

► *Disposition*

Criminal and juvenile court judges alike report experiencing more difficulty with decisionmaking in sex offense cases relative to other criminal and delinquency cases (Bumby & Maddox, 1999; Bumby, Talbot, West, & Darling, 2006). Included among the multiple factors that increase their difficulties presiding over these cases are the following (Bumby & Maddox, 1999; Bumby et al., 2006):

- Reduced judicial discretion;
- Greater public scrutiny;
- Lack of corroborating information;
- Often familiar nature of the victim-offender relationship;
- Complex dynamics;
- Inadequate assessment information to inform disposition decisions;
- Questions about sex offender recidivism; and
- Lack of specialized training about sex offenders.

Moreover, because the individuals who commit sex offenses are a very heterogeneous population, judges may be uncertain about what the most appropriate and effective disposition will be for each case. “One size fits all” or “standardized” sentencing or disposition packages will not be effective. Some sexually abusive individuals will require more intensive interventions (e.g., close supervision, specialized monitoring strategies, incarceration, or residential placement), whereas others may be more effectively managed in the community with less intensive interventions.

When judges make individually-tailored disposition decisions based on identified risk and needs, successful outcomes are more likely to be achieved (see, e.g., Cumming & McGrath, 2005; Holmgren, 1999). Therefore, to the extent

possible, members of the judiciary must take full advantage of opportunities to obtain specialized information – both in a broader sense and at the individual case level – that will assist them as they preside over these cases on a day-to-day basis (English et al., 1996; Holmgren 1999).

Specialized Information

Over the past decade, multiple advances in research and practice have been made with respect to understanding and managing adult and juvenile sex offenders, many of which have implications for judicial decisionmaking. Of particular significance are the development of sex offender-specific risk assessment tools (see Hanson, 2000; Prescott, 2006), additional research on the unique factors related to recidivism (see Hanson & Morton-Bourgon, 2005; Worling & Langstrom, 2006), and increasing evidence of “what works” with sex offenders (see, e.g., Aos, Phipps, Barnoski, & Lieb, 2006; Hanson, et al., 2002; Lösel & Schmucker, 2005; MacKenzie, 2006; Reitzel & Carbonell, 2006).

Unfortunately, although numerous training opportunities are available for other key professionals responsible for sex offender management (e.g., supervision officers, treatment providers), judicial education programs specifically tailored to meet the needs of judges tend to be very limited (CEPP, 2007; Schafran et al., 2001b). This often leaves them with the challenge of making disposition decisions without the benefit of specialized information pertinent to sex offense cases. Therefore, specialized education opportunities must be made available to members of the judiciary (Bumby & Maddox, 1999; Bumby et al., 2006; English et al., 1996; Holmgren, 1999). Included among the types of information that can be most beneficial to judicial education efforts are the following:

- Current data about sexual victimization trends, including the nature of the relationship between many victims and offenders, the underreporting of sexual victimization, and the impact of sex crimes on victims;
- The heterogeneity of the sex offender population, and the associated implications for management strategies;
- Differences between adults and juveniles who have committed sex offenses;
- Recidivism data, including variations in recidivism rates;
- Risk factors that are associated with recidivism among adult and juvenile sex offenders;
- The importance of assessment-driven decisionmaking, including the types of assessments that can be most useful for judges;
- The strengths and limitations of risk assessment methods, including specific tools designed for adult and juvenile sex offenders;
- Research-supported and promising management strategies for these populations; and
- The multiple roles that judges can play in promoting effective sex offender management.

Beyond receiving specialized training, members of the judiciary will be better equipped to make informed disposition decisions when they have ready access to comprehensive and quality assessment information (see, e.g., English et al., 1996; Holmgren, 1999). Specifically, a comprehensive pre-sentence/pre-disposition report and specialized psychosexual evaluation can offer critical insights into an individual's presumed level of risk, the types of interventions most likely to reduce reoffense potential for that individual, the level of structure or type of placement necessary for ensuring community safety, specific factors that may positively or negatively impact responses to treatment and supervi-

sion, and the individual's overall amenability to intervention. (For additional information about the use of assessments to inform decisionmaking throughout the system, see the Assessment section of this protocol.) Given the valuable information offered by these assessments, jurisdictions may wish to consider implementing policies that require such assessments to be available consistently to judges.

WHEN JUDGES MAKE
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Judicial Support for Effective Management Efforts

A comprehensive approach to adult and juvenile sex offender management cannot be fully implemented without judicial endorsement of research-based and other specialized management efforts. Despite the trends toward increasingly punitive approaches to managing sex offenders, often in the absence of research support, judges nonetheless have multiple opportunities to support evidence-based and promising interventions through their role and leverage in the system. For example, judges can rely on the growing body of empirical evidence and other professional literature that identifies 'what works' and what is promising when crafting disposition orders. This includes not only the contemporary research from the broader criminal and juvenile justice field and current research specific to adult and juvenile sex offenders, but also the research and practice literature pertaining to victims' needs and interests.

Judicial support for effective management efforts can be demonstrated tangibly in the following ways (see, e.g., CEPP, 2007; English et al., 1996; Holmgren, 1999; Schafran, 2001b):

- Promoting victim-centeredness throughout the court process;
- Handing down well-informed and assessment-driven dispositions that include evidence-based and promising management strategies;
- Reinforcing offender progress and compliance, as well as imposing appropriate sanctions for non-compliance;
- Using the leverage of the court to enlist the support or involvement of parents/caregivers in juvenile sex offense cases;
- Demanding accountability from the stakeholders responsible for offender management;
- Becoming familiar with local resources and assisting with capacity-building efforts when critical gaps are identified;
- Supporting multidisciplinary training events, as both an educator and a participant;
- Representing the courts as an active team member on collaborative initiatives; and
- Educating policymakers as a means of promoting evidence-based legislation.

► *Summary*

As highlighted throughout this section, cases involving sex offenses pose unique challenges to the criminal and juvenile court system, whether for the law enforcement or other professionals responsible for investigations, the officers of the court charged with bringing these cases to successful resolution, or the judges responsible for disposition decisions. Through informed policies and practices, meaningful partnerships and information-sharing with key agencies, and critical assessment data to drive decisionmaking, stakeholders in this initial phase of the sex offender management process can establish a solid foundation for ongoing and effective management efforts.

► Questions: Adult Cases

Specialized Information

- | | <i>always/
yes</i> | <i>typically</i> | <i>generally
not</i> | <i>never/
no</i> | |
|-----|------------------------|-----------------------|--------------------------|-----------------------|--|
| 82. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | Do judges in the criminal courts participate in specialized judicial education programs pertaining to adult sex offense cases? |
| 83. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | Are training opportunities about sex offender management specifically tailored to the meet the unique needs of judges? |
| 84. | | | | | Do judicial education programs address the following: |
| | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <i>Current data about sexual victimization trends, including the nature of the relationship between many victims and offenders, the underreporting of sexual victimization, and the impact of sex crimes on victims?</i> |
| | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <i>The heterogeneity of the sex offender population, and the associated implications for management strategies?</i> |
| | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <i>Differences between adults and juveniles who have committed sex offenses?</i> |
| | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <i>Recidivism data, including variations in recidivism rates?</i> |
| | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <i>Risk factors that are associated with recidivism among adult and juvenile sex offenders?</i> |
| | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <i>The importance of assessment-driven decisionmaking, including the types of assessments that can be most useful for judges?</i> |
| | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <i>The strengths and limitations of risk assessment methods, including specific tools designed for adult and juvenile sex offenders?</i> |
| | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <i>Research-supported and promising management strategies for these populations?</i> |
| | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <i>The multiple roles that judges can play in promoting effective sex offender management?</i> |
| 85. | <input type="radio"/> | | | <input type="radio"/> | Do policies or procedures require that a pre-sentence investigation is completed for all sex offenders as a means of informing sentencing/disposition decisions? |
| 86. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | In practice , do judges order pre-sentence investigations as a means of informing sentencing/disposition decisions? |
| 87. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | Are pre-sentence investigations of sufficient quality to be informative for judges? |
| 88. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | Are pre-sentence investigations delivered to the court in a timely manner? |

- | | <i>always/
yes</i> | <i>typically</i> | <i>generally
not</i> | <i>never/
no</i> | |
|-----|------------------------|-----------------------|--------------------------|-----------------------|--|
| 89. | <input type="radio"/> | | | <input type="radio"/> | Do policies or procedures require that a specialized psychosexual evaluation is conducted for all sex offenders as a means of informing sentencing/disposition decisions? |
| 90. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | In practice , do judges order psychosexual evaluations prior to sentencing/disposition as a means of informing sentencing/disposition decisions? |
| 91. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | Are psychosexual evaluations of sufficient quality to be informative for judges? |
| 92. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | Are psychosexual evaluations delivered to the court in a timely manner? |
| 93. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | Are the results of <i>sex offender-specific</i> risk assessments used to inform sentencing/disposition decisions? |
| 94. | <input type="radio"/> | | | <input type="radio"/> | Do policies or procedures afford judges discretion in the disposition/sentencing phase to allow for informed decisions based on sex offenders' risk and needs? |
| 95. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | In practice , do judges use discretion during the disposition/sentencing phase to make informed decisions based on sex offenders' risk and needs? |

Judicial Support for Effective Management Strategies

- | | <i>always/
yes</i> | <i>typically</i> | <i>generally
not</i> | <i>never/
no</i> | |
|-----|------------------------|-----------------------|--------------------------|-----------------------|---|
| 96. | | | | | Is support for effective sex offender management strategies demonstrated tangibly by judges through the following: |
| | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <i>Promoting victim-centeredness throughout the court process?</i> |
| | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <i>Handing down well-informed and assessment-driven dispositions that include evidence-based and promising management strategies?</i> |
| | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <i>Reinforcing offender progress and compliance, as well as imposing appropriate sanctions for offender non-compliance?</i> |
| | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <i>Demanding accountability from the stakeholders responsible for offender management?</i> |
| | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <i>Becoming familiar with local resources for victims and offenders, including capacity and costs?</i> |
| | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <i>Assisting with capacity-building efforts when critical gaps are identified?</i> |
| | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <i>Supporting multidisciplinary training events about sex offender management as both an educator and a participant?</i> |

*always/
yes* *typically* *generally
not* *never/
no*

- Representing the courts as an active team member on collaborative initiatives?*
- Educating policymakers as a means of promoting evidence-based legislation?*

► Questions: Juvenile Cases

Specialized Information

- | | <i>always/
yes</i> | <i>typically</i> | <i>generally
not</i> | <i>never/
no</i> | |
|------|------------------------|-----------------------|--------------------------|-----------------------|---|
| 97. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | Do juvenile/family court judges participate in specialized judicial education programs pertaining to juvenile sex offense cases? |
| 98. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | Are training opportunities about juvenile sex offender management specifically tailored to the meet the unique needs of judges? |
| 99. | | | | | Do judicial education programs for juvenile/family court judges address the following: |
| | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <i>Current information about sexual victimization trends?</i> |
| | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <i>The needs and interests of victims?</i> |
| | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <i>The heterogeneity of juveniles who commit sex offenses?</i> |
| | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <i>Differences between adults and juveniles who have committed sex offenses?</i> |
| | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <i>Adolescent development, as it relates to considering juvenile sex offense cases?</i> |
| | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <i>Contemporary information about juvenile sex offender recidivism, including the unique risk factors for juvenile sex offenders?</i> |
| | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <i>The importance of assessment-driven decisionmaking?</i> |
| | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <i>Strengths and limitations of risk assessment methods, including tools designed specifically for juvenile sex offenders?</i> |
| | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <i>Research-supported and promising management strategies for juvenile sex offenders?</i> |
| | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <i>The multiple roles that juvenile/family court judges can play in promoting effective juvenile sex offender management?</i> |
| 100. | <input type="radio"/> | | | <input type="radio"/> | Do policies or procedures require that a pre-disposition report is completed for all juvenile sex offenders as a means of informing disposition decisions? |
| 101. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | In practice , do juvenile/family court judges order pre-disposition reports as a means of informing disposition decisions? |
| 102. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | Are pre-disposition reports of sufficient quality to be informative for juvenile/family court judges? |

- | | <i>always/
yes</i> | <i>typically</i> | <i>generally
not</i> | <i>never/
no</i> | |
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| 103. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | Are pre-disposition reports delivered to the juvenile/family court in a timely manner? |
| 104. | <input type="radio"/> | | | <input type="radio"/> | Do policies or procedures require that a specialized psychosexual evaluation is conducted for all juvenile sex offenders as a means of informing disposition decisions? |
| 105. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | In practice , do juvenile/family court judges order psychosexual evaluations as a means of informing disposition decisions? |
| 106. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | Are psychosexual evaluations of sufficient quality to be informative for juvenile/family court judges? |
| 107. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | Are psychosexual evaluations delivered to the juvenile/family court in a timely manner? |
| 108. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | Are the results of juvenile sex offender-specific risk assessments used to inform disposition decisions? |
| 109. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | Do juvenile/family court judges order assessments of parents/caregivers as a means of informing disposition decisions? |
| 110. | <input type="radio"/> | | | <input type="radio"/> | Do statutes, policies, or guidelines afford juvenile/family court judges discretion in the disposition phase to allow for informed decisions based on juvenile sex offenders' risk and needs (and the needs of their families)? |
| 111. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | In practice , do juvenile/family court judges use discretion during the disposition phase to make informed decisions based on juvenile sex offenders' risk and needs (and the needs of their families)? |

Judicial Support for Effective Management Strategies

- | | <i>always/
yes</i> | <i>typically</i> | <i>generally
not</i> | <i>never/
no</i> | |
|------|------------------------|-----------------------|--------------------------|-----------------------|--|
| 112. | | | | | Is support for effective juvenile sex offender management strategies demonstrated tangibly by juvenile/family court judges through the following: |
| | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <i>Promoting victim-centeredness throughout the court process?</i> |
| | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <i>Handing down well-informed and assessment-driven dispositions that include evidence-based and promising management strategies for juveniles and their families?</i> |
| | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <i>Using the leverage of the courts to enlist the support or involvement of parents/caregivers?</i> |

- | <i>always/
yes</i> | <i>typically</i> | <i>generally
not</i> | <i>never/
no</i> | |
|------------------------|-----------------------|--------------------------|-----------------------|---|
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <i>Reinforcing progress and compliance, as well as imposing appropriate sanctions for non-compliance?</i> |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <i>Demanding accountability from the stakeholders responsible for juvenile offender management?</i> |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <i>Becoming familiar with local resources for victims, juvenile sex offenders, and their families (including capacity and costs)?</i> |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <i>Assisting with capacity-building efforts when critical gaps are identified?</i> |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <i>Supporting multidisciplinary training events about juvenile sex offender management as both an educator and a participant?</i> |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <i>Representing the juvenile/family courts as an active team member on collaborative initiatives?</i> |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <i>Educating policymakers as a means of promoting evidence-based legislation?</i> |