CONNECTICUT VOICES FOR CHILDREN

20 YEARS OF ADVANCING OPPORTUNITIES FOR CHILDREN AND FAMILIES

Testimony Opposing S.B. 1040:
An Act Concerning the Registration of Juveniles as Sexual Offenders and Notification of School Districts that a Registrant may be a Student in the District

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Senator Doyle, Senator Kissel, Representative Tong, Representative Rebimbas, and the esteemed members of the Judiciary Committee:

I am submitting testimony today on behalf of Connecticut Voices for Children, a research-based child advocacy organization working to ensure that all Connecticut children have an equitable opportunity to achieve their full potential. Thank you for this opportunity to offer testimony in opposition to S.B. 1040: An Act Concerning the Registration of Juveniles as Sexual Offenders and Notification of School Districts that a Registrant may be a Student in the District.

This bill would require children adjudicated for a nonviolent sexual offense to register as a sexual offender. It also requires the Commissioner of Emergency Services and Public Protection to notify boards of education if a child on the registry is a student in a school under the jurisdiction of that board. We oppose this bill for three reasons: 1) research on adolescent development suggests that youth are biologically predisposed to engage in risky behavior; 2) adolescent sexual development occurs within a social context influenced by media and technology; and 3) research suggests that placing kids on sex offender registries will increase their risk of recidivism and decrease public safety.

I. Research on adolescent development suggests that youth are biologically predisposed to engage in risky behavior and sexual behavior.

Adolescence is a developmental period marked by multiple and rapid changes in children's brain structures and endocrine system.[1] These biological changes are associated with children developing self-directed and self-regulating thoughts and behaviors. However, the systems mature at different rates and are under the control of different biological processes.

During early adolescence, the neural processes of myelination and synaptic pruning lead to improvements in deductive reasoning and information processing. [2] [3] These developments allow children to develop the abstract and hypothetical thought that marks the transition into middle adolescence. Finally, once the development of abstract thought has occurred, youth begin to develop

1 Steinberg, Laurence. "Cognitive and affective development in adolescence." *Trends in cognitive sciences* 9.2 (2005): 69-74.
2 Giedd, Jay N., et al. "Brain development during childhood and adolescence: a longitudinal MRI study." *Nature neuroscience* 2.10 (1999): 861-863.
3 Sowell, Elizabeth R., et al. "Improved memory functioning and frontal lobe maturation between childhood and adolescence: a structural MRI study." *Journal of the International Neuropsychological Society* 7.03 (2001): 312-322.

more adult-like executive functioning including: long-term planning, self-regulation, the weighing of risks and rewards, and the regulation and coordinating of thoughts and emotions. [4] [5]

For many youth, the onset of puberty coincides with early-to-mid adolescence, starting as early as nine years old. The onset of puberty leads to changes in social motivations[6] as well as changes in emotional intensity and reactivity.[7] The changes of puberty are also associated with increases in sensation-seeking, risk-taking, and reckless behavior.[8] Adolescents often exhibit increases in a variety of sexual behaviors during this time that are part of normal sexual development. These behaviors include: seeking out pictures of naked people, wanting to watch TV programs that include nudity, talking about sexual acts, and expressing sexual interest in others.[9] To put this into context, youth's development of *other-oriented* sexual interest begins *before* youth have developed the ability to weigh risks, to meaningfully think about the future, and to engage in extensive self-regulation.

There is some evidence that youth may engage in risky behavior to gain social standing with their peers and appear romantically attractive to opposite-sex peers.[10] These pubescent changes often occur before the brain has fully developed the structures and systems that regulate arousal, cognition, and motivation and create "a situation in which one is starting the engine without yet having a skilled driver behind the wheel."[1]

II. Adolescent sexual development occurs within a social context influenced by media and technology, and these contexts influence sexual decision-making.

Importantly, these changes in thought, motivation, and emotions happen within a social context.[5] Understanding adolescent decision-making and behaviors must include an analysis of that context. Media has a large influence on what adolescents see as "normal sexual behaviors,"[11] and peer pressure also has a great influence on adolescent sexual attitudes.[12] Given the rise of private and accessible Internet pornography, social media, and children owning tablets and cell phones, the social context influencing how adolescents engage in sexual behaviors is new and rapidly changing.

The social contexts of peer pressure and the media's normalization of sex interact with young people's development of sexual feelings to influence decisions made by youth.[13] Recent research suggests that older adolescents have fully developed reasoning capacities, but that differences in

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4 Keating, Daniel P., R. M. Lerner, and L. Steinberg. "Cognitive and brain development." *Handbook of adolescent psychology* 2 (2004): 45-84.

5 Spear, Linda P. "The adolescent brain and age-related behavioral manifestations." *Neuroscience & Biobehavioral Reviews* 24.4 (2000): 417-463.

6 Neemann, Jennifer, Jon Hubbard, and Ann S. Masten. "The changing importance of romantic relationship involvement to competence from late childhood to late adolescence." *Development and Psychopathology* 7.04 (1995): 727-750.

7 Steinberg, Laurence. "Impact of puberty on family relations: Effects of pubertal status and pubertal timing." *Developmental psychology* 23.3 (1987): 451.

8 Martin, Catherine A., et al. "Sensation seeking, puberty, and nicotine, alcohol, and marijuana use in adolescence." *Journal of the American academy of child & adolescent psychiatry* 41.12 (2002): 1495-1502.

9 Friedrich, William N., Jennifer Fisher, Daniel Broughton, Margaret Houston, and Constance R. Shafran. "Normative Sexual Behavior in Children: A Contemporary Sample." Pediatrics (1998): 101-109. Doi: 10.1542/peds.101.4.e9.

10 Moffitt, Terrie E. "Adolescence-Limited and Life-Course-Persistent Antisocial Behavior: A Developmental Taxonomy." *The Science of Mental Health: Personality and personality disorder* (2001): 90.

11 Brown, Jane D. Carolyn Tucker, and Kellyn Landin L'Engle. "Mass Media as a Sexual Super Peer for Early Maturing Girls." Journal of Adolescent Health, 36, (2005): 420-427.

12 Santor, Darcy A., Deanna Messervey, and Vivek Kusumakar. "Measuring Peer Pressure, Popularity, and Conformity in Adolescent Boys and Girls: Predicting School Performance, Sexual Attitudes, and Substance Abuse." Journal of Youth and Adolescence, 29(2), (2000): 163-182. Doi: 0047-2891/00/0400-0163.

13 Steinberg, Laurence. "Risk taking in adolescence: what changes, and why?." *Annals of the New York Academy of Sciences* 1021.1 (2004): 51-58.

emotional development and sensitivity to social context can lead to less mature decision making.[14] There is ample evidence to believe that adolescents often make poor decisions and engage in unsafe behavior *despite* seemingly understanding the risks involved.[9] [15]

Fortunately, the tendency to engage in these behaviors overwhelmingly desists once youth finish the process of psychosocial maturation, around age 25.[16] In a longitudinal study that followed a group of 1,300 serious violent young offenders for seven years after their conviction, only 7.5% continued committing antisocial behaviors after the age of 25.[17] When creating policies regarding criminal records for those who committed crimes as children, it is important to consider the fact that 92.5% of youthful offenders—even those who committed serious, violent crimes and crimes of a sexual nature—are not inclined to do so as mature adults.

III. Research suggests that placing children on sex offender registries will increase their risk of recidivism and decrease public safety.

Currently in Connecticut, youth aged 15 or older charged with serious sex offenses (all A and some B felonies) are automatically transferred to the adult system. Prosecutors are also able to request a hearing to transfer youth charged with other felony sex offenses to the adult system. When sexual assault cases stay in the juvenile court, it is because the prosecutor has decided it is more appropriate. S.B. 1040 would mandate that children charged with a sex offense be on a 10-year public registry, a consequence that will have lifelong ramifications.

Treatment within the juvenile system is more therapeutic in nature and allows for youth to receive the behavioral, educational, and family services they need to walk on the path toward redemption. Additionally, if youth keep a clean record for at least three years after being discharged from court supervision, the court may grant them pardon. This is a vital time in young people's lives to further their educations, establish careers, and engage in the other activities that help them become productive, contributing, tax-paying members of society.

There is ample evidence suggesting that having a criminal record—particularly being on a sex offender registry—is a barrier to gaining employment, finishing education, and establishing social relationships once a young person re-enters his or her community.[18] [19] These consequences negatively impact both the youth and his or her community in myriad ways, but most worrisome is that it increases the risk that these persons will recidivate.[20]

More importantly, sex offender registries have been shown to put youth at greater risk of recidivism because registries increase the amount of stigma youth experience and decrease youth's feelings of

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14 Silva, Karol, Jason Chein, and Laurence Steinberg. "Adolescents in peer groups make more prudent decisions when a slightly older adult is present." *Psychological science* 27.3 (2016): 322-330.
15 Slovic, Paul. "Do adolescent smokers know the risks?." *Duke Law Journal*(1998): 1133-1141.
16 Steinberg, L., Cauffman, E., & Monahan, K. C. (2015). Psychosocial Maturity and Desistance from Crime in a Sample of Serious Juvenile Offenders. Washington, D.C.: U.S. Department of Justice, 1-11.
17 Andrews, D. A., & Bonta, J. (2006). The psychology of criminal conduct (4th ed.). Toronto: Lexis/Nexis
18 Pager, D., Western, B., & Sugie, N. (2009). Sequencing disadvantage: Barriers to employment facing young black and white men with criminal records. The ANNALS of the American Academy of Political and Social Science, 623(1), 195-213.
19 Mercado, Cynthia Calkins, Shea Alvarez, and Jill Levenson. "The impact of specialized sex offender legislation on community reentry." *Sexual Abuse: A Journal of Research and Treatment* 20.2 (2008): 188-205.
20 Nally, John M., et al. "Post-release recidivism and employment among different types of released offenders: A 5-year follow-up study in the United States." International Journal of Criminal Justice Sciences 9.1 (2014): 16-34.

hope about the future.[21] [22] Thus, rather than increasing public safety, sexual offender registries for adjudicated delinquents actually *decreases* public safety.

Sex offender registries for juveniles are poor public policy. They stand in opposition to Connecticut's model of juvenile justice, which is informed by developmental science and research on effective, evidence-based interventions. They increase youths' risk of recidivism and decrease public safety. For these reasons, we strongly oppose S.B. 1040. I am happy to answer any questions and can be reached at lruth@ctvoices.org or (203)498-4240 x 112.

[21] Letourneau, Elizabeth J., and Kevin S. Armstrong. "Recidivism rates for registered and nonregistered juvenile sexual offenders." *Sexual Abuse: A Journal of Research and Treatment* 20.4 (2008): 393-408.
[22] Letourneau, Elizabeth J., et al. "The influence of sex offender registration on juvenile sexual recidivism." *Criminal Justice Policy Review* 20.2 (2009): 136-153.