



Illinois Juvenile Justice Commission

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Illinois' First Comprehensive Study of Youth Who Have Sexually Offended Finds They Are Highly Amenable to Treatment and Unlikely to Reoffend

Recommendations: Illinois should implement evidence-informed policies for professionals who work with victims and youth offenders; provide individualized, community-based, family-focused treatments and services; and repeal counter-productive sex offender registration requirements and categorical restrictions for young people.

SPRINGFIELD – The Illinois Juvenile Justice Commission on Tuesday released the results of the state’s first comprehensive study of laws, policies and best practices for working with youth who have sexually offended. Based on those findings, the Commission made a series of recommendations to increase public safety, improve outcomes for young offenders, hold youth accountable in a manner that supports victims and families, and allocate scarce public resources effectively.

A state law enacted in 2012 directed the Commission to conduct the study and to make recommendations to ensure the effective treatment and supervision of youth who are adjudicated delinquent (found guilty) for a sex offense.

The 150-page report, “Improving Illinois’ Response to Sexual Offenses Committed by Youth,” is based on the Commission’s analysis of state and national laws; its review of extensive research on the topic; and interviews of practitioners who work with victims of sexual abuse, youth who have offended and the families impacted by youth sexual offending. The Commission also performed a review of files of youth adjudicated delinquent for sex offenses to understand and document current responses to youth who have committed sex offenses.

“The increased availability of high-quality, reliable, youth-specific research findings presents an exceptional opportunity to align law and practice with expert consensus about best practices for responding to youth sex offenses,” the report states. “Most importantly, research over the last few decades has conclusively established that youth are highly amenable to treatment and highly unlikely to sexually reoffend.”

“Research also indicates that strategies used with adults – principally sex offender registries and residency/employment restrictions – are not only unnecessary as applied to youth, but also counterproductive, as they often jeopardize victim confidentiality and can interfere with youth rehabilitation to an extent that undermines the long-term safety and well-being of our communities,” according to the report.

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“The General Assembly called for this study because legislators recognized that discussions of this topic often are charged with emotion but lack solid information about young people committing sexual offenses and about proven methods of treatment and supervision of these youth,” said George W. Timberlake, who is Chair of the Commission and retired chief judge of the Second Judicial Circuit. “Without minimizing the harm experienced by victims of sexual offending, our research makes clear that most youth sexual offending has roots in developmental issues such as immaturity, developmental delays, deficits in social skills and difficulties coping with prior sexual abuse.”

OVERVIEW OF FINDINGS

Sexual offending by youth can encompass a wide range of behaviors, including inappropriate exposure or masturbation, touching or fondling, or acts of sexual penetration. The number of youth arrested for sexually offending in Illinois is small and appears to be declining. Only 232 youth in Illinois were arrested for a sexual offense in 2010, down from 434 in 2004. Youth detained or incarcerated for sex offenses are a very small percentage of youth in county detention centers and state juvenile prisons.

The vast majority of these youth have not acted in response to a deviant sexual arousal or a focused intent to harm others, which are considered key risk factors for future sexual offending. Instead, most youth sexual offending has roots in developmental issues such as immaturity, developmental delays, deficits in social skills and difficulties coping with prior sexual abuse. Research on adolescent brain development shows that youth are still gaining the capacity to make decisions, control impulses, make moral judgments, consider future consequences, and react to positive and negative feedback.

Youth who sexually offend are very unlikely to become adult sexual offenders. Most youth sexual offending involves a family member or a person known to the youth and is not predatory. Treatment does work, and different types of interventions have been found to be effective in changing the harmful behavior of youth who sexually offend. The vast majority of these youth do not repeat their harmful conduct.

Regardless of their individual circumstances, risks, needs or strengths, youth adjudicated delinquent for a sexual offense are subject to a complex and expanding set of requirements and restrictions, which may include where they can live, what kind of job they can perform and whether they can one day attend their own children’s extracurricular school events. These carry lasting negative consequences for the offending youth, their families and – in some cases – victims of abuse. There is no persuasive evidence that placing youth on sex offender registries prevents reoffending, but the registry requirements can undermine the long-term well-being of victims, families, youth and communities.

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As of December 4, 2013, there were 2,553 individuals on Illinois' Sex Offender Registry as a result of being adjudicated delinquent for a sex offense. Of those, 1,783 (70 percent) must register for life while the other 769 (30 percent) are required to register for 10 years. The number of individuals on the Illinois Sex Offender Registry as result of being adjudicated delinquent for a sexual offense as a juvenile has increased 28 percent since 2008. Although arrests during the study period fell by half, the number on the registry increased because of the high proportion of youth required to register for life.

RECOMMENDATIONS

Illinois should develop and implement professional best practice standards and provide current, objective, and evidence-informed training for professionals who work with youth offenders and victims of sexual abuse.

- Leaders of the state's courts, law enforcement training and state youth prisons should establish best practice standards for professionals intervening with sexually offending youth and victims and help ensure the judges, police, lawyers, counselors and others in contact with these youth receive training to meet those standards.
- To assist in these efforts, the Commission will support the development and delivery of high-quality, evidence-based training and professional development to practitioners.

Illinois should equip courts and communities to intervene effectively with individualized, community-based, family-focused services and supervision.

- Although state law requires juvenile sex offenders to be evaluated for treatment needs and risk of reoffending, assessment protocols for youth vary widely across the state. Illinois should identify acceptable juvenile assessment tools, use them to evaluate youth and create individualized case plans to assist youth, and establish qualifications for treatment and service providers.
- Keeping youth in their homes whenever possible and equipping youth and parents to prevent sexual misconduct bolsters community safety more effectively than punitive and incarceration-based strategies. To take full advantage of the positive outcomes offered by community-based supervision and services, probation officers should be active participants in the assessment and case planning processes.
- In addition, the Administrative Office of the Illinois Courts should provide comprehensive and current judicial education resources to assist judges in using assessments and evaluations to develop appropriate supervision and service plans for each youth.

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- Placing young people who commit sex offenses in state prisons should be the last resort. Young sex offenders committed to state prisons receive inadequate education, mental health and specialized services to prepare them for a successful return home. The Commission recommends the Illinois Department of Juvenile Justice (IDJJ) expedite efforts to address serious deficits in caring for youth in its custody.
- For the small proportion of youth who present possible serious and persistent risk of sexual offending, high-quality, intensive and specialized treatment offer the best options to reduce that risk, prevent future offending and protect public safety. Every court should be able to access these treatment options.
- The Illinois Prisoner Review Board should develop and apply evidence-informed, youth-appropriate standards when making release decisions, developing parole requirements and making parole discharge decisions about youth committed to IDJJ for sexual offenses.

Illinois should remove young people from the state's counter-productive sex offender registry and end the application of categorical restrictions and collateral consequences.

There is no persuasive evidence that subjecting youth to registries improves public safety or reduces risks of future offending. The research does not indicate registries repair harm to victims.

Illinois is one of only 20 states placing juveniles adjudicated delinquent on sex offender registries, regardless of the risk of reoffending, and Illinois is one of only nine states not excluding the youngest juveniles from broad registry requirements. In the rest of the country, 19 other states require registry for some juveniles but give courts some flexibility to determine which juveniles must register, and 11 states and the District of Columbia do not register juveniles unless they have been tried and convicted as adults.

The Commission's full report can be found here: ijc.illinois.gov/youthsexualoffenses

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