

Resources for the Prevention of Sexual Abuse



NEARI PRESS & TRAINING CENTER

Summer 2018 NEARI Press Newsletter

By David Prescott and Alisa Klein

“Risk Assessment of Juveniles Adjudicated for Possession of Child Sexual Exploitation Material”

AUTHORS

John M. Falligant, Apryl A. Alexander, & Barry R. Burkhart (*Please see below for full citation and abstract.*)

THE QUESTIONS

Do youth who have been adjudicated for the possession of child sexual exploitation material (CSEM) pose a risk for the perpetration of future contact offenses? Are current, widely-used juvenile sex offender risk assessment tools effective in predicting risk in youth who possess CSEM, or are specialized risk assessment tools needed for these youth?

THE RESEARCH

The authors cite research that states that youth who have been adjudicated for the possession of child sexual exploitation material (CSEM) – formerly referred to as “child pornography” -- are less likely than adults adjudicated for the same offense to have either prior or subsequent contact sexual offenses. They name risk factors of youth possession of CSEM, such as: a lack of knowledge about applicable sex offense and CSEM laws; immaturity and uncertainty regarding sexual orientation; and the possibility of emerging patterns of deviant sexual interests. The authors cite the Risk-Need-Responsivity principle as a reason for their research on risk assessment of youth who possess CSEM; that is, in order to develop effective interventions for these youth, we must understand their treatment needs

and unique risk for escalating to contact offenses. The authors ask a key set of questions: are the current risk assessment technologies used with youth effective specifically for youth who possess CSEM, or are specialized risk assessment tools needed for these youth? To determine answers to these questions, the authors considered the case of “Sam,” a 15-year old adjudicated for one count of “Possession of Pornographic Materials” and court-ordered to a sex offender treatment program. The case study revealed that Sam has confessed to a number of contact offenses against children for which he had never been arrested.

The researchers used three commonly employed juvenile risk assessment tools to assess Sam’s risk for future sexual offenses:

- the Juvenile Sex Offender Assessment Protocol-II (J-SOAP-II), a 28-item guide for assessing sexual and criminal offending risk factors in adolescents;
- the Juvenile Sexual Offense Recidivism Risk Assessment Tool–II (JSORRAT- II), an actuarial sexual recidivism risk assessment tool for juvenile male sexual offenders; and
- the Psychopathy Checklist: Youth Version (PCL: YV), a structured professional judgment assessment of risk that is the most widely used measure of psychopathy in children and adolescents.

One complication with the selection of the J-SOAP-II and the JSORRAT-II as assessment tools for risk of progression from possession of CSEM to contact offenses is that both are designed to assess the risk of re-offense—of repeating a behavior in which the youth has already engaged. To the best of our knowledge, there are no published studies on the accuracy of these tools in assessing the likelihood of a first contact offense, with or without a previous possession of CSEM. This is a fundamentally different question than the likelihood that a youth will repeat a contact offense, and results must, therefore, be interpreted with caution when the youth has only engaged in possession of CSEM. In this case study, Sam had disclosed previous contact offenses for which he had not been adjudicated, which suggests an elevated risk, although self-disclosures do not count as prior offenses in the JSORRAT-II

Sam’s total score on the J-SOAP-II was 43, which attested to the presence of several risk factors, over half being dynamic risk factors. So, even though he was adjudicated for a noncontact sexual offense, Sam’s score was significantly higher than the J-SOAPII normative sample of youth who had committed a subsequent contact offense.

Sam’s total score on the JSORRAT- II was 6, indicating a moderate-high risk for recidivism. Even though Sam had disclosed a number of sexual offenses that had never been detected and for which he had not been adjudicated, the tool was likely to under-predict his risk for re-offense because the JSORRAT-II relies primarily on charges and adjudications for sexual offenses in developing its score.

On the PCL: YV, Sam scored 29 with elevated numbers in categories such as serious criminal behavior, impersonal sexual behavior, stimulation-seeking, impulsivity, and manipulation for personal gain. His total score indicated a large number of psychopathic personality characteristics and potential for antisocial behavior.

RESULTS AND CONCLUSIONS

Despite research that indicates low risk for future offenses by youth who possess CSEM, Sam's scores on two of the risk assessment tools employed by the researchers, together with his stated intentions to resume sexual relations with children, suggest he is at high risk to perpetrate sexually abusive behavior. Conversely, the JSORRAT-II underestimated Sam's recidivism risk which points out the weakness of an actuarial tool that relies on adjudicated offenses to determine scores. The researchers correctly point out that Sam's results may be quite unique among youth adjudicated for CSEM possession. They make clear that, "Although the majority of youth adjudicated for CSEM may be at low risk to reoffend...and caution should be exercised when generalizing findings from the current case study to other adolescents adjudicated for CSEM, it is still crucial that all of these youth be evaluated using evidence-based risk assessment procedures."

IMPLICATIONS FOR PROFESSIONALS

This case study points to the vital importance of not relying on a single measure or construct in assessing risk. Every professional involved in assessing youth who have sexually abused will want to have a deep knowledge not just of the various measures and methods, but of each client they work with. An understanding of adolescent development in the areas of sexuality, affect regulation, education, interpersonal skills (to name a few) is crucial for placing the available measures in their proper context. These measures, which have always had their limitations, can provide important anchor points for assessments, but are far from stand-alone tools.

IMPLICATIONS FOR THE FIELD

Virtually everything written in the past 15 years about youth who have sexually abused has contained some reference to this being a heterogeneous population. This case study drives this point home very clearly. Further, it is no longer adequate to say that adolescents are not simply little adults; we have an obligation to understand the societal, community, and individual context and development of each young person who abuses, either directly (via contact offenses) or seemingly indirectly (through possessing CSEM). We also have a duty to be familiar with the research on the base rate of the behavior we are attempting to predict. Programs and policies that do not account for the highly individualized nature of each youth as well as the aggregate data about youth of similar cognitive and emotional levels are sacrificing effectiveness and quite possibly causing harm.

ABSTRACT

Adolescents with sexual behavior problems are a heterogeneous group of individuals, each with unique assessment and treatment needs. Recently, increased attention has been given to risk assessment of adolescents adjudicated for possession of child sexual exploitation material (CSEM), though relatively little is known about their risk for reoffending or specific assessment considerations. The current case study assesses the utility of three evidence-informed risk assessment measures for a 15-year-old boy adjudicated for possession of CSEM, with considerations given to the importance of individualized case formulation and risk assessment with youth adjudicated for CSEM possession.

CITATION

Falligant, J.M., Alexander, A.A., & Burkhart, B.R. (2017). Risk Assessment of Juveniles Adjudicated for Possession of Child Sexual Exploitation Material. *Journal of Forensic Psychology Research and Practice*, 17(2), 145-156.