

# Arizona's Juvenile Sex Offenders

By  
Chris Phillis

In this day and age of sexual predators hiding behind every tree, the youth of Arizona must cautiously navigate their way to adulthood. Children must be wary of the criminal statues hiding in the shadows, waiting to destroy their promising future. The youth have less to fear from the stranger on the street than from criminal statues and consequences that come with sexual relationships.

Chapter 14 Title 13 of the Arizona Criminal Code lists the sexual offenses a child must be cognizant of when he or she begins dating. An innocent relationship between two ninth graders, a fourteen year old and a fifteen year old, can ruin the life of one of them forever. (In a recent survey, 30% of ninth graders in Arizona stated they were sexually active.) One seemingly innocent sexual encounter can net the fifteen year old charges consisting of public sexual indecency to a minor, sexual abuse, sexual conduct with a minor and molestation of a child. Since a child fourteen and under cannot consent, unbeknown to him, the fifteen year old is a sexual predator.

As a result of pregnancy or being found in a compromising position, the teenager's life begins a downward spiral. First the child will suffer the humiliation of being questioned by police, parents and school officials. The result of which is that he will be charged in the adult system under A.R.S. 13-501 or in the juvenile justice system.

Children fortunate enough to remain in juvenile court quickly find themselves part of an unforgiving system. Pending adjudication, the child will be confined to the bleak surroundings of detention. This is pre-trial incarceration without bail. Years of academic achievement will be lost in a detention school that caters primarily to under performing youths. The juvenile's contact with family and friends is limited. The child becomes depressed and inconsolable.

Some children will be permitted to remain in the community, under the strict supervision of a surveillance officer and an electronic ankle monitor. The child may be placed with grandparents or friends of the family who do not have children. The court will order them not to have contact with any child under the age of thirteen, including siblings and cousins. The child will be ostracized from his family; the love and support he once cherished now forbidden. His family will have to inform the child's friends that they can no longer call or visit, once again alienating the child from normal teenage activities. There will be little left to look forward to since social gatherings and school functions are precluded. If the child is lucky, he can submerge himself in school sports, his only refuge.

The child will linger in a perpetual state of hopelessness for three to four months awaiting the trial and then the sentencing. Some children, facing a life time of incarceration, will choose to admit to a crime they did not commit. The

states practice of charging the child with seven felony counts for one encounter inhibits the child's ability to refute the allegations. A plea bargain allows the child the possibility of one day returning home.

On the day of sentencing, an already dark world turns black. A permanent label is attached to the child, that of sexual offender. Consequences come along with the label. The child may be committed to the Juvenile Department of Corrections, Adobe Mountain School, sent to a residential treatment center or placed on probation, either standard or intensive. Many of the judges will send the sex offender to Adobe Mountain believing that the child will be placed in a sex offender program and released upon its completion in eighteen to twenty-four months. Instead, due to a lack of openings in the program, the child is placed in general population to await an opening. He (and very rarely she) will remain at the department until he receives the treatment he needs or until he reaches his eighteenth birthday. Thus, the fifteen year old will spend three years behind the fence, falling educationally and socially behind his peers. He will learn how to defend himself against his colleagues who call him baby raper. He can learn a trade to support himself, since the dream of college has vanished. Upon reaching adulthood, he will be released to cope in a world he is ill equipped to navigate.

More fortunate children will be ordered into a Residential Treatment Center, provided the Probation Department has money to spare. The child will spend an additional two to three months in detention waiting for a facility to have an open bed. The Residential Center will become his home for the next two or more years. He will spend every day in comprehensive therapy with other juveniles. The message he will receive is that he is a sexual predator, he will always be a sexual predator, but he may be able to control his urges. His counseling sessions and progress will be monitored by the probation department. Every two months the child will return to court where the judge will address his progress. If the judge determines he is not progressing through the program, services will be terminated and a violation of probation filed, the end result of which will be commitment to the Arizona Department of Juvenile Corrections.

The luckiest children will be placed on probation to follow sex offender addendum terms. The child will be placed with a relative and ordered not to have contact with children; including going to places children might frequent, like McDonalds, Burger King, Peter Piper Pizza, the zoo, the movies, museums and the library. The child's whereabouts will be monitored at all times. A surveillance officer will stop by randomly to see if the child is home. However, the child will rarely be at home: when he is not in school he will be at a sex offender group. The group will meet six times a week, from the moment the child gets out of school until 9:00 p.m., leaving very little time to study. The child's aspirations will begin to slip along with his grades. He will spend more time preparing assignments for the group than working on algebra. The cost of being unprepared for group far outweighs the cost of failing school; incarceration versus

dropping out. The juvenile must succeed in group, including passing all polygraphs. The consequences are dire.

The social activities and sports teams the child used to participate in prior to sentencing are forbidden. He is now a sex offender and must dedicate himself to reforming his deviant ways. The child will be forced to focus on deviant sexual behavior until he can no longer recall what a normal relationship is. He will be stripped of his humanity.

The life of a child on sex offender probation is dictated by the whims of the supervising probation officer. During the child's first encounter with the probation officer he will be provided with a form that states the rules of surveillance supervision. Surveillance is a term of probation that is not included in the written terms of probation that the judge signed. According to the form, "Juveniles will earn rewards and privileges based on appropriate home and community behavior, including participation in treatment." The juvenile will be required to abide by the terms of supervision and will only be allowed to leave his place of residence to attend school, work, treatment and community services activities. With exemplary behavior, the probation officer may grant permission for the child to play video games, go to the mall, go to a friend's house, eat at a restaurant, go to a family gathering, participate in school activities, see a movie, run an errand, ride a bike, skateboard, go to an amateur or professional sporting event, or seek employment. Only with the probation officer's consent will the juvenile be allowed to participate in activities that are considered normal and routine for the rest of society.

All children adjudicated of a sex offense will be required to provide a DNA sample (A.R.S. 13-610), fingerprints (A.R.S. 8-341(P)), and a HIV test at the victim's request, (A.R.S. 8-341(O) and A.R.S. 13-1415). Under A.R.S. 13-3821(D), the court may order the child to register as a Sex Offender until he is twenty-five years old. Although community notification is not required for adjudicated children, the school district in which the child resides will be notified, A.R.S. 8-350. The school district may request the criminal history of the juvenile and provide this information to the school that the child attends. The school must make this information available to all teachers, and to any parents, guardians or custodians upon request. Taking a proactive approach, the school principal will notify each of the student's teachers, coaches and school security guards. The child will hear the whispers and feel the stares of faculty as he moves through his day. Further, the child will draw unwanted attention from his peers when they become aware he is not allowed to shower after gym class and must change his clothes in the presence of the coach.

He will never experience the carefree days of high school. He will not be allowed to participate in sports, join a school club or enjoy after school activities. School dances will be forbidden, including prom. Any activity the child is involved in must be supervised by a responsible, probation approved adult who has been informed of the child's sexual history. The child will become a recluse

rather than inform his community and church leaders of his indiscretion. His only outlet will be sex offender counseling; his only friends, boys from the group.

Upon the child's eighteenth birthday the sex offender consequences, with the exception of registration, come to an end. He is free to enjoy his life (as much as any registered sex offender can) unless he applies to college or for a job that requires a background check. In accordance with A.R.S. 8-349, the juvenile is unable to request his delinquent record be destroyed until he is twenty-five years old. For a minimum of seven years, the public will have access to the juvenile's criminal and sex offender history. His juvenile record will allow colleges and employers to deny him access to a fruitful future.

Prior to the signing of the Adam Walsh Child Protection and Safety Act into law on July 27, 2006, juveniles only had to concern themselves with state laws concerning sex offenders. The Adam Walsh Act creates a national Sex Offender Registry and requires states to amend their own registries to comply with the federal legislation or lose 10% of federal funding provided under the Omnibus Crime Control Act. The Registries must be accessible on the internet. Children who are at least fourteen years of age at the time of the offense and the offense would be considered an aggravated sexual assault under the federal statutes will be required to register for a minimum of twenty-five years. The juvenile must register with authorities every three months. The authorities will then be required to inform the schools, public housing agencies, volunteer organizations and other groups in the area. As a result of the National Registry juveniles will have a difficult time locating a residence, especially those who live in section eight housing with their families. Families will be forced to choose between being homeless to care for their son and housing for the family. Children convicted of sexual offenses may become the new face of the homeless.

Teenagers engaged in consensual sexual activity have more to fear than just an unwanted pregnancy. The law does not differentiate between the actions of teenagers engaged in a relationship and a thirty year old man who preys on children. Curious teenagers may find themselves the victims of laws that were originally authored for their protection. What they don't know can hurt them for the rest of their lives.