



# AN EXAMINATION OF JUVENILE SEX OFFENDERS IN THE ILLINOIS JUVENILE JUSTICE SYSTEM





# **AN EXAMINATION OF JUVENILES ARRESTED, DETAINED, AND ADMITTED TO CORRECTIONS FOR SEX OFFENSES IN ILLINOIS**

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## Key Findings

An adjudication for a sex offense can bring with it lifelong repercussions for juveniles. In many jurisdictions, including Illinois, adjudication of a sex crime can trigger sex offender registration requirements for youth, even for lower classes of offenses. In Illinois, as of August 2016, there were 2,750 individuals on the sex offender registry for sex offenses committed as youth—1,985 on lifetime registration and 765 on 10-year registration. Sex offender registration can have negative financial, emotional, and social effects on youth who commit sex offenses and on their families. Youth may become financially dependent on their families even into adulthood due to employment limitations imposed upon registered sex offenders, and may also put additional financial burdens on families as youth (Comartin, Kernsmith, & Miles, 2010). The negative attention associated with registration, including harassment of one's family or self, can lead directly to isolation and depression (Frierson, Dwyer, Bell, & Williamson, 2008). There are also additional state and federal restrictions that may have other negative impacts on juvenile sex offenders and their families.

The implications of juvenile sex offender registration laws must be understood within the larger context of youth development and juvenile justice. Several Supreme Court cases have established that the Constitution applies differently to youth and adults due to youths' lesser culpability, diminishing justification for harsh sentencing of youth despite potentially severe crimes (*Roper v. Simmons*, 2005; *Graham v. Florida*, 2010; *Miller v. Alabama*, 2012). Ultimately, the Supreme Court acknowledges youths' increased capacity for change and lesser culpability, providing the basis for viewing juveniles through a different lens constitutionally (*Graham v. Florida*, 2010). While the juvenile justice system was created to treat and rehabilitate, responses to juveniles who are adjudicated delinquent for sex offenses, like lifetime sex offender registration, are similar to the responses to adults convicted of sex offenses, which are more punitive in nature. (Justice Policy Institute, 2008).

Given the consequences of sex offender registration laws, it is important to continually study the number and characteristics of those impacted by these laws, and whether sentences for adults are appropriate for juveniles. Additionally, it is beneficial to identify what is required of juveniles on the sex offender registry, as the requirements may differ from adults and currently lack clarity or consistency across the state (i.e. residence, employment). With funding assistance from the Illinois Juvenile Justice Commission, Illinois Criminal Justice Information Authority (Authority) researchers analyzed the characteristics of youth arrested, detained, and admitted to corrections in 2014 for sex offenses and associated trends from 2004 to 2014. Arrests, detentions, and corrections admissions are the juvenile justice system decisions points for which data were available at the individual-level. For this study, the sex offenses analyzed were defined as follows:

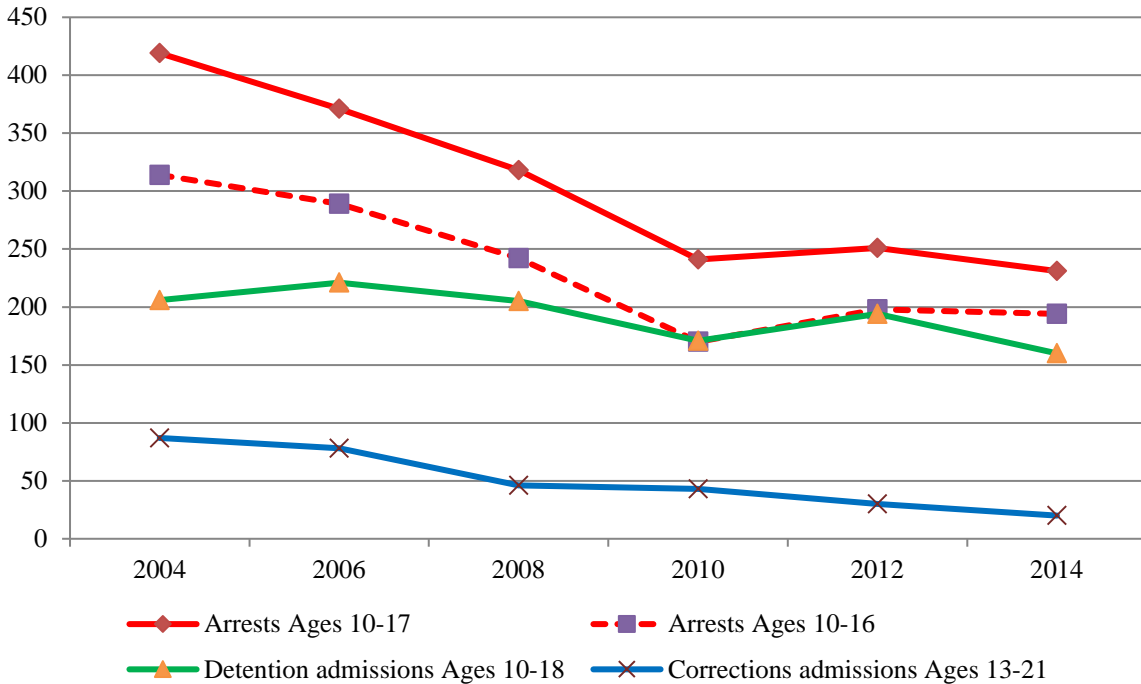
- aggravated criminal sexual assault [720 *ILCS* 5/11-1.30];
- criminal sexual assault [720 *ILCS* 5/11-1.20];
- aggravated criminal sexual abuse [720 *ILCS* 5/11-1.60]; and
- criminal sexual abuse [720 *ILCS* 5/11-1.50].

Overall, the data indicate that, consistent with the literature, a small percentage of youth were arrested, detained, or admitted to corrections for sex offenses in 2014. Moreover, the number of

juveniles entering the system for these offenses has been decreasing since 2004 (Figure 1). This decline is consistent with that noted for all juveniles entering the juvenile justice system generally in Illinois (Hughes, 2016).

**Figure 1**

**Number of Juvenile Arrests and Juveniles Admitted to Detention or State Correctional Facilities for Sex Offenses, 2004-2014**



Data source: Authority analysis of Criminal History Record Information (CHRI) data, Juvenile Monitoring Information System (JMIS) data, and Illinois Department of Juvenile Justice (IDJJ) data. More detail about these systems is available later in the report.

Note: Between 2004 through 2009, juveniles consisted of 10 to 16-year olds. In 2010, statute changed to incorporate 17-year olds arrested for misdemeanors. In 2014, the statute changed again to incorporate all 17-year olds as part of the juvenile system.

*Juvenile Arrests for Sex Offenses*

In Illinois in 2014, there were 231 arrests of juveniles (10- to 17-year olds) for sex offenses, about a 51 percent decrease from 2004. White and Black youth accounted for similar proportions of juveniles arrested for sex offenses (49 percent and 47 percent, respectively). Although White and Black youth accounted for relatively similar proportions of arrests, Black youth were arrested at a rate disproportionate to their representation within the population (they only account for 15 percent of the youth population in Illinois).

*Juvenile Detention Admissions for Sex Offenses*

Of the 160 youth admitted to detention for sex offenses in 2014 (a 22 percent decrease from the 206 youth detained for sex offenses in 2004), 48 percent were charged with aggravated criminal sexual assault. In addition, 37 percent were arrested in Cook County and 78 percent were



between the ages of 14 and 18. White and Black youth accounted for similar proportions of detention admissions (45 percent and 50 percent, respectively). The length of stay for youth detained for sex offenses was more than twice the length of stay for all detainees. Males as well as those between 16- and 17-years old and Black youth generally experienced longer lengths of stay than other youth detained for sex offenses.

Compared to female youth, male youth were detained, on average, 52 more days for aggravated criminal sexual assault, 44 more days for criminal sexual assault, and 28 more days for aggravated criminal sexual abuse.<sup>1</sup> Compared to White youth, Black youth were held in detention, on average, 40 more days for aggravated criminal sexual assault offenses and 12 more days for criminal sexual assault offenses. White youth were held, on average, 7 days longer for aggravated criminal sexual abuse offenses and 9 days longer for criminal sexual abuse offenses.

The average length of stay in detention for 16- to 17-year olds was approximately 86 days for aggravated criminal sexual assault, 57 days for criminal sexual assault, 44 days for aggravated criminal sexual abuse, and 68 days for criminal sexual abuse. On average, compared to 16- and 17-year olds, 14- to 15- year olds spent approximately 38 days less detained for aggravated criminal sexual assault, 11 days less for criminal sexual assault, 2 days less for aggravated criminal sexual abuse, and 48 days less for criminal sexual abuse. Compared to 16- and 17-year olds average length of stay in detention, 12- to 13- year olds spent 53 days less for aggravated criminal sexual assault, 40 days less for criminal sexual assault, 42 days less for aggravated criminal sexual abuse, and 59 days less for criminal sexual abuse. Few 10- to 11-year olds were detained for any sex offense.

### *Juvenile Corrections Admissions for Sex Offenses*

In 2014, there were 20 youth admitted to corrections for a new offense following adjudication for a sex offense, a 51 percent decrease from the 87 admitted in 2004. The percentage of White youth admitted to corrections was higher than Black youth (55 and 40, respectively), although Black youth were still overrepresented compared to their representation in the general population. Further, though over half of juvenile sex offense arrests came out of Cook County, new admissions for juveniles adjudicated delinquent for a sex offense came from the central and southern region of Illinois in 2014.

### *Implications for Policy and Practice*

***The data indicate that the state should invest in examining more closely the policies and practices that produce disparities in which youth are arrested, detained, or admitted to corrections for sex offenses.***

Overall, White and Black youth accounted for a similar percentage of arrests involving sex offenses, although the specific underlying offenses were different. When compared to their representation in the general population, however, Black youth were notably overrepresented at every decision point examined. Moreover, the data showed that Black youth experienced, on average, longer lengths of stay in detention for sex offenses than White youth. These differences

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<sup>1</sup> There were no identified criminal sexual abuse detention commitments for female youth.

warrant further investigation. Research to examine this issue should also explore whether this disproportionately impacts the youth subject to sex offender registration because of the potential adverse effects on the individual, in addition to negative familial and community costs.

***The state should examine more closely whether sex offender registration restrictions are understood by juveniles and by juvenile justice system personnel.***

Over 2,500 Illinois individuals who were adjudicated delinquent for sex offenses as youth are on the sex offender registry, 72 percent for life, and because of this it is important that the juvenile justice system accurately provide, and juveniles fully understand, registry requirements and restrictions. In Illinois, the only requirement for juveniles adjudicated delinquent for a sex offense is to register with his or her local police agency under the Sex Offender Registration Act [730 *ILCS* 150], in addition to any other probation or parole restrictions imposed by the juvenile court. In some cases, juveniles have been asked to abide by rules of the adult sex offender registry which has more restrictions in areas such as housing [730 *ILCS* 150/3-5] (Letourneau, et al., 2009, Human Rights Watch, 2013); however, little is identified in case law or understood regarding what is and is not required for Illinois juvenile sex offenders.

Further, little is known about the extent that juveniles fully understand their rights and restrictions as a registered sex offender. Juveniles adjudicated delinquent for a sex offense are generally informed of their registration requirement post-plea deal, but there is no legal requirement to inform juveniles at adjudication (Human Rights Watch, 2013). Sex offender registration laws can be very confusing to even juvenile justice personnel. First, registration laws vary across states and jurisdictions within a state, and have changed over time (Lytle, 2015). Research has found juvenile justice practitioners have differing perspectives and understanding of enforcement of sex offender laws (Mustaine et al., 2015). Other states hold juveniles adjudicated delinquent for a sex offense to residency restrictions; however, the state of Illinois does not—though this does not encompass federal housing restrictions (T. Newton, personal communication, August 26, 2016).

## Introduction

Sex offenses encompass behaviors that involve non-consensual sexual conduct. The general criminal justice response to youth adjudicated delinquent for sex offenses is similar to that used with the adult population. However, the purpose of the juvenile justice system is to account for the fact that juveniles are different from adults and thus, must be treated differently—providing opportunities for rehabilitation while holding the youth accountable (MacArthur Foundation, 2015). The influence of developmental psychology has provided a framework for state and national policy that affirms the difference between youth and adults, acknowledging the juvenile justice system must be shaped by these differences (MacArthur Foundation, 2015; *Miller v. Alabama*, 2012).

The Supreme Court demonstrates the relevance of developmental psychology through its cases that constitutionally delineate youth from adults. Many of these cases come in the form of argued Eighth Amendment violations that concern the proportionate punishment of juveniles with consideration of defendant characteristics as well as the offense committed—sanctions must be graduated and proportionate to the defendant and the alleged offense (*Woodson v. North Carolina*, 1976; *Roper v. Simmons*, 2005). Among these cases are several that are specific to juvenile offenders and the acknowledgement of their lesser culpability. Supreme Court case law has continually identified youths' character as not “well formed,” citing a lack of maturity and “underdeveloped sense of responsibility” that indicates youth have diminished culpability, placing them in a distinct category in which culpability and severity of penalty must be considered (*Roper v. Simmons*, 2005; *Graham v. Florida*, 2010).

Further, youth are vulnerable to negative influences and environmental pressures that may lead to crime, in which they do not have the ability, capacity, or foresight to remove themselves (i.e. family, peers) (*Roper v. Simmons*, 2005). In *J.D.B. v. North Carolina* (2011), the Court's majority opinion acknowledges age as more than just a number, but as an indication of juveniles' general lack of maturity and responsibility. In particular, the Court notes youths' general inability to recognize and avoid choices that may be harmful to them, as they do not have the “experience, perspective, and judgment” to foresee the potential detrimental effects of their behavior (see also *Roper v. Simmons*, 2005).

Ultimately, the Supreme Court supported the notion that juvenile traits are still malleable (not “fixed”) and their actions less likely to be “evidence of irretrievable depravity”—suggesting the potential for change (*Roper v. Simmons*, 2005; *Graham v. Florida*, 2010). As a result, several court cases provided the foundation for differential sentencing of juveniles by considering their age. This includes:

- barring capital punishment for juvenile offenders (*Roper v. Simmons*, 2005),
- prohibiting a sentence of life without parole for juvenile offenders in the context of a non-homicide offense (*Graham v. Florida*, 2010),
- banning mandatory life without parole sentences for juvenile offenders who commit homicide (*Miller v. Alabama*, 2012), and
- ruling a youth's age must be considered by law enforcement in determination of Miranda warnings during police interrogations (*J.D.B. v. North Carolina*, 2011).

These cases support the notion that the punishment should be proportionate to not only the offense, but defendant characteristics that may contribute to diminished culpability. With regard to sex offender registration requirements, juveniles instead are currently treated similarly to adults, including lifetime registration (Justice Policy Institute, 2008). One potential reason the Supreme Court's jurisprudence on youthful offenders has not been applied to juvenile sex offender registration is because the Supreme Court has held, in a different context, that sex offender registration is nonpunitive in nature (*Smith v. Doe*, 2003) (holding that retroactive application of sex-offender registration requirements does not violate the Ex Post Facto Clause). That holding may make it more difficult to argue that the Supreme Court's cases on allowable punishments for juveniles should apply to sex offender registration requirements (Sterling, 2015). That said, registration certainly has the potential for punitive consequences, such as mobility restrictions, financial consequences, and requirements of criminal prosecution for noncompliance (Illinois State Police, 2016). Furthermore, the Court's holdings recognizing that youth must be treated differently have not been limited to the context of Eighth Amendment challenges to forms of punishment—*J.D.B. v. North Carolina* extended the rationale of treating youth differently to the pretrial *Miranda* determination.

The Sex Offender Registration Act [730 *ILCS* 150] requires juveniles adjudicated delinquent for any misdemeanor or felony sex offense to provide personal identifying information in order to track residence and activities (Pittman & Nguyen, 2011). However, Illinois does not currently share this information with the public on the Illinois State Police sex offender registry.

Registration mandates of adolescents and young adults have been the subject of debate as it pertains to their long-term well-being and reintegration. First, placement on a registry may make it difficult for youth to progress in school and participate in school extracurricular and social activities, as the Illinois State Police provide youths' Sex Offender Registration Form to the principal or chief administrative officer of the school, and any guidance counselor (Justice Policy Institute, 2008; [730 *ILCS* 150/3]). Second, some research suggests sex offender registration may actually increase or create risk to recidivate as adults (Justice Policy Institute, 2008; Caldwell & Dickinson, 2009; Letourneau, Bandyopadhyay, Singha, & Armstrong, 2009). That is, the creation of barriers may prevent conventional transition from adolescent into adulthood, for example, by resulting in more unstructured time (criminogenic need) as well as feelings of isolation (decreased conventional bonds) that may place youth at an increased risk for future offending (Caldwell & Dickinson, 2009; Levenson, D'Amora, & Hern, 2007).

Third, substantial research does not indicate that sex offender registration laws prevent future sexual offending, and research indicates no relationship between juvenile sex offenses and later adult sex offenses (Pittman & Nguyen, 2011). It has been suggested that juvenile sex offender registration is not related to youth risk to recidivate, and does more harm to individuals than good for the public (in terms of promoting safety, for example (Caldwell & Dickinson, 2009; Caldwell, Ziemke, & Vitacco, 2008). In fact, there is little evidence that it keeps the public safe from youth who commit sexual offenses (Caldwell & Dickinson, 2009; Caldwell, Ziemke, & Vitacco, 2008). Research suggests that sex offender registration may be counterproductive to rehabilitation efforts and does not effectively deter antisocial behavior (Justice Policy Institute, 2008; Ackerman, Sacks, & Greenberg, 2012; Harris, Levenson, Lobanov-Rostovsky, & Walfield, 2016).

The purpose of this report is to provide an overview of youth who allegedly commit or are adjudicated delinquent for sex offenses. Authority researchers analyzed the data and to provide a report addressing the following research questions:

- To what extent are juveniles involved in the justice system arrested, detained, and sentenced to correctional institutions for sex offenses? How do these trends differ from youth arrested, detained, and sentenced to correctional institutions for non-sex offenses?
- How do the characteristics of youth arrested, detained, and sentenced to correctional institutions for sex offenses compare to those arrested, detained, and sentenced to correctional institutions for non-sex offenses?
- From which areas of Illinois are juveniles most likely to be arrested, detained, and sentenced to correctional institutions for sex offenses?
- What are the average lengths of stays for youth detained or admitted to correctional institutions for sex offenses versus those for youth detained or admitted for non-sex offenses?

The report has five main sections:

- Section 1 – *Illinois Law, Registration Requirements, and Implications* summarizes federal and state laws related to sex offender registration as well as past research findings associated with its use and consequences.
- Section 2 – *Juveniles Arrested for Sex Offenses* describes the characteristics of youth arrested for these offenses.
- Section 3 – *Juvenile Detention Admissions for Sex Offenses* reviews the data on juveniles admitted to county-run juvenile detention facilities for allegedly committing sex offenses.
- Section 4 – *Juvenile Corrections Admissions for Sex Offenses* details the youth entering state juvenile correctional facilities after having been adjudicated delinquent for a sex offense.
- Section 5 – *Summary and Implications for Policy and Practice* outlines the major findings and associated implications.

The report also contains information about the methodology used and the limitations to the data analyzed. This information can be found in *Appendix A*.

## Section 1 Illinois Law, Registration Requirements, and Implications

This section provides an overview of the Illinois-specific statutes that define sexual offending and the system's response, sex offender registration requirements governed by national and state laws, and the collateral consequences for youth associated with sex offender registration. Collateral consequences include other burdens and sanctions placed upon an individual that may make it difficult to reintegrate into society. Examples of collateral consequences can be social, emotional, financial, and employment-related. The section also provides a brief synopsis of the literature as it relates to recidivism and amenability to treatment, two factors that are often cited as reasons why sex offender registration is needed to protect public safety.

### *Statutory Definitions*

In Illinois, most youth who commit sex offenses are charged with one of four sex-related offenses, ordered from most to least serious:

- aggravated criminal sexual assault [720 *ILCS* 5/11-1.30];
- criminal sexual assault [720 *ILCS* 5/11-1.20];
- aggravated criminal sexual abuse [720 *ILCS* 5/11-1.60]; and
- criminal sexual abuse [720 *ILCS* 5/11-1.50].

Researchers analyzed system data on these four offenses to allow for comparisons between decision points. *Criminal sexual assault* is defined as sexual penetration without consent, and *aggravated criminal sexual assault* is defined as sexual penetration without consent that occurs in a violent, forceful, or threatening way. *Criminal sexual abuse* is defined as sexual fondling or touching without consent, and *aggravated criminal sexual abuse* is defined as sexual fondling or touching without consent that occurs in a violent, forceful, or threatening way. Non-aggravated sexual assault or abuse requires an offender to have known that the victim did not consent to, or could not understand, the act.

Youth may also be arrested, detained, or admitted to correctional institutions for offenses that do not fall into any of the four sex offense categories mentioned, such as possession of child pornography, unauthorized videotaping, or public indecency.<sup>2</sup>

Youth adjudicated delinquent for a sex offense can be sent to a correctional facility in the Illinois Department of Juvenile Justice (IDJJ). Youth who commit sex offenses who are 16- or 17-years old and commit aggravated criminal sexual assault are automatically tried as adults.<sup>3</sup>

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<sup>2</sup>These offenses have been excluded from analysis in this report. See the section on "Limitations."

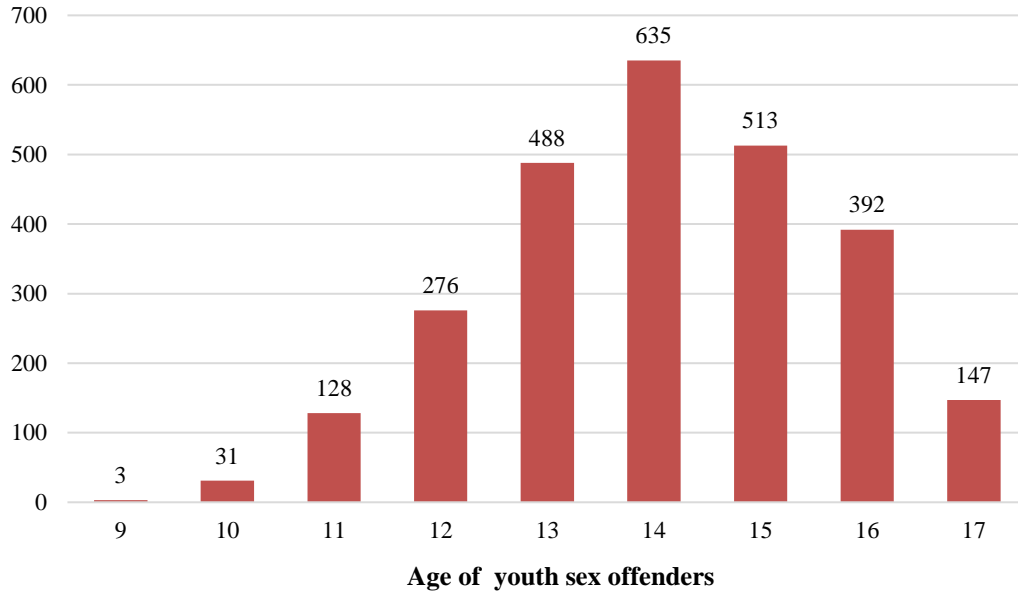
<sup>3</sup>As of January 1, 2014, 17-year-old felony offenders are under the jurisdiction of juvenile court [705 *ILCS* 405/5-120].

## Sex Offender Registration

The federal Adam Walsh Child Protection and Safety Act of 2006 requires states to comply with federal registry standards and created a federal criminal offense for anyone who did not register as outlined in the Sex Offender Registration and Notification Act (SORNA).<sup>4</sup> SORNA outlines guidelines for the registration of youth 14-years and older adjudicated delinquent for a sex offense (McPherson, 2007). Further, the Adam Walsh Act requires states modify sex offender registration systems to comply with federal requirements. If the state is not in compliance, it risks losing 10 percent of their Edward Byrne Memorial Justice Assistance Grant (JAG) funding for law enforcement assistance [42 USC § 16912].

In Illinois, juvenile sex offender registration began on July 1, 1999 (Illinois State Police, 2003). As of August 2016, there were 2,750 juvenile sex offenders registered in Illinois: 1,985 for life and 765 for a 10-year period (T. Newton, personal communication, August 6, 2016). *Figure 2* indicates the number registered by age. In Illinois, youth adjudicated delinquent for a sex offense are required to register with their local law enforcement agency or county sheriff (if in an unincorporated area), who then provide this information to the Illinois State Police. The Illinois State Police, then, maintains a statewide database.<sup>5</sup>

**Figure 2**  
**Number of Individuals Registered as Sex Offenders as Juveniles in Illinois by Age, at the Time of the Offense, as of August 2016 (n=2,613)<sup>a</sup>**



Data source: Illinois State Police Sex Offender Unit

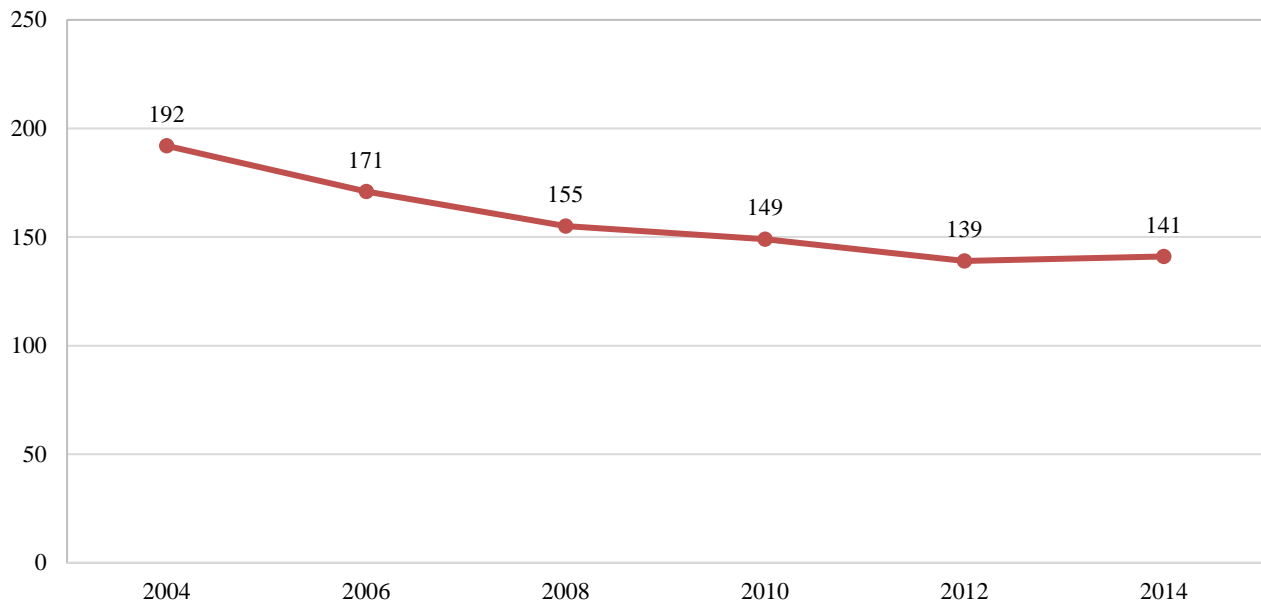
<sup>a</sup>This data incorporates juveniles adjudicated delinquent for a sex offense between 1999 and August, 2016, who are still required to register; There were some registrants in which age was not known at time of the offense (n=137).

<sup>4</sup> For more information on SORNA, see website at <http://www.smart.gov/sorna.htm>.

<sup>5</sup> The Illinois sex offender registry website is at <http://www.isp.state.il.us/sor/>.

Figure 3 indicates the number of juveniles adjudicated delinquent for a sex offense that registered from 2004 to 2014. The decline in number of registrants each year also reflects the declines in arrests, detention, and corrections admissions.

**Figure 3**  
**Total Number of Adjudicated Youth for Sex Offenses on the Registry, 2004-2014<sup>a</sup>**



Source: Illinois State Police Sex Offender Unit, Tracie Newton

<sup>a</sup> Non-cumulative; does not include youth who no longer need to register/who are removed from the registry

The state registry information is then included in the public National Sex Offender Registry (NSOR), which compiles state registry data for all states in the U.S.<sup>6</sup> Currently, 38 states, including Illinois, require youth adjudicated delinquent for a sex offense to register by law. Of those, 15 states allow for information about these youth (including name, address, physical details, and sex offense type) to be put on a public website (does not include Illinois). Twelve states and the District of Columbia have opted out of registration and notification practices and therefore, do not qualify for federal funding pursuant to the Adam Walsh Act (Beitsch, 2015; Parker, 2014).

Youth adjudicated delinquent for sex offenses must register for 10-years or life on the Illinois sex offender registry and must be accompanied by a parent or guardian until the age of 18 when going into their local law enforcement agency or county sheriff's department to register. There is an initial registration fee of \$100 and an annual fee of \$100 each year to renew registration (Illinois State Police website: Sex Offender Information, 2016).

<sup>6</sup> U.S. Department of Justice sex offender registry website is at <https://www.nsopw.gov>.



Youth must register by going, in person, to their local law enforcement agency or county sheriff and provide, in writing, the following information required by the Department of the State Police (as part of the Sex Offender Registration Form):

- current address, including documentation to substantiate residence,
- current place of employment or education, including documentation to substantiate employment or education,
- current telephone number,
- all e-mail addresses,
- all instant messaging, chatroom, or other internet communication identities,
- all Uniform Resource Locators (URLs) registered by individual,
- all blogs or other sites maintained by the registering individual,
- copy of any terms or conditions set forth by the court, probation, or parole,
- county of conviction,
- license plate numbers for every vehicle registered to the registering individual,
- age of the juvenile adjudicated delinquent for a sex offense,
- age of the victim at commission of the offense, and
- any distinguishing marks on the registering individuals' body (i.e. piercings, tattoos, scars, birthmarks) [730 ILCS 150/8].

In addition, registration must include a current photograph (updated annually), DNA submission with a written and signed statement of required reporting information [730 ILCS 150/8], and may include fingerprints. The DNA test costs \$500 that goes into the State Offender DNA Identification System Fund [730 ILCS 5/5-4-3 & 5-9-1].

In 2003, the Illinois Supreme Court ruled lifetime registration is required for juveniles adjudicated delinquent for a sex offense in which the offense would be deemed predatory if convicted as an adult ([730 ILCS 150/1]). A sexual predator is defined as an individual convicted in violation or attempted violation of Criminal Code of 1961 or Criminal Code 2012 [725 ILCS 207/5]. However, juveniles are not classified as sexual predators under that definition, and if their offense falls into the sexual predator category, they are only classified as a juvenile adjudicated delinquent for a sex offense that requires lifetime registration (T. Newton, personal communication, December 13, 2016).

A *sexually violent* youth is deemed so if the youth has been adjudicated delinquent for a sexually violent offense or found not guilty of a sexually violent offense by reason of insanity, and who suffers from a mental illness that may increase the probability of continued sexual violence [725 ILCS 207/1]. Juveniles categorized as sexually violent must also register for their natural life and must renew their registration every 90 days [730 ILCS 150/7].

The Illinois State Police Sex Offender website does not provide names of juveniles adjudicated delinquent of a sex offense and will not release the name after the juvenile becomes an adult (Illinois State Police, 2003). Further, release of a juvenile's information improperly can result in a misdemeanor conviction (Illinois State Police, 2003).

The following are offenses in which a juveniles adjudicated delinquent for a sex offense must register for natural life per the Sex Offender Registration Act [730 ILCS 150/]:

- luring of a minor (10-5.1),
- keeping a place of juvenile prostitution (11-14.4 or 11-17.1),
- juvenile pimping (11-19.1),
- exploitation of a child (11-19.2),
- aggravated child pornography (11-20.1B or 11-20.3),
- criminal sexual assault, if victim is under 12-years old (11-1.20 or 12-13),
- aggravated criminal sexual assault (11-1.30 or 12-14),
- predatory criminal sexual assault of a child (11-1.40 or 12-14.1),
- aggravated criminal sexual abuse (11-1.60 or 12-16),
- ritualized abuse of a child (12-33),
- declared, under the Sexually Dangerous Persons Act or substantially similar federal, sister state, or foreign country law, as a sexually dangerous person,
- declared, under the Sexually Violent Persons Commitment Act or substantially similar federal, sister state, or foreign country law, as a sexually violent person,
- first degree murder when the victim is under 18-years old and defendant is at least 17-years old at commission of offense, provided the offenses was sexually motivated per Section 10 of the Sex Offender Management Board Act.
- Adjudicated delinquent or convicted of a second or subsequent offense, after July 1, 1999, which would require registration pursuant to the Sex Offender Registration Act,
- Adjudication or conviction for federal law, Uniform Code of Military Justice, law of another state, or foreign country that is substantially equivalent to any offenses outlined in the Sex Offender Registration Act, (after January 1, 2011)
- sexual misconduct with a person with a disability (11-9.5),
- kidnapping (10-1),
- aggravated kidnapping (10-2),
- unlawful restraint (10-3),
- aggravated unlawful restraint (10-3.1), or
- child abduction (10-5).

Other restrictions include registering in the jurisdiction (local law enforcement agency or county sheriff for unincorporated areas) where the individual resides for three or more days. Any address change must also occur within three days of any move and reporting to the current registry location must occur at least 10 days before residential or employment establishment in a different state. Further, out-of-state students or employees must also register within 3 days of employment or start of school in the state (to jurisdiction of employment or school), provide Internet protocol (IP) addresses for his or her residence, and notify the agency with current jurisdiction of those changes within 3 days. [730 *ILCS* 150/6 & 730 *ILCS* 150/ 6-5].

Any person considered a child sex offender [720 *ILCS* 5/11-9.4-1] must sign a statement identifying their understanding of restrictions living within 500 feet of a school, park, playground, or any facility providing services geared towards individuals 18-years or younger [720 *ILCS* 5/11-9.3; 720 *ILCS* 5/11-9.4]. Verification of addresses must be done by the agency with jurisdiction at least once a year, with verification completed by supervising officer or aftercare specialist occurring within 15 days of sentencing for offense or release from a penal or detention facility [730 *ILCS* 150/8-5].

While by law youth adjudicated delinquent of a sex offense must register the same way as adults, the notification and record-keeping practices that apply to youth who are adjudicated delinquent for a sex offense are different [730 *ILCS* 150-3-5]. According to Illinois law, the Illinois State Police (ISP) and law enforcement agencies responsible for registering, monitoring, and tracking youth adjudicated delinquent for a sex offense, are the only entities with discretionary power to provide information about the adjudicated youth to another party and only when that other party's safety may be compromised for some reason related to the youth. Additionally, ISP delivers quarterly notifications to all Illinois Sheriffs to provide them with the latest information drawn from the sex offender registry, including information about youth who commit sex offenses (L. Brockmeyer, personal communication, May 3, 2016; also [730 *ILCS* 150/8-5]). Juveniles adjudicated delinquent for a sex offense are subject to partial community notification in Illinois. This includes notification to:

- schools and licensed daycare facilities, or
- when public safety is compromised per discretion of local law enforcement and the Illinois State Police (Illinois State Police, 2003).

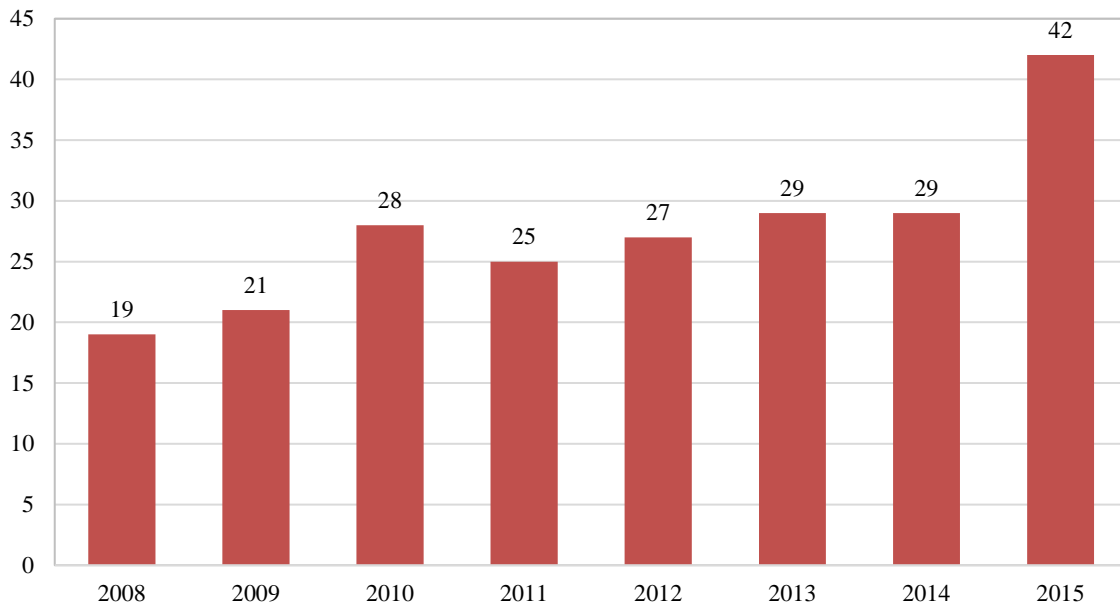
Information provided to schools is done so by the local sheriff or law enforcement agency that has oversight of the juvenile. The local authority verifies the youth is in school, and provides a copy of the Sex Offender Registration Form to the principal or chief administrative officer of the school and any guidance counselor, but to no one else. This registration form must be kept separate from any and all school records maintained on the registered youth [730 *ILCS* 150/3].

Federally, sex offenders who must register for life are disqualified from federal housing assistance per Section 578 of the Quality Housing and Work Responsibility Act of 1998 (QHWRA). Per the 2000 Campus Sex Crimes Prevention Act, any individual that must register in a state registry must also notify any higher education institutions of his or her sex offender status if enrolling in the higher education institution.

In 2007, Illinois' General Assembly introduced a law detailing a process to remove youth from the registry [730 *ILCS* 150/3.5]. However, the process requires significant time and the payment of court fees. Youth adjudicated delinquent for a sex offense that would be considered a misdemeanor if tried as an adult, may petition for removal two years after registration is ordered. If a youth is adjudicated delinquent for a sex offense which would be considered a felony if tried as an adult, the youth can petition the court for removal five years after registration is ordered (Frazier, 2015; T. Newton, personal communication, September 16, 2016).

*Figure 4* depicts the number of petitions that successfully removed individuals' adjudicated delinquent as youth for a sex offense from the Illinois sex offender registry. In 2015, there were 42 successful petitions and there were 16 from January to August 24, 2016.

**Figure 4**  
**Number of Successful Petitions to Remove Youth from Sex Offender Registry, 2008-2015**



Source: Illinois State Police Sex Offender Unit

Removal from the sex-offender registry can be a timely process. To initiate the process, a youth adjudicated delinquent for a sex offense must present a petition to a judge, either on his/her own behalf or through hiring an attorney, who takes into account a risk assessment examining the offender's offense history, mental health, education, physical health, and social history. The assessment is paid for by the defendant. As of October 11, 2007, juveniles who are adjudicated delinquent for a sex offense can petition the court to terminate their duty to register. As of August 26, 2016, 236 juveniles have successfully petitioned the court to terminate their duty to register. If the court finds, by a preponderance of the evidence, that the juvenile registrant does not pose a risk to the community, the court shall terminate the youth's registration requirement (730 ILCS 150/1).

#### *Collateral Consequences of Registration*

Research frequently provides support to the Supreme Court's acknowledgement of juveniles' "lesser culpability" and "malleability" (potential for change). Compared to adults, youth are more likely to make short-sighted decisions, less likely to possess impulse control, and less likely to think about the future consequences of their decisions (Steinberg et al., 2015). This is because the parts of the brain that control impulse and planning are not fully developed before the age of 18, and potentially into the early 20s (Steinberg & Scott, 2003; National Institute of Mental Health, 2011). In fact, researchers and psychologists attribute the majority of sex offenses committed by youth to underdeveloped impulse control or an inability to consider the implications of one's actions (Steinberg et al., 2015; Mulvey et al., 2010).

Within the U.S., 17 states allow community notification for juveniles adjudicated delinquent for sex offenses, and another 31 states allow juveniles to be on the registry (with certain restrictions) as of 2007 (Justice Policy Institute, 2008). Requirements vary greatly from state to state regarding juvenile sex offender restrictions, as states can impose their own restrictions regarding juveniles adjudicated delinquent for sex offenses (Justice Policy Institute, 2008). Some states require community notification, though Illinois is not one of those states—nor does Illinois allow for public identification of juveniles adjudicated delinquent for sex offenses on the state’s public registry. Due to their vulnerable stage in brain development, juveniles who are required to register may also experience negative effects in the areas of psychological development and mental wellbeing (Parker, 2014; Sterling, 2015).

Placement on the registry can have particularly negative effects on the community and peer socialization of a registered youth. The self-perceived stigma attached to registration can give youth anxiety and contribute to worries about being exposed to and judged by the public (Tewksbury & Lees, 2006; Tewksbury & Mustaine, 2009). Negative attention from peers can also be psychologically damaging. One study examined the collateral consequences experienced by 121 registered youth who committed sex offenses in Kansas and found that 47 percent had been harassed in-person, 28 percent had received threatening phone calls, and 16 percent had been physically assaulted due to their registry status (Tewksbury, 2005). Such negative attention can lead directly to isolation and depression (Frierson, Dwyer, Bell, & Williamson, 2008). Finally, the stigma of registering as an offender not only effects the registered youth, but can also lead to the ridicule and harassment of family members and friends (Levenson & Tewksbury, 2009). Because these youth are in a crucial stage of social and emotional development, the combined psychological effects of this social isolation and harassment can be more harmful than those psychological effects experienced by adult offenders (Parker, 2014).

### *Recidivism*

The national recidivism rate for youth who commit sex offenses is 7 percent (Ryan, 2016). By contrast, research has found that juvenile offenders who commit crimes other than sex offenses have recidivism rates of 28 percent to 54 percent (Hart-Kerkhoffs, Doreleijers, Jansen, Wijk, & Bullens, 2009; Ryan, 2016). General recidivism rates for juveniles adjudicated delinquent of all offenses are higher than recidivism rates for juveniles convicted of sex offenses (Justice Policy Institute, 2008). Placing youth on registries has no effect on prevention of sexual reoffending—and may actually increase risk for future sex crimes (Letourneau & Caldwell, 2013). In one study, Letourneau and colleagues found that, at a nine-year follow-up, male youth required to register were at an increased risk to be charged with a new sex offense and at an increased risk to be charged with a new nonviolent offense (but not for convictions in either case) (Letourneau, Bandyopadhyay, Sinha, & Armstrong, 2009b). This suggests that increased surveillance may increase risk for new charges, but does not result in new adjudications or convictions, placing a potentially lifelong stigma on that youth that may also affect youth later in life (Letourneau et al., 2009b).

Once youth who are adjudicated delinquent for a sex offense reach adulthood and mature developmentally, they are less likely to exhibit deviant sexual behavior—or attraction to sexual acts that are illegal or highly unusual (i.e. child, rape, fetishism, bestiality) (McCann & Lussier,

2008). Those youth who do recidivate usually exhibit an antisocial lifestyle and tend to ruminate on deviant sexual thoughts and themes (Hanson & Morton-Bourgon, 2005). According to several studies, sexually deviant youth who committed sex offenses were 23 percent more likely to reoffend sexually than non-deviant youth who were adjudicated delinquent for a sex offenses (Hanson & Morton-Bourgon, 2005). Thus, sexual recidivism is most highly associated with deviant sexual interests, antisocial orientation, and lifestyle instability (Hanson & Morton-Bourgon, 2005).

Research indicates that offense-based registries fail to accurately identify youth at risk to sexually reoffend, with the vast majority of juveniles adjudicated delinquent for a sex offense unlikely to sexually reoffend, even in the long-term (Caldwell, 2010; Letourneau & Armstrong, 2008). Not only are recidivism rates among these youth relatively low, but future delinquency does not appear to be impacted by registration requirements (Parker, 2014; Sterling, 2015). Several studies have found registration fails to prevent future sexual reoffending. One study in particular found no significant differences in sexual recidivism between registered and non-registered youth who were adjudicated delinquent for sex offenses. This study also found that, in both groups, recidivism rates were very low—only two youth in the sample of 222 youth recidivated with a sex offense who were in the registered group (Letourneau & Armstrong, 2008).

### *Amenability to Treatment*

For many years, the treatment of youth who commit sex offenses was modeled on the treatment of adult sex offenders. However, as knowledge about the developmental differences between youth who commit sex offenses and adult sex offenders has increased, the treatment of them has changed (Przybylski, 2014). Treatment can be highly effective because of the developmental stage of youth who commit sex offenses (Riser, Pegram, & Farley, 2013). Adolescents are better able to alter negative cognitive and psychological processes because they are still developing. Even so, due to the complex and varied nature of sex offending, psychological treatment should be tailored to a youth's specific risk and protective factors (Ryan, 2016).

Two common types of treatment for youth who committed sex offenses are cognitive-behavioral therapy (CBT) and Multisystemic therapy (MST). CBT reconditions the individual by presenting him or her with real world consequences for deviant sexual fantasies and feelings. If youth are having deviant sexual fantasies, which is rare, CBT can also involve progressively replacing deviant sexual stimuli with acceptable stimuli during masturbation (Nelson, 2007). Clients also are taught empathy for victims and the denial of justifications for sexual abuse. Further, clients learn social skills and learn to identify and change thinking errors in order to intervene when risky thoughts appear in order to respond with a more socially appropriate and acceptable response. Compared to other adult-focused treatments, CBT treatments tend to generate larger, more significant effects in youth who commit sex offenses (Walker, McGovern, Potey, & Otis, 2005).

MST aims to correct deviant sexual behavior by addressing other areas of the offender's life, such as family, peers, school, and maladaptive thoughts. Therapists offer individuals and their families guidance and resources to address these problem areas (Letourneau et al., 2009; Nelson,

2007), providing clinical therapy, parenting education, social and problem-solving-skill development, academic coaching, and effective communication skills (Borduin, Schaeffer, & Heiblum, 2009). MST has been shown as highly effective for youth who commit sex offenses. One study found that after an average of 8.9 years, 8 percent of youth at high risk for committing additional serious crimes who received MST recidivated, compared to 46 percent of those youth who did not receive MST (Borduin, Schaeffer, & Heiblum, 2009).

Research also has stressed the importance of treating the whole family in cases where victims and offenders are related. A comprehensive, family-based approach with specific interventions may be the most effective treatment for reducing recidivism among offenders of this type (Latzman et al., 2011).

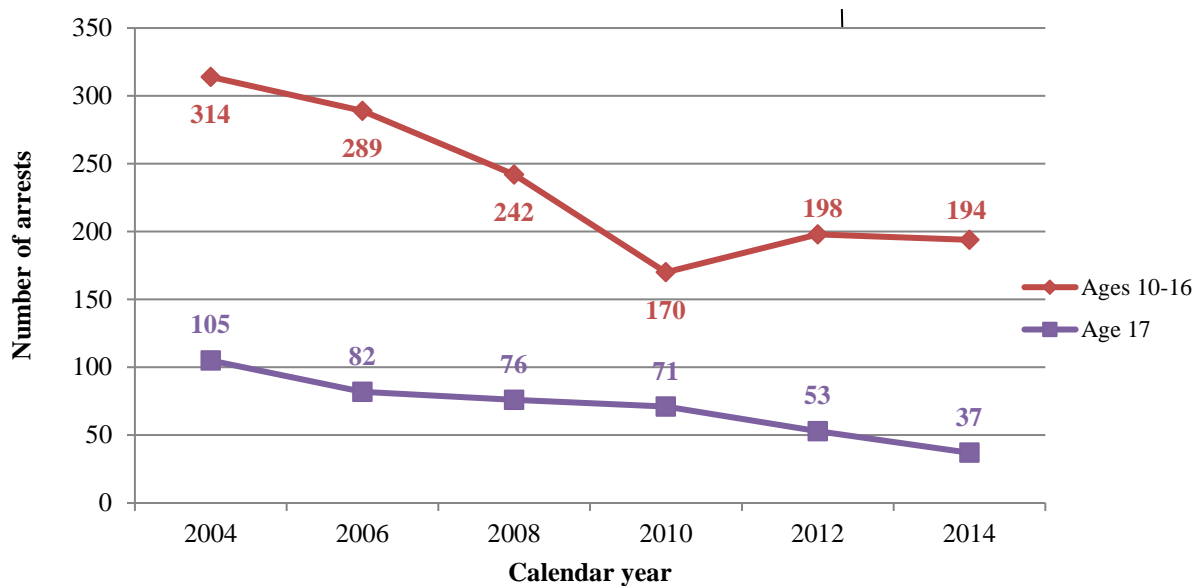
#### *Summary of sex offender law, registration, and implications*

In summary, youth adjudicated delinquent for a sex offense may experience episodes of detainment and incarceration and may be required to register as sex offenders for 10-years or life. While the same restrictions do not apply to all juveniles who are on the registry, there are still collateral consequences socially, educationally, and emotionally that may affect youth required to register for sex offenses. Although public safety is the primary impetus behind sex offender registration laws, little evidence exists that these laws actually make communities safer, with research indicating that these laws can negatively affect youth well-being. Research also indicates that youth adjudicated delinquent for sex offenses have low recidivism rates, particularly for sexual offending, and are typically amenable to treatment.

## Section 2 Juvenile Arrests for Sex Offenses

In Illinois in 2014, there were a total of 35,301 arrests of juveniles for any offense. Of those, 231 were for sex offenses by juveniles for one of the following sex offenses: aggravated criminal sexual assault, criminal sexual assault, aggravated criminal sexual abuse, and criminal sexual abuse (*Figure 5*). *Figure 5* presents the number of 10 to 16-year olds and 17-year olds arrested for these sex offense categories from 2004 to 2014 in Illinois. Seventeen-year olds were separated out of the analysis due to Illinois law changes in 2010 and 2014. In 2010, 17-year olds who commit misdemeanors became part of the juvenile justice system rather than the adult criminal justice system. In 2014, all 17-year olds (misdemeanors and felonies) came under the authority of the juvenile justice system (see *Appendix A* for details on methodology).

**Figure 5  
Illinois Juvenile Arrests for Sex Offenses, 2004-2014**



Data source: Authority analysis of CHRI data

Note: Juvenile arrests for sex offenses includes most serious sex offense charge on each arrest among aggravated criminal sexual assault, criminal sexual assault, aggravated criminal sexual abuse, and criminal sexual abuse.

Note: Arrests include both misdemeanors and felonies for the above categories for all years displayed.

Among the juvenile arrests for sex offenses in 2014, 33 percent were for criminal sexual abuse, and of those, 63 percent were misdemeanors. In 2014, 29 percent of all youth who were arrested for committing a sex offense were for aggravated criminal sexual assault. *Table 1* presents arrest data, including crime types, offense classes, and potential penalties in Illinois.



**Table 1**  
**Juvenile Arrests for Sex Offenses by Crime Type, Offense Class, and Potential Penalty, 2014**

Crime type	Number of arrests (10-16-year olds)	Number of arrests (17-year olds)	Offense class	Prison sentence	Illinois registration requirement
Aggravated criminal sexual assault	60	<10	X	6-30 years	lifetime
Criminal sexual assault	31	<10	1 or X	4-15 or 6-30 years	10 years or lifetime
Aggravated criminal sexual abuse	44	<10	2	3-7 years	lifetime
Criminal sexual abuse (felony)	25	<10	2, 4	3-7 years	10 years or lifetime
Criminal sexual abuse (misdemeanor)	34	14	A or Z	Up to 1 year	10 years

Data source: Authority analysis of CHRI data, Illinois Compiled Statutes.

Note: Class Z refers to low level offenses, often violations of city ordinances.

Of youth charged with sex offenses in Illinois in 2014, 58 percent came from Cook County (where Chicago is located).<sup>7</sup> Of the 108 juveniles arrested in Cook County for a sex offense in 2014, 39 were for aggravated criminal sexual assault, 16 were for criminal sexual assault, 18 were for aggravated criminal sexual abuse, and 35 were for criminal sexual abuse. Among the 35 juveniles arrested for criminal sexual abuse in Cook County, 20 were misdemeanors and 15 were felonies.

#### *Arrests by Age and Sex*

Of those youth arrested for committing aggravated criminal sexual assault, criminal sexual assault, aggravated criminal sexual abuse, and criminal sexual abuse in 2014, 15-year olds made up the largest percentage of arrests for sex offenses (22 percent)—14-year olds accounted for 20 percent of those arrests, as did 16-year olds. Fifty-eight percent were between the ages of 14- and 17-years old. In contrast, youth between the ages of 14- and 17-years old accounted for 91 percent of youths arrested for all other offenses. Female youth accounted for four percent of all juveniles arrested for sex offenses, much lower than the percentage they accounted for other non-sexual offenses (21 percent). *Table 2* presents data on the ages and sex of youth arrested by crime type.

<sup>7</sup> Cook County is more likely to have submitted all arrests for Class A misdemeanor sex offenses, as the Chicago Police Department does not limit juvenile arrest submissions to felonies like law enforcement agencies in other areas do (Devitt Westley & Hughes, 2015).

**Table 2**  
**Juvenile Arrests for Sex Offenses by Age and Sex, 2014**

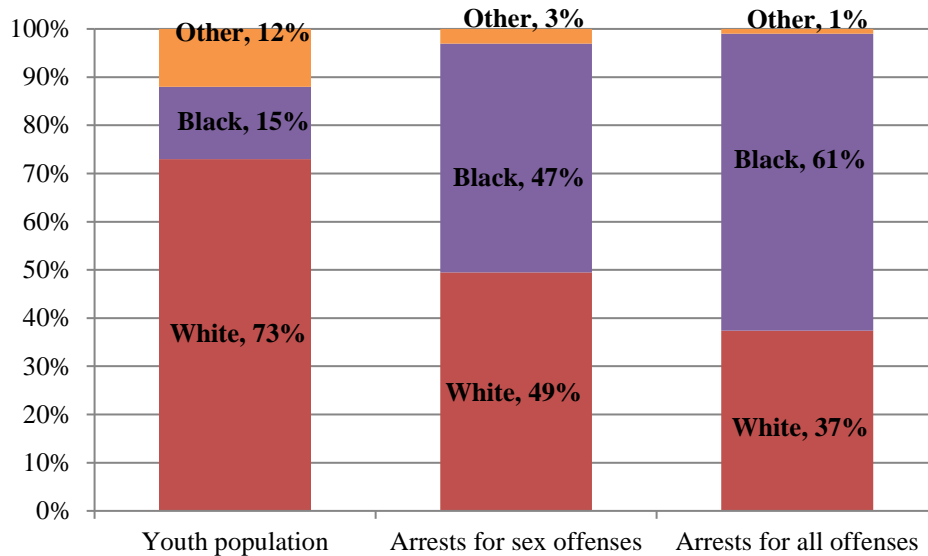
Crime type	Age			Sex	
	10 to 13	14 to 16	17	Male	Female
Aggravated criminal sexual assault	19	41	<10	64	<10
Criminal sexual assault	<10	26	<10	39	<10
Aggravated criminal sexual abuse	13	31	<10	44	<10
Criminal sexual abuse (felony)	10	15	<10	27	<10
Criminal sexual abuse (misdemeanor)	<10	28	14	48	<10

Data source: Authority analysis of CHRI data.

*Arrests by Race*

The numbers of White and Black youth arrested for sex offenses were similar in 2014. Although a similar number of White and Black youth were arrested for sex offenses, when compared to their representation in the general youth population, the data indicate that Black youth were overrepresented among arrestees.<sup>8</sup> Black youth comprised 15 percent of the youth population in Illinois but accounted for almost half of juveniles arrested for sex offenses (*Figure 6*). Also of note is that Black youth overrepresentation in sex offenses was not as pronounced as compared to their arrests for all offenses, where Black youth accounted for 61 percent.

**Figure 6**  
**Juveniles Arrested for Sex Offenses Compared to Juveniles in the Population by Race, 2014**



Data source: Authority analysis of CHRI data, U.S. Census Bureau.

<sup>8</sup> Youth population data comes from the 2014 Census Population Survey (CPS) from the U.S. Census Bureau.

There were more arrests of non-White youth than White youth across each sex offense crime type (*Table 3*).

**Table 3**  
**Juvenile Arrests for Sex Offenses by Race and Crime Type, 2014**

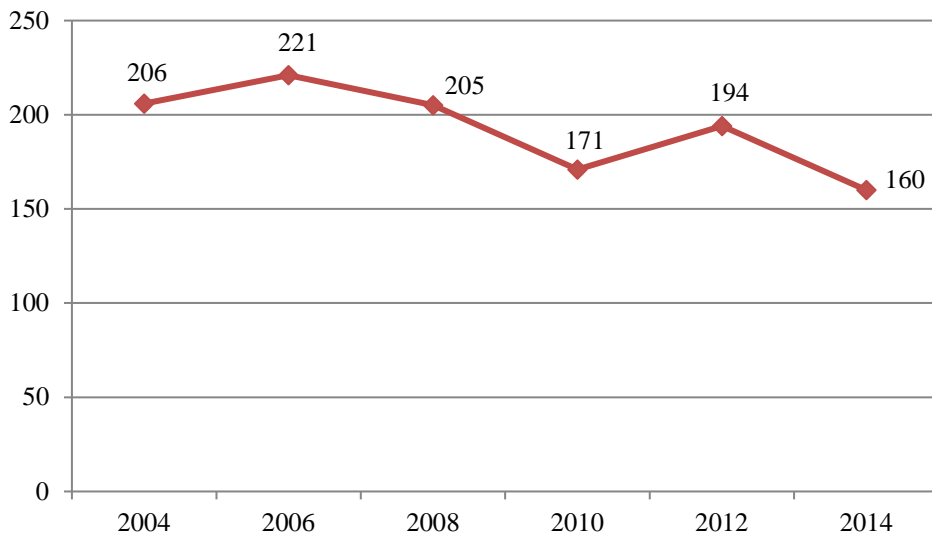
<b>Crime type</b>	<b>Race</b>	
	<b>White</b>	<b>Non-White</b>
Aggravated criminal sexual assault	24	43
Criminal sexual assault	18	22
Aggravated criminal sexual abuse	28	20
Criminal sexual abuse (felony)	14	19
Criminal sexual abuse (misdemeanor)	<10	14

Data source: Authority analysis of CHRI data.

**Section 3**  
**Juvenile Detention Admissions for Sex Offenses**

There were a total of 12,065 detention admissions in 2014. Of that number, 160 (or roughly 1 percent) were admissions of youth charged with aggravated criminal sexual assault, criminal sexual assault, aggravated criminal sexual abuse, or criminal sexual abuse. Admissions from five counties (Cook, Peoria, Madison, Kane, and Lake) accounted for 59 percent of all admissions for sex offenses; more than one-third of admissions for sex offenses were from Cook County alone. Detention admissions for sex offenses for 2014 was down 22 percent from 2004 (*Figure 7*).

**Figure 7**  
**Illinois Juvenile Detention Admissions for Sex Offenses, 2004-2014**



Data source: CPRD analysis of JMIS data.

Of the 160 youth admissions, 48 percent were of youth charged with aggravated criminal sexual assault, the most serious sex offense. *Table 4* shows the number of detention admissions by crime type.

**Table 4**  
**Juvenile Detention Admissions for Sex Offenses by Crime Type, 2014**

<b>Crime type</b>	<b>Number of admissions</b>	<b>Percent</b>
Aggravated criminal sexual assault	76	48%
Criminal sexual assault	30	17%
Aggravated criminal sexual abuse	30	17%
Criminal sexual abuse	24	15%
All other juvenile admissions (non-sex offenses)	11,905	-

Data source: CPRD analysis of JMIS data.

Note: Criminal sexual abuse cannot be broken down by crime class.

*Detention Admissions by Sex and Age*

The number of youth age 14 to 18 detained for a sex offense in 2014 was higher than the number of 10- through 13-year-olds detained for a sex offense, accounting for 78 percent of admissions for sex offenses. By comparison, youth age 14 to 18 accounted for 94 percent of admissions for all other offenses. Differences in the types of charges were noted by age. Youth age 10 to 13 who were detained were more often charged with aggravated criminal sexual assault than older youth while youth between age 14 and 18 were more likely to be admitted for aggravated criminal sexual abuse than younger youth. Criminal history may have factored into the detention of some older youth who commit sex offenses. Male offenders accounted for 97 percent of all admissions for sex offenses while accounting for 83 percent of admissions for all other, non-sex offenses (Table 5).

**Table 5**  
**Juvenile Detention Admissions for Sex Offenses by Age and Sex, 2014**

Crime type	Age		Sex	
	10 to 13	14 to 18	Male	Female
Aggravated criminal sexual assault	22	54	75	<10
Criminal sexual assault	<10	25	28	<10
Aggravated criminal sexual abuse	<10	28	28	<10
Criminal sexual abuse	<10	17	24	0
All other juvenile admissions (non-sex offenses)	738	11,166	9,921	1,984

Data source: CPRD analysis of JMIS data

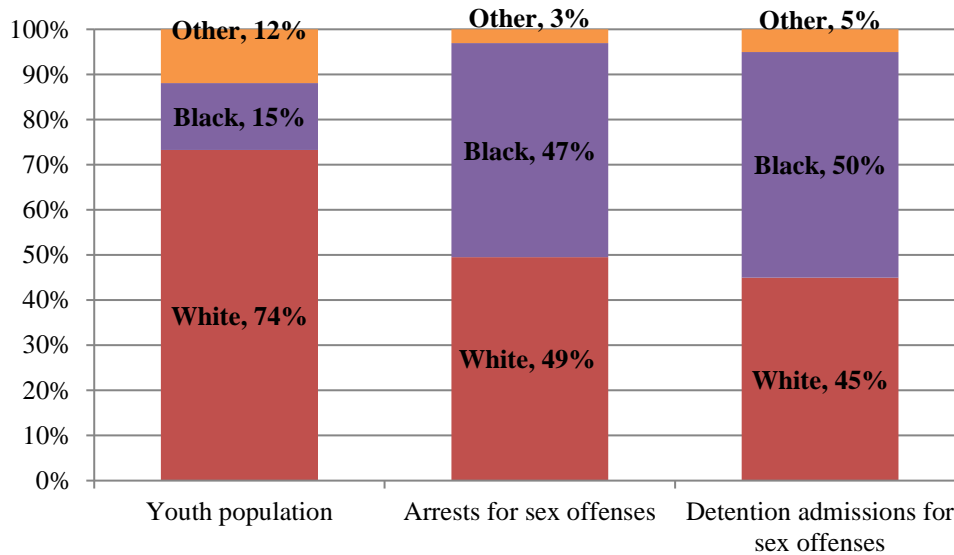
*Detention Admissions by Race*

Black youth accounted for 50 percent of the youth admitted to detention. Black youth accounted for a slightly higher percentage of admissions than White youth,<sup>9</sup> and Black youth were overrepresented as compared to their representation to the general youth population.

Fifteen percent of those admitted for a sex offense were Hispanic, compared to 12 percent of those admitted for all other offenses. *Figure 8* compares youth arrests for sex offenses and youth admissions to detention for sex offenses to the Illinois juvenile population in general by race.

<sup>9</sup> Black youth accounted for 62 percent of admissions for all other offenses.

**Figure 8**  
**Percent of Juvenile Arrests and Detention Admissions for Sex Offenses Compared to the General Population by Race, 2014**



Data source: CPRD analysis of JMIS data.

In 2014, a slightly greater percentage of non-White youth than White youth were detained for the two highest felony-level offenses, while higher percentages of White youth than non-White youth were detained for lower-level offenses (*Table 6*). This finding is consistent with that noted above in relation to arrests.

**Table 6**  
**Juvenile Detention Admissions for Sex Offenses by Crime Type and Race, 2014**

Crime type	Race			
	<u>White</u>		<u>Non-White</u>	
	n	Percent	n	Percent
Aggravated criminal sexual assault	31	43%	45	51%
Criminal sexual assault	12	17%	18	20%
Aggravated criminal sexual abuse	16	22%	14	16%
Criminal sexual abuse	13	18%	11	13%
All other juvenile admissions (non-sex offenses)	4,131	-	7,774	-

Data source: CPRD analysis of JMIS data.

A juvenile sex offender's average length of stay in detention (41 days) is almost twice the average length of stay of all detainees (21 days) and longer for youth who committed aggravated sex offenses (*Table 7*). Males and 16- to 17-year-olds had longer lengths of stay than other juvenile sex offenders (*Table 7*), as did Black youth (*Table 8*). This could be due to current

admitting offense or criminal history. Overall, the average length of stay for youth admitted to an Illinois juvenile detention facility for any type of offense (including a sex offense) was about half that of youth admitted for a sex offense.

**Table 7**  
**Average length of stay (ALOS) in detention by age and sex, 2014**

Crime type	ALOS	Age					Sex	
		10-11 (n<10)	12-13 (n=35)	14-15 (n=68)	16-17 (n=50)	18 <sup>a</sup> (n<10)	Male (n=155)	Female (n<10)
Aggravated criminal sexual assault	52.5	n/a	32.7	48.5	86.1	15.5	53.2	1.0
Criminal sexual assault	44.9	n/a	16.2	45.6	56.5	3.7	47.9	3.5
Aggravated criminal sexual abuse	36.2	n/a	2.5	42.1	43.7	n/a	38.1	10.5
Criminal sexual abuse	31.2	16.0	9.0	20.2	68.0	30.0	31.2	n/a
All other juvenile admissions (non-sex offenses)	20.4	23.3	19.1	18.9	22.5	12.4	21.9	14.9

Data source: CPRD analysis of JMIS data.

Note: ALOS (Average length of stay) was calculated on the basis of admission and release dates as well as times for each detention admission and rounded up to the nearest day (where 'day' was defined as 24 hours.) There is no time-of-day cutoff.

<sup>a</sup>Since youth can be held until the age of 21, there are youth in Illinois Department of Juvenile Justice facilities over the age of 17.

**Table 8**  
**Average length of stay (ALOS) in detention by race and ethnicity, 2014 (in days)**

Crime type	ALOS	Race			Ethnicity	
		White (n=72)	Black (n=80)	Other (n<10)	Hispanic (n=24)	Non-Hispanic (n=136)
Aggravated criminal sexual assault	52.5	31.5	71.1	8.0	13.9	61.2
Criminal sexual assault	44.9	33.3	45.2	112.0	19.0	47.8
Aggravated criminal sexual abuse	36.2	41.4	34.7	4.5	21.6	39.2
Criminal sexual abuse	31.2	35.5	26.4	22.0	17.0	32.5
All other juvenile admissions (non-sex offenses)	20.4	17.9	22.4	20.2	19.6	20.9

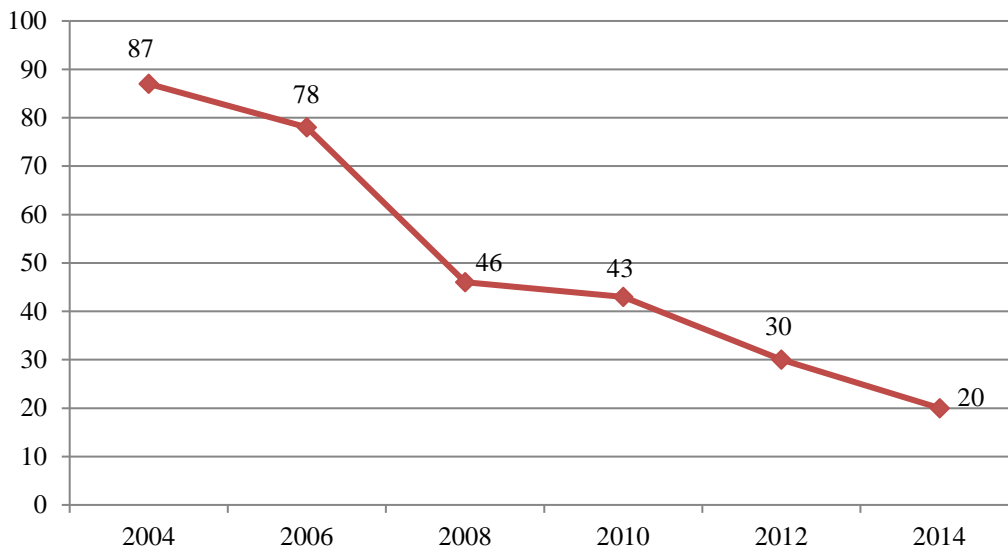
Data source: CPRD analysis of JMIS data.

Note: Average Length of Stay (ALOS) was calculated on the basis of admission and release dates as well as times for each detention admission, rounded up to the nearest day (where 'day' was defined as 24 hours.) There is no time-of-day cutoff.

**Section 4**  
**Juvenile Corrections Admissions for Sex Offenses**

In 2014, 1,532 youth were admitted to the Illinois Department of Juvenile Justice (IDJJ), 910 of which were for new sentence admissions (excludes admissions for technical violations). Of those new sentence admissions, 20 were new admissions of youth adjudicated delinquent for aggravated criminal sexual assault, criminal sexual assault, aggravated criminal sexual abuse, or criminal sexual abuse (2 percent) in Illinois in 2014 (*Figure 9*).

**Figure 9**  
**Illinois Juvenile Corrections Admissions for Sex Offenses, 2004-2014**



Data source: Authority analysis of IDJJ data.

For new youth admissions for sex offenses into the IDJJ, the majority were for criminal sexual assault and aggravated criminal sexual abuse (*Table 9*).

**Table 9**  
**Juvenile Corrections Admissions for Sex Offenses by Charge Category, 2014**

<b>Crime type</b>	<b>Number of admissions</b>
Aggravated criminal sexual assault	5
Criminal sexual assault	6
Aggravated criminal sexual abuse	6
Criminal sexual abuse (felony)	2

Eighty-five percent of new youth admissions to Illinois state juvenile correctional facilities for sex offenses came from the central and southern regions of the state. While youth from Cook County accounted for over half of arrests and one-third of admissions to detention for sex offenses, Cook County youth accounted for only 5 percent of admissions to state juvenile



correctional facilities for sex offenses. Investigation at the local level would provide more detail about the perception and use of corrections in the central and southern counties, which may help explain these discrepancies.

*Corrections Admissions by Sex and Age*

The majority of youth admitted to corrections for sex offenses in Illinois in 2014 were 13-17 years old. Male youth accounted for more than 99 percent of all corrections admissions for sex offenses and 89 percent of admissions for all other offenses (*Table 10*).

**Table 10**  
**Juvenile Corrections Admissions for Sex Offenses by Age and Gender, 2014**

Crime type	Age		Gender	
	13 to 17	18 to 20	Male	Female
Aggravated criminal sexual assault	5	0	4	1
Criminal sexual assault	6	0	6	0
Aggravated criminal sexual abuse	4	2	6	0
Criminal sexual abuse (felony)	2	0	2	0
Criminal sexual abuse (misdemeanor)	1	0	1	0

Data source: Authority analysis of IDJJ data

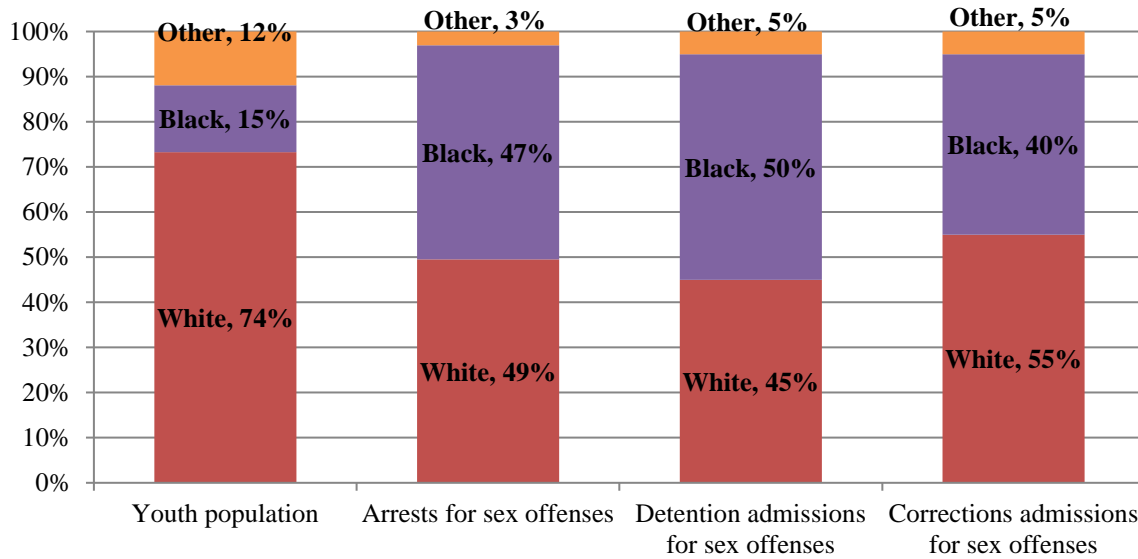
Note: Since youth can be held until the age of 21, there are youth in Illinois Department of Juvenile Justice facilities over the age of 17.

*Corrections Admissions by Race*

Non-White<sup>10</sup> youth account for 45 percent of new admissions into state juvenile correctional facilities for sex offenses and 80 percent of any new admission into state juvenile correctional facilities in 2014. Unlike arrests and admissions to detention where the number of detained White youth was about equal to the number of detained Black youth, the number of White youth admitted to corrections for sex offenses was higher than that of non-White youth. Black youth were still overrepresented when compared to the general youth population, consistent with arrests and detention admissions (*Figure 10*).

<sup>10</sup> Non-White youth consist of Black and Hispanic youth.

**Figure 10**  
**Juvenile Arrests, Detention, and Corrections Admissions for Sex Offenses by Race, 2014**



Data source: Authority analysis of JMIS data, U.S. Census Bureau.  
 Note: The race category “Other” includes Hispanic youth.

More White youth accounted for new commitments to the IDJJ for aggravated criminal sexual assault, aggravated criminal sexual abuse, and criminal sexual abuse than non-White youth (Table 11).

**Table 11**  
**Juvenile Corrections Admissions for Sex Offenses by Race, 2014**

Crime type	Race	
	Non-White	White
Aggravated criminal sexual assault	2	3
Criminal sexual assault	5	1
Aggravated criminal sexual abuse	1	5
Criminal sexual abuse (felony)	0	2
Criminal sexual abuse (misdemeanor)	1	0

Data source: Authority analysis of IDJJ data

*Corrections Admissions by Crime Type and Sentence Length*

Fifty-two percent of youth admitted to corrections for any offense in 2014 in Illinois were adjudicated delinquent of Class 1 or Class 2 felonies. Similarly, most youth (60 percent) were adjudicated delinquent of a sex offense were considered Class 1 or Class 2 felonies. An additional 25 percent were adjudicated delinquent of more serious Class X felony. Of the 20 new commitments for youth adjudicated delinquent for a sex offense, three were adjudicated delinquent of less serious Class 4 felonies or misdemeanors. Youth admitted on Class A misdemeanors may have been sentenced to IDJJ because of their criminal histories, rather than the seriousness of the committing offense [720 ILCS 5/11-1.50]. *Table 12* shows the number of juvenile sex offenders admitted to IDJJ by crime type and offense class.

**Table 12**  
**Juvenile Corrections Admissions for Sex Offenses by Crime Type and Offense Class, 2014**

<b>Crime type</b>	<b>Class X or M</b>	<b>Class 1</b>	<b>Class 2</b>	<b>Class 3</b>	<b>Class 4</b>	<b>Misdemeanor</b>
Aggravated criminal sexual assault	5	0	0	0	0	0
Criminal sexual assault	0	6	0	0	0	0
Aggravated criminal sexual abuse	0	0	6	0	0	0
Criminal sexual abuse	0	0	7	0	2	1
Total crime type by offense class	5	6	6	0	2	1

Data source: Authority analysis of IDJJ data.

For all juvenile offenses, the majority (87 percent) were admitted to IDJJ between three and 11 months. The majority of juvenile sex offenders (80 percent) were sentenced to IDJJ between 12 and 24 months. The severity of the offense was related to the length of the sentence to IDJJ. *Table 13* shows the sentence lengths for juvenile sex offenders admitted to an IDJJ facility.

**Table 13**  
**Juvenile Correction Admissions for Sex Offenses by Sentence Length and Crime Type, 2014**

<b>Sentence length</b>	<b>Aggravated criminal sexual assault</b>	<b>Criminal sexual assault</b>	<b>Aggravated criminal sexual abuse</b>	<b>Criminal sexual abuse (felony)</b>	<b>Criminal sexual abuse (misdemeanor)</b>	<b>All admissions for sex offenses</b>
3 to 11 months	0	0	0	2	1	3
12 to 24 months	5	5	6	0	0	16
Over 24 months	0	1	0	0	0	1

Data source: Authority analysis of IDJJ data.

## Section 5 Summary and Implications for Policy and Practice

Overall, the data indicate that, consistent with the literature, a small percentage of youth involved with the juvenile justice system were arrested, detained, or admitted to corrections for sex offenses in 2014 in Illinois.<sup>11</sup> Moreover, the number of juveniles entering the system for these offenses has decreased since 2004. This downward trend mirrors the decline noted in juveniles entering the juvenile justice system generally (Hughes, 2016).

Most youth arrested, detained, and sent to state juvenile correctional facilities for sex offenses were male and over 14 years of age. Black youth were overrepresented compared to their representation in the general youth population, despite accounting for a smaller percentage of arrests, detentions, and admissions to juvenile correctional facilities for sex offenses.

Most youth were arrested for committing criminal sexual abuse (most of which were misdemeanors), followed closely by aggravated criminal sexual assault. Further, most youth detained for sex offenses entered those facilities for aggravated criminal sexual assault. Most youth admitted to state juvenile correctional facilities were for criminal sexual assault or aggravated criminal sexual abuse. While the majority of youth arrested and held in detention facilities for sex offenses were from Cook County, the majority of youth admitted to corrections were from the central and southern regions of Illinois. Finally, youth admitted to corrections for sex offenses served twice the sentence length as those admitted for non-sex offenses.

***The data indicate that the state should invest in examining more closely the policy and practices that produce disparities in which youth are arrested, detained, or admitted to corrections for sex offenses.***

Overall, White and Black youth accounted for similar percentages of youth arrested, detained, and admitted to corrections, although the underlying offenses were different. Black youth accounted for a higher percentage of aggravated criminal sexual assault and criminal sexual assault arrests, whereas White youth accounted for a higher percent of aggravated criminal sexual abuse and criminal sexual abuse arrests. White youth accounted for a higher percentage of admissions to state juvenile correctional facilities than Black youth for sex offenses. However, compared to their representation in the general population, Black youth were notably overrepresented at all data points: arrest, detentions, and admissions to corrections. Moreover, the data showed that Black youth averaged longer lengths of stay in detention for most sex offenses compared to White youth. The analyses also appear to indicate there may be differences in how the juvenile justice system processes juveniles by county.

The underlying factors producing these differences and whether the differences are appropriate is difficult to know given the lack of data before and after the points of arrest, detention, and admission to juvenile corrections. These differences warrant further investigation not just because of the long-term consequences of sex offender registration, but also because of the associated individual, familial, and community costs associated with even short periods of

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<sup>11</sup> This refers to aggravated criminal sexual assault, criminal sexual assault, aggravated criminal sexual abuse, and criminal sexual abuse.

detainment and incarceration. Placement in correctional facilities may interrupt natural crime desistence processes (Holman & Ziedenerg, 2006) and social maturation (Dmitrieva, Monahan, Cauffman, & Steinburg, 2012), negatively affecting prosocial bonds and attachments that have shown to protect youth from further offending. Further, this may increase the likelihood of reoffending and delinquent behavior by providing an avenue through which criminal networks are expanded and peer support for criminal behavior is strengthened (Dishion, McCord, & Poulin, 1999; Bayer, Hjalmarsson, & Pozen, 2007). Although detention or incarceration may sometimes be appropriate, additional research and consistent access and analysis of data is necessary, given the impact registration or any incarceration can have on youth well-being and long-term outcomes.

***The state should examine more closely whether sex offender registration restrictions are understood by juveniles and by juvenile justice system personnel.***

As of August 26, 2016, there were a total of 2,750 youth on the Illinois sex offender registry. Of those, 1,985 had lifetime registration and 765 had 10-year registration (T. Newton, personal communication, August 26, 2016). Since so many youth are affected, it is important that youth who commit sex offenses, their families, criminal justice system practitioners, and the public have accurate and reliable information regarding restrictions for youth who commit sex offenses (T. Newton, personal communication, August 26, 2016). Ultimately, because youth are not “convicted”, but rather, are “adjudicated,” none of the restrictions outlined in 720 ILCS 5/11-9.3 and 9.4-1 apply to youth who are adjudicated delinquent for sex offenses. Illinois youth who are adjudicated delinquent for sex offenses are only required to adhere to the Sex Offender Registration Act [730 ILCS 150], in addition to any other probation or parole restrictions. However, youth as well as juvenile justice system personnel, may not be aware of the differences in adult and youth registration requirements (T. Newton, personal communication, August 26, 2016).

There may be many areas of misconception about juvenile and adult sex offender registry requirements. First, the sex offender laws are complicated. Registry requirements and community notification laws vary from state to state in scope and impact, particularly with regard to juvenile sex offenders (Garfinkle, 2003). In addition, sex offender laws have changed over time with respect to types of offenses that require registration, sexual predator distinctions, and age criteria for registration (Lytle, 2015).

Second, there may be misconceptions about the differences in juvenile and adult sex offender registration. In Illinois, juveniles adjudicated delinquent for sex offenses are not required to abide by the same restrictions in the community as adult sex offenders (Letourneau et al., 2009). Current Illinois registration laws only require juveniles adjudicated delinquent of a sex offense to register with their local law enforcement agencies, but there are no specific restrictions to housing and other conditions with which adults must comply. These misconceptions may also be true of juvenile justice officials who may have differing perspectives and understanding of sex offender laws (Mustaine et al., 2015). Illinois does not require juveniles adjudicated delinquent for a sex offense to comply with specific housing, loitering, education/employment, and other conditions that are required for adult sex offenders (T. Newton, personal communication, August 26, 2016).

Third, juveniles may not fully comprehend or understand their rights and restrictions as a registered sex offender. Juvenile sex offenders are most frequently informed of their registration requirement post-plea deal and there is no clear legal requirement that juveniles be informed of this prior to or at adjudication—though this may vary by state and jurisdiction (Human Rights Watch, 2013). Other research has found juveniles lack an understanding of juvenile justice system processes and that juvenile justice professionals may not know nuances of those processes either (Illinois Juvenile Justice Commission, 2016). If juvenile sex offender and registry removal statutes are misunderstood or lack clarity, there is potential for further negative impact on those juveniles required to register—who may also believe they are restricted in ways similar to adults.

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## **Appendix A**

### **Study Methodology and Limitations**

To study the population of youth who commit sex offenses in Illinois, Authority researchers analyzed data drawn from three different juvenile justice decision points: arrests, admissions to detention, and admissions to corrections. Each is summarized below.

#### *Arrest data*

Criminal history record information for the study sample was electronically extracted from the Criminal History Record Information (CHRI) System, the state's central repository for criminal history information, which is maintained by the Illinois State Police (ISP). The CHRI System contains information on each offender. Statutory law requires that information be submitted to the CHRI System by arresting agencies, state's attorney's offices, circuit courts, and state and county correctional institutions, for the purpose of creating a cumulative history (or 'rap sheet') for individuals moving through the juvenile and criminal justice systems. Upon arrest, an individual is fingerprinted using a paper card or an electronic Live scan system; the fingerprint record is then forwarded to ISP for processing and posting in the individual's criminal history record. The Authority has access to most of the information in the CHRI System via ISP's database, which allows extraction of complete CHRI records for research purposes.

While there are many similarities between juvenile and adult criminal history records, reporting requirements for juvenile records focus on the most serious offenses for the purpose of creating transcripts (or rap sheets). Since 2000, the Illinois Criminal Identification Act [20 *ILCS* 2630/5-5] and the Illinois Juvenile Court Act [705 *ILCS* 405/5-301] have mandated reporting of felony arrests and prosecutions to the CHRI System. The acts allow discretion in the reporting of Class A and B misdemeanor arrests and prosecutions. In actuality, the CHRI System will accept any arrest record submitted with fingerprints, including petty offenses and local ordinance violations. Discretionary reporting poses a challenge for researchers who use CHRI System data to examine Illinois' juvenile justice system. Even with all relevant juvenile records extracted from the system, it is difficult to determine the extent to which they adequately represent the true nature of juvenile justice system activity (Devitt & Hughes, 2015).

Authority researchers examined only those juvenile CHRI arrest records that included arrest charges for the four sex offense categories of interest:

- criminal sexual assault [720 *ILCS* 5/11-1.20];
- aggravated criminal sexual assault [720 *ILCS* 5/11-1.30]
- criminal sexual abuse [720 *ILCS* 5/11-1.50]; or
- aggravated criminal sexual abuse [720 *ILCS* 5/11-1.60].

For each arrest event in a criminal history record, charges were identified based on offense class and coded into major categories based on statutory definitions. In this study, the category 'sex offense' included any offense that met the criteria embedded in the four sex offense categories of interest.

The CHRI data used in this report were extracted in December 2016 for analysis. All of the data were analyzed using Microsoft Excel and SPSS (Statistical Package for the Social Sciences). Before the analysis, names were removed, although state IDs were not, so that the unique number of arrestees might be determined. In other words, the data are presented as number of unique arrests based on the most serious offense charged at arrest. The hierarchical order from most serious to least serious is as follows: aggravated criminal sexual assault, criminal sexual assault, aggravated criminal sexual abuse, criminal sexual abuse. Additionally, data were aggregated to the county and state levels.

In 2010, Illinois law moved 17-year old misdemeanor offenders from the adult to the juvenile system. Later, in 2014, all 17-year-old offenders were moved to the juvenile system by Illinois law. To account for this change in statute, youth ages 10- to 16-years old are reported from 2004 through 2014, and 17-year old youth are identified separately within those years in order to more precisely report out on arrest statistics for the trend analysis. It should be noted that because state law [20 ILCS 2630/5] does not require arresting agencies to submit juvenile arrest records to the CHRI system for misdemeanor arrests, juvenile arrest statistics generated from CHRI data should be viewed as estimates and not absolute figures. Trends observed in the data may reflect changes in reporting practices as much as changes in actual arrest volumes or underlying criminal behavior.

Authority researchers analyzed data using the juvenile sex offense categories adopted in the report *Improving Illinois' Response to Sexual Responses to Sexual Offenses Committed by Youth – Recommendations for Law, Policy and Practice* (Illinois Juvenile Justice Commission, 2014) in order to compare the rates of criminal activity over time. Researchers also used SPSS to generate descriptive statistics and identify trends over time as well as crosstabs to find bivariate associations.

#### *Detention Admission Data*

Data for this report were generated from the Juvenile Monitoring Information System (JMIS), a database maintained by the Center for Prevention Research and Development (CPRD) at the University of Illinois at Urbana-Champaign. Once in custody, police may either release a youth to his or her parents or guardians, or, if the youth is at least 10 years of age, use a detention screening instrument to assess whether to detain the youth. Screeners consider the need for placement in a detention facility based on factors such as flight risk and whether the youth is a danger to himself or the community (Bostwick, 2010). Youth admitted for sex offenses are typically treated like other juvenile offenders, who are admitted based on the severity of the offense, their criminal history, their current legal status (for example, on probation), and any aggravating factors, such as the age of the victim or the injury the victim sustains (personal communication, two superintendents of detention centers, one manager at Administrative Office of Illinois Courts, June 1, 2016).

In January 2016, researchers from the CPRD extracted detention data from JMIS, which was then formatted and analyzed. As with the analysis of arrest data, researchers used juvenile sex offense categories found in the report, *Improving Illinois' Response to Sexual Responses to*

*Sexual Offenses Committed by Youth—Recommendations for Law, Policy and Practice* (Illinois Juvenile Justice Commission, 2014) in order to compare criminal activity over time.

Developed in 2004 and funded by the Illinois Juvenile Justice Commission with support from the Illinois Department of Human Services, JMIS is a web-based data platform which gathers and disseminates data on youth in all juvenile detention facilities in Illinois. Each detention center utilizes its own data information system to track and monitor youth in its facility. Each detention center is responsible for uploading (or hand-entering) its de-identified data from its detention data system into JMIS. The data are then used for state and local crime trend analysis and planning for responses to crime. It is the responsibility of the detention centers to ensure that their data are accurate and complete in JMIS.

All juvenile detention data used in this report were collected on new admissions to detention within the calendar years 2004 to 2014. A ‘detention admission’ is defined as a single entry into any of the Illinois juvenile detention centers during the reporting period. (A single youth might experience more than one entry during a given reporting period; different entries are thus recorded as separate admissions.)

#### *Corrections Admissions Data*

Prior to state fiscal year 2015, the Authority received data from the Planning and Research Unit of the Illinois Department of Corrections on youth age 13 to 20 admitted to, serving time in, and leaving any IDJJ facility. As of state fiscal year 2015, data are maintained on a statewide network (Youth 360) that stores information provided by all nine juvenile correctional institutions around the state in a centralized database maintained by IDJJ. Analyses on corrections admissions is reported out in calendar years.

The Authority was provided with annual case-level files derived from that central database. These files contain youth demographics, information on holding charges, and admission and release dates. Prior to performing our analysis, all names were removed from the corrections data. Additionally, data were aggregated to the county, judicial circuit, and state levels, and then analyzed using SPSS (Statistical Package for the Social Sciences) and Microsoft Excel. Researchers also used SPSS to generate descriptive statistics and identify trends over time as well as crosstabs and t-tests to find bivariate associations.

IDJJ indicates whether or not a youth admitted for a sex offense must register as a sex offender upon his or her release. This decision is made by IDJJ Records Department staff after a review of the committing offenses and criminal histories of the youth (B. Groot, personal communication, March 9, 2016).

### *Study Limitations*

There are some limitations to the analyses which form the basis of this report.

First, not all sex offenses are included in the four statutory categories analyzed in this report. This allowed for more consistent analysis across arrest, detention, and admissions data. Other sex offenses not incorporated into this report include possession of child pornography, public indecency, unauthorized videotaping of an individual, predatory criminal sexual assault, and others. Some of these offenses may not statutorily result in detention time or admission to an Illinois Youth Center. The only statutory category analyzed that also may not result in detention time or admission to an Illinois Youth Center is criminal sexual abuse classified as a misdemeanor.

Second, state law [20 ILCS 2630/5] does not require arresting agencies to submit juvenile arrest records to the CHRI system for misdemeanor arrests, although they will be accepted if submitted. This may affect the volume of arrests for criminal sexual abuse, especially in the central and southern regions of the state, where misdemeanor arrests are less likely to be reported to CHRI (Devitt Westley & Hughes, 2015). Additionally, sex offenses can only be expunged if the offense would not be considered a felony if prosecuted in criminal court [705 ILCS 405/5-915]. Therefore, juvenile arrest statistics generated from CHRI data should be viewed as estimates and not absolute figures. Trends observed in the data may reflect changes in reporting practices, actual arrest volumes, statutory or policies changes, or underlying criminal behavior. Individual case level analyses would have to be performed in order to generate more in-depth information. In order to address this limitation, several graphs and figures separate out 17-year olds to provide that insight.

Third, there may be instances in which some Illinois youth are detained in detention facilities outside of Illinois even though the delinquent behavior (or alleged delinquent behavior) occurred in Illinois. Data recording such detentions are not entered into JMIS and are therefore not included in this report. Data do not include identifying information (names and numeric identifiers, for example) and are aggregated to the county and state levels. Already published data tables were used for analysis in this report and therefore statistical analyses by Authority staff were not conducted.

Fourth, data on sex offenses are collected differently for each dataset. Arrest data are determined by statutory definition, detention data are defined by UCR codes, and corrections data are based on codes developed by the Illinois Department of Corrections Planning and Research staff. Additionally, there may be instances where juvenile sex offenders commit offenses in Illinois but are detained out of state. Data from other correctional facilities are not included in the Illinois detention data.

Fifth, it is impossible to examine the total range of sentences for juvenile sex offenses because there is no probation data available. It is unknown how many youth arrested and adjudicated delinquent for sex offenses are sentenced to probation.



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