

Eleventh Annual State Conference

The New York State Association for the Treatment of Sexual Abusers and the New York State Alliance of Sex Offender Treatment Providers will hold their annual state conference on May 11 – 12, 2006 in Corning, New York. The annual New York State ATSA and Alliance conference focuses on bringing the latest information on the management, treatment and research in the field related to sex offender behavior. Conference participants include law enforcement, prosecutors, judges, treatment providers, child protective caseworkers, corrections, parole and probation officers, etc.

JSORRAT II

By Dominic A. Dispenza, LCSWR

Actuarial risk assessment for adult sexual offenders has been available for several years (Hanson, 2004.) To date, there have been empirical and research based assessment guides for juvenile sex offenders, such as the ERASOR and the JSOAP II, but no actuarial guides have been developed. That may change relatively soon. With the development of the *Juvenile Sexual Offense Risk Assessment Tool-II*, (JSORRAT-II) multi-state clinical validation studies are now underway to determine whether this will be the actuarial assessment tool for juveniles that we in the field have long been waiting for.

Actuarial Risk Assessment with Juveniles Who Offend Sexually: Development of the Juvenile Sexual Offense Recidivism Risk Assessment Tool-II, is written by: Douglas L. Epperson, Ph.D., Christopher A. Ralston, M.S., David Fowers, LCSW, John DeWitt, Ph.D., Kathleen S. Gore, M.S. Dr. Epperson's name may be familiar to many readers of this newsletter as he was also the primary author in the development the *Minnesota Sex Offender Screening Tool – Revised* (MnSost-R.) The manuscript for the development of the JSORRAT-II will appear as a chapter in a book edited by David Prescott entitled, *Risk Assessment of Youth Who Have Sexually Abused: Theory, Controversy, and Emerging Strategies*. (Oklahoma City, OK: Woods 'N' Barnes.)

This paper begins with a thorough discussion of the meanings of risk, risk management, and risk reduction as they pertain to re-offending and community safety. The authors postulate that once the risk to the community is calculated, investment of community resources can be more effectively spent for the reduction of offending behaviors. The authors also give a description of adult actuarial assessment tools and how they have greater consistency and accuracy in predicting sex offender risk to re-offend. The authors then review the state of juvenile sex offender risk assessment guides, including those named above.

The J-SORRAT was developed through sophisticated statistical analyses of data contained in the archived files of 636 youths aged 11-18 who had been found guilty of committing sexual offenses from 1990 to 1992. (Four individuals were 11 years old and

10 were 18 years old at the time of their intakes.) This was an “exhaustive” sample that reviewed all known juvenile records from that time period. This population was followed as a group through 2003. The authors found that 13.2 percent of these juveniles were arrested prior to age 18 for a new sexual offense. The overall rate of offending by this population was almost 20 percent through 2003. Fifty-eight individuals from this sample sexually offended as adults.

There is identification of “Item selection analyses” and the five steps involved in selecting items for risk assessment. Sophisticated statistical analysis that tests variables and formulates results is also discussed. The “Scoring Guidelines” provide instructions and examples for each variable on the scale. The “General Instructions” state the need for review of the entire case record, using only documented information, and that the sexual offense in Item 1 is an adjudicated offense. For example, the first item requires a score of zero if there is one adjudicated offense, a score of one for two adjudicated offenses, etc. If the youth admits to committing other sexual offenses, but these are not adjudicated, there is no change in the score. There are eleven other items to be scored on this assessment. These include: number of different victims in charged sexual offenses; length of sexual offending history; was there any court ordered supervision during the commission of any sexual offense for which he was subsequently charged; was any felony charged sexual offense committed in a public place; was there deception or grooming of the victim prior to any charged sexual offense; history of sexual offender specific treatment; number of officially documented “hands on” sexual abuse incidents where the JSO was the victim; number of officially documented incidents of physical abuse where the JSO was the victim; any history of special education placement; number of educational time periods with discipline problems; and the number of adjudications for non-sexual offenses prior to the most recent sexual offense. Scoring ranges are as follows: Low Risk score range is 0-2; Moderately Low is 3-4; Moderate is 5-7; Moderately High is 8-11; and High is 12+.

The authors conclude that the JSORRAT-II appears to have met their goals for developing an “actuarial risk assessment tool for juvenile sexual recidivism that was relatively brief, based primarily on behaviorally anchored information that was routinely available for most juvenile sexual offenders, and relatively simple and intuitive to use.” J-SORRAT-2 is in the public domain. Until it is validated, however, it may be used only on an exploratory basis with the authors' permission.

Juvenile Sexual Offender Assessment for Risk of Reoffending

BY Dominic Dispenza, LCSWR

This is an exciting time for practitioners who utilize juvenile sexual offender risk assessment protocols. In addition to the development of the JSORRAT-II as described in another article in this newsletter, two of the most popular assessment tools have recently

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been reviewed in several studies to further assess their usefulness and validity. The Juvenile Sex Offender Assessment Protocol (JSOAP) and the Estimate of Risk of Sexual Offense Recidivism (ERASOR) have recently been submitted to such reviews.

The JSOAP was first developed in 1994. It was developed as a structured risk assessment that reviewed both static (historical) and dynamic (changeable) risk factors. The JSOAP was subsequently revised in 2003 and is currently known as the JSOAP-II. There are 23 items covered under four sub-scales, including “Sexual Drive/Preoccupation Scale, Impulsive/Antisocial Behavior Scale, Intervention Scale and Community Adjustment Scale. Each item and sub-scale is scored, providing an assessment outcome of low to moderate to high risk to reoffend. The authors of this revised assessment tool are Robert Prentky, Ph.D & Sue Righthand, Ph.D. In writing the manual for the JSOAP-II, the authors identified several correlations that showed the validity of this testing instrument. It was noted then that the JSOAP could not provide empirically based weighting of the separate risk assessment items. The authors also cautioned that collecting data to assure the ongoing validity of the instrument was essential. Since that writing, there have been several studies reviewing the validity of the JSOAP. An article that reviews the findings from three of these studies was written by Sue Righthand, Robert Prentky, Raymond Knight, Erika Carpenter, Jeffrey E. Hecker, and Douglas Nangle and appears in *Sexual Abuse: A Journal of Research and Treatment, Vol. 17, No. 1, January 2005*. The findings of this paper show that there is a strong internal consistency on the second and third subscales (.88 and .95 respectively.) The concurrent validity was also show to be “supported by a high correlation” with the “Youth Level of Service/Case Management Inventory (YLS/CMI.) Although the strengths of this assessment tool were readily identified through these studies, the authors stated, “We can provide no definitive feedback regarding the critical question of predictive validity.” In closing, the authors report on a study currently underway in which re-offense data from 600 youth will be examined to assess predictive validity. In another study, the authors report, “a follow-up study of 720 youths, presently underway, has already revealed a strong relationship between the static J-SOAP scales (1 & 2) and outcome variables.”

The ERASOR was developed by Worling and Curwen in 2000. It utilizes research and clinical opinion to come to an estimated assessment of risk for a juvenile to commit another sexual offense. The cautionary note from the authors states the risk assessment is based on the best available research data and consensus in professional clinical opinion, however, a number of high risk factors have been identified in the literature. There are 25 risk factors scored on this assessment, with a write in space for “other” risk factor. Each item is scored as present, partially/possibly present, not present, and unknown. The “Coding Form” assists the evaluator in determining if the juvenile offender is low, medium or high risk. James Worling gathered follow up data regarding the reliability of the ERASOR. Worling’s article, “The Estimate of Risk of Adolescent Sexual Offense Recidivism (ERASOR): Preliminary Psychometric Data” appears in *Sexual Abuse: A Journal of Research and Treatment, Vol. 16, No. 3, July 2004*. In this study,

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Worling collected data from 28 clinicians who evaluated 136 adolescent males. Worling sites research on juvenile offending to support the use of empirically based risk assessment of juvenile offenders and discusses the development of the ERASOR in this article. Worling found that 21 of the 25 items correlated well to the total score. He also found internal consistency with the ERASOR. Worling states, "There was also some tentative support for the validity of the ERASOR." Worling calls for continued research and data collecting for the ERASOR and that empirically supported checklists of risk factors will need to be adjusted in the future.

Study Finds Lifetime Effects of Sexual Abuse

By Dominic A. Dispenza, LCSWR

According to an article titled, "Sexual Assault and Physical Health: Findings From Population-Based Study of Older Adults," in *Psychosomatic Medicine*, by Murray Stein, MD and Elizabeth Barrett-Connor, elderly individuals were found to have health conditions that may have been related to sexual abuse from an earlier age. The authors found that increased risk for breast cancer, arthritis, and thyroid problems and other physical conditions were all associated with a history of sexual abuse.

Dr. Stein and Dr. Barrett-Connor both work at the University of California, San Diego in the Anxiety and Traumatic Stress Disorders Program. Their objective was to show how sexual abuse contributed to depression and obesity in women. Although their study did not find a connection between these disorders and sexual abuse, they were able to site another study which drew a correlation between the two.

The Stein, Barrett-Connor study focused on the health and sexual abuse histories of 826 female and 533 male elderly persons. All individuals in the study were white and described as middle class and upper middle class. Over twelve percent of the women in the study reported a history of sexual abuse, with an average age of onset for the abuse being 16 years of age. Over five percent of the males in the study reported a history of sexual abuse with an average age of 13 years old at the time of onset for the abuse.

The authors found that the men in their study who had a history of sexual abuse had "significantly increased risk of thyroid disease." The women in the study who reported a history of sexual abuse had significantly higher rates of breast cancer and arthritis. The authors also found that "The 23 women who experienced repeated sexual assault were about four times more likely than women without sexual abuse histories to have arthritis and breast cancer."

The Children's Safety and Violent Crime Reduction Act of 2005

By Dominic A. Dispenza, LCSWR

In the Fall of 2005 there were numerous notifications and warnings from different organizations that provide services to juvenile sexual offenders regarding the above referenced act. The primary concern raised was that children and adolescents who sexually abused others would be placed on a lifetime national sex offender registry list. For example, ATSA sent an "Urgent Public Policy Announcement" to its members regarding this proposed legislation. This Act, also known as HR 4472, is an omnibus crime reduction bill, aiming "To protect children, to secure the safety of judges, prosecutors, law enforcement officers, and their family members, to reduce and prevent gang violence, and for other purposes." One section of this bill calls for the placement of juvenile sexual offenders on a lifetime sex offender registration list. There is also a clause that states such juveniles should also be placed on an Internet registry.

The latest major action with HR 4472 occurred on 12/8/2005. The bill was referred to the Committee on the Judiciary, and in addition to the Committee on Ways and Means. The Speaker of the House will determine the period for which this bill remains at the committee level, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned. Subsequent to 12/8/05, HR 4472 picked up additional co-sponsors.

This bill actually covers many areas. The first section of the HR 4472 is entitled, "Sex Offender Registration and Notification Act." It provides "registry requirements" for sex offenders, jurisdictions, information required in registration, and the duration of registration. The duration of time for which an offender's name remains on the list is 20 years for a "Tier I" offender, 30 years for a "Tier II" offender and lifetime for a "Tier III" offender. A Tier I offender is an individual who was convicted of a sex offense and received a sentence of one year in jail or less. A Tier II individual means a sex offender who is not a Tier III sex offender whose offense is punishable by imprisonment for more than one year; or occurs after the offender becomes a tier I sex offender. The term 'tier III sex offender' means a sex offender whose "offense is punishable by imprisonment for more than one year and involves crime of violence, against the person of another, except a crime of violence consisting of an abusive sexual contact, as defined in section in section 2246; is an offense where the victim had not attained the age of 13 years; or occurs after the offender becomes a tier II sex offender."

Also in this section is the call for a national sex offender registry and "public access to sex offender information through the Internet." There are provisions for "Actions when offenders fail to comply," an address verification program, and the "Development and availability of registry management software." This first section of the Act contains provisions for "Treatment and Management of sex offenders in the Bureau of Prisons." Under this provision, The Bureau of Prisons shall establish non-residential sex offender management programs to provide appropriate treatment, monitoring, and supervision of sex offenders and to provide aftercare during pre-release custody. Residential sex offender treatment programs are also to be developed. Residential treatment will be made available only to those offenders who volunteer for such programs and are deemed

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by the Bureau of Prisons to be in need of and suitable for residential treatment. There is another chapter related to Civil Commitment of dangerous sex offenders. There is only minor direction given for education and training. The Attorney General is to consult with the Office of Juvenile Justice and Delinquency Prevention and will “expand training efforts with Federal, State, and local law enforcement officers and prosecutors to effectively respond to the threat to children and the public posed by sex offenders who use the Internet and technology to solicit or otherwise exploit children.” This section of the bill calls for the Attorney General to host “national conferences to train Federal, State, and local law enforcement officers, probation and parole officers, and prosecutors regarding pro-active approaches to monitoring sex offender activity on the Internet” and “develop and distribute” information regarding holding sex offenders accountable “to the terms of their parole, probation and sex offender registration laws.”

Title II of the Act delineates laws that pertain to DNA evidence in the apprehension and conviction of sexual offenders. Title III has several sections related to the “Prevention and deterrence of crimes against children.” Title IV seeks the “protection against sexual exploitation of children” and calls for “increased penalties for sexual offenses against children.”

The fifth tier of the Act pertains to the protection of children placed in foster care. This section will assure the availability of information from a federal criminal database to agencies responsible for the placement and care of foster children. There are special statutes for sexual abuse of wards of the state and mandatory penalties for sex-trafficking of children. The proposed civil commitment laws fall under this title with a section that eradicates statute limitations for prosecution of felony sex offenses.

Child Pornography prevention is the subject of Title VI of this Act. There is a description of the “substantial interstate market in child pornography” and that such trafficking involves profits as well as trading child pornography. There is advertising for this venture and profits are in the millions of dollars. Further concern is raised about the extensive manner in which child pornography is distributed and traded. The use of mail, the Internet, and foreign commerce have all contributed to the distribution of these images. The use and advancement of technology has spurred this growth, according to this Congressional finding. Digital camera and video camera, along with high capacity storage on inexpensive computers has greatly eased the use and possession of child pornography. There is a further finding that “the vast majority of child pornography prosecutions involve images contained on computer hard drives” and that “every instance of viewing images of child pornography represents a renewed violation of the privacy of the victims and a repetition of their abuse.” Computer generated “simulated” child pornography is also addressed in this proposed statute.

Court Security is the subject of Title VII. Recent killings of family members of federal judges are addressed here, as well as the general safety of all court employees. There are provisions for increasing the Marshall Service to protect the Judiciary, authority of

federal judges and prosecutors to carry firearms, and protection of federally funded public safety officers. Witness protection issues are also addressed here, with an emphasis on providing grants, funding for courts to assess and enhance security and emergency preparedness, and grants to states for threat assessment databases.

Title VIII addresses “reduction and prevention of gang violence.” According to this proposal, “the term ‘criminal street gang’ means a formal or informal group or association of 3 or more individuals, who commit 2 or more gang crimes (one of which is a crime of violence), in 2 or more separate criminal episodes, in relation to the group or association, if any of the activities of the criminal street gang affects interstate or foreign commerce.” There are sections pertaining to criminal street gang prosecutions, increased penalties for racketeering, increased penalties for violent crimes, drug trafficking crimes, and “multiple interstate murder.” Title IX is titled “Increased Federal Resources to Prevent At-Risk Youth From Joining Illegal Street Gangs.” This will reauthorize the gang resistance education project and reentry courts that have graduated amounts of incentives including housing assistance, education, employment training, and other appropriate social services.

Western Region News Briefs

Denis Lates, a long term member of the Alliance, has recently retired from the New York State Division of Parole. Denis had a long career of supervising sexual offenders who had been released from prison to the community. Denis showed a great deal of commitment to community protection and encouraging offenders to participate in treatment. At his retirement party, Denis was heralded for the many awards he received throughout his career for bravery in the line of duty. Denis was lauded by his coworkers, Sheriff Gallivan and future Sheriff Howard. All of us who know Denis wish him a happy and healthy retirement.

Michelle Clark, MA has left her post at the Child and Family Sex Offender Management Program to take a position as a Psychologist at the Western New York Children’s Psychiatric Center. Michelle will be lending her expertise in the area of juvenile sexual offender evaluation and treatment to the clients and staff at the center. Michelle will be missed at Child and Family because of her dedication, skills and experience in working with offenders of all ages. Michelle’s position is already filled by Gretchen Szymanski, who has several years of experience working with juvenile and adult sex offenders and is already doing a great job in this endeavor.

The Allegany County Probation Department has been using the polygraph for treatment compliance for many months now. The polygraph has been used to determine if offenders are abiding by their treatment contracts and conditions of probation. Dennis Rankin, who has specialized certification to complete sex offender polygraph examinations has been doing evaluation and treatment compliance polygraphs for sex offender clients receiving treatment at the Niagara Frontier Psychiatric Associates.

If you would like to present news about your region, please be sure to contact Dominic Dispenza, Editor, at dadcon1959@yahoo.com. The editor will be happy to report on events and news items from all areas of the state.