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JUSTICE SYSTEM OUTCOMES OF CHILDREN REFERRED FOR SEXUAL OFFENSES

BY

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BA, University of California, Santa Cruz, 2011

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DISSERTATION

Submitted to the University of New Hampshire

in Partial Fulfillment of

the Requirements for the Degree of

Doctor of Philosophy

in

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May, 2021

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## ABSTRACT

### JUSTICE SYSTEM OUTCOMES OF CHILDREN REFERRED FOR SEXUAL OFFENSES

By

Kei Saito

University of New Hampshire

The proliferation of increasingly punitive sex crime legislation in the United States have extended to include children adjudicated of sexual offenses. Using data from the Florida Department of Juvenile Justice, this dissertation examined the impact of three factors on sentencing outcomes for children referred for illegal sexual behaviors: race, same-sex victim, and county of referral. (1) Black children were disproportionately arrested for sexual offenses compared to any other racial/ethnic group. However, Black children in the sample were less likely to face harsher outcomes compared to Caucasian children, such as adjudication and ordered to register as a sex offender. (2) Children whose alleged sexual offenses involved a same-sex victim were significantly more likely to be committed and ordered to register as sex offenders. (3) Charges processed in counties that tended to lean Republican in presidential elections or had a higher concentration of Black residents were significantly more likely to face harsher consequences, such as commitment, adjudication, and sex offender registration. Moreover, accounting for across-county variations eliminated disparities in outcomes between Hispanic and Caucasian children. While offense characteristics had the largest effect sizes that predicted harsher sentencing outcomes, the present study adds to the existing body of scientific literature that raised concerns about subjecting children to the sex offender registry, when such orders appeared to be influenced by nonlegal factors.

## CHAPTER I: INTRODUCTION

High-profile sex crimes involving child victims have contributed to the proliferation of punitive sex crime legislations in the United States, largely starting in the mid-1990s (Sample & Evans, 2009). Data from Uniform Crime Reporting Program recorded 114,024 sex offenses in 2019, which included rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape (Federal Bureau of Investigation, 2020). At federal, state, and local levels, individuals convicted of sex offenses in the United States have experienced severe limitations of their civil liberties (e.g., the right to privacy), such as being required to register as a sex offender on a public registry (in many cases for life), subjected to widespread public notification in the community, restriction on where they may live, GPS monitoring, chemical castration, and civil commitment (Bonnar-Kidd, 2010, Levenson & D'Amora, 2007; Mancini et al., 2013). While sex crime legislation was passed with the intent to improve public safety through preventing future sex crimes from occurring, many of these bills were predicated on myths about sexual violence that contradicted available scientific evidence (Finkelhor, 2009; Levenson & D'Amora, 2007). Concerningly, these restrictive sex offender policies were applied to children with sexual behavioral problems who were adjudicated of sexual offenses, with little to no developmental considerations (Chaffin, 2008; Chaffin & Bonner, 1998; Letourneau & Miner, 2005; Zimring, 2004).

Registering individuals who committed a crime dated back to more than eighty years ago starting in the 1930s (Logan, 2009; Leon, 2011; Sample & Evans, 2009). Modern registries, where states and other US jurisdictions manage identifying information on known individuals convicted of sexual offenses specifically, are currently in place in all fifty states and US

jurisdictions (Mancini et al., 2013). Prior to 1990s, however, only five states had enacted sex offender registration law that were comparable to the registries today. Furthermore, sex offender registries were mostly limited to law enforcement to facilitate in their search by narrowing potential suspects if a new crime occurred (Garfinkle, 2003; Levenson & D'Amora, 2007). The nature and the scope of these registries changed dramatically following highly publicized incidents of sexual violence involving young Caucasian children combined with the political will of state and federal policymakers. The overt personalization of these laws, named after specific victims detailed in the next section, made opposing these laws difficult, as critics could risk being branded as anti-victim and anti-children (Logan, 2009).

Jacob Wetterling, an 11-year-old boy, was kidnapped in October 1989 while riding his bike with other children, including his brother. Being frustrated that there was no expeditious way for law enforcement to list potential suspects to utilize in their investigations, the parents of Jacob Wetterling advocated for passage of effective legislation that could help locate missing children. In 1994, U.S. Congress passed the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, which required creation of sex offender registry systems in all fifty states (Levenson & D'Amora, 2007). Jacob Wetterling was missing for nearly three decades, until his remains were finally located in 2016 after the confession by Danny Heinrich, the person who admitted to kidnapping, raping, and murdering Jacob Wetterling (Davey, 2016).

In 1989, Megan Kanka, a 7-year-old girl, was sexually assaulted and murdered by a neighbor with prior convictions of multiple sexual offenses, Jesse Timmendequas. As with the Wetterlings, the parents of Megan Kanka also became advocates, asserting that they may have been able to keep their daughter safe and alive had they known there was a known sex offender

living in their own neighborhood. Within several months of organizing, the Kankas gathered thousands of signatures that led to the passage of Megan's Law in New Jersey. Unlike the original Jacob Wetterling Act that gave law enforcement discretion, Megan's Law required communities to be notified of a known sex offender. Within a couple of years, Megan's Law was amended into the Jacob Wetterling Act by U.S. Congress in 1996 as federal law (Garfinkle, 2003).

In 2005, Jessica Lunsford, a 9-year-old girl, was raped, killed, and buried by John Couey, another individual with multiple prior sex offense convictions who lived in the nearby area. Couey's home was later burned down, where authorities declared that the fire was started intentionally. Florida state legislature passed Jessica's Law, which increased penalties for sex offenses and required GPS monitoring for known sex offenders upon release (Associated Press, 2009). While Jessica's Law itself was never adopted at the federal level, 46 states adopted a version of the law, sometimes expanding beyond the state version of the law (Stop Child Predators, 2021). In California, for example, Jessica's Law added 2,000 feet residential restriction near schools, and allowed indefinite civil commitment of convicted sex offenders (Bonnar-Kidd, 2010).

Another famous case of gruesome murders these legislative initiatives were named after is Adam Walsh. The 6-year-old boy was kidnapped and decapitated in 1981. His father, John Walsh, later became to host the TV program, "America's Most Wanted" and founded the National Center for Missing and Exploited Children (Associated Press, 1995). While legislative initiatives to expand and amend existing sex offender management policies continued past the 1990s, none were more significant than the passage of the federal Adam Walsh Child Protection and Safety Act (AWA) in 2006.

In contrast to the Jacob Wetterling Act that allowed for significant state-to-state variations, AWA attempted to standardize sex offender registration and notification policies at the national level. Therefore, AWA introduced significant changes in how the United States responded to sex crimes. First, AWA expanded its reach from previous federal laws that only applied to states. This required tribal jurisdictions and U.S. territories to comply with the federal mandates outlined in the law. Secondly, AWA required registry information to be available to the public online. Thirdly, AWA expanded the types of offenses that mandated sex offender registration, including misdemeanors and non-violent offenses. Fourthly, AWA required classification of sex offenders into tiers purely based on offense characteristics. These tiers determined how long a sex offender must register (ranging from fifteen years to lifetime) and how often they must verify their information (ranging from quarterly to annually). Fifthly, AWA added a retroactive component, where an individual that would fall under any of the three tiers based on convictions that preceded 2006, even if they are not current on the registry, would be required to register as a sex offender. Sixthly, AWA significantly expanded information to be included on the sex offender registry, such as information on employers, schools, and internet aliases. Finally, AWA required children fourteen years and older who are adjudicated for specified sexual offenses to also be subjected to sex offender registration and public notification (U.S. Department of Justice, 2008).

Jurisdictions were given three years from the passage of the act, or until July 2009, to implement Title I of AWA, the Sex Offender Registration and Notification Act (SORNA, U.S. Department of Justice, 2008). However, given that no states had successfully been designated as compliant as of May 2009, with forty-eight states applying for an extension, the U.S. Attorney General issued a 1-year extension (Office of the Attorney General, 2009). Yet the challenge to

fully comply with SORNA continued. As of May 2020, only 18 states (36%) have been designated as “substantially implemented” SORNA according to the federal SMART Office. This is despite the fact there is penalty of having Edward Byrne Memorial Justice Assistance Grant reduced by 10 percent for jurisdictions that have failed to substantially implement AWA (Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking, 2020).

It is perhaps not surprising that significant implementation challenges remain over a decade after the legislation went into effect given the impact outlined above. Looking at Ohio, the first state to substantially implement SORNA classification system, Harris et al. (2010) found that effects of SORNA implementation were quite dramatic. The overwhelming majority (76%) of individuals on the sex offender registry post-SORNA implementation were either previously not registered or were placed in the least restrictive category of “sexually oriented offenders”. Post SORNA implementation, however, only 13% of all registrants were placed in the least restrictive Tier I categorization of SORNA, which still mandated individuals to be registered for 15-years. Further, SORNA classification converted 55% of all registrants to Tier III, which would subject individuals to lifetime registration, quarterly in-person verification, and public notification. Even looking specifically at the subgroup who were not previously required to register as a sex offender, 58% of individuals were now reclassified as Tier III offenders. In the same study, Harris et al. (2010) found that over 93% of sex offenders who completed registration requirements in Oklahoma (i.e., no longer on the registry) would be required to register for life under Tier III classification should they reenter the justice system for any reason, including nonsexual offenses.

In a national survey of states, Harris and Lobanov-Rostovsky (2010) found that 89% of surveyed states identified at least one provision of SORNA that was highly inconsistent with existing practice, with the highest levels of inconsistencies found regarding SORNA's retroactivity provision and SORNA's requirement of registering children 14 or older adjudicated of certain sexual offenses. Among barriers that were identified by the responding states, highest ranked concerns across domains (i.e., legal, operational, financial, practical) were consistently involving the same four provisions: implementing juvenile registration requirements, retroactivity provision, expansion of offenses included as registerable, and re-classifying offenders into three-tier offense-based tiers. States were particularly concerned that implementing federal guidelines would result in ex post facto, equal protection, and/or due process violations.

As individual states predicted, there have been considerable legal challenges mounted against the constitutionality of SORNA: Though in large part SORNA's constitutionality have been upheld in the courts. Legal challenges are summarized and updated regularly by the SMART Office, with the most recent review of challenges dated March 2019 (Office of Sex Offender Monitoring, Apprehending, Registering, and Tracking, 2019). In response to both legal challenges and states' difficulties in substantially implementing SORNA, the Office of the Attorney General issued additional supplementary guidelines in January 2011 and August 2016. The most notable changes in 2011 guidelines are (1) the removal of the public notification requirement for registered children, and (2) not requiring individuals reentering the justice system to register if they were convicted of nonsexual misdemeanors (U.S. Department of Justice, 2011). In 2016, the Office of the Attorney General permitted states to have some level of

flexibility when it came to registration of juveniles for the purpose of being compliant with SORNA (U.S. Department of Justice, 2016).

Despite the fact that the overwhelming number of states have not substantially implemented AWA/SORNA provisions, that has not meant that these states somehow had more lax attitudes toward sex offenders and juveniles adjudicated of sexual offenses. Separate from federal laws, states and local jurisdictions have enacted their own provisions restricting civil liberties of sex offenders and children adjudicated of illegal sexual behaviors. In a review of state variations in sex crime legislations, Mancini et al. (2013) found that 90% of states exceeded federal registration and notification requirements. Most states had passed additional restrictions, such as: residence restrictions (66%), civil commitment procedures (38%), lifetime supervision of sex offenders (28%), driver's license notation (22%), and chemical castration (16%). Even looking within a single state, Levenson et al. (2015) found that 66% of Florida counties had additional ordinances that expanded upon the state law, which already imposed a residential restriction of 1,000 feet around schools and other places that children tend to gather. Many local ordinances had expanded both the radius (as high as 2,500 feet) and scope of the restriction (e.g., bus stops).

Laws restricting civil liberties of individuals convicted of sex crimes followed the general "tough on crime" policies of the United States (Yung, 2010), though the perceived monstrosity of the sex crimes victimizing children further contributed to the proliferation of sex crime policies (Gavin, 2005). The following literature review is divided into four sections. First section is an overview of research on sex offender policies and individuals subjected to them, with a majority of the research in this section focused on adults. This section is divided into four parts for clarity: (1) Research on perceptions of sex offenders and sex crime policies (2) individuals

who are subjected to sex crime policies (3) efficacy of sex crime policies, and (4) collateral consequences of sex crime policies. The second section details research specific to children adjudicated of sexual offenses and misconduct that are affected by the same policies. The third section provides brief overview of the history of the juvenile justice system. The fourth section is a review of existing literature on three key variables of this dissertation: (1) race and Disproportionate Minority Contact, (2) perceived homosexuality and LGBTQ+ youths, and (3) regional and jurisdictional variation in sentencing.

## **LITERATURE REVIEW**

Prior research on sex crime legislations and their impact have focused on four main areas. First, researchers have focused on perceptions and attitudes regarding sex crime policies, and in extension individuals who have committed sexual offenses. Second, numerous studies have described typical characteristics of individuals who were subject to these sex crime policies. Third, scholars have undertaken considerable efforts in assessing efficacy of these policies as a preventive measure, both in respects to their function as a general deterrent and a specific deterrent. Finally, scholars have investigated collateral and unintended consequences of sex offender management policies.

### **Perceptions of Sex Offenders and Sex Crime Policies**

Available empirical evidence has shown support that negative views about individuals convicted of sex crimes to be widespread. Survey respondents in two studies have shown remarkable similar results, despite the differences in the timing of the survey and the sampling method, with Socia and Harris (2016) using a representative online sample. Respondents in both studies believed that the majority of sex offenders are at a high risk to reoffend (80-83%) and

likely to offend against stranger victims (50-54%) (Levenson et al., 2007; Socia and Harris, 2016). Moreover, two in three respondents (68%) were also likely to believe that sex offenders are likely to reoffend at a much higher rate compared to other criminal offenders, one in two respondents (50%) believed that sex offenders will reoffend even after receiving specialized treatment (Levenson et al., 2007), and nearly three in four respondents (71%) estimated that the majority of registered sex offenders were pedophiles (Socia and Harris, 2016).

In addition to the beliefs concerning individuals who commit sex crimes noted above, survey respondents consistently held certain beliefs about sex crimes in general. Across multiple studies, for example, respondents believed that sex crimes are generally on the rise (Levenson et al., 2007; Mancini & Pickett, 2016; Pickett et al., 2013; Socia and Harris, 2016). Furthermore, survey respondents often believed the relative harm of sex crime to be greater than other types of violence victimization (Mancini & Pickett, 2016; Pickett et al., 2013). Importantly, beliefs about sex crimes and sex offenders were often correlated in previous studies. For example, individuals who believed sex crimes were on the rise were significantly more likely to perceive sex offenders to be dangerous, unamenable to rehabilitative efforts, and/or immoral (Mancini & Pickett, 2016; Socia & Harris, 2016).

Unsurprisingly, public support of sex crime policies was significantly correlated with beliefs about sex crimes and individuals who commit them. Individuals who (1) perceived children to make up a higher proportion of victims, (2) believed sex crimes to be more harmful than other types of crimes, (3) believed that sex offenders cannot be rehabilitated, (4) believed that sex offenders to be immoral, and (5) perceived sex crimes to be increasing were significantly more likely to support punitive sex crime policies (Pickett et al., 2013). In turn, individuals who

believed punitive policies like sex offender registration and notification to be effective perceived sex offenders to be more dangerous (Socia & Harris, 2016).

Controlling for other factors, several key variables reliably emerged as important contributors to harsher views towards sex offenders in prior literature. Compared to men, women were more likely to support punitive sex crime laws in general (Pickett et al., 2013), residence restriction of registered sex offenders (Mancini et al., 2010), and public notification of registered sex offenders (Levenson et al., 2007). Furthermore, women were significantly more likely than men to perceive sex offenders to be more dangerous (Socia and Harris, 2016) and reported being more fearful of a sex offender living in their community (Levenson et al., 2007). Identifying as politically conservative also predicted harsher views towards sex offenders. Respondents who identified as conservatives were significantly more likely to support punitive sex crime policies (Mancini et al., 2010; Pickett et al., 2013), and were more likely to perceive registered sex offenders to be dangerous (Socia & Harris, 2016) and lacking in moral character (Mancini & Pickett, 2016). Parents were also more likely to hold harsher view towards sex offenders compared to nonparents (Levenson et al., 2007; Mancini et al., 2010). Effects of race and ethnicity in predicting harsher views towards sex offenders were not as consistent. Respondents who identified racially as Caucasian were significantly more likely to believe sex offenders cannot be rehabilitated in one study (Mancini & Pickett, 2016), though many other studies did not replicate this finding after controlling for other factors. In several studies, Latino ethnicity was significant predictor of harsher views towards sex offenders (Mancini et al., 2010; Socia & Harris, 2016).

Overall, sex crime policies are viewed favorably in the United States across different social groups. In surveys of the general population, respondents tended to view sex offender

registration and notification to be effective in reducing sexual offenses (Levenson et al., 2007; Schiavone & Jeglic, 2009; Socia & Harris, 2016). Residential restriction, however, was not seen as effective, though studies nonetheless found strong overall support for them among community members (Mancini et al., 2010; Schiavone and Jeglic, 2009). In fact, Schiavone and Jeglic (2009) found that respondents thought residential restriction was fair, even if it leads to difficulties for sex offenders, such as maintaining housing, employment, social support, and mental health. In a survey of 42 judges in the Midwest, Bumby and Maddox (1999) found that 85% supported sex offender registration, and 70% supported community notification laws. In terms of fairness, judges had similar responses to members of the public. Only 26% of judges felt that community notification laws are unfair, and only 17% of judges opposed civil commitment of potentially dangerous sex offenders.

Law enforcement personnel also supported sex offender registry and notification laws. Studies have found that 54% of law enforcement personnel believed sex offender registration and notification to be effective in reducing the likelihood of re-offense. For law enforcement, however, they were more likely to believe the registry to be far more effective in other domains, such as: sharing information with another agency (93%), helping them monitor known sex offenders (90%), sharing information to the general public (86%), and assisting sex crime investigations (86%) (Cubellis et al., 2018; Harris et al., 2018). Similar to other groups, law enforcement personnel were not concerned about negative consequences and civil liberty limitations affected by sex offender registration and notification, where the overwhelming majority of respondents (66-80%) stated little to no concern over potential outcomes, such as difficulties in securing housing and employment, and how it may negatively impact the source of social support for registered sex offenders (Cubellis et al., 2018). However, law enforcement

personnel were concerned about residential restrictions. Law enforcement perceived these restrictions to contribute to homelessness and transience among sex offenders, thereby impeding their efforts to successfully monitor sex offenders in the community (Harris et al., 2018).

A group whose views and opinions ought to be important to lawmakers is individuals who have experienced sexual abuse themselves. Compared to participants who did not report sexual victimization, participants who reported prior sexual victimization in Spoo et al. (2018) were significantly less likely to support sex offender registration and community notification laws. In addition, victims of sexual abuse in Spoo et al. (2018) had overall more positive attitudes about sex offenders compared to non-victims, and rated sex offenders as less dangerous and their offenses less heinous.

### **Individuals Subjected to Sex Crime Policies**

Finkelhor (2009) outlined commonly perceived characteristics of sex offenders as (1) a group exclusively comprised of males, (2) who are attracted to prepubescent children (i.e., pedophiles), (3) who are skilled manipulators to prey upon children they encounter in public spheres, (4) are unlikely to respond positively to treatment, and (5) are therefore at a great risk of reoffending. Studies on perceptions of individuals convicted of sex crimes, reviewed in the previous section, largely supports the thesis that individual subjected to sex crime policies are perceived in these ways. However, as Finkelhor (2009) noted, studies on individuals subjected to sex crime policies largely showed these assertions to be false.

While it is true that those who are registered as sex offenders are overwhelmingly male, there are nonetheless women and girls who commit sexual offenses. Using publicly accessible information of all state registries, Ackerman et al. (2011) found 2% of 445,127 registrants to be female. Even though 2% may seem small in comparison, that is still 8,902 women and girls on

existing registries. This study did not include any information on trans or non-binary people. Furthermore, it is important to consider that one must be convicted of a qualifying sex crime to be required to register as a sex offender. Limited number of studies have shown that women who commit sex crimes are more likely to receive lenient sentences compared to their male counterparts (e.g., Shields & Cochran, 2020). Furthermore, meta-analyses of available studies using both official crime statistics and self-report victimization data suggested a large discrepancy between the two sources. Self-report victimization data estimated the proportion of people who sexually abused were 12% women (Cortoni et al., 2017).

Despite the wildly held belief that sex offenders are adult pedophiles, available evidence does not support this notion. Across multiple studies, a significant share of individuals on sex offender registries offended against children, ranging anywhere from 64% to 86% depending on the study (Ackerman et al., 2011; Tewksbury, 2004, 2005; Tewksbury & Lees 2006b). Using available information on all statewide registries, Ackerman et al. (2011) found that 33% of victims were 10 years of age or younger, with only 8% specifically under six. Self-report of clinical sample of sex offenders also showed a similar distribution, with 45% of offenders with victims under age 13, with 7% of offenders with victims under the age of six (Levenson & Cotter, 2005a). In either case, a significantly larger number of victims appeared to be teens, which would exclude them from the definition of pedophilia (i.e., pre-pubescent children). Acknowledging that no children of any age should ever be victimized, it is ultimately unhelpful to focus public policy initiatives and efforts based on a myth if the goal is to truly prevent child victimization. It is also worth noting that Finkelhor et al. (2009) found that juveniles accounted for 36% of sex crimes against children known to the police recorded in National Incident-Based Reporting System (NIBRS), with young victims especially more likely to involve younger

offending children. At the population level, Finkelhor et al. (2005) found that 86% of any sexual victimization reported by children involved other child perpetrators, including violent sexual victimization types such as sexual assault (72%) and completed rape (84%).

The notion that sex offenders are skilled manipulators who prey upon strangers, particularly children, that they meet in public spheres (e.g., schools, parks) was also not supported in existing research. Contrary to the narrative of skilled manipulators, Emmers-Sommer et al. (2004) found that sex offenders had significant deficits in social skills in a meta-analytic review. Children are also not likely to be victimized by strangers. In a nationally representative study of children's exposure to victimization, Finkelhor et al. (2005) found that only 7% of children were sexually victimized by someone they did not know. Studies interviewing registered sex offenders also report a similarly small number of stranger victims (e.g., Tewksbury & Lees, 2006b). In a series of interviews of registered sex offenders, participants mentioned that victims tend to be someone they already knew or lived with, and that abuse would not have happened at bus stops or schools. In fact, many of the respondents stated that they were especially careful not to reoffend near their own residential addresses, as doing so would increase the risk of being caught or recognized (Levenson & Cotter, 2005a, 2005b).

The perception that individuals who commit sex crimes cannot be rehabilitated also was not supported by empirical evidence. In a meta-analysis of treatment effectiveness on sex offenders, Hanson et al. (2002) found that individuals who received treatment were statistically significantly less likely to recidivate, both sexually and generally. In fact, it was consistently the case that individuals who dropped out of treatment were significantly at higher odds of reoffending, irrespective of the type of treatment compared in the study. Recent meta-analysis by Kim et al. (2016) suggested that certain psychological treatment types (e.g., Cognitive

Behavioral Therapy) were comparatively ineffective in reducing recidivism compared to other forms of medical treatment (i.e., chemical castration, hormonal therapy). However, there are other forms of interventions, such as Circle of Support & Accountability (COSA), that have shown promising results for reducing recidivism for participants who were deemed as high-risk sexual offenders. In a national study of Canadian offenders, Wilson et al. (2009) found 83% reduction in sexual recidivism and 71% reduction in general recidivism in the three-year follow-up period for high risk offenders that completed COSA compared to comparison group of high risk offenders.

Finally, available evidence did not support the notion that individuals who have committed sex crimes were at a high risk of recidivating. While definition of recidivism can vary from study to study, meta-analysis by Hanson and Morton-Bourgon (2005) have estimated sex offenders' risk of sexual recidivism was 14%, whereas general recidivism was 36% for average follow-up time of 5-6 years. The lower rate of recidivism was true even among those who did not complete treatment. Of the offenders who did not complete treatment, sexual recidivism was 17% and general recidivism was 39%. According to another meta-analysis, offenders who completed their treatment had even lower recidivism rates: 12% for sexual recidivism and 28% for general recidivism (Hanson et al., 2002). These are all significantly lower estimates than the recidivism rate for general crime in the United States. For example, Alper et al. (2018) found that 79% of released general prisoners were rearrested within six years.

Research has also shown that even those sex offenders deemed as high-risk post-release did not remain high-risk forever. Hanson et al. (2014) found that high-risk individuals initially had 29% chance of sexual recidivism within 10 years of release, compared to 3% of low-risk individuals and 9% of moderate-risk individuals. However, if the high-risk individuals were able

to remain offense-free for a period of time, their risk decreased dramatically: 13% after 5 years, and 6% after 10 years. After 10 years of being offense-free, the expected recidivism rate was slightly lower than that of medium-risk individuals. Additionally, Hanson et al. (2017) found that given enough years being offense-free, sexual recidivism risk of those convicted of prior sex crimes were no different than those with prior non-sexual conviction or no criminal conviction at all. The rate of desistance varied depending on an actuarial assessment score (i.e., Static-99R) and risk levels: 3-6 years (below average risk), 8-13 years (average risk), 16-18 years (above average risk), 20 years (well above average risk).

Available evidence suggested that these grossly inaccurate understanding of individuals who commit sex crimes are perpetuated by the media (Katz-Schiavone et al., 2008; Zgoba, 2004). In reviewing coverages of child sexual abuse and sexual violence in general, Berkeley Media Studies Group (2011, 2015) found that the most common type of coverage was around criminal justice events, such as a trial or an arrest, and predictably quoted criminal justice system representatives most frequently. In addition, the same studies found that solutions discussed were overwhelmingly punitive responses to crimes that have already occurred rather than discussing preventative strategies. Advocates, who often discussed issues in a more nuanced manner, were much less frequently interviewed, comprising of about 10% of the articles analyzed in both studies. In addition to affecting how the public perceives individuals who commit sex crimes, the media significantly influenced lawmakers (Sample & Kadleck, 2008). Even judges who regularly interacted with sex offenders had inaccurate views of the population, such as believing sex offenders to be a homogenous group, and attributing childhood victimization as primary cause of sexual offending (Bumby & Maddox, 1999).

One example of often cited misinformation is how there are over one hundred thousand missing sex offenders in the United States (Levenson et al., 2014). However, closer inspection of what was considered missing revealed this figure to be artificially inflated. Rates of missing and absconded sex offenders had a median rate of 2.7% across all states, and as high as 8% of registered offenders might be listed across multiple states (Harris et al., 2014). Following up with states that had highest reported figures of missing registered sex offenders, it was revealed that California and Wisconsin did not distinguish missing category with any level of noncompliance, which greatly exaggerate the number of missing sex offenders nationwide. Walfield et al. (2017) found that law enforcement personnel gave many examples of how a sex offender could become noncompliant without necessarily absconding, such as: individuals with diminished capacity not following complex registry requirements, extenuating circumstances (e.g., hospitalization), and even technological error with the registry. In the same study, 78% of law enforcement indicated that 25% or less of absconded sex offenders would not be able to be located within 72 hours (Walfield et al., 2017). In a study of registered sex offenders in Florida, Levenson et al. (2014) found that homeless sex offenders were more likely to be noncompliant over absconding entirely, suggesting that law enforcement knew where transient offenders could be located. Furthermore, even when an offender had officially absconded, available research did not show that they were somehow dangerous, especially against children. Absconders as a group were less likely to have offended against minor victims or be a repeated offender (Levenson et al., 2014).

### **Efficacy of Sex Crime Policies**

Researchers have spent considerable efforts evaluating the efficacy of sex crime policies as a public safety measure. In researching their efficacy, past studies have typically focused on two forms of deterrence. On one hand, general deterrence would be evidenced by a decrease in

sex crimes in the general population because these policies served as warning signs to potential offenders in the community. Specific deterrence, on the other hand, would decrease recidivism risk of individuals who have been subjected to these punitive policies, so that they would not offend again.

Investigating the effects of sex offender registration and notification (SORN) on rape rates from 1990 to 2000, Vásquez et al. (2008) found that SORN did not have a general deterrent effect for seven of the ten states. Of the three states that had observable intervention effects, the rates of rape increased in one state (California), whereas they decreased in two remaining states (Ohio and Idaho). It is worth noting that recorded incidents of crime in the United States, including child sexual victimization, generally went down between the 1990s and 2000s (Finkelhor & Jones, 2006; Zimring, 2007). Therefore, it is difficult to ascertain if the decline in two states observed in Vásquez et al. (2008) is truly divorced from the largest decline in crime in recent history. This is especially true when there was no comparison group of other types of crime. Letourneau et al. (2010a) provided a much stronger study design, comparing intervention effect of SORN in South Carolina with two comparable violent crimes: robbery and assault. Decrease in new crimes committed by adults post-SORN was only found for sexual violence (-11%), but not for other violent crimes. In conclusion, available evidence of SORN as an effective general deterrent is mixed at best.

Studies evaluating specific deterrent effects of sex crime policies, however, have uniformly failed to find evidence of their efficacy. Tewksbury and Jennings (2010) found that implementation of sex offender registration and notification in Iowa had no effect on decreasing sexual recidivism among registered sex offenders, nor did it decrease the number of sex crimes committed by recidivating offenders. Similarly, comparing sexual and general recidivism rates of

547 convicted sex offenders released before and after the enactment of Megan's Law in New Jersey, Zgoba et al. (2018) failed to find any measurable specific deterrent effect post-SORN. Furthermore, using sex offender registration status as a predictor, Tewksbury et al. (2012) did not find registration status to predict sexual recidivism nor general recidivism.

Residence restrictions, another form of popular sex crime management policy, was also not found to have a specific deterrent effect. In comparing a matched sample of recidivist and non-recidivist sex offenders in Florida, Zandbergen et al. (2010) found that proximity to schools and daycares was unrelated to risk of reoffending. Similarly, in analyzing hundreds of sex offenders that had committed new sex offenses in Iowa, Duwe et al. (2008) concluded that none of these crimes, including those against children, would have been prevented through residential restriction. Of the handful of cases that involved minor victims (16 of 224 offenders), offenders typically perpetrated against victims within their own community (e.g., neighbors), irrespective of its distance to prohibited areas (e.g., schools, parks). Even in the two cases that involved minor victims at a park and a school, the offenders in both cases had residences over 10 miles away from these offense locations.

Furthermore, the entire classification system under AWA/SORNA is suspect. Currently, AWA/SORNA requires Tier I offenders to register for 15 years, Tier II offenders to register for 25 years, and Tier III offenders to register for life. The logic behind classification is that offenders in higher tiers are at a higher risk of reoffending. However, in a large study of registered male sex offenders in New York ( $n = 17,165$ ), SORNA Tier did not predict sexual nor nonsexual recidivism (Freeman & Sandler, 2010). In fact, Freeman and Sandler (2010) found that Tier I offenders were significantly more likely to be rearrested compared to the other tiers for both sexual and nonsexual offenses. Similarly, Zgoba et al. (2016) found that AWA

classification was statistically significantly inversely related to risk of sexual recidivism, where Tier III offenders in Florida were significantly less likely to reoffend compared to Tier II offenders. This is especially concerning considering how expensive it can be for states to substantially comply with AWA/SORNA requirements. In New York, for example, implementation of AWA/SORN classification would cost over 31 million dollars, whereas the federal funding penalty for failing to comply with AWA is estimated to be around 1 million (Freeman & Sandler, 2010).

It is unclear if the sex offender registry has measurable benefits to the public. In a review of sex offender registry information in a large county in Kentucky, Tewksbury (2002) found that the state registry was full of errors: 25% had fake addresses listed, and 43% had no photos. In interviews with registered sex offenders in Florida, more than half of the respondents indicated that the registry had incorrect information about them (Levenson & Cotter, 2005a). Half of family members of sex offenders also reported inaccuracies on the registry (Levenson & Tewksbury, 2009). If the registry is in place to inform the public of known individuals with previous conviction of sexual offenses, it is questionable how useful it is if the information is not correct.

Even if one assumed the information on the registry is mostly accurate, its usefulness is nonetheless suspect. In a study of community members' use of sex offender registry, the largest response category was plurality of respondents (48%) indicating that it had no effect on their sense of safety among those who have used it. Moreover, the most common reason accessing public sex offender registry was mere curiosity (74%), with majority of the respondents (55%) never accessing the registry in their lifetime (Harris & Cudmore, 2018). In an interview with law enforcement, 67% expressed concern about misinterpretation and misunderstanding of registry

data by the public, and 62% expressed concerns about the registry creating a false sense of security (Harris et al., 2018). Indeed, Finkelhor et al. (1995) found that preventative education programs were successful in helping children who have been victimized self-report sexual abuse more accurately, and to reduce self-blame in children for the abuse they have suffered. Looking at information of known sex offenders in the area is unlikely to empower parents or children to address these two domains.

### **Collateral Consequence of Sex Crime Policies**

Implementing evidence-based policies that are measurably efficacious is an arduous task for lawmakers for multiple reasons (See Tilley & Laycock, 2000). Even the studies reviewed above were collective efforts that spanned over two decades by leading scientists in the field. In the face of mounting public pressure following truly horrific violence against children, it is perhaps not surprising that lawmakers did not wait for scientific evidence to emerge prior to the implementation of these sex crime policies. However, there exists a considerable gap between public policy initiatives that are ineffective and public policy initiatives that are ineffective *and* actively harmful.

Residence restriction laws, which remain one of the most popular laws for sex offender management in the United States, are currently in effect in at least 33 states (Mancini et al., 2013). Residential restriction laws prohibit a registered sex offender from living in areas close to where children gather, with a most common restriction zone around 1,000 to 1,500 feet, with 70% of states applying these restrictions to sex offenders who did not involve child victims (Meloy et al., 2008). In addition to no empirical study to date with a measurable positive effect, residential restriction laws have been significantly associated with homelessness and transience (Cann & Isom Scott, 2020; Levenson et al., 2015; Socia et al., 2015). Homelessness and

transience not only made it difficult for law enforcement to monitor known sex offenders (Walfield et al., 2017), it would severely impede one's ability to reintegrate into society. Moreover, studies that included race in the analysis consistently found people of color to fare significantly worse as a result of residential restriction laws (Levenson et al., 2015; Mustaine et al., 2006; Socia et al., 2015; Tewksbury et al., 2016).

Using mapping capabilities of GIS, two studies have been able to evaluate proposed residential restrictions in South Carolina and Florida. In South Carolina, a 1000 feet radius residential restriction would have resulted in 20% of current sex offenders in the sample to forcibly relocate and decreased available housing by nearly 50%. A mile radius, another legislation that was under consideration, would have forced 81% of current registered sex offenders to relocate, and would eliminate 81% of unoccupied residence as a potential option (Barnes et al., 2009). As Barnes et al. (2009) predicted, when South Carolina implemented 1,000 feet radius residential restriction for individuals who have a convicted sex offense involving a minor in 2011, homelessness in the area significantly worsened following year (Cann & Isom Scott, 2020). In a study of Florida, Zandbergen and Hart (2006) investigated the effects of expanding the existing 1,000-foot residential restriction to 2,500 feet radius that was proposed in Florida House Bill 91CS in 2006. Even without the expansion, 1,000 feet restriction around attractions, bus stops, daycares, parks, and schools would have eliminated 95% of potentially available property in Orange County. If a 2,500 feet expansion came into effect, it would have eliminated nearly all (99.7%) of all potentially available properties. While the proposed 2,500 feet expansion statewide failed to pass, it was already in effect at the county level through local ordinances. For example, the famous sex offender camp under Julia Tuttle Causeway in Miami was due to the overly restrictive 2,500 feet restriction (Bonnar-Kidd, 2010).

Irrespective of residential restrictions, housing is nonetheless a challenging issue for sex offenders. In two longitudinal studies for sex offenders in Jefferson County, Kentucky, more than a third of individuals tended to move to a more socially disorganized neighborhoods at both measurement periods: 5-years post-release (Mustaine et al., 2006) and 15-years post-release (Tewksbury et al., 2016). Most notably, Tewksbury et al. (2016) found that none of the same cohort of sex offenders moved to a less socially disorganized neighborhood in the follow-up study. Even a resource primarily intended to assist with homelessness was difficult for sex offenders to access. In a study of homeless shelters, Rolfe et al. (2017) found that individuals convicted of sex offense were categorically denied, with 72% of shelters having an explicit policy prohibiting them. Unlike other criminal records, including murder, shelters in the sample hardly ever made any exceptions for individuals convicted of sexual offenses.

Studies that surveyed and interviewed firsthand experiences of affected individuals consistently captured the severity of challenges imposed by sex crime policies, such as SORNA and residential restrictions. Across multiple studies, collateral consequences of sex crime policies were surprisingly consistent. Around one in two registered sex offenders reported losing friends as a result, and about slightly more than a third reported harassment, employment loss, and difficulties in securing housing (Levenson & Cotter, 2005a, 2005b; Tewksbury, 2004, 2005; Tewksbury & Lees, 2006b). One study reported a much higher percentage of these experiences, where more than three in four individuals reported housing difficulties, social isolation, and threats and harassment, and one in two reported loss of employment (Zevitz & Farkas, 2000). Part of the reason for higher proportion of negative experiences in this study was due to the sample, where the authors only interviewed the most restricted Tier III offenders.

While shame and embarrassment were commonly reported affect by registered sex offenders (Levenson and Cotter, 2005a; Tewksbury, 2004, 2005), there were other negative effects reported in previous studies. Hopelessness, for example, was a common theme in interviews with registered sex offenders, where many individuals did not even see the point in trying (Levenson & Cotter, 2005a; Zevitz & Farkas, 2000). Levenson and Cotter (2005a) found some respondents to be particularly despondent, with multiple participants expressing suicidal ideation.

Sex offenders fearing for their safety was a common theme in previous studies (Levenson & Cotter, 2005a; Tewksbury & Lees, 2006a; Zevitz & Farkas, 2000). Their fears were not unfounded. While rare, every single study that asked registered sex offenders if they ever have been attacked have all recorded substantial number of lifetime exposure to vigilante attacks, ranging from 3% to 16% of the entire sample (Tewksbury, 2004, 2005; Tewksbury & Lees, 2006b; Zevitz & Farkas, 2000). The specific sample of sex offenders did not seem to make a difference, whether it was sex offenders on university registries (Tewksbury & Lees, 2006b), female sex offenders (Tewksbury, 2004), or individual registrants from specific states (Tewksbury, 2005; Zevitz & Farkas, 2000). In Sample and Kadleck (2008), one of the legislators interviewed in their study admitted there are documented cases of vigilantism where people attacked wrong person or a house. In an exploratory study of vigilante attacks on sex offenders, Cubellis et al. (2019) found that 20% of hundreds of known vigilante attacks against potential sex offenders resulted in death of the attacked individuals. Moreover, of the known vigilante attacks, only slightly more than half of victims (60%) were convicted sex offenders. For the remaining victims, 8% were individuals mistaken to be sex offenders, 5% were maliciously

accused of being a sex offender without any evidence, and 3% were collateral victims, such as friends and family members of a registered sex offender.

While Levenson and Tewksbury (2009) found that one in fourteen family members reported being physically assaulted or injured, vigilante attacks were not the only negative consequences that have been documented in previous studies on family members of sex offenders. In the same study, the overwhelming majority of respondents reported financial difficulties, and raised concerns about fairness and even the accuracy of the sex offender registry. More than a third of respondents reported threats and harassments from their neighbors, difficulties in housing due to residential restriction laws, and property damage. Psychosocial impact for children of registered sex offenders were most severe. More than half (in many cases three in four) of children of registered sex offenders reported exposure to verbal abuse and harassment, social isolation, depression, anxiety, fear, and anger. Most concerning, one in eight children reported suicidal tendencies due to associations with a registered sex offender (Levenson & Tewksbury, 2009). Zevitz and Farkas (2000) captured similar painful struggles by family members in their interviews of thirty sex offenders, where 67% of the sample reported emotional harm to family member(s). Examples of how sex crime policies affected family members of sex offenders included instances such as: A mother developing depression, a child of a sex offender quitting their high school sport team due to bullying, a sister becoming socially isolated, and a wife who struggled with suicidal ideation as a direct result of constant media exposure. Given that positive social support was the strongest protective factor against future sex offending found in Hanson and Harris (2000), it seems entirely counterproductive, even from a utilitarian perspective, to subject family members of sex offenders to these collateral consequences.

Despite significant challenges and restrictions imposed by sex offender registry, studies that interviewed registered sex offenders did not find these individuals to advocate for the elimination of the registry altogether. Even though previous research consistently indicated that individuals subjected to sex crime policies found these laws to be overwhelmingly unfair (Levenson & Cotter, 2005a; Tewksbury, 2004, 2005, Zevitz & Farkas, 2000), many of them did not oppose these laws entirely. About half of sex offenders tepidly endorsed that sex offender registry is a good thing (Tewksbury, 2004, 2005), and at least in one study, a majority of registered sex offenders reported feeling more motivated as a result of these restrictive laws to prove to others that they are not bad individuals (Levenson & Cotter, 2005a). Individuals who have been subjected to sex crime laws seem to oppose certain components of the existing laws, such as lifetime registration (Levenson & Cotter, 2005a), the failure of the registry to distinguish between high-risk and low-risk offenders in a meaningful fashion (Tewksbury & Lees, 2006a, 2007), access of the registry beyond law enforcement personnel, and not utilizing clinical judgment/assessments as part of the registration process (Tewksbury & Lees, 2007).

Existing research does seem to support these assertions as potential areas of improvement. For example, risk factors based on empirical research were far better predictors of future offenses across multiple studies over offense characteristics and AWA tiers (Freeman & Sandler, 2010; Hanson & Harris, 2000; Tewksbury et al., 2012; Zgoba et al., 2016). Among the studies reviewed, most studies had 50% (Ackerman et al., 2011; Tewksbury & Lees, 2006a; Tewksbury, 2007) to 75% of the entire sample (Harris et al., 2010; Tewksbury et al., 2016) as lifetime registrants. However, even the highest risk offenders are estimated to desist after twenty years offense free in the community (Hanson et al. 2014; Hanson et al., 2017). In terms of limiting access to the public, it may indeed be beneficial. Harris and Cudmore (2018) found that

nearly a third of community members who utilized the sex offender registry frequently reported feeling less safe as a result. Therefore, available evidence suggests significant reform of sex crime policies ought to be considered.

Despite the overwhelming scientific evidence, one of the concerning findings within the literature was the public's attitudes regarding sex crime policies. In three separate studies, efficacy of sex crime laws was unrelated to the public's support of these policies. In Levenson et al. (2007), 49% of respondents indicated that they would support sex crime policies even if there is "no scientific evidence that they reduce sexual abuse", with additional 24% partially agreeing with this statement. In Socia and Harris (2016), 58% of respondents indicated that research would not change their views about sex offender registration and notification even if there were "few or no measurable public safety benefits". In Schiavone and Jeglic (2009), 88% of respondents agreed that sex offenders would be able reoffend irrespective of residential restrictions. However, a significant number of respondents still found it acceptable for sex offenders to suffer collateral consequences as a result of residential restrictions, such as housing difficulties (64-79%), financial difficulties (42%), emotional suffering (45%), and employment difficulties (34%). In addition to public opinion, the influence of money and power in American legislative process described by Gilens (2012) cannot be understated. Therefore, it may be significantly challenging for any lawmakers to gather the political will to reform these policies.

In a recent example in California, Governor Newsom signed SB 145 into law, which expanded judicial discretion for requiring individuals to register as a sex offender in cases involving voluntary oral or anal sex with a minor 14 to 17 years of age, provided that the age difference is no more than 10 years old. This bill was passed in order to remove the anti-LGBTQ+ bias of the previous version of the law, which only allowed judicial discretion under

the same circumstances for vaginal intercourse. Even though this law was supported by a diverse coalition including civil rights groups, California District Attorneys Association, and California Police Chiefs Association, it was publicly criticized as legalizing pedophilia (Associated Press, 2020).

### **Children Adjudicated of Sexual Offenses and Misconduct**

One of the most controversial aspect of AWA/SORNA was the requirement of children 14 and over to register as a sex offender if they would fall under Tier III (lifetime) status. Provision to include children was cited as a significant barrier to states moving forward to substantially implement AWA/SORNA (Harris & Lobanov-Rostovsky, 2010). Though juvenile registration and notification requirements were amended in recent years by the Office of the Attorney General (U.S. Department of Justice, 2011, 2016), it does not mean that children were spared from harsh consequences of sex crime policies. For example, Pittman and Nguyen (2011) found that 42% of states could subject children of any age to register on the sex offender registry. This is in contrast with AWA/SORNA requirements, which only requires registration for children fourteen years of age or older adjudicated of qualifying sexual felonies.

Perhaps the most prominent example of the lack of societal considerations for children adjudicated of sexual offenses is none other than the proliferation and acceptance of the term, *juvenile sex offender*. Zimring (2004) have noted that many of the sex crime policies were expanded to include children, sometimes even copying the law verbatim while expanding the age of inclusion. However, this is highly problematic given that unlike with adults, children adjudicated of sexual offenses include behaviors that are not inherently harmful, but illegal as a direct result of their age. Just as an eight-year-old cannot vote in the United States, there are many sexual behaviors that are specifically prohibited as statutory offenses for children, even

when they do not involve force or coercion (Garfinkle, 2003; Zimring, 2004). Chaffin and Bonner (1998) have argued that a 12-year-old who has experimentally touched a child on a single occasion ought to be considered separate from a predatory pedophile. However, in many states, there is no distinction between the two, as seriousness of the crime is inherently tied to age of the victim (Garfinkle, 2003). This is despite the fact that the modal age for children who exhibited illegal sexual behaviors against younger children (i.e., under the age of 12) known to the police were 13-to 14-year-olds (Finkelhor et al., 2009). Not surprisingly, the term juvenile sex offender is attached with significant stigma. In an experimental study, Harris and Socia (2016) found the label of “juvenile sex offender” significantly increased the support for punitive sex crime policies and beliefs about how likely a child is at risk of reoffending as an adult. As such, this study explicitly will not use the term juvenile sex offenders found in prior research to avoid further stigmatization.

While some of the research reviewed above included children adjudicated of sexual offenses in its sample, many have specifically focused on adult sex offenders. Focusing specifically on children adjudicated of illegal sexual behaviors, there are notable differences. Unlike with adult sex offenders, for example, there is existing evidence that stakeholders were more concerned and sympathetic about subjecting children to sex crime policies. Harris et al. (2016) found treatment providers were significantly concerned with the negative consequences of subjecting children to registration and notification requirements. Treatment providers broadly agreed that registration and notification would have negative impact on children’s mental health, school attachment and performance, residential stability, and would result in the child being harassed and treated unfairly. Similarly, in an interview with 210 youth, juvenile, and family

court judges, Bumby et al. (2006) found that 75-92% had significant reservations placing children on public sex offender registries.

Nonetheless, Letourneau and Miner (2004) have argued that there is a widely held assumption that children adjudicated of harmful or illegal sexual behaviors have more in common with adult sex offenders than other children adjudicated of delinquency, and that they are believed to be at an exceptionally high risk of reoffending without specialized treatment. Yet in a meta-analytic review of 106 studies, Caldwell (2016) found that sexual recidivism rate for children adjudicated of sexual offenses is 5%: A rate significantly lower than adult sex offenders. Furthermore, when looking specifically at studies conducted between 2000 to 2015, the sexual recidivism rate was even lower, estimated at less than 3%. In contrast, children were over eight times more likely to recidivate for general offenses, with an average general recidivism rate of 39%: A rate akin to general recidivism rate of adult sex offenders.

Longitudinal studies have been particularly informative in dispelling these widely held assumptions about children adjudicated of sexual offenses as specialized offenders. Using the sample from the longitudinal Pittsburgh Study, van Wijk et al. (2005) referenced both juvenile adjudication and adult criminal records for 16–20-year periods. In comparing children who had a violent sexual offense record and a violent nonsexual offense record, the authors only found 2 of 66 variables that were statistically significantly divergent. In contrast, comparing children with any violent offense records (including sexual) and non-violent offenses, 54 of 66 variables measured were statistically significantly divergent. Similarly, Zimring et al. (2007, 2009) found that having sex offense record as a child was not a statistically significant predictor of adult sex offending using longitudinal data from two different birth cohort studies from Philadelphia and Racine. However, frequency of police contacts as juvenile significantly increased the likelihood

of both general and sexual offending in adulthood. Following incarcerated children post release for a number of years, studies in both the United States (Caldwell, 2007) and Canada (Reale et al., 2019), found that children adjudicated of sexual offenses were no different in their likelihoods to commit a new sexual offense compared to other children adjudicated of non-sexual offenses.

However, some studies have found a few notable differences between children adjudicated of illegal sexual behaviors and children adjudicated of nonsexual misconduct. In a large meta-analysis comparing the two groups, Seto and Lalumière (2010) found significantly more factors that did not statistically significantly differentiate between the two groups than factors that did. Of the statistically significant effects, boys adjudicated of sexual offenses tended to have higher reported rates of sexual abuse, and lower rates of criminal history, antisocial peers, and substance use compared to other boys adjudicated of nonsexual offenses. The authors also found atypical sexual interests to be significantly higher for boys adjudicated of sexual offenses, but the measure was highly problematic as many of the studies included sex offense adjudication to be included in deviant sexual behaviors. Furthermore, all of these significant effects were heterogenous, which could be a potential reason for concern. Nonetheless, other studies largely have supported these patterns found in the meta-analytic review. For example, Fox and DeLisi (2017) found over half of the sample of children referred for sexual offenses had later onset of criminal history compared to other latent classes. As another example, Felizzi (2015) found that boys who were sexually abused, experienced residential instability and homelessness, and have a history of out of home placements were significantly more likely to be adjudicated of sexual offenses compared to nonsexual offenses.

As with adult sex offenders, prior research has also evaluated efficacy of sex crime policies on children adjudicated of illegal sexual behaviors. Similar to research on adult sex offending, past research has not shown any of the sex crime policies to serve as a specific deterrent against sexual recidivism. Children on the sex offender registry were no more likely than children not on the registry to recidivate for new sexual offense (Caldwell & Dickinson, 2009; Letourneau et al., 2009a). Similar to adult sex offenders, Caldwell et al. (2008) found that AWA/SORNA tier classification also failed to predict increased risk for sexual recidivism or general recidivism.

In contrast to research on adult sex offenders, no study to date has found sex crime policies to serve as a general deterrent for children committing illegal sexual behaviors. Looking at South Carolina, Letourneau et al. (2010b) modeled for intervention effects of 1995, the year sex offender registration and notification was first implemented, and 1999, the year the policy was revised to include online registration. While the authors found intervention effect at 1995, the decline in new sexual offenses and robberies were related to another legislative change that went into effect in 1995, where prosecution of 16-year-old defendants were moved from juvenile to adult court. Once adult court data was accounted for, Letourneau et al. (2010b) found no evidence of general deterrent effect from sex offender registration and notification in South Carolina. Sandler et al. (2017) used data from NIBRS to evaluate implementation of children to be subjected to sex offender notification and notification as a general deterrent in four states: Idaho, South Carolina, Utah, and Virginia. None of the four states reported statistically significant decrease in sexual offenses committed by children known to police. Letourneau et al. (2019) evaluated two additional states, Maryland and Oregon, and once again found no evidence of general deterrent effect of subjecting children to sex offender registration and notification.

Collateral consequences of subjecting children adjudicated of illegal sexual behaviors to sex crime policies have been well-documented in prior research. After interviewing nearly three hundred children on the registry, Human Rights Watch (2013) captured all of the collateral consequences faced by adult sex offenders such as negative impact on family members, financial burden, employment difficulties, housing difficulties, social isolation, and vigilante attacks. Situations for children were often exacerbated due to the unique vulnerability and dependence of childhood, such as lack of financial independence and being denied access to education due to residence restrictions. Costs associated with the registry could be exorbitant, with some states requiring thousands of dollars annually to comply with registration requirements. In a study of children in treatment for problem sexual behavior, Letourneau et al. (2018) found that children subjected to sex offender registration reported with significantly more mental health problems than children who were not required to register. Registered children were nearly four times more likely to attempt suicide in the past 30 days compared to the nonregistered children. Furthermore, registered children were at a heightened risk of sexual victimization. Compared to nonregistered children with known sexual behavior problems, children on the registry were twice as likely to have experienced sexual assault in the past year, and five times more likely to report having been approached by an adult for sex.

Individual stories of children subjected to sex crime policies were particularly poignant. A 10-year-old was placed in lock-up facilities where he was beaten and raped by older inmates until he became suicidal. A 7-year-old child was told they could never return home due to two incidents of genital fondling of their 5-year-old sibling (Chaffin & Bonner, 1998). A 10-year-old with disabilities that did not speak English as his primary language being subjected to a lifetime sex offender registration without any forensic evidence of penetrative sexual assault (Garfinkle,

2003). A 15-year-old girl convicted of child pornography crimes for posting nude photos of herself faced a lifetime sex offender registration. A 10-year-old girl that play-acted sex fully clothed with her stepbrothers was required to register for 25 years (Human Rights Watch, 2013). None of the above example are meant to be representative of all children subjected to sex crime policies. Furthermore, the above examples are not intended to ignore the prevalence of violent sexual aggression exhibited by children (Finkelhor et al., 2005, 2009), nor minimize the negative impact on the victims of such incidents (Boney-McCoy & Finkelhor, 1995). Yet even in cases involving serious harm perpetrated by children, the current sex crime policies in the United States ignore the purpose behind having a separate justice system for children in the first place.

### **Juvenile Justice System**

Juvenile justice system was founded upon a fundamentally different principle from adult criminal justice system, *parens patriae*, where the state would act as a parental figure to wayward children by providing treatment to assist with prosocial growth and development. Following the establishment of the first juvenile court in Illinois in 1899, other states quickly developed their own separate system for children nationwide in recognition of rehabilitative potential of children (Brank & Scott, 2012; Mallet, 2018). Since its inception, the juvenile justice system has gone through multiple waves of significant reforms, with profound changes because of major U.S. Supreme Court cases. Most notably, the focus on rehabilitation, treatment, and judicial discretion in the best interest of the children have narrowed significantly, adopting legal requirements and processes much like the adult criminal justice system: Including punishment. Given the increasingly smaller distinction between the two systems, with increasingly larger numbers of children being transferred to the adult court, some have called for abolishing the separate juvenile justice system altogether (Dawson, 1990; Feld, 1998; Mears, 2002). Studies on

public opinion on having a separate system have continued to support its continuation. In Mears et al. (2007), over 80% of the sample either strongly disapproved (40%) or disapproved (41%) of abolishing juvenile justice system in its entirety.

One of the chief criticisms of unrestricted judicial discretion was the potential for bias to play a significant part in sentencing decisions (Feld, 1998). In a vignette study, for example, juvenile and family court judges were significantly more likely to support adult waiver based on their personal beliefs, such as their opinion on efficacy of transfers and belief in rehabilitative potential of children (Redding & Hensl, 2011). Given that individual knowledge and beliefs can play a role, it is not surprising that there is significant sentencing variation even within the same state or the same county (Feld, 1998). While sources of bias continue to remain a difficult task for social scientific researchers to evaluate, this dissertation will investigate three potential sources of bias on sentencing outcomes: Race, perceived homosexuality, and region.

### **Race and Disproportionate Minority Contact**

Race has long been found to play a significant role in the juvenile justice system at every point of the process, where minority children are significantly and consistently more likely to receive harsher dispositions compared to Caucasian children (Fagan et al., 1987). Unfortunately, the racial disparities in sentencing where minority groups are overrepresented in the juvenile justice system relative to their population proportions, or Disproportionate Minority Contact (DMC), have not improved dramatically despite decades of significant scholarly attention and legislative attempts and mandates (Cabaniss et al., 2007; Dillard, 2013; Leiber et al., 2011; Peck, 2018; Piquero, 2008; Zane, 2021). In addition to lawmakers, large foundations, such as Annie E. Casey Foundation and MacArthur Foundation, have funded efforts throughout the decades to

reduce discrepancies in sentencing for children that came into contact with the juvenile justice system (Leiber and Fix, 2019).

Scholars have largely developed two hypotheses to explain DMC: Differential involvement hypothesis and differential selection hypothesis. The differential involvement hypothesis suggests that minority children are significantly more likely to be involved in criminal activity compared to Caucasian children, thus the overrepresentation in the juvenile justice system is a function of higher criminality among minority children (Piquero, 2008). In support of differential involvement hypothesis, Steffensmeier et al. (2011) found that Black-White disparity in arrests using UCR data were relatively stable from 1980 to 2008, with Black individuals committing significantly more crimes compared to Caucasian individuals in both official police arrest data (i.e., UCR) and self-report data (i.e., NCVS). The difference between the two groups were widened when Hispanic ethnicity was able to be separated from Caucasian race. In contrast, the differential selection hypothesis argues that discrimination within the justice system leads to differences in outcomes (Piquero, 2008). In support of the differential selection hypothesis, studies that have been able to account for children's self-reported delinquency have consistently found minority children to nonetheless face harsher outcomes once they made contact with the justice system (Andersen, 2015; Gase et al., 2016; Tapia, 2011). For this reason, Piquero (2008) has argued that both mechanisms are likely at play in varying degrees, and there is much room for future studies to contribute to the understanding of DMC.

Looking broadly at any racial and/or ethnic minorities, previous research have supported evidence that DMC is an enduring aspect of juvenile justice system in the United States. Studies that have compared racial minorities to Caucasian children involved in the justice system have found DMC in: preadjudication detention (Gann, 2019; Sullivan et al., 2016; Zane, 2021),

referral to juvenile justice system (Clause et al., 2018; Zane, 2021), commitment/placement (Gann, 2019; Holleran & Stout, 2017), and adult waiver (Gann, 2019; Sullivan et al., 2016; Zane, 2021). Even when Caucasian children were placed, Fader et al. (2014) found that Black and Hispanic children were significantly less likely to be placed in therapeutic facilities and were both significantly more likely to be placed in physical regimen facilities.

Consistently, previous research has found significantly worse outcomes and overrepresentation of Black children in the juvenile justice system. Yet the exact reasons and mechanisms for the Black-White disparities remain unclear (Franklin 2018; Kempf-Leonard, 2007; Piquero, 2008). Looking at every stage of the juvenile justice system, studies have evidence of DMC such as disparities in: arrest (Andersen, 2015; Owen & Takahashi, 2013), preadjudication detention (Donnelly, 2019; Leiber & Fix, 2019; McCoy et al., 2012; Rodriguez, 2010; Zane, 2021; Zane et al., 2020), referral to juvenile court (Leiber & Fix, 2019; Owen & Takahashi, 2013; Peck et al., 2019; Rodriguez, 2010; Zane, 2021; Zane et al., 2020), adjudicated of delinquency (Peck et al., 2019; Zane, 2021; Zane et al., 2020), incarceration/commitment/placement (Davis & Sorenson, 2013; Higgins et al., 2013; Leiber & Fix, 2019; McCarter, 2009; Peck et al., 2019; Rodriguez, 2010; Zane et al., 2020), and adult waiver (Leiber & Fix, 2019; Owen & Takahashi, 2013; Zane, 2021).

For children of other races and ethnicities, DMC patterns have been less consistent. As the largest minority group in the United States, there are plenty of studies that have compared Hispanic children and Caucasian children. While some studies have found Hispanic children to be disproportionately affected by harsher outcomes, such as: preadjudication detention, formal referral, adjudication, placement (Claus et al., 2018; Leiber and Fix, 2019; McCoy et al., 2012; Peck et al., 2019; Rodriguez, 2010, Zane, 2021), other studies have not found support for DMC

for Hispanic children (Andersen, 2015; Chappell, 2019; Gase et al., 2016; Owen & Takahashi, 2013; Zane, 2021; Zane et al., 2020). Studies that had enough statistical power to differentiate Asian and Pacific Islander (API) children and American Indian Alaskan Native (AIAN) children were few. Of the available studies, there was mixed support for DMC for both of these groups (see Franklin, 2018). AIAN children were significantly more likely to be involved in detention compared to Caucasian children. While one study found AIAN children to be less likely to be referred to juvenile court, the other study found AIAN child to be more likely to be referred to juvenile court (Owen & Takahashi, 2013; Rordiguez, 2010). Studies that compared API children to Caucasian children tended to show that they were less likely to receive harsher outcomes, such as arrests, referrals, and placement, and more likely to receive diversion (Marchbanks et al., 2018, Owen & Takahashi, 2013).

As with API children, a small number of studies has found opposite of DMC for other groups, where Caucasian children were more likely to face harsher sentencing outcomes. Several studies have found that minority children were significantly more likely to have their cases dismissed by the juvenile court compared to Caucasian child (Gann, 2019; Rodriguez, 2010; Sullivan et al. 2016). Similarly, in a study of noncompliance cases, Chappell (2019) found that Black children were significantly less likely to be adjudicated for noncompliance offenses. It is possible that the observed leniency for minority children in these studies is an evidence of system trying to correct DMC, as DMC is largely said to occur in the front end of the system (Piquero, 2008). In all of the studies mentioned above, minority children nonetheless were significantly more likely than Caucasian children to face harsher consequences in other outcomes, such as detention, out of home commitment/placement, and adult waiver.

One possible mechanism that has been identified for DMC is school-to-prison pipeline, where school discipline is believed to be a direct contributor to minority children making more frequent contact with the juvenile justice system. In a study in Texas, for example, both Black and Hispanic children were significantly more likely to be referred to the juvenile justice system in urban and rural schools, but not suburban schools, even after controlling for school-level characteristics, such as student-teacher ratio and school strictness (Marchbanks et al., 2018). In a study in Missouri, schools that had higher rate of Black students being suspended compared to Caucasian students were also significantly more likely to refer Black students to the juvenile justice system (Nicholson-Crotty et al., 2009).

### **Perceived Homosexuality and LGBTQ+ Children**

Sexual identity is complicated and multifaceted, much like any other identity development. Using the representative sample from child Risk Behavior Surveys, Mustanski and colleagues (2014) found that there was substantial incongruence between sexual identity and sexual behavior among high school students. As such, it is difficult to discern whether children in the present study who were referred for sexual offenses involving a same-sex victim would necessarily identify as a sexual minority. This is especially confounding for sexually harmful behaviors, as male individuals who sexually assault other male individuals often identify as straight or heterosexual. Irrespective of personal identity, however, it is often the case individuals who engage in same-sex sexual behavior are nonetheless perceived as homosexual by society at large, even in the case of sexual violence (Davies 2004; Sivakumaran, 2005).

To perceive individuals who are alleged of victimizing same-sex peers as a sexual minority is highly problematic. Previous studies have shown homophobic bullying, sexual harassment, and sexual assault perpetrated by school-aged children, at least in part, were

motivated by attempting to regulate gender norms and expressions (Espelage et al., 2015; Romeo et al., 2017). Therefore, sexual minority children appear to be at a greater risk for sexual victimization. In a meta-analysis of 71 studies, Rothman et al. (2011) found a median prevalence rate of 14% of gay or bisexual men experiencing hate crime-related sexual assault. Similarly, Smith et al. (2020) found that sexual minorities were over five times more likely to experience sexual assault in middle school or high school in a nationally representative sample of adults.

While acknowledging both (1) the complex nature of sexual identity development that are separate from sexual behavior (Mustanski et al., 2014) and (2) available evidence that suggests sexual minority children, especially boys, are at a much greater risk of being sexually victimized as a result of forceful heteronormative enforcement (Espelage et al., 2015; Romeo et al., 2017), the available evidence to date did not suggest the general public nor justice system actors to have particularly complicated views and knowledge regarding either of the above points. Consistently in measuring homophobia, attitudes about gay-identifying individuals and attitudes about same-sex sexual behaviors were highly correlated (e.g., Davies, 2004). Therefore, even in cases where a child may not identify as a sexual minority, and in fact perpetrated forceful sexual acts as a part of policing heteronormative gender norms, it is likely that the child would be subject to homophobic biases and discriminations.

As with race and ethnicity, current literature shows evidence of DMC for LGBTQ+ children in the juvenile justice system for general delinquency. In the general population, it is estimated that around 5% of people in the United States identify as LGBT (Newport, 2018). This is comparable to the measure of any same-sex sexual encounter in the last five years in the United States, which is also around 5% (Sell et al., 1995). In survey studies, however, estimated percentage of LGBTQ+ juveniles involved in the justice system was 15-21%. In both surveys,

over twice as many girls identified as LGBTQ+ compared to boys (Irvine, 2010; Irvine & Canfield, 2017). Compared with straight identifying peers, LGBTQ+ children reported two or more times of exposure to traumatic incidents, such as being removed from home, experiencing homelessness, running away, foster care or group home placement, truancy, and engaging in prostitution. Concerningly, these traumatic incidents were met with punitive responses from the juvenile justice system, where LGBTQ+ children were twice as likely to be placed in secure detention in the last 12 months for non-violent offenses, such as truancy, running away, or prostitution (Irvine, 2010).

There is also evidence of a school-to-prison pipeline for LGBTQ+ children. Poteat et al. (2016) found that children who identified as lesbian, gay, bisexual, or questioning (LGBTQ) were over twice as likely to be suspended, and nine times more likely to have been in juvenile corrections. Poteat et al. (2016) did not find empirical support for the differential involvement hypothesis, but did find empirical support for the differential selection hypothesis: LGBTQ children were more likely to be suspended in school and to be involved with the juvenile justice system compared to heterosexual children, even when committing the same punishable infractions. Similarly, Himmelstein and Brückner (2011) found that individuals who experienced same-sex attraction, reported being in a same-sex relationship, or identified as LGB were significantly more likely to be targeted for institutional sanctions. Using data from the National Longitudinal Study of Adolescent Health, individuals who reported same-sex attraction were significantly more likely to be expelled from school, stopped by the police, and convicted as an adult. Individuals who reported having had a same-sex relationship were also significantly more likely to be stopped by the police. Individuals who self-identified as LGB were significantly more likely to be stopped by the police, arrested before the age of 18, adjudicated of

delinquency, and convicted as an adult. These effects were particularly more pronounced for female participants, even after controlling for age, race, behavior, and socioeconomic status.

There are multiple possible reasons why LGBTQ+ children may experience DMC compared to their heteronormative counterparts. First, scholars have long raised concerns of not enough cultural competency when it comes to LGBTQ+ kids in the juvenile justice system, which results in worsening legal outcomes (Valentine, 2010). Second, similar to racial minorities, there does appear to be evidence for the differential selection hypothesis (e.g., Potratz et al., 2016). Finally, consistent with the sexual victimization literature, it may be that kids who are perceived or identified as LGBTQ+ are punished more severely due to the perception of violating social, gender, and/or sexual norms. In some states, such biases are explicitly coded into law. As an example, statutory rape laws are punished more severely specifically when it involves same-sex pairs in multiple states (Higdon, 2008).

### **Regional and Jurisdictional Variation in Sentencing**

Prior studies suggest there are significant variations in sentencing beyond individual factors. One potential source of these variations is where a crime occurred. It has been long noted by observers such as Feld (1998) that there are significant county-level variations in sentencing. Other studies have also found support for geographical variations in sentencing. For example, a study of federal drug offenses found that different circuits adjudicated these charges differently despite the fact that these federal offenses used determinate sentencing (Pasko, 2002). Even within a single geographic area, Green and Winick (2010) found that there was significant variation between judges in the District of Columbia Superior Court for how they meted out sentences for over 1,000 felony drug offenses. These regional variations are unlikely to be

attributable to legal factors, such as sentencing guidelines, as all studies cited above explicitly investigated comparable cases.

The exact nature and mechanism for regional variation in sentencing is currently unclear. One possibility in regional variation is the judiciary. Redding and Hensl (2011) found that juvenile and family judges' opinions and beliefs significantly influenced sentencing outcomes in their vignette study. Even removing individual bias as a factor, Stapleton et al. (1982) found twelve distinct clusters that vary across five domains among juvenile courts: scope of jurisdiction, centralization of authority, formalization, task specification, and intake discretion. Therefore, there may be structural factors that influence sentencing variations. One potential macrolevel factor that influences the judiciary is the local political environment that varies across regions. For example, McKenzie et al. (2017) found that rural voters were significantly more knowledgeable of their local judges compared to urban voters. Their findings did not change even after making urbanicity into a continuous variable via population density.

Another potential factor in regional variation is neighborhood characteristics. Consistently, neighborhood disadvantage and concentrated poverty have been shown to be important considerations in context-based studies of juvenile offending; the former as a risk factor, and the latter as a protective factor (Baglivio et al. 2017, Wolff et al., 2018). It may be that juvenile justice system actors that are informed and/or use actuarial risk assessments that integrate neighborhood characteristics in a holistic review of a juvenile's case may have different sentencing recommendations even for the same types of crimes committed. In addition to its influence on individual criminogenic risks, available evidence suggests a juvenile's contact with the justice system is significantly higher in disorganized neighborhoods (Sharlein & Engstrom, 2018). Therefore, regional variations remain an important consideration for present research.

Given the deleterious harms of subjecting children adjudicated of an illegal sexual behavior to sex offender registration, the current dissertation aims to evaluate if factors that affected sentencing outcomes for general crime applied specifically to children referred to the juvenile justice system for sexual offenses. The existing literature suggested three possible extralegal factors that influence sentencing in general: Race/ethnicity of the child, perceived or self-identified sexual minority status, and macrolevel variations tied to geographic regions. Furthermore, prior literature on sentencing of children have emphasized importance of looking at multiple points of the justice system process, not simply examining disparities at the point of arrest or commitment. The following chapter describes the data and the analytical approach used in this dissertation.

## CHAPTER II: METHODS

This dissertation examined sentencing outcomes for children referred to the juvenile justice system in Florida. The three main outcomes of this study were: (1) dispositions, (2) adjudication, and (3) sex offender registration. The data for this analysis were provided by the Florida Department of Juvenile Justice (FDJJ)'s Juvenile Justice Information System (JJIS). JJIS is a centralized database that contains information on children who received referrals to the juvenile justice system for all of Florida. JJIS keeps information on children's offense history, as well as other pertinent information such as risk assessment scores. The extracted data set for this dissertation only included children who have been referred to FDJJ for at least one sexual offense from January 1<sup>st</sup>, 2008 to December 31<sup>st</sup>, 2014. This study was approved by FDJJ's institutional review board. The university institutional review board determined that this was not human subjects research, due to the fact the data was anonymized (Appendix A).

### SAMPLE

#### Age

There were 5,833 children in total in the pooled data set, ages six through 18 at the time of the alleged offense ( $M = 14.35$ ,  $SD = 1.85$ ). There were minor discrepancies in ages of the child, depending on which reference variable was used to compute their age (i.e., age at the time of referral, age at the time of arrest, age at the time of alleged offense, age at the time of qualifying disposition, and age at the time a PACT assessment (see below) was given). Only 0.07% of the participants ( $n = 11$ ) were 18 at the time of the offense, and they were purposefully

kept in the sample as they may have been 17 years or younger at the time of other reference variables.

### **Race and Ethnicity**

Of the children in the sample, 43% were identified as Caucasian ( $n = 2,501$ ), 42% were identified as Black ( $n = 2,471$ ), and 14% were identified as Hispanic ( $n = 833$ ). Any children who were identified as Hispanic ethnicity was categorized as Hispanic, irrespective of their race for the purpose of this study. Children who identified as Asian or American Indian and Alaska Native (AIAN) were combined into a single group and comprised just 1% of the total sample ( $n = 28$ ).

### **PACT Assessment**

Each child was given the pre-screen questionnaire of the Florida actuarial risk assessment tool called Positive Achievement Change Tool (PACT) at the time of referral to FDJJ. The purpose of the pre-screen questionnaire was to determine the overall risk of reoffending, with the higher risk children receiving a more detailed assessment. PACT has been modeled after Washington State Juvenile Court Assessment, Back On Track!, and has been shown to be valid in predicting future recidivism (for detailed information on PACT items and validity, see Baglivio, 2009). The current study used a portion of the PACT's 46-item pre-screen questionnaire, as access to the full pre-screen questionnaire was not permitted by the FDJJ's internal IRB for the purpose of this research. Each PACT pre-screen questionnaire was divided into four domains: Domain 1 pertained to child's records and referrals to FDJJ (e.g., prior offense and dispositions, seriousness of offense); Domain 2 pertained to social history of the child (e.g., school performance, family dysfunction, friendship network.); Domain 3 pertained to

child's mental health history; and Domain 4 pertained to individual child's attitudes/beliefs (e.g., belief in use of force, acceptance of law-abiding behavior and norms).

There were 6,172 unique PACT assessments on record in the data set. The reason that there was a larger number of PACT assessments than children is because some children were assessed multiple times. Re-assessment could have occurred as a part of a follow-up by FDJJ, or it could have been because the same child was referred (see below). In less than 1% of the children ( $n = 28$ ), the same PACT assessment was used for a different entry. The most common reason for using the same PACT assessment was that the referral dates were close together in time, often less than a month. Whichever PACT assessment that corresponded to the referral date in the data set was the PACT assessment that was used in the analyses.

### **Referral**

There was a total of 6,200 referrals in the data set that met the inclusion criteria (i.e., at least one sexual offense) during the study period. Referral date uniquely identified a specific point in time that a child came into contact with FDJJ. In Florida, a referral of a child involved an arrest. As such, informal dispositions that did not result in an arrest would not be captured in this data set. Each referral mostly involved one (36%) or two charges (31%), with a maximum of 137 charges for a single referral ( $M = 2.67$ ,  $SD = 3.90$ ). Of the 5,833 children in the sample, 94% of children had one referral to FDJJ specifically for at least one sex offense in the study period. Six percent of children had two referrals that met the inclusion criteria above. Less than one percent of the total sample had more than three referrals for at least one sex offense.

### **Charge**

There was a total of 16,533 charges combined for all children in the study period. The sample contained 329 unique charges, which were differentiated by severity (i.e., felony,

misdemeanor, other) and degree (e.g., capital, first degree, second degree). For example, a 1<sup>st</sup> degree and 2<sup>nd</sup> degree misdemeanor offenses of the same type assigned entirely separate ID numbers in the system. If a child had two misdemeanor charges of varying degrees, like the above example, they would have two entries with unique charge IDs clustered within the same date of referral. A single child typically was charged with multiple offenses during the study period ( $M = 2.72$ ,  $SD = 4.00$ ), including nonsexual offenses.

## MEASURES

### Outcomes

There were seven potential outcomes for a referral. The reference category ( $n = 6,169$ ) was no further action (e.g., a case held open, child deemed incompetent to proceed) or dismissals (e.g., nolle prosequi, dismissed in court). Within this category, over 60% of the charges were labeled as non-file ( $n = 3,714$ ). The second category was diversion, where a child was referred to alternatives to the formal juvenile justice system ( $n = 1,258$ ). The state of Florida offers multiple different types of diversion programs, such as Juvenile Diversion Alternative Program (JDAP) for example. It is important to note diversions captured in this data set do not include prearrest diversions, as all cases involve minors who were arrested (i.e., referred). Third category was probation, when a child was placed upon probation ( $n = 3,215$ ). The fourth category, commitment, referred to programs children were placed in after being adjudicated of a delinquent act ( $n = 1,511$ ). These programs are intended to be rehabilitative and therapeutic in nature and are not synonymous to adult prisons. Restrictiveness level of a commitment program varied significantly (see Florida Statute § 985.03), though nearly all children in this sample (99.8%) were placed in residential facilities for indeterminate amount of time. Only 6 charges

out of 1,511 commitment outcomes involved nonresidential programs. This category did not include pretrial detentions of a child, where a child was placed in a secure detention facility awaiting court dispositions. The fifth category, adult court, was composed of cases waived into the adult criminal justice system ( $n = 1,240$ ). Nearly all adult court waivers were filed directly (98%), though few cases involved less common waivers, such as involuntary waivers ( $n = 2$ ), indictment ( $n = 5$ ), and voluntary transfer ( $n = 12$ ) where a child's attorney likely requested the transfer. The sixth outcome was charge reduction ( $n = 2,041$ ). Even in cases where a child had several referrals and/or entries, it was not possible to consistently follow what the final charges were. Therefore, this category was treated as an equivalent outcome to the other five categories for the purpose of this study. Some outcomes were entirely left out of one of the outcome analyses, as these dispositions did not fit the above six categories ( $n = 1,099$ ). Over half of these excluded outcomes (52%) indicated when a child was apprehended by a Pick Up Order (PUO).

### ***Adjudication***

While the above outcomes were more detailed, they did not necessarily distinguish between which children were adjudicated for delinquency. For example, probation could apply to both children who were adjudicated and children who had their adjudication withheld. Fifteen percent of all charges resulted in adjudications ( $n = 1,972$ ). Twenty percent of charges resulted in a child's adjudication being withheld ( $n = 2,611$ ). Excluding children who had either (1) charges waived into the adult court system, (2) charges that were upgraded, or (3) charges that were reduced, with the remaining 65% of the charges not resulting in either adjudication or adjudication withheld ( $n = 8,509$ ). This variable was coded in an order of least-to-most serious: No adjudication, adjudication withheld, and adjudication.

### ***Sex Offender Registration***

Separately, FDJJ provided an indicator variable for whether or not a child was ordered by the courts to register as a sex offender. This dummy variable is coded as 1 if they received a court order to register, which comprised 4% of the children in this sample ( $n = 252$ ). It is worth noting that this variable did not speak to whether or not the child actually registered as a sex offender after receiving such an order, as such information is not housed within JJIS. It was also not possible for the researcher to cross-reference the actual sex offender registry as with some past research, as personal identifiable information was explicitly removed from this data set.

### **Legal Factors**

Of all of the charges in the file, 53% of them were felony sex offenses that would require the child to register as a sex offender under the federal Adam Walsh Act, such as sexual battery ( $n = 8,785$ ). Twenty-seven percent were other non-Adam Walsh related felony offenses ( $n = 4,498$ ). Non-Adam Walsh felonies still included certain sex offenses (e.g., lewd and lascivious behavior, possession of obscene materials), and nonsexual felonies (e.g., aggravated assault and battery). Fifteen percent of the charges were misdemeanor offenses ( $n = 2,430$ ), which included misdemeanor sex offenses (e.g., indecent exposure), as well as nonsexual offenses (e.g., simple assault and battery). The remaining 5% were categorized as “other” offenses ( $n = 820$ ), which includes offenses like violation of parole.

### ***Offense Category***

The offense category variable was a three-category variable constructed by combining Misdemeanor offenses and “other” offenses into a single reference category. In reverse, two types of Felonies were teased out to better account for nonsexual and sexual felonies. Any Felonies that are listed under the Adam Walsh Act was a separate category from other nonsexual Felonies. Both Felonies were compared against the reference category as indicator variables.

### ***Minor Victim***

Most information regarding a specific victim of each charge was not provided by FDJJ in this data set. In order to ascertain some understanding of what the victim age might be, each of the 329 unique charges were referenced to corresponding Florida statute and subsection. The Minor Victim variable was coded as 1 if the statute explicitly mentions the age of the victim as a specific part of the associated charge. For example, under Florida Statute § 787.01, kidnapping a person (2) and kidnapping and then confining a minor under the age of 13-years-old without the consent of a parent (1b) were defined in different subsections, and therefore assigned a different charge ID in the data set. Any time there was a lack of mention of victim age as legal consideration for that specific charge, or age mentioned in the statute was age of 18 and over, this variable was coded as 0. The overwhelming majority of charges involved a mention of a minor victim (66%), which was not surprising given that the alleged offenders are all juveniles themselves. Of the charges that the statutes specified as crimes involving a minor victim ( $n = 10,863$ ), 51% involved charges with victim age less than 13-years old ( $n = 5,556$ ), 30% involved victim age less than 13-16 years old ( $n = 3,284$ ), and the remaining 19% involved victims less than 18 years old ( $n = 2,023$ ).

### ***Juvenile Justice System (JJS) Involvement***

This composite score was created using Confirmatory Factor Analysis of seven Domain 1 questions through Structural Equation Modeling (SEM). The final results of the SEM were included in Appendix B. The seven questions used were Q1 (i.e., age of first offense), Q2 (i.e., total number of misdemeanor referrals), Q3 (i.e., total number of felony referrals), Q9 (number of times the child was held for at least 48 hours physically confined in a detention facility), Q10 (i.e., total number of commitment orders and modification orders for which the children served

at least one day confined under residential commitment), Q11 (i.e., total number of attempted or actual escapes that resulted in adjudication), and Q12 (i.e., total number of failures-to-appear in court or absconding supervision that resulted in a pickup order being issued).

### ***Multiple Sex Offense Referrals***

This indicator variable was constructed using Q7 and Q8 from Domain 1. As stated in the PACT assessment, Q7 and Q8 are mutually exclusive, referring to total number of sexual misconduct misdemeanor referrals, and total number of referrals for felony sex offenses respectively. Of the 5,883 children, 8% of them had no sexual misconduct referrals ( $n = 467$ ), 86% had at least one sexual misconduct referral ( $n = 5,076$ ), and the remaining 5% of the children had 2 or more sexual misconduct referrals ( $n = 290$ ). When both Q7 and Q8 were coded as “None” or “One”, the variable was coded as 0. If the child had either two or more misdemeanor or felony sexual misconduct referrals, the variable was coded as 1.

### ***Number of Charges***

Since the analysis was charge-specific, the person-level sum of charges per child at the time of referral was included to account for significant variation in the number of charges. The number of charges was standardized as a z-score at the person-level (Level 2). Therefore, a value of zero would be the same as the average number of charges per child for the sample.

### ***Extralegal Factors***

Extralegal factors were factors outside of Domain 1, such as demographic factors, other questions from the PACT assessment, and county-level factors. Other domains of PACT assessment largely pertain to social histories of the children. County-level factors were derived from external data sources. Detailed explanations of these variables are provided below.

### ***Race***

Race was an indicator variable that used Caucasian children as the reference category. Other categories shown in the model are: AIAN/Asian, Black, and Hispanic. The proportion of this variable is as described in the previous section of the sample.

### ***Age***

Age was converted into a z-score for an ease of comparison with the other predictors at the person-level, where a score of zero would indicate the average age of children in the sample. The age of the child was calculated at the time of the alleged offense ( $M = 14.35$ ,  $SD = 1.85$ ), as some children in the sample had significant gaps between the time of the offense and the time of arrest and/or referral to FDJJ.

### ***Female***

This dummy variable indicated the child's gender, with female children coded as 1 ( $n = 410$ ), and male children as the comparison group ( $n = 5,423$ ). For the purpose of this study, there was no differentiation between the sex assigned at birth and the gender identity of a particular child. At the time of the study (i.e., 2008 to 2014), FDJJ did not collect information on gender identity of the children.

### ***Same-Sex Sex Crime***

FDJJ provided the following information on victims: (1) Whether the charge involved a male victim, (2) whether the charge involved a female victim, and (3) when victim gender was not available. This variable was coded as 1 when two of the following conditions were satisfied. First, the child's gender was cross-referenced with victim gender information, with at least one same-sex victim (including instances involving multiple victims of multiple genders). Secondly, the associated charge had to be a sex offense of some type (e.g., sexual battery, misdemeanor sex offense, other felony sex offenses) to avoid conflating same-sex physical assault, robbery, and

other offenses in the data set. Nonsexual same-sex crime accounted for a 1% of total charges ( $n = 176$ ). When the variable was coded as 0, it indicates a situation where victim information was available, involved only opposite-sex crimes, and/or involved same-sex nonsexual crimes. Following the above criteria, 9% of total charges were identified as same-sex sex crime ( $n = 1,414$ ). Over 48% of all charges did not contain victim information ( $n = 7,948$ ), and therefore were excluded from the following analyses. The reason a victim information was missing was not provided by FDJJ, though for some charges there was no victim information because they specifically involved victimless crimes (e.g., alcohol offenses, loitering)

### ***Social Factors***

Social factors were derived from Domain 2 of PACT assessment pertaining to child's friendship network, their academic situation, and family history.

**Gang Membership.** This indicator variable was constructed from Domain 2, Q3b, which describes the child's present-day friendship network. The overwhelming majority of the children in the sample had either a prosocial friendship group ( $n = 2,491$ ) or a mix of both prosocial and antisocial friendship groups ( $n = 2,496$ ). Other children either reported not having any friends at all ( $n = 580$ ) or only antisocial friendship group ( $n = 177$ ). All of the above categories were combined into a single reference category indicating children not currently in a gang, coded as 0 ( $n = 5,743$ ). Children who were identified as gang members were coded as 1 ( $n = 90$ ). Children who had a mix of a friendship group and were members of a gang were counted as belonging in a gang.

**School Enrollment.** This indicator variable was created using Domain 2, Q2a. Children who were either suspended at the time of the PACT assessment (3%), expelled from school (1%), or dropped out of school (6%) were coded as 0. Children enrolled in school either part

time (2%) or full time (86%) were coded as 1. The remaining children who have graduated or obtained a GED (2%) were all coded as 2. For all analyses, children who were either suspended, expelled, or dropped out were used as the comparison group.

**School Trouble.** This variable was a composite score created through Confirmatory Factor Analysis of three Domain 2 questions from the PACT assessment using Structural Equation Modeling (SEM). The higher score of the latent variable indicated higher school troubles. The three questions were Q2b (i.e., child's conduct in the most recent term), Q2c (i.e., child's school attendance in the most recent term), and Q2d (i.e., child's academic performance in the most recent term). Examples of higher score items included issues such as having school calling the police on the child, being a habitual truant, and failing most classes. The final results from the SEM were included in Appendix C.

**Family Dysfunction.** This was a composite score created using five Domain 2 questions from the PACT assessment using Confirmatory Factor Analysis through Structural Equation Modeling (SEM), with higher score of the latent variable indicated higher levels of family dysfunction. Five variables were child's history of court-ordered or Department of Children and Family (DCF)'s voluntary out-of-home shelter care placements exceeding 30 days (Q4), a child's history of running away and/or getting kicked out of their home (Q5), family history of jail/imprisonment (Q6a), parental history of problems with alcohol, drug, physical health, mental health, and/or employment (Q6c), and the current level of parental authority and control (Q7). Final results from the SEM were included in Appendix D.

### ***Delinquent Attitudes and Beliefs***

This is a composite score computed using Confirmatory Factor Analysis on four Domain 4 questions from the PACT assessment using Structural Equation Modeling (SEM). The higher

score of the latent variable indicated higher levels of endorsement of delinquent attitudes and beliefs. Q1 measured attitude towards responsible law-abiding behavior, Q2 measured children's inclinations to accept responsibility for their own antisocial behavior, Q3 measured children's beliefs in verbal aggression as a good way to resolve conflict, and Q4 measured children's beliefs in using physical aggression to resolve aggression or conflict. The final result from the SEM were included in Appendix E.

### ***County-Level Factors***

County-level factors (Level 3) were all extracted from external data sources, such as 2014 American Community Survey's five-year estimates (U.S. Census Bureau, 2016) and MIT (MIT Election Data and Science Lab, 2018). Of the sixty-seven counties in Florida, one county (i.e., Lafayette county) did not report a single child alleged of a sexual offense in the study period, and therefore was not included in any of the subsequent analyses. The American Community Survey's five-year estimates utilize data from the majority of the study period to provide county-level estimates, and yearly data were purposefully avoided so as not to introduce a temporal factor into the model.

**Percent Black.** In order to be comparable with other variables in the study, the percentage of Black-identified individuals in the corresponding county was standardized at the county level (Level 3) to convert into a z-score. Consistent with the coding of the race variable of this study, respondents whose ethnicity was Hispanic were excluded from this category, even if they identified as Black in the American Community Survey.

**Percent Hispanic.** This variable was standardized percent of Hispanic-identified individuals in the corresponding county. As with % Black, this variable was converted into a z-score. Consistent with coding of the person-level Hispanic variable in this study, any individual,

regardless of race, who identified as Hispanic in the American Community Survey was included in this category.

**Percent Poverty.** This variable was a standardized percentage of households in the corresponding county that met the criteria for poverty in the last 12 months. As with the other two variables, this was converted into  $z$ -scores. This variable was imputed by the Census Bureau, based on the information provided by the respondents in the American Community Survey.

**Percent Republican.** County-level election information was obtained from MIT Election Data and Science Lab (2018). A percentage of Republican voters was calculated by dividing total Republican votes by the total votes cast in the presidential election. The two elections during the study period (i.e., 2008 and 2012) were averaged. Only two of sixty-six counties had a shift in political party across the two elections. To be comparable with other county-level variables, the share of Republican votes during the presidential elections was standardized into  $z$ -scores at the county level.

## ANALYSIS

Each of the following chapter utilized three different analyses to investigate possible effects of extralegal factors of interest affecting sentencing outcomes for children alleged of sexual offenses. The first analysis compared legal and extralegal factors that predicted further juvenile justice system involvement by outcome type. The second analysis used the same predictors to better illustrate variables that correlated specifically with adjudication. The third analysis explored the same predictors and their association with a child ordered to register as a sex offender, as registration order is a separate process from juvenile adjudication.

Similar to how Cochran and Mears (2015) structured their analyses for general delinquency in Florida, multilevel multinomial logistic regression was used to assess potential outcome differences between children referred to FDJJ for at least one sex offense for the first analysis. All alleged offense committed by a child (Level 1) were clustered within the child (Level 2), accounting for shared variance between the same child who share the same demographic factors, legal factors, and extralegal factors for a specific date of a referral to FDJJ. Since less than 1% of the children had more than 2 contacts with the juvenile justice system in the study period ( $n = 21$ ) for at least one sexual offense, it was not possible to construct a model with time as a third component. However, most of the major findings of the study did not change even if children who were referred more than once were excluded from the analyses, as 94% of the sample only has one referral for at least one sexual offense per child ID.

For the second analysis, multilevel ordinal logistic regression was used to explore predictors of children being adjudicated of delinquency. Unlike a binary logistic regression, ordinal logistic regression creates cut points for the ordinal outcome variable. Using the adjudication variable, the regression predicted what factors were associated with both adjudication withheld (Cut 1) and adjudication of delinquency (Cut 2), with no adjudication as the base category. Charges that were waived into the adult criminal justice system were removed from this analysis to avoid conflating these charges that were dismissed or received alternative dispositions. In addition, dispositions that resulted in a charge upgrade or charge reduction were also removed, as it is not clear if these charges ultimately resulted in adjudication.

For the third and final analysis, logistic regression was used for children who received orders from the courts to register as a sex offender after being adjudicated for a qualifying sex offense. It was not possible to nest charges within individuals, like with the first two analyses,

due to statistical power. Therefore, charges were all collapsed within a child, using the child's ID. To account for the fact a single child could both have multiple charges and multiple referrals, the following was done for the logistic regression analysis. First, a child who had multiple Adam Walsh felony charges had total number of charges added as an additional predictor in the regression. Secondly, number of referrals was computed for each youth and used as a covariate. However, since number of referrals in the data set were not significantly associated with registration order, nor did it appear to improve overall model fit (See Appendix F). For this reason, they were ultimately removed from the final analyses. Finally, all other variables used the average across entries for continuous variables (e.g., average z-score), and maximum value per child ID for indicator variables (e.g., school enrollment status).

County-level analyses added an additional level of clustering and Level 3 predictors. Therefore, both multilevel regressions (i.e., multinomial and ordinal) became three-level models, with charges (Level 1) nested within children (Level 2) nested within counties (Level 3). The logistic regression became a two-level multilevel logistic regression, with children (Level 1) nested within counties (Level 2). In addition to the added random intercept for a new level to each analysis, four county-level predictors were added.

In all three analyses, there were three separate models each. The first model included only the variables of interest for the associated chapter (i.e., race, same-sex crime, or county-level factors) and the outcome of the alleged charge/person. The second model added legal factors into Model 1, including charge-specific factors and variables from Domain 1 of PACT assessment. Model 3 included extralegal factors, such as demographic factors (i.e., age and gender), social factors from Domain 2, and delinquent attitudes and beliefs from Domain 4.

Due to missing values of one or more of the variables and ambiguous outcomes, the final analytical samples for each analysis varied across analyses, and sometimes across chapters. For Race analyses, multinomial logistic regression had a final sample of 5,036 referrals and 11,512 charges. The ordinal logistic regression had a final analytical sample of 5,220 referrals and 13,062 charges. Finally, logistic regression had a final analytical sample of 6,174 referrals and 5,814 children. For Same-Sex analyses, sample size was smaller due to a significant number of charges with no victim information. Multinomial logistic regression had a final analytical sample of 5,247 referrals and 8,277 charges. The ordinal logistic regression had a final analytical sample of 4,122 referrals and 6,375 charges. Logistic regression had a final analytical sample of 5,398 referrals and 5,134 children. For County analyses, ordinal logistic regression and logistic regression both shared the same sample size with the Race analyses. However, multinomial logistic regression had additional charges kept in the model, with a final analytical sample of 6,091 referrals and 15,393 charges.

All analyses were conducted using STATA SE 14.2. Given that STATA SE 14.2 does not allow multilevel multinomial logistic regression, the multilevel modeling of all types was done using the *gsem* command, known as Generalized SEM. The details of the *gsem* command can be found on page 449 of STATA's Structural Equation Modeling Reference Manual, Release 14. The same command was used to ensure the uniformity of estimation methods for multilevel logistic, multilevel ordinal logistic, and multilevel multinomial logistic regressions.

Multilevel regression analyses were used for three reasons. First, for charge-level analyses (i.e., dispositions and adjudications), clustering charges within individual children allowed for full range of charges that were brought forth in modeling person-level effects (e.g., race and ethnicity of a child). Rather than taking the most severe offense and most severe

outcome for a particular child, multilevel modeling allowed for dispositions that specifically corresponded to that particular charge as part of the regression analyses. Secondly, multilevel modeling was necessary to do the regional variation analyses to be able to account for within-county variations and correlations. Thirdly, multilevel modeling can better account for unmeasured variables not included in the study both at the person-level (Level 2) and the county-level (Level 3). An existence of statistically significant variance of the random intercepts suggest some other factor(s) at that level not included in the study.

### CHAPTER III: EFFECTS OF RACE ON SENTENCING OUTCOME

Race may play an important role in predicting sentencing outcomes for juveniles adjudicated of illegal sexual behaviors. In a vignette study where the race of the alleged 15-year-old offender and the minor victim were manipulated, Stevenson et al. (2009) found that non-Black women were more likely to support the sex offender registry in general compared to Caucasian women, support the sex offender registry even without evidence that it is effective, and believe that defendant was more likely to reoffend only when the victim was a Caucasian child compared to scenarios where the victim was a Black child. In the same study, men perceived Black defendants to be more dangerous, despite the vignette described a nonviolent and consensual statutory crime.

Available scientific studies that have looked at DMC among juveniles adjudicated of sexual offenses are few. Most DMC literature that separates different types of offenses distinguishes between violent, property, and drug offenses, and not necessarily violent sexual offenses and nonsexual offenses (e.g., McCoy et al, 2012). Fix, Cyperski, et al. (2017) found that there were disproportionate number of Black children compared to Caucasian children in a juvenile detention facility in Alabama, and the disparities were found for both juveniles detained for nonsexual offenses and sexual offenses. No statistical differences were found in AWA/SORNA classification, with two in three juveniles placed in Tier III classification. In terms of offense, Black detained children were more likely to be adjudicated of rape compared to Caucasian children. In reverse, Caucasian child were more likely to be adjudicated of sexual abuse compared to Black children. Taking a closer look at the juveniles in an Alabama detention center, Fix, Fix, et al. (2017) found evidence of DMC across all three groups of juveniles

adjudicated of violent offenses, sexual offenses, and general offenses. DMC was observed despite the fact there were no measurable differences between Black and Caucasian detainees in their respective histories involving prior arrests or confinement. In both studies, the authors found much narrower DMC for juveniles detained for sexual adjudications compared to other offense types.

The present study extends the existing research in a few notable ways. First, unlike the studies in Alabama, the sample for this study was not limited to incarcerated children, but includes all children referred to the juvenile justice system. Secondly, there are additional racial and ethnic comparison groups in this study, such as Hispanic children. Thirdly, the current study investigates DMC at multiple points of juvenile justice system processes, not just at commitment/placement. This is an important distinction, as multiple scholars have empathized study of DMC ought to focus on early parts of justice system processes, especially given how disadvantage is cumulative (McCarter, 2009; Piquero, 2008).

The main research question for this chapter is whether race and ethnicity are statistically significant predictors of sentencing outcomes, even after adjusting for charge-specific factors (e.g., offense severity) and person-level factors (e.g., PACT assessment items). In addition to the main research question, there are three hypotheses. First, it is hypothesized that race and ethnicity will remain to be statistically significant, regardless of the control variables and the specific outcomes investigated (i.e., qualifying dispositions, adjudications, and sex offender registration orders). Second, it is hypothesized that, consistent with prior research, Black children would have higher rates of referrals and higher likelihood of worse outcomes compared to Caucasian children. Finally, it is hypothesized that Hispanic, Asian, or AIAN children will have

a more mixed effect of race and ethnicity, where they may not differ from Caucasian children depending on the outcome.

## RESULTS

Table 1.1 and Table 1.2 detailed descriptive statistics for all variables used in this study. Table 1.1 detailed relevant Level 1 charge-level variables used in both multilevel regression analyses, including the outcome variables. Table 1.2 contained information from person-level variables, including PACT and non-PACT items. Descriptive statistics of reference categories of indicator variables were also included in both tables (e.g., offense category, race). For discrete variables, both tables provided the relevant sample size and percentages. For continuous variables, both tables provided the mean and the standard deviation.

Table 1.3 detailed cross-tabulation of relevant study variables and race. The percentages and means provided here pertained to the column and cannot be added across the row. For example, 38% of Caucasian children in the sample had at least one charge that resulted in probation, but it is not that 38% of all probation outcomes were for Caucasian children. AIAN or Asian children consistently had different characteristics compared to all other groups, but caution is needed in interpreting their column as they made up such a small percentage of the sample (1%). For discrete variables, Pearson's Chi-square test was used to test for statistically significant group variations. For continuous variables, two-sample *t*-tests were used to compare for statistically significant differences in scoring.

Multiple outcomes varied significantly across groups. Black children had the highest share of waiver into the adult court system (8%), whereas Caucasian children had the smallest percentage of waiver across all groups (6%),  $X^2(3, N = 5,833) = 11.21, p < .05$ . Hispanic

children were least likely of the groups to be committed (11%), whereas AIAN or Asian children had the highest percentage of children to be committed (25%),  $X^2(3, N = 5,833) = 17.08, p < .01$ . Hispanic children had the smallest percentage of at least one charge being reduced (21%), compared to Caucasian children who had the highest proportion of charge reduction (28%),  $X^2(3, N = 5,833) = 17.48, p < .01$ . For diversions, Black (14%) and Hispanic (13%) children were both less likely than Caucasian children (18%) to be diverted,  $X^2(3, N = 5,833) = 18.72, p < .001$ . For the base category composed of dismissals and nolle prosequi, Caucasian children were the smallest group to receive this outcome (20%),  $X^2(3, N = 5,833) = 11.98, p < .01$ .

Other outcome variables also varied by group. While adjudication withheld did not vary across groups, no adjudication ( $X^2(3, N = 5,833) = 33.98, p < .001$ ), adjudication of delinquency ( $X^2(3, N = 5,833) = 12.02, p < .01$ ), and sex offender registration all varied across racial groups ( $X^2(3, N = 5,833) = 16.14, p < .01$ ). AIAN or Asian children had the highest proportions of at least one charge resulting in no adjudication (86%), adjudication of delinquency (29%), and being ordered to register as a sex offender (11%). Caucasian children were least likely to have at least one charge resulting in no adjudication (68%), whereas Hispanic children were least likely to be ordered to register as a sex offender by the courts (3%).

The overwhelming majority of predictors did not vary significantly across racial groups. Charge types Other ( $X^2(3, N = 5,833) = 9.98, p < .05$ ) and Misdemeanor ( $X^2(3, N = 5,833) = 47.19, p < .001$ ) both varied across groups, with AIAN or Asian children recording the least number of these types of charges (0% and 18% respectively) compared to the total sample (11% and 27% respectively). Gang membership is the only other predictor to vary across groups,  $X^2(3, N = 5,833) = 14.14, p < .01$ . AIAN or Asian children (4%), Hispanic children (2%), and Black children (2%) reported higher proportion of gang membership compared to Caucasian

children (1%). Finally, Caucasian children were significantly more likely compared to other groups to have either graduated already or obtained a GED ( $3, N = 5,833$ ) = 9.71,  $p < .05$ .

### **Outcome Differences**

The results of the multilevel multinomial logistic regression are shown in Table 1.4. Fit statistics of the multilevel multinomial regressions are also included in Table 1.4. All three fit-statistics (i.e., -2LL, AIC, and BIC) improve with addition of legal and extralegal factors in Model 2 and Model 3, suggesting an overall better fit of the data.

The variance of the random intercepts of this model was statistically significant ( $p < .001$ ), which suggests significant across person variation in outcomes, even after controlling for significant number of charge specific factors (i.e., Level 1 variables) and person-level characteristics (i.e., Level 2 variables) including the variable of interest (i.e., race or ethnicity of the child). The statistically significant variance of random intercept suggested a possibility of person-level variable(s) that the present study did not account for.

The following results are organized by specific outcomes of the dependent variable in order of seriousness. Each outcome is compared against the likelihood of dismissal or nolle prosequi. Therefore, the results from the multinomial logistic regression cannot speak directly to statistically significant divergence between the other categories (e.g., adult waiver vs commitment).

For this analysis, non-file and other non-action outcomes (e.g., a child who was deemed incompetent to proceed, cases that were held open) were separated from the base dismissal category, as there were dramatic racial differences, particularly between Caucasian children (28%) and all other groups: Hispanic children (42%), AIAN or Asian children (39%), and Black children (35%),  $X^2 (3, N = 5,833) = 56.69, p < .001$ . Non-file was the largest contributor to these

differences. By removing non-file and other non-action outcomes from the base category, all outcomes relate to charges that advanced within the juvenile justice system (e.g., adjudicatory hearing). While it is unclear why Caucasian children were significantly less likely to have petitions filed compared to other racial groups, the purpose of the removal was to lessen the effects of non-file on race, as the dismissal category is the comparison group for the entire analysis. In a different analysis not included in this chapter, the majority of the key findings below were consistent even with non-file and other non-action outcomes were included in the base category (See Appendix G). The final analytical sample for the multilevel multinomial logistic regression contained 5,036 referrals and 11,512 charges.

### ***Adult Court Waiver***

Race was a significant predictor of adult court waiver. Hispanic children were significantly less likely to be waived into the adult system ( $RRR = 0.66, p < .05$ ). This effect remained statistically significant across all models, even with the addition of legal and extralegal factors.

Legal factors were significantly associated with adult court waiver. Felony charges, both Adam Walsh felonies ( $RRR = 21.38, p < .001$ ) and non-sexual felonies ( $RRR = 14.89, p < .001$ ), and children with multiple sexual misconduct referrals ( $RRR = 1.83, p < .01$ ) significantly predicted increased likelihood of a charge waived into the adult criminal justice system. In contrast, a charge specifying a minor victim ( $RRR = 0.14, p < .001$ ) significantly decreased the likelihood of being waived into the adult court. Higher levels of juvenile justice system involvement were initially associated with adult court waiver, though the effects were no longer significant with the introduction of extralegal factors in Model 3 ( $p > .05$ ).

Several extralegal factors also significantly predicted adult court waiver. Older children ( $RRR = 4.40, p < .001$ ) and children who have either graduated or obtained GEDs ( $RRR = 4.69, p < .01$ ) were both significantly more likely to be waived into the adult system. Children currently associated with a gang approached statistical significance for higher risk of adult waiver ( $RRR = 2.00, p < .10$ ). The only extralegal factor that predicted decreased likelihood of waiver was gender. Girls ( $RRR = 0.17, p < .001$ ) significantly less likely to be waived compared to boys.

### ***Commitment***

Race was also a significant predictor of commitment to secure juvenile detention facility. Black children ( $RRR = 0.63, p < .001$ ) and Hispanic children ( $RRR = 0.38, p < 0.001$ ) were both significantly less likely to be committed compared to Caucasian children. These racial differences remained even after controlling for legal (Model 2) and extralegal factors (Model 3).

As with adult waiver, the majority of legal factors were significant predictors of commitment. Both types of felony charge, Adam Walsh felonies ( $RRR = 3.94, p < .001$ ) and nonsexual felonies ( $RRR = 5.90, p < .001$ ), once again significantly predicted higher likelihood of commitment. Children with higher levels of juvenile justice system involvement were also significantly more likely to be committed ( $RRR = 1.23, p < .01$ ). In contrast, charges involving minor victims ( $RRR = 0.18, p < .001$ ) were significantly associated with decreased likelihood of commitment.

Numerous extralegal factors were also associated with an increased risk of commitment. Compared with children who were suspended, expelled, or dropped out of school, both children who were currently enrolled in school ( $RRR = 1.65, p < .05$ ) and children who have graduated or obtained their GEDs ( $RRR = 4.37, p < .01$ ) were both significantly more likely to be committed. Children with higher-than-average family dysfunction ( $RRR = 1.50, p < .01$ ) and older children

were ( $RRR = 1.32, p < .001$ ) both significantly more likely to be committed. Similar to adult court waiver, girls were significantly less likely to be committed compared to male children ( $RRR = 0.22, p < .001$ ).

### ***Probation***

As with commitment, there was a significant effect of race on the likelihood of being put on probation over dismissal. Compared to Caucasian children, Black children ( $RRR = 0.70, p < .01$ ) Hispanic children ( $RRR = 0.53, p < .001$ ), and AIAN or Asian children ( $RRR = 0.27, p < .05$ ) were significantly less likely to be put on probation. The effects of race for Black and Hispanic children were more pronounced with an introduction of legal factors (Model 2) than the bivariate model (Model 1).

Most legal factors were significantly associated with probation. Non-sexual felony charges were significantly associated with an increased likelihood of probation ( $RRR = 1.53, p < .01$ ). All other statistically significant legal factors predicted a decreased likelihood of being put on probation, such as higher than average number of charges ( $RRR = 0.85, p < .001$ ), higher than average level of juvenile justice system involvement ( $RRR = 0.52, p < .001$ ), and charges involving a minor victim ( $RRR = 0.17, p < .001$ ).

Only a few of extralegal factors were significantly associated with probation. Children who have graduated or obtained their GEDs were significantly more likely to be put on probation compared to children who do not attend school due to suspensions, expulsion, and dropping out entirely ( $RRR = 4.49, p < .01$ ). Children who were older than the average age of the sample were significantly more likely to receive probation over nolle prosequi or dismissals ( $RRR = 1.14, p < .05$ ). Consistent with other outcomes, girls were less likely to be put on probation compared to boys ( $RRR = 0.40, p < .001$ ).

### ***Charge Reduction***

Race was a significant predictor of charge reduction. Compared to Caucasian children, Hispanic children were significantly less likely to have their charges reduced ( $RRR = 0.45, p < .001$ ). In other words, Caucasian children were more than twice as likely to have their charges persist through the justice system compared to Hispanic children, though the original charge was reduced to something else.

Among the legal factors, charge-related predictors were all significantly associated with charge reduction. Compared to misdemeanor and other charges, both Adam Walsh felonies ( $RRR = 15.14, p < .001$ ) and nonsexual felonies ( $RRR = 6.93, p < .001$ ) significantly increased the likelihood of a charge being reduced over being dismissed. Charges involving minor victim ( $RRR = 0.45, p < .001$ ) and having higher than average number of charges ( $RRR = 0.89, p < .001$ ) both predicted decreased likelihood of charge reduction.

In terms of extralegal factors, only three factors were statistically significant. Children who were older than the sample average were significantly more likely to receive a charge reduction ( $RRR = 1.33, p < .001$ ). Similarly, children who have graduated or obtained their GEDs were significantly more likely to have their charges reduced ( $RRR = 1.62, p < .05$ ). Compared to boys, girls were significantly less likely to receive a charge reduction over nolle prosequi or dismissals ( $RRR = 0.36, p < .001$ ).

### ***Diversion***

Race remained a consistent predictor for diversion over a dismissal. Compared to Caucasian children, both Black ( $RRR = 0.67, p < .01$ ) and Hispanic children ( $RRR = 0.45, p < .001$ ) were significantly less likely to be referred to a diversion program. AIAN or Asian

children were also less likely to be diverted at the bivariate level (Model 1), though the effect did not remain significant with the introduction of legal factors ( $RRR = 0.35, p > .05$ ).

In terms of legal factors, none of the predictors were associated with an increased likelihood of diversion. Charge related factors, such as an Adam Walsh felonies ( $RRR = 0.39, p < .001$ ), non-sexual felonies ( $RRR = 0.55, p < .001$ ), a charge involving a minor victim ( $RRR = 0.64, p < .05$ ), and children with higher than average number of charges ( $RRR = 0.27, p < .001$ ) were all significantly less likely to be diverted. Similarly, children with higher-than-average involvement with the juvenile justice system also were less likely to be diverted ( $RRR = 0.20, p < .001$ ).

Similar to legal factors, statistically significant predictors of diversion were associated with a decrease in likelihood of this outcome. Older children ( $RRR = 0.88, p < .05$ ), children enrolled in school in some capacity ( $RRR = 0.66, p < .05$ ), and children with higher-than-average levels of family dysfunction ( $RRR = 0.44, p < .001$ ) were all significantly less likely to be diverted. Only variable that predicted increased likelihood of diversion was children who graduated or obtained their GEDs ( $RRR = 3.36, p < .05$ ). Unlike all other outcomes, girls did not significantly diverge from boys.

## **Adjudication**

Results from multilevel ordinal logistic regression are shown in Table 1.5. All fit statistics (i.e., -2LL, AIC, BIC) indicate Model 3 to best fit the data, with all indices becoming smaller across the three models. In ordinal logistic regression, there are cuts for each ordinal category as opposed to an intercept. The first cut represents adjudication withheld, where a child would not be found guilty of the charge in question upon successful completion of the terms set by the court, such as fines and probation. The second cut, on the other hand, represents

adjudication. Both adjudication withheld ( $OR = 1.97, p < .001$ ) and adjudication ( $OR = 10.00, p < .001$ ) were statistically significant divergent cut points. Given that cut points are artificial constructs, they should not be interpreted.

The variance of the random intercepts was also significant in this model. This suggested significant across person variation ( $p < .001$ ). As with the multinomial logistic regression, controlling for charge specific factors (Level 1) and person-level characteristics (Level 2) did not fully account for the variance across children in predicting their likelihood of being adjudicated for delinquency.

Race was a statistically significant predictor of adjudication. Consistent with findings from the multinomial logistic regression, Black ( $OR = 0.74, p < .001$ ) and Hispanic children ( $OR = 0.60, p < .001$ ) were both significantly less likely to be adjudicated of delinquency compared to Caucasian children. There appears to be a suppression effect, as Black children did not significantly differ from Caucasian children at the bivariate level in Model 1 prior to the introduction of legal factors ( $OR = 0.89, p > .05$ ).

Almost all of the legal factors were significantly associated with adjudication. Adam Walsh sexual felonies ( $OR = 1.63, p < .001$ ), nonsexual felonies ( $OR = 3.67, p < .001$ ), and children with higher levels of juvenile justice system involvement ( $OR = 1.17, p < .01$ ) had significantly higher odds of adjudication. In contrast, charges involving a minor victim ( $OR = 0.24, p < .001$ ) and children with higher number of charges ( $OR = 0.90, p < .001$ ) reported decreases in odds of adjudication.

There were several legal factors that were significant predictors of adjudication. Children currently enrolled in a school ( $OR = 1.68, p < .001$ ), children with higher levels of family dysfunction ( $OR = 1.62, p < .001$ ), and older children ( $OR = 1.07, p < .05$ ) were all significantly

more likely to be adjudicated of delinquency. In contrast, girls were less likely than boys to be adjudicated ( $OR = 0.37, p < .001$ ).

### **Sex Offender Registration**

Results from the logistic regressions predicting sex offender registration order by the courts are shown in Table 1.6. Fit statistics universally improved across models, with Model 3 exhibiting the overall best fit of the data. Consistent with other analyses, Black children ( $OR = 0.69, p < .05$ ) and Hispanic children ( $OR = 0.53, p < .01$ ) were both significantly less likely to be ordered to register as a sex offender. The effects of race remained significant even after adjusting for legal and extralegal factors in Model 2 and 3.

Of the legal factors, children who had a higher-than-average number of Adam Walsh felony charges per referral were significantly more likely to be ordered to register as a sex offender ( $OR = 1.79, p < .001$ ). Similarly, children who have had multiple sexual misconduct referrals in the sample were also significantly more likely to be ordered to register as a sex offender ( $OR = 3.39, p < .001$ ). In contrast, children with higher-than-average levels of juvenile justice system involvement ( $OR = 0.80, p < .05$ ) and children with a higher-than-average number of charges ( $OR = 0.51, p < .001$ ) were both significantly less likely to be ordered to register as a sex offender.

Among the extralegal factors, several variables were statistically significant predictors of sex offender registration. Older children ( $OR = 2.04, p < .001$ ), children with high levels of family dysfunction ( $OR = 1.46, p < .05$ ) and children who exhibited higher levels of troubles at school ( $OR = 1.37, p < .05$ ) were all significantly more likely to receive a registration order. Similar to other outcomes, female children were significantly less likely than male children to be ordered to register as a sex offender ( $OR = 0.21, p < .01$ ). Children who have graduated from

high school or have obtained a GED were significantly less likely to be ordered to register as a sex offender compared to children who were suspended, expelled, or dropped out of school ( $OR = 0.21, p < .05$ ).

## DISCUSSION

As hypothesized, race and ethnicity were both statistically significant predictors associated with all sentencing outcomes: dispositions, adjudications, and sex offender registration order. When there were statistically significant effects of race and ethnicity, such effects were not mediated by the introduction of legal factors, such as charge-specific factors (e.g., offense severity), and extralegal factors, such as person-level characteristics (e.g., age, gender). The only exception was diversion, where AIAN or Asian children's significantly decreased likelihood of diversion outcome was fully mediated with the introduction of legal factors in the model.

Consistent with prior literature on Disproportionate Minority Contact and this study's hypothesis, Black children were significantly overrepresented in this select sample of children who were referred to the juvenile justice system for at least one sex offense. There were nearly equal proportions of Black children and Caucasian children, both comprising about 42% of the study sample. While Non-Hispanic Caucasian children comprised about 44% of Floridian children, Black children only represent about 21% of Florida's child population during the study period (U.S. Census Bureau, 2016). The overrepresentation of Black children at the time of referral is consistent with FDJJ's internal reporting of race discrepancies in arrests for general delinquency, where Black children were significantly more likely to be arrested than Caucasian children, with a state average Relative Rate Index (RRI) of 3.1 (Florida Department of Juvenile

Justice, 2020a). In line with prior literature on juveniles that were committed by the juvenile justice system for sexual offenses in Alabama (Fix, Cyperski, et al., 2017), the current study found a similar narrowing of DMC for Floridian children referred to the juvenile justice system for at least one sexual offense compared to DMC for general delinquency. Compared to Caucasian children, Black children were nearly twice as likely to be referred for at least one sexual offense in the present sample, or a RRI of 2.1. It is worth noting that the present study cannot speak to Disproportionate Minority Confinement even though commitment was one outcome investigated in the study, as all regression analyses were cross sectional in design. Therefore, DMC in discussed were specifically in reference to rate of arrest.

The present study found some preliminary support for the possibility that Black children benefitted from efforts to counteract effects of DMC by justice system actors in Florida, in contrast to this study's hypothesis that expected worse outcomes for Black children compared to Caucasian children. Florida is a state that has put forth considerable efforts in reducing DMC, including the implementation of actuarial risk assessment and structured decision-making dispositional matrix (Baglivio, 2009; Baglivio et al., 2015; Florida Department of Juvenile Justice, 2020a, 2020b). Similar to previous studies (Gann, 2019; Rodriguez, 2010), Black children in this sample were significantly more likely than Caucasian children to have cases dismissed, even after removing the effects of significant racial disparities in petitions not filed from the first analysis (Table 1.4). The apparent reduction in the likelihood of harsher sentencing outcomes were consistent regardless of analytical approach, such as looking specifically at adjudication (Table 1.5) or sex offender registration order (Table 1.6). Both of these analyses included petitions not filed that were removed from the first analysis. In total, Black children's charges were consistently and significantly less likely to result in five of the seven outcomes

investigated in the study: sex offender registration, commitment, adjudication, probation, and diversion.

The two outcome differences where Black and Caucasian children did not approach statistical significance were adult waiver and charge reduction. The lack of racial difference in adult waiver may be due to the fact that the overwhelming majority of charges that were waived into the adult criminal justice system were directly filed, likely due to Florida's restrictive legislative waiver. Mandated waivers would remove elements of discretion and other safeguards in place that are available to justice system actors, such as the aforementioned risk assessment and dispositional matrix. Alternatively, it may be possible that charges that involved Black children did not progress further compared to Caucasian children due to lack of victim compliance. Using data from NIBRS, Stacey et al. (2017) found that Black victims were less likely to cooperate with police investigation for sexual assaults that involved another Black family member. Prior research has suggested that the majority of violent crimes, including sex crimes, are intraracial in nature (O'Brien, 1987). For charge reduction, it appears that both Black and Caucasian children had comparative risk of whether their charges would be reduced compared to having them dismissed or result in nolle prosequi.

For Hispanic children, racial disparities were consistently more pronounced than any other racial/ethnic group, in contrast to the hypothesis. Hispanic children's rate of referral to FDJJ was dramatically less than the population proportion. Whereas Hispanic children comprise about 29% of the overall Floridian child population during the study period (U.S. Census Bureau, 2016), only about 14% of the sample were identified as Hispanic of any race. This is similar to FDJJ's reporting of general rate of arrest, where Hispanic children had a RRI of 0.7 (Florida Department of Juvenile Justice, 2020a). The RRI for this sample of children in Florida

who were referred for at least one sexual offense during the study period was 0.5. As with Black children, there appeared to be smaller share of referrals for sexual offenses compared to general delinquency. In addition to the different rate of arrests, Caucasian children were significantly more likely to receive dispositions that involve further contacts with the justice system compared to Hispanic children for all seven outcomes.

While rates of referral of Hispanic children and Caucasian children for at least one sexual offense in the study period were disproportionate, the source of the disparity was unclear in the present study. One possible explanation about why Hispanic children were both more likely to receive dismissals and less likely to face many of the harsher sentencing outcomes maybe that Caucasian children made contact with the juvenile justice for more serious offenses compared to Hispanic children, thus leading to both higher rates of referrals and harsher sentencing outcomes. Of the charges in the sample, for example, Hispanic children had significantly higher proportion of misdemeanor charges compared to Caucasian children (29% vs 23%,  $p < .001$ ).

Another potential explanation may be how Hispanic children and their families perceived and interacted with the police. While it is beyond the scope of this study, numerous studies have documented Hispanic individuals perceive and interact with law enforcement fundamentally differently from Black individuals. A number of studies have shown Hispanic individuals to perceive the police more positively compared to Black individuals (Miller & Davis, 2016; Ong & Jenks, 2004). Immigration status was a particularly important factor in how Hispanic individuals perceived the police in multiple studies (Correia, 2010; Roles et al., 2016). For example, participants reported fear of any contact with the police could result in investigation of immigration status of themselves, their friends, or family members (Theodore & Habans, 2016). It may be the case Hispanic children and families were more cooperative even compared to

Caucasian children and families, thus receiving more lenient treatment by the justice system actors. Demeanor has been a relatively important predictor of leniency by system actors in previous studies (Miller et al., 2007; Worden & Shepard, 1996).

Another possible factor may be due to the high proportion of Hispanic individuals in the state of Florida. According to the U.S. Census Bureau (2016), proportion of Hispanic households in a Florida county could be as high as 65%. Similar to this study, Owen and Takahashi (2013) also found a relative lack of DMC in a Hispanic-majority county in California for many of the outcomes they measured. Compared to Caucasian children, for example, Hispanic children had lower RRI for three of the contact points they measured: diversion (RRI = 0.7), probation (RRI = 0.8), and adult waiver (RRI = 0.9). For two of the outcomes, the RRI was relatively equivalent: formal petitions (RRI = 1.04) and adjudication of delinquency (RRI = 1.08). While RRI were not calculated beyond initial point of arrest in this study, and therefore cannot be compared against the results from the regression analyses, concentration of Hispanic households may play an important role in sentencing within the juvenile justice system.

Other studies have identified family cohesion and status to be important considerations for sentencing by juvenile system actors (McCarter, 2009; McCoy et al., 2012). While not statistically significant, Hispanic children of this sample also reported lower levels of family dysfunction compared to Caucasian children (-0.07 vs 0 respectively). Family dysfunction was a significant predictor of harsher sentencing outcomes such as commitment, adjudication, and sex offender registration. This explanation still seems insufficient to explain the significant gap between Hispanic and Caucasian children, especially as family dysfunction variable did not mediate the effects of race.

Consistent with the hypothesis of this study, Asian or AIAN youth did not consistently have statistically significant outcome differences compared to Caucasian children. The only statistically significant outcome was probation, where Asian or AIAN children were significantly more likely to be dismissed over being put on probation. This result is somewhat consistent with prior literature that found decreased odds of harsher outcomes for Asian children (Marchbanks et al., 2018) and AIAN children (Owen & Takahashi, 2013). However, caution is likely warranted in interpretation of data from a small group that had to be combined in order to have enough statistical power for statistical analysis.

Table 1.1. Level 1 charge-level variables. ( $N = 16,533$ )

	<i>n</i>	%
<b>Dependent Variables</b>		
Outcomes		
Nolle Prosequi/Dismissal*	2,273	14%
Diversion	1,258	8%
Probation	3,215	19%
Commitment	1,511	9%
Adult Waiver	1,240	8%
Charge Reduction	2,041	12%
Non-File/No Action	3,896	24%
Other	1,099	7%
Adjudication		
No Adjudication*	8,509	65%
Adjudication Withheld	2,611	20%
Adjudication	1,972	15%
<b>Independent Variables</b>		
Offense Category		
Misdemeanor/Other*	3,250	20%
Felony	4,498	27%
Adam Walsh Felony	8,785	53%
Minor Victim Factor		
Not Specified*	5,670	34%
Specified by Law	10,863	66%

*Note.* \* reference group.

Table 1.2. Level 2 person-level variables. ( $N = 5,833$ )

	<i>n</i>	%		
<b>Dependent Variable</b>				
Sex Offender Registration	252	4%		
<b>Independent Variables</b>				
<b>Demographics</b>				
<b>Race/Ethnicity</b>				
Caucasian*	2,501	43%		
AIAN/Asian	28	1%		
Black	2,471	42%		
Hispanic	833	14%		
<b>Gender</b>				
Male*	5,423	93%		
Female	410	7%		
<b>Legal Factors</b>				
<b>Sex Offense Referral</b>				
Zero to One*	5,543	95%		
Two or More	290	5%		
<b>Extralegal Factors</b>				
<b>Gang Membership</b>				
Not a Gang Member*	5,743	98%		
Gang Member	90	2%		
<b>School Enrollment</b>				
Not in School*	614	10%		
Enrolled in School	5,101	88%		
Graduated/GED	99	2%		
	<i>M</i>	<i>SD</i>	Min	Max
<b>Independent Variables</b>				
<b>Legal Factors</b>				
JJS Involvement	-0.02	0.77	-0.78	3.95
Number of Charges <sup>†</sup>	0.01	1.02	-0.43	34.48
<b>Extralegal Factors</b>				
Age <sup>†</sup>	0.00	1.00	-4.55	1.97
School Trouble	0.03	0.46	-1.19	1.17
Family Dysfunction	-0.01	0.44	-0.37	1.97
Delinquent Attitude	0.00	0.72	-0.61	2.74

Note. \* reference group. <sup>†</sup> standardized at the person level.

Table 1.3. Variables of interest by race. ( $N = 5,833$ )

	Total	Caucasian	AIAN/Asian	Black	Hispanic	$p$
Total		43%	1%	42%	14%	
Outcome						
Nolle Prosequi/Dismissal	21%	20%	39%	21%	24%	**
Diversion	16%	18%	18%	14%	13%	***
Probation	38%	39%	29%	37%	40%	
Commitment	15%	16%	25%	15%	11%	**
Adult Waiver	7%	6%	7%	8%	6%	*
Charge Reduction	26%	28%	21%	26%	21%	**
Non-File/No Action	33%	28%	39%	35%	42%	***
Other	14%	14%	0%	15%	11%	**
Adjudication						
No Adjudication	71%	68%	86%	72%	78%	***
Adjudication Withheld	32%	32%	25%	31%	34%	
Adjudicated	20%	21%	29%	20%	16%	**
Sex Offender Registration	4%	5%	11%	4%	3%	**
Charge Type						
Other	11%	11%	0%	11%	8%	*
Misdemeanor	27%	23%	18%	31%	29%	***
Felony	39%	38%	39%	39%	41%	
Adam Walsh Felony	80%	81%	86%	80%	80%	
Multiple Sex Offense Referrals	5%	5%	7%	5%	5%	
Female	7%	7%	4%	7%	6%	
Gang Member	2%	1%	4%	2%	2%	**
School Enrollment						
Not in School	10%	10%	14%	11%	11%	
Enrolled	88%	89%	86%	88%	87%	
Graduated/GED	2%	2%	0%	1%	2%	*
	$M$	$M$	$M$	$M$	$M$	$p$
Number of Charges	2.72	2.84	3.54	2.55	2.87	
Age	14.35	14.34	14.82	14.33	14.41	
JJS Involvement	-0.02	-0.12	-0.17	0.09	-0.05	
School Trouble	0.03	-0.02	-0.15	0.08	0.06	
Family Dysfunction	-0.01	0.00	-0.05	0.01	-0.07	
Delinquent Attitude	0.00	-0.05	0.14	0.05	-0.03	

Note. \*  $p < .05$ . \*\*  $p < .01$ . \*\*\*  $p < .001$ .

Table 1.4. Multilevel multinomial logistic regression of possible dispositions. ( $N = 11,512$ )

	Adult Court			Commitment				Probation		Charge Reduction			Diversion		
	RRR	RRR	RRR	RRR	RRR	RRR	RRR	RRR	RRR	RRR	RRR	RRR	RRR	RRR	RRR
<b>Race</b>															
AIAN/Asian	0.84	1.16	0.93	0.51	0.61	0.60	0.23*	0.24*	0.27*	0.34 <sup>†</sup>	0.34 <sup>†</sup>	0.36	0.22*	0.30	0.35
Black	0.80 <sup>†</sup>	0.80 <sup>†</sup>	0.92	0.72**	0.61***	0.63***	0.85	0.68**	0.70**	0.81 <sup>†</sup>	0.80 <sup>†</sup>	0.83	0.73**	0.66**	0.67**
Hispanic	0.63**	0.67*	0.66*	0.43***	0.38***	0.38***	0.69*	0.55***	0.53***	0.47***	0.45***	0.45***	0.50***	0.47***	0.45***
<b>Legal Factors</b>															
<b>Offense Category</b>															
Felony		14.85***	14.89***		6.33***	5.90***		1.72***	1.53**		7.14***	6.93***		0.58**	0.55***
Adam Walsh		18.86***	21.38***		4.33***	3.94***		0.94	0.84		15.55***	15.14***		0.43***	0.39***
Minor Victim		0.14***	0.14***		0.18***	0.18***		0.17***	0.17***		0.44***	0.45***		0.63*	0.64*
JJS Involvement		1.65***	1.14		1.39***	1.23*		0.47***	0.52***		0.95	0.91		0.18***	0.20***
Multiple SO Referral		1.56*	1.83**		1.47 <sup>†</sup>	1.51 <sup>†</sup>		0.99	0.91		0.89	0.88		0.62	0.63
Number of Charges		1.04	1.02		0.98	0.98		0.85***	0.85***		0.90**	0.89**		0.28***	0.27***
<b>Extralegal Factors</b>															
Age			4.40***			1.32***			1.14*			1.33***			0.88*
Female			0.17***			0.22***			0.40***			0.36***			0.88
Gang Member			2.00 <sup>†</sup>			0.85			0.80			0.97			1.63
<b>School Enrollment</b>															
Enrolled			0.79			1.65*			1.34			0.92			0.66*
Graduated/GED			4.69**			4.37**			4.49**			3.03			3.36*
School Trouble			1.17			1.20			0.87			0.94			0.86
Family Dysfunction			1.05			1.50**			0.77 <sup>†</sup>			1.00			0.44***
Delinquent Attitude			1.11			1.05			0.90			0.99			0.92
Intercept	1.91***	0.43***	0.27***	2.57***	2.02***	1.35	4.85***	14.56***	12.51***	3.29***	0.59**	0.65	2.10***	4.89***	6.54***
<b>Random Effect</b>															
Variance (Person)	4.21***	4.30***	4.08***												
<b>Fit Statistics</b>															
<i>df</i>	21	51	91												
-2LL	38344	33786	32448												
AIC	38386	33888	32630												
BIC	38540	34263	33299												

Note. <sup>†</sup>  $p < .10$ . \*  $p < .05$ . \*\*  $p < .01$ . \*\*\*  $p < .001$ .

Table 1.5. Multilevel ordinal logistic regression predicting adjudication. ( $N = 13,062$ )

	Model 1	Model 2	Model 3
	OR	OR	OR
<b>Race</b>			
AIAN/Asian	0.92	1.10	1.06
Black	0.89 <sup>†</sup>	0.75***	0.74***
Hispanic	0.68***	0.59***	0.60***
<b>Charge Level Factors</b>			
<b>Offense Category</b>			
Felony		3.91***	3.67***
Adam Walsh		1.76***	1.63***
Minor Victim		0.23***	0.24***
JJS Involvement		1.24***	1.17**
Multiple SO Referrals		1.28 <sup>†</sup>	1.28 <sup>†</sup>
Number of Charges		0.91***	0.90***
<b>Extralegal Factors</b>			
Age			1.07*
Female			0.37***
Gang Member			0.95
<b>School Enrollment</b>			
Enrolled			1.68***
Graduated/GED			0.89
School Trouble			1.04
Family Dysfunction			1.62***
Delinquent Attitude			0.99
<b>Cuts</b>			
Cut 1 (Adj Withheld)	1.81***	1.40***	1.97***
Cut 2 (Adjudication)	7.76***	7.05***	10.00***
<b>Random Effect</b>			
Variance (Person)	1.73***	2.22***	2.18***
<b>Fit Statistics</b>			
df	6	12	20
-2LL	21965	20854	20749
AIC	21977	20878	20789
BIC	22022	20968	20939

Note. <sup>†</sup>  $p < .10$ . \*  $p < .05$ . \*\*  $p < .01$ . \*\*\*  $p < .001$ .

Table 1.6. Logistic regression predicting sex offender registration. ( $N = 5,814$ )

	Model 1	Model 2	Model 3
	OR	OR	OR
<b>Race</b>			
AIAN/Asian	2.10	1.72	1.45
Black	0.65**	0.68**	0.69*
Hispanic	0.57**	0.55**	0.53**
<b>Legal Factors</b>			
Adam Walsh Felony		1.64***	1.79***
JJS Involvement		1.03	0.80*
Multiple SO Referrals		3.12***	3.39***
Number of Charges		0.58**	0.51***
<b>Extralegal Factors</b>			
Age			2.04***
Female			0.21**
Gang Member			0.71
School Enrollment			
Enrolled			1.27
GED			0.21*
School Trouble			1.37*
Family Dysfunction			1.46*
Delinquent Attitude			1.10
Intercept	0.06***	0.05***	0.03***
<b>Fit Statistics</b>			
df	4	8	16
-2LL	2060	1972	1856
AIC	2068	1988	1888
BIC	2094	2041	1995

Note. †  $p < .10$ . \*  $p < .05$ . \*\*  $p < .01$ . \*\*\*  $p < .001$ .

#### CHAPTER IV: SENTENCING DISPARITIES FOR SAME-SEX SEX OFFENSES

Prior research on sexual behavior has shown that an individual's sexual attraction and sexual behavior did not necessarily coincide with a person's own sense of identity. Numerous studies have found that sexual behavior and attraction were not the only associated factors in identifying as LGB, as many individuals with same-sex attraction and/or behavior nonetheless identified as straight (Mustanski, 2014; Silva, 2019). Regardless of individual children's in this sample, children whose offenses involve same-sex victims are likely perceived as homosexual by the justice system, and thereby are subject to additional biases (Sivakumaran, 2005).

In support of the above hypothesis, a limited number of studies has found same-sex crimes to be viewed more harshly than opposite-sex crimes, particularly for nonserious offenses. Comartin et al. (2014) found that participants in a Michigan survey were significantly more likely to support punitive sanctions for sexual touching in a same-sex victim and offender scenario. Similarly, Comartin et al. (2013) found that participants in the study were significantly more likely to support sex offender registration for children who sexted (i.e., receiving and sending nude photos to others) with the same sex compared to the opposite sex. Finally, Chaffin et al. (2016) found statutory rape cases in NIBRS were significantly more likely to result in arrest when it involved a same-sex victim and offender pair, particularly for female victim and female offender pairings. For statutory rape cases in romantic relationships, both male-on-male and female-on-female pairings were significantly more likely to result in arrest compared to male offender and female victim cases. For statutory rape cases for pairs not in a romantic relationship, female-on-female cases were significantly more likely to result in arrest but male-on-male cases were not.

The present study extended the existing research in numerous ways. First, the present study investigated outcomes beyond arrests, including sanctions such as court ordered sex offender registry. Secondly, there was a significant range of illegal sexual behaviors included as a sexual offense in this study, not limited to broad categorizations of NIBRS or specific behaviors included in the vignette studies. Finally, everyone in the sample were exclusively children, and did not include young adults. The exclusion of young adults from the study allows for a much stronger case concerning children adjudicated of illegal sexual behaviors.

The main research question for this chapter is whether having a sex offense charge that involved a same-sex victim significantly affected sentencing outcomes, even after controlling for other charge-specific factors (e.g., offense severity) and person-level factors (e.g., gender). In addition to the main research question, it is hypothesized that sex crime charges that involved a same-sex victim would significantly result in worse outcomes, such as being ordered to register as a sex offender.

## **RESULTS**

Table 2.1 and Table 2.2 detailed descriptive statistics for all variables used in this study. Table 2.1 detailed relevant Level 1 charge-level variables used in both multilevel regression analyses, including the outcome variables. Table 2.2 contained information from person-level variables, including PACT and non-PACT items. Descriptive statistics of reference categories of indicator variables were also included in both tables (e.g., offense category, race). For discrete variables, both tables provided the relevant sample size and percentages. For continuous variables, both tables provided the mean and the standard deviation.

Table 2.3 detailed cross-tabulation of relevant study variables and same-sex cases at the person-level. The total column was specific to the analytical sample, and cases lacking victim gender information were removed. The percentages and means provided here pertained to the column and cannot be added across the row. For example, 16% of children with at least one same-sex charge had at least one diversion outcome, but it's not that same-sex sex crime charges comprised 16% of all diversion outcomes. The reason that not all columns do not add to 100% is because a single child could have multiple charges and outcomes nested within a person.

There were 886 children with at least one same-sex sex crime charge or 17% of the analytical sample. Children with at least one same-sex sex crime charge consistently appeared to face harsher punishment across several categories. Children with at least one same-sex charge had a statistically significantly higher proportion of commitment (21%) compared to the total sample proportion (16%),  $X^2(1, N = 5,134) = 25.88, p < .001$ . Children with at least one same-sex charge had a statistically significantly higher share of both adjudication (27% vs 21%),  $X^2(1, N = 5,134) = 20.22, p < .001$ , and being ordered to register as a sex offender by the courts (7% vs 5%),  $X^2(1, N = 5,134) = 7.42, p < .01$ . In contrast, children with at least one same-sex charge had a slightly smaller share of adult court waiver (5%) compared to the total sample (7%),  $X^2(1, N = 5,134) = 4.13, p < .05$ .

Consistent with the above finding, children with at least one same-sex sex crime charge also exhibited statistically significant differences in how they were charged. These children were significantly less likely to be charged with a misdemeanor offense (19%) compared to the total sample (24%),  $X^2(1, N = 5,134) = 18.54, p < .001$ . Consequently, children with at least one same-sex charge had a significant higher share of felony charges (43%) compared to the total sample (40%),  $X^2(1, N = 5,134) = 3.90, p < .05$ . Children with same-sex charges also were

significantly more likely to have multiple sexual misconduct referrals compared (8%) compared to the total sample (5%),  $X^2(1, N = 5,134) = 18.10, p < .001$ .

Children with at least one same-sex sex crime charge also differed significantly in terms of their demographics. The proportion of racial grouping for these children varied significantly,  $X^2(3, N = 5,134) = 26.86, p < .001$ . While the proportion of AIAN, Asian, or Hispanic children remained the same across groups, there were significantly more Caucasian child (50%) with at least one same-sex charge compared to the total sample (43%). In contrast, a significantly smaller proportion of Black children had at least one same-sex sex crime charge (36%) compared to the total sample (42%). Children with at least one same-sex sex crime charge also had a significantly higher proportion of female juveniles (11%) compared to the total sample (5%),  $X^2(1, N = 5,134) = 80.29, p < .001$ . Finally, children with at least one same-sex sex crime charge were significantly more likely to be attending school,  $X^2(1, N = 5,134) = 14.94, p < .001$ , significantly less likely to have dropped out, suspended, or expelled,  $X^2(1, N = 5,134) = 9.07, p < .01$ , and significantly less likely to have obtained a GED or graduated,  $X^2(1, N = 5,134) = 5.59, p < .05$ .

### **Outcome Differences**

The results of the multilevel multinomial logistic regression are shown in Table 2.4. Fit statistics of the multilevel multinomial regressions are included in Table 2.4. All three fit-statistics (i.e., -2LL, AIC, and BIC) improve with the introduction of both legal and extralegal factors. The following results are organized by specific outcomes of the dependent variable in order of seriousness. Each outcome is compared against the likelihood of dismissal or other non-action categories (e.g., non-file, nolle prosequi). Therefore, the results from the multinomial

logistic regression cannot speak directly to statistically significant divergence between the other categories (e.g., adult court vs commitment).

The variance of random intercepts of this model was statistically significant ( $p < .001$ ), even after controlling for significant number of charge specific factors (i.e., Level 1 variables) and person-level characteristics (i.e., Level 2 variables). Charge specific factors also included the variable of interest, same-sex sex crime charge. The statistically significant variance of random intercept suggested person-level variable(s) that the present study did not account for.

### ***Adult Court Waiver***

Same-sex sex crimes charges were statistically significantly associated with a lower risk of adult court waiver in Model 1 at the bivariate level ( $RRR = 0.55, p < .001$ ). This finding was consistent with the results from cross-tabulations in Table 2.3. However, this effect was no longer statistically significant once extralegal factors were introduced in Model 3 ( $RRR = 0.94, p > .05$ ).

Among legal factors, Adam Walsh felonies ( $RRR = 10.48, p < .001$ ), nonsexual felonies ( $RRR = 5.02, p < .001$ ), multiple referrals for sexual misconduct ( $RRR = 1.96, p < .01$ ), and higher numbers of charges ( $RRR = 1.20, p < .01$ ) significantly increased the likelihood of adult waiver. Other statistically significant predictors decreased the likelihood, such as charges involving a minor victim ( $RRR = 0.19, p < .001$ ), having a felony sex offense record ( $RRR = 0.42, p < .001$ ), and having a misdemeanor but no felony sex offense ( $RRR = 0.07, p < .001$ ). Juvenile justice system involvement was a statistically significant predictor in Model 2, but the effect was fully mediated upon the introduction of extralegal factors in Model 3.

Among extralegal factors, older children ( $RRR = 4.36, p < .001$ ) and children with higher levels of family dysfunction were significantly more likely to be waived into the adult system

( $RRR = 1.50, p < .05$ ). In contrast, female children ( $RRR = 0.11, p < .001$ ), Hispanic children ( $RRR = 0.39, p < .001$ ), and children enrolled in school in some capacity ( $RRR = 0.58, p < .01$ ) were all significantly less likely to be waived into the adult criminal justice system.

### ***Commitment***

Consistent with findings from Table 2.3, same-sex charges were statistically significantly more likely to result in commitment over dismissal ( $RRR = 1.40, p < .05$ ). In contrast with adult court waiver, the difference for same-sex sex crime charges only emerged after taking legal factors into account in Model 2. This divergence remained significant even after controlling for all other extralegal factors in Model 3.

Among the legal factors, the only predictor that was significantly associated with an increased risk of commitment was higher levels of juvenile justice system involvement ( $RRR = 1.21, p < .05$ ). All other legal factors, such as charges involving a minor victim ( $RRR = 0.41, p < .001$ ) or a higher number of charges ( $RRR = 0.62, p < .001$ ) were associated with a decreased likelihood of commitment.

Several extralegal factors were also significantly associated with commitment outcome. Children with high levels of family dysfunction ( $RRR = 1.76, p < .001$ ) and delinquent attitudes ( $RRR = 1.23, p < .05$ ) were significantly more likely to be committed over dismissal. Statistically significant demographic factors all predicted decreased likelihood for commitment, where female children ( $RRR = 0.20, p < .001$ ), Hispanic children ( $RRR = 0.21, p < .001$ ), and Black children ( $RRR = 0.43, p < .001$ ) were significantly less likely to be committed.

### ***Probation***

Same-sex sex crime was not associated with a difference in probation outcome ( $RRR = 0.85, p > .05$ ), even at the bivariate level (Model 1). All but one legal factor was significantly

predicted probation. Nonsexual felonies ( $RRR = 0.50, p < .001$ ), Adam Walsh felonies ( $RRR = 0.57, p < .05$ ), a charge involving a minor victim ( $RRR = 0.46, p < .001$ ), higher juvenile justice system involvement ( $RRR = 0.51, p < .001$ ), and having a higher number of charges ( $RRR = 0.56, p < .001$ ) all decreased the likelihood of being put on probation in.

Like with legal factors, statistically significant extralegal factors also predicted a decreased likelihood of probation. Female children ( $RRR = 0.26, p < .001$ ), Hispanic children ( $RRR = 0.35, p < .001$ ), Black children ( $RRR = 0.48, p < .001$ ), and children experiencing school issues ( $RRR = 0.74, p < .05$ ) were significantly less likely to be put on probation. In other words, all of these factors predicted a higher likelihood of dismissal.

### ***Charge Reduction***

Same-sex sex crime charges were not significantly associated with charge reduction ( $RRR = 1.09, p > .05$ ). Among the legal factors, both Adam Walsh felonies ( $RRR = 8.34, p < .001$ ) and nonsexual felonies ( $RRR = 3.87, p < .001$ ) were significantly associated with an increased likelihood of charge reduction. In contrast, children with higher levels of juvenile justice system involvement ( $RRR = 0.84, p < .05$ ) and a higher number of charges ( $RRR = 0.88, p < .05$ ) were less likely to have their charges reduced.

Numerous demographic factors were significantly associated with charge reduction. Age was the only predictor that increased the risk of charge reduction, where older children were significantly more likely to have their charges reduced ( $RRR = 1.18, p < .01$ ). The other demographic factors all decreased the likelihood of charge reduction. Girls were significantly less likely to have their charges reduced over dismissed when compared to boys ( $RRR = 0.22, p < .001$ ). Hispanic children ( $RRR = 0.31, p < .001$ ) and Black children ( $RRR = 0.66, p < .01$ ) were

both significantly less likely to have their charges reduced over dismissals when compared to Caucasian children.

### ***Diversions***

Similar to numerous other outcomes, same-sex sex crime charges were not significantly associated with diversion ( $RRR = 0.94, p > .05$ ). However, several legal factors continued to be statistically significant. A higher than average number of charges ( $RRR = 0.15, p < .001$ ), juvenile justice system involvement ( $RRR = 0.20, p < .001$ ), Adam Walsh felony charges ( $RRR = 0.19, p < .001$ ), and nonsexual felony charges ( $RRR = 0.25, p < .001$ ) all significantly decreased the likelihood of diversion.

A significant number of extralegal factors were statistically significant. Demographic factors all decreased the likelihood of diversion. These included: age ( $RRR = 0.75, p < .001$ ), gender ( $RRR = 0.48, p < .01$ ), Hispanic children ( $RRR = 0.33, p < .001$ ), and Black children ( $RRR = 0.47, p < .001$ ). Children enrolled in schools ( $RRR = 0.66, p < .05$ ), and children with higher-than-average level of family dysfunction ( $RRR = 0.69, p < .05$ ) were also significantly less likely to be diverted.

### **Adjudication**

Results from multilevel ordinal logistic regression are shown in Table 2.5. In ordinal logistic regression, there are cuts for each ordinal category as opposed to an intercept. The first cut represents adjudication withheld, whereas the second cut represents adjudication. Both cut points were statistically significant across all models, where adjudication withheld ( $OR = 3.49, p < .001$ ) and adjudication ( $OR = 16.39, p < .001$ ) were statistically divergent from no adjudication. Fit statistics (i.e., -2LL, AIC, BIC) universally improved across three models, with Model 3 indicating the best fit to the data.

As with the multilevel multinomial regression analysis, the variance of random intercepts was also significant ( $p < .001$ ). This suggested considerable across person variation in adjudication that were not explained by the inclusion of both charge specific variables (Level 1) and person-level variables (Level 2). Therefore, there likely were other factors that influenced adjudication outcomes.

Same-sex sex crime charges did not significantly predict adjudication ( $OR = 1.07, p > .05$ ). This finding is somewhat consistent with the previous analysis, as only two of the five outcomes had any statistically significant association with same-sex sex crime charges. Among the legal factors, children with higher-than-average involvement with the juvenile justice system ( $OR = 1.42, p < .001$ ) and children with multiple sexual misconduct referrals ( $OR = 1.64, p < .05$ ) were significantly more likely to be adjudicated of delinquency. Charges involving a minor victim ( $OR = 0.28, p < .001$ ) and children with higher-than-average numbers of charges ( $OR = 0.73, p < .001$ ) were both significantly less likely to be adjudicated of delinquency.

Several extralegal factors were statistically significant. Children with higher levels of family dysfunction ( $OR = 2.08, p < .001$ ), children enrolled in school ( $OR = 1.69, p < .05$ ), and older children ( $OR = 1.22, p < .01$ ) were all significantly more likely to be adjudicated. Demographic factors aside from age predicted lower odds of harsher outcomes, where girls ( $OR = 0.23, p < .001$ ), Hispanic children ( $OR = 0.34, p < .001$ ), and Black children ( $OR = 0.54, p < .001$ ) were significantly less likely to be adjudicated of delinquency.

### **Sex Offender Registration**

Results from logistic regression are shown in Table 2.6. Children with at least one same-sex sex crime charge were significantly more likely to be ordered to register as sex offenders, even after controlling for legal and extralegal factors ( $OR = 1.67, p < .01$ ). This is in contrast

with the multilevel ordinal logistic regression analysis, where same-sex sex charges did not significantly predict adjudication. All fit statistics (i.e., -2LL, AIC, BIC) universally improved with the additional of legal and extralegal factors.

All legal factors significantly predicted sex offender registration. Children with multiple sexual misconduct referrals ( $OR = 3.16, p < .001$ ) and children with higher numbers of Adam Walsh felony charges ( $OR = 1.74, p < .001$ ) were significantly more likely to be ordered to register as a sex offender. In contrast, children with a higher-than-average number of charges ( $OR = 0.58, p < .01$ ) and children with higher-than-average juvenile justice system involvement ( $OR = 0.79, p < .05$ ) were significantly less likely to be ordered to register as a sex offender by the courts.

Among the extralegal factors, a significant number of predictors were associated with sex offender registration. Older children ( $OR = 2.11, p < .001$ ), children with higher levels of family dysfunction ( $OR = 1.42, p < .05$ ), and children with higher levels of school trouble ( $OR = 1.40, p < .05$ ) were all significantly more likely to be ordered to register as a sex offender. Consistent with other analyses, demographic factors, such as gender ( $OR = 0.33, p < .05$ ), being a Hispanic child ( $OR = 0.58, p < .05$ ), and being a Black child ( $OR = 0.70, p < .05$ ), were all significantly less likely to receive a registration order. Children who have graduated or obtained their GEDs were also significantly less likely to be ordered to register compared to children who were suspended, expelled, or dropped out ( $OR = 0.19, p < .05$ ).

## DISCUSSION

Consistent with the hypothesis, the present study found that having at least one same-sex sex crime charge was significantly associated with a higher likelihood of commitment and sex

offender registration, even after controlling for legal and extralegal factors. While the present study cannot speak to a child's individual identity, it is nonetheless likely that whatever biases that have been suggested in previous studies that resulted in LGBTQ+ identifying children to be committed at a higher rate (e.g., Irvine, 2010) were also at play in present study, irrespective of a child's personal identity or personal motivations. Children who were perceived to have engaged in illegal homosexual sexual behaviors were significantly more likely to be committed to a residential facility. Similarly, just as there was stronger support for sex offender registration involving same-sex sexting behavior in Comartin et al. (2013), children with at least one same-sex sexual charge were significantly more likely to be ordered to register as a sex offender by the courts.

At the bivariate level, children with at least one same-sex sex offense charge were significantly less likely to be transferred into the adult criminal justice system. However, this statistically significant difference was fully mediated by the introduction of extralegal characteristics. Doing a stepwise regression where each variable was added one at a time, it was revealed that age of the child mediated the effects of having at least one same-sex sex crime charge. While children with at least one same-sex charge did tend to be younger on average, the difference was small and not statistically significant (13.70 vs 14.27,  $p > .05$ ). However, this small difference likely was meaningfully significant in the determination of adult waiver, as an overwhelming majority of waivers in this data set were directly filed due to legislative waiver where age, specifically being 14 years and above, is the most significant factor.

One peculiar finding from the present study is the lack of association between same-sex sex crime charge and adjudication. Given the significant correlation between residential commitment and adjudication in the present sample, more investigation is needed. This seems

particularly true given that, at the bivariate level, having a same-sex sex crime charge was significantly associated with a higher likelihood of being adjudicated of delinquency (21% total sample vs 27% same-sex,  $p < .001$ ).

Table 2.1. Level 1 charge-level variables.

	Total Sample		Analytical Sample	
	<i>n</i>	%	<i>n</i>	%
Total	16,533	100%	8,277	100%
Dependent Variables				
Outcomes				
Dismissal/No Further Action*	6,169	40%	3,682	45%
Diversion	1,258	8%	856	10%
Probation	3,215	21%	1,023	12%
Commitment	1,511	10%	630	8%
Adult Waiver	1,240	8%	656	8%
Charge Reduction	2,041	13%	1,430	17%
Adjudication				
No Adjudication*	8,509	65%	4,668	75%
Adjudication Withheld	2,611	20%	769	13%
Adjudication	1,972	15%	754	12%
Independent Variables				
Same-Sex Sex Crime	1,414	9%	1,360	16%
Offense Category				
Misdemeanor/Other*	3,250	20%	733	9%
Felony	4,498	27%	1,545	19%
Adam Walsh Felony	8,785	53%	5,999	72%
Minor Victim Factor				
Not Specified*	5,670	34%	1,643	20%
Specified by Law	10,863	66%	6,634	80%

*Note.* \* reference group.

Table 2.2. Level 2 person-level variables.

	Total Sample		Analytical Sample	
	<i>n</i>	%	<i>n</i>	%
Total	5,833	100%	5,134	100%
Dependent Variable				
Sex Offender Registration	252	4%	245	5%
Independent Variables				
Demographics				
Race/Ethnicity				
Caucasian*	2,501	43%	2,196	43%
AIAN/Asian	28	1%	28	1%
Black	2,471	42%	2,166	42%
Hispanic	833	14%	744	14%
Gender				
Male*	5,423	93%	4,889	95%
Female	410	7%	245	5%
Legal Factors				
Multiple Sex Offense Referral	290	5%	264	5%
Extralegal Factors				
Gang Member	90	2%	78	2%
School Enrollment				
Not in School*	614	10%	466	9%
Enrolled in School	5,101	88%	4,587	89%
Graduated/GED	99	2%	81	2%
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>
Independent Variables				
Legal Factors				
JJS Involvement	-0.02	0.77	-0.04	0.72
Number of Charges <sup>†</sup>	0.01	1.02	-0.01	0.74
Extralegal Factors				
Age <sup>†</sup>	0.00	1.00	-0.04	1.00
School Trouble	0.03	0.46	0.03	0.46
Family Dysfunction	-0.01	0.44	-0.02	0.42
Delinquent Attitude	0.00	0.72	-0.01	0.71

Note. \* reference group. <sup>†</sup> standardized at the person level.

Table 2.3. Variables of interest by group.

	Total ( <i>n</i> = 5,134)	Same-Sex ( <i>n</i> = 886)	<i>p</i>
<b>Outcome</b>			
Dismissal/No Further Action	51%	51%	
Diversion	15%	16%	
Probation	38%	36%	
Commitment	16%	21%	***
Adult Waiver	7%	5%	*
Charge Reduction	28%	28%	
Other	13%	13%	
<b>Adjudication</b>			
No Adjudication	71%	73%	
Adjudication Withheld	31%	29%	
Adjudicated	21%	27%	***
Sex Offender Registration	5%	7%	**
<b>Charge Type</b>			
Other	9%	9%	
Misdemeanor	24%	19%	***
Felony	40%	43%	
Adam Walsh Felony	85%	85%	
Multiple Sex Offense Referrals	5%	8%	***
<b>Race</b>			
Caucasian	43%	50%	***
AIAN/Asian	1%	1%	
Black	42%	36%	***
Hispanic	14%	13%	
Female	5%	11%	***
Gang Member	2%	1%	
<b>School Enrollment</b>			
Not in School	9%	6%	**
Enrolled	90%	94%	***
Graduated/GED	2%	1%	*
	<i>M</i>	<i>M</i>	<i>p</i>
Number of Charges	2.63	2.91	
Age	14.27	13.70	
JJS Involvement	-0.04	-0.07	
School Trouble	0.03	0.00	
Family Dysfunction	-0.02	0.01	
Delinquent Attitude	-0.01	0.04	

Note. \*  $p < .05$ . \*\*  $p < .01$ . \*\*\*  $p < .001$ .

Table 2.4. Multilevel multinomial logistic regression of possible dispositions ( $N = 8,277$ ).

	Adult Court			Commitment				Probation		Charge Reduction			Diversion		
	RRR	RRR	RRR	RRR	RRR	RRR	RRR	RRR	RRR	RRR	RRR	RRR	RRR	RRR	RRR
Same-Sex	0.55***	0.61**	0.94	1.25	1.37*	1.40*	0.77 <sup>†</sup>	0.85	0.85	1.08	1.00	1.09	1.03	1.08	0.94
Charge-Specific															
Offense Category															
Felony		4.94***	5.02***		1.58*	1.56 <sup>†</sup>		0.54**	0.50***		3.90***	3.87***		0.28***	0.25***
Adam Walsh		10.22***	10.48***		1.77*	1.69 <sup>†</sup>		0.63*	0.57*		8.62***	8.34***		0.23***	0.19***
Minor Victim		0.21***	0.19***		0.44***	0.41***		0.50***	0.46***		0.74	0.71 <sup>†</sup>		1.38	1.39
JJS Involvement		1.48***	0.97		1.36***	1.21*		0.49***	0.51***		0.89	0.84*		0.18***	0.20***
Multiple SO Referral		1.69*	1.96**		1.42	1.36		1.01	0.91		0.74	0.71		0.61	0.61
Number of Charges		1.18**	1.20**		0.65***	0.62***		0.59***	0.56***		0.92	0.88*		0.16***	0.15***
Extralegal Factors															
Age			4.36***			1.09			1.02			1.18**			0.75***
Female			0.11***			0.20***			0.26***			0.22***			0.48**
Race															
AIAN/Asian			1.70			1.04			0.58			0.45			0.72
Black			0.76 <sup>†</sup>			0.43***			0.48***			0.66***			0.47***
Hispanic			0.39***			0.21***			0.35***			0.31***			0.33***
Gang Member			2.11 <sup>†</sup>			1.03			1.31			0.64			1.75
School Enrollment															
Enrolled			0.58**			1.33			1.20			0.87			0.66*
Graduated/GED			1.03			0.90			1.03			0.91			0.93
School Trouble			0.82			1.00			0.74*			0.91			0.77 <sup>†</sup>
Family Dysfunction			1.50*			1.76***			1.09			1.19			0.69*
Delinquent Attitude			1.07			1.23*			1.07			1.05			1.02
Intercept	0.29***	0.09***	0.10***	0.25***	0.27***	0.43**	0.44***	1.13	1.87*	0.58***	0.10***	0.19***	0.35***	0.67*	1.75*
Random Effect															
Variance (Person)	4.71***	4.68***	4.67***												
Fit Statistics															
df	11	41	96												
-2LL	24604	22830	21917												
AIC	24626	22912	22109												
BIC	24703	23200	22783												

Note. <sup>†</sup>  $p < .10$ . \*  $p < .05$ . \*\*  $p < .01$ . \*\*\*  $p < .001$ .

Table 2.5. Multilevel ordinal logistic regression predicting adjudication. ( $N = 6,375$ )

	Model 1	Model 2	Model 3
	OR	OR	OR
Same-Sex	0.85	1.03	1.07
Legal Factors			
Offense Category			
Felony		1.21	1.19
Adam Walsh		1.12	1.08
Minor Victim		0.29***	0.28***
JJS Involvement		1.61***	1.42***
Multiple SO Referrals		1.67*	1.64*
Number of Charges		0.75***	0.73***
Extralegal Factors			
Age			1.22**
Female			0.23***
Race			
AIAN/Asian			0.94
Black			0.54***
Hispanic			0.34***
Gang Member			1.19
School Enrollment			
Enrolled			1.69*
Graduated/GED			0.48
School Trouble			1.00
Family Dysfunction			2.08***
Delinquent Attitude			1.08
Cuts			
Cut 1 (Adj Withheld)	8.03***	3.70***	3.20***
Cut 2 (Adjudication)	35.85***	17.36***	15.04***
Random Effect			
Variance (Person)	6.73***	6.97***	6.58***
Fit Statistics			
df	4	10	21
-2LL	8516	8363	8262
AIC	8524	8383	8304
BIC	8551	8451	8446

Note. \*  $p < .05$ . \*\*  $p < .01$ . \*\*\*  $p < .001$ .

Table 2.6. Logistic regression predicting sex offender registration. ( $N = 5,134$ )

	Model 1	Model 2	Model 3
	OR	OR	OR
Same-Sex	1.52**	1.30 <sup>†</sup>	1.67**
Legal Factors			
Adam Walsh Felony		1.59***	1.74***
JJS Involvement		1.02	0.79*
Multiple SO Referrals		3.04***	3.16***
Number of Charges		0.67*	0.58**
Extralegal Factors			
Age			2.11***
Female			0.33*
Race			
AIAN/Asian			1.42
Black			0.70*
Hispanic			0.58*
Gang Member			0.72
School Enrollment			
Enrolled			1.09
Graduated/GED			0.19*
School Trouble			1.40*
Family Dysfunction			1.42*
Delinquent Attitude			1.08
Intercept	0.05***	0.04***	0.04***
Fit Statistics			
df	2	6	17
-2LL	1962	1880	1755
AIC	1966	1892	1789
BIC	1979	1931	1900

Note. <sup>†</sup>  $p < .10$ . \*  $p < .05$ . \*\*  $p < .01$ . \*\*\*  $p < .001$ .

## CHAPTER V: REGIONAL VARIATION IN SENTENCING

Florida remains one of the most diverse states in the United States to date. However, the demographics of the state vary significantly across its 66 counties used in this study. The proportion of Black residents, for example, ranged from 3% to 55% depending on the county. Similarly, proportion of Hispanic residents varied from significantly across counties, ranging from 2% to 65% (U.S. Census Bureau, 2016). A high proportion of Black residents was found to be an important contextual factor in prior studies. In Peck et al. (2019), for example, children living in areas with a high proportion of Black residents were significantly more likely to be referred to the juvenile justice system, regardless of their individual race and ethnicity. For Black children specifically, living in predominantly non-Black communities significantly increased their risk of juvenile arrest (Andersen, 2015).

Political climate also seems to be a relevant factor in studies of sentencing outcomes for sexual offenses. Political conservatism of juvenile justice judges, for example, was found to be a significant predictor of punitive orientation (Redding & Hensl, 2011). In addition to individual orientation, prior studies suggest important effects of county-level politics. Even after controlling for person-level conservative ideology, Mancini and Pickett (2016) found that individuals residing in counties that voted Republican in presidential elections tended to be significantly more likely to believe that sex offending is caused by selfishness and immorality. Even within a single state like Florida, the number and breadth of residence restriction laws varied significantly. Some counties had a much higher number of local sex crime ordinances, ranging from 0 to 17 (Levenson et al., 2015). To account for regional variation in conservative ideology, percentage of the county that voted for the Republican presidential candidate was added to this

study. As with the percentage of Black and Hispanic households, the percentage of voters who voted for the Republican presidential candidates varied from county-to-county, ranging from 30% to 83%.

Finally, neighborhood disadvantage is an important consideration in prior study of crime and juvenile offending (Nicholson-Crotty et al., 2009; Sampson et al., 1997; Sullivan et al., 2016). In addition, available evidence suggests county-level structural variation affected juvenile court processing, where counties with higher levels of disadvantages were significantly more likely to result in out of home placements for youths that came into the juvenile justice system (Sampson & Laub, 1993). While the measurement of neighborhood disadvantage and social cohesion varies significantly across studies, the present study will use the percent of residents falling under the federal poverty level as a proxy for neighborhood disadvantage. In sixty-six counties included in this study, the percent of residents under the poverty level in the last 12 months varied significantly: 18% to 50%.

The present study is an improvement of previous studies in several ways. First, by separating Hispanic ethnicity from Caucasian residents, this study goes beyond typical criminological research that has only looked at percentage of Black residents versus Caucasian residents. Secondly, the present study is another examination of whether or not county-level political structure will exert any influence on case dispositions for children referred to the juvenile justice system for illegal sexual behaviors, irrespective of individual political orientation. Finally, the present study allows for further examination of how poverty affects dispositional outcomes specifically for illegal sexual behaviors, going beyond arrests.

The main research question for this chapter is whether county-level factors are significantly associated with outcomes evaluated in this study, even after controlling for person-

level characteristics (Level 2) and charge-level characteristics (Level 1). In addition to the main research question, there are four hypotheses. First, it is hypothesized that charges processed in counties that have a higher-than-average proportion of Black households for the state of Florida will be significantly more likely to face harsher outcomes. Second, it is hypothesized that charges processed in counties that have a higher-than-average proportion of Hispanic households for the state of Florida will be significantly more likely to face harsher outcomes, but will not be as severe as counties with a higher proportion of Black households. Third, it is hypothesized that counties with a higher proportion of residents that fell below the federal poverty line in the past 12 months will be significantly more likely to face harsher outcomes. Finally, it is hypothesized that charges processed in counties with a higher proportion of Republican voters in presidential elections will be significantly more likely to face harsher outcomes.

## **RESULTS**

Table 3.1, Table 3.2, and Table 3.3 detailed descriptive statistics for all variables used in this study. Table 3.1 detailed relevant Level 1 charge-level variables used in both multilevel regression analyses, including the outcome variables. Table 3.2 contained information from person-level variables, including PACT and non-PACT items. Descriptive statistics of reference categories of indicator variables were also included in both tables (e.g., offense category, race). For discrete variables, both tables provided the relevant sample size and percentages. For continuous variables, both tables provided the mean and the standard deviation. Table 3.3 detailed Level 3 county-level variables, with sample mean, standard deviation, minimum value, and maximum value. Table 3.3 provided both raw percentage and converted  $z$ -scores to facilitate the interpretation of the regression analyses.

## **Outcome Differences**

The results of the multilevel multinomial logistic regression are shown in Table 3.4. Fit statistics of the multilevel multinomial regressions were included in Table 3.4. All three fit-statistics (i.e., -2LL, AIC, and BIC) improve with the addition of legal and extralegal factors in Model 2 and 3, suggesting an overall better fit to the data.

The variance of Level 2 random intercepts of this model was statistically significant ( $p < .001$ ), which suggests significant across person variation in outcomes. The variance of Level 3 random intercepts was also significant ( $RRR = 2.17, p < .001$ ), which suggests statistically significant across county variation in children's outcomes. The significant variations in random intercepts at both the person-level and the county-level suggests the possibility of other relevant factors that were not accounted for in the present study.

The following results were organized by specific outcomes of the dependent variable in order of seriousness. Each outcome was compared against the likelihood of dismissal or other non-action categories (e.g., non-file, nolle prosequi). Therefore, the results from the multinomial logistic regression cannot speak directly to statistically significant divergence between the other categories (e.g., adult court vs commitment).

### ***Adult Court Waiver***

Two county-level factors were statistically significant predictors of adult waiver. Controlling for other factors, charges in counties with higher proportion of Black households were significantly more likely to be waived into the adult criminal justice system ( $RRR = 1.49, p < .05$ ). In contrast, charges within counties with higher-than-the average level of poverty in the past 12 months were significantly less likely to be waived ( $RRR = 0.64, p < .01$ ).

A large share of legal factors were significantly associated with adult waiver. Adam Walsh felonies ( $RRR = 11.80, p < .001$ ), nonsexual felonies ( $RRR = 9.13, p < .001$ ), and having multiple sexual misconduct referrals ( $RRR = 1.70, p < .01$ ) were significantly associated with waiver into the adult system. In contrast, charges involving minor victims were significantly less likely to be waived into the adult system ( $RRR = 0.16, p < .001$ ).

Four extralegal factors were significantly associated with adult waiver. Older children ( $RRR = 3.46, p < .001$ ) and children currently in a gang ( $RRR = 1.85, p < .05$ ) were both significantly more likely to be waived into the adult system. In contrast, girls ( $RRR = 0.16, p < .001$ ) were statistically significantly less likely to be waived compared to boys. Being enrolled in school in some capacity approached statistical significance, where children who attended school appeared somewhat less likely to be waived into the adult system ( $RRR = 0.78, p < .10$ ).

### ***Commitment***

All four county-level factors were statistically significantly associated with commitment. Charges processed within counties with a higher percentage of Black residents ( $RRR = 1.66, p < .01$ ) and a higher share of Republican voters in presidential elections ( $RRR = 1.73, p < .01$ ) were significantly more likely to result in commitment. In contrast, having a higher proportion of Hispanic households ( $RRR = 0.71, p < .05$ ) and having a higher rate of poverty ( $RRR = 0.72, p < .05$ ) were associated with a significantly lower likelihood of commitment.

Almost all legal factors were significantly associated with commitment. Nonsexual felony charges ( $RRR = 3.84, p < .001$ ), Adam Walsh felony charges ( $RRR = 2.33, p < .001$ ), having multiple sexual misconduct referrals ( $RRR = 1.55, p < .05$ ), and higher involvement with the juvenile justice system ( $RRR = 1.16, p < .05$ ) all significantly predicted a higher likelihood of

commitment. In contrast, a charge involving a minor victim was significantly less likely to result in commitment ( $RRR = 0.19, p < .001$ ).

Five extralegal factors were significantly associated with commitment. Children with higher levels of family dysfunction ( $RRR = 1.81, p < .001$ ) and children enrolled in school in some capacity ( $RRR = 1.61, p < .01$ ) were significantly more likely to be committed. Girls ( $RRR = 0.25, p < .001$ ), Black children ( $RRR = 0.67, p < .001$ ), and Hispanic children ( $RRR = 0.68, p < .01$ ), in contrast, were significantly less likely to be committed.

### ***Probation***

Only one county-level factor was significantly associated with probation. Charges processed in counties with higher rates of poverty were significantly less likely to result in probation ( $RRR = 0.71, p < .05$ ). Percent of Hispanic households in the county did approach statistical significance in Model 2 ( $RRR = 0.77, p < .10$ ), but this may simply be statistical noise as the effect was not significant in Model 1 nor Model 3 ( $RRR = 0.81, p > .05$ ).

Numerous legal factors were statistically associated with probation. However, none of them predicted an increased likelihood. Adam Walsh felonies ( $RRR = 0.51, p < .001$ ), charges involving minor victims ( $RRR = 0.19, p < .001$ ), higher juvenile justice system involvement ( $RRR = 0.51, p < .001$ ), and having a higher-than-average number of charges ( $RRR = 0.83, p < .001$ ) were all associated with a significantly lower likelihood of being put on probation.

As with legal factors, extralegal factors significantly associated with probation all predicted a decreased likelihood of probation. All statistically significant predictors were demographic factors. Girls ( $RRR = 0.39, p < .001$ ), AIAN or Asian children ( $RRR = 0.34, p < .05$ ), Black children ( $RRR = 0.68, p < .001$ ), Hispanic children ( $RRR = 0.68, p < .01$ ), and older children ( $RRR = 0.92, p < .05$ ) were significantly less likely to be put on probation.

### ***Charge Reduction***

Unlike all other outcomes, charge reduction was not associated with any county-level factors. Counties with a high proportion of Hispanic households were associated with less likelihood of charge reduction at the bivariate level ( $RRR = 0.73, p < .05$ ). However, the effect only approached statistical significance with the introduction of legal factors in Model 2 ( $RRR = 0.77, p < .10$ ). By introducing extralegal factors in Model 3, the effect was fully mediated ( $RRR = 0.81, p > .05$ ).

All but one legal factor was significantly associated with charge reduction. As with adult court waiver and commitment, Adam Walsh felonies ( $RRR = 9.24, p < .001$ ) and nonsexual felonies ( $RRR = 4.44, p < .001$ ) significantly increased the likelihood of charge reduction. Charges involving a minor victim ( $RRR = 0.47, p < .001$ ), children with higher juvenile justice system involvement ( $RRR = 0.85, p < .01$ ), and having a higher-than-average number of charges ( $RRR = 0.88, p < .001$ ) were associated with a significantly lower likelihood of charge reduction.

Only two extralegal factors were significantly associated with charge reduction. Compared to boys, girls were significantly less likely to have their charges reduced ( $RRR = 0.35, p < .001$ ). Similarly, Hispanic children were significantly less likely to have their charges reduced compared to Caucasian children ( $RRR = 0.61, p < .001$ ).

### ***Diversion***

Two of four county-level factors were significantly associated with diversion. Charges processed in counties with higher than the state's average Hispanic population were significantly less likely to result in diversion ( $RRR = 0.64, p < .01$ ). Similarly, charges processed in counties with a higher-than-average poverty rate in the last 12 months were also significantly less likely to result in diversion ( $RRR = 0.58, p < .01$ ).

All legal factors were associated with diversion. Adam Walsh felony charges ( $RRR = 0.25, p < .001$ ), nonsexual felony charges ( $RRR = 0.38, p < .001$ ), charges involving minor victims ( $RRR = 0.64, p < .01$ ), having higher juvenile justice system involvement ( $RRR = 0.21, p < .001$ ), having multiple sexual misconduct referrals ( $RRR = 0.55, p < .05$ ), and having a higher number of charges ( $RRR = 0.30, p < .001$ ) were significantly associated with a lower likelihood of diversion. Therefore, every single predictor was significantly associated with a decreased likelihood of diversion.

In contrast to other outcomes, a significant number of extralegal factors were associated with diversion. Older children ( $RRR = 0.72, p < .001$ ), Black children ( $RRR = 0.65, p < .001$ ), and Hispanic children ( $RRR = 0.57, p < .001$ ) were all significantly less likely to have their charges result in diversion over dismissal. Similarly, children enrolled in school ( $RRR = 0.63, p < .01$ ) and children with higher levels of family dysfunction ( $RRR = 0.55, p < .001$ ) were both significantly less likely to be diverted.

### **Adjudication**

Results from multilevel ordinal logistic regression were shown in Table 3.5. In ordinal logistic regression, there are cuts for each ordinal category as opposed to an intercept. The first cut represents adjudication withheld, whereas the second cut represents adjudication.

Adjudication ( $OR = 6.95, p < .001$ ) was significantly divergent from the base category of no adjudication, while adjudication withheld approached significance ( $OR = 1.35, p < .10$ ). All fit indices (i.e., -2LL, AIC, BIC) improved across models, indicating Model 3 to best fit the data among the three.

The variance of Level 2 random intercepts was statistically significant across all models, suggesting significant across person variation ( $p < .001$ ). The variance of Level 3 random

intercepts was also statistically significant ( $OR = 1.74, p < .001$ ), suggesting significant across county variation. The fact that both random intercepts were significant suggest presence of other factors not included in the model that could account for both across person variations and across county variations.

Two county-level factors were significant predictors of adjudication. Charges processed in counties with higher-than-average number of Black residents were significantly more likely to result in adjudication ( $OR = 1.56, p < .01$ ). Similarly, charges within counties that had a higher-than-average proportion of Republican voters in presidential elections were significantly more likely to result in adjudication ( $OR = 1.56, p < .01$ ).

Almost all of the legal factors were significant predictors of adjudication. Non-sexual felony charges ( $OR = 3.54, p < .001$ ), Adam Walsh felony charges ( $OR = 1.62, p < .001$ ), and having higher-than-average involvement with the juvenile justice system ( $OR = 1.18, p < .001$ ) were all significantly associated with a higher likelihood of adjudication. In contrast, having a higher-than-average number of charges ( $OR = 0.92, p < .001$ ) and charges involving a minor victim ( $OR = 0.24, p < .001$ ) were both negatively associated with adjudication.

Four extralegal factors were statistically significant predictors of adjudication. Children with high levels of family dysfunction ( $OR = 1.61, p < .001$ ) and children enrolled in school ( $OR = 1.47, p < .001$ ) were significantly more likely to be adjudicated of delinquency. In contrast, girls ( $OR = 0.41, p < .001$ ) and Black children ( $OR = 0.83, p < .05$ ) were both significantly less likely to be adjudicated.

### **Sex Offender Registration**

Results from multilevel logistic regression predicting sex offender registration order are shown in Table 3.6. Consistent with other analyses, all fit statistics improve across three models

with the addition of new variables. Therefore, the fit indices indicated Model 3 to be the one that best fit the data.

The variance of county-level random intercepts was statistically significant across all three models ( $p < .05$ ). This suggests significant across county variation in sex offender registration. That is, even accounting for individual factors, which contained charge-related considerations, counties in Florida nonetheless had significantly different rates of ordering children to register as a sex offender that varied from each other.

Similar to multilevel ordinal logistic regression, the same county-level predictors significantly predicted sex offender registration. Children in counties with higher-than-average proportions of Black residents ( $OR = 1.73, p < .001$ ) were significantly more likely to be ordered to register as a sex offender. Similarly, counties with a higher proportion of Republican voters in presidential elections were significantly associated with an increased likelihood of sex offender registration ( $OR = 1.37, p < .05$ ).

All legal factors were statistically significant predictors of sex offender registration. Children with multiple sexual misconduct referrals ( $OR = 3.25, p < .001$ ) and children with higher than the sample average number of Adam Walsh felony charges ( $OR = 1.87, p < .001$ ) were significantly more likely to be ordered to register as a sex offender. The other remaining factors, such as having higher-than-average juvenile justice system involvement ( $OR = 0.78, p < .05$ ) and having a higher-than-average number of charges per referral ( $OR = 0.51, p < .01$ ), were significantly associated with a lower likelihood of receiving a sex offender registration order.

Numerous extralegal factors were significantly associated with sex offender registration. Older children ( $OR = 2.01, p < .001$ ), children with higher levels of family dysfunction ( $OR =$

1.48,  $p < .05$ ), and children with more school troubles ( $OR = 1.41$ ,  $p < .05$ ) were all significantly more likely to be ordered to register as a sex offender. In contrast, Black children ( $OR = 0.71$ ,  $p < .05$ ), girls ( $OR = 0.25$ ,  $p < .01$ ), and children who have graduated or obtained their GEDs ( $OR = 0.20$ ,  $p < .05$ ) were significantly less likely to be ordered to register as a sex offender.

## DISCUSSION

County-level factors were significantly associated with sentencing outcomes for children referred for illegal sexual behaviors as hypothesized. Consistent with prior research (e.g., Peck et al., 2019), living in counties with higher proportions of Black residents significantly predicted harsher sentencing outcomes: adult waiver, commitment, adjudication of delinquency, and sex offender registration. Furthermore, controlling for percentage of Black residents in a specific county did not attenuate statistically significant the individual-level race effect for Black children in any of the regression models. Effects of living in a county with higher than the state average proportion of Black households were also independent from effects of poverty. Both findings suggest that complicated macro-level forces are at play beyond the typical criminological explanations offered regarding Black neighborhoods, such as poverty, social disorganization, and street culture (Anderson, 2000; Sampson and Laub, 1993; Sullivan et al., 2016).

For example, over policing due to areas of concentrated crime as argued by justice system actors in Sullivan et al. (2016) may be a good explanation for higher levels of arrest in certain neighborhoods. Logically, it may be that once children are arrested, they are far more likely to advance further in the system than not, which is one of the broader concerns about DMC. Similarly, street culture could be prevalent in certain neighborhoods, thereby leading to higher levels of differential involvement as argued in the same study. But the effects of

proportion of Black households in a given county were independent from poverty level, which has consistently been found to be an important criminogenic risk factor at the macro-level (Sampson et al., 1997). Furthermore, Black children who were arrested were statistically less likely to face harsher outcomes, which was not attenuated by county-level characteristics. If higher levels of individual involvement in illegal sexual behavior is the contributing factor that led to harsher sentencing in predominantly Black counties due to their street culture, it seems logically inconsistent that the person-level race effects were not attenuated by the introduction of county-level factors. This seems particularly unlikely given that accounting for county-level factors significantly altered the effects of race on outcomes for Hispanic children.

In contrast to this study's hypothesis, counties with a higher-than-average proportion of Hispanic households were significantly more likely to dismiss charges rather than pursue commitment or diversion. The county-level proportion of Hispanic residents also partially mediated person-level effect that being Hispanic had on commitment. In an analysis not shown in this chapter, Hispanic children were previously 69% less likely to be committed compared to Caucasian children (See Appendix G). After adjusting statistically for county-level Hispanic population, the effect of being Hispanic diminished to nearly to half, or 32% less likely. However, a more significant factor that diminished the person-level effect of Hispanic ethnicity appeared to be the introduction of county-level random intercepts. For adult waiver, adjudication, and sex offender registration, the statistically significantly lower likelihood of these harsher outcomes for Hispanic children compared to Caucasian children were fully mediated by accounting for the unmeasured variables at the county-level with the introduction of the random intercepts, even before adding any of the other Level 3 predictors into the model. For the less serious outcomes, such as probation, diversion, and charge reduction, accounting for across-

county variations appeared to reduce the the disparities in outcomes between Hispanic and Caucasian children.

The results from this study suggest sentencing outcomes for Hispanic children to be more associated with where they live compared to Black children, given that accounting for their locations partially or fully mediated person-level racial disparities in outcomes found between Hispanic and Caucasian children. One possible explanation is that Hispanic children live in areas with higher concentration of immigrants. Prior research has indicated a higher concentration of immigrants serves as a protective factor, associated with lower exposure to child abuse (Wolf et al., 2018) and lower crime rates in the area (MacDonald et al., 2012; Martinez et al., 2010; Stowell et al., 2009). If Hispanic children are living in areas that are less criminogenic, it may be that they are spared of frequent surveillance and over policing that could contribute to DMC.

In contrast with this study's hypothesis, county-level poverty was a mitigating factor in this study, where counties with higher-than-average rates of poverty for Florida were significantly more likely to have charges end in dismissals rather than adult waiver, commitment, probation, or diversion. As with Black children, this may be an example of correction by juvenile justice system actors, where they are counteracting high rates of incoming referrals from under-resourced counties. Indeed, when interviewing juvenile justice judges and police officers, they believed poor areas had disproportionately higher rates of arrest partly because of surveillance effects (Sullivan et al., 2016). Alternatively, the reason that poverty did not serve as a risk factor for harsher sentencing may be that much of the prior criminological literature on social disorganization have focused on the presence of income inequality within an urban portion of a particular city. The ten counties with the highest rates of poverty in this study, for example, are significantly more rural areas of Florida. According to the U.S. Census Bureau (2016), the ten

poorest counties in this study had an estimated population of less than 60,000 people. In contrast, the ten counties with the lowest rates of poverty were the ten of the most populous counties, with the top five most populous counties with population of at least one million people.

Consistent with prior research and this study's hypothesis, political conservatism measured by a higher-than-average percentage of voters voting for the Republican presidential candidates during the study period was a significant predictor of harsher outcomes. Counties with higher than the state's average proportion of Republican voters were significantly more likely to have charges end in commitment, adjudication, and sex offender registration even after controlling for individual factors.

Table 3.1. Level 1 charge-level variables. ( $N = 16,533$ )

	<i>n</i>	%
<b>Dependent Variables</b>		
<b>Outcomes</b>		
Dismissal/No Further Action*	6,169	37%
Diversion	1,258	8%
Probation	3,215	19%
Commitment	1,511	9%
Adult Waiver	1,240	8%
Charge Reduction	2,041	12%
Other	1,099	7%
<b>Adjudication</b>		
No Adjudication*	8,509	65%
Adjudication Withheld	2,611	20%
Adjudication	1,972	15%
<b>Independent Variables</b>		
Same-Sex Sex Crime	1,414	9%
<b>Offense Category</b>		
Misdemeanor/Other*	3,250	20%
Felony	4,498	27%
Adam Walsh Felony	8,785	53%
<b>Minor Victim Factor</b>		
Not Specified*	5,670	34%
Specified by Law	10,863	66%

*Note.* \* reference group.

Table 3.2. Level 2 person-level variables. ( $N = 5,833$ )

	<i>n</i>	%		
<b>Dependent Variable</b>				
Sex Offender Registration	252	4%		
<b>Independent Variables</b>				
<b>Demographics</b>				
<b>Race/Ethnicity</b>				
Caucasian*	2,501	43%		
AIAN/Asian	28	1%		
Black	2,471	42%		
Hispanic	833	14%		
<b>Gender</b>				
Male*	5,423	93%		
Female	410	7%		
<b>Legal Factors</b>				
<b>Sex Offense Referral</b>				
Zero to One*	5,543	95%		
Two or More	290	5%		
<b>Extralegal Factors</b>				
<b>Gang Membership</b>				
Not a Gang Member*	5,743	98%		
Gang Member	90	2%		
<b>School Enrollment</b>				
Not in School*	614	10%		
Enrolled in School	5,101	88%		
Graduated/GED	99	2%		
	<i>M</i>	<i>SD</i>	Min	Max
<b>Independent Variables</b>				
<b>Legal Factors</b>				
JJS Involvement	-0.02	0.77	-0.78	3.95
Number of Charges <sup>†</sup>	0.01	1.02	-0.43	34.48
<b>Extralegal Factors</b>				
Age <sup>†</sup>	0.00	1.00	-4.55	1.97
School Trouble	0.03	0.46	-1.19	1.17
Family Dysfunction	-0.01	0.44	-0.37	1.97
Delinquent Attitude	0.00	0.72	-0.61	2.74

Note. \* reference group. <sup>†</sup> standardized at the person level.

Table 3.3. Level 3 county-level variables. ( $N = 66$ )<sup>1</sup>

	%	<i>SD</i>	Min	Max
% Black	14%	9%	3%	55%
% Hispanic	13%	12%	2%	65%
% Poverty	35%	6%	18%	50%
% Republican	59%	12%	30%	83%
	<i>M</i>	<i>SD</i>	Min	Max
% Black ( <i>z</i> -score) <sup>†</sup>	0.00	1.00	-1.20	4.32
% Hispanic ( <i>z</i> -score) <sup>†</sup>	0.00	1.00	-0.87	4.22
% Poverty ( <i>z</i> -score) <sup>†</sup>	0.00	1.00	-2.96	2.58
% Republican ( <i>z</i> -score) <sup>†</sup>	0.00	1.00	-2.40	2.03

*Note.* <sup>1</sup> One county (Lafayette) had no crimes reported.

<sup>†</sup> Standardized at county level.

Table 3.4. Multilevel multinomial logistic regression of possible dispositions ( $N = 15,393$ ).

	Adult Court			Commitment				Probation		Charge Reduction			Diversion		
	RRR	RRR	RRR	RRR	RRR	RRR	RRR	RRR	RRR	RRR	RRR	RRR	RRR	RRR	RRR
County Level Factors															
% Black	1.29	1.41*	1.49*	1.47*	1.58**	1.66**	1.16	1.19	1.22	0.98	1.00	0.97	0.87	0.91	0.93
% Hispanic	0.82	0.80	0.83	0.70*	0.67**	0.71*	0.81	0.77†	0.79	0.73*	0.77†	0.81	0.62**	0.63**	0.64**
% Poverty	0.63**	0.66**	0.64**	0.73*	0.72*	0.72*	0.76†	0.69*	0.71*	0.83	0.82	0.83	0.62**	0.58***	0.58**
% Republican	1.18	1.24	1.19	1.65**	1.75**	1.73**	1.20	1.21	1.16	1.30	1.37†	1.35†	0.73†	0.75	0.71 †
Charge Level Factors															
Offense Category															
Felony		9.34***	9.13***		4.11***	3.84***		1.16	1.04		4.64***	4.44***		0.41***	0.38***
Adam Walsh		10.98***	11.80***		2.63***	2.33***		0.59***	0.51***		9.92***	9.24***		0.28***	0.25***
Minor Victim		0.16***	0.16***		0.18***	0.19***		0.19***	0.19***		0.45***	0.47***		0.65**	0.64**
JJS Involvement		1.49***	1.08		1.25***	1.16*		0.43***	0.51***		0.87*	0.85**		0.16***	0.21***
Multiple SO Referral		1.47*	1.70**		1.53*	1.55*		0.94	0.85		0.90	0.90		0.56*	0.55*
Number of Charges		1.02	1.00		0.98	0.97		0.84***	0.83***		0.89***	0.88***		0.31***	0.30***
Extralegal Factors															
Age			3.46***			1.05			0.92*			1.06			0.72***
Female			0.16***			0.25***			0.39***			0.35***			0.81
Race															
AIAN/Asian			1.07			0.78			0.34*			0.50			0.42
Black			0.81†			0.67***			0.68***			0.98			0.65***
Hispanic			0.78†			0.68**			0.68**			0.61***			0.57***
Gang Member			1.85*			0.93			0.78			0.93			1.55
School Enrollment															
Enrolled			0.78†			1.61**			1.27†			0.92			0.63**
Graduated/GED			1.37			1.13			1.15			0.76			0.84
School Trouble			1.14			1.20†			0.85†			0.95			0.85
Family Dysfunction			1.23†			1.81***			0.94			1.20†			0.55***
Delinquent Attitude			1.14†			1.08			0.91			0.99			0.90
Intercept	0.33***	0.12***	0.09***	0.54***	0.59**	0.50**	0.96	3.61***	4.09***	0.69**	0.18***	0.22***	0.29***	0.88	1.63*
Random Effects															
Variance (Person)	2.38***	2.59***	2.54***												
Variance (County)	0.68***	0.78***	0.78***												
Fit Statistics															
<i>df</i>	27	57	112												
-2LL	45471	40586	39194												
AIC	45525	40700	39418												
BIC	45732	41136	40274												

Note. †  $p < .10$ . \*  $p < .05$ . \*\*  $p < .01$ . \*\*\*  $p < .001$ .

Table 3.5. Multilevel ordinal logistic regression predicting adjudication. ( $N = 13,062$ )

	Model 1 OR	Model 2 OR	Model 3 OR
<b>County Factors</b>			
% Black	1.49**	1.54**	1.56**
% Hispanic	0.94	0.94	0.96
% Poverty	0.95	0.95	0.94
% Republican	1.57**	1.59**	1.56**
<b>Charge Level Factors</b>			
<b>Offense Category</b>			
Felony		3.72***	3.54***
Adam Walsh		1.73***	1.62***
Minor Victim		0.24***	0.24***
JJS Involvement		1.25***	1.18***
Multiple SO Referrals		1.28 <sup>†</sup>	1.29 <sup>†</sup>
Number of Charges		0.93***	0.92***
<b>Extralegal Factors</b>			
Age			1.03
Female			0.41***
<b>Race</b>			
AIAN/Asian			1.15
Black			0.83*
Hispanic			0.87
Gang Member			1.07
<b>School Enrollment</b>			
Enrolled			1.47***
Graduated/GED			0.81
School Trouble			1.09
Family Dysfunction			1.61***
Delinquent Attitude			1.03
<b>Cuts</b>			
Cut 1 (Adj Withheld)	1.41***	1.14	1.35 <sup>†</sup>
Cut 2 (Adjudication)	6.21***	5.84***	6.95***
<b>Random Effects</b>			
Variance (Person)	1.77***	1.74***	1.74***
Variance (County)	0.47***	0.47***	0.47***
<b>Fit Statistics</b>			
df	8	14	25
-2LL	21386	20293	20193
AIC	21402	20321	20243
BIC	21462	20425	20430

Note. <sup>†</sup>  $p < .10$ . \*  $p < .05$ . \*\*  $p < .01$ . \*\*\*  $p < .001$ .

Table 3.6. Multilevel logistic regression predicting sex offender registration. ( $N = 5,814$ )

	Model 1	Model 2	Model 3
	OR	OR	OR
<b>County Factors</b>			
% Black	1.71***	1.71***	1.73***
% Hispanic	0.84	0.81	0.84
% Poverty	0.96	1.00	0.98
% Republican	1.40*	1.41*	1.37*
<b>Legal Factors</b>			
Adam Walsh Felony		1.74***	1.87***
JJS Involvement		0.99	0.78*
Multiple SO Referrals		3.07***	3.25***
Number of Charges		0.57**	0.51**
<b>Extralegal Factors</b>			
Age			2.01***
Gender			0.25**
Race			
AIAN/Asian			1.48
Black			0.71*
Hispanic			0.76
Gang Member			0.82
School Enrollment			
Enrolled			1.25
Graduated/GED			0.20*
School Trouble			1.41*
Family Dysfunction			1.48*
Delinquent Attitude			1.14
Intercept	0.05***	0.04***	0.03***
<b>Random Effect</b>			
Variance (County)	0.32*	0.32*	0.32*
<b>Fit Statistics</b>			
df	6	10	21
-2LL	1991	1898	1784
AIC	2003	1918	1826
BIC	2044	1985	1966

Note. \*  $p < .05$ . \*\*  $p < .01$ . \*\*\*  $p < .001$ .

## CHAPTER VI: CONCLUSION

This dissertation examined three classes of factors that potentially influence sentencing outcomes for Floridian children who came into contact with the juvenile justice system for at least one illegal sexual behavior: child race and ethnicity, victim-offender gender dyad, and local regional factors. All three classes of factors exerted statistically significant influences on sentencing outcomes for children in Florida, even after controlling for legal and other extralegal factors, including offense history, offense characteristics, other victim characteristics, demographic factors, and known criminogenic protective and risk factors.

### SUMMARY

First, the present study examined the impact of child race and ethnicity on judicial outcomes. Evidence of DMC was found for Black children referred for at least one illegal sexual behavior, with a RRI of 2.1. Black children were disproportionately arrested in Florida for illegal sexual behaviors, representing nearly twice the proportion in the sample as the proportion of Black children in the Florida population. However, Black children were statistically significantly less likely to face harsher outcomes with one exception: adult waiver. The person-level race effects for Black children found in Chapter III and IV were relatively unchanged even after introducing sociologically relevant county-level factors in Chapter V, such as proportion of Black households in a given county.

In contrast to Black children, AIAN, Asian, or Hispanic groups had much smaller rate of referral to FDJJ for illegal sexual behavior in proportion to their population representation. The only significantly different disposition for AIAN or Asian children was probation in Chapter III

and Chapter V, where they were significantly less likely to be put on probation over having their charges dismissed compared to Caucasian children. Given the low number of AIAN or Asian children in the sample even after combining the two groups ( $n = 28$ ), it is possible that some of the effects were not detected due to lack of statistical power.

Hispanic children in Florida were significantly less likely to be referred for illegal sexual behaviors compared to Caucasian children, with RRI of 0.52. Even after the initial referral, Hispanic children were consistently significantly less likely to face all seven outcomes in both Chapter III and Chapter IV. After introducing county-level factors in Chapter V, there were only few statistically significantly observable racial effects on sentencing outcomes for Hispanic children. Hispanic children were not significantly divergent from Caucasian children in terms of adult waiver, adjudication, or sex offender registration. Compared to Caucasian children, Hispanic children were significantly more likely to have their illegal sexual behavior charges dismissed rather than being committed, being put on probation, having their charges reduced, or being diverted.

Secondly, the effects of having a sexual misconduct charge that involved at least one alleged same-sex victim were less nuanced. For majority of the dispositional outcomes investigated in this study, having a same-sex victim did not predict harsher sentencing. However, the two outcomes that were significant were two of the most punitive outcomes. Similar to Chaffin et al. (2016), children in this sample who were charged with engaging in illegal sexual behavior that involved a same-sex victim were also significantly more likely to face harsher outcomes: commitment and sex offender registration. Commitment was specifically a harsh punitive response that Irvine (2010) identified that LGBTQ+ identifying children were more likely to face compared to heterosexual and gender conforming children, which may had been

case in this study. Acknowledging that the exact sexual and gender identities of children in this sample was unknown and caution is warranted in not conflating sexual behavior with sexual identity and sex assigned at birth with gender respectively, it is likely children who were arrested for same-sex illegal sexual behavior would nonetheless be subjected to the same biases that sexual and gender minorities face given that negative perception of sexual behavior itself was significantly correlated with homophobia in past studies (e.g., Davies, 2004). Even though some illegal sexual behaviors may be indicative of the alleged child's sexual orientation (e.g., statutory sex), prior literature suggested other illegal same-sex behaviors may have been committed against a same-sex victim explicitly as a way to police children perceived to violate gender norms (Espelage et al., 2015; Romeo et al., 2017; Rothman et al., 2011). Irrespective of the intent of the alleged offenses, the findings of this study suggested that the fact the victim of alleged illegal sexual behavior was of the same sex alone resulted in the justice system imposing more social control over the child.

Finally, the effects of region-specific county-level variables were consistent across analyses. Proportion of Black residents and percentage of votes that went to the Republican presidential candidates both significantly and positively correlated to harshest juvenile judicial outcomes: commitment, adjudication of delinquency, and sex offender registration order. Counties with higher than Florida's average proportion of Black residents were also significantly more likely to waive charges into the adult criminal court. Alternatively, the percentage of Hispanic residents and percentage of poverty each increased the likelihood of dismissal by FDJJ. For charges that were processed in counties that had higher-than-average proportions of Hispanic households, they were less likely to result in commitment and diversion. Counties that had higher than Florida's average rate of poverty were significantly less likely to result in adult waiver, commitment, probation, and diversion.

In addition to the three focal factors of this dissertation, many of the control variables offered additional insights. Not surprisingly, the largest predictors in most of the analyses were offense seriousness. Compared to misdemeanors and other infractions, non-sexual felony charges and Adam Walsh sexual felony charges were both significant predictors of non-dismissal outcomes. For harsher outcomes, such as adult waiver, sex offender registration, commitment, and adjudication of delinquency, having a felony charge of any type dramatically increased the likelihood of these outcomes.

Felony charges also increased the likelihood of charge reduction, particularly for Adam Walsh eligible sexual felonies. This may be an example of juvenile justice system actors trying to circumvent registration prospects for children referred to FDJJ for illegal sexual behaviors, as found in Letourneau et al. (2013) where such evidence was present for plea bargaining specifically. As AWA is entirely offense-based once a child meets the cut off age of 14, reducing a felony charge could be one of the few options prosecutors and judges have in protecting children from the deleterious harms resulting from sex offender registration. Even for children who ultimately are adjudicated of delinquency, because of legislative waiver as defined in Florida Statute § 985.556, avoiding certain against-person felony adjudications could make a dramatic difference for a child, such as avoiding direct waiver into the adult criminal justice in the future if they were ever referred for another against-person felony.

Surprisingly, many legal factors predicted more lenient outcomes. Felony charges, for example, increased the likelihood of dismissals over probation and diversion. Apart from commitment and adjudication of delinquency, scoring higher on juvenile justice system involvement increased the likelihood of dismissal or not being ordered to register as a sex offender. Children referred with larger than the sample average number of charges and charges

that involved a minor victim were both significantly more likely to have the charges result in dismissals and decreased the likelihoods of adjudication of delinquency. The above findings suggested possible intentionality on the part of the system actors in Florida. Scholars have raised concerns about the effects of labeling by coming in contact with the juvenile justice system for decades (Mahoney, 1974), and about involvement with the justice system being inherently criminogenic (Gatti et al., 2009). Rather than attributing blame simply based on prior history or accepting all charges that were attributed to the child, the results suggested that Florida system actors approached children who were arrested for illegal sexual behaviors more holistically by using evidence-based tools, such as a dispositional matrix (Baglivio et al., 2015) and an actuarial risk assessment (Baglivio, 2009).

Demographic factors not related to race and ethnicity were also significant predictors of outcomes. First, girls referred for illegal sexual behaviors were consistently less likely to proceed further within the justice system compared to boys, as they were more likely to be dismissed across the board, were less likely to be adjudicated of delinquency, and were less likely to be ordered to register as sex offenders by the courts. The only outcome where girls were not significantly divergent from boys was diversion. In both Chapter III and V, girls and boys had similar odds of receiving diversion disposition over dismissals. Secondly, age was a significant predictor of both adult waiver and sex offender legislation, but not adjudication. This was consistent with Florida laws, as both adult waiver and sex offender legislation are tied to older child age specifically.

Apart from these two variables, most social history variables included in this study were not relevant predictors of sentencing outcomes for children referred for at least one illegal sexual behavior. Children with higher level of family dysfunction than the sample average were

significantly more likely to face harsher outcomes, such as adult waiver, commitment, adjudication of delinquency, and sex offender registration. This is consistent with previous research, where familial context played an important function in juvenile justice processing (Leiber & Mack, 2003). It may be that children who come from homes with higher-than-average family problems were perceived to be more of a threat to public safety due to any number of factors, such as lack of proper supervision and support.

The second significant predictor associated with sentencing outcomes was school enrollment. Compared to odds of dismissals, children enrolled in school (part time or full time) were significantly less likely to receive diversion as an outcome compared to children who were suspended, expelled, or dropped out. For adult waiver specifically, being enrolled in school was a protective factor that lessened the likelihood of being transferred in Chapter IV and approached statistical significance in Chapter V. For all other outcomes, however, being a student (part time or full time) increased the likelihoods of punitive outcomes, such as commitment and adjudication of delinquency. One possible explanation is the fact that all children in this sample were referred for illegal sexual behaviors. It may be that they were deemed at risk to other children by juvenile justice system actors and were therefore removed from the community. This is similar to how adult sex offenders are restricted from being around children all over the United States. In a possible support of this hypothesis, children who had graduated or obtained their GEDs were significantly less likely to be ordered to register a sex offender. Even when the reference group was changed to children enrolled in schools, children who had already graduated or obtained their GED were still significantly less likely to be ordered to register as a sex offender by the courts (Appendix H).

There were two other variables that were significant for specific outcomes. Gang membership was a statistically significant factor in predicting adult waiver. Gang membership predicting harsher response from justice system for children is consistent with prior research (Tapia, 2011). For sex offender registration, having a higher level of school troubles than the sample average was positively correlated with registration order. It is unclear why school troubles were not related in other analyses but did play a role in a fairly regimented outcome (due to Florida's adherence to AWA guidelines) like sex offender registration. Habitual truancy, poor grades, and having frequent conduct issues at school are all certainly risk factors for delinquency. But none of those troubles justify subjecting children to be monitored by law enforcement and notified to the public as dangerous sex offenders.

### **LIMITATIONS**

The strength of the data from FDJJ is the PACT assessment, which included many social variables found in social scientific survey research. This was in contrast to most juvenile court case studies, which tend to have minimal information such as race, gender, age, and offense seriousness. Nonetheless, the results of this study only pertained to a single state: Florida. It may very well be the case many of the findings do not apply to children processed in other states' juvenile justice systems for illegal sexual behaviors.

Another limitation of this study was that the dataset only contained children who had at least one charge involving illegal sexual behavior. A more robust study design would have benefited from a comparison group, such as another against person offenses. For example, Letourneau et al. (2010b) used aggravated assault and robbery used as comparison groups to truly distinguish what were the effects specific to sexual offenses. While there are no comparison

groups included in this study, Cochran and Mears (2015) also used multinomial logistic regression to compare dismissals against four other outcomes: diversion, probation, commitment, and adult waiver. Age, prior adjudication, and offense severity had similar effects in the same direction in Cochran and Mears (2015) as multinomial logistic regressions in this study. However, both the effect of Black race and Hispanic ethnicity did not mirror some of the findings of the present study. For most serious outcomes, such as commitment and adult waiver, Cochran and Mears (2015) found that both Black and Hispanic children were significantly at a higher likelihood of this outcome over dismissal. Diversion and probation, on the other hand, behaved similarly in both studies, where Caucasian children were significantly less likely to be dismissed compared to these two outcomes. A main reason for the difference may be the study periods, where Cochran and Mears (2015) only utilized data from 2008. Limiting the regression analyses in this study to referrals in 2008, for example, Black and Hispanic children in this sample were also significantly more likely to be transferred to adult court compared to Caucasian children, similar to Cochran and Mears (2015). A possible confounding factor between the two studies was FDJJ's introduction of a dispositional matrix in 2013, which provided sentencing recommendations (Baglivio et al., 2015). Alternatively, it may be that the key difference with this study was that the entire sample consists of children referred for illegal sexual behavior.

Another possible limitation of this present study was not modeling for time. While there were no observable statistically significant time effects (e.g., year), that may be largely due to the sampling criteria. Given that all referrals included in the data set had to have at least one sexual offense charge recorded, there may be important considerations regarding children's offense histories that may have influenced certain outcomes (e.g., adult waiver), where a previous non-sexual offense was influential in the decision-making process. Another possible example of

important temporal consideration is, as outlined above, the introduction of the dispositional matrix in 2013. Given the significant power that multilevel multinomial logistic regression requires, it was not possible to replicate multinomial logistic regression using just the data from 2013 and 2014. Adjudication and sex offender registration models, however, were roughly the same comparing the two time periods before and after the introduction of the dispositional matrix. The two noticeable differences were the effects of same-sex crime and percent Republican, which both had similar sized coefficients but did not approach statistical significance only using the data from 2013 and 2014.

Furthermore, the present study lacked access to the full PACT assessment. The full assessment included other important predictors for adolescent illegal sexual behaviors found in the literature, such as sexual and physical abuse history (e.g., Seto & Lalumière, 2010). It may be possible that some of the key differences found across the three chapters may have been better explained with the inclusion of other PACT items. Given that all multilevel analyses involved statistically significant variances of the random intercepts, the results of this study suggest other person-level variables that were not included in the model that affect sentencing outcomes.

Finally, the present study only includes children who were referred to FDJJ for at least one illegal sexual behavior. This would automatically exclude any children who were informally processed, as children who did not have a referral would not complete the intake PACT assessment. It could be the case that had pre-adjudication diversion been included in the analysis that the racial disparities would look significantly different. In prior research, for example, Black children were much more likely to be arrested (Andersen, 2015; Owen & Takahashi, 2013). Therefore, it could be the case that Caucasian children are more likely to be informally processed prior to referral. If that was the case, it would stand to reason that the Caucasian children that

were arrested were cases that had characteristics that were more likely to result in harsher sentencing.

## **POLICY IMPLICATIONS**

### **Sex Offender Registration of Children**

Florida currently requires children 14 and older adjudicated of sexual offenses to publicly register as a sex offender (Florida Department of Law Enforcement, 2021). It is one of minority of states that have lifetime registration requirements for juveniles adjudicated of sexual offenses (Pittman & Nguyen, 2011), and is currently one of 18 states that have substantially implemented AWA (Office of Sex Offender Monitoring, Apprehending, Registering, and Tracking, 2020). Letourneau et al. (2018) found that subjecting children with sexual behavioral problems to sex offender registration was associated with a significant increase in suicidal ideation and attempts. Ethically, there is little justification to defend public policy initiatives that are associated with increased suicidal ideation among children in a country in which suicide is already the second leading cause of death among young people. This is especially problematic considering that the suicide rate among minors has increased within the past decade (Curtin & Heron, 2019).

While the U.S. Department of Justice (2016) has declined to eliminate juvenile registration altogether, the 2016 comments nonetheless do allow for states to have additional discretion that was not previously allowed to still be considered to have substantially implemented AWA for funding and compliance purposes. Given that the results from this study have found evidence of significant bias in who was ordered to register by the courts unrelated to age and offense seriousness that AWA's requirements are based on, Florida should explore additional measures to make it much simpler to remove children from the sex offender registry

beyond the limited avenue that currently exists for removal. As of right now, Florida only allows children adjudicated of sexual offenses to petition to be removed from the sex offender registry if they have been “lawfully released from sanctions, confinement, or supervision for at least 25 years and have not been arrested for any felony or misdemeanor offense since release”. Even then, such petitions may be denied by the court (Florida Department of Law Enforcement, 2021). According to Caldwell (2016)’s meta-analysis, children who were adjudicated of sexual offenses have a sexual recidivism rate of less than 3%. Even from a public safety standpoint, it seems unnecessary to subject children adjudicated of sexual offenses to 25 years of supervision and public notification, especially given that there is no scientific evidence to date that suggests sex offender registration of children to have any measurable effect in deterring sex crimes (Letourneau et al., 2010b, 2019; Sandler et al., 2017).

### **Disparities in Arrest for Black Children**

Despite successful efforts to utilize alternatives to arrests (Florida Department of Juvenile Justice, 2020b), there continues to be a large discrepancy in rates of Black children compared to Caucasian children in Florida: both for Black children in this sample who were arrested for illegal sexual behaviors, as well as Black children in Florida at large arrested for general delinquency (Florida Department of Juvenile Justice, 2020a). However, the present study suggests that there may be efforts to counteract DMC in arrest for Black children among justice system actors in Florida. Black children in this study were significantly less likely to face harsher sentencing outcomes compared to Caucasian children who were also arrested for nearly every single outcome investigated in the study.

FDJJ’s use of empirically validated actuarial risk assessment (Baglivio, 2009; Baglivio & Jackowski, 2013), as well as structured decision-making tools such as dispositional matrix

(Baglivio et al., 2015) may both be playing an important role in not only predicting risk of recidivism accurately, but also reducing bias from juvenile justice system actors. In a study of Ohio's implementation of actuarial risk assessment, for example, Onifade et al. (2019) found that it partially mitigated DMC in Ohio's juvenile justice system. It could be the case that the existing safeguards in Florida are also countering harmful effects of DMC in arrests.

There were two findings in this study suggesting this may be the case. First, only using the same analytical year used in Cochran and Mears (2015), this study also found that Black and Hispanic children were significantly more likely to be transferred to adult court. Yet this statistically significant increase in likelihood was no longer observable in the full sample, which included years after dispositional matrixes were incorporated into practice by the FDJJ. Secondly, the only outcome for which Black children did not see a decrease in likelihood of facing harsher outcomes compared to Caucasian children was adult waiver. Adult waiver is coincidentally the outcome in which justice system actors have the least leeway due to the restrictive waiver laws in Florida. Over 98% of adult waivers in this sample were directly filed to the adult courts by the state attorney, and it would be unlikely justice system actors were able to utilize existing safeguards and discretion in such conditions.

While it is encouraging if this study provides empirical support for efficacies of intervention efforts undertaken by FDJJ for children referred for at least one illegal sexual behavior, it is important to emphasize once more that the observed effects in this study should not be overstated. Relative risk ratios and odds ratios are not particularly intuitive and can often exaggerate the actual effect sizes as the ratios themselves do not speak to the frequency of the outcome itself (as, the name implies, they are ratios). The predicted probabilities for outcomes offer a much more valuable insight. Predicted probabilities for each regression analyses in

Chapter V were estimated and graphed: Figure 1 corresponds to Table 3.4, Figure 2 corresponds to Table 3.5, and Figure 3 corresponds to Table 3.6. Overall, Black children had predicted probabilities between one and five percent lower than Caucasian children for harsher sentence outcomes. Acknowledging even one less child registered as a sex offender is impactful, the Black children's lower probability found in this study would not fully account for the disproportionate rate in which they are arrested in Florida.

Given that DMC for Black children has not declined in a dramatic manner over a significant period of time in Florida (Florida Department of Juvenile Justice, 2000a), the results of this study seemed to highlight a need for two types of reforms in addition to continued efforts by juvenile justice system actors to reduce existing biases against Black children. First, lawmakers in Florida should reconsider its current adult waiver legislation. Currently, children in Florida have many pathways to be tried as adults given: (1) the low cut off age for adult waiver consideration (i.e., 14-years-old), (2) the sheer number of offenses considered for adult waiver, including sex offenses (i.e., not just homicide), and (3) that being charged for a new offense specified by law can result in a waiver even before being adjudicated of such an offense for children with prior history of certain offenses (Florida Statute § 985.556). While the concern for public safety due to violent offenses should not be ignored, neither should the fact, by definition, any person under 18 is a child for almost every other purpose but for criminal prosecution. Florida was one of the pioneering states that pushed for adult transfers in 1981, and further expanded transfer laws to include significant numbers of offenses in 1995. To give a comparison of the extent of Florida's transfer laws, Florida prosecutors transferred 7,000 children to adult courts in 1995, compared to 9,700 children waived to the adult system by juvenile justice judges in the rest of the country (Tanenhaus & Drizin, 2002). Given that Black children in this sample

had RRI of 2.1 for referrals for sexual offenses, and that being arrested for violent sexual offenses alone (i.e., even without adjudication or conviction) could result in adult waiver in Florida under certain conditions, the available evidence suggesting bias alone brings into question the ethics of subjecting children arrested for certain sexual offenses as a list of possible offenses to be transferred to adult courts in Florida.

Secondly, the results of this study suggest that even effective interventions in place may not be able to fully account for racial disparities in the initial contact, consistent with findings from other studies (Davis & Sorensen, 2013; Donnelly, 2017, 2019; Onifade et al., 2019; Zane, 2021). In order for Black children to have significantly less contact and thereby reduce the risks of harsher outcomes like adult waivers, there must be broader efforts to reduce the number of arrests by the police in the front end of the system. The present study cannot account for the possibility that Black children in Florida simply were more involved in illegal sexual behaviors compared to Caucasian children. However, even if that was the case, there are numerous alternatives to support any children with sexual behavior problems that do not require juvenile justice system intervention, such as treatment.

Past research has consistently shown treatment for the management of sexual behavior problems to be effective in reducing both sexual recidivism and general recidivism (Hanson et al., 2002; Kim et al., 2016; Wilson et al., 2009). Even acknowledging that all commitment programs in Florida involve some form of treatment, the available research does not suggest such treatment for sexual behavior problems needs to be administered outside of community settings in order for it to be effective (Hanson et al., 2002, Wilson et al., 2009). Of all the 871 children in this study that had commitment recorded as an outcome, only six involved non-residential commitments where they were not removed from the community. It may be beneficial for

children with sexual behavior problems to be able to access treatment within their own community without first being adjudicated of delinquency.

### **FUTURE RESEARCH**

The clearly distinct outcomes for Black children warrant further investigation in future studies in Florida. From being disproportionately arrested at the front end of the system to race being a significant predictor of sentencing outcomes even after controlling for regional factors, it does appear being a Black child in Florida is a fundamentally different experience when it comes to justice system involvement even compared to other racial and ethnic minorities. In order to truly evaluate whether the reduction in bias against Black children in Florida is the result of efforts by FDJJ to counter DMC in arrests by utilizing empirically based tools, future studies will be needed to investigate if similar patterns would be found for non-sexual charges, such as other against person offenses.

While living in areas with a high concentration of immigrants has consistently been found to be a protective factor for its residents in prior studies in terms of exposure to abuse and crime (MacDonald et al., 2012; Martinez et al., 2010; Stowell et al., 2009; Wolff et al., 2018), it is unclear why county of residence also attenuated or fully mediated the individual-level Hispanic effect observed in Chapter III. Even with the assumption that Hispanic children referred to FDJJ in this dataset likely lived in counties with higher proportion of Hispanic households, that would only explain why Hispanic children had lower rates of referral to FDJJ. In accordance with prior literature, it is possible that Hispanic children exhibit differential involvement in illegal sexual behaviors because of the protective effects against criminogenic risk factors of living in communities with high concentration of immigrants. Neither prior literature nor the

present study offered suitable hypothesis as to whether Hispanic communities buffered children against harsher dispositions compared to Caucasian children.

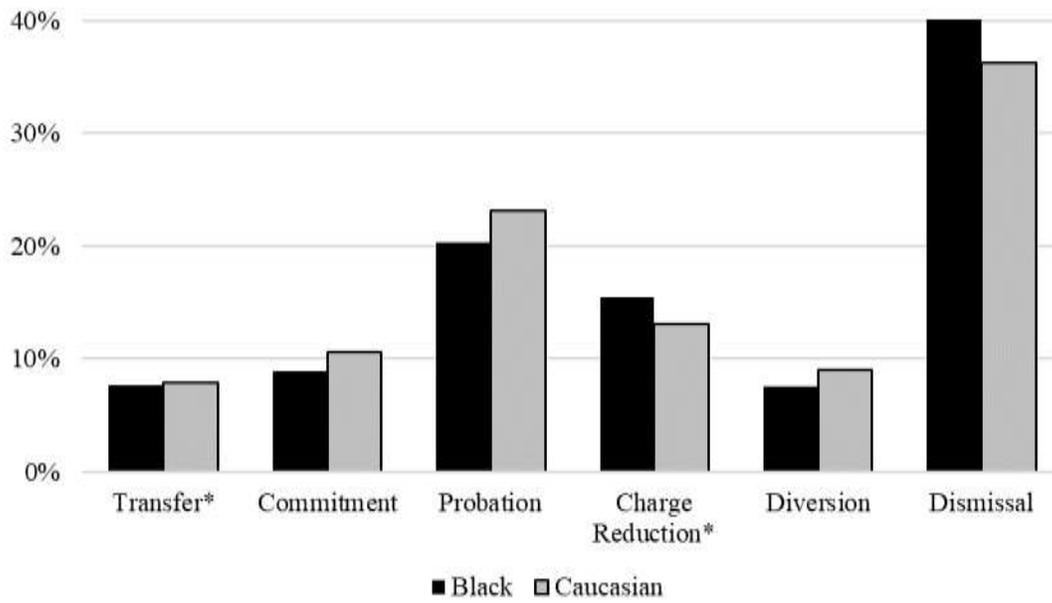
Consistent with findings from Shields and Cochran (2020), girls referred for at least one illegal sexual behavior were significantly less likely to receive harsher dispositions in nearly all analyses in this study. Yet the exact mechanism for this gender disparity was unclear in the present study. As one possible explanation, Steffensmeier et al. (2005) have found evidence of a net-widening effect for girls analyzing several different longitudinal datasets, where girls' level of violence has remained relatively stable over time, but girls' arrest rates in official federal crime statistics have gone up recently due to policy shifts. Additional research is needed to explore the source of gender disparity in dispositions of Florida children. It may be the case that factors that were considered for sentencing outcomes in girls who were arrested for illegal sexual behaviors were variables not included in the study. As suggested by the results of the multilevel analyses, every single analysis in this study suggested existence of person-level factors that were significantly associated with variations in sentencing across individuals.

Future studies should also investigate the exact mechanism through which children accused of illegal sexual behaviors were consistently less likely to receive harsher dispositions when their alleged behavior minor victims. Given that only gender of the victims was included in the present data set, there were likely many other charges that involved minor victims that were not coded as such due to age not being specifically referenced in the statute. Having a more precise, continuous measurement of victim age, along with inclusion of age for all against-person charges would significantly improve the interpretation of the results of this study.

Finally, future research using FDJJ data set should utilize longitudinal analytical techniques to investigate the outcomes of reduced charges. Charge reduction accounted for 12%

of possible dispositions in the current data set for children referred for at least one illegal sexual behavior. Given that nearly all children in this data set only had a single measurement occasion (likely due to the inclusion criteria), it was not possible to meaningfully follow what happened after a child's charge was reduced. In some situations, outright dismissal for all charges may be unreasonable, and a charge reduction may play an important role in still adjudicating a child while keeping them away from excessively harsh punishments. Both adult waiver and sex offender registration, outcomes with potential lifelong consequences for any children, are largely offense-based outcomes. Analyzing juvenile justice petitions, prosecutorial decision-making processes, and judicial decisions around a reduced charge and its ultimate outcome may prove especially important mechanisms for uncovering ways to mitigate life altering punishments for children charged with illegal sexual behaviors.

Figure 1. Predicted probabilities of qualifying dispositions.



\* = Not Significant

Figure 2. Predicted probabilities of adjudication.

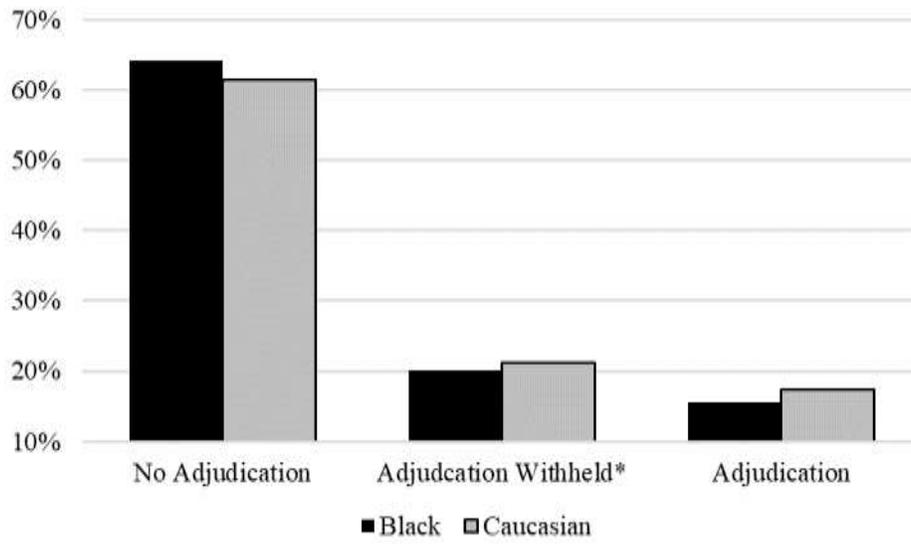
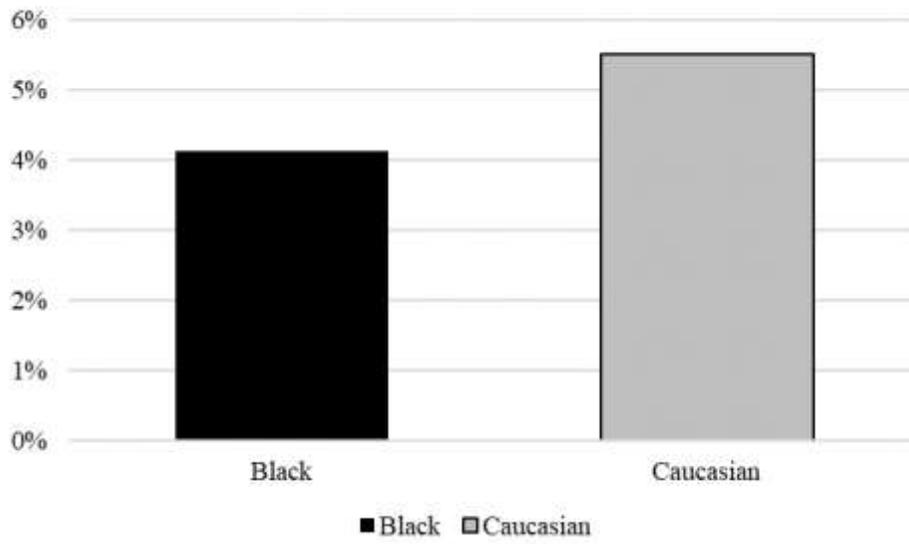


Figure 3. Predicted probabilities of sex offender registration.



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## APPENDICES

**APPENDIX A. UNH IRB LETTER.**



**Research Integrity Services**

51 College Road  
Durham, NH 03824

V: 603.862.3536  
F: 603.862.3564  
TTY: 711 (Relay NH)

July 25, 2016

Director, Institutional Review Board  
Florida Department of Juvenile Justice  
2737 Centerview Drive, Suite 1200  
Tallahassee, FL 32399-3100

Dear Sir/Madam,

This letter is in reference to Kei Saito's request to use a dataset containing anonymized youth records from the Florida Department of Juvenile Justice for doctoral research. At the University of New Hampshire (UNH), Institutional Review Board for the Protection of Human Subjects in Research (IRB) approval is not required for access to, or use of, anonymous datasets.

Please do not hesitate to contact me at [Julie.simpson@unh.edu](mailto:Julie.simpson@unh.edu) or 603-862-2003 with any questions.

Sincerely,

A handwritten signature in blue ink that reads 'Julie Simpson'.

Julie Simpson, Ph.D.  
Director

**APPENDIX B. JJS INVOLVEMENT SEM**

*N* = 6,200

	<i>B</i>	SE
<b>Delinquent Attitude</b>		
Prior Detention	0.83***	.01
Intercept	0.00	.01
Adjudicated Misdemeanor	0.73***	.01
Intercept	0.00	.01
Prior Pick Up Order	0.69***	.01
Intercept	0.00	.01
Adjudicated Felony	0.62***	.01
Intercept	0.00	.01
Prior Commitment	0.57***	.01
Intercept	0.00	.01
Age of First Offense	0.25***	.01
Intercept	0.00	.01
Escaping Adjudication	0.12***	.01
Intercept	0.04**	.01
<b>Error</b>		
Prior Detention	0.32	.01
Prior Misdemeanor	0.47	.01
Prior Pick Up Order	0.52	.01
Prior Felony	0.62	.01
Prior Commitment	0.67	.01
Age of First Offense	0.94	.01
Escaping Adjudication	0.99	.00
<b>Covariance</b>		
Detention*Commitment	0.20***	.02
Detention*Age of First Offense	-0.07***	.02
Misdemeanor*Felony	-0.40***	.03
Pick Up*Felony	-0.30***	.02
Pick Up*Age of First Offense	-0.09***	.02
Age of First Offense*Escape	-0.03*	.01
	<i>B</i>	95% CI
<b>Fit Statistics</b>		
RMSEA	0.00	[0.00, 0.01]
CFI	1.00	
TLI	1.00	
SRMR	0.00	
CD	0.88	

Note: \*  $p < .01$ , \*\*  $p < .01$ , \*\*\*  $p < .001$

**APPENDIX C. SCHOOL TROUBLE SEM**

*N* = 5,600

	<i>B</i>	SE
<b>School</b>		
Academic Performance	0.60***	.02
Intercept	0.00	.01
School Conduct	0.58***	.02
Intercept	-0.11***	.01
School Attendance	0.58***	.02
Intercept	0.00	.01
<b>Error</b>		
Academic Performance	0.64	.02
School Conduct	0.67	.02
School Attendance	0.67	.02
	<i>B</i>	95% CI
<b>Fit Statistics</b>		
RMSEA	0.00	[0.00, 0.00]
CFI	1.00	
TLI	1.00	
SRMR	0.00	
CD	0.61	

Note: \*\*\* *p* < .001

**APPENDIX D. FAMILY DYSFUNCTION SEM**

*N* = 6,195

	<i>B</i>	SE
Family Dysfunction		
Running Away or Kicked Out	0.58***	.02
Intercept	0.00	.01
Parental Authority	0.56***	.03
Intercept	0.00	.01
Out of Home Placement	0.51***	.03
Intercept	0.00	.01
Family History of Imprisonment	0.24***	.02
Intercept	0.73***	.01
Family Problem	0.22***	.02
Intercept	0.40***	.01
Error		
Running Away or Kicked Out	0.67	.03
Parental Authority	0.69	.03
Out of Home Placement	0.74	.03
Family History of Imprisonment	0.94	.01
Family Problem	0.95	.01
Covariance		
Parental Authority*Out of Home	-0.17***	.04
Out of Home*Family Imprisonment	0.05**	.02
Family Imprisonment*Family Problem	0.20***	.01
	<i>B</i>	95% CI
Fit Statistics		
RMSEA	0.00	[0.00, 0.02]
CFI	1.00	
TLI	1.00	
SRMR	0.00	
CD	0.61	

Note: \*\* *p* < .01, \*\*\* *p* < .001

**APPENDIX E. DELINQUENT ATTITUDE SEM**

*N* = 6,200

	<i>B</i>	SE
Delinquent Attitude		
Physical Aggression Acceptance	0.81***	.01
Intercept	0.00	.01
Verbal Aggression Acceptance	0.80***	.01
Intercept	0.00	.01
Law Abiding Attitude	0.50***	.01
Intercept	0.00	.01
Accept Responsibility	0.45***	.01
Intercept	0.00	.01
Error		
Physical Aggression Acceptance	0.35	.02
Verbal Aggression Acceptance	0.36	.02
Law Abiding Attitude	0.75	.01
Accept Responsibility	0.80	.01
Covariance		
Law Abide*Responsibility	0.44***	.01
	<i>B</i>	95% CI
Fit Statistics		
RMSEA	0.00	[0.00, 0.03]
CFI	1.00	
TLI	1.00	
SRMR	0.00	
CD	0.80	

Note: \*\*\* *p* < .01

**APPENDIX F. LOGISTIC REGRESSION WITH NUMBER OF REFERRALS**

	Race		Same-Sex		County	
Number of Referrals	1.09		1.07		1.11	
County Level Factors						
% Black					1.74***	1.73***
% Hispanic					0.84	0.84
% Poverty					0.98	0.98
% Republican					1.37*	1.37*
Charge Level Factors						
Same-Sex Crime			1.67**	1.67**		
Adam Walsh Felony	1.72***	1.79***	1.68***	1.74***	1.78***	1.87***
JJS Involvement	0.80*	0.80*	0.79*	0.79*	0.78*	0.78*
Multiple SO Referral	2.64***	3.39***	2.62***	3.16***	2.42**	3.25***
Number of Charges	0.54**	0.51***	0.60**	0.58**	0.55**	0.51**
Extralegal Factors						
Age		2.04***	2.12***	2.11***	2.03***	2.01***
Female		0.21**	0.34*	0.33*	0.25**	0.25**
Race						
AIAN/Asian	1.50	1.45	1.46	1.42	1.53	1.48
Black	0.68**	0.69*	0.69*	0.70*	0.70*	0.71*
Hispanic	0.53**	0.53**	0.58*	0.58*	0.76	0.76
Gang Member	0.71	0.71	0.73	0.72	0.81	0.82
School Enrollment						
Enrolled	1.31	1.27	1.11	1.09	1.29	1.25
Graduated/GED	0.22*	0.21*	0.20*	0.19*	0.21†	0.20*
School Trouble	1.37*	1.37*	1.40*	1.40*	1.40*	1.41*
Family Dysfunction	1.45*	1.46*	1.40†	1.42*	1.47*	1.48*
Delinquent Attitude	1.11	1.10	1.08	1.08	1.14	1.14
Intercept	0.03***	0.03***	0.04***	0.04***	0.03***	0.03***
Random Effect						
Variance (County)					0.33*	0.32*
Fit Statistics						
df	17	16	18	17	22	21
-2LL	1854	1856	1754	1755	1782	1784
AIC	1888	1888	1790	1789	1826	1826
BIC	2002	1995	1907	1900	1973	1966

Note. †  $p < .10$ . \*  $p < .05$ . \*\*  $p < .01$ . \*\*\*  $p < .001$ .

**APPENDIX G. MODEL 3 IN TABLE 1.4 WITH A DIFFERENT COMPARISON GROUP**

	Adult Waiver		Commitment		Probation		Charge Reduction		Diversion	
	Non-File	Original	Non-File	Original	Non-File	Original	Non-File	Original	Non-File	Original
<b>Race</b>										
AIAN/Asian	1.13	0.93	0.75	0.60	0.34	0.27*	0.44	0.36	0.42	0.35
Black	0.75**	0.92	0.51***	0.63***	0.58***	0.70**	0.68***	0.83	0.55***	0.67**
Hispanic	0.53***	0.66*	0.31***	0.38***	0.44***	0.53***	0.36***	0.45***	0.36***	0.45***
<b>Legal Factors</b>										
Offense Category										
Felony	9.27***	14.89***	3.79***	5.90***	1.04	1.53**	4.41***	6.93***	0.38***	0.55***
Adam Walsh	12.30***	21.38***	2.33***	3.94***	0.53***	0.84	9.00***	15.14***	0.26***	0.39***
Minor Victim	0.16***	0.14***	0.20***	0.18***	0.19***	0.17***	0.50***	0.45***	0.67*	0.64*
JJS Involvement	1.05	1.14	1.14*	1.23*	0.49***	0.52***	0.84**	0.91	0.20***	0.20***
Multiple SO Referral	1.79**	1.83**	1.44*	1.51 <sup>†</sup>	0.86	0.91	0.86	0.88	0.60 <sup>†</sup>	0.63
Number of Charges	0.98	1.02	0.94*	0.98	0.81***	0.85***	0.86***	0.89**	0.28***	0.27***
<b>Extralegal Factors</b>										
Age	3.57***	4.40***	1.09 <sup>†</sup>	1.32***	0.95	1.14*	1.10*	1.33***	0.75***	0.88*
Female	0.15***	0.17***	0.19***	0.22***	0.33***	0.40***	0.28***	0.36***	0.66*	0.88
Gang Member	1.91*	2.00 <sup>†</sup>	0.85	0.85	0.82	0.80	0.96	0.97	1.62	1.63
School Enrollment										
Enrolled	0.80	0.79	1.62**	1.65*	1.30 <sup>†</sup>	1.34	0.91	0.92	0.65**	0.66*
Graduated/GED	1.55	4.69**	1.38	4.37**	1.37	4.49**	0.96	3.03	1.02	3.36*
School Trouble	1.10	1.17	1.12	1.20	0.81*	0.87	0.88	0.94	0.81*	0.86
Family Dysfunction	1.38**	1.05	1.99***	1.50**	1.06	0.77 <sup>†</sup>	1.35**	1.00	0.63**	0.44***
Delinquent Attitude	1.11	1.11	1.04	1.05	0.90 <sup>†</sup>	0.90	0.99	0.99	0.91	0.92
<b>Intercept</b>	<b>0.09***</b>	<b>0.27***</b>	<b>0.43***</b>	<b>1.35</b>	<b>3.86***</b>	<b>12.51***</b>	<b>0.21***</b>	<b>0.65</b>	<b>2.06***</b>	<b>6.54***</b>
<b>Random Effect</b>										
Variance (Person)	3.33***	4.08***								
<b>Fit Statistics</b>										
<i>df</i>	91	91								
-2LL	40372	32448								
AIC	40554	32630								
BIC	41249	33299								

Note. <sup>†</sup>  $p < .10$ . \*  $p < .05$ . \*\*  $p < .01$ . \*\*\*  $p < .001$ .

**APPENDIX H. SCHOOL ENROLLMENT AS THE REFERENCE GROUP**

	Base: School Enrollment			Base: Not Enrolled (Original)		
	Race	Same-Sex	County	Race	Same-Sex	County
School Enrollment				School Enrollment		
Not in School	0.79	0.92	0.80	Enrolled	1.27	1.09
Graduated/GED	0.17*	0.18*	0.16*	Graduated/GED	0.21*	0.19*
All Other Predictors <sup>1</sup>	---	---	---		---	---
Intercept	0.04***	0.04***	0.04***		0.03***	0.04***
Random Effect						
Variance (County)			0.32*			0.32*
Sample Size	5814	5134	5814	5814	5134	5814
Fit Statistics						
<i>df</i>	16	17	21	16	17	21
-2LL	1856	1755	1784	1856	1755	1784
AIC	1888	1789	1826	1888	1789	1826
BIC	1995	1900	1966	1995	1900	1966

Note. <sup>†</sup>  $p < .10$ . \*  $p < .05$ . \*\*  $p < .01$ . \*\*\*  $p < .001$ .

1. All other predictors abbreviated above had the exact same effect size/statistical significance as already reported in Table 1.6, Table 2.6, and Table 3.6 respectively.