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Identifying Appropriate Sanctions For Youth Sexual Behavior: The Impact Of Age, Gender, And Sexual Orientation

Erin B. Comartin
Oakland University, at9766@wayne.edu

Poco D. Kernsmith
Wayne State University, poco@wayne.edu

Roger M. Kernsmith
Eastern Michigan University

IDENTIFYING APPROPRIATE SANCTIONS FOR YOUTH SEXUAL BEHAVIOR: THE IMPACT OF AGE, GENDER, AND SEXUAL ORIENTATION

Erin B. Comartin Poco D. Kernsmith** and Roger M. Kernsmith****

Although statutory rape laws were initially developed to protect youth from coercion by adults, youth are sometimes also prosecuted under these laws. This article investigates public attitudes regarding sanctions for youth engaging in sexual behaviors with peers. Hierarchical linear modeling was used to determine if age and gender of the offending youth, and sexual orientation of the relationship, has an impact on the public's level of agreement for sanctioning youth for three types of sexual behavior: intercourse, oral sex, or touching. The study participants (N = 757) were drawn from the general population of adult

*Erin Comartin, Ph.D. is an assistant professor of Social Work at Oakland University in Rochester, Michigan. Her research interests include public attitudes of sanctions for sex offenders, juvenile/young adult sex offenders, and social movement organizations that are attempting to change sex offender policies. The research team would like to thank The Center for Urban Studies at Wayne State University for their assistance with data collection.

**Poco D. Kernsmith, MSW, PhD, is an associate professor in the School of Social Work at Wayne State University. Her research includes intervention and policy approaches for the prevention and treatment of violence in families and intimate partner relationships, with an emphasis on gender differences in perpetration of violence. She is currently a principal investigator on a three year collaborative agreement with the Center for Disease Control to study the protective factors to prevent perpetration of intimate partner violence among youth.

***Roger M. Kernsmith, PhD, is a professor in the department of Sociology, Anthropology, and Criminology at Eastern Michigan University. His research focuses on developing a sociological understanding of sexually based criminal behavior and abuse by exploring the motivations and etiology of these behaviors. His research includes policy approaches and criminal justice interventions for the prevention and treatment of violence. He is currently Co-PI on a three year collaborative agreement with the Center for Disease Control to study the protective factors to prevent perpetration of intimate partner violence among youth.

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Michigan residents; the sample was racially representative of the state but included an overrepresentation of women (66%). The findings show that respondent support for sanctions varied by the age difference between the youth. There was also an increase in level of sanction agreement by type of sexual behavior. Gender of the offending youth was not shown to significantly impact sanction agreement. Sexual orientation of the relationship was only significant for certain types of sexual activity. The public's beliefs about youth sexual behavior is in concert with the intended goals of the juvenile justice system, in that the suggested sanctions are focused on rehabilitation for 15-year-olds. However, the public is more supportive of severe sanctions for 18- and 22-year-olds, but also suggest counseling and probation. The significance of these findings informs policymaking in that they suggest a more balanced approach for sanctioning consensual sexual relationships between youths.

Keywords: *juvenile justice, punishment, prosecution, sexual behavior, policy*

INTRODUCTION

Across the United States, the rates of youth self-reported sexual activity has been constant over the last ten years, with almost half (47%) of 9th and 12th graders reporting ever having sexual intercourse (CDC, 2011), with an average age of initiation of 16 years old (Haydon, Herring, Prinstein, & Halpern, 2012). Furthermore, almost one in five youth under the age of 14 have reported that they have initiated intercourse (Albert, Brown, & Flanigan, 2003). Some research indicates that youth are engaging in sexual activities other than intercourse (Prinstein, Meade, & Cohen, 2006), such as oral sex or sexual touching. Other research indicates that youth typically do not engage in oral sex significantly earlier than the onset of intercourse, and that less than 10% of youth under 18 engage in anal sex (Haydon et al., 2012; Lindberg, Jones, & Santelli, 2008), although patterns of initiation vary among racial and cultural groups. To regulate sexual behavior, laws have been implemented across the United States that criminalize sexual contact with a minor, commonly known as statutory rape laws or age of consent laws. The data above suggest that youth are engaging in sexual activity regardless of the age of consent, which is most often 16 years old (U.S. Department of Health and Human Services, n.d.). Previous research suggests that the enforcement of these laws has been troublesome (Garfinkle, 2003; Levine, 2006). To effectively create and enforce statutory rape policies,

we must understand what behaviors are worthy of criminalization and the appropriate corresponding sanction.

Statutory rape accounts for a significant proportion of criminal sexual conduct prosecuted in the United States. Each year, an estimated 15,700 statutory rapes are reported to law enforcement (Troup-Leasure & Snyder, 2005). These cases make up one-third of forcible rapes involving a juvenile victim. Statutory rape laws were initially designed to protect minors who are not mature enough to consent to sexual activity because of their age and to protect young people from coercion by adults.

The laws that guide statutory rape vary from state to state in the United States and across jurisdictions in Europe (Graupner, 2000). Generally three factors are included in the design of these laws in various countries. First is a minimum age limit that declares sexual contact with a minor as criminal. Second is a requirement that "seduction" is used on the part of the older person to gain sexual access to the minor. Third is a specific variation in the law if the older person holds a status of "authority" over the minor; for example, in cases where the older person is the minor's teacher (Graupner, 2000). In the United States, minor age limits range from 14 to 18 years (Graupner, 2000). Two additional trademarks of these laws are found in U.S. policies. In 26 states, there must be an age difference between the older person and the minor (Glosser, Gardnier, & Fishman, 2004); this age difference can be between two and ten years (U.S. Department of Health and Human Services, n.d.). Also, these age limits can vary by the type of sexual behavior (i.e., oral, vaginal, anal sex, or mutual masturbation) (Graupner, 2000). The variations in statutory rape laws highlight the factors that deem sexual contact with a minor as criminal. While protection of the minor is the guiding principle of these laws, lawmakers must also take into account the reality that youth are involved in sexual behavior prior to the age of consent (Cavazos-Rehg et al., 2009; Martinez, Copen, & Abma, 2011).

A variety of sanctions, both legal and social, can be given to youth for their sexual behaviors, the most severe being a prison sentence (Levine, 2006). Additional criminal sanctions could also be given to those convicted of a sex crime (Berger, 2009; Pratt, 2000), which includes: sex offender registration and community notification, probation, residency restrictions, personal protection orders, community service, and a monetary fine. Additional sanctions that could come from the justice system or through the education or familial systems are: banning youth from school activities, sex offender counseling, and sex education courses (McElroy, 2010). Although

there is a basic understanding that the public has been supportive of sanctions for sex crimes (Comartin, Kernsmith, & Kernsmith, 2009; Levenson, Brannon, Fortney, & Baker, 2007), little is known about public opinion for these sanctions when the defendant is an adolescent.

As the move toward a more punitive society has occurred (Brown, 2006), young people have been subjected to more criminalized outcomes for their behavior (Meyer, Reppucci, & Owen, 2006). Youth sexuality is one of the behaviors that are increasingly being criminalized. Although one of the goals of the juvenile justice system is to hold youth less culpable for their behaviors and focus more on rehabilitation (Reppucci, 1999), youth are increasingly receiving harsher sanctions for their crimes (Trivits & Reppucci, 2002). For example, young people have been criminalized for "sexting" behaviors, as some youth have been charged under child pornography laws for taking and sending a nude photo to another youth (Richards & Calvert, 2009).

Research on public opinion regarding statutory rape laws indicates that these crimes are not perceived as serious compared to other crimes. Underage, consensual sex is one of the lowest ranked crimes in crime seriousness research (O'Connell & Whelan, 1996), when compared to crimes such as murder, a corrupt police officer, mugging, assault on a policeman, fraud on the public, selling marijuana, fraud on business, and burglary. Variations in age differences (Horvath & Giner-Sorolla, 2007; Sahl & Keene, 2012; Sherrill, Renk, Sims, & Culp, 2011) and gender of the individuals involved in the case (Horvath & Giner-Sorolla, 2007; Sahl & Keene, 2012; Sherrill et al., 2011) have been explored to determine the impact of each on public opinion. An additional factor highlighted in one study is the sexual orientation of the relationship (Horvath & Giner-Sorolla, 2007). The current study expands on prior research by examining the unique impact of each of these factors when examined together, while also considering the impact of the type of sexual contact on public opinion.

A. Age Gap

The age difference between offender and victim has been found to significantly impact public opinion. A general tenant of these laws is to protect minors from adults, suggesting that these aforementioned cases are different. Prior studies have included variations where the offender is 30 years old, and the victims are 9, 14, and 22 years old (Horvath & Giner-Sorolla, 2007); the victim is 15 years old and the offender is either 22 or 42 years old

(Sahl & Keene, 2012); and where the victim is 15 years old and the offender is either 15, 25, or 35 years old (Sherrill et. al., 2011). All of these studies find that there is a higher level of culpability as the age of the offender increases (or age of victim decreases). An interesting finding in the study by Sherrill and colleagues (2011) is that in cases where both the offender and victim were 15 years old, 44% of respondents found that this case was "at least 'somewhat' representative of child sexual abuse" (p.174). Although the level of agreement was not equal to that of cases with older offenders, this may suggest that the public still agrees that young offenders should be held culpable for such crimes. Sexual health research has shown that larger age differences between a younger female and older male are associated with riskier sexual behaviors, such as a lack of condom use (Volpe, Hardie, Cerulli, Sommers, & Morrison-Beedy, 2013) and higher rates of sexually transmitted infections (Senn & Carey, 2011).

B. Gender of the Offender

Another critical factor involved in statutory rape cases is that of the offender's gender. Amongst statutory rapes reported to law enforcement, 98% of cases include a male offender (Troup-Leasure & Snyder, 2005). A review of the research shows that men in heterosexual relationships hold more power than women (Blanc, 2001). Power in sexual relationships is the ability of one partner to dominate the other, to control the other partner to meet the more powerful one's sexual needs. This power imbalance leads to many negative outcomes for women, such as interpersonal violence including physical, sexual, and emotional abuse (Blanc, 2001). Power in relationships is particularly important for adolescent girls due to other developmental factors occurring during adolescence. As identity development is forming, power and persuasion of a male partner can have life-long consequences for the younger female (Blanc, 2001). The statistics show that males are less likely to be a victim of statutory rape, but this may be due in part to the belief of young males, or their parents, that adult female/adolescent male relationships are not harmful or abusive (Hines & Finkelhor, 2007). Therefore, as societal beliefs about gender shift, albeit slowly, it is important to ascertain the public's view on culpability by gender in statutory rape cases.

Public perceptions of culpability by gender have mixed findings. Horvath and Giner-Sorolla (2007) and Sherrill and colleagues (2011) found that male

offenders are more culpable in statutory rape cases, regardless if the respondent was male or female. However, Sahl and Keene (2012) did not find gender of the offender to have an influence on whether the offender should be placed on a sex offender registry or prevented from being around children.

Official statistics of statutory rape reported to law enforcement show an interaction between age difference and gender. The most current statistics regarding age difference in statutory rape cases reported to law enforcement show a substantial difference in the median age difference dependent on gender of the victim. Among cases involving a male victim, there is a significantly larger age discrepancy (9 years) when compared to those involving female victims (6 years) (Troup-Leasure & Snyder, 2005). Therefore, it is essential to examine these factors together.

C. Sexual Orientation of the Relationship

Lesbian, gay, bisexual, and transgendered (LGBT) individuals, and youth in particular, most often experience social and legal obstacles as an outcome of their orientation. Historically, antisodomy laws have prohibited same-sex sexual acts (Gwinn, 2007) and that LGBT youth, by the mere nature of their family situations, are more likely to come into contact with police (Dwyer, 2011a; Dwyer 2011b) and more likely to suffer more severe punishments than their heterosexual counterparts once they are involved in the juvenile justice system (Gwinn, 2007). For example, LGBT youth have experienced harsher punishments for voicing same-sex attractions (Gwinn, 2007).

With this understanding that LGBT youth have negative experiences with the justice system, and the societal beliefs that homosexuality is deviant (Gwinn, 2007), it follows that the public would be more likely to find LGBT youth more culpable for statutory rape crimes than their heterosexual counterparts. However, a study of university students did not find differences in culpability based on sexual orientation in statutory rape cases (Horvath & Giner-Sorolla, 2007). These findings suggest that amongst college students, same- and opposite-sex relationships are equal in culpability.

I. THE PRESENT STUDY

The purpose of this study is to investigate the public's attitudes regarding appropriate sanctions for consensual sexual behavior with an underage

youth. Specifically, the research aims to parse out the relative importance of characteristics associated with the two participating youth, including the type of sexual behavior, age and gender of the "offending" youth, and sexual orientation of the relationship. The relationship between these variables and the public's level of agreement for sanctioning a youth for sexual behaviors, including touching, oral sex, and intercourse, was examined. This research expands upon existing literature by exploring the differential impact of type of sexual behavior, age difference, and characteristics of the offender while controlling for the others, thus untangling the interrelationships of these variables on public opinion.

It is hypothesized that age of the offender will have a positive relationship on level of agreement for a sanction, suggesting that the older the offender, the stronger the level of agreement will be to sanction (Hypothesis #1). Due to the high rate at which males are reported to have committed statutory rape, it is hypothesized that there will be a stronger level of agreement to sanction a male offender compared to a female offender (Hypothesis #2). Stemming from the finding that public attitudes stigmatize lesbians and gays and the discrepancy in their level of criminality, it is hypothesized that the public will more strongly agree with a sanction for same-sex relationships (Hypothesis #3).

II. METHODS

Using Computer Assisted Telephone Interviewing (CATI), individuals in Michigan were surveyed regarding their views of sanctions for three hypothetical consensual sex acts with an underage youth: intercourse, oral sex, and touching. Respondents were offered the opportunity to complete the survey on the telephone, to be mailed a survey, or to complete the survey online. Respondents who consented to participate via mail or electronically but did not complete the survey within one month were mailed a paper copy of the survey and information on how to access the web survey. Response rate for all three methods was 21% across the state and 15% in the Southeastern Michigan region. This study was reviewed by the second author's Institutional Review Board (Protocol #0701004462). Informed consent was described on the telephone, as well as in writing for those who elected to complete the survey online. This survey was embedded into a larger survey that was collecting additional public perception data for another study.

A. Sample

A total of 757 respondents were included in this study. The majority of the sample were female (66%, N = 493). The racial representation was Caucasian (80%, N = 590), African American (13%, N = 97), and a small percentage (7%, N = 70) who reported other races, such as Native American and Arab American/Chaldean. The average age of the sample was 54 years old (SD = 16.3) and ranged from 18 to 93 years old. Four out of five respondents were parents of either minor or adult children (81%, N = 612). Of respondents who reported their annual income, the majority had $50,000 or less, and less than half of the sample (43%, N = 313) had a bachelor's degree or higher. The results below are presented first for the strength of support for sanctions, then for sanctions deemed appropriate by the respondents.

B. Variables

Two analyses were completed for this study to determine: the strength of agreement with sanctions for youth sexual behaviors, and types of sanctions that were deemed appropriate for such youth. The first analyses included a two-tier process. First, each respondent was randomly assigned one of four gender/sexual orientation couples: (a) male offender/female victim, (b) female offender/male victim, (c) male offender/male victim, or (d) female offender/female victim. These two gender and sexual orientation variables were static throughout the survey.

Second, support for sanctions of sexual behavior was measured through a series of closed and open-ended questions that focused on the age of the offender and the type of consensual sexual behavior that occurred between the assigned couple. Then respondents were asked to rate support for sanctions for sexual behaviors when the hypothetical offender was each of three different ages, 15, 18, or 22. The age of the offending youth was dynamic throughout the survey.

The terms "offender" and "victim" can sometimes be unclear and arbitrary when referring to consensual sexual behavior. In some states, the law may require that the offender must be older than the victim (Glosser et al., 2004). Also, nearly all prosecuted statutory rape cases involve a male identified as the offender (Troup-Leasure and Snyder, 2005). In most cases, the individual identified as the offender is the one reported to law enforcement, regardless of who initiated the sexual activity. Throughout this study, we

will use the term "offender" to refer to the hypothetical individual who may face sanctions, and "victim" to the other youth involved. However, these terms were not used in the survey to avoid biasing the participants.

The variables and their operationalization are discussed below.

Gender of the offender

Gender of the offender is conceptualized as the biological sex of the hypothetical offender based on random assignment (0 = male, 1 = female).

Sexual orientation of the relationship

Sexual orientation is defined as the relationship between the hypothetical victim and offender, based on random assignment. A heterosexual relationship is between one male and one female, where the offender could be either the male or female (opposite-sex = 0). A same-sex relationship included those hypothetical relationships between either two males or two females (same-sex = 1).

Age difference between victim and offender

Age of the offender is defined as a consensual relationship between a victim who is 15 years old and an offender who is either 15, 18, or 22 years old. Most states define the age of consent between 16 to 18, with 16 being the most common. Many states also identify that there must be an age differential between the victim and offender, often three to five years. Some states also identify that only those over a prescribed minimum age can be prosecuted, with 18 being the most common minimum age for defendants (Glosser et al., 2004).

The age of 15 was selected for the victim in this study because it was an age for which statutory rape laws would apply in nearly all states. The offender ages of 15, 18, and 22 were selected to reflect the widest range of age differentials and minimum defendant ages included in state laws across the United States. For the first analysis, the 22-year-old offender was used as the reference group.

Type of sexual behavior

Three types of sexual behaviors were included as predictor variables: sexual intercourse, oral sex, and sexual touching. For the first analysis, sexual intercourse was used as the reference group.

Sanctions for sexual behavior

For the first analysis, respondents were asked if they believed the hypothetical youth should receive any sanction for participating in a consensual sex act (1 = strongly disagree, to 4 = strongly agree). The second analysis asked respondents an open-ended question about what the appropriate response should be for the sexual behavior of the couple. The respondent was also provided with a list of potential sanctions that could be given to youth for such sexual behaviors. The list was read for the first hypothetical situation only, unless the respondent asked for it to be repeated. The list included: banned from school activities, cannot live near day cares, payment of a fine, personal protection order taken out against the offender, requirement to be placed on the state's sex offender registry, community services, sex education, probation, mandatory sex offender counseling, and prison. The respondent was first provided with the ages of the hypothetical offender and victim, and then asked about interventions or sanctions for each sexual behavior.

An initial screening of the data revealed that 5% (N = 40) of respondents did not respond to all of the questions. These cases were removed from the analysis. Additionally, the outcome variable, level of agreement with any sanction, had issues with normality. Data that is not normally distributed may breach the assumptions of statistical tests, thus requiring transformations made to the data before running analyses. No transformations were conducted; however, fixed effects with robust standard errors are reported in the results to compensate for issues with normality (Maas & Hox, 2004).

III. RESULTS

A. Strength of Agreement with Sanctions for Youth Sexual Behaviors

Data analysis

Hierarchical Linear Modeling, version 5.0, was used to analyze the data because there are mixed variables nested within each respondent: the previously mentioned static and dynamic variables. Level 1 of the model includes the outcome variable, strength of agreement for sanctions, as it

differed for type of sexual behavior and age of the offender. These three variables were dynamic in the survey, changing with each question asked of the respondent. Level 2 of the model includes gender of the offender and sexual orientation of the relationship, which were static in the survey. Level 1 reflects the covariance of type of sexual behavior and age of the offender with level of agreement for sanctions. This is broken out for the static variables, gender of the offender, and sexual orientation of the relationship in three Level 2 equations.

HLM results

The respondents were equally assigned to a female (50.3%, N = 361) or male offender (49.7%, N = 357). Slightly more of the sample was assigned an opposite-sex relationship at the beginning of the survey (53.5%, N = 384) than a same-sex relationship (46.5%, N = 334). The average agreement with a sanction for any form of sexual behavior was high (M = 3.03, SD = .96). The random effects of the model show significant variability, thus suggesting that there is a nesting effect with the model (see Table 1).

Due to issues with non-normality in the outcome variable, fixed effects with robust standard errors are presented in Table 2, where only the significant effects are presented. Intercept 1 shows the strength of agreement for sanctions for the reference group: a 22-year-old who has consensual sexual intercourse with a 15-year-old. This is significantly different from the other groups, as it has the highest level of agreement for a sanction (M = 3.43, $p < .000$). There are no significant differences by gender of the offender or sexual orientation of the relationship when it comes to sexual intercourse between a 22-year-old and a 15-year-old. As predicted, oral sex (M = 3.36) and sexual touching (M = 3.15) are associated with a lower level

Table 1. Estimated variance components (random effects).

	Standard deviation	*Variance component*	χ^2	*p-value*
1. Oral sex	.589	.347	2035.44	.000
2. Sexual touching	.606	.367	2158.08	.000
3. Age 15 offender	.633	.400	2216.73	.000
4. Level 1	.647	.419		

Table 2. Estimated mean parameters (fixed effects with robust standard errors).

	Coefficient	*Standard Error*	*p-value*
1. Intercept 1	3.43	.052	.000
2. Oral Sex	−.07	.022	.001
3. Sexual Touching	−.28	.029	.000
3a. Same-sex relationship	0.13	.033	.000
4. Offender Age 15	−.85	.054	.000
5. Offender Age 18	−.32	.037	.000

of agreement with sanctions. The only significant finding in the data in regards to the gender of the offender or the sexual orientation of the relationship was found in relation a same-sex relationship with sexual touching: the level of agreement for sanctions increased for a same-sex relationship that involved sexual touching (M = 3.28). As age of the offender decreased, so did the respondent's level of agreement with sanctions. Compared to a 22-year-old and a 15-year-old, the level of agreement for an 18-year old with a 15-year old decreased by 0.32 (M = 3.11), and for a 15-year-old and a 15-year-old it decreased by 0.85 (M = 2.58). Again, gender of the offender and sexual orientation of the relationship was not significant in relation to age of the offender.

The reliability estimate shows that there is some degree of bias in the Level 1 intercept (oral sex = 0.665, sexual touching = 0.671, and age 15 = 0.670). This degree of bias is typically between 0.8 and 0.95. The residual variance shows that 42% of the variability is unaccounted for in Level 1. Additionally, the residual variance in Level 2 is 80% (oral sex = 0.347, sexual touching = 0.356, and 15-year-old offender = 0.097).

B. Appropriate Sanctions

Data analysis

The second analysis presents the percentage of respondents who said that each type of sanction was appropriate by sexual behavior and age of the offender.

Results for type of sanctions

Respondents were asked if they agreed with different sanctions based on the sexual behavior and the age of the offending youth. The data showed that respondents rarely (1–10%) believed that banning a youth from school activities, not allowing them to live near day care centers, paying a fine, or establishing a personal protection order were appropriate sanctions; therefore, they are not included in the chart below.

Table 3 shows the percentage of respondents that agree with the remaining types of sanctions. The top three sanctions selected by respondents shows differences by age group and by type of sexual behavior. For 15-year-

Table 3. Percent of respondents who agree with types of sanctions.

	Sex offender registry	*Community service*	*Sex education*	*Probation*	*Sex offender counseling*	*Prison*
Touching						
15-year-old offender	1.6%	11.9%	18.4%	7.8%	29.5%	2.5%
18-year-old offender	9.5%	14.9%	9.7%	28.4%	21.9%	20.6%
22-year-old offender	17.1%	14.4%	7.2%	28.5%	19.1%	41.2%
Oral Sex						
15-year-old offender	1.2%	13.2%	8.5%	10.6%	12.6%	3.8%
18-year-old offender	8.6%	15.5%	9.4%	28.3%	19.3%	25.5%
22-year-old offender	16.1%	12.9%	7.1%	27.4%	17.7%	48.5%
Intercourse						
15-year-old offender	1.1%	16.8%	8.9%	11.1%	12.5%	4.6%
18-year-old offender	6.0%	14.4%	8.7%	28.0%	17.3%	24.7%
22-year-old offender	13.0%	11.6%	5.5%	24.5%	16.6%	51.1%

old offenders, counseling had the most agreement for sexual touching (30%), followed by sex education (18%) and community service (12%). For oral sex and intercourse, the top three sanctions were community service (13% and 17%), counseling (13% for both), and probation (11% for both). The top three sanctions chosen for an 18-year-old offender were probation, counseling, and prison. Probation always had the greatest support (27–29%); however, counseling received the next greatest agreement (22%) when the case involved sexual touching, followed by a prison sentence (21%). When the case involved oral sex or intercourse, prison received greater support (26% and 25%), followed by counseling (19% and 17%). Finally, the top three sanctions for 22-year-old offenders was prison (41–51%), probation (25–29%), and counseling (17–19%), irrespective of type of sexual behavior. For older offending youth (22 years), sex offender registration was suggested by 13% of respondents for sexual intercourse, 16% of respondents for oral sex, and 17% of respondents for touching.

IV. DISCUSSION

This study was undertaken to discern the factors that contribute to the public's support for statutory rape laws and to explore public perception of appropriate sanctions. The investigation parsed out the most important factors that may contribute to public support to enforce statutory rape laws: type of sexual behavior, age difference, gender of the offending youth, and sexual orientation of the relationship. This study also included an analysis of both legal and social sanctions that could be drawn upon for the various situations involved in statutory rape cases. These findings may inform politicians, law enforcement, educators, and families to create policies that are appropriate for regulating youth sexual behavior and to appropriately sanction youth in ways that promote healthy adult sexual relationships.

This research expands on previous research in several important ways. Through the use of more complex modeling, this research is able to parse out the differential impacts of a variety of factors, including type of behavior, age differences, and offender characteristics. Notably, this research examines factors not previously explored in the research, such as sexual activities other than intercourse. Unlike research related to sexual intercourse, little is known about other types of youth sexual behaviors, such as oral sex and touching, and about the public's beliefs of their level of

criminality. Furthermore, only one study has examined public attitudes of sanctions for the sexual behaviors of lesbian and gay youth. As sexual behavior is most commonly engaged with similarly aged peers, this research also explores attitudes about these relationships, which has previously been under-researched. Sherill and colleagues (2011) suggest that further research should investigate the perceptions of adolescent perpetrators more closely (i.e., a 15-year-old offender). Lastly, this research expands on existing literature by exploring a variety of types of sanctions that are important in the current policy climate, such as sex offender registration.

The findings of this study show that the public agrees that young people should receive sanctions for their involvement in consensual sexual relationships. There appeared to be no effect of gender of the offending youth on support for sanctions. The level of agreement depends on the type of sexual activity and the age difference between the two youths involved in the case. When the offender is 15 years old, the public agrees most with counseling, community service, sex education, or probation. When the offender is 18 years old, the focus is stronger on probation, prison, or counseling. For 22-year-olds, there is clear agreement amongst the public, which prioritizes prison, probation, or counseling.

A striking finding from the study is that the greatest level of support came in the form of a prison sentence for a 22-year-old offender who participates in sexual intercourse or oral sex. Additionally, one-quarter of the sample agreed with a prison sentence for an 18-year-old. Finally, there was little support amongst the public for placing any of these youth on the sex offender registry, with the lowest support for a 15-year-old who had intercourse with another 15-year-old (1%) to a 22-year-old who touched a 15-year-old (17%). This is a striking contrast to other research that has shown strong support for registration of other sexual offenders (Craun, Kernsmith, & Dossett, 2011; Comartin et al., 2009; Levenson et al., 2007).

An interesting finding included the significant increase in agreement for sanctions for a youth involved in a same-sex relationship that includes sexual touching. Although research on trends in attitudes indicates increased acceptance of gay, lesbian, and bisexual individuals (Andersen & Fetner, 2008; Schafer & Shaw; 2009), prejudice still exists. This is particularly true in relation to their level of criminality (Dalton, 2006; Dwyer, 2011b; Himmelstein & Bruckner, 2011). Further research is needed to determine why same-sex relationships were more likely to be sanctioned for sexual touching and not intercourse or oral sex.

The model used for this study accounted for only 42% of the variance. Other factors that might explain the public's agreement with sanctioning youth sexual behavior could include the intimacy involved in the relationship (Levine, 2006) or the use of seduction or authority to gain sexual access to the youth (Graupner, 2000). Intimacy is characterized by the level of commitment, leading to potential marriage, and the support that is provided by family members, as described in a study that investigated prosecutorial case filings of statutory rape cases (Levine, 2006). It is surmised that the level of intimacy that receives less severe sanctions from prosecutors would be similarly found in the public. An adult's attempts to coerce the youth into a sexual relationship by using seduction or their power over them (e.g., teacher or coach) may also lead to a higher level of agreement with criminalization (Graupner, 2000). Additional variance could be explained by the defendant's criminal history.

Adolescence is a period marked by sexual self-exploration (Brown, Keller, & Stern, 2009). Young people are expected to explore and create their sexual identities as they move into adulthood and form healthy, satisfying sexual relationships. The advent of a penal society may have influenced the public's desire to sanction youth for these sexual behaviors. Although an increased difference in age was suggestive of a stronger agreement with a sanction, it has been found that there may be biological reasons that youth enter into relationships that are not appropriate under the eyes of the law. Neurobiological research has shown that the decision-making and risk-taking regions of the brain are not fully developed until the mid- to late-20s (Blakemore & Choudhury, 2006; Steinberg, 2005), thus contributing to a young adult's reasoning to engage in sex with an individual under the age of consent.

A. Limitations

Several limitations exist in this research. The first limitation of this study is that the reliability estimates are low. Additionally, although the study was inclusive of the general population sample, it may not be generalizable to the public. Inclusion criteria for this study included individuals in one state, who had landline telephones, spoke English, and were over the age of 18, which may also limit generalizability. Furthermore, although many strategies were employed to increase response rate (follow-up mailings and the use of an internet survey), the response rate was low. Thus, those who

were excluded from the study and those who chose not to participate may have answered the survey differently. However, due to the presentation of this survey, which was embedded into a larger survey, it is unlikely that respondents did not choose to participate due to the nature of these questions.

B. Policy Implications

Research on adolescent sexual behavior and public opinion has many important implications for policy. Existing research on adolescent sexual behavior and the impacts of existing policy, including statutory rape laws and sex offender registration, show careful reconsideration of these laws is needed. The combination of incomplete brain development and the increase in sexual identity development raises issues regarding the culpability of adolescent and young offenders. Even as this study shows that there is public support for sanctioning teenagers and young adults for having a consensual sexual relationship with a minor, there is reason to consider the implications that this could have on a young person. Young people face challenges in making decisions about their sexual behaviors due to delayed cognitive development in the areas of the brain that control decision making and risk taking (McElroy, 2010). Additionally, a trademark of adolescence is the inability to consider the consequences of their behaviors prior to their actions. Therefore, it is unlikely that legal sanctions would deter them from sexual activity. Given these developmental factors, the culpability of adolescence and the goals of sanctions and interventions may be different from those of adults engaging in sexual activities with minors. Furthermore, the collateral consequences of having a criminal record and sex offender registration (Comartin, Kernsmith, & Miles, 2010; Trivits & Reppucci, 2002) may significantly outweigh the severity of the behavior. Offenders charged with a sex offense are placed on the sex offender registry for a minimum of ten years (Human Rights Watch, 2007). As registry data does not provide context to interpret the circumstances of the offense, those convicted of statutory offenses appear as pedophiles in publicly available registries. The public availability of this information has a multitude of unintended consequences, including housing and employment instability, social isolation and alienation, and harassment (Comartin et al., 2010; Craun & Kernsmith, 2006; Levenson et al., 2007; Tewksbury, 2005; Tewksbury & Lees, 2006; Trivits & Reppucci, 2002). These consequences

impose an unreasonable barrier, unbalanced with the severity of the crime, to the transition to successful and productive adulthood.

The sample in this study not only suggested criminal sanctions, but also recommended counseling as a means to deter this type of sexual activity between adolescents and young adults. Moving forward, it is recommended that policy considers the need to protect young people from sexual exploitation, while at the same time considering the bio-psychological development of young people and the consequences that could result from criminal sanctions.

CONCLUSION

This research supports the careful consideration of policy and intervention to address sexual behavior among youth. The public agrees that sanctions should be given to older youth and are more likely to agree if the behavior involved sexual intercourse. A greater proportion of the public agrees with criminal sanctions for older offenders (i.e., prison and/or probation) and social sanctions for younger offenders (i.e., counseling and/or community service). It is necessary not only to carefully consider the context of these sexual behaviors for coercion and abuse, but also to frame policy in the realities of normative adolescent sexual development. Thus, in addressing underage sexual behavior, it may be more advantageous to focus on prevention and restorative interventions to reduce the potential risks associated with criminal sanctions.

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