Juvenile Sex Offenders: Implications of Recent Research Findings

Donna M. Vandiver, Ph.D.
Professor, School of Criminal Justice
Assistant Dean, College of Applied Arts
Texas State University

Background

- Bachelors in Psychology, UALR
- Masters in Criminal Justice, UALR
- Ph.D. in Criminal Justice, SHSU
Objectives

- Why focus on JSOs
- State of the research JSOs
- Number of JSOs
- Characteristics of JSOs
- Recidivism rates of JSOs
- Theories associated with JSOs
- Criminal justice responses to JSOs
- Assessment & treatment of JSOs

State of the Research: JSOs

- Not as well developed as research on ASOs.
- Samples: hundreds.
- Substantial contribution in the past decade or two.
- Problem: applying ASO findings to JSOs.

Why focus on JSOs?

1. A (small) portion of adults begin sexually offending when they are juveniles.
2. Juveniles account for a substantial portion of sex offense arrests.
3. Some juveniles commit serious, violent sex crimes.
4. Sex offender treatment may need to be modified to fit the needs of JSOs.
Myth: Sex offenders/crimes are increasing every year—including those committed by JSOs.
Number of (U.S.) JSOs

UCR/FBI:
• 2014
  – Forcible Rape: 1,501 arrests for forcible rape (15% of total such arrests).
  – Other Sex Offenses: 21% of total such arrests.

Number of JSOs: Trend

• Juveniles ~ rape:
  – 2005: 12,009
  – 2015: 11,706
• Juveniles ~ other sex offenses:
  – 2005: 40,708
  – 2015: 26,713 (34% reduction)

Fact: The number of sex crimes committed by juveniles has generally been declining (similar to all other violent crimes in the US) over the past 10 years.
Characteristics of JSOs

Myth:
Anyone who commits a sex offense must be crazy.

Characteristics of JSOs:
JSOs often have:
- Family dysfunction.
- Academic disabilities & IQ impairment.
Characteristics of JSOs

• Emotional Intelligence

• Behaviors & Victim Characteristics
  – JSOs engage in serious behavior: 2/3 penetration or oral-genital contact.

• Substance Abuse

Characteristics of JSOs

• Victim:
  – Usually female (70%)
  – Usually young (60% under the age of 12)
  – Usually knows the offender (related or acquaintance)

Juvenile Sex Offender Recidivism
A judge is reprimanding the juvenile defendant in a trial: “I thought I told you I never wanted to see you in here again!”

“Your Honor,” the juvenile defendant says, “that’s what I tried to tell the police, but they wouldn’t listen.”

Juvenile Sex Offender Recidivism

- Most JSOs do not go on to become adult sex offenders.
- Most JSOs will have criminal records as adults.
- Average sexual recidivism rate: 7%

Myth: Once a sex offender, always a sex offender.
JSO: Recidivism

- JSO: low rates of sexual recidivism (on average, about 7%).
- Research: JSO have the same sexual recidivism rates (12%) as juveniles who offended non-sexually (12%).

Fact: JSOs have low rates of sexual recidivism.

Theories Associated with Juvenile Sex Offending
Theories: Implications

• Life Course: focus on an individual's life history with attention paid to events that affect later decisions/behaviors: marriage, employment, and criminal behavior.
  – Social structures

• Developmental Theories: examine developmental processes that are associated with the age-crime curve.
  – Psychological factors

Theories: Implications

• Adolescent-limited offenders (desisters)

• Life-course persistent offenders (persisters)

• Trajectories

• Life events

• Specialization vs. generalization

Theories: Implications

• Characteristics of offense (of JSOs) predict various trajectories (Cale et al., 2016).
  – Characteristics:
    • Age of onset
    • Versatility vs. specialization
    • Number of offenses

  • “... sex offending in adolescence [occurs] after a process of escalation in severity of their offending.” (p. 806)
Theories & Implications

- Type of victim matters in one’s trajectory/pattern of offending (van den Berg et al. 2017; Leroux et al. 2016).
  - Those w/ child victim (below the age of 12 + 5 yrs younger than offender): adolescent-limited offenders.
  - Those w/ peer victims: more likely to persist.

- JSOs do not achieve “adult events” as much as non-JSOs (van Den Berg et al., 2017).
  - Enter employment at similar rate
  - Shorter employment periods, no emp periods, etc.
  - Less education achieved
- Marriage & parenthood: not much of an effect.

Theories & Implications

- Attachment Theory (Bowlby): how children bond with parents affects future bonds to others.
  - Bartholomew & Horowitz (1991) proposed four attachment styles based on perception of self and perception of others.
    - Fearful: fearful of social intimacy
    - Preoccupied: preoccupied with relationships
Theories & Implications

Miner et al. (2014): comparing JSOs who had child victims and those who had peer victims.

- Critical factors:
  - Social involvement
  - Social isolation
  - Hypersexuality
  - Sexual compulsivity

Criminal Justice Responses to Juvenile Sex Offenders

Myth:
Most/All Sex Offenders Are Sentenced to Prison.
CJ Responses to JSOs

- Balance: protection from a few juveniles who do horrible things vs. restricting too many juveniles
- Juvenile waivers to adult court:
  - Use of juvenile waivers increased from 1986-1994.
  - Decreased after this.
  - 2014: 28% of juveniles who committed a violent crime were waived to adult court.

CJ Responses to JSOs

- 38% of violent juvenile offenders receive probation.
- Many sex offenders are mandated to sex offender treatment.
- 17% out-of-home placement
- 14% dismissed
- 10% "other" sanction

CJ Responses to JSOs

- Sex Offender Registry: Adam Walsh Act/Sex Offender Registration and Notification Act (SORNA):
  - Any juvenile who commits a sex act with a child under the age of 12.
  - Any 14+ year-old who commits aggravated sexual assault (or more severe offense).
  - Exception: Romeo & Juliet clause: victim at least 13 years old and no more than four years younger than offender.
CJ Responses to JSOs

• Many studies reveal no deterrent effect of JSO registration laws:
  – Rate of new (first-time) sex offenses does not change before/after JSO reg laws are implemented.
  – Rate of sexual recidivism is not affected by such laws either.

Many JSOs face negative “collateral” consequences after registration.

CJ Responses to JSOs

• Civil Commitment
  – Sexually Violent Predator (SVP) Laws: after sentence served if deemed a threat, offender can be civilly committed.
  – States choose to have SVP Laws: At least 10 allow for a juvenile to be civilly committed.

http://www.newyorker.com/magazine/2016/03/14/when-kids-are-accused-of-sex-crimes
Texas & JSO Registration

• 2015: Governor formed “Task Force on Juveniles Adjudicated for Sexual Offenses”
• Proposed changes: affect registering JSOs
• http://www.legis.state.tx.us/

Fact:
Most adjudicated JSOs receive probation and are mandated to treatment.

Juvenile Sex Offender Assessment
Why Assess Juveniles?
1. Prosecution
2. Sentencing and disposition
3. Supervision and case planning
4. Discharge from residential treatment
5. Admission into/discharge from community-based treatment
6. Community notification
7. Out-of-home or in-home placement

Factors Correlated with JSO Recidivism
- Delinquent peers
- Less defensive
- More depressed
- Less likely to deny sexual behavior
- Stranger victims
- Child victims
- Deviant sexual arousal patterns

JSO Assessment Tools
- Juvenile Sex Offender Assessment Protocol-II (J-SOAP-II)
- Estimate of Risk of Adolescent Sexual Offender Recidivism (ERASOR)
- Juvenile Sexual Offense Recidivism Risk Assessment Tool-II (JSORRAT-II)
- Mega? (Low Intellectual Functioning)
Important Factors in Assessment

- Sexual attitudes and behaviors
- History of sexual assaults/sex offenses
- Psychosocial functioning
- Family/environment functioning
- Response to treatment
- School disciplinary records
- Non-sexual offending behaviors
- Antisocial behavior
- Family history factors

Juvenile Sex Offender Treatment

- Based on adult sex offender treatment, despite clear differences that exist.
- Adult treatment doesn’t account for adolescent development and how family/environment affect children’s behavior.
- 1980s: structured JSO treatment programs emerged.
- 1992: 750 outpatient and residential treatment programs for JSOs.
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JSO Treatment
• Cognitive-behavioral approaches
• Wraparound services
• Functional family therapy
• Multisystemic therapy

Wraparound Services
• Wraparound services: child receives a case manager who coordinates services within the community.
• The youth and his/her family can receive services.
• Often involves a multidisciplinary approach.
• Promising results.
Functional Family Therapy

• Focus is on the structure and dynamics of the family.
• Focus on appropriate boundaries, discipline, and support for the juvenile.
• Used for sex offenders and non-sex offenders.

Multi-Systemic Therapy

• Focus on:
  – Improving family functioning
  – Enhancing parenting skills
  – Increasing youth’s association with prosocial peers
  – Improving school performance
  – Building upon community supports
• Results show lower recidivism and improved family functioning, school performance, peer relationships, and prosocial behaviors.

Cognitive Behavioral Treatment

• Cognitive-behavioral therapy (CBT): focus on the relationship between thoughts, feelings, and behaviors.
• Those who received CBT recidivate at significantly lower rates than those who did not receive CBT.
Myth: Sex offenders cannot be treated.

Effectiveness of JSO Treatment

Juveniles who received treatment have significantly lower recidivism rates than those who did not receive treatment.

Summary/Take Away Message

- Research is making contributions to what we know about – still a ways to go.
- Juvenile sex offenses are declining, just as all other violent crimes are.
- JSOs suffer from a variety of mental health problems.
- They are heterogeneous offenders.
- Current research has concentrated on developmental/life course theories and attachment theory.
Summary/Take Away Message

- CJ response: get tougher on JSOs; treat them as adults.
- Assessment and treatment are critical to responding to JSOs.
- JSOs have LOW rates of recidivism.

Donna M. Vandiver, Ph.D.

vandiver@txstate.edu