

The Effects of Adult Criminal Justice Policies Applied to Youth

Symposium Chair: Elizabeth J. Letourneau, Ph.D.

This symposium features research on three different policies that subject youth to adult sanctions. The first study examines the process whereby youth are waived to adult (criminal) court and how this process might differ for youth charged with sexual versus non-sexual offenses. The second study evaluates the potential effectiveness of youth SVP commitments by comparing the recidivism rates of youth evaluated as not having met versus having met commitment criteria. The third study describes an ongoing national survey of practitioners, youth and caregivers regarding the collateral consequences of juvenile registration and notification. The common thread among these policies is that they generally fail to consider developmental and other differences between adult sex offenders and their adolescent counterparts. We will broadly address whether such policies achieve their intended effects of improving community safety.

Waiver to Adult Criminal Court of Juveniles Who Have Sexually Offended

Jenny Rinehart, Ph.D.

In response to public perceptions of a significant serious juvenile crime increase in the 1980s and 1990s, most states amended their laws to allow for juveniles accused of crimes to be treated as adults. One such change was to so-called transfer provisions, expanding the conditions under which juveniles charged with crimes could be transferred to adult criminal court. While transfer policies have been studied in many contexts, to our knowledge no research has focused on the effects of these policies on youth charged with sexual offenses. Thus, in the current study, we evaluate both the predictors of transfer from juvenile to adult court (e.g., youth age, race, priors, type of serious offense) and the outcomes for youth in juvenile vs. adult court (e.g., likelihood of case dismissal, plea bargain, guilty findings, incarceration duration, and recidivism rates). Analyses will be informed by archival juvenile and adult justice records of youth charged with sex offenses (approximately 2,000 youth) and robbery offenses (approximately 2,000 youth) in South Carolina from 1995 to 2005, following the amendment of South Carolina's juvenile transfer laws in 1995. Although both robbery and sex offenses are considered serious person offenses and are eligible for transfer to adult criminal court, we hypothesize that relative to youth charged with robbery offenses, youth charged with sex offenses will face a higher likelihood of transfer, that confounds (e.g., age, priors) will have less impact on this likelihood, and that dismissals and plea bargains will be higher.

Sexually Violent Predator Commitment of Juveniles Who Have Sexually Offended

Michael Caldwell, Psy.D.

Twenty states and the federal government have statutes for the civil commitment of sexually violent persons. At least 10 states explicitly allow some form of juvenile sex offender civil commitment. In several others juveniles may be committed if they are convicted of a sexual offense in criminal (rather than juvenile) court. This study reviewed the records of 198 juveniles who were committed to secured custody after being adjudicated delinquent for a sexually violent offense that qualified them for possible commitment under a Sexually Violent Person's (SVP) civil commitment law. Each youth was screened by at least two expert examiners in a two-step process. Fifty-four of the youth were found to meet the commitment criteria in an initial examination and were subject to an SVP petition. Fifty-one of these were released prior to their final commitment. The remaining 144 were screened out at the first step. Subsequent criminal charges were collected over a 4.97 year mean follow – up. The two groups had similar rates of felony sexual assaults (9.8% for the initially committed youth and 13.2% for the screened out youth).

Collateral Consequences of Juvenile Sex Offender Registration and Notification: A National Survey

Andrew Harris, Ph.D.

Across the United States, laws subjecting minor youth to public sex offender registration have become increasingly common. Despite their ostensible goal of producing a safer society, such policies may in fact compromise public safety through their impacts on youths' psychosocial wellbeing. While such collateral impacts are well known to treatment providers and others who work with sexually abusing youth, the extent and nature of these effects have not been adequately explored in the research literature. This presentation will discuss a current national study examining the impacts of juvenile sex offender registration and notification policies on youth and their families. It will discuss the study's overall scope, present the results from a national survey of treatment providers undertaken as the project's first phase, and present initial descriptive findings from interviews with a national sample of youth in treatment for sexual offending and their caregivers. The youth/caregiver data includes measures related to youth mental health, school experiences, social relationships, attitudes, experiences of traumatic events, and family impacts. Policy implications will be discussed.