

ADOLESCENTS WHO HAVE SEXUALLY OFFENDED: SOME BASIC INFORMATION

These days we talk about sex offenders more and more – and juvenile sex offenders raise some really difficult questions for us. We need to talk about this issue. Nationwide, one in five arrests for sex offenses involve adolescent suspects.ⁱ

There are many myths about the history and behavior of adolescents who sexually offend. It is important that we have accurate and current information available about juvenile sex offenders and the risk they pose to our communities.

Adolescents who sexually offend are not just getting caught having sex with a younger boyfriend or girlfriend – what is sometimes called statutory rape.ⁱ National statistics show that such cases most often involve an adult offender, not a juvenile boyfriend. In 82% of cases, offenders against young female victims were 18 or older.ⁱ For victims under age 14, 68% of offenders were adults.

For a majority of victims, the first sexual assault happens before they turn 18 – and a large number of victims experience a first assault before the age of 12.ⁱ Of these juvenile victims, 37% were assaulted by another juvenile. For victims under the age of five, the number of juvenile offenders is even higher – 47%.

The bottom line is that juvenile sex offenders are not just good kids who dated someone a little younger than they were. We must take sex offenses committed by adolescents seriously.

Most assaults are carried out by someone known to the victim. Younger victims are more likely to be assaulted by a family member. In fifty-six percent of assaults against victims under five, the offender was a family member.ⁱ Studies show that the level of force used by an offender may increase with the victim's age – so adolescents who sexually offend more often use coercion than force with younger victims.

Most adolescents who sexually offend will not become adult offenders. The Association for the Treatment of Sexual Abusers states, “There is little evidence to support the assumption that the majority of juvenile sex offenders are destined to become adult sex offenders.”^{iv} Studies indicate that juvenile sex offenders who offend against younger victims may be somewhat less dangerous in the future.^v

Adolescents differ from adult sex offenders in key ways. Adolescents who sexually offend tend to have less extreme behavior.^v Many adolescents who sexually offend also engage in other delinquent and criminal behavior that is not sexual in nature.

Adolescents respond well to treatment, meaning that, with treatment, they are less likely to commit another crime.^{iv} when they do; their rate of recidivism for non-sexual crimes is higher than for sexual offenses. As with adults, the assessment of adolescents for risk or treatment should emphasize objective, actuarial data over more subjective clinical judgment.

The whole country has been struggling to figure out what to do about adolescents who sexually offend. We have talked about lifetime registration, trial in adult courts, school notification, and re-integration with family and community. The frustrating reality is that there is much we still need to learn about adult sex offenders and their treatment – and research on adolescents who have sexually offended is even more limited.

Treatment providers and researchers urge caution in making sweeping policy changes that treat juveniles as adults. Some adolescents who have sexually offended will respond very well to intervention and treatment, while responding poorly to isolation and stigmatization. As we work to find those answers about what will keep our communities safe and hold offenders accountable, we must bear in mind the victims' well being and safety. Some terms used to talk about adolescents who sexually offend:

Term	Age range	Context
Juvenile Sex Offenders	12-17	Criminal
Adolescent Sex Offenders	13-17	Treatment
Children with Sexual Behavior Problems	Under 11	Treatment
Sexually Aggressive Youth	Under 14	DSHS funding for treatment

Sexual history, interests, attitudes, and behaviors

- Inappropriate sexual behavior
- Attitudes supportive of sex offending
- History of any past sexual offenses/acting out
- Length of time since offense occurred
- Level of force used in offense
- Level of intrusiveness
- Degree/Severity of contact
- Age differences of the victim and perpetrator
- Duration/timeframe of offending behavior (not the act itself)
- Number of victims

Non-sexual criminal, disruptive, maladaptive attitudes and behaviors

- Past legal problems,
- Poor social skills/lack of friends
- Negative friends (support maladaptive behaviors)
- Impulsivity
- Anger/emotional lability

Environment

- Parent/caretaker conflict
- Parent/caretaker unsupportive of the juvenile and or of therapy
- Situations and or ongoing opportunities supportive of re-offense

*Also note that the list above is my quick summarization of several different categories from different risk assessments, and what I think the generalized problem areas are, not an actual risk assessment tool.

Behaviors & attitudes that may suggest or indicate there is a concern

- Increase of sexualized talk in inappropriate settings
- Pushing comfort levels, physical, emotional, verbal
- Teasing /victimizing
- Jokes or comments about rape, molestations, offense behaviors....
- Use of Internet pornography
- Interests in or being “friends” with younger children
- Lack of peer relations/isolation
- Emotional struggles; depression, anxiety
- Impulsivity (getting caught up in the moment)
- Lack of sexual education / knowledge
- Lack of investment in treatment, and or general rules

All of these (and more) can increase an adolescent’s vulnerability to make poor decisions which includes sexually acting out /re-offending. However, it is extremely important not to jump to conclusions and think that an adolescent will re-offend if he/she is demonstrating any of the above. Address the specific behavior, not the assumption or worse case scenario. You can address your concerns where their behavior may be leading to, and set limits on their behaviors without making an assumption or accusation.

The most effective ways to set boundaries with any adolescent involves getting them invested or buying into the idea that boundaries are necessary. You can use many ways and different positive reinforcers to do this. We’ll address this further in the discussion.

Addressing an issue/boundary violation

- Assist the adolescent in identifying the problem and or possible problem/issue concerns, and why it is a concern ... Again not the assumption or worse case scenario, the specific behavior and concern.
- Assist the adolescent **with** identifying the motivation behind the behavior. Why was he/she doing the behavior?
- What was the outcome they were looking for?
- Identify possible solutions or a more adaptive way for the adolescent to gain what he/she wants.

How to effectively address the above in the moment

It depends on the youth and the behavior demonstrated.

Low Risk of maladaptive choice/behavior: Talk to them, remind them of the agreed upon rules / boundaries, validate that sometime the rules are a pain, difficult to follow.... And reinforce their ability and decision to follow them anyway. Ex: Staying with a Chaperone....

Moderate Risk of maladaptive choice / behavior: Same as above with the reminder to think their behavior through and all of the consequences that are associated with their current maladaptive trajectory. End it with giving them the “choice” you can either do XXX with all of the baggage (consequences involved) or you could chose XXX positive choice with resulting positive changes for their future. Reward positive choices immediately. If they chose the maladaptive, follow through with the consequence, use an external support system. Ex: being defiant and telling you what they are doing is ok. Playing tag/rough housing with younger kids, siblings etc.

High Risk of maladaptive choice/behavior: Use an external support system intervention immediately. Ex: Attempting to /isolating a vulnerable individual away from all supervision.

Bottom line: You'd manage the above situation similarly with any juvenile that is demonstrating opposition and or a disregard to the rules.

Skills necessary to be successful at setting and reinforcing boundaries:

- Validate success as well as struggles
- Positively reinforce success/cooperation
- Consequence appropriately, and validate that they are trying and will do better next time
- Don't personalize consequences, following through with consequences, or the reason they are receiving consequences

Use external controls and build a "safety net" for a good support system

The support system can include anyone who is willing to be supportive and help the adolescent follow the rules and guidelines of his/her safety plan, conditions of probation and or parole, and all have agreed upon specific rules. People included in the support system should have a clear understanding of the above, as well as the adolescent's past and current vulnerabilities.

Usual people in a Support System are:

- Family
- Close family friends
- Church Elder or Advocate
- School Counselor
- Therapist
- Probation / Parole Officer

Safety Plans are usually general rules that the Juvenile should follow no matter where he is, but could be altered for a specific situation or event. They can and to some extent usually include the chaperone that is accompanying the adolescent in going to an event or situation with, and the chaperone is considered a responsible adult, and has spoken to and been approved by the adolescent's therapist. If they are on Probation and or Parole, their Probation Counselors or Parole Officers would have to be in agreement with the event and the chaperone.

What's involved with making the above happen?

- Coordination and individuals willing to invest in being a support in re-shaping a juvenile's behavior...
- Supporting good healthy choices of the adolescent with positive reinforcement
- Promoting adaptive choices and activities
- Being aware and vigilant while not focusing on the offense related behaviors (shaming)
- Acceptance and engaging socialization is key to not have a ostracized "poor me" attitude

What is the role of the Probation Counselor?

The Probation Counselor is assigned to work with the youth and family during the pre-trial process. The Juvenile Probation Department is under the supervision of King County Superior Court. Part of the duties of the probation counselor is to make an independent assessment of the risk and needs of the respondent and make recommendations to the judge regarding community safety, treatment, accountability and services to address the issues that presented the youth to the court.

In the event that the youth is placed on community supervision, a new Probation Counselor will be assigned to monitor the conditions of supervision, assist the offender in meeting the requirements of the court order, helping the family with services in the community and holding the youth accountable to the choices that they make during this period, in hopes that the youth will successfully complete the period of probation.

Can the Probation Counselor testify for or against the youth at a trial?

Under Juvenile Local Court Rule 7.11 "Written reports by the probation officer for disposition purposes shall not be inspected by the Court prior to an admission or adjudication if the facts are to be contested. The

probation officer shall not testify at a fact finding hearing as to any facts disclosed or discovered in the course of the social investigation without adolescent's permission." This means that without the permission of the adolescent, the Probation Officer/counselor can not testify for or against the youth.

Who are the other parties involved with this case?

- **The Judge**
This is the person who will receive all of the information and recommendations and will make decisions regarding detention status, conditions of release, guilt or innocence, and sanctions.
- **The Deputy Prosecuting Attorney**
This is the person that represents the State of Washington/King County. They are the office that will review the police report, determine if a crime has been committed and what crime they will file against the youth. They will also make recommendations to the court at every hearing. They represent the victim in this case.
- **The Defense Attorney**
This is the person who has been assigned through the Office of Public Defense to represent the youth in this case. They represent the accused side of the case to the court. They work to ensure that all of the youth's legal rights are upheld; all state and local court rules/processes are adhered to and make recommendations to the court at every hearing that is set. Often the Defense Attorney has private, confidential conversations with the accused (youth) and will not share that information with the youth's parent/guardian.
- **Victim Advocate Specialists**
There are several Victim Advocate Specialists offices in King County. There is an office in the Deputy Prosecuting Attorney's office, King County Sexual Assault Resource Center. These offices will work with victims to help them work through the court proceedings and prepare in the event that they have to testify or tell their side of the story.

How many times will we have to be in court?

For the most part there can be up to seven different hearings. These are:

- **First Appearance/Probable Cause Hearing**
 - For youth that have been detained this is the first hearing to determine if the arresting agency had probable cause to arrest. In addition the parties will review detention status. (continued detention or release with conditions)
 - If a client is detained the DPA's office has three working days to file charges against the youth as a rush. If they do not file charges the youth must be released, but charges could be filed later depending on the statute of limitations.
- **Arraignment**
 - This is the first hearing where formal charges are brought against the client. They will be read into the record and the youth's attorney will enter a plea of either guilty or not guilty at this time.
 - At this hearing, if youth is currently in detention the status will be reviewed.
- **Case Setting**
 - This is an out of court hearing.
 - The Attorney's will meet and discuss the case to determine if there will be a trial or if the youth will plead guilty
 - Due to investigation time lines the Case Setting hearing is often continued to a later date.
- **Omnibus**
 - When a client decides to take their matter to trial (Fact Finding) this hearing is held about one week prior to that hearing date to determine if all parties are ready to proceed.
 - The court will see if a resolution to the matter can be met without having a trial.

- Fact Finding
 - This is a trial to determine guilt or innocence
- Plea
 - When a client decides to plead guilty this hearing is the formal process when the youth presents the plea forms to the court which must review them and accept them.
- Disposition
 - This is the sentencing part of the process. All parties will be making recommendations to the court and the judge will make the decision as to what the sentence (disposition) will be.

There may be continuances requested and granted and there may be other hearings that are requested based on the recommendations made by the Attorneys involved with this case. (Note: The court provides information on most of these hearings. Please ask if you would like more information.)

How long will this court process take?

This case could take as long as seven months to be resolved. During this time the attorneys will be looking at the statements, investigating the elements of the accusations and will be trying to come to a resolution that meets the needs of the community, the youth and the courts requirements.

What is “conditions of release”?

Youth that are accused of a sexual offense can be released from detention on conditions. These conditions are outlined on the “SOU CONDITIONS OF RELEASE”. The purpose of the conditions is to protect the alleged victims and community from any further possible offense. In addition it is to protect the accused of any other allegations. Conditions of release can be ordered at any hearing and can be amended, changed and/or re-addressed through the pre-trial period of this case. (Pre-Trial period refers to the time from when the charges have been referred to the Prosecuting Attorney’s office to the time when the youth is sentenced or the case is dismissed).

School “Safety Plan”

The school that the youth attends may create and require the youth to follow a “Safety Plan”. This may include restrictions of where the youth can be on campus, bathrooms that the youth may not use, adult supervision at all times or other conditions that the school will require to insure the safety of all youth at the school. The conditions of release or the conditions of supervision include that the youth must follow any safety plan that is established by the school administration.

What does SSODA stand for?

Special Sex Offender Disposition Alternative

For adolescents that have offended sexually they may be considered for a SSODA. This means that if the standard range may include long term incarceration, the court may grant a SSODA which will keep the youth in the community and require him/her to attend Sexual Deviancy Treatment with a contracted, certified Juvenile Sexual Deviancy Treatment provider. To have the court grant a SSODA the youth must participate with a Sexual Deviancy Evaluation and be considered a good candidate for community based treatment. The court can order that the youth be under supervision for up to three years, attend treatment throughout this time and follow conditions of probation.

What is a Sexual Deviancy Evaluation and when does the youth need to get one?

The Sexual Deviancy Evaluation is a comprehensive evaluation that is completed by a certified Juvenile Sexual Deviancy Treatment provider. This can take up to three or four sessions and usually requires a polygraph exam.

The attorney that is assigned or secured to represent the youth will advise the youth when they should seek an evaluation. In some cases the evaluation is paid for by the Juvenile Probation Department to assist the parties in making appropriate recommendations to the judge.

What are some of the special conditions that are required of Juveniles who offend sexually?

Most youth are ordered to:

- Register with the Sherriff’s office as a Sex Offender.

- If ordered to do so the youth will need to register within 24 hours from the date of the order. The Sheriff's office will then determine the Sex Offender Community Notification Level. This level can restrict the youth's movements in the community, typically around schools, playgrounds, day cares or places where there are small children. There are three different levels that the Sheriff's office can assign to a Sex Offender. (Please see attached)
- In addition, youth need to notify the Sheriff's office of the school that they are currently attending or will be attending. (See attached information on Notification Requirements)
- DNA testing
 - DNA testing is done DNA testing takes place on the Wednesday's from 8:30 a.m. to 4:30 p.m. at the Juvenile Court Building on the 3rd floor, room 314. Youth will need to bring their copy of the Appendix G form (Order for Biological Testing and Counseling).
- HIV Testing and Counseling
 - If a youth is required to complete the HIV testing and counseling as ordered by the court they must go to Harborview Medical Center, STD clinic, (325-9th Ave. Seattle, WA, 98104, Monday through Friday 9:00 a.m. to 4:00 p.m.) This is a walk in center and they do not take appointments. The youth must have their court order that requires HIV testing (Appendix G) with them and indicate to the staff at Harborview that this is court ordered. They must complete the pre-counseling, HIV testing and return for the post-counseling session to satisfy the court order. Youth must set up the testing within 72 hours from the date on the court order.
- Treatment:
 - All clients on SSODA will have to attend treatment with a Certified Juvenile Sexual Deviancy Treatment provider. The probation department will pay for a portion of the treatment while on probation. (39 individual sessions with a therapist if a youth is a on a SSODA for two years or 27 sessions for non-SSODA treatment for one year) In addition the county will pay for all of the group sessions during the period of probation. Additional sessions with the therapists may be required. In these cases, funds may be used from the parent's insurance, private pay or, on a case by case basis, through the probation department.

If you have additional questions:

- Please call the assigned attorney for Legal Questions.
- Please call the assigned Probation Counselor for assistance, information or clarification of the process.
- For assistance with victim's, reporting additional concerns or abuse contact the Crisis Clinic at 206-461-3222 or toll free: 866-427-4747
- The Safer Society Foundation (802-247-3132) maintains a nationwide listing of programs specialist in treatment of children, adolescents and adults with sexual behavior problems.

ⁱ Juvenile Arrests 2002, page 4

ⁱⁱ Washington State law does not include the crime of statutory rape, instead using the age difference between a victim and an offender to define Rape of Child.

ⁱⁱⁱ Juvenile Offenders & Victims: 2006 Annual Report, page 37

^{iv} Drawn from OCVA's incidence survey, these figures are also found nationwide: 72% of violent crimes against juvenile females were sexual assaults. Victims under 2 were 47% of juvenile sexual assault victims. (NIBRS data reported in Juvenile Offenders and Victims: 2006 National Report. Page 31)

^v ibid. Page 33

^{vi} Statement of the ATSA Executive Board 2000

^{vii} "Adolescents who offend against younger children tend to have slightly lower sexual recidivism rates than adolescents who sexually offend against other teens."

NCSBY Fact Sheet

^{viii} ATSA Executive Board 2000