions for sex offenders are counterproductive." – Evaluator who works with juvenile and adult sex offenders

"Information just does not remain private, even if it's supposed to." – Residential treatment provider for youth identified as sexually offending)

"The hopelessness that kids feel, e.g. kids who complete treatment and still have to register; getting job, school…. " – Youth probation officer

General comments about registries and restrictions

"Registration should be based on level of risk and compliance with treatment, not failure to register." – Treatment provider for sexual offenders

"Use a risk assessment tool to assess risk." – Treatment provider for sexual offenders

"The only ones who should be on public registry are ones clearly deemed to be risk to society. It waters down the registry and people's attention to it as something to pay attention to." –Treatment provider to victims of sexual offenses and some offenders

"People who are truly at risk need to be on the registry. Very small number." – Treatment provider to victims of sexual offenses and some offenders

"We can do a whole better job keeping society safe. There would be a proactive approach to solving problems and not driving it underground." – Treatment provider to victims of sexual offenses and some offenders

"Many teenagers do stupid things in their adolescent years. Most settle down and become decent human beings. The folks who promulgate registries – we need to register all males when they reach puberty when it comes to deviant sexual behavior." – Treatment provider for victims of sexual offenses and evaluator of sex offenders of different ages

"Registration does nothing – politicians believe the registry helps, but it doesn't." – Treatment provider to sexual offenders

"Registry laws are out of control." – Treatment provider to sexual offenders

"They're not allowed to have computers in their homes. Where do you find a house in this day and age that doesn't have a computer?" – Administrator of youth correctional facility

"We need to look at youth's level of risk and see how we can treat them and the family and not put them on the registry." – Treatment provider to sexual offenders

"Some sort of court involvement and legal accountability is what makes the difference rather than registration." – Residential treatment provider for youth identified as sexually offending

"Would want to see juvenile registration severely curtailed." – Residential treatment provider for youth identified as sexually offending

"Certain kids should be involved in registration process, but even on adult side there ought to be graduated levels of registration. Not one size fits all." – Residential treatment provider for youth identified as sexually offending

"There needs to be a more clear mechanism for getting off the registry." – Residential treatment provider for youth identified as sexually offending

"It's hard for kids to understand the concept of lifetime registration, even for some of their families." – Youth probation officer

"Registration is more harmful than helpful." – Youth probation officer

"How have we crafted this kind of draconian response to juvenile offenders without knowing everything we need to know about that kid's life?" – Administrator for program for child victims of sexual offenses

"Registration provides a false sense of security." – Youth probation officer

"There needs to be more discretion because not one size fits all." – Youth probation officer

"If a tier system were done correctly, it might be okay, but concerned it wouldn't be." – Youth probation officer

"Even with the most dangerous kids, a registry isn't effective because it's just punitive. It would need to be part of a larger system to work effectively." – Treatment provider who works with victims and offenders

"Juveniles don't understand the long-term consequences of registration. They're not thinking about careers. When they are trying to get off the registry, you can see that they've benefited from treatment." – Evaluator who specializes in assessment of violent or sexual offenses for adults and juveniles

"We get a lot of youth who cut off their ankle bracelets. Use of computer. Almost all are coming back are technical violations." – Administrator of youth correctional facility

Legal Response

"Important for legal system to see piece not in moment they [the youth] did the act, but everything about the youth and family and community." – Residential treatment provider for youth identified as sexually offending

"Need to look at best practices and research and not just listen to the fear." – Residential treatment provider for youth identified as sexually offending

"Look to what the research says." – Residential treatment provider for youth identified as sexually offending

"Registration not based on risk makes this more difficult." – Residential treatment provider for youth identified as sexually offending

"A technical violation shouldn't be considered lack of success." – Youth probation officer

"An ongoing frustration and sore spot for me is the number of youth who come back because of a technical violation – you've completed your treatment, not irresponsible…." – Administrator of youth correctional facility

"Want prosecutors open minded and have some sense of possible offender's victimization." – Administrator of program for child victims of sexual offenses

Treatment

Treatment works

"The national data is clear that sex offender treatment works." – Evaluator who works with juvenile and adult sex offenders

"Truly believe treatment works more often than not." – Administrator for program for child victims of sexual offenses

"Treatment can be successful; it has to be age appropriate, consensual, and caring – kids don't get a lot of care sometimes. – Treatment provider for sexual offenders

"Treatment is most effective when combined with a measured judicial response."

– Residential treatment provider for youth identified as sexually offending

Holistic approach needed

The whole family must be treated. – Providers of treatment to victims and to offenders

"[There needs to be a] multi-disciplinary and multi-systemic approach to treatment to provide better outcomes." – Treatment provider primarily for victims of sexual offending; some work with offenders

"Three goals to treatment:

- 1st goal in treatment and evaluation is safety of society, basically no more victims
- 2d goal is healing of the victim
- 3rd goal is justice, but not as usually thought of. We have to look at what is going to make offender safe to not create more victims. And [offender] owes something to that victim and is there anything they can offer. Our courts do not take this into account and do not think about the

victims at all." – Treatment provider for victims of sexual offenses and evaluator of sex offenders of different ages

"Need multi-disciplinary approach; one size does not fit all. Need individual assessment and evaluations, not boxing into one way because "sex offender," especially when juveniles." – Treatment providers for victims of sexual offending and offenders

"If the family culture that helped lead to the behavior still exists, it's going to be harder to reduce risk. Parents are the most significant part of the safety plan." – Researcher & consultant on juvenile justice issues

"In-home case management services are a great resource that helps solidify lessons learned. Often these families have lots of other issues, too. Case management can help bridge the gap to other issues in the home." – Researcher & consultant on juvenile justice issues

"The key issue is dedicated probation supervision, having specialized caseloads with a probation officer who has been trained and understands the issues. It also requires support and continuing education for the probation officers who do it. Treatment should be integrated with supervision, so that probation officers help facilitate groups and therapists attend probation team meetings." – Researcher & consultant on juvenile justice issues

"[i]n evaluation, you need a comprehensive approach. You look at the whole family, combine it with interviews, and take a holistic approach." – Treatment provider who works with victims and offenders

"When you're talking about offenders within a family, you need to look at the whole family and treat the whole family. You need to think about how to heal the family." – Treatment provider who works with victims and offenders

Treatment should vary depending on youth

"Not all youth need sex offending treatment. There are definitely different levels of offending behavior. Need to determine through tools and evaluations. – Youth probation officer

"A reasonable body of evidence does suggest that lots of youth do molest kids and quit spontaneously even if they don't get caught. It's opportunistic or experimental behavior." – Treatment provider and researcher working with youth identified for sexually offending behavior

"If you leave them alone, a certain number will not ever do it again because they will get healthier. Others…need sexual education, emotional regulation, healthy relationships. A huge number wouldn't offend again; a little small percentage has a problem and I would have different treatment for that behavior." – Treatment provider for victims of sexual offenses and evaluator of sex offenders of different ages

"I think people would be bothered by result that we're treating so many who don't need the treatment." – Residential treatment provider for youth sexual offenders

"It's overkill to treat all these kids with sex offender treatment. It risks a self-fulfilling prophecy: treating lower-risk kids with higher-risk programs only increases their risk." – Researcher & consultant on juvenile justice issues

"Even with zero treatment, 80% of these kids won't reoffend. So assessment and risk factors are important, especially because these kids have often been profoundly abused and neglected." – Clinician who specializes in risk assessments for youth identified for sexually offending behavior

"Even if you don't do anything, most of the youth will not become adult sex offenders." – Administrator of youth correctional facility

"Often more generally delinquent kids don't necessarily need specialized sex offender treatment, they need more general treatment." – Clinician who specializes in risk assessments for youth identified for sexually offending behavior

General comments about treatment

"The minority of my cases has been where the offender is unknown to the victim. This needs to be considered." – Treatment provider primarily for victims of sexual offending; some work with offenders

"Treatment needs to look different for youth at different ages and cognitive ability. One size does not fit all and we have to look at the resiliency of the youth." – Treatment provider primarily for victims of sexual offending; some work with offenders

"No one size fits all." – Administrator for program for child victims of sexual offenses

"Good news – research; bad news: we don't give folks the money needed to implement programs." – Administrator for program for child victims of sexual offenses

"We should be providing stuff like social skills – our approach goes against that." – Administrator of youth correctional facility

"The court can absolutely be a partner in treatment; hold youth accountable. Court involvement can be helpful, but what follows is the problem." – Treatment provider for youth identified as sexually offending

"Evidence based treatment is out there – we could be using it, we aren't." – Treatment provider for sexual offenders

"Registration not based on risk makes this more difficult." – Residential treatment provider for youth identified as sexually offending

"A lot of kids don't understand the extent of harm they are doing to the victim. May not know it is wrong, or understand the impact. That's what treatment does." – Youth probation officer

"We have spectrum of youth offenders – treatment of predatory versus reactive behavior is very different and begins with initial assessment." – Residential treatment provider for youth sexual offenders

"Look to what the research says." – Residential treatment provider for youth identified as sexually offending

"It's important for determinations to be specific to the victim and the offender, not one size fits all. For example, in some cases the offender needs to be separated from the victim, and in others they can live together with appropriate safety planning." – Treatment provider who works with victims and offenders

"Different programs have 'sex offender treatment' but there's often not great quality assurance. Some have interventions that aren't necessarily scientifically based or standardized." – Clinician who specializes in risk assessments for youth identified for sexually offending behavior

"Often, the problem with treatment is that it is driven by contracts. It's important to be specific about the goals of treatment." – Clinician who specializes in risk assessments for youth identified for sexually offending behavior

"It's important to develop social support systems around these kids. It's very important to improve their prosocial development." – Clinician who specializes in risk assessments for youth identified for sexually offending behavior

"For lower-risk youth, intervention services should be guided by a 'first, do no harm' approach. This can be done in outpatient settings. For example, work on parental monitoring, parent-teen communication, and dispute resolution. It is important to address some aspects of the sexual nature of the crime, such as requiring supervision around young children. But it's relatively easy to blend these into effective delinquency treatments." – Treatment provider and researcher working with youth identified for sexually offending behavior

"Most group homes don't know how to treat these kids and there are not sufficient resources out in community." – Residential treatment provider for youth identified as sexually offending

Incarceration and residential treatment

"You're gonna take all these kids who would be safe in the community, and now you are creating a problem – you put them in a facility and how normal and safe are they gonna come out of that facility? We are endangering society even more." – Treatment provider for victims of sexual offenses and evaluator of sex offenders of different ages

"If it were up to me, I wouldn't aggregate youth in correctional facility. Smaller groups. I would abolish state run facilities, contract to smaller locked secure facilities." – Administrator of youth correctional facility

"I used to work on the wing as a psychiatrist. Young man. Asked what he would day when he gets out – said he wanted to touch a tree. He never touched a tree in 6 years. He said all he wanted to do if he got out was to touch a tree." – Administrator of correctional facility

"It's very important to keep these kids in the community if at all possible – it saves more money, and the outcomes tend to be better. We've actually seen recidivism decline when kids go to community-based treatment rather than residential." – Researcher & consultant on juvenile justice issues

"Youth get better care in the community than in DJJ facilities." – Evaluator who specializes in assessment of violent or sexual offenses for adults and juveniles

"We should be building smaller facilities or contracting them out and allowing them to lock their doors. There should be three levels of facilities. One that deals with the hard, highest-level. One that is community based, locked facility. Then one that starts to deal with moving them back into the community." – Administrator of correctional facility

"Most group homes don't know how to treat these kids and there are not sufficient resources out in community." – Residential treatment provider for youth identified as sexually offending

"Not true they need to be locked up." – Administrator for program for child victims of sexual offenses

Lots of confusion

"How is information disseminated within school, law enforcement, day care, secretary of state." – Youth probation officer

"There's a big debate if have to tell /who to tell if jso. Probation doesn't know what to tell their kids." – Youth probation officer

"The system is confusing. Law enforcement confused. Law enforcement has discretion to tell someone if they think they are at risk of harm. How do they know if someone is at risk of harm?" – Youth probation officer

"Rules are completely unclear." – Youth probation officer

Response inconsistency

"There is no true reporting system consistent throughout the state. Some are handwritten, some computer-based. Some counties are on top of reporting, others are lax." – Residential treatment provider for youth identified as sexually offending

"Don't see consistency in who's adjudicated, incarcerated, and who's not." – Residential treatment provider for youth identified as sexually offending

Politics

"The concern is that because of political ramifications, no one wants to appear soft on crime." – Treatment provider for victims of sexual offending and some offenders

"Politically it makes sense for them to keep hammering away at sex offenders – it's sexy and it gets their votes." – Administrator of youth correctional facility

"Looks good and feels good to think you're supporting the victim; but look to what research says." – Residential treatment provider for youth identified as sexually offending

"Don't make policy anecdotally on these cases that get the attention." – Residential treatment provider for youth identified as sexually offending

"Since 1986 we've turned the clock back. Until politicians are strong enough to say to public 'I'm not soft on crime. I'm looking for the most effective strategy for community safety." – Administrator of treatment program for victims of sexual offending

"Even the media doesn't get it." – Administrator of treatment program for victims of sexual offending

"Knee jerk reaction to extreme cases." – Youth probation officer

"I'm an extreme conservative. But the reasons I have these views is because it just makes sense. And the youth would have better productive outcomes." (description would identify interviewee)

The future: what you'd like to see

"Greatest challenges: funding for treatment, risk assessment, evaluation, existence of registries." –Treatment provider for youth identified as sexually offending

"I would want to see registries eliminated." – Treatment provider for youth identified as sexually offending

"Laws should be passed based on evidence-based research." – Treatment provider for youth identified as sexually offending

"Here's what I would like to see: Stop wasting money on registries; put that money where it will prevent more abuse, keep kids safe, and heal the victims. Need money for training of clinicians, for evaluations, for treatment. It kills me to see money wasted on keeping lists on those types of things that cause more harm than good. If we could just provide training and provide programs. Please put the money where we can train clinicians so they can provide a quality treatment program and it be paid for." – Treatment provider for victims of sexual offenses and evaluator of sex offenders of different ages

"When the first laws were passed, little was known about sex offenders. Now with decade of research we do have a better idea of what is effective and what is not. We need to be doing the best job possible in assessing who is really at risk…." – Treatment provider for victims of sexual offenses and offenders

"I would love to see Illinois take a leadership role." – Treatment provider for youth identified as sexually offending

"Training of police, judges, legislators, policy makers, families – the public needs to understand adolescent brain development research, evidence based treatment, early intervention, early treatment." – Treatment provider for youth identified as sexually offending

"Greatest challenge: educating people about behaviors; people get freaked out, need to know [juveniles] not like adults." – Youth probation officer

"I really hope that this leads to some improvement. You see lots of commissions. All of the youth in DJJ need help to develop better coping skills, social skills, and dealing with the trauma in their backgrounds. And then school and vocational training. – Administrator of correctional facility

Compiled by Loyola ChildLaw Policy Institute for this report.

August 2013

Appendix C

Evolution of Illinois Laws Concerning Individuals Identified as Sexually Offending 1986 – Spring 2013*

1986 PA 84-1279	Required registration of adults convicted for second or subsequent sexual offense against victim under 18 years of age; Required registration with law enforcement within 30 days of living in a county and written notification to past law enforcement within 10 days of change of address; Required registration for 10 year period; Failure to register punished as a Class A misdemeanor.
1992 PA 87-1064	Expanded registration to include first time offenses.
1994 PA 88-0550	Required juvenile court to allow public access to names and addresses of youth adjudicated for certain sex offenses.
1995 PA 89-0008	Expanded registration to include any felony sex offense, regardless of the victim's age; Expanded list of registerable offenses; Required in-person registration and annual reporting in person; Required in-person registration of a new address within 30 days; Raised penalty for failure to register after second or subsequent offense from misdemeanor to class 4 felony; Increased penalty for failure to register to mandatory minimum 7-day jail sentence.
1996 PA 89-0462	Added murder, kidnapping and specific other offenses when the victim is under 18 to definition of sex offense and to registration requirement for anyone 17 years or older ; Required law enforcement to notify school boards, child care facilities, and DCFS of names, addresses, and offenses for adults in their communities convicted of sex offenses when victim under 18 years of age; Required State Police to create a database of adults convicted of sex offenses against victims under 18; Made available to public names, addresses, and offense of adults convicted of sex offenses when victim under 18 years of age; Raised charge for first time offender's failure to register from misdemeanor to class 4 felony.
1997 PA 90-0193	Required notification for all sex offenses, not just those against victims under 18 years of age; Expanded State Police database to all adults convicted of sex offenses, not just those against victims under 18; Added to list of offenses requiring registration certain misdemeanor sexual offenses; Increased documentation requirements for registration; Narrowed time frames for in-person registration from 30 to 10 days; Imposed $10 fee to register and $5 annual renewal fee; Added mandatory minimum fine of $500 for failure to register; Required State Police to send annual verification letters to individuals required to register, who must complete and return the letter within 10 days or face charges for failure to register; Required lifetime registration for individuals once determined to be sexually dangerous person, regardless of whether found no longer sexually dangerous.
1997 PA 90-0234	Prohibited and made it a Class 4 felony for adult convicted of sex offense against a child under 18 years to be on school grounds, or transport students, or be present or loiter within 500 feet of school building while children under 18 years are present, except under limited circumstances.

* This table does not reflect every law passed by the Illinois General Assembly concerning individuals identified as sexually offending; instead it highlights the evolution of those laws specific to registration and community notification that over time have impacted youth.

1999 PA 91-0048	Applied registration requirements to youth adjudicated for sexual offending in addition to existing requirement for adults; Allowed notification regarding youth adjudicated for sexual offending to persons whose safety may be compromised for some reason related to the youth; Added place of employment to information to be included when registering; Required out-of-state student or employee to register in person within 10 days of beginning school or employment; Added sexually violent persons to Act and requirement for lifetime registration; Required agency with jurisdiction to verify address of registered sex offenders at least once per calendar year and to document in LEADS; Enabled law enforcement to release information about sex offenders to the public on the Internet or other media; Allowed law enforcement to publicly disclose, to anyone who might encounter a sex offender, photographs of individuals required to register and their places of employment; Extended length of registration from ten years to life for range of offenses; Extended registration by ten years for individuals who failed to comply with Registration Act.
1999 PA 91-0458	Prohibited and made it a Class 4 felony for an adult convicted of sex offense against a child under 18 years of age to knowingly enter public parks or property in the park, or loiter within 500 feet of a park, when persons under 18 years of age are present, except under certain circumstances; Prohibited and made it a Class 4 felony for an adult convicted of sex offense against a child under 18 years of age to knowingly work, volunteer, be associated with, or be present at any facility providing programs or services exclusively directed towards children under 18 years.
2002 PA 92-0828	Clarified that law enforcement could only share information regarding youth adjudicated for sex offenses with persons whose safety may be compromised for reasons related to the sex offense; Prohibited and made it a Class 4 felony for an adult convicted of sex offense against child under 18 years of age to knowingly reside within 500 feet of the victim, except under limited circumstances, unless the victim is 21 years of age or older; Required registration with law enforcement where work and attend school, as well as reside; Expanded reporting requirement such that adult or youth must report school attended; Required sex offender to report to law enforcement in person within 10 days of beginning school and to report, in person or in writing within 10 days obtaining or changing employment, the business name(s) and address(es) where employed; Defined "residence" or "domicile" for purpose of registration as any place where sex offender resides for an aggregate period of 10 or more days in a calendar year; Allowed law enforcement to waive registration fees if the person required to register is indigent; Extended community notification to require law enforcement to distribute information about sex offenders to institutions of higher education where offender studies, works, or lives; Provided for electronic data files with photos of sex offenders being released from DOC to be shared with ISP.
2003 PA 93-0616	Added requirements regarding sex offender treatment and evaluation for youth and adults, including requirements that evaluations and treatments be conducted in accordance with standards developed under the Sex Offender Management Board; Required courts to order that any youth placed on probation or conditional discharge for a sex offense undergo and successfully complete sex offender treatment, at the youth's expense (based on ability to pay); Required that any youth committed to DJJ for a sex offense be required to undergo sex offender treatment; Increased registration fees to $20 for the initial fee and $10 for annual renewal.

2004 PA 93-0979	Required that registration include an annually updated photo of the offender; Required registration verification by a supervising officer within 15 days of time to register; Required revocation proceedings of probation, parole, or mandatory supervised release be commenced immediately if failure to comply with registration requirements; Expanded registration additional 10 years following release if offender reconfined for parole violation or other circumstances relating to original offense; Increased penalty for failure to register to Class 3 felony from Class 4 felony; Removed requirement that ISP be allowed to limit access of sex offender information to persons residing within a geographic area; Required ISP to develop and conduct training to educate "all those entities involved in the Sex Offender Registration Program."
2005 PA 94-0166	Required youth adjudicated as juveniles for sex offenses to register as adults within ten days of turning 17 years old; Made registration information publicly available for individuals adjudicated as juveniles of sex offenses once they turned 17 years old; Expanded information to be included when registering; Allowed law enforcement to request individuals register up to 4 times a year; Required reporting of change of address for residence, school, or employment be made in person, rather than in writing; Required adult convicted of sex offenses against victims under 18 years of age to sign statement every time they register stating that they understand residential restriction of not rescind within 500 feet of school, park, playground, or facility providing services directed exclusively toward persons under 18 years of age with some exceptions.
2005 PA 94-0168	Defined fixed address as any place where one resides for an aggregate period of 5 or more days in a calendar year; Changed requirement to register with law enforcement when residing at one address from 10 or more days to 5 or more days; Required individuals without fixed address to notify law enforcement, in-person, within 5 days of no longer having a fixed address; Added requirement of weekly in-person registration when no fixed address; Added in-person registration requirement within 48 hours of leaving former place of registration; Reduced required time period for registration with law enforcement from 10 days to within 5 days of starting school, beginning new employment, or release from corrections facility; Made second or subsequent violation of the registration requirements a Class 2 felony; For youth adjudicated of sex offenses, required law enforcement to provide registration information to a school principal or chief administrative officer and to guidance counselor of school youth attends; required the form be kept separate from other school records regarding the youth.
2005 PA 94-170	For adults convicted of sex offenses where the victim was under 18 years old, limited the reasons they could be on school grounds when their child attends the school; Clarified right of individuals convicted of sex offenses to be in school building for purpose of voting.
2006 PA 94-0994	Expanded information to be registered and publicly made available; Required State Police must make available data searchable via a mapping system that identifies registered sex offenders within 5 miles of an identified address; Required primary and high schools to inform parents that sex offender information is available to the public.

2007 PA 95-0229	Expanded information to be registered and publicly made available.
2007 PA 95-0579	Expanded list of offenses requiring registration and information to be registered.
2007 PA 95-0640	Limited early release of individuals incarcerated and subject to registration; Established Task Force to study potential for transitional housing for sex offenders; Reduced from 5 to 3 days, time period for registration; Required individuals without fixed address to notify law enforcement, in-person, within 3, instead of 5, days of no longer having a permanent address; Added to community notification, information to public libraries, public housing agencies, social service and volunteer organizations in area where individual required to register.
2007 PA 95-0658	Provided youth adjudicated of sexual offending with limited right to petition for termination of term of registration after set period of time; Removed requirement that registration information becomes public for individuals adjudicated as juveniles for sex offenses once they turn 17 years old (applying retroactively to those who had already turned 17); retained community notification requirement for schools and law enforcement; Stated that once registration period ends for youth adjudicated delinquent for sex offense, all identifying information must be removed from all State and local registries.
2010 PA 96-1096	Increased registration fee from $20 to $100 and annual renewal fee from $10 to $100.
2010 PA 96-1099	Prohibited individuals adjudicated or convicted of a range of sex offenses, as well as adults convicted of sex offenses against a victim under age 18, from knowingly being present in a public park or from loitering within 500 feet of a public park, regardless of whether children are present. First offenses are punishable as Class A misdemeanors, with a second or subsequent violation punishable as a Class 4 felony.
2011 PA 97-0155	Added requirement that individuals who attend or work at an institution of higher education must register with the public safety or security director of the institution.
2011 PA 97-0578	Added requirement that individuals convicted of any felony after July 2011 must register on sex offender registry if they have ever previously been convicted or adjudicated of a sex offense (even if not previously required to register).
2012 PA 97-1098	Passed Sex Offender Evaluation and Treatment Provider Act to establish standards of qualifications for sex offender evaluators and sex offender treatment providers; eliminated requirement that separate guidelines and standards be developed for evaluation and treatment of juvenile and adult sex offenders.

Prepared by ChildLaw Policy Institute, Civitas ChildLaw Center 9-2013

Appendix D

Juvenile Sex Offender Registration Requirements in Fifty States and the District of Columbia

Not Subject to Registration (12)

Alaska, AK

Connecticut, CT

District of Columbia, DC

Georgia, GA

Hawaii, HI

Kentucky, KY

Maine, ME

Nebraska, NE

New Mexico, NM

New York, NY

Vermont, VT

West Virginia, WV

Individualized Registry (19)

Arizona, AZ

Arkansas, AR

Delaware, DE

Indiana, IN*

Iowa, IA*

Kansas, KS

Massachusetts, MA

New Hampshire, NH

New Jersey, NJ

North Carolina, NC*

North Dakota, ND

Ohio, OH*

Oklahoma, OK*

Rhode Island, RI

Texas, TX

Virginia, VA*

Washington, WA

Categorical Registry (20)

Alabama, AL*

California, CA

Florida, FL*

Idaho, ID*

Illinois, IL

Louisiana, LA*

Maryland, MD*

Michigan, MI

Minnesota, MN

Mississippi, MS*

Missouri, MO*

Montana, MT

Nevada, NV*

Oregon, OR

Pennsylvania, PA*

South Carolina, SC

South Dakota, SD*

Tennessee, TN*

Utah, UT

Wyoming, WY

Wisconsin, WI

Individualization Parameters (organized by mechanism)

Entirely in Court's Discretion:

- Arizona, AZ : Court's discretion
- Arkansas, AR : Court's discretion after Sex Offender Assessment Committee recommendation
- Colorado, CO : Court to consider the totality of the circumstances
- Ohio, OH : Court's discretion; all relevant factors (nature of the offense, show of remorse, public interest/safety)
- New Jersey, NJ : Court's discretion; risk to public safety
- North Carolina, NC : Court's discretion; danger to the community

Specified Parameters:

- Delaware, DE : Court's discretion (considering risk to victim, community, and other potential victims; nature & circumstances of the offense; impact on victim; risk assessment; likelihood of rehabilitation; adverse impact of registration on offender), except for certain crimes (then required)
- Indiana, IN : Age 14+ and found by court to be likely to repeat an act
- Iowa, IA : Court's discretion depending on the force/violence in the offense
- Oklahoma, OK : Risk-based; considers age, offense history and behaviors, treatment history and progress, risk of reoffending, and the child's needs and strengths (note that the statute specifically refers to the offender as "the child")
- New Hampshire, NH : Court's discretion, but the court should apply the least restrictive disposition appropriate
- Rhode Island, RI : Only for "sexually violent predators, recidivists, or aggravated criminal offenders"
- Wisconsin, WI : If the conduct was sexually motivated and registration is found to be in the public's interest
- Massachusetts, MA : Court's discretion based on the juvenile's criminal history and the risk of reoffending

Default is No Registration:

- Virginia, VA : Default is no registration, but Commonwealth may petition; court will consider use of force, age of victim, age of offender, difference in ages, nature of relationship, and other aggravating/mitigating factors

Default is Registration:

- Kansas, KS : Default is registration, but court may relieve requirements if it finds substantial and compelling reasons to
- Texas, TX : Default is registration, but court may exempt offender if registration would not enhance public safety or potential harm to offender outweighs the potential public safety increase
- North Dakota, ND : Default is registration, but court may deviate if it is the 1st offense as a sexual offender and if the offense didn't show mental abnormality or predatory conduct

Individualization Parameters - Organized by Type (*Note that some states fall into multiple categories*)

Risk-Based

- Indiana, IN : Age 14+ and found by court to be likely to repeat an act
- Massachusetts, MA : Court's discretion based on the juvenile's criminal history and the risk of reoffending
- New Jersey, NJ : Court's discretion; risk to public safety
- North Carolina, NC : Court's discretion; danger to the community
- Oklahoma, OK : Risk-based; considers age, offense history and behaviors, treatment history and progress, risk of reoffending, and the child's needs and strengths (note that the statute specifically refers to the offender as "the child")
- Texas, TX : Default is registration, but court may exempt offender if registration would not enhance public safety or potential harm to offender outweighs the potential public safety increase

Criminal History

- Massachusetts, MA : Court's discretion based on the juvenile's criminal history and the risk of reoffending
- North Dakota, ND : Default is registration, but court may deviate if it is the 1st offense as a sexual offender and if the offense didn't show mental abnormality or predatory conduct
- Rhode Island, RI : Only for "sexually violent predators, recidivists, or aggravated criminal offenders"

Offense-Based

- Iowa, IA : Court's discretion depending on the force/violence in the offense
- Rhode Island, RI : Only for "sexually violent predators, recidivists, or aggravated criminal offenders"
- Wisconsin, WI : If the conduct was sexually motivated and registration is found to be in the public's interest

Multi-factor Test

- Delaware, DE : Court's discretion (considering risk to victim, community, and other potential victims; nature & circumstances of the offense; impact on victim; risk assessment; likelihood of rehabilitation; adverse impact of registration on offender), except for certain crimes (then required)
- Ohio, OH : Court's discretion; all relevant factors (nature of the offense, show of remorse, public interest/safety)
- Virginia, VA : Default is no registration, but Commonwealth may petition; court will consider use of force, age of victim, age of offender, difference in ages, nature of relationship, and other aggravating/mitigating factors
- Oklahoma, OK : Risk-based; considers age, offense history and behaviors, treatment history and progress, risk of reoffending, and the child's needs and strengths (note that the statute specifically refers to the offender as "the child")

Offender's Best Interests

- Delaware, DE : Court's discretion (considering risk to victim, community, and other potential victims; nature & circumstances of the offense; impact on victim; risk assessment; likelihood of rehabilitation; adverse impact of registration on offender), except for certain crimes (then required)
- Kansas, KS : Default is registration, but court may relieve requirements if it finds substantial and compelling reasons to
- New Hampshire, NH : Court's discretion, but the court should apply the least restrictive disposition appropriate
- Oklahoma, OK : Risk-based; considers age, offense history and behaviors, treatment history and progress, risk of reoffending, and the child's needs and strengths (note that the statute specifically refers to the offender as "the child")

No Statutory Parameters

- Arizona, AZ : Court's discretion
- Arkansas, AR : Court's discretion after Sex Offender Assessment Committee recommendation
- Colorado, CO : Court to consider the totality of the circumstances
- Kansas, KS : Default is registration, but court may relieve requirements if it finds substantial and compelling reasons to
- New Hampshire, NH : Court's discretion, but the court should apply the least restrictive disposition appropriate

Default is Registration:

- Kansas, KS : Default is registration, but court may relieve requirements if it finds substantial and compelling reasons to
- Texas, TX : Default is registration, but court may exempt offender if registration would not enhance public safety or potential harm to offender outweighs the potential public safety increase
- North Dakota, ND : Default is registration, but court may deviate if it is the 1st offense as a sexual offender and if the offense didn't show mental abnormality or predatory conduct

Individualization Parameters - Organized by Type (*Note that some states fall into multiple categories*)

Risk-Based

- Indiana, IN : Age 14+ and found by court to be likely to repeat an act
- Massachusetts, MA : Court's discretion based on the juvenile's criminal history and the risk of reoffending
- New Jersey, NJ : Court's discretion; risk to public safety
- North Carolina, NC : Court's discretion; danger to the community
- Oklahoma, OK : Risk-based; considers age, offense history and behaviors, treatment history and progress, risk of reoffending, and the child's needs and strengths (note that the statute specifically refers to the offender as "the child")
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Criminal History

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- Rhode Island, RI : Only for "sexually violent predators, recidivists, or aggravated criminal offenders"

Offense-Based

- Iowa, IA : Court's discretion depending on the force/violence in the offense
- Rhode Island, RI : Only for "sexually violent predators, recidivists, or aggravated criminal offenders"
- Wisconsin, WI : If the conduct was sexually motivated and registration is found to be in the public's interest

Multi-factor Test

- Delaware, DE : Court's discretion (considering risk to victim, community, and other potential victims; nature & circumstances of the offense; impact on victim; risk assessment; likelihood of rehabilitation; adverse impact of registration on offender), except for certain crimes (then required)
- Ohio, OH : Court's discretion; all relevant factors (nature of the offense, show of remorse, public interest/safety)
- Virginia, VA : Default is no registration, but Commonwealth may petition; court will consider use of force, age of victim, age of offender, difference in ages, nature of relationship, and other aggravating/mitigating factors
- Oklahoma, OK : Risk-based; considers age, offense history and behaviors, treatment history and progress, risk of reoffending, and the child's needs and strengths (note that the statute specifically refers to the offender as "the child")

Offender's Best Interests

- Delaware, DE : Court's discretion (considering risk to victim, community, and other potential victims; nature & circumstances of the offense; impact on victim; risk assessment; likelihood of rehabilitation; adverse impact of registration on offender), except for certain crimes (then required)
- Kansas, KS : Default is registration, but court may relieve requirements if it finds substantial and compelling reasons to
- New Hampshire, NH : Court's discretion, but the court should apply the least restrictive disposition appropriate
- Oklahoma, OK : Risk-based; considers age, offense history and behaviors, treatment history and progress, risk of reoffending, and the child's needs and strengths (note that the statute specifically refers to the offender as "the child")

No Statutory Parameters

- Arizona, AZ : Court's discretion
- Arkansas, AR : Court's discretion after Sex Offender Assessment Committee recommendation
- Colorado, CO : Court to consider the totality of the circumstances
- Kansas, KS : Default is registration, but court may relieve requirements if it finds substantial and compelling reasons to
- New Hampshire, NH : Court's discretion, but the court should apply the least restrictive disposition appropriate

Appendix E

JSO FILE REVIEW FORM
Youth Committed to DJJ

JUVENILE OFFENDER INFORMATION

A. BACKGROUND

PROJECT ID#:
DATA ENTRY DATE:
CODER NAME:

DJJ FILE

Committing
Youth ID Number:_____ County: _____

Name: _____ DOB: _____

What is the youth's race/ethnicity?
☐ White
☐ Black
☐ Latino/a
☐ Other:_____

Gender: ☐ Male ☐ Female

Date of Offense: _____ Age: _____
(the first sex offense for which they're committed)
Date of Commitment: _____ Age: _____
(initial commitment for this sex offense)

Does the youth have any disabilities?
☐ None Indicated ☐ Developmental Disability ☐ Physical Disability

The following questions refer to circumstances at the time of the initial adjudication for the sex offense for which they're now committed to DJJ or on parole.

Is the youth involved with DCFS?
☐ None Indicated ☐ Prior ☐ Current

Was the youth in school at the time of sentencing? (don't count detention) ☐ Yes ☐ No
If yes, please write grade level:_____

Who did the youth live with in their community at the time of sentencing? (don't include detention)
☐ Father ☐ Grandparent(s)
☐ Mother ☐ Foster parent(s)
☐ Stepfather ☐ Siblings under age 18
☐ Stepmother ☐ Other: _____

B. PRIOR ADJUDICATIONS

Does the youth have any prior adjudication of sexual offending? ☐ Yes ☐ No

If yes, please complete the following items. (if more than one, attach additional pages)

Please write verbatim the description of the offense as written in the social history?

1

JSO FILE REVIEW FORM

Date of adjudication:_____

What was the offense adjudicated?

- ☐ Criminal Sexual Assault
- ☐ Aggravated Criminal Sexual Abuse
- ☐ Aggravated Criminal Sexual Assault
- ☐ Prostitution
- ☐ Predatory Criminal Sexual Assault
- ☐ Public Indecency
- ☐ Criminal Sexual Abuse

What was the relationship of the victim to the offender?

- ☐ Sibling
- ☐ Neighbor
- ☐ Extended Family
- ☐ Classmate
- ☐ Family Friend
- ☐ No relationship prior to offense
- ☐ Other: _____

What was the sentence? ☐ Probation ☐ DJJ Number of months on probation:_____

What restrictions did the youth receive?

- ☐ None indicated
- ☐ No contact with the victim
- ☐ No contact with minors
- ☐ Residency restrictions
- ☐ Computer restrictions
- ☐ Other restrictions: _____

What treatment was required?

- ☐ None indicated
- ☐ Mental Health Services
  - ☐ Residential
  - ☐ Community-Based
- ☐ Sex Offender Treatment
  - ☐ Residential
  - ☐ Community-Based

Does the youth have a prior adjudication of any other offense? ☐ Yes ☐ No

If yes, please list the offense(s): _____

Is there an indication that any of the above listed offenses were of a sexual nature? ☐ Yes ☐ No

If yes, please explain: _____

JSO FILE REVIEW FORM

C. CURRENT INFORMATION

1. OFFENSE INFORMATION

What was the initial petition?

- ☐ Criminal Sexual Assault
- ☐ Aggravated Criminal Sexual Assault
- ☐ Predatory Criminal Sexual Assault
- ☐ Criminal Sexual Abuse
- ☐ Aggravated Criminal Sexual Abuse
- ☐ Prostitution
- ☐ Public Indecency

What was the adjudication?

- ☐ Criminal Sexual Assault
- ☐ Aggravated Criminal Sexual Assault
- ☐ Predatory Criminal Sexual Assault
- ☐ Criminal Sexual Abuse
- ☐ Aggravated Criminal Sexual Abuse
- ☐ Prostitution
- ☐ Public Indecency

Please write verbatim the description of the offense as written in the social history?
If not found in social history, identify where info found.

Behavior Types (select all that apply)

- ☐ Vaginal Penetration
- ☐ Anal Penetration
- ☐ Oral Penetration
- ☐ Touching
- ☐ Forcing victim to touch
- ☐ Downloading Pornography
- ☐ Exposure
- ☐ Other:_____

Where did the offense occur?

- ☐ Victim's home
- ☐ Offender's home
- ☐ Other residence
- ☐ Church
- ☐ Park
- ☐ Other public place
- ☐ Other _____

What time of day did the offense occur?

- ☐ Morning
- ☐ Afternoon
- ☐ Evening
- ☐ Night

What was the level of violence?

- ☐ No threat of force
- ☐ Threat of force Describe: _____
- ☐ Actual force Describe: _____
- ☐ Weapon used Describe: _____
- ☐ Victim injured Describe: _____

JSO FILE REVIEW FORM

2. VICTIM INFORMATION

Was there more than one victim involved in the offense? ☐ Yes ☐ No

---

What was the gender of victim 1: ☐ Male ☐ Female

What was the age of victim 1 at the time of offense? _____

Does victim 1 have any disabilities?
☐ None Indicated
☐ Developmental Disability

What was the relationship of victim 1 to the offender?
☐ Sibling
☐ Extended Family
☐ Family Friend
☐ Neighbor
☐ Classmate
☐ No relationship prior to offense
☐ Other: _____

What was the gender of victim 2: ☐ Male ☐ Female

What was the age of victim 2 at the time of offense? _____

Does victim 2 have any disabilities?
☐ None Indicated
☐ Developmental Disability

What was the relationship of victim 2 to the offender?
☐ Sibling
☐ Extended Family
☐ Family Friend
☐ Neighbor
☐ Classmate
☐ No relationship prior to offense
☐ Other: _____

What was the gender of victim 3: ☐ Male ☐ Female

What was the age of victim 3 at the time of offense? _____

Does victim 3 have any disabilities?
☐ None Indicated
☐ Developmental Disability

What was the relationship of victim 3 to the offender?
☐ Sibling
☐ Extended Family
☐ Family Friend
☐ Neighbor
☐ Classmate
☐ No relationship prior to offense
☐ Other: _____

JSO FILE REVIEW FORM

3. ASSESSMENT INFORMATION

What assessments were completed with youth?	Date(s) of Assessment
☐ None indicated	
☐ YASI	
☐ Erasor	
☐ J SOAP	
☐ ABEL	
☐ CANS-JJ	
☐ Other: _____	

If the YASI was completed, what was the overall dynamic risk?

☐ Not applicable
☐ Very high
☐ High
☐ Moderate high
☐ Moderate
☐ Low

If the YASI was completed, what areas of risk/need were indicated as high risk?

☐ Not applicable
☐ Legal history
☐ Family
☐ School
☐ Community & peers
☐ Alcohol & drugs
☐ Mental health
☐ Aggression
☐ Attitudes

What did assessments other than the YASI indicate regarding risk level, areas of risk, strengths, and/or needs? (specify assessment and risk identified)

JSO FILE REVIEW FORM

4. DJJ INFORMATION

a) WHAT SERVICES IS THE YOUTH RECEIVING IN DJJ?

Generalized services? ☐ No ☐ Yes

If Y, Specify _____

Specialized JSO treatment? ☐ No ☐ Yes

If Y, Specify _____

Other Services:

Mental Health Treatment ☐ No ☐ Yes

Substance Abuse Treatment ☐ No ☐ Yes

Other (Specify) _____

b) PAROLE INFORMATION

Is the youth currently on parole (at time of file review)? ☐ Yes ☐ No

If yes , date of parole: _____

Restrictions: ☐ GPS ☐ EM ☐ Curfew ☐ Other:_____

Other (Specify)

JSO treatment ordered? ☐ Community-based ☐ Residential

Has the youth been released on parole in the past? ☐ Yes ☐ No

If yes, when:

# of times: _____

Has the youth been revoked from parole? ☐ Yes ☐ No

If yes, when: _____

# of times: _____

reason(s): _____

5. PROBATION INFORMATION

What was the sentence? ☐ Probation ☐ Continuance Under Supervision

Did a probation violation result in current commitment to DJJ? ☐ Yes ☐ No

If yes, specify violation: _____

6

Appendix F

JSO FILE REVIEW FORM
Probation Youth

JUVENILE OFFENDER INFORMATION

PROJECT ID#:
DATA ENTRY DATE:
CODER NAME:

Case Number:_____ County: _____

Name: _____ DOB: _____

What is the youth's race/ethnicity?
☐ White
☐ Black
☐ Latino/a
☐ Other:_____

Gender: ☐ Male ☐ Female

Age at Time of Offense: _____

Is the youth involved with DCFS?
☐ None Indicated
☐ Prior
☐ Current

Does the youth have any disabilities?
☐ None Indicated
☐ Developmental Disability
☐ Physical Disability

Was the youth in school at the time of sentencing? ☐ Yes ☐ No If yes, please write grade level:_____

Who did the youth live with at the time of sentencing?
☐ Father ☐ Grandparent(s)
☐ Mother ☐ Foster parent(s)
☐ Stepfather ☐ Siblings under age 18
☐ Stepmother ☐ Other: _____

Does the youth have any prior adjudication of sexual offending? ☐ Yes ☐ No

If yes, please complete the following items.

Please write verbatim the description of the offense as written in the social history?

What was the offense adjudicated?
☐ Criminal Sexual Assault
☐ Aggravated Criminal Sexual Assault
☐ Predatory Criminal Sexual Assault
☐ Criminal Sexual Abuse
☐ Aggravated Criminal Sexual Abuse
☐ Prostitution
☐ Public Indecency

1

JSO FILE REVIEW FORM

What was the relationship of the victim to the offender?

- ☐ Sibling
- ☐ Extended Family
- ☐ Family Friend
- ☐ Neighbor
- ☐ Classmate
- ☐ No relationship prior to offense
- ☐ Other: _____

What was the sentence? ☐ Probation ☐ DJJ

Number of months on probation: _____

What restrictions did the youth receive?

- ☐ None indicated
- ☐ No contact with the victim
- ☐ No contact with minors
- ☐ Residency restrictions
- ☐ Computer restrictions
- ☐ Other restrictions: _____

What treatment was required?

- ☐ None indicated
- ☐ Mental Health Services
  - ☐ Residential
  - ☐ Community-Based
- ☐ Sex Offender Treatment
  - ☐ Residential
  - ☐ Community-Based

Does the youth have a prior adjudication of any other offense? ☐ Yes ☐ No

If yes, please list the offense(s): _____

Is there an indication that any of the above listed offenses were of a sexual nature? ☐ Yes ☐ No

If yes, please explain: _____

VICTIM INFORMATION

Was there more than one victim involved in the offense? ☐ Yes ☐ No

JSO FILE REVIEW FORM

What was the gender of victim 1: ☐ Male ☐ Female

What was the age of victim 1 at the time of offense? _____

Does victim 1 have any disabilities?
☐ None Indicated
☐ Developmental Disability

What was the relationship of victim 1 to the offender?
☐ Sibling
☐ Extended Family
☐ Family Friend
☐ Neighbor
☐ Classmate
☐ No relationship prior to offense
☐ Other: _____

What was the gender of victim 2: ☐ Male ☐ Female

What was the age of victim 2 at the time of offense? _____

Does victim 2 have any disabilities?
☐ None Indicated
☐ Developmental Disability

What was the relationship of victim 2 to the offender?
☐ Sibling
☐ Extended Family
☐ Family Friend
☐ Neighbor
☐ Classmate
☐ No relationship prior to offense
☐ Other: _____

What was the gender of victim 3: ☐ Male ☐ Female

What was the age of victim 3 at the time of offense? _____

Does victim 3 have any disabilities?
☐ None Indicated
☐ Developmental Disability

What was the relationship of victim 3 to the offender?
☐ Sibling
☐ Extended Family
☐ Family Friend
☐ Neighbor
☐ Classmate
☐ No relationship prior to offense
☐ Other: _____

OFFENSE INFORMATION

What was the initial charge?
☐ Criminal Sexual Assault
☐ Aggravated Criminal Sexual Assault
☐ Predatory Criminal Sexual Assault
☐ Criminal Sexual Abuse
☐ Aggravated Criminal Sexual Abuse
☐ Prostitution
☐ Public Indecency

What was the initial petition?
☐ Criminal Sexual Assault
☐ Aggravated Criminal Sexual Abuse

JSO FILE REVIEW FORM

☐ Aggravated Criminal Sexual Assault
☐ Predatory Criminal Sexual Assault
☐ Criminal Sexual Abuse
☐ Prostitution
☐ Public Indecency

What was the adjudication?

☐ Criminal Sexual Assault
☐ Aggravated Criminal Sexual Assault
☐ Predatory Criminal Sexual Assault
☐ Criminal Sexual Abuse
☐ Aggravated Criminal Sexual Abuse
☐ Prostitution
☐ Public Indecency

Please write verbatim the description of the offense as written in the social history?

_____
_____
_____
_____
_____
_____

Where did the offense occur?

☐ Victim's home
☐ Offender's home
☐ Other residence
☐ Church
☐ Park
☐ Other public place
☐ Other: _____

What time of day did the offense occur?

☐ Morning
☐ Afternoon
☐ Evening
☐ Night

What was the level of violence?

☐ No threat of force
☐ Threat of force Describe: _____
☐ Actual force Describe: _____
☐ Weapon used Describe: _____
☐ Victim injured Describe: _____

JSO FILE REVIEW FORM

RESPONSE INFORMATION

What was the sentence? ☐ Probation ☐ DJJ Number of months on probation:_____

What restrictions did the youth receive?

☐ None indicated
☐ No contact with the victim
☐ No contact with minors
☐ Residency restrictions
☐ Computer restrictions
☐ Other restrictions: _____

What treatment was required?

☐ None indicated
☐ Mental Health Services
  ☐ Residential
  ☐ Community-Based
☐ Sex Offender Treatment
  ☐ Residential
  ☐ Community-Based

OUTCOMES INFORMATION

What is the status of the youth's probation?

☐ Not applicable
☐ On probation without any major violation
☐ Probation modified or extended due to violations
☐ Successful discharge
☐ Unsuccessful discharge - case closed
☐ Unsuccessful discharge - detention or other sanctions
☐ Revoked - DJJ Commitment

If probation has been modified or revoked, have there been any violations?

☐ Not applicable
☐ Technical violation
  ☐ Treatment failure
  ☐ Positive drug test

JSO FILE REVIEW FORM

- ☐ Failure to report to probation officer
- ☐ School infractions
- ☐ Contact with victim
- ☐ Failure to follow other restrictions
- ☐ Other: _____

ASSESSMENT INFORMATION

What assessments were completed with youth?

- ☐ None indicated
- ☐ YASI
- ☐ Erasor
- ☐ J SOAP
- ☐ ABEL
- ☐ CANS-JJ
- ☐ Other: _____

If the YASI was completed, what was the overall dynamic risk?

- ☐ Not applicable
- ☐ Very high
- ☐ High
- ☐ Moderate high
- ☐ Moderate
- ☐ Low

If the YASI was completed, what areas of risk/need were indicated as high risk?

- ☐ Not applicable
- ☐ Legal history
- ☐ Family
- ☐ School
- ☐ Community & peers
- ☐ Alcohol & drugs
- ☐ Mental health
- ☐ Aggression
- ☐ Attitudes

What did assessments other than the YASI idicate regarding risk level, areas of risk, strengths, and/or needs?

_____

_____

Appendix G

Bibliography of Research on Youth Adjudicated Delinquent for Sexual Offenses, including Typology, Assessment, and Other Related Juvenile Justice Issues February 2014

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chicago Children's Advocacy center
Battling Abuse. Restoring Lives.

Children/Youth with Sexual Behavior Problems

Summary Report

FY13
July 1, 2012 to June 30, 2013

I. Case Demographics

	Count	Percent of all CHICAGOCAC Cases
Total Number of Sexual Abuse Cases with Youth Named as Offenders[1]	389	19%
All Other Sexual Abuse Cases	1,610	81%
Total Number of Sexual Abuse Cases Received by ChicagoCAC	1,999	100%

From July 1, 2012 through June 30, 2012, there were 389 cases in which the alleged offender was 17 years old or younger, further referred to as Children/Youth with Sexual Behavior Problems (CYSBP). This number makes up 19% of all sexual abuse cases received at the ChicagoCAC during this same time period. In addition, 40 of these alleged offenders involved multiple victims (10% of the alleged offenders).

These 389 victim cases involved 379 unique offenders. However, for 26 of these victim cases, there were multiple (at least two) alleged offenders linked to a victim case, for a total of **422 CYSBP cases,** which is the number that is used throughout this report.

II. Relationship to Victim

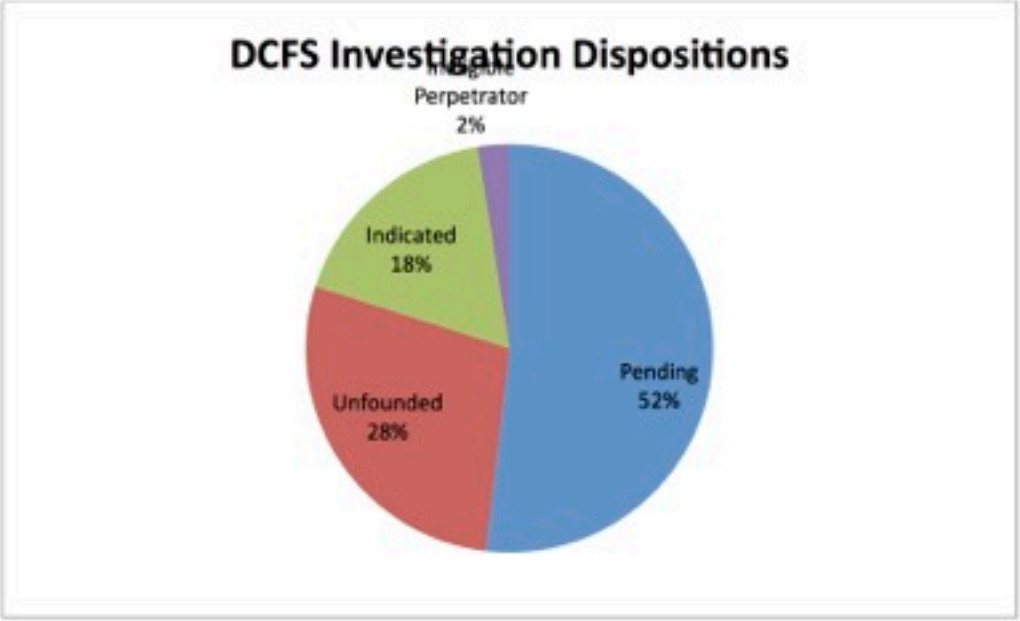
Count of Alleged Offender Relationship to Alleged Victim/Client	Count	Percent
Family Member	251	60%
Juvenile Acquaintance	89	21%
Other Known Person	64	15%
Relationship Unknown	18	4%
Grand Total	**422**	**100%**

III. Dispositions

a. DCFS Dispositions

Out of the 422 CYSBP cases, 239 of these met the criteria for DCFS investigation – **a total of 57 percent.** Out of these DCFS investigations, 18% were indicated (42 cases).

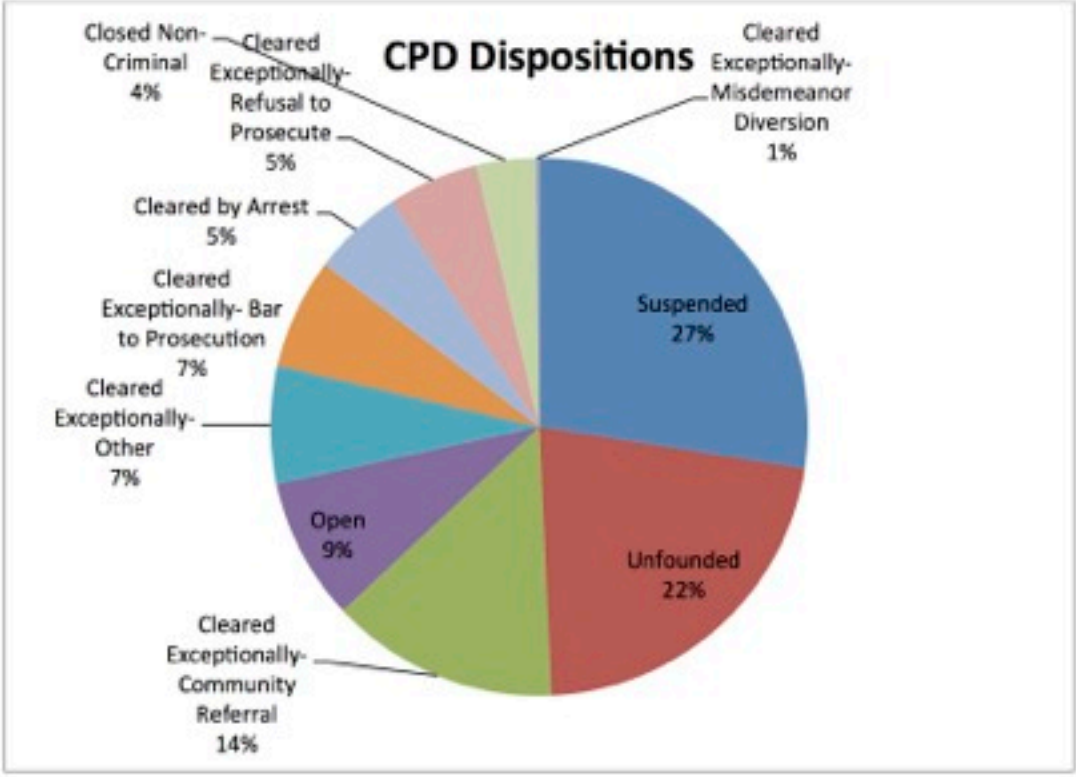
DCFS Investigation Dispositions	Count	Percent of DCFS Cases
Pending	124	52%
Unfounded	67	28%
Indicated	42	18%
Ineligible Perpetrator	6	3%
Total	**239**	**100%**



DCFS Abuse Disposition	Count	Percent of DCFS Cases
Indicated	***42***	***100%***
Brother	24	57%
Cousin	5	12%
Uncle	4	10%
Other Known Person	3	7%
Sister	3	7%
Aunt	2	5%
Juvenile Acquaintance	1	2%

A. CPD Dispositions

CPD Dispositions	Count	Percent of all CSBP Cases
Suspended	116	27%
Unfounded	92	22%
Cleared Exceptionally- Community Referral	58	14%
Open	36	9%
Cleared Exceptionally- Other	30	7%
Cleared Exceptionally- Bar to Prosecution	28	7%
Cleared Exceptionally- Refusal to Prosecute	23	5%
Cleared by Arrest	21	5%
Closed Non-Criminal	15	4%
Cleared Exceptionally- Misdemeanor Diversion	3	1%
Grand Total	**422**	**100%**



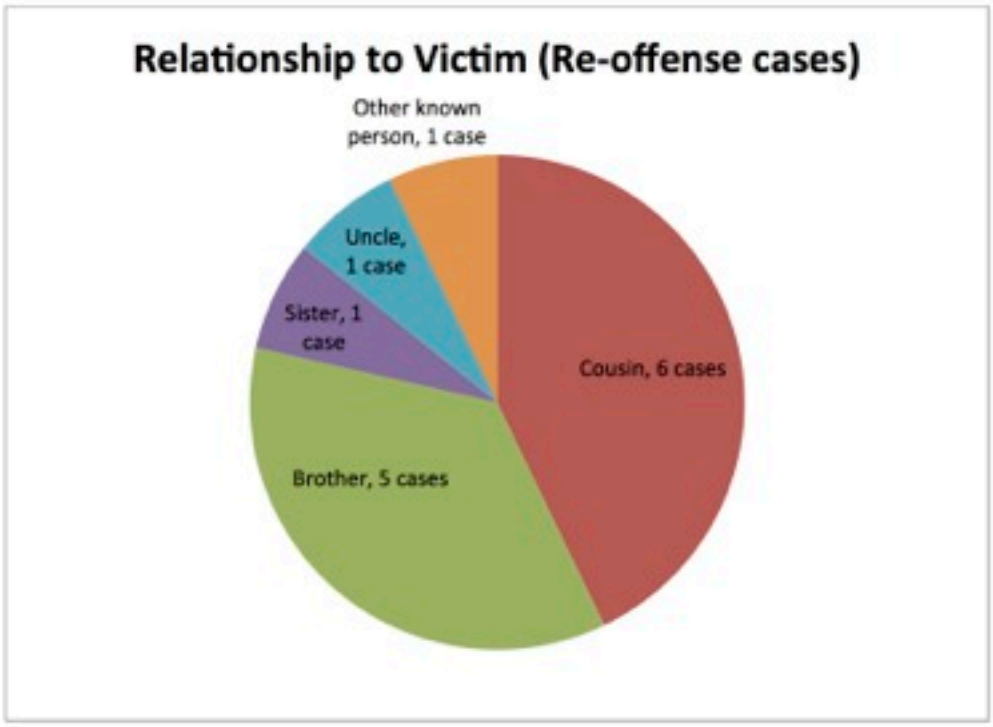
CPD Disposition	Count	Percent of Disposition
Suspended	***116***	***100%***
Cousin	31	27%
Other Known Person	23	20%
Juvenile Acquaintance	19	16%
Uncle	17	15%
Brother	16	14%
Relationship Unknown	9	8%
Grandfather	1	1%
Unfounded	***92***	***100%***
Brother	31	34%
Other Known Person	14	15%
Cousin	13	14%
Juvenile Acquaintance	12	13%
Uncle	10	11%
Sister	8	9%
Aunt	2	2%
Relationship Unknown	2	2%
Cleared Exceptionally- Community Referral	***58***	***100%***
Brother	27	47%
Cousin	10	17%

Juvenile Acquaintance	9	16%
Other Known Person	5	9%
Sister	4	7%
Uncle	2	3%
Relationship Unknown	1	2%
Open	***36***	100%
Brother	12	33%
Other Known Person	8	22%
Cousin	7	19%
Juvenile Acquaintance	3	8%
Uncle	3	8%
Father	1	3%
Sister	1	3%
Aunt	1	3%
Cleared Exceptionally- Other	***30***	***100%***
Juvenile Acquaintance	10	33%
Other Known Person	7	23%
Cousin	5	17%
Relationship Unknown	5	17%
Brother	2	7%
Sister	1	3%
Cleared Exceptionally- Bar to Prosecution	***28***	***100%***
Juvenile Acquaintance	14	50%
Cousin	7	25%
Other Known Person	4	14%
Brother	3	11%
Cleared Exceptionally- Refusal to Prosecute	***23***	***100%***
Cousin	7	30%
Juvenile Acquaintance	6	26%
Other Known Person	3	13%
Brother	2	9%
Sister	2	9%
Uncle	2	9%
Relationship Unknown	1	4%
Cleared by Arrest	***21***	***100%***
Brother	7	33%
Other Known Person	5	24%
Cousin	4	19%
Juvenile Acquaintance	4	19%
Uncle	1	5%
Closed Non-Criminal	***15***	***100%***
Juvenile Acquaintance	6	40%
Brother	6	40%
Cousin	3	20%
Cleared Exceptionally- Misdemeanor Diversion	***3***	***100%***
Juvenile Acquaintance	1	33%

Uncle	1	33%
Cousin	1	33%
Total of CSBP Cases	**422**	**100%**

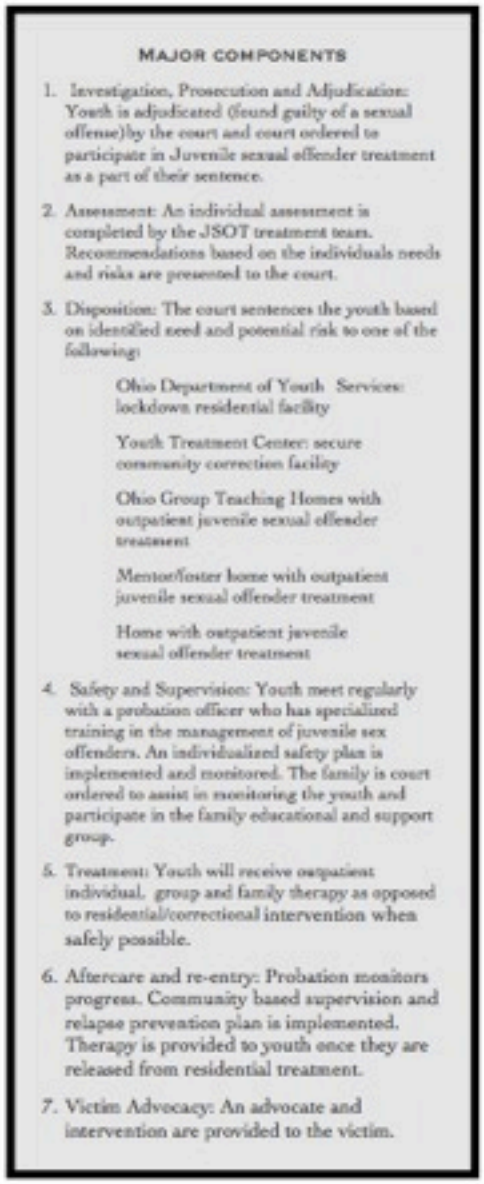
IV. Re-offenses

Number of CYSBP who Reoffended	10
Number of Cases	14
Number of Victims (total)	14
Number of CYSBP with more than 1 Victim	3
Average age of CYSBP on Re-offense Cases	15



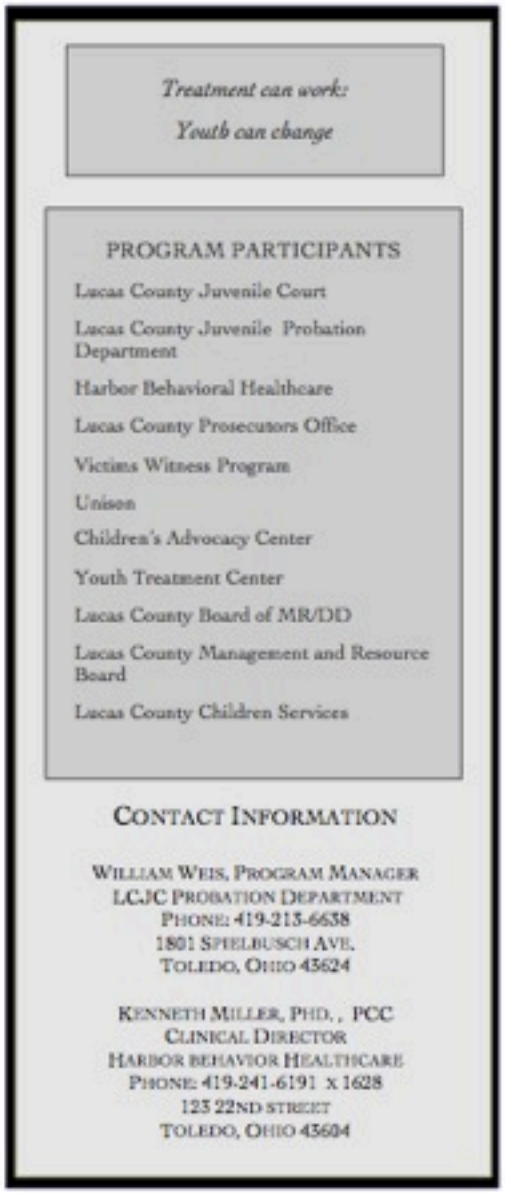
DCFS Disposition for Re-offense Cases	Count	Percent
Pending	5	36%
Indicated	5	36%
N/A	3	21%
Unfounded	1	7%
Total	**14**	**100%**

CPD Disposition for Re-offense Cases	Count	Percent
Suspended	4	29%
Open	3	21%
Cleared by Arrest	2	14%
Cleared Exceptionally- Community Referral	2	14%
Unfounded	2	14%
Cleared Exceptionally- Misdemeanor Diversion	1	7%
Total	**14**	**100%**



MAJOR COMPONENTS

1. Investigation, Prosecution and Adjudication: Youth is adjudicated (found guilty of a sexual offense)by the court and court ordered to participate in Juvenile sexual offender treatment as a part of their sentence.
2. Assessment: An individual assessment is completed by the JSOT treatment team. Recommendations based on the individuals needs and risks are presented to the court.
3. Disposition: The court sentences the youth based on identified need and potential risk to one of the following:
   - Ohio Department of Youth Services: lockdown residential facility
   - Youth Treatment Center: secure community correction facility
   - Ohio Group Teaching Homes with outpatient juvenile sexual offender treatment
   - Mentor/foster home with outpatient juvenile sexual offender treatment
   - Home with outpatient juvenile sexual offender treatment
4. Safety and Supervision: Youth meet regularly with a probation officer who has specialized training in the management of juvenile sex offenders. An individualized safety plan is implemented and monitored. The family is court ordered to assist in monitoring the youth and participate in the family educational and support group.
5. Treatment: Youth will receive outpatient individual, group and family therapy as opposed to residential/correctional intervention when safely possible.
6. Aftercare and re-entry: Probation monitors progress. Community based supervision and relapse prevention plan is implemented. Therapy is provided to youth once they are released from residential treatment.
7. Victim Advocacy: An advocate and intervention are provided to the victim.



Treatment can work:

Youth can change

PROGRAM PARTICIPANTS

Lucas County Juvenile Court

Lucas County Juvenile Probation Department

Harbor Behavioral Healthcare

Lucas County Prosecutors Office

Victims Witness Program

Unison

Children's Advocacy Center

Youth Treatment Center

Lucas County Board of MR/DD

Lucas County Management and Resource Board

Lucas County Children Services

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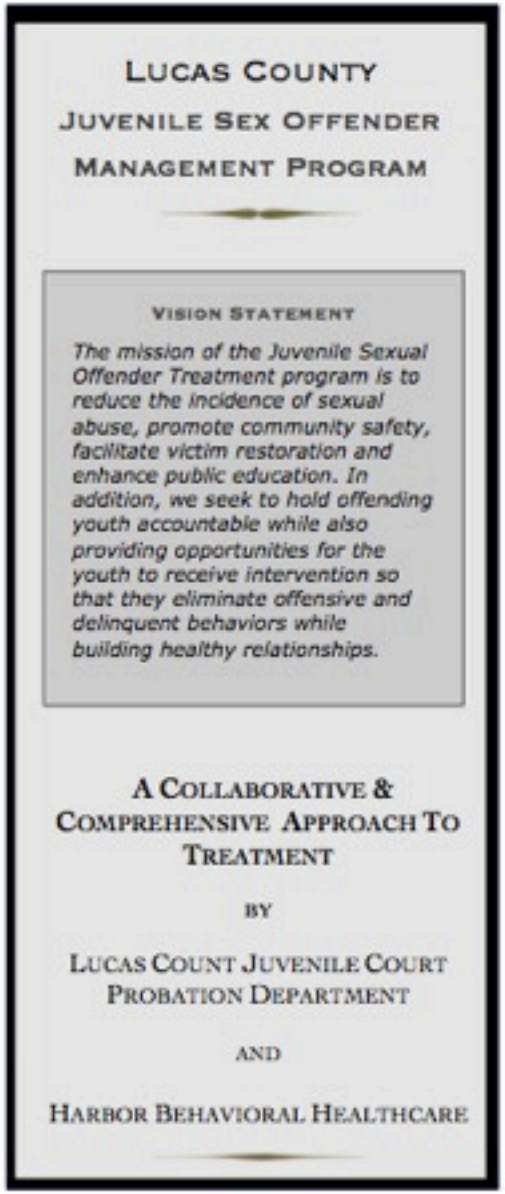

LUCAS COUNTY

JUVENILE SEX OFFENDER

MANAGEMENT PROGRAM

VISION STATEMENT

The mission of the Juvenile Sexual Offender Treatment program is to reduce the incidence of sexual abuse, promote community safety, facilitate victim restoration and enhance public education. In addition, we seek to hold offending youth accountable while also providing opportunities for the youth to receive intervention so that they eliminate offensive and delinquent behaviors while building healthy relationships.

A COLLABORATIVE & COMPREHENSIVE APPROACH TO TREATMENT

BY

LUCAS COUNT JUVENILE COURT
PROBATION DEPARTMENT

AND

HARBOR BEHAVIORAL HEALTHCARE

Promising new research indicates that juvenile treatment programs that are "empirically based, comprehensive and offense specific" can reduce recidivism rates and increase community safety (Rich, 2003).

What we know:

Punishment alone does not stop sexually abusive behavior

Exclusive reliance on treatment is not likely to end such behavior

Sex offender registration by itself won't keep the community safe

Surveillance & monitoring themselves will not solve the problem

Frequently Asked Questions

Q. What is being done?

R. Professionals who have been specially trained to work with youth who have sexually offended are working together to provide assessment and treatment. The primary goal is to prevent further sexual victimization. The youth are being held accountable and they are being treated in the community with supervision whenever safely possible.

Q. Why do we aim to manage youth with sexually abusive behaviors in the community?

R. Research indicates that a majority of juvenile sex offenders can be managed safely in the community with supervision and treatment. The youth must learn to control their behaviors in the environment in which they live. Community members can make a difference and can encourage, monitor and support healthy life choices. In addition, even those who have been placed in a residential treatment center or sent to a correction facility will be released back into the community at some point. Ultimately, successful management in the community best meets the needs of the youth and it has an increased success rate for preventing future offenses. It should be noted that the victim's safety is always considered and youth are not treated in the community if they are assessed to be too high of a risk to the community or are unwilling to participate in the intervention process.

Q. What are the benefits?

R. Increased community safety with a decrease in sexual offending and delinquent behavior is the most important benefit. In addition, community based collaborative treatment provides enhanced, specialized services which support and offer treatment for the offender, victims and their families.

Q. Who is involved in the management and treatment of the youth?

R. Law enforcement, Juvenile Court officials, probation officers, mental health professionals, victim advocates, schools, parents and family members, children service agencies, specialized treatment providers and community members all work closely together with multi-agency collaboration in order to best manage the youth.

Q. How are professionals approaching this work?

R. The Lucas County Juvenile Sexual Offender Program has established protocols which are consistent with evidence based treatment and management of the youth who have sexually offended. Partnerships and multi-agency communication and collaboration has been established. All providers participate in specialized training. This comprehensive and collaborative approach has been shown to be effective in promoting accountability and decreasing sexual offending and delinquent behavior.

Q. Why use a comprehensive approach?

R. Managing sexually abusive youth is a complex issue. One strategy or system alone cannot solve the problem. Research indicates that multiple systems working together can more effectively manage these youth.

PROGRAM DESCRIPTION

Through a dynamic partnership, Harbor Behavioral Healthcare and Lucas County Juvenile Court have developed a comprehensive Juvenile Sex Offender Treatment Program that addresses key points of an effective community-based approach that is directed at adolescent males.

Using this same model, therapists and probation officers are also able to address and treat special needs populations, including females, pre-adolescent offenders and lower functioning offenders by using individual, group and family therapy.

This program is designed to meet the client, Court and community's needs. The key components of the collaborative JSOT Program between Juvenile Court and Harbor Behavioral Healthcare provide a state of the art, curriculum driven, evidence based and outcome oriented program lasting 12-24 months. Utilizing a cognitive behavioral therapy model featuring multi-modal therapy, the whole person is treated with individual, group and family therapy. The group format utilizes the "Stages of Change Model" to effectively monitor and manage client motivation and adherence to treatment.

In addition, the Program applies evidence based (Pre-Test/Post-Test) Mastery Learning methods to teach core curriculum to JSOT clients to ensure mastery of the treatment concepts and information. The program involves a Juvenile Probation Officer in every group therapy session, which is led by a licensed mental health counselor. Sessions run twice a week for 90 minutes. Parent groups are also conducted once a week for 90 minutes. The team presents ongoing weekly assessment and feedback to clients and caregivers and risk/need re-assessments occur every 6 months.

The primary therapist participates in weekly Interagency Team Meetings, and a Community Support Case Manager (who provides the youth and family with in-home services) is available to appear in Court at a regularly scheduled JSOT court docket with a Magistrate who specializes in the JSOT population.

COMMUNITY RESOURCES

- Family & Child Abuse Prevention Center
  (419) 244-1100
- Lucas County Children Services
  (419) 213-3200
- Lucas County Juvenile Probation
  (419) 213-6610
- Lucas County Job & Family Services
  (419) 213-8999

COMMUNITY CONTACTS

- Adult Probation
  (419) 213-6100
- Lucas County Prosecutor's Office
  (419) 213-4700
- Victim Witness Assistance
  (419) 213-4591
- Harbor Behavioral Healthcare
  (419) 475-4449
- Unison Behavioral Health Group
  (419) 693-0631
- The Zepf Center
  (419) 841-7701
- Rescue Mental Health Services
  (419) 255-9585

Lucas County Juvenile Court
Juvenile Justice Center
1801 Spielbush Avenue
Toledo, Ohio 43604

http://www.co.lucas.oh.us

LUCAS COUNTY JUVENILE COURT JUVENILE SEX OFFENDER TREATMENT PROGRAM

Denise Navarre Cubbon,
Administrative Judge

Connie F. Zemmelman,
Judge

Pamela M. Manning,
Magistrate

William Weis, SOT
Program Manager

MISSION STATEMENT

The Lucas County Juvenile Court Sex Offender Treatment Program is committed to reducing the incidence of sexual abuse by developing community partnerships which promote community safety, victim restoration and public education by:

- Enhancing healthy relationships;
- Holding youth and parents accountable;
- Ensuring an effective continuum of care for both survivors and youth who sexually offend.

PROGRAM FEATURES

The program emphasizes community-based supervision and a cognitive-behavioral treatment model and features:

- Specialized Probation Officers to provide increased supervision and support;
- Family involvement including parental engagement and accountability;
- Frequent Juvenile Court review hearings in a specialized Juvenile Sex Offender docket;
- Enhanced service collaboration among community agencies including law enforcement, schools, mental health, Board of Developmental Disabilities and Juvenile Court;
- Certified by the Ohio Department of Youth Services to provide assessment, treatment, and transition services to juvenile sex offenders (Cert. # R-015).

WELCOME

The goal of the Lucas County Juvenile Court is to effectively, efficiently, and equitably administer justice in all matters brought before it. A key component of that goal is to ensure that each and every victim is given a voice, either directly or through his or her representative.

Simply put, the goal of the Court is to ensure that the individuals who come before it, both offenders and victims, receive the kind of care, protection, guidance, and treatment that will preserve the welfare of the community as well as be in the best interest of the youth it serves.

The Court has concern not only for resolving cases in court, but also for improving family life, personal relationships, and education and social services for families within the community.

With that in mind, the Court has had specialized programming for juvenile sexual offenders in place for over twenty-five years. And in 2007, the Court and Harbor Behavioral Healthcare entered into a collaborative partnership to provide even more effective, high quality sex offender treatment and education to young people and their families. The Court understands that engaging in this specific form of treatment is not always comfortable for the youth participating in treatment, or for the families and victims who have been impacted by the offending behavior.

The Court's intent in offering the Juvenile Sex Offender Treatment Program is to make available assistance in addressing multiple issues in a safe and supportive environment, while still maintaining community safety through personal accountability and responsibility.

Research has shown that youthful sex offenders involved in intensive and extensive treatment programs, such as the one offered through the Lucas County Juvenile Court, are much less likely to reoffend sexually than youth placed in a residential facility or juvenile prison setting. Studies indicate that 30-50% of youthful offenders sexually reoffend after returning from a juvenile prison; while community-based treatment programs, like the one offered through Lucas County Juvenile Court, typically result in only a 4-6% re-offense rate.

The current Juvenile Sex Offender Treatment Program is both intensive and extensive. The average length of time on probation and in treatment is 29 months.

Under the Lucas County Juvenile Court Sex Offender Treatment Program, both the parent(s)/custodian(s) and youth are Court ordered to attend and actively participate in sex offender treatment programming, which includes group and/or individual treatment, educational classes, as well as family or individual counseling. In addition, youth and parent(s)/custodian(s) are required to attend Review Hearings with a Juvenile Court Magistrate or Judge on a regular basis. The purpose of these hearings is to provide support as well as accountability in terms of the youth's progress in treatment, and to serve as a means of identifying and addressing any obstacles that may be hindering treatment efforts.

Probation officers and therapists, who have received specialized training in working with juvenile sex offenders, work together to make sure youth and families receive the appropriate interventions to address concerns identified in the assessment process. Probation and treatment staffs are notified of any issues that would prohibit participants from attending any of these functions. Compliance with all of the requirements of the Juvenile Sex Offender Treatment Program is strictly monitored and is a key component in long-term treatment success and ultimately ensuring that these behaviors never happen again.

Based upon the extensive research done in this area, the Lucas County Juvenile Court believes it is in the community's best interest to treat these youth with sexually abusive behaviors locally, where all aspects of their treatment and probation are closely monitored and supervised. This in turn can provide effective, long-term positive outcomes resulting in fewer victims.

A representative of the Juvenile Sexual Offender Treatment Program is available to speak to you in more detail regarding any questions or concerns. You can contact a representative by calling 419-213-6638.

Collateral Consequences of Juvenile Sex Offender Designation — Illinois Juvenile Justice Commission

	Restriction	Reported by	Law or other source
Housing	Juveniles who are considered a predatory youth who have shown the propensity to reoffend and to be at elevated risk, but who do not meet the burden for civil commitment, may be prohibited from residing with minors while under supervision (e.g., parole or probation) because of the 500 foot law. Whether a juvenile is considered to be a predatory youth is not determined based on statute, through a specific kind of assessment, by a treatment center, or by law enforcement. Rather, this determination is case specific and depends on the juvenile's history of offenses. When seeking a placement for juveniles, a living environment must be found that is a certain distance from a park or school if the juvenile is not attending that school. Also, some transitional programs will not allow juvenile sex offenders because the local police departments won't allow it due to the distance from a park or school.	Sex Offender Corrections/ Registration Official #1 Juvenile Sex Offender Residential Treatment Provider #1 Juvenile Sex Offender Residential Treatment Provider #2	720 ILCS 5/11-9.3 § 11-9.3. Presence within school zone by child sex offenders prohibited; approaching, contacting, residing with, or communicating with a child within certain places by child sex offenders prohibited. (a) It is unlawful for a child sex offender to knowingly be present in any school building, on real property comprising any school, or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity when persons under the age of 18 are present in the building, on the grounds or in the conveyance, unless the offender is a parent or guardian of a student attending the school . . . (a-5) It is unlawful for a child sex offender to knowingly be present within 100 feet of a site posted as a pick-up or discharge stop for a conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity when one or more persons under the age of 18 are present at the site. (a-10) It is unlawful for a child sex offender to knowingly be present in any public park building or on real property comprising any public park when persons under the age of 18 are present in the building or on the grounds and to approach, contact, or communicate with a child under 18 years of age (b) It is unlawful for a child sex offender to knowingly loiter within 500 feet of a school building or real property comprising any school while persons under the age of 18 are present in the building or on the grounds (b-2) It is unlawful for a child sex offender to knowingly loiter on a public way within 500 feet of a public park building or real property comprising any public park while persons under the age of 18 are present in the building or on the grounds and to approach, contact, or communicate with a child under 18 years of age (b-5) It is unlawful for a child sex offender to knowingly reside within 500 feet of a school building or the real property comprising any school that persons under the age of 18 attend (b-10) It is unlawful for a child sex offender to knowingly reside within 500 feet of a playground, child care institution, day care center, part day child care facility, day care home, group day care home, or a facility providing programs or services exclusively directed

			toward persons under 18 years of age (b-15) It is unlawful for a child sex offender to knowingly reside within 500 feet of the victim of the sex offense.
	The Chicago Housing Authority's (CHA) "one strike" policy allows for the eviction of a tenant who has committed a criminal offense. Since 2002, the Chicago Police Department's Office of Internal Affairs has stated that it will remove any reference to juvenile records from the information it supplies to the CHA. According to the Chicago Police Department's Office of Legal Affairs, "any and all information contained in case and supplementary reports identifying juvenile offenders and/or arrestees [would] be deleted before dissemination to the Chicago Housing Authority." However, many landlords still will not accept juvenile sex offenders as tenants. Even though juvenile records are technically confidential, this information is usually discovered.	Curtis Lawrence, *CHA Tenants May Get Boot*, Chi. Sun-Times, Mar. 27, 2002 Renai S. Rodney, *Am I My Mother's Keeper? The Case Against the Use of Juvenile Records in One-Strike Public Housing Evictions*, 98 Nw. U. L. Rev. 739, 854-55 (2004) Juvenile Sex Offender Residential Treatment Provider #2	CHA "One Strike" policy
	Juveniles on the sex offender registry for life may not live in Section 8 Housing.	U.S. Department of Housing and Urban Development website www.hud.gov/offices/oig/.../ig0	42 U.S.C.A. § 13663 (a) In general Notwithstanding any other provision of law, an owner of federally assisted housing shall prohibit admission to such housing for any household that includes any individual who is subject to a lifetime registration requirement under a State sex offender registration

		970001.pdf	program. (There is no differentiation for juvenile sex offenders)
	Juveniles who are under supervision (e.g., parole, probation) may be prohibited by the Prisoner Review Board from living in the same residence or unit as another person who has committed a sex offense.	Statute	730 ILCS 5/3-3-7 § 3-3-7. Conditions of Parole or Mandatory Supervised Release. (a) The conditions of parole or mandatory supervised release shall be such as the Prisoner Review Board deems necessary to assist the subject in leading a law-abiding life. The conditions of every parole and mandatory supervised release are that the subject: (7.6) if convicted of a sex offense as defined in the Sex Offender Management Board Act, refrain from residing at the same address or in the same condominium unit or apartment unit or in the same condominium complex or apartment complex with another person he or she knows or reasonably should know is a convicted sex offender or has been placed on supervision for a sex offense; the provisions of this paragraph do not apply to a person convicted of a sex offense who is placed in a Department of Corrections licensed transitional housing facility for sex offenders, or is in any facility operated or licensed by the Department of Children and Family Services or by the Department of Human Services, or is in any licensed medical facility;
Entitlements	If a juvenile's voting precinct it at a school, he may not be allowed to go there to vote. Several years ago the Loitering in School Zones Act (720 ILCS 5/11-9.3) included a provision that stated that if a school was a sex offender's normal voting precinct, their presence in the school for the purposes of voting would not be considered loitering. However, the legislature has since struck this language and law enforcement has used this law to prohibit juveniles from voting on school grounds. Other juveniles have stated that they are not allowed to vote	Sex Offender Corrections/ Registration Official #2	No written statute or policy to this effect.

	because they are felons. However, being adjudicated delinquent does not make a juvenile a felon.		
Employment	Delinquent adjudications in juvenile court should not show up on a criminal history run for purposes of employment. However, some juveniles have been convicted as adults for failing to register on the sex offender registry. This conviction would show up on the criminal history. In the past, employers only asked if an applicant had been convicted of a crime (which juvenile sex offenders have not). However, now employers are asking if an applicant has been adjudicated of anything. It is not clear whether employers are allowed to do this. Other juveniles have been asked to do a polygraph test, where they have been asked if they have been adjudicated delinquent or if they have committed any crimes/offenses.	Sex Offender Corrections/ Registration Official #2	730 ILCS 150/10 § 10. Penalty. (a) Any person who is required to register under this Article who violates any of the provisions of this Article and any person who is required to register under this Article who seeks to change his or her name under Article 21 of the Code of Civil Procedure [FN1] is guilty of a Class 3 felony. Any person who is convicted for a violation of this Act for a second or subsequent time is guilty of a Class 2 felony. Any person who is required to register under this Article who knowingly or wilfully gives material information required by this Article that is false is guilty of a Class 3 felony. Any person convicted of a violation of any provision of this Article shall, in addition to any other penalty required by law, be required to serve a minimum period of 7 days confinement in the local county jail. The court shall impose a mandatory minimum fine of $500 for failure to comply with any provision of this Article. These fines shall be deposited in the Sex Offender Registration Fund. Any sex offender, as defined in Section 2 of this Act, or sexual predator who violates any provision of this Article may be arrested and tried in any Illinois county where the sex offender can be located. The local police department or sheriff's office is not required to determine whether the person is living within its jurisdiction.
	As part of the containment model process of supervision, agents see juveniles who are on parole at all locations including work, so employers want to know why a juvenile is being seen by an agent. They are also on electronic monitoring which is	Sex Offender Corrections/ Registration Official #1	730 ILCS 5/3-3-7 § 3-3-7. Conditions of Parole or Mandatory Supervised Release. (a) The conditions of parole or mandatory supervised release shall be such as the Prisoner Review Board deems necessary to assist the subject in leading a law-abiding life. The conditions of every parole and mandatory supervised release are that the subject:

	difficult to mask. The agent does not discuss the details of the offense with the employer, but because of the agent's presence, it is known that they are on parole.		(7.7) if convicted for an offense that would qualify the accused as a sexual predator under the Sex Offender Registration Act on or after January 1, 2007 (the effective date of Public Act 94-988), wear an approved electronic monitoring device as defined in Section 5-8A-2 for the duration of the person's parole, mandatory supervised release term, or extended mandatory supervised release term and if convicted for an offense of criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, aggravated criminal sexual abuse, or ritualized abuse of a child committed on or after August 11, 2009 (the effective date of Public Act 96-236) when the victim was under 18 years of age at the time of the commission of the offense and the defendant used force or the threat of force in the commission of the offense wear an approved electronic monitoring device as defined in Section 5-8A-2 that has Global Positioning System (GPS) capability for the duration of the person's parole, mandatory supervised release term, or extended mandatory supervised release term;
	Even though the juvenile registry is supposed to be confidential, if a juvenile sex offender is on parole rather than probation, parole often wants them to disclose to their employer.	Juvenile Sex Offender Residential Treatment Provider #1	No written statute or policy to this effect.
	"It is difficult to prepare a child with the [juvenile sex offender] label for adulthood because you have to rule out access to so many careers and even the ability to get the education or opportunity for those careers. There is no future for them and so what does that create?"	Juvenile Sex Offender Residential Treatment Provider #3	No written statute or policy to this effect.
Education	Primary and secondary schools and local law enforcement facilities frequently set up a reciprocal reporting system where school officials can access a juvenile's records at the point when he commits certain offenses: unlawful use of weapons, violation of Illinois Controlled Substance Act,	*Think Before You Plea: Juvenile Collateral Consequences in the United States*, American Bar Association, http://www.bef	105 ILCS 5/10-20.14 § 10-20.14. Student discipline policies; Parent-teacher advisory committee. (b) The parent-teacher advisory committee in cooperation with local law enforcement agencies shall develop, with the school board, policy guideline procedures to establish and maintain a reciprocal reporting system between the school district and local law enforcement agencies regarding criminal offenses committed by students. 705 ILCS 405/1-7

	violation of the Cannabis Control Act, forcible felony, or violation of the Methamphetamine Control and Community Protection Act.	oreyouplea.com /il (last visited Sept. 30, 2011).	§ 1-7. Confidentiality of law enforcement records. (A) Inspection and copying of law enforcement records maintained by law enforcement agencies that relate to a minor who has been arrested or taken into custody before his or her 17th birthday shall be restricted to the following: (8) The appropriate school official only if the agency or officer believes that there is an imminent threat of physical harm to students, school personnel, or others who are present in the school or on school ground. Inspection and copying shall be limited to law enforcement records transmitted to the appropriate school official by a local law enforcement agency under a reciprocal reporting system established and maintained between the school district and the local law enforcement agency under Section 10-20.14 of the School Code concerning a minor enrolled in a school within the school district who has been arrested or taken into custody for any of the following offenses: a forcible felony as defined in Section 2-8 of the Criminal Code of 1961. 705 ILCS 405/5-905 § 5-905. Law enforcement records. (1) Law Enforcement Records. Inspection and copying of law enforcement records maintained by law enforcement agencies that relate to a minor who has been arrested or taken into custody before his or her 17th birthday shall be restricted to the following and when necessary for the discharge of their official duties: (h) The appropriate school official only if the agency or officer believes that there is an imminent threat of physical harm to students, school personnel, or others who are present in the school or on school grounds. (A) Inspection and copying shall be limited to law enforcement records transmitted to the appropriate school official by a local law enforcement agency under a reciprocal reporting system established and maintained between the school district and the local law enforcement agency under Section 10-20.14 of the School Code concerning a minor enrolled in a school within the school district who has been arrested or taken into custody

			for any of the following offenses: (a forcible felony as defined in Section 2-8 of the Criminal Code of 1961 or the Criminal Code of 2012.
	Some state schools and graduate schools ask for information on juvenile's arrests or adjudications; all law schools ask for this information; medical schools frequently follow the AMCAS application system, which includes a background check.	American Bar Association, *Think Before You Plea*	Policies vary by school and program.
	Adjudicated delinquents have a right to attend school and while on supervision are afforded the opportunity to attend school. Some schools may limit their attendance, though because of their sex offender history and these students may be requested by the particular school system to attend their school in an alternative arrangement. Others have attended school and had a monitor. Felon juveniles with child victims in particular are affected by the 500 foot restrictions. We have adjudicated delinquents on parole status that attend high school and college. For college attendance, sex offenders much register with the Security Department. Some colleges will refuse admittance because of the sex offense.	Sex Offender Corrections/ Registration Official #1 Juvenile Sex Offender Residential Treatment Provider #2	Schools have their own policies regarding attendance by adjudicated delinquents with a sex offender history.
Military	When juveniles on the sex offender registry apply to the		705 ILCS 405/5-905

	military, military personnel have access to their records		§ 5-905. Law enforcement records. (1) Law Enforcement Records. Inspection and copying of law enforcement records maintained by law enforcement agencies that relate to a minor who has been arrested or taken into custody before his or her 17th birthday shall be restricted to the following and when necessary for the discharge of their official duties: (e) Authorized military personnel;
Professions that must refuse Licensure	Health Care Workers: Acupuncturists Advanced Practice Nurses Athletic Trainers Audiologists Clinical Psychologists Clinical Social Workers Dental Hygienists Dentists Genetic Counselors Licensed Clinic Professional Counselors Licensed Practical Nurses Licensed Social Workers Marriage and Family Therapists Naprapaths Nursing Home Administrators Occupational Therapists Occupational Therapy Assistants Optometrists Orthotists Pedorthists Perfusionists Pharmacists Physical Therapists Physical Therapy Assistants Physicians Physician Assistants Podiatrists	Although this language appears to only apply to adult convictions, persons on the juvenile sex offender registry are routinely denied licensure.	20 ILCS 2105/2105-165. Health care worker licensure actions; sex crimes. (a) When a licensed health care worker, as defined in the Health Care Worker Self-Referral Act, (1) has been convicted of a criminal act that requires registration under the Sex Offender Registration Act; (2) has been convicted of a criminal battery against any patient in the course of patient care or treatment, including any offense based on sexual conduct or sexual penetration; (3) has been convicted of a forcible felony; or (4) is required as a part of a criminal sentence to register under the Sex Offender Registration Act, then, notwithstanding any other provision of law to the contrary, the license of the health care worker shall by operation of law be permanently revoked without a hearing. (b) No person who has been convicted of any offense listed in subsection (a) or required to register as a sex offender may receive a license as a health care worker in Illinois. 225 ILCS 47/15(d) "Health care worker" means any individual licensed under the laws of this State to provide health services, including but not limited to: dentists licensed under the Illinois Dental Practice Act;[1] dental hygienists licensed under the Illinois Dental Practice Act; nurses and advanced practice nurses licensed under the Nurse Practice Act;[2] occupational therapists licensed under the Illinois Occupational Therapy Practice Act;[3] optometrists licensed under the Illinois Optometric Practice Act of 1987;[4] pharmacists licensed under the Pharmacy Practice Act;[5] physical therapists licensed under the Illinois Physical Therapy Act;[6] physicians licensed under the Medical Practice Act of 1987;[7] physician assistants licensed under the Physician Assistant Practice Act of 1987;[8] podiatrists licensed under the Podiatric Medical Practice Act of 1987;[9] clinical psychologists licensed under the Clinical Psychologist Licensing Act;[10] clinical social workers licensed under the Clinical Social Work and Social Work Practice Act;[11] speech-language pathologists and audiologists licensed under the Illinois Speech-Language Pathology and Audiology Practice Act;[12] or hearing instrument dispensers licensed under the Hearing Instrument Consumer Protection Act,[13] or any of their successor Acts. Health Care Application, available at

	Professional Counselors Prosthetists Registered Nurses Registered Surgical Assistants Registered Surgical Technologists Respiratory Care Practitioners Speech Pathologists		https://www.idfpr.com/Forms/Professions/F2034crimacts.pdf
	Child Care Services	Although this language appears to only apply to adult convictions, persons on the juvenile sex offender registry are routinely denied licensure.	IL ST CH 225 § 10/4.2- Child Care Act of 1969 § 4.2. (b) In addition to the other provisions of this Section, no applicant may receive a license from the Department and no person may be employed by a child care facility licensed by the Department who has been declared a sexually dangerous person under "An Act in relation to sexually dangerous persons, and providing for their commitment, detention and supervision", approved July 6, 1938, as amended, or convicted of committing or attempting to commit any of the following offenses stipulated under the Criminal Code of 1961: (2) a sex offense under Article 11, except offenses described in Sections 11-7, 11-8, 11-12, 11-13, 11-35, 11-40, and 11-45; (6) aggravated battery of a child as described in Section 12-4.3 or subdivision (b)(1) of Section 12-3.05; (7) criminal sexual assault; (8) aggravated criminal sexual assault; (8.1) predatory criminal sexual assault of a child; (9) criminal sexual abuse; (10) aggravated sexual abuse; Aggravated battery and assault crimes are also included.
	Fingerprint Vendor	Statute	225 ILCS 447/31-10- Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 § 31-10. Qualifications for licensure as a fingerprint vendor. (2) Has not been convicted of any felony in any jurisdiction or at least 10 years have elapsed since the time of full discharge from a sentence imposed for a felony conviction. (3) Is of good moral character. Good moral character is a continuing requirement of licensure. Conviction of crimes other than felonies may be used in determining moral character, but shall not constitute an absolute bar to licensure, except where the applicant is a registered sex offender.

Professions that *may* refuse Licensure	*May* refuse licensure based on felony convictions, guilty pleas, or nolo contenders: Barber, Cosmetologist, Esthetician, Hair Braider, Nail Technician Interior Designer Professional Land Surveyor Landscape Architect Real Estate Agent Roofing Industry Water Well and Pump Installation Contractor Architect Dietetic and Nutrition Services Environmental Health Practitioner Geologist Structural Engineer Public Accountant	Although this language appears to only apply to adult convictions, persons on the juvenile sex offender registry are routinely denied. Additionally, failure to register is a disqualifying felony.	225 ILCS 410/4-7(1)(a). Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985 225 ILCS 310/13(h). Interior Design Title Act (if the Department determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust). 225 ILCS 330/27(a)(3). Illinois Professional Land Surveyor Act of 1989. 225 ILCS 315/18.1(a)(3). Illinois Landscape Architecture Act of 1989 225 ILCS 55/85(a)(3). Marriage and Family Therapy Licensing Act 225 ILCS 454/5-25. Real Estate License Act of 2000 (when the felony involves moral turpitude – and then shall take into account the nature of the conduct, any aggravating or extenuating circumstances, the time elapsed since the revocation, conduct, or conviction, the rehabilitation or restitution performed by the applicant, and any other factors that the Board deems relevant). 225 ILCS 335/9.1(b). Illinois Roofing Industry Licensing Act 225 ILCS 345/15(7). Water Well and Pump Installation Contractor's License Act 225 ILCS 305/22(a)(6). Illinois Architecture Practice Act of 1989 225 ILCS 30/95(1)(c). Dietetic and Nutrition Services Practice Act 225 ILCS 37/35(a)(3). Environmental Health Practitioner Licensing Act 225 ILCS 745/80(a)(3). Professional Geologist Licensing Act 225 ILCS 340/20(a)(5). Structural Engineering Practice Act of 1989 IL ST CH 225 ILCS 450/20.01. Illinois Public Accounting Act ("Conviction by plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or sentencing, including, but not limited to, convictions, preceding sentences of supervision, conditional discharge, or first offender probation, under the laws of any jurisdiction of the United States that is (i) a felony or (ii) a misdemeanor, an essential element of which is dishonesty. . .")

	May refuse licensure based on felony convictions as well as requirement of good moral character: Boxing Professional, Referee, Judge, Manager, Second, Matchmaker, Timekeeper, Promoter Certified Shorthand Reporter Private Detective, Private Alarm Contractor, Private Security Contractor, Locksmith Private Employment Agents and Counsellors Attorney	Although this language appears to only apply to adult convictions, persons on the juvenile sex offender registry are routinely denied. Additionally, failure to register is a disqualifying felony.	225 ILCS 105/11. Boxing and Full-Contact Martial Arts Act - Professional, Referee, Judge, Manager, Second, Matchmaker, or Timekeeper; Promoter (In determining good moral character, the Department may take into consideration . . . any felony conviction of the applicant, but such a conviction shall not operate as a bar to licensure). 225 ILCS 415/11. Illinois Certified Shorthand Reporters Act of 1984 (the determination of good moral character shall take into account but not be totally based upon any felony conviction of the applicant). 225 ILCS 447. Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 § 15-10. Qualifications for licensure as a private detective; § 20-10. Qualifications for licensure as a private alarm contractor; § 25-10. Qualifications for licensure as a private security contractor.; § 30-10. Qualifications for licensure as a locksmith. (Has not been convicted of any felony in any jurisdiction or at least 10 years have elapsed since the time of full discharge from a sentence imposed for a felony conviction; is of good moral character. Good character is a continuing requirement of licensure. Conviction of crimes other than felonies may be used in determining moral character, but shall not constitute an absolute bar to licensure). 225 ILCS 515. Private Employment Agency Act 515/1. Licenses; fees; application; schedule of fees and charges for employment agencies or agents, 515/4. Employment counsellors; licensing (The applicant shall furnish to the Department an affidavit stating that he has . . . no jail or prison record, belongs to no subversive societies, . . . and is of good moral character. In determining moral character and qualification for licensing, the Department may take into consideration any criminal conviction of the applicant, but such a conviction shall not operate as a bar to licensing). Illinois Supreme Court Rules Governing Admission to the Bar- ARTICLE VII. RULES ON ADMISSION AND DISCIPLINE OF ATTORNEYS, PART A. ADMISSION TO THE BAR

			Rule 701. General Qualifications (a) Subject to the requirements contained in these rules, persons may be admitted or conditionally admitted to practice law in this State by the Supreme Court if they are at least 21 years of age, of good moral character and general fitness to practice law . . . Rule 761. Conviction of Crime (b) Conviction of Crime Involving Moral Turpitude. If an attorney is convicted of a crime involving fraud or moral turpitude . . . the court may enter an order, effective immediately, suspending the attorney from the practice of law until the further order of the court. An applicant previously convicted of a felony or currently charged with a felony may apply for admission. However, any such applicant will not be permitted to take the bar examination unless and until s/he has received certification of good moral character and general fitness to practice law by the Committee on Character and fitness. Rules of Procedure for the Board of Admissions to the Bar and the Committees on Character and Fitness-, RULE 6. CHARACTER AND FITNESS REQUIREMENTS Rule 6.1. The registrant or applicant has the burden to prove by clear and convincing evidence that he or she has the requisite character and fitness for admission to the practice of law. Rule 6.2. A record manifesting a failure to meet the essential eligibility requirements, including a deficiency in the honesty, trustworthiness, diligence, or reliability of a law student registrant or applicant may constitute a basis for denial of admission. Rule 6.3. The essential eligibility requirements for the practice of law include the following: (5) the ability to conduct oneself with respect for and in accordance with the law and the Illinois Rules of Professional Conduct; (6) the ability to avoid acts that exhibit disregard for the health, safety, and welfare of others;
Disconnects	"There's very little collateral baggage that comes with [being on the registry] because the juvenile registry is private and the only people who see it are law enforcement and the courts. This is because the Juvenile Justice Act was recently revised and spells out the fact that this registry is not going to be visible to the public."	Sex Offender Corrections/ Registration Official #3	N/A

Conflation of Adults & Juveniles	Some police departments have interpreted the law restricting child sex offenders from being within school zones to apply to juveniles since the law is not explicit as to whether it only applies to adults. The law applies to "child sex offenders" which, under the definitions section, states that a "sex offender" must have been convicted of a sex offense. Juveniles have not been convicted, but rather adjudicated delinquent, so these laws should not apply. Nonetheless, this may create barriers for juvenile sex offenders to attend their own schools.	Sex Offender Corrections/ Registration Official #4 Sex Offender Corrections/ Registration Official #2	720 ILCS 5/11-9.3 § 11-9.3. Presence within school zone by child sex offenders prohibited; approaching, contacting, residing with, or communicating with a child within certain places by child sex offenders prohibited. (a) It is unlawful for a child sex offender to knowingly be present in any school building, on real property comprising any school, or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school related activity when persons under the age of 18 are present in the building, on the grounds or in the conveyance (b) It is unlawful for a child sex offender to knowingly loiter within 500 feet of a school building or real property comprising any school while persons under the age of 18 are present in the building or on the grounds (d) Definitions. In this Section: (1) "Child sex offender" means any person who: (i) has been charged under Illinois law, or any substantially similar federal law or law of another state, with a sex offense set forth in paragraph (2) of this subsection (d) or the attempt to commit an included sex offense, and: (A) is convicted of such offense or an attempt to commit such offense; or (B) is found not guilty by reason of insanity of such offense or an attempt to commit such offense; or (C) is found not guilty by reason of insanity pursuant to subsection (c) of Section 104-25 of the Code of Criminal Procedure of 1963 of such offense or an attempt to commit such offense; or (D) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to subsection (a) of Section 104-25 of the Code of Criminal Procedure of 1963 for the alleged commission or attempted commission of such offense; or

			(E) is found not guilty by reason of insanity following a hearing conducted pursuant to a federal law or the law of another state substantially similar to subsection (c) of Section 104-25 of the Code of Criminal Procedure of 1963 of such offense or of the attempted commission of such offense; or (F) is the subject of a finding not resulting in an acquittal at a hearing conducted pursuant to a federal law or the law of another state substantially similar to subsection (a) of Section 104-25 of the Code of Criminal Procedure of 1963 for the alleged violation or attempted commission of such offense; or (ii) is certified as a sexually dangerous person pursuant to the Illinois Sexually Dangerous Persons Act, or any substantially similar federal law or the law of another state, when any conduct giving rise to such certification is committed or attempted against a person less than 18 years of age; or (iii) is subject to the provisions of Section 2 of the Interstate Agreements on Sexually Dangerous Persons Act. Convictions that result from or are connected with the same act, or result from offenses committed at the same time, shall be counted for the purpose of this Section as one conviction. Any conviction set aside pursuant to law is not a conviction for purposes of this Section.
	In practice, there is not much of a distinction between an adult who is on the registry for a juvenile sex offense and an adult who is on the registry for an adult sex offense - the regulations that have been put in place for controlling adult offenders, have generally been put into practice for juvenile offenders who are now at the age of majority. Mistakes are sometimes made by officials when filling out the forms. The wrong box is sometimes checked, which leads to the juvenile being registered	Juvenile Sex Offender Residential Treatment Provider #2	N/A- This consequence is a result of what occurs in practice, but is not the result of a statute. Sometimes a device of the registry, but can vary depending on the offense and where the person is coming from (DOC, DJJ, DCFS, treatment center).

	as a "sexual offender" instead of as a "juvenile." When this happens, they will be published on the adult list and it can be difficult to get the mistake fixed.		
Confidentiality	Individuals who were adjudicated delinquent as juveniles are never required to go on the public sex offender registry. However, there is no specific statutory section or rule that requires that the juvenile sex offender registry remain private. Rather, the Illinois State Police Department chooses not to post a juvenile's sex offense on the public website because it is juvenile court data. This may come from the Community Notification Law Regarding Juveniles (730 ILCS 152/121), which allows for the release of the juveniles information "to any person when that person's safety may be compromised for some reason related to the juvenile sex offender" or to the juvenile's school. However the source of this policy is unclear, and may simply be an interpretation by the Illinois State Police Department. In 2005, the legislature passed a law (730 ILCS 150/2) saying that once a juvenile turned 17 he would be treated as if he had committed the offense as an	Sex Offender Corrections/ Registration Official #2	730 ILCS 152/121 [Community Notification Law Regarding Juveniles] § 121. Notification regarding juvenile offenders. (a) The Department of State Police and any law enforcement agency having jurisdiction may, in the Department's or agency's discretion, only provide the information specified in subsection (b) of Section 120 of this Act, with respect to an adjudicated juvenile delinquent, to any person when that person's safety may be compromised for some reason related to the juvenile sex offender. (b) The local law enforcement agency having jurisdiction to register the juvenile sex offender shall ascertain from the juvenile sex offender whether the juvenile sex offender is enrolled in school; and if so, shall provide a copy of the sex offender registration form only to the principal or chief administrative officer of the school and any guidance counselor designated by him or her. The registration form shall be kept separately from any and all school records maintained on behalf of the juvenile sex offender. 730 ILCS 150/3-5 [Petitioning Process for Juveniles] § 3-5. Application of Act to adjudicated juvenile delinquents. (a) In all cases involving an adjudicated juvenile delinquent who meets the definition of sex offender as set forth in paragraph (5) of subsection (A) of Section 2 of this Act, the court shall order the minor to register as a sex offender. (b) Once an adjudicated juvenile delinquent is ordered to register as a sex offender, the adjudicated juvenile delinquent shall be subject to the registration requirements set forth in Sections 3, 6, 6-5, 8, 8-5, and 10 for the term of his or her registration. (c) For a minor adjudicated delinquent for an offense which, if charged as an adult, would be a felony, no less than 5 years after registration ordered pursuant to subsection (a) of this Section, the minor may petition for the termination of the term of registration. For a minor adjudicated delinquent for an offense which, if charged as an adult, would be a misdemeanor, no less than 2 years after registration ordered pursuant to subsection (a) of

	adult, and must register on the public adult sex offender registry within 10 days of his birthday. However, after much backlash the legislature removed this provision in 2007. At this time, they also created the petitioning process for juveniles, which allows them to petition to be removed from the registry (730 ILCS 150/3-5). (AMENDMENT NO. 1 TO SENATE BILL 121 passed on 5/1/07 in the Senate and 5/29/07 in the house.) The reasoning behind the amendment seemed to be focused on distinguishing between sexual predators and juveniles convicted of far less serious offenses. The legislature said that a "one-size-fits-all approach just doesn't work" and that the new law "strikes a balance between public safety, protecting the rights of juveniles and also the issues revolving around juveniles and privacy." The law is not clear on whether juveniles can still be required by a court to register as an adult at 17- only that they aren't automatically required to. There was nothing more concrete as to		this Section, the minor may petition for termination of the term of registration. (d) The court may upon a hearing on the petition for termination of registration, terminate registration if the court finds that the registrant poses no risk to the community by a preponderance of the evidence based upon the factors set forth in subsection (e). (e) To determine whether a registrant poses a risk to the community as required by subsection (d), the court shall consider the following factors: (1) a risk assessment performed by an evaluator approved by the Sex Offender Management Board; (2) the sex offender history of the adjudicated juvenile delinquent; (3) evidence of the adjudicated juvenile delinquent's rehabilitation; (4) the age of the adjudicated juvenile delinquent at the time of the offense; (5) information related to the adjudicated juvenile delinquent's mental, physical, educational, and social history; (6) victim impact statements; and (7) any other factors deemed relevant by the court. (f) At the hearing set forth in subsections (c) and (d), a registrant shall be represented by counsel and may present a risk assessment conducted by an evaluator who is a licensed psychiatrist, psychologist, or other mental health professional, and who has demonstrated clinical experience in juvenile sex offender treatment. (g) After a registrant completes the term of his or her registration, his or her name, address, and all other identifying information shall be removed from all State and local registries. (h) This Section applies retroactively to cases in which adjudicated juvenile delinquents who registered or were required to register before the effective date of this amendatory Act of the 95th General Assembly. On or after the effective date of this amendatory Act of the 95th General Assembly, a person adjudicated delinquent before the effective date of this amendatory Act of the 95th General Assembly may request a hearing regarding status of registration by filing a Petition Requesting Registration Status with the clerk of the court.

	the legislative intentions for privacy or confidentiality. Around the time the amendment was passed, some juveniles received letters saying that they would be placed on the public registry, while others received letters saying they could petition to be removed. It was a confusing time because of the change in the law.		Upon receipt of the Petition Requesting Registration Status, the clerk of the court shall provide notice to the parties and set the Petition for hearing pursuant to subsections (c) through (e) of this Section. (i) This Section does not apply to minors prosecuted under the criminal laws as adults.
	Confidentiality does not really apply from a practical perspective. Although the juvenile sex offender registry is private, the information is not kept completely confidential. Pursuant to the Community Notification Laws, the county sheriff, Chicago Police Department, and Department of State Police must provide the sex offender's personal and identifying information to locations and people in the county where the sex offender is required to register, including: boards of higher education institutions, public school district school boards, child care facilities, libraries (public and private), public housing agencies, the Illinois Department of Children and Family Services, social service agencies providing services to minors, volunteer organizations, and victims of a	Juvenile Sex Offender Residential Treatment Provider #2 Sex Offender Corrections/ Registration Official #2	730 ILCS 152/120 [Community Notification Law] § 120. Community notification of sex offenders. (a) The sheriff of the county, except Cook County, shall disclose to the following the name, address, date of birth, place of employment, school attended, e-mail addresses, instant messaging identities, chat room identities, other Internet communications identities, all Uniform Resource Locators (URLs) registered or used by the sex offender, all blogs and other Internet sites maintained by the sex offender or to which the sex offender has uploaded any content or posted any messages or information, and offense or adjudication of all sex offenders required to register under Section 3 of the Sex Offender Registration Act: (1) The boards of institutions of higher education or other appropriate administrative offices of each non-public institution of higher education located in the county where the sex offender is required to register, resides, is employed, or is attending an institution of higher education; (2) School boards of public school districts and the principal or other appropriate administrative officer of each nonpublic school located in the county where the sex offender is required to register or is employed; (3) Child care facilities located in the county where the sex offender is required to register or is employed;

	sex offense.		(4) Libraries located in the county where the sex offender is required to register or is employed; (5) Public libraries located in the county where the sex offender is required to register or is employed; (6) Public housing agencies located in the county where the sex offender is required to register or is employed; (7) The Illinois Department of Children and Family Services; (8) Social service agencies providing services to minors located in the county where the sex offender is required to register or is employed; (9) Volunteer organizations providing services to minors located in the county where the sex offender is required to register or is employed; and (10) A victim of a sex offense residing in the county where the sex offender is required to register or is employed, who is not otherwise required to be notified under Section 4.5 of the Rights of Crime Victims and Witnesses Act or Section 75 of the Sexually Violent Persons Commitment Act. [Omitted provisions apply to Cook County Sheriff, Chicago Police Department, and Department of State Police] 730 ILCS 152/121 [Community Notification Law for Juveniles] 152/121. Notification regarding juvenile offenders § 121. Notification regarding juvenile offenders. (a) The Department of State Police and any law enforcement agency having jurisdiction may, in the Department's or agency's discretion, only provide the information specified in subsection (b) of Section 120 of this Act, with respect to an adjudicated juvenile delinquent, to any person when that person's safety may be compromised for some reason related to the juvenile sex offender. (b) The local law enforcement agency having jurisdiction to register the juvenile sex

			offender shall ascertain from the juvenile sex offender whether the juvenile sex offender is enrolled in school; and if so, shall provide a copy of the sex offender registration form only to the principal or chief administrative officer of the school and any guidance counselor designated by him or her. The registration form shall be kept separately from any and all school records maintained on behalf of the juvenile sex offender.
Effects of Failure to Register	If juveniles fail to comply with the registration requirement, it is a felony and it is possible that they may become eligible to convert to lifetime registration. It does not matter how well a juvenile is doing in every other area. Failing to register puts the felony on a juvenile's record and thus makes confidentiality impossible, and the juvenile can be sent back to prison if he or she was on parole.	Juvenile Sex Offender Residential Treatment Provider #2	730 ILCS 150/10 § 10. Penalty. (a) Any person who is required to register under this Article who violates any of the provisions of this Article and any person who is required to register under this Article who seeks to change his or her name under Article 21 of the Code of Civil Procedure[1] is guilty of a Class 3 felony. Any person who is convicted for a violation of this Act for a second or subsequent time is guilty of a Class 2 felony. Any person who is required to register under this Article who knowingly or wilfully gives material information required by this Article that is false is guilty of a Class 3 felony. Any person convicted of a violation of any provision of this Article shall, in addition to any other penalty required by law, be required to serve a minimum period of 7 days confinement in the local county jail. The court shall impose a mandatory minimum fine of $500 for failure to comply with any provision of this Article. These fines shall be deposited in the Sex Offender Registration Fund. Any sex offender, as defined in Section 2 of this Act, or sexual predator who violates any provision of this Article may be arrested and tried in any Illinois county where the sex offender can be located. The local police department or sheriff's office is not required to determine whether the person is living within its jurisdiction. (after researching, was unable to find any mention of whether a failure to register can result in a non-lifetime registration converting to lifetime registration)
Treatment Disruption	The labeling of the registry in terms of self-concept is a real problem. Juveniles start to think of themselves as "sex offenders" instead of as human beings who did something bad and need a proportionate consequence, but	Juvenile Sex Offender Residential Treatment Provider #4	N/A

	also need to be able to move forward. For juveniles, success in treatment is harder when the person is being labeled instead of the behavior. The internal reaction to and the external stigma of the label can create a self-fulfilling prophecy of a juvenile continuing to do "bad things" because he or she is labeled as a "bad person." This is counter-productive to making juveniles productive members of society.		

Appendix K

LOYOLA UNIVERSITY CHICAGO SCHOOL of LAW

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To: Illinois Juvenile Justice Commission
From: Loyola ChildLaw Policy Institute
Date: December 30, 2013
Re: Residency Restrictions for Youth Adjudicated for Sex Offenses

Summary

Following a review of case law as well as the probation and parole statutes in Illinois, no evidence was found that Illinois law requires imposing restrictions on residency or movement for individuals adjudicated as juveniles for sex offenses. Illinois' probation and parole statutes do offer courts and parole boards the authority to impose harsh discretionary restrictions on residency or movement for these individuals, as long as the restrictions are not constitutionally overbroad. There may be certain specific mandatory restrictions under the parole statute for individuals "convicted" of sex offenses, but it is not clear whether these apply to individuals adjudicated as juveniles, and case law was not found interpreting these provisions.

1. Caselaw on Applicability of "Child Sex Offender" Residency Restrictions

There appears not to be any case law addressing the question of whether individuals adjudicated as juveniles for sex offenses would be considered "child sex offenders" under Illinois law, thus subjecting them to additional restrictions on residency and movement.[1] Only one case addresses the issue of residency and movement restrictions for juveniles adjudicated for sex offenses, which involved probation conditions imposed by the trial court and not statutory restrictions on residence or movement.

Only one Illinois Supreme Court case (*In re J.W.*), appears to address the issue of whether, as part of the conditions of probation for a juvenile adjudicated for a sex offense, a trial court could impose a condition that the youth neither reside in nor enter the town of South Elgin during the term of his probation.[2] The court held that the restriction from residing in South Elgin was constitutionally valid, but that banishing the youth from entering South Elgin for any purpose was unconstitutionally overbroad and not reasonable.[3] While the residency restriction was harsh, the court concluded that it was a reasonable condition of probation because the victims of the offense still lived in the neighborhood and because the youth's family had already expressed willingness and intent to move out of the

[1] 720 ILCS 5/11-9.3 defines "child sex offender" as any person who has been convicted or found not guilty by reason of insanity of a sex offense against a person under 18, or who is certified as a sexually dangerous person based on conduct committed or attempted against a person under 18.
[2] *In re J.W.*, 787 N.E.2d 747, 762 (Ill. 2003).
[3] *Id.* at 764-65.

community.[4] On the other hand, the court found that the geographical travel restrictions were overbroad because they failed to make any exception under which the youth might enter the area for legitimate purposes.[5]

2. Probation Conditions under Juvenile Court Act

As discussed in the case above, *In re J.W.*, the Juvenile Court Act grants courts the authority to impose restrictions on residence and movement on juveniles adjudicated delinquent as part of the conditions of probation or conditional discharge (at 705 ILCS 405/5-715(2)). Conditions are not limited to those enumerated in the statute[6] and may be imposed on juveniles adjudicated delinquent for any offense, not just sex offenses.[7] Among other restrictions, courts may order juveniles to "refrain from entering into a designated geographic area except upon terms as the court finds appropriate."[8] Courts may also order juveniles to "refrain from having any contact, directly or indirectly, with certain specified persons or particular types of persons" such as drug users or gang members.[9]

The Juvenile Court Act also requires courts to order that a minor placed on probation or conditional discharge for a sex offense be required to "undergo and successfully complete sex offender treatment" in conformance with Sex Offender Management Board standards, with payment at the minor's expense based on his or her ability to pay.[10] This appears to be the only required probation condition for youth adjudicated for sex offenses under the Juvenile Court Act.

3. Parole Conditions under Unified Code of Corrections

Parole conditions may also impose restrictions on movement or residency for youth released from Department of Juvenile Justice facilities after adjudication for sex offenses. Illinois statute allows the Parole Board to order persons required to register under the Sex Offender Registration Act to comply with specific conditions, including to:

- Reside only at a Department approved location;
- Refrain from entering into a designated geographic area except on terms approved in advance by the DOC or DJJ;
- Not be employed or volunteer with any activity involving contact with children, except under circumstances approved in advance and in writing with the DOC or DJJ;
- Refrain from having any contact with minor children or with other specified persons (including the victim or victim's family) without prior approval by DOC or DJJ; and/or
- Not reside near, visit, or be around parks, schools, day care centers, swimming pools, beaches, theaters, or any other places where minor children congregate without advance approval by DOC or DJJ.[11]

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[4] *id.*
[5] *id.* at 765.
[6] 705 ILCS 405/5-715(2)(u).
[7] 705 ILCS 405/5-715(2).
[8] 705 ILCS 405/5-715(2)(r).
[9] 705 ILCS 405/5-715(2)(s).
[10] 705 ILCS 405/5-715(3.10).
[11] 730 ILCS 5/3-3-6(b-1).

The parole statute (730 ILCS 5/3-3-7(a)) also imposes mandatory conditions on individuals "convicted" of sex offenses as defined under different parts of Illinois statute; it is not clear whether any or all these conditions would apply to individuals adjudicated as juveniles for sex offenses. (The Unified Code of Corrections doesn't define "convicted" and there does not appear to be any case law on this subject).

- An individual "convicted of a sex offense as defined in the Sex Offender Management Board Act" must successfully complete sex offender treatment, as well as refrain from residing at the same address or in the same unit as another person whom he or she should reasonably know is a sex offender.[12] It is difficult to tell whether this restriction applies to juvenile adjudications, given that the Sex Offender Management Board Act (SOMBA) does not define "convicted" but does include under the term "sex offender" any person who is convicted or found delinquent of a sex offense.[13]
- An individual "convicted for an offense that would qualify the accused as a sexual predator under the Sex Offender Registration Act on or after January 1, 2007" must wear an electronic monitoring device for the duration of his or her parole or supervised release.[14] This condition may be more likely to apply to juvenile adjudications, given that unlike SOMBA, the Sex Offender Registration Act provides that "convicted" has the same meaning as "adjudicated" for the purposes of the act.[15]
- An individual "convicted for an offense that would qualify the accused as a sex offender or sexual predator under the Sex Offender Registration Act on or after June 1, 2008" may not possess prescription drugs for erectile dysfunction.[16] Again, this condition seems more likely to apply to juvenile adjudications given the definitions under SORA.
- An individual "convicted of a sex offense as defined in the Sex Offender Registration Act committed on or after January 1, 2010" may not access or use a social networking website or knowingly use computer scrub software.[17] Again, these conditions seem more likely to apply to juvenile adjudications given the definitions under SORA.

[12] 730 ILCS 5/3-3-7(a), subparagraphs (7.5) and (7.6).
[13] 20 ILCS 4026/10.
[14] 730 ILCS 5/3-3-7(a)(7.7).
[15] 730 ILCS 150/2.
[16] 730 ILCS 5/3-3-7(a)(7.9).
[17] 730 ILCS 5/3-3-7(a), subparagraphs (7.12) and (7.13).

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