



IMPROVING ILLINOIS' RESPONSE TO SEXUAL OFFENSES COMMITTED BY YOUTH

Recommendations for
Law, Policy, and Practice

March 2014

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



**ILLINOIS JUVENILE
JUSTICE COMMISSION**

Positive Youth Outcomes. Public Safety. Fiscal Responsibility.

Executive Summary

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

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

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

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

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

To fulfill its legislative charge, the Commission, partnering with Civitas ChildLaw Policy Institute at Loyola University Chicago School of Law² and the Center for Prevention Research and Development at the University of Illinois³:

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

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

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

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

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

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

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

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

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

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

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

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

At Pre-Adjudication

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

At Sentencing, Probation and Treatment

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

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

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

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

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

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



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