

Section 3: Assessment

Use Slide #1: Key Topics for the Assessment Section

Introduction

Now that we have established a foundation for juvenile sex offender management – both in terms of overarching principles and key components – we are going to begin discussing one of those vital components. Because it is so critical for informing our work with these youth, we'll start with assessment.

Use Slide #2: Key Topics for the Assessment Section

First, we will cover some broad issues related to assessment, including the way in which assessment is defined and conceptualized, why it is important, who is responsible for conducting assessments, and when assessments occur within the juvenile sex offender management process. Then we will talk about the impact that style and process can have on the assessment process, and we will highlight two frameworks used to engage clients.

After that, we will discuss the importance of the pre-sentence/pre-disposition report as a critical assessment in the juvenile justice and juvenile sex offender management processes. The focus of this part of the assessment section will be on the specific elements that should be included in the pre-sentence/pre-disposition report to ensure that it is maximally beneficial to the juvenile courts when juvenile sex offense cases come to their attention

We will then review the more clinically-focused psychosexual evaluation, highlighting the importance of specialization, the sexual history, and the use of offense-specific assessment instruments with juvenile sex offenders. And finally, we will address the issue of risk assessment – beginning with a review of risk factors and tools for general juvenile offenders, followed by common approaches to sex offender risk assessment, and ending with risk factors and risk assessment specifically pertaining to juvenile sex offenders.

Goals

At this point, let's turn our attention to the training goals for the Assessment section. At the end of this section of the curriculum, participants will be able to understand:

- The importance of assessment as a critical and ongoing component of managing juvenile sex offenders in the community;
- Key elements of comprehensive and specialized assessments;

- Who should be involved in conducting assessments of juvenile sex offenders and at which points in time those assessments should be conducted;
- Importance of the style and approach in the assessment process;
- Factors that may increase a juvenile's risk to reoffend; and
- Promising assessment tools that can guide our decisionmaking in juvenile sex offender management.

Part I: Broad Assessment Issues

Assessment as a Multidisciplinary and Ongoing Process

One of the key messages emphasized throughout this training is the importance of a collaborative and multidisciplinary approach to managing youthful sex offenders. This is especially critical when thinking about assessment.

In other words, it is important that the range of professionals involved in juvenile sex offender management do not limit their views of assessment by assuming that only specialized clinicians or evaluators are involved. Rather, it should be recognized that *all* stakeholders have a role in assessing these youth, and that everyone benefits from receiving assessment information. Consider for a moment the following definition of assessment found on slide 3.

Use Slide #3: Defining Assessment

Now let's think about the various people who are involved in juvenile sex offender management, either because of their role in the juvenile justice system or simply because of their routine contact with these youth. Each of them has – in some unique ways – the opportunity to consider the significance of certain behaviors exhibited by these youth, or to observe or monitor them, don't they?

So, let's talk about that for a few minutes as we review a list of the various individuals who have contact with juvenile sex offenders on a day-to-day basis or who play a key role at specific points in the juvenile sex offender management process.

Use Slide #4: Examples of Key Stakeholders

Certainly, forensic evaluators can play a role with respect to assessment, specifically by conducting comprehensive psychosexual evaluations that assist the courts and other system actors with decisionmaking about these youth.

What about a specialized treatment provider – how might they be involved in assessments? And what do they assess?

(ALLOW FOR AUDIENCE RESPONSES.)

That's right – a treatment provider has the ability and opportunity to assess many important clinical variables such as participation and progress in treatment, compliance with treatment expectations, or adherence to relapse prevention plans. However, the youth is only seen in the treatment setting for a limited amount of time each week, and the behaviors that the treatment provider observes may be quite different than what other professionals have the opportunity – or the expectation – to observe or assess.

For example, what types of things should a supervision officer observe, evaluate, or assess when attempting to determine on an ongoing basis how a youth is doing, or whether it is safe to allow a youth to remain in the community?

(ALLOW FOR AUDIENCE RESPONSES.)

Yes – a supervision officer assesses a number of factors, including the structure provided by the parents, significant problems or strengths within the home, the youth's compliance with the conditions of supervision, his or her peer groups, the use of drugs or alcohol, or recent incidents of aggression or violence.

What about a teacher? What specific things does a teacher observe or monitor that may impact juvenile sex offender management efforts?

(ALLOW FOR AUDIENCE RESPONSES.)

Since these juveniles are in school for a good part of the day, five days a week, most of the year, teachers have the unique and routine opportunity to observe changes in the youth's mood or behavior, adjustment in the classroom, relationship with peers or authority figures, and school performance.

We could go through the rest of this list, and could probably come up with others to add to the list, but you get the point, right? By considering the roles of each of these professionals, their exposure to juvenile sex offenders and their families in multiple contexts, and the differing types of information each of these individuals are able to gather through observing or monitoring the youth, it becomes fairly clear that assessment really does extend beyond the role of a specialized evaluator. And taken together, all of the assessment data obtained from this range of individuals certainly can contribute to effective juvenile sex offender management efforts.

Beyond recognizing the important role that all stakeholders play in assessing juvenile sex offenders, something else that should now be apparent is that

assessment is not just about a single, “one point in time” evaluation of a youth. Rather, assessment is perhaps best considered as an *ongoing process*.

 **Use Slide #5: Ongoing Process, Not an Event**

Of course, there are some formal and specialized types of assessments or evaluations that are conducted by specific people and which occur only at specific points in time, such as a pre-sentence/pre-disposition report or a psychosexual evaluation. We will discuss those a little later in this section. But since we know that significant changes are likely to occur over time with these youth, their families, their peers, and in their environments, it is important that those involved in juvenile sex offender management gather information on a continuous basis, through routine observation and monitoring, so that they can respond effectively and in a timely manner to these changes.

Multiple Types and Sources of Assessment Data

As was emphasized earlier during this training, youth who have committed sex offenses are a diverse population with a wide range of individual needs, circumstances, and differing levels of risk. Therefore, if we are going to be able to make individualized and appropriate decisions about them, we must routinely rely on solid assessment data. Put simply, assessments are the key to informed decisionmaking.

Through our discussion of the various people who play a role in assessing, we began to identify some of the important pieces of information that should be collected or assessed in order to enhance our ability to respond more effectively to these individual needs and risk factors. Let’s take a few minutes to brainstorm about some other types of information or assessment data that are needed in order to make informed decisions throughout the juvenile sex offender management process.

 **Use Slide #6: Types of Assessment Data**

(ALLOW FOR AUDIENCE RESPONSES.)

That’s right. To make well-informed decisions, it is important to assess a number of factors specific to the juvenile, the family, and the environment.¹

 **Use Slide #7: Examples of Important Data Points**

Included among the important data points is the level of risk that the youth poses to the community – both in terms of committing additional sex offenses and more general delinquency, or non-sex offenses. Also critical are the types of sexual

behaviors that the youth has engaged in – both normal and deviant – and the frequency of those behaviors.

Many of you are already aware that a large proportion of youth involved in the juvenile justice system have significant emotional or psychological difficulties, such as depression, attention-deficit hyperactivity disorder (ADHD), or anxiety disorders.² You will probably not be surprised, then, to learn that many juvenile sex offenders have co-existing mental health difficulties.³ As such, it is important that we assess for the presence of these types of symptoms or disorders as well.

Having an understanding of the youth's level of intellectual or cognitive functioning or any learning difficulties is also very important. This information will influence the specific kinds of services that are provided, as well as the types of approaches that will be most effective for the youth. Certainly, we cannot expect that all youth equally understand abstract concepts or have the ability to complete sophisticated and complex exercises. And the vocabulary used in some assessment measures or treatment workbooks may be beyond the comprehension of some youth. Therefore, it is important to assess intellectual ability, cognitive functioning, and achievement.

Information about the juvenile's family and environment is especially critical when working with juvenile sex offenders. For example, we need to know whether the parent(s) are willing and able to provide adequate structure within the home, and if they are able to set appropriate and firm limits. It is also essential to know if there are mental health difficulties, serious health concerns, substance abuse problems, or other factors that impact the ability of the parents or caregivers to provide a stable home environment. Having an understanding of the financial and employment stability of the family is important as well.

We also want to know whether there is a history of violence or maltreatment within the home – such as whether or not the youth has been exposed to domestic violence or aggression, or has been subjected to emotional, physical, or sexual abuse. Remember that some of these environmental factors have been found to be common among juvenile sex offenders – and juvenile delinquents in general.⁴ And some experts believe that there may be some kind of relationship between these types of issues and the development of sex offending or other delinquent behavior.⁵

And when considering the youth's environment, it is important to assess community influences such as socioeconomic conditions, cultural norms and values, neighborhood safety, and community cohesion or connectedness. In addition, peer affiliations must be assessed, given the relationship between negative peer associations and increased risk for delinquency.⁶ Access to victims and victim safety issues are essential considerations during the assessment of the environment as well.

Beyond concerns, deficits, and negative attributes, it is also vital that strengths and assets are assessed.

Use Slide #8: Assess Strengths and Assets

Individuals often feel more respected and valued when professionals recognize their interests and strengths and do not focus only on their problems. And of course, it is important to identify strengths and protective factors so that they can be built upon when designing strategies and interventions – using the strengths of a juvenile and his or her family can enhance the likelihood of success.⁷

Obviously, there is a lot of assessment data to be gathered about these youth and their families. And there are many sources from which this information can be obtained.

Use Slide #9: Assessment Data Sources

Interviewing the youth is an essential part of any assessment, but it certainly cannot be the only way to gather data. As you are well aware, relying on a juvenile's self-report will probably leave you with a very limited picture of the youth and his or her family – and one that reflects only what the youth is willing and able to tell you. Therefore, it is important that parents or caregivers, additional family members, and other collaterals are interviewed.⁸

In addition, the full range of records must be reviewed, such as police reports, victim statements, school records, social services and child welfare documents, and prior treatment records.⁹ These documents and records can provide a rich source of data about the juvenile and family. Without carefully reviewing these items, professionals will likely operate at a considerable disadvantage and will probably miss essential pieces of information – perhaps at the expense of the safety of the juvenile, family, victims, and the community.

And lastly, some of the data that we just identified as important will be obtained through psychological testing, using specific assessment measures that are designed to identify personality variables and mental health needs, as well as tests and inventories can help explore sexual interests, attitudes, and behaviors.¹⁰

Some of these tools are paper-and-pencil measures that are completed by the youth. Others may be completed by parents, caregivers, teachers, treatment providers, or supervision officers. And some assessment tools are physiological instruments that measure physical changes in – or reactions of – the youth, such as viewing time measures, the penile plethysmograph, and the polygraph.

We will talk in more detail about each of these kinds of assessment measures a little bit later.

Collaboration and Information Sharing

When you consider the list of key assessment data points that we just discussed, it may seem a bit overwhelming. But think about the importance and significance of these pieces of data, and how difficult it would be to manage these youth effectively and provide the necessary services and interventions over time without this information! Thus, the more data that is obtained, the better equipped we are to make informed and appropriate decisions about these youth.

This is because multiple sources and types of data help to ensure that assessments are reliable and valid.¹¹ Put simply, by collecting multiple types of assessment data from different sources, we are able to check, cross-check, validate, and verify the accuracy of our information. However, not all of this information is required by everyone at all times from an assessment and management perspective. Rather, the kind of assessment information needed depends in part upon your role in managing juvenile sex offenders, and the goal of the assessment.

Use Slide #10: Goals Influence Data Needs

Some assessments are designed to inform clinical decisions – such as developing a treatment plan or measuring treatment progress. Others may be used to inform juvenile justice decisions – such as court dispositions, placement decisions, or supervision case plans. The nature and extent of the data required for these types of assessments may be unique or distinct in some instances, and may be overlapping in others.

For example, the amount and type of assessment data needed by a supervision officer during a routine office visit or when conducting a routine home visit differs in some ways from the kind of information the officer would need to develop a comprehensive case plan or supervision plan. And that kind of assessment data will be different from the kind of information needed by a teacher or school resource officer who is assessing the day-to-day behaviors of a youth in the school setting. This is also different from the level, type, and amount of information needed by a specialized evaluator to conduct a comprehensive psychosexual evaluation of a youth. And similarly, the nature and type of data needed to conduct a comprehensive psychosexual evaluation is different from the information needed to assess a juvenile's progress in treatment. And all of this varies from the level or type of assessment data that a juvenile or family court judge needs when considering a disposition after adjudicating a youth.

Again, the type, purpose, and goals of assessment determine the nature and amount of information that needs to be collected and reviewed, as well as who

will be involved in the assessment process.. Some professionals involved in juvenile sex offender management will need to collect more assessment information, and some may need less. But regardless, good assessments often rely on information-sharing. This also highlights just how important collaboration is to the assessment processes.

Use Slide #11: Collaboration is Vital

Since different professionals have different needs for assessment information and have access to different sources of assessment data, and because not everyone is qualified to use or conduct all of these types of assessments, sharing information and working together are very important.

Keep in mind, however, the juvenile confidentiality laws and privacy regulations within your state and within your respective agencies. And, as always, it is important that releases of information are signed by the appropriate parties when required. Developing interagency agreements and memoranda of understanding related to information-sharing may also be necessary.

Summary

Before we move into a discussion about some specific types of – and approaches to – assessments used in juvenile sex offender management, let's summarize the key points that we have covered so far.

Use Slide #12: Summary

- First, keep in mind that assessments are the key to making informed decisions with juvenile sex offenders.
- Second, remember that assessment is, by definition, the role of everyone involved in juvenile sex offender management – it is not just the job of a specialized forensic evaluator.
- Third, because we know that risk, needs, and circumstances can change over time, assessment must be considered as an ongoing process, not a singular event.
- Fourth, it is essential that we rely on multiple sources of data so that our assessments are accurate, reliable, and valid. The more data, the better!
- And finally, the assessment process, and our approach to juvenile sex offender management overall, can be enhanced by collaboration and critical information-sharing.

Part II: Style and Approach

General Issues

By now, I hope that we have emphasized the importance of assessment as an ongoing process that can inform decisions throughout the juvenile sex offender management process.. Shortly, we will turn our attention to two specific types of assessments that can guide intervention planning, such as treatment and supervision plans. But before we do that, we should spend a few minutes discussing some important process-related issues related to assessment.

Use Slide #13: Style and Approach are Important

Because an overarching goal of an assessment is to obtain good information, it is important that consideration is given to one's style and approach. Regardless of your specific role in assessing juvenile sex offenders – for example, whether you are a forensic evaluator responsible for conducting a psychosexual evaluation, or an officer of the juvenile court responsible for conducting a pre-sentence/pre-disposition report – your style and approach are critical.

In fact, despite our best efforts, we sometimes overlook the impact that process-related variables can have on either increasing or decreasing the quality and quantity of information obtained during the assessment process. For example, dedicated efforts must be made to establish rapport with the youth and his or her family, because in the absence of a trusting professional relationship, youth and their families are unlikely to disclose information to us.¹² And if we establish adversarial patterns of interacting with youth and their families, they are very difficult to break.

Contextual Considerations

In addition, we sometimes fail to think about some of the contextual variables that may impact the juvenile and/or the parents when we encounter them for the first time to conduct an assessment.¹³

Use Slide #14: Contextual Variables

For example, because of the nature of the offense, the youth and his or her family may be experiencing extreme reactions of shame or guilt, and we should expect that there may be some level of denial. And of course, the stigma associated with being labeled as a sex offender can impact a youth's willingness to open up.

So, it can be helpful to consider the kinds of questions that you will be asking and the kind of information that you are trying to obtain. Much of it is extremely

personal and can be embarrassing. Just try to picture yourself talking to someone in a position of authority about your own sexual behaviors – which presumably are healthy, age-appropriate, and consensual! It is especially important, then, to maintain a non-judgmental and non-threatening stance as you conduct the assessment.

Something else that can be helpful early on is to identify some common ground and common goals with the youth and family, such as trying to figure out the best ways to ensure that these kinds of behaviors do not happen any more, so that the youth can go on to lead a healthy, successful life. This can create a sense of a partnership between the professionals and the youth and family, rather than an “us versus them” relationship.

Another contextual factor that may be operating is the reaction of the juvenile or family to being exposed for the first time to the juvenile court process, which may be overwhelming and confusing. As a result, they may be experiencing anxiety, confusion, or frustration, particularly if multiple agencies and numerous professionals have been involved with the investigation and other processes. It is also possible that the youth or the parents have had prior negative experiences with “the system” and may be reluctant to engage in the assessment process. Or a youth may still be concerned about opening up because he had been told earlier in the process by his attorney or parent (before agreements were made to conduct an assessment) not to say anything at all. Therefore, an important part of establishing a trusting professional relationship that can ultimately facilitate the assessment process is to provide information about the assessment approach and its relationship to the overall juvenile court process.

You should explain the nature of the assessment or evaluation that you are conducting – such as the role that you play in the court process, the type of information that you will be collecting, the potential sources you intend to use to obtain that information, how the information you collect will be used, and with whom the assessment information will be shared.¹⁴ And to the extent possible, it might be helpful to explain some of the juvenile justice court processes that they are going to be involved in, and about the range of disposition options that could be available.

Finally, something that we should always consider as an assessor is the potential impact of cultural values and norms on the engagement of the youth or family in the assessment process.¹⁵ Sometimes, we tend to barrel ahead with our questions and make assumptions about why individuals respond (or fail to respond) to our questions or expectations in certain ways that may be different from what we expect or desire. We may be ignorant of – or insensitive to – cultural issues, and how they may affect verbal and non-verbal communication styles, the tendency to speak candidly about personal problems or family difficulties, or the manner in which individuals respond to “outside” intervention.

Note to Trainers: *It is important that you become familiar with any local or regional cultural issues or needs before delivering this training and are prepared to discuss these issues during this section and other sections of the curriculum.*

So, what all of this means is that a little bit of perspective-taking and understanding can be very helpful for an assessor. Putting yourself in the youth's or family's shoes, so to speak, may help you adjust your style and approach in a manner that may enhance the assessment process and facilitate obtaining more information – and hopefully more *accurate* information.

Models for Engaging Clients

At this point, I'd like to turn your attention to a couple of specific frameworks for interacting with clients – “Invitations to Responsibility” and “Motivational Interviewing” – both of which are designed to enhance engagement during the assessment and intervention process, and both of which have been applied to the sex offender assessment and management process.¹⁶ Let me take a moment to briefly highlight these approaches in order to give you a sense for how they can be useful in considering your style and approach to the assessment process with juvenile sex offenders.

Use Slide #15: Invitations to Responsibility

The first, Invitations to Responsibility, is designed as a way to engage typically involuntary clients who are involved in the criminal and juvenile justice system due to sex offending and other abusive behaviors.¹⁷ It was developed as an alternative to the more adversarial approaches that attempted to coerce offenders into taking responsibility for their actions, and in which strong confrontation began at the point of assessment as a means of externally motivating the offender to accept the need to change.

The Invitational model uses a respectful line of questioning and reflecting in an effort to engage the offender in the process. It is about developing a partnership, rather than a power-based relationship. Recognizing the importance of personal choice, a key goal of this approach is to assist the offender with identifying internal motivators for accepting responsibility and their own reasons for change. Essentially, the model emphasizes what many of you already know – that offenders are unlikely to engage in the change process or make lasting change unless they recognize their need for help and have a genuine desire to do things differently.

Very similarly, Motivational Interviewing is a specific approach that is designed to help professionals tailor their style and approach in a way that will reduce a clients' resistance and promote their engagement in the assessment and intervention process.¹⁸ And it has become increasingly popular for working with both adult and juvenile sex offenders.¹⁹ It is closely linked with the

Transtheoretical Model of Change developed by Prochaska and DiClemente, which suggests that when individuals have engaged in problem behavior they progress through common stages of motivation to change, and therefore we must tailor our strategies of interaction accordingly.²⁰

For example, in the first stage, individuals have not yet acknowledged a problem or a need to change. Later, clients may acknowledge that there is a problem, but may not have made a decision to change yet. After a decision to change has been made, individuals begin to take action, engage in the change process, identify strategies for change, learn to manage “slip ups,” and ultimately focus on maintaining the changes that they have made.

The way in which we frame questions or interact with a client should vary depending upon the client’s stage.

 **Use Slide #16: Motivational Interviewing: Guiding Principles**

Motivational Interviewing is driven by four guiding principles,²¹ which are especially relevant at the earlier stages, when we are most likely to encounter clients for assessment purposes.

First, as we mentioned a few minutes ago, juveniles and their families may be experiencing a number of issues that impact how they appear at the time of an assessment, which has implications for us in terms of perspective-taking and being empathic. Indeed, one of the guiding principles of Motivational Interviewing is to express empathy, by using active listening, offering statements that reflect the client’s expressions, and remaining non-judgmental and non-adversarial.

And knowing that clients are better positioned to be open to the assessment and intervention process when they recognize – on their own – the importance of changing, a second principle of Motivational Interviewing is to develop discrepancy in the client. In other words, by using specific types of questions, professionals can help the client with a critical self-assessment, so to speak, where they are able to see the discrepancy between what they want to be like or what they believe in and the actual things that they have done; this often leads clients to recognize their desire for and need to invest in the change process.

A third guiding principle is to roll with resistance. This essentially means that when working with offenders, we need to recognize that resistance is a normal process. Rather than actively confronting and battling this resistance, we need to accept it, attempt to understand it, and “go with it.” Again, by using active listening and reflection, combined with specific types of questions, the professional may be able to facilitate or enhance the client’s amenability to the assessment and change process.

Finally, Motivational Interviewing emphasizes the importance of promoting self-efficacy. As you all know, acknowledging problems and changing them is difficult. It is important, therefore, that we help clients see that change is possible and, to the extent possible, take active steps to help them to feel more confident in their ability to make change.

It is beyond the scope of this training to provide a detailed review of the Invitational or Motivational Interviewing approaches, and it certainly isn't designed to make you an expert on these or any other assessment issues, but I would encourage you to explore them further if you are interested. Suffice it to say that these approaches can be very useful in your work with these youth. In addition, you might consider some additional tips or techniques that may prove beneficial for conducting interviews as part of the assessment process.²²

Use Slide #17: Additional Interviewing Tips

First, keep in mind that we are working with youth, so we need to be developmentally sensitive in our interviewing approaches. Obviously, it is important that the youth understands what we are asking, so we should avoid using too much technical, legal, or clinical "jargon." Rather, when asking questions, use words and terms that can be easily understood. And further explain what you are asking if you have any questions about the youth's level of comprehension.

Another useful technique is to ask open-ended questions, rather than asking questions in a way that only allows for a simple "yes" or "no." During an assessment, particularly when talking about sensitive, shame-inducing, or embarrassing behaviors, the youth may be more prone to respond with a "no" if given the opportunity. For example, rather than asking "Have you ever...", think about posing the question as "How many times have you..." This can have the effect of normalizing the behavior about which you are inquiring, and can help the youth feel less threatened.

Similarly helpful can be the use of what is referred to as "successive approximation." With this strategy to questioning, the interviewer sequences questions around a specific issue beginning with something less threatening or more benign to allow for the youth to acknowledge some part of the issue. Gradually and incrementally, questions are more detailed and move closer to the more complete or troubling aspects of the behaviors in question.

Take, for example, a case in which the police report and victim statements indicate that a youth penetrated his younger brother, with whom he shared a bedroom. Rather than beginning by asking a question directly about that, the interviewer might start by asking a question about how often he and his brother "ended up" sleeping in the same bed, regardless of the reason. The next question may be something like this: "Sometimes, when people sleep in the

same bed, they end up making contact with each other in non-sexual ways, even if they don't intend to be touching. How often would you wake up and find that your bodies were close together?" This may be followed by questions about other "incidental," non-sexual contact, followed by questions about disrobing, and so on.

When this approach is used well – and when a trusting professional relationship and therapeutic climate has been established – the youth may be more likely to respond to the more "neutral" questions, and may be less resistant to answering the increasingly more probing questions. Each affirmative answer to a question gets the interviewer closer to asking about the behavior in question.

This next tip is one that can be difficult for many professionals during an interview: resisting the urge to challenge or confront every contradiction or minimization. Remember that a primary goal of the assessment is to obtain information. You will have at your disposal a range of records and other data points that can inform your assessment. During the assessment process, it is common for youth to offer information that does not match up with official records and to deny or minimize what has been reported. When a youth demonstrates a consistent pattern of denial, minimization, or contradiction during the assessment, do you think that provides important data points for the interviewer?

(ALLOW FOR A BRIEF AFFIRMATIVE RESPONSE FROM THE AUDIENCE.)

That's right, it *is* very important information. And it is common for assessors to immediately confront and challenge these kinds of inconsistencies as they arise during the interview. However, despite the best of intentions, this may cause the youth to "shut down" early during the interview, which in turn can result in less information being obtained throughout the remainder of the assessment process.

If there are critical issues that must be questioned or challenged – or when the assessor will benefit from exploring the manner in which a youth responds to being confronted with inconsistencies – it may be more helpful to wait until the interview draws to a close. And then, rather than using a critical or harsh style, consider saying something like the following: "It's been very helpful to speak with you today, and I appreciate all that you have shared with me. Before we finish, there are just a few points that I am a little bit confused about – and I am hoping you can help me with them."

Finally, the importance of positive reinforcement cannot be overemphasized during the assessment process. We know from the field of psychology that positive reinforcers increase the likelihood that a specific behavior will be repeated. Therefore, we can apply this to the interviewing and assessment process to better our chances of obtaining more complete information. So, when a youth is candid and honest, is engaged and cooperative, and discloses information, it is important that praise and "positive strokes" are consistently

provided. Remember, since a major goal of the assessment process is to obtain good information, we should reinforce disclosures during the interview.

To summarize this section with a single phrase, and before we move into discussions about the pre-sentence/pre-disposition report and the psychosexual evaluation, remember the old adage, “You can catch more bees with honey than with vinegar.”

Part III: Pre-Sentence/Pre-Disposition Reports

General Issues

Up to this point, we have focused on fairly broad assessment issues and principles. Now let’s “drill down” a bit and consider a specific type of assessment that occurs early in the juvenile justice process and which tends to be fairly influential in the management of juvenile sex offenders. The pre-sentence/pre-disposition report, also known as a pre-disposition or pre-sentence investigation, or probation investigation, is commonly used to assist juvenile and family court judges with decisionmaking at the point of disposition. Generally, it is conducted by an officer of the juvenile court.

Use Slide #18: Pre-Sentence/Pre-Disposition Report

If it is well-crafted, the pre-sentence/pre-disposition report offers one of the first opportunities for key stakeholders to obtain a comprehensive picture of the juvenile sex offender and his or her family. As such, the pre-sentence/pre-disposition report provides important baseline data from the youth’s point of entry into the system, against which changes can be measured as he progresses through the management process. Ideally, then, the pre-sentence/pre-disposition report will follow the juvenile throughout the system and, in combination with other types of assessments, will be used to assist with the development of supervision case plans and treatment plans.

Use Slide #19: Overarching Considerations

Fundamental to this assessment are three overarching considerations that must be carefully balanced: the needs of the juvenile, the victim, and the community. This is best accomplished by ensuring that the juvenile court officers who are responsible for completing the report have clear, policy-driven guidance. Therefore, procedures for developing pre-sentence/pre-disposition reports should outline the specific elements to be assessed and the methods by which the assessment information or data should be collected, and create a standard format to be used for reporting.²³

Key Components of the Pre-Sentence/Pre-Disposition Report

Let's talk for a few minutes about the key elements that should be included in a pre-sentence/pre-disposition report in order to make the report the most useful to the juvenile or family courts and other stakeholders.²⁴ Many of these will be familiar to you, as we identified a number of them when we brainstormed important assessment data points earlier.

Use Slide #20: PSR/PDR: Critical Elements

- For example, it will be important for the juvenile court officer to include a detailed description of the offense, including the official police or social service accounts. In addition, the report should include both the juvenile's version of the offense and the victim's statements, as well as the reaction of the juvenile's parent or caregiver.
- The court officer conducting the report should also attempt to explore the level of responsibility that the youth is willing to accept for his behavior, and whether or not excuses are offered or blame is placed elsewhere.
- Other important considerations are the youth's trauma history, the level of remorse that the youth expresses, and if the youth is able and willing to recognize the potential impact on, or harm caused to, the victim and others.
- As is the case with any good assessment, the report should provide a summary of the juvenile's history – including education, health, mental health, prior delinquency, substance abuse, and peer affiliations. And remember, any identified strengths or assets in these areas should be included in the report as well, because these strengths may be very helpful to the judge when considering the ultimate disposition.
- And of course, family functioning must be assessed – such as the ability of the parents or caregivers to provide adequate supervision and structure, the level of stability in the home, and parental risk factors such as criminal history, substance abuse, mental health difficulties, or family violence. Again, attention to strengths and assets is a must.

Since we are talking about the importance of assessing both strengths and assets of the juvenile and his or her family, I'd like to share with you an assessment tool that can be particularly helpful when developing a pre-sentence/pre-disposition report – the Child and Adolescent Strengths and Needs - Sexual Development (CANS-SD).²⁵

Use Slide #21: Child and Adolescent Strengths and Needs – Sexual Development

The CANS-SD is a structured needs assessment tool designed specifically to be used with sexually abusive youth. It is very comprehensive – covering many or most of the critical domains that must be assessed when developing a pre-sentence/pre-disposition report – and, therefore, it provides a consistent method for ensuring that the assessor considers each of these elements. And it doesn't just include factors that are limited to the youth. Rather, the CANS-SD includes family variables as well. And as the name suggests, the CANS-SD includes a review of the strengths and assets of the juvenile and his or her family.

What's really helpful about this tool is that it can be used by supervision officers or other non-clinicians (as well as clinicians). And it can be used as a repeated assessment tool to review changes over time and make adjustments to case management plans accordingly.

Let's return to the critical components of the pre-sentence/pre-disposition report.

Return to Slide 19: PSR/PDR: Critical Elements

- You will recall that an overarching consideration for the pre-sentence/pre-disposition report involves specific attention to the needs and interests of victims. Therefore, it is important to include the victim impact statement, a discussion of any injuries or losses, desires for restitution or reparation, and any ongoing safety concerns.²⁶
- The pre-sentence/pre-disposition report should also include a review of any potential aggravating or mitigating factors that the juvenile court should consider when making the disposition. For example, if a significant degree of force or gratuitous violence was used – well beyond what was necessary in order to gain the victim's compliance – and considerable physical injuries were inflicted, this might be included as an aggravating factor. This is particularly critical if the nature of the charge or petition does not adequately reflect the nature and seriousness of the offense, which sometimes happens when plea negotiations are made.
- On the other hand, there may be potential mitigating factors that should be considered by the court, such as a particularly young offender, or one who suffers from significant mental health difficulties or developmental disabilities, or a youth who was coerced by an adult to participate in the offense. These kinds of factors may have impacted the juvenile's culpability or competency, and without making note of these issues, key decisionmakers may have an incomplete view of vital contextual variables.
- The report should also include an assessment of the juvenile's risk for reoffending, both in terms of sexual and non-sexual recidivism. And it is especially important that the assessor clearly specifies which tools were used to assess these types of risk, respectively. A little bit later, I will refer you to a couple of general risk assessment tools and will highlight two

promising risk assessment tools specifically designed for use with juvenile sex offenders: the Juvenile Sex Offender Assessment Protocol-II (J-SOAP-II)²⁷ and the Estimate of Risk of Adolescent Sexual Offense Recidivism (ERASOR).²⁸ Again, we'll talk about those in a little bit more detail later. It is important to specify the type of risk assessed and the tools used, because the risk factors that researchers have found to be related to general recidivism among juveniles may be different than those factors that predict sexual recidivism for juveniles.²⁹

- Beyond the assessment of risk, the pre-sentence/pre-disposition report should include the identified rehabilitation needs of the youth, making note of the type and intensity of services that may be most beneficial.
- And finally, after considering all of the critical issues, the court official who is responsible for completing the assessment should include a disposition recommendation.

Pre-Sentence/Pre-Disposition Report Recommendations

Use Slide #22: Recommendations

When recommendations are offered to the court, there should be no question in the judge's mind about *why* they were recommended. In other words, any and all recommendations should be fully supported by the facts contained in the body of the pre-sentence/pre-disposition report. So, if you cannot provide a reasonable basis for a specific recommendation, then it probably should not be included.

To be maximally useful to the court, the recommendation section of the pre-sentence/pre-disposition report should include any identified needs that the youth has for specialized programs and services, such as sex offense-specific treatment. In addition, there should be a statement about the required level of custody of care, using the least restrictive alternative that will ensure community safety.

In some jurisdictions, recommendations may also include suggested special conditions of supervision for the juvenile sex offender, should he be allowed to remain in the community. We will talk more about potential specialized conditions for juvenile sex offenders when we get to the section on community supervision. And if orders to pay court costs, other fines, or restitution are warranted, these should be specified in the recommendation section as well.

Overall, it is important that the pre-sentence/pre-disposition report outlines the course of action that is believed to be the ideal disposition, regardless of whether the resources are currently available – so if necessary, gaps in services should be noted and secondary recommendations should be offered.³⁰

Practical Resources

As we wrap up this section, I'd like to draw your attention to a couple of resources that can be particularly helpful for court officers who are responsible for conducting pre-sentence/pre-disposition reports.

Use Slide #23: Juvenile Delinquency Guidelines: Improving Court Practice in Juvenile Delinquency Cases

The first is entitled “Juvenile Delinquency Guidelines: Improving Court Practice in Juvenile Delinquency Cases.”³¹ This best-practices handbook was developed by the National Council of Juvenile and Family Court Judges, with support from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) of the U.S. Department of Justice, Office of Justice Programs.

Use Slide #24: Desktop Guide to Good Juvenile Probation Practice

Another useful reference is entitled the “Desktop Guide to Good Juvenile Probation Practice,”³² and was produced by the National Center for Juvenile Justice, also through funding from the Office of Juvenile Justice and Delinquency Prevention.

Both of these resources offer detailed explanations about key principles and approaches to conducting pre-sentence/pre-disposition reports for juvenile delinquency cases, in addition to a host of other key issues relevant to juvenile court proceedings and strategies. For example, the experts and practitioners who contributed to these resource manuals offer specific information about approaches, standards, and best-practices related to the adjudication process, disposition hearings, post-disposition reviews, intake processes, supervision strategies, and responses to probation/parole violations, to name a few.

Even though neither of these handbooks is designed specifically to address juvenile sex offenders, both provide some information about effective responses to juvenile sex offenders in their respective sub-sections about special populations. Overall, these publications can be invaluable guidebooks that offer very specific and practical examples and suggestions, and I would encourage you to take full advantage of them.

Part IV: Psychosexual Evaluations

General Issues

The psychosexual evaluation, sometimes referred to as a juvenile sex offense-specific evaluation, is another influential assessment that can inform and enhance juvenile sex offender management efforts.

Use Slide #25: Psychosexual Evaluation

Its name signifies a very important point. That is, a psychosexual evaluation is not the same as a *psychological* evaluation. Although there are some areas of overlap – which we will talk about in just a moment – the psychosexual evaluation is geared toward providing a very detailed focus on sexual development, sexual attitudes, sexual interests, and sexual behaviors that are both “normal” and “deviant” in nature. Because of the specialized nature of this type of assessment, a well-trained evaluator with specialized expertise is essential – and specialization can take multiple forms in this instance.³³

Note to Trainers: *There are a number of sources that discuss specialized training and educational expectations for practitioners who conduct juvenile sex offender assessments, including the Association for the Treatment of Sexual Abusers (ATSA) and the National Adolescent Perpetrator Network (NAPN). Additionally, some states have legislatively promulgated standards for evaluators in these cases. Trainers should be sure to familiarize themselves with any such issues or resources in their own state.*

- First, since these youth are almost always involved in court proceedings, the evaluator should ideally be someone with specialized training and experience in forensic clinical practice (i.e., the application of psychology to legal practices) and the ethical principles, standards of practice, and guidelines associated with forensic clinical work.³⁴
- Second, because of the age of the youth and the important developmental hallmarks that characterize the period of adolescence, it is important that the evaluator is well-trained and experienced in the field of adolescent mental health, juvenile justice, or both.
- Third, as the field of sex offender management is highly specialized, individuals who conduct psychosexual evaluations should have specialized training, experience, and expertise in this area of practice.
- But as we discussed early in this training, there is a growing body of literature that highlights the differences (and similarities) between adult and juvenile sex offenders. The ideal evaluator, therefore, is well-versed with this research and has experience and training specific to *juvenile* sex offender management.

Filling these criteria is a tall order, isn't it? But think about the implications of an evaluator doing this work without specialization in these domains. What might happen then?

(ALLOW FOR AUDIENCE RESPONSES.)

That's right. Uninformed evaluators create poor quality evaluations, which lead to ineffective and inappropriate recommendations and interventions. The end result, though unintentional, may be compromised victim and community safety, or even harm to the youth or family.

Another issue that warrants careful consideration when conducting psychosexual evaluations of juvenile sex offenders involves the *timing* of the assessment. Specifically, forensic evaluators may be called upon to conduct these assessments prior to the adjudication phase to assist juvenile and family court judges and other system actors with decisionmaking. However, conducting an evaluation at this phase of the court process has the potential to raise some very important ethical and legal concerns.³⁵

Use Slide #26: Ideally Conducted Post-Adjudication

- Obviously, to be thorough, the evaluator needs to question the youth about the current allegations, as well as a number of details about other types of sexual interests and behaviors. In so doing, there may be an implicit presumption of *guilt* on the part of the evaluator and the system actors who are requesting the evaluation. In addition, this type of evaluation, and the requisite lines of inquiry, may place the youth in a position of self-incrimination, which may run counter to Fifth Amendment protections.
- Furthermore, in the event that the youth does in fact acknowledge the behaviors in question, the evaluator may be inadvertently addressing the guilt or innocence question – or the “ultimate issue” – for the courts, rather than allowing the juvenile or family court judge or other trier-of-fact to make that determination. There are, of course, no assessment tools that can determine affirmatively whether a youth has or has not committed a sex offense (absent an admission by the youth), and it is beyond the scope of duties and outside the bounds of ethical practice for the evaluator to offer a statement of guilt or innocence.³⁶
- Lastly, conducting the evaluation prior to the adjudication increases the potential for the evaluator to elicit additional disclosures from the youth that, because of mandated reporting requirements, may need to be reported to the authorities, and may be subsequently used for further charges or prosecution of the youth.

Therefore, to avoid these controversies, it may be best to conduct the psychosexual evaluation following adjudication and prior to the disposition.³⁷ That way, the key goals of the psychosexual evaluation – to assist key stakeholders with making informed decisions at the point of disposition, and to provide guidance for the development of effective treatment and supervision plans – remain clear.

Sometimes, however, defense attorneys and prosecutors reach agreements prior to disposition that may allow the evaluation to be conducted pre-adjudication. For example, when the youth admits the allegations are true, both parties may be willing to stipulate to a guilty plea and agree to support the recommendations offered in the psychosexual evaluation. In addition, to accelerate the resolution of some cases, the prosecutor may agree to waive any additional charges that would have been considered if additional disclosures are made during the course of the evaluation process, provided that the youth and his or her family agree to participate in offense-specific treatment or other services as recommended. Under these kinds of circumstances, the ethical and legal questions may be less of a concern, and it may be less controversial to conduct the evaluation prior to the formal adjudication. Be aware, though, that even in these instances, some youth may still be hesitant to open up – at least initially – because they had been previously told by their attorneys not to talk to anyone about what they had done. When that happens, it might even be helpful for a youth’s attorney to give the youth “permission” to participate fully in the assessment process.

Use Slide #27: Informed Consent

As is always the case, even when the evaluations are court-ordered, it is important that the evaluator carefully explain their role in the process, the specific approaches and procedures that will be used, any potential risks and benefits associated with participating (or refusing to participate) in the evaluation process, the limits of confidentiality, and the way in which the assessment findings may be used throughout the court process.³⁸ Put simply, informed consent of the youth and the parent/guardian is a critical first step in the evaluation process.

Psychological Evaluations and Psychosexual Evaluations: Similarities and Differences

Now that we have covered some of the broader issues involved in conducting this kind of an evaluation, let’s consider the specific elements that should be addressed in the psychosexual evaluation. Remember, the psychosexual evaluation is more than a psychological evaluation – although there are some similarities.

Use Slide #28: Commonalities Across Evaluations

- Of course, clinical interviews with the juvenile and the parent or caregiver are common to both types of evaluations. Particularly for the psychosexual evaluation, they provide an opportunity to begin to gather a full psychosocial history, assess amenability to intervention, gauge the level of candidness and disclosure, identify the degree to which personal responsibility is assumed, and explore the current level of remorse and/or empathy.

- And as you can see, both psychological and psychosexual evaluations rely on a thorough review of records. With a psychosexual evaluation, however, there are oftentimes additional types of records that must be considered, such as police reports and victim statements.
- In addition, both a psychological and a psychosexual evaluation include general psychological testing to assess intellectual functioning, personality, and mental health needs. To name just a few, the Wechsler Scales may be used to assess intellectual functioning, the Minnesota Multiphasic Personality Inventory-Adolescent version (MMPI-A) can be used to assess various aspects of emotional, personality, and social adjustment, and the Massachusetts Youth Screening Inventory-2 (MAYSI-2) has become increasingly popular as a means of screening for mental health difficulties.³⁹
- And in the event that significant psychiatric concerns are identified, it may be helpful to refer the youth to a child and adolescent psychiatrist for further evaluation and recommendations.

It is at this point that the psychosexual evaluation takes a different and unique turn. So, let's take a look at the key elements that are specific to the psychosexual evaluation that likely would not be included in a general psychological evaluation.

Use Slide #29: Unique Elements

- With the psychosexual evaluation, there is considerable focus on the assessment of sexual attitudes, interests, and behaviors, through a detailed sexual history and the use of sex offense-specific measures.
- And oftentimes, a risk assessment tool is used that is specifically designed to estimate recidivism potential for juvenile sex offenders.
- In addition, when conducting a psychosexual evaluation, the use of physiological measures – such as the penile plethysmograph, viewing time measures, and/or the polygraph may be warranted. These are certainly not tools that would be used during a general psychological assessment, are they?
- Because of the important focus of the psychosexual evaluation, I'd like to spend a few minutes highlighting the sexual history aspect of the assessment.

Use Slide #30: Sexual History

Remember that starting with more neutral, less threatening types of issues can be a good strategy with assessments. So, when conducting the sexual history, the evaluator may wish to begin by simply listing the different ways in which

individuals learn about sex – such as from sex education classes at school, from a parent or older sibling, from peers, or from television programs, movies, books, magazines, or the Internet – and then asking the youth to discuss the way or ways in which he or she learned about sex.

Another relatively neutral topic may be to ask about physical and sexual development – including if and when the youth first began to notice physical changes in his or her body, when puberty began, etc.

A potential next line of inquiry could focus on the kinds of issues, ideas, behaviors, or persons that the youth finds to be sexually appealing or interesting, or even arousing (i.e., “turn-ons”), as well as the kinds of things that are “turn offs” for the youth. This may also be a relevant time to ask them about their exposure to or use of sexually explicit materials such as magazines, movies, or Internet sites.

All of these discussions can provide an easy lead-in to asking about the content of sexual fantasies, as well as masturbation practices, such as the onset, frequency, and driving forces behind masturbation (i.e., “Under what circumstances are you most likely to feel like masturbating?” and “What are you most likely to think about when you masturbate?”).

It will also be important to ask about any sexual experiences that the youth has had thus far, first by inquiring about consensual, age-appropriate behaviors, and then following with a discussion about any times that they experienced sexual contact with another person in which they may have felt pressured, forced, confused, or otherwise uncomfortable.

As you can see, these lines of questioning have gradually progressed from broader, normative, and more benign types of questions to those that may feel more intrusive. Ultimately this culminates in some very specific questions that focus on the details surrounding the sex offense(s) for which the juvenile was adjudicated.

In addition, it is vital that the evaluator inquires about the full range of potential sexual interests, fantasies, urges, or behaviors of the youth, beyond the adjudicated offense. This is because there may be problematic sexual behaviors or sexual deviance issues that may have gone unreported or undetected, such as exhibitionism, voyeurism, fetishes, or sexual contact with animals. And these issues may impact the level of risk and needs of the youth and that may require additional intervention.

Offense-Specific Assessment Tools

Beyond the clinical interview and the detailed exploration of the youth’s sexual history, the use of sex offense-specific, paper-and-pencil assessment

instruments can provide additional and very important data that can enhance a psychosexual evaluation.⁴⁰ Let's talk about a few of them.

Use Slide #31: Examples of Psychosexual Assessment Measures

On the Adolescent Sexual Interest Cardsort,⁴¹ for example, youth self-rate their degree of arousal to a series of statements or vignettes that include consensual and age-appropriate sexual behaviors, sexual contact with male and female children, forcible sexual encounters, and non-contact deviant sexual behaviors such as exhibitionism and voyeurism. Responses on this measure can provide insights into the youth's normal and deviant sexual interests.

The Adolescent Cognitions Scale has a slightly different area of focus. It is comprised of several statements that support, minimize, justify, or excuse sex offending behaviors – also referred to as cognitive distortions or thinking errors.⁴² A youth's endorsements of these items suggest the presence of cognitive distortions related to sex offending in general and/or a tendency to minimize or justify the youth's own sex offending behaviors.

A more comprehensive juvenile sex offense-specific assessment tool, because it covers a broad range of issues, is the Multiphasic Sex Inventory-Juvenile version (MSI-J).⁴³ This instrument includes validity scales that are designed to assess the youth's frankness and candor, versus tendencies to overexaggerate or minimize sexual issues. It also includes scales that explore sexual knowledge; cognitive distortions; attitudes toward treatment; a range of paraphilic interests, fantasies, and behaviors; and apprehension or confidence related to sexual matters. In addition, the MSI-J includes items that provide a brief assessment of the youth's social-sexual history.

Lastly, a needs assessment tool that we already highlighted during our discussion of the pre-disposition: the Child and Adolescent Strengths and Needs - Sexual Development (CANS-SD).⁴⁴ Again, the CANS-SD allows for a comprehensive review of several critical domains, including the assessment of individual factors, parent/caregiver issues, family variables, general risk factors, and several characteristics pertaining to the youth's sexual behavior problems.

Please keep in mind that these instruments are not the only available tools for use with juvenile sex offenders. I simply highlighted these to give a sense for some of the specific types of issues that are covered in these offense-specific tools that would not be addressed by general psychological assessment measures. It is also important to remember that these tools are self-report measures and, as such, the amount of information that can be gleaned from these tools is directly influenced by the level of honesty and openness that the youth is willing to offer. Again, this highlights the importance of establishing a trusting professional relationship and engaging the youth in the assessment process. And the inherent fallibility of self-report measures is also one of the

reasons that some evaluators use physiological measures to augment the psychosexual evaluation process.

Physiological Tools

Aside from sex offenders, it is hard to imagine any populations within the criminal or juvenile justice field for which physiological assessments are commonly used. Broadly speaking, these tools examine the relationship between an individual's biological and/or physical responses – in other words, physiological responses – and their thoughts, emotions, and behaviors. Because physiological responses can be difficult for people to control, the use of physiological tools with sex offenders is believed to provide more objective assessment data that is not dependent on the individual's willingness to self-report.

Three physiological instruments are commonly used in the assessment of sex offenders: the penile plethysmograph, viewing time measures such as the Abel Screen, and the polygraph.⁴⁵ We'll discuss each of these very briefly.

Use Slide #32: Physiological Tools

Plethysmography

The penile plethysmograph assesses deviant sexual arousal in a laboratory setting by measuring the extent to which the penis becomes more full and erect when an individual is exposed to various types of visual and/or auditory stimuli – both non-deviant and deviant. Obviously, the greater the erectile response, the greater the degree of arousal that is thought to exist. With adult sex offenders, this approach is perhaps the most objective measure of deviant sexual arousal. And deviant arousal assessed in this fashion is among the strongest predictors of sexual recidivism with adult sex offenders.⁴⁶

But over the years, despite its empirical support and its popularity with those who evaluate adult sex offenders, experts have raised concerns about the plethysmograph, such as its intrusiveness, the potentially graphic nature of the stimulus materials, the lack of standardized procedures for how it is administered, inconsistencies in the manner by which responses are scored and interpreted, and – believe it or not – the potential ability of some clients to fake or suppress their responses.⁴⁷ And these same concerns have been raised regarding the use of the penile plethysmograph with juvenile sex offenders.⁴⁸ Moreover, there has been only a limited amount of research conducted on its reliability and validity with juvenile sex offenders.⁴⁹

Some of the research on plethysmography with juvenile sex offenders has, in fact, suggested that this approach can be helpful for assessing deviant arousal with *some* youth.⁵⁰ On the other hand, there is evidence that the reliability and validity of its use with juveniles may be affected by youth who are younger and

who deny their offenses.⁵¹ And inconsistent findings in the research about the relationship between juveniles' own sexual victimization experiences and their response patterns on the plethysmograph create even more questions about the use of this tool and what the results really mean.⁵² As a result, experts have suggested that when conducting assessments of juvenile sex offenders, the plethysmograph should be used cautiously and selectively, keeping in mind some very important caveats.⁵³

Use Slide #33: Plethysmography Cautions

Again, these include the limited research on its use with juvenile sex offenders and the potential for a number of factors, including age and physical maturity, to impact the reliability and validity of the results. In addition, because of the potential for arousal patterns to be unstable during the period of adolescence, evaluators should consider the age and development of the youth before deciding to use the plethysmograph. And of course, there are concerns about requiring a youth to undergo such an intrusive procedure and one that may expose youth to sexually explicit stimuli.

Use Slide #34: Programs Using Plethysmograph with Juveniles

Perhaps not surprisingly, as you can see, in programs across the country that provide services to juvenile sex offenders, the use of the penile plethysmograph is fairly uncommon.⁵⁴ These current utilization patterns with juveniles are half of what they were nearly ten years ago!⁵⁵

Viewing Time

In part due to the concerns about the intrusiveness, explicit stimulus materials, and costs associated with the plethysmograph, viewing time instruments such as the Abel Assessment for sexual interest were designed as an alternative method for assessing deviant sexual interests.

A key feature of the viewing time approach involves the presentation of a series of non-sexually explicit slides of a range of individuals, including young male and female children, adolescents, and adults, all of whom are clothed. There are also some slides that use clothed models to depict paraphiliac acts such as voyeurism, exhibitionism, frotteurism, and sadomasochism. The offender being assessed is responsible for advancing the slides, so the amount of time that elapses before the individual moves to the next slide provides the measure of viewing time. Essentially, the idea behind this assessment approach is that the longer an individual views a specific type of stimulus, the more interested he is. Obviously, then, to maintain the reliability and validity of this assessment method, it is important that the person being evaluated does not know that viewing time is being measured.

 **Use Slide #35: Viewing Time Cautions**

Because the Abel Screen is a relatively new measure, compared to the penile plethysmograph, there is less research on its reliability and validity, and there are mixed findings.⁵⁶ A growing body of literature does suggest that this method of assessing sexual interests is promising, primarily when assessing deviant sexual interests involving children.⁵⁷ Questions about its use with juvenile sex offenders still remain, primarily because of the limited and mixed research findings that have been published thus far.⁵⁸

 **Use Slide #36: Programs Using Viewing Time with Juveniles**

You'll recall that a minority of juvenile programs report using the plethysmograph with their youth. Perhaps because viewing time measures such as the Abel Screen appear to be a promising alternative to the plethysmograph for assessing deviant sexual interests, more programs providing services to juvenile male sex offenders across the country are using them⁵⁹ – yet these utilization trends are still fairly low, suggesting that reasonable caution is being exercised.

Polygraphy

Earlier when we discussed some of the differences between psychosexual evaluations and general psychological evaluations, we made reference to the potential use of the polygraph. Using the polygraph to augment a psychosexual evaluation is probably less common than using the plethysmograph or a viewing time measure such as the Abel Screen for a psychosexual evaluation. Instead, it may be more commonly used as a means of indirectly monitoring treatment and supervision compliance or to facilitate a client's disclosure of sexual history at later points in the system.

However, since we are talking about the use of physiological tools for assessment purposes right now, and as we have already emphasized the importance of considering assessments beyond the more specific, single "point in time" assessments like the psychosexual evaluation or pre-sentence/pre-disposition report, we will cover the polygraph here as well.

Many of you are probably aware of the growing popularity of the polygraph to aid in sex offender management practices. Specifically, as an assessment tool that measures physiological responses believed to be associated with deception, it has become more and more common as a means of facilitating a sexual history and for assessing compliance with treatment and supervision expectations.

 **Use Slide #37: Polygraph Utilization Trends in Community-Based Programs**

Indeed, as you can see, the use of the polygraph for these types of assessment purposes with adult sex offenders has more than doubled over the past decade, and there are similar utilization trends for assessing juvenile sex offenders.⁶⁰

It should be noted, however, that the polygraph remains a controversial area of practice with sex offenders. This is largely because the polygraph is far from infallible – in fact, its results are inadmissible in criminal cases largely because the polygraph has not been sufficiently demonstrated as a reliable and valid tool by the scientific community, as well as concerns about self-incrimination that may arise during the course of an examination.⁶¹ Empirical research on the polygraph continues to be limited, particularly in terms of its reliability and validity for sex offender management purposes.⁶² Despite the lack of empirical support, practitioners who are proponents of its use find the polygraph to be valuable for increasing disclosures among sex offenders – including youthful sex offenders.⁶³

Use Slide #38: Polygraph Cautions

So if the polygraph is used with juvenile sex offenders, consumers should proceed with caution. Indeed, because the reliability and validity of the polygraph with juveniles has yet to be established – and because there is evidence to suggest that the results can be impacted by some important developmental variables, such as age, intellectual functioning, maturity, and emotions – experts suggest that the polygraph should be used very selectively with juvenile sex offenders.⁶⁴

Suggested Practice Guidelines for Using Physiological Tools with Juvenile Sex Offenders

At this point, it is probably evident that physiological assessment tools are not “magic bullets,” so to speak. Like all other types of assessment instruments, physiological tools have their own advantages and, of course, their limitations.⁶⁵ And when considering these tools for juvenile sex offenders, some of the limitations may become more pronounced. Again, that is because of the relatively sparse research that has been conducted on the use of physiological instruments with juveniles and because the associated results can be affected by developmental variables.

To minimize the potential for misuse, suggestions and guidelines have been proposed for the use of these tools with sex offenders.⁶⁶

Use Slide #39: Practice Guidelines: Physiological Measures with Youth

- These suggestions and guidelines emphasize that physiological tools cannot be used to determine guilt or innocence and should never be used

in isolation as the exclusive basis for critical decisions throughout the offender management process.

- Again, as we emphasized earlier, relying on multiple sources of data, rather than the information from a single tool or source, increases the reliability and validity of our findings, and subsequently enhances our ability to make more informed and effective decisions.
- In addition, as is the case with all assessment tools – and is particularly critical with these types of instruments – the assessors must have specialized training and expertise, and must adhere to established professional regulations and ethical standards.
- Because of the potential for Fifth Amendment concerns to arise, policies should be established to protect clients from self-incrimination. Moreover, informed consent must always be provided, with any risks, benefits, and limitations.
- And finally, it has been suggested that, if used for assessing juvenile sex offenders, physiological instruments should be reserved for older youth, youth with more extensive offense histories, and youth who are not developmentally disabled or suffering from significant emotional difficulties.⁶⁷

Summary and Recommendations from the Psychosexual Evaluation

Now that we have covered many of the key elements that comprise a psychosexual evaluation and that make it stand apart from a general psychological evaluation, let's briefly discuss how all of the information could be synthesized into a summary and recommendations section of the psychosexual evaluation report.

Use Slide #40: Summary and Recommendations: Psychosexual Evaluation

- To be comprehensive and maximally useful to stakeholders in the juvenile justice system, the evaluator should provide a formulation or conceptualization that addresses the youth's amenability for treatment, the level of responsibility he or she assumes for the sex offending and other problematic behaviors, and the overall level of psychosexual disturbance exhibited by the youth.
- And it should include any special considerations that may impact the approach to (or impact of) interventions – such as significant mental health difficulties, or cognitive or intellectual limitations.

- The evaluator must also be sure to include a summary of concerns and strengths in the juvenile’s family and environment, and offer recommendations for services or interventions as necessary.
- An estimate of the youth’s presumed level of risk (i.e., low, moderate, or high) should be offered and explained, and the full range of intervention needs should be outlined, including the recommendations for any specialized or more generalized treatment interventions.
- And of course, based on the level of risk and the extent and nature of intervention needs of the youth, a recommendation for the most appropriate level of care should be provided. Careful consideration to victim and community safety must be balanced against the importance of maintaining the youth within the least restrictive setting.

Remember that when offering recommendations there should always be clear supporting data in the body of the evaluation. And any limitations of the assessment tools used to inform professional opinions must be acknowledged.

Part V: Risk Assessment

General Issues

Risk assessments will probably come into play at different phases of your work with juvenile sex offenders. And as you’ve seen in this section already, they are generally considered to be an important piece of both the pre-sentence/pre-disposition report and the psychosexual evaluation. So let’s spend some time talking in more detail about risk assessment.

As you are probably well aware, risk assessments have become fairly influential in the criminal and juvenile justice arenas.

Use Slide #41: Risk Assessment

Because research has shown that higher risk offenders benefit more from higher intensity services than do lower risk offenders,⁶⁸ validated risk assessments can be used to make decisions about which individuals should receive which level of services. As a result, risk assessments can ensure that our resources – such as limited residential treatment beds or more costly supervision strategies – are utilized more efficiently. In other words, we are better able to reserve intensive or costly resources for those youth who need and will benefit most from them.

In addition, because risk assessments are generally designed to be standardized and objective measures for use by a range of practitioners, they can help take away some of the “guess work,” subjectivity, and inconsistencies that can occur when different professionals are charged with making decisions based in part on

risk. Put simply, with a standardized risk assessment tool, everyone reviews the same factors and uses the same criteria to guide decisions.

Common Risk Assessment Uses

Use Slide #42: Common Uses

Depending upon the tools and the purposes, risk assessments can be used with juvenile sex offenders and other youth at several points in the juvenile justice process.

- For example, professionals may rely on validated risk assessments early on in the juvenile court process to make decisions about whether to detain a youth or release a youth following an arrest.
- Risk assessments may also be used to inform decisions at the point of disposition, such as the level of custody needed.
- Risk assessments may also be used to guide decisions about the level of community supervision a juvenile will require.
- In some states, risk assessments are used to make decisions about which juveniles will be required to register as sex offenders, and which juveniles may be subject to community notification.

Risk Assessment for General Delinquency or Youth Violence

General Risk Factors

Broadly speaking, within the juvenile justice field, risk assessment is not a particularly new area of focus. Indeed, over the past few decades, researchers have conducted numerous follow-up studies of youth who have been involved in delinquent or criminal behavior in an attempt to determine how many of these youth continued to have problems with the law and to discern the kinds of factors that may be linked to increased risk of problem behavior in the future.⁶⁹

Unfortunately, the observed recidivism rate – or base rate – for juvenile delinquents is fairly high.⁷⁰ While that may not be great news, there is something positive that comes from relatively high base rates. It is easier to identify the specific factors associated with recidivism, because researchers are able to study more closely those large numbers of youth who have continued with delinquent or criminal behaviors and figure out what they had in common.

Use Slide #43: Risk Factors: General Delinquency or Youth Violence

Researchers have found that among the factors related to general delinquent or violent recidivism are the youth's age at time of the first referral to the juvenile

court, the number of prior referrals or prior adjudications the youth has had, the type of offense for which the youth is currently charged, and whether or not the youth has a history of violence.⁷¹ And many of you are probably familiar with the research on youth that consistently shows a relationship between affiliating with negative, delinquent peers and future delinquency.⁷² And as you can see, having a history of running away, abusing drugs or alcohol, being abused or neglected, having problems at school, or living in a chaotic or dysfunctional family environment are linked with a greater likelihood of delinquent or violent behavior.⁷³

Once researchers have identified some of the key factors that relate to recidivism, these risk factors can be translated into specific items on risk assessment tools. So, many of the variables we just reviewed have been used to develop risk assessment tools for youth who are involved in the juvenile justice system. These tools are then “tested” on large samples of juveniles to see how well they work. In other words, the key question is “Do these tools accurately and reliably predict recidivism among large populations of youth?” If the risk assessment instrument is relatively good, most of the youth who were categorized as higher risk will be found to have committed additional delinquent acts. And those who were considered to be “low risk” ideally will be found to have stayed out of trouble.

Sometimes, researchers will uncover that a risk assessment tool incorrectly categorizes large numbers of youth. In other words, many youth were considered high risk, but most of these youth did not commit new crimes. Or conversely, large numbers of youth who were rated as low risk ended up in trouble again. When this occurs, the tool is not one that should be used, because it is not a valid or reliable measure for predicting recidivism risk.

This is – in very simplistic and basic terms – part of the process by which risk assessment tools become empirically validated.

General Risk Assessment Tools

Here are just a few examples of research-based, validated risk assessment tools that predict general juvenile delinquency or non-sexual violence among youth.

Use Slide #44: Risk Assessment Tools: General Delinquency

- Perhaps the most commonly recognized tool is the Youth Level of Service/Case Management Inventory.⁷⁴
- Another is the Structured Assessment of Violence Risk for Youth.⁷⁵
- Several individual states have also developed promising research-based risk assessment tools for juveniles, including Michigan, Washington, and Wisconsin.⁷⁶

It is very important to note that these risk assessment tools are probably good tools to use with a general population of juvenile delinquents, but may not be good tools to use for predicting *sexual* recidivism risk with juvenile sex offenders. Some of you may have already sensed this in your work, when the risk determination or score from a more general risk assessment tool did not seem to reflect the apparent level of risk posed by the juvenile sex offender with whom you were working. Again, that's because even though some factors related to general recidivism are the same as those that predict sexual recidivism, there are several risk factors that are uniquely related to sexual reoffending among youth.⁷⁷ I'll highlight some of them in just a moment.

The bottom line is that if we want to get better information about a juvenile's risk for sexual recidivism, we should use tools specifically designed to assess risk for juvenile sex offenders, not just a general risk assessment tool for youth. Until recently, this was easier said than done.

Challenges with Risk Assessment for Juvenile Sex Offenders

Assessing or predicting risk specifically for juvenile sex offenders has been a challenge for the field for many years. You'll recall that the observed recidivism rates for general delinquent juveniles is relatively high, which has made it easier to identify specific risk predictors and develop risk assessment tools, right?

Use Slide #45: Risk Prediction Challenges for Juvenile Sex Offenders

Well, one of the problems with risk prediction specifically for juvenile *sex offenders* is that the observed recidivism rates for new sex offenses tends to be quite low – generally only about 10 percent or so⁷⁸ – which is good news. However, the bad news is that when this “base rate” is low, there are fewer youthful recidivists to study, which means that it will be more difficult to explore the relationship between specific risk factors and sexual recidivism. And in turn, this makes it difficult to develop assessment measures that will predict sexual recidivism with a degree of accuracy with these youth.

Also contributing to the challenge is that the number of well designed follow-up studies of juvenile sex offenders is limited, especially compared to the number of studies involving juvenile delinquents in general – or compared to these types of studies with adult sex offenders. Nonetheless, using the follow-up studies that have been conducted with juvenile sex offenders, researchers have begun to identify the kinds of factors that appear to be related to sexual recidivism among juveniles.⁷⁹

Factors Associated with Sexual Recidivism Among Juveniles

So, what are some of the factors that appear to be important to consider for juvenile sex offenders?

Use Slide #46: Suggested Risk Factors for Juveniles: Sexual Recidivism

The risk factors on the left are variables that are similar to the risk factors that predict general delinquency or non-sexual violent recidivism among youth and that may also be related to sexual recidivism for juveniles. For example, unhealthy family environments, negative peer affiliations, social isolation, and chronic or pervasive antisocial values and behaviors appear to have some relationship with recidivism among youth.⁸⁰

The variables listed on the right are risk factors that may be uniquely related to sexual recidivism for juveniles,⁸¹ such as the presence of deviant sexual arousal, sexual compulsivity, sexual preoccupation, and the targeting of victims who are not known to them. These factors are quite similar to what have been found to be fairly strong predictors of recidivism among adult sex offenders.⁸²

The research also suggests that juvenile sex offenders who are highly impulsive, and whose attitudes are supportive of abusive behaviors, and who display a machismo image or style may be at greater risk for reoffending.⁸³ Finally – and perhaps not surprisingly – research suggests that failing to complete treatment or being terminated unsuccessfully from treatment may be a significant risk factor for juvenile sex offenders.⁸⁴

Approaches to Assessing Risk

Now that we have reviewed some of the potential risk factors for sexually abusive youth, let's talk about some of the processes by which risk assessments are conducted. Broadly speaking, there are three primary approaches.⁸⁵

Use Slide #47: Risk Assessment Approaches

Unstructured Clinical Judgment

The first approach is sometimes referred to as “unstructured clinical judgment.” Essentially, with this approach, the assessor relies on his or her experience and clinical intuition when assigning a level of risk – such as low, moderate, or high – to a specific youth. Some might consider this approach to making risk determinations to be similar to using one's “gut instinct.”

You won't be surprised to hear that research reveals that the predictive accuracy of unstructured clinical judgment is not nearly as good as a risk assessment that

carefully considers factors consistently found to be related to recidivism⁸⁶ – and in some instances, it may be no better than the flip of a coin.

Empirically-Guided

Another approach to risk assessment is commonly known as an “empirically guided” strategy. In this instance, the assessor considers a range of risk factors that are found in the empirical literature to be related to recidivism. It is believed that if more risk factors are present in the youth being assessed, the risk for recidivism is greater. The empirically-guided approach often includes the use of a structured assessment tool to review the same set of variables from case to case, although some assessors may consider a combination of other factors from the professional literature in addition to – or sometimes in lieu of – an assessment instrument. Regardless, the judgment about level of risk is generally left to the evaluator.

The predictive accuracy of empirically-guided assessments tends to be better than that of an unstructured clinical judgment⁸⁷ – perhaps because this method is more grounded in research. However, there remains room for improvement.

Actuarial

Currently, the favored approach to risk assessment – at least for adult sex offenders – is the “actuarial” method, because it is found to be better at predicting recidivism than either the unstructured or empirically-guided approaches.⁸⁸ The actuarial approach is a statistical calculation about an expectancy for a certain outcome, such as sexual recidivism. Car, health, and life insurance premiums are typically established by actuarial approaches – whereby individuals are rated on a fixed set of factors known to be related to certain outcomes (either better outcomes or poorer outcomes), and are subsequently assigned to a specific risk category. Evaluator discretion is not part of the decision.

With the actuarial method, a person’s score on the risk assessment tool is associated with specific recidivism rates of a large sample of offenders who were tracked for a specified period of time. It is presumed that an individual who has the same score as the reference group of offenders may have a similar level of risk as that group of offenders.

Keep in mind that actuarial risk assessment tools are far from perfect, and should not be considered to be a “magic bullet,” so to speak. Several issues should be considered when using them⁸⁹:

Use Slide #48: Limitations of Actuarials

- For example, even though actuarial tools appear to do a better job of predicting recidivism than other methods, it is important for you to know

that the predictive accuracy of most of the actuarial risk assessment tools for adult sex offenders is still only *moderate*; not high.

- And when thinking about these risk assessments, it is also critical to be aware that simply because an individual is presumed to be in a “high risk” category does not mean that the individual will in fact reoffend. Some offenders who are labeled as “high risk” will reoffend, and some will not. Similarly, simply because an individual’s score places him in a “low risk” category, it does not mean that the person will not reoffend. Some “low risk” offenders do not reoffend, and some do.
- Finally, no risk assessment can determine if an individual person will or will not reoffend.

Nonetheless, actuarial tools can be very helpful as one important source of information – but again, multiple sources are better when conducting assessments. Relying on a single tool limits the quantity and quality of the data that you will have and, as a result, will limit your ability to make the most informed decisions.

Risk Assessment Tools for Juvenile Sex Offenders

As we’ve discussed, a considerable challenge for professionals who work with juvenile sex offenders has been the absence of a validated tool for assessing recidivism risk specifically for these youth. This is in sharp contrast to where we are with adult sex offenders. In fact, there are several empirically-validated actuarial and empirically-guided tools designed to assess recidivism risk with adult sex offenders, but these tools are not designed for use with sexually abusive youth.⁹⁰

Use Slide #49: Promising Tools for Juveniles

At present, there are no true actuarial risk assessment tools for juvenile sex offenders, but there are two very promising risk assessment measures that are empirically-guided: The Juvenile Sex Offender Assessment Protocol-II (J-SOAP-II)⁹¹ and the Estimate of Risk of Adolescent Sexual Offense Recidivism (ERASOR).⁹²

J-SOAP-II

The J-SOAP-II is used to assess by both non-clinicians and clinicians, provided that they have had adequate training. It is designed to assess short term risk of juvenile males between 12 and 18 years of age. The items explore static, or unchangeable, factors as well as dynamic, or changeable, factors.

Use Slide #50: J-SOAP-II Subscales

There are 28 items on the J-SOAP-II, falling into one of four subscales:

- Sexual Drive/Preoccupation – which primarily examines variables related to the problem sexual behaviors, such as the number and types of victims, length of offending history, and degree of planning;
- Impulsive/Antisocial – which looks at the youth’s history of conduct problems, such as delinquency, aggression, and school behavior difficulties, as well as exposure to family violence;
- Intervention – which includes clinical or treatment-related variables such as responsibility-taking, empathy, remorse, cognitive distortions, and motivation to change; and
- Community Stability/Adjustment – which assesses the youth’s general and sexual self-management, stability in school and at home, and the presence of community supports.

Recognizing that circumstances can change over time, and that these changes may impact risk or intervention needs, the tool’s developers recommend that users re-assess youth at least every six months, or more often if there are known changes in the youth or his circumstances.

ERASOR

Similar to the J-SOAP-II, the ERASOR is a relatively short-term (less than one year) risk assessment tool for juveniles between the ages of 12 and 18, and which includes both static and dynamic risk factors.

Use Slide #51: ERASOR Domains

The ERASOR has 25 items across 5 relatively self-explanatory domains:

- Sexual interests, attitudes, and behaviors;
- Historical sexual assaults;
- Psychosocial functioning;
- Family/environmental functioning; and
- Treatment.

The ERASOR, too, is recommended to be used as a repeated risk assessment in order to capture changes that occur over time.

Again, both of these measures are considered to be empirically-guided approaches to risk assessment. The items in these tools are based on the

factors that research seems to suggest are related to sexual recidivism among juveniles who commit sex offenses.

Many people have asked whether or not the J-SOAP-II or the ERASOR have official scores that place a youth into either a low, moderate, or high risk category, similar to the way that adult actuarial risk assessment tools have these “cut off” scores. Right now, the answer is “no.” Remember, they are considered “empirically guided” assessments, not true actuarial tools. But, even though neither of the tools have these “cut-off” scores yet, and even though there aren’t any “scores” for these tools that are linked with recidivism rates of reference groups of youth, research suggests that these tools do have considerable promise. And there is a growing body of research supporting the reliability and validity of these measures. That’s better than the alternative – using a tool with no research support at all, right?

Remember, a significant strength of these tools is that they include dynamic, or changeable, risk factors, which makes them very useful for intervention planning and to make adjustments to case management plans over time based on reassessments.

The J-SOAP-II and the ERASOR are relatively easy to use, but of course, specialized training is important. Our training today is by no means designed to make you an expert on these tools! Our goal is simply to let you know that these tools are very promising, and through the references that are included in your materials, you can learn more about them.

Use Slide #52: Programs Using J-SOAP-II or ERASOR

And as you can see, a substantial number of juvenile sex offender programs across the country have begun to incorporate one or both of these tools into their practices.

Conclusion

Use Slide #53: Conclusion

We’ve now highlighted some of the key issues related to assessing risk with youthful sex offenders. And in fact, we’ve discussed quite a bit about assessing these youth overall. So before we move into the next topic, let’s take just a moment to review what we’ve covered about assessment.

- **First, we discussed the notion of assessment as an ongoing and multidisciplinary process.** Anyone who works or interacts routinely with these youth has a unique and important role in collecting and sharing information about them, whether as a teacher, an evaluator, a juvenile

probation officer, or a treatment provider. Different professionals have different opportunities to observe and monitor different pieces of the puzzle, and can contribute to a more comprehensive picture of the youth over time.

- **Our assessments are likely to be better when informed by multiple sources of data.** This is true not only in terms of multiple parties but also with respect to different methods, such as records, psychometric testing, or physiological tools. We can increase the reliability and validity of our assessments when we collect and synthesize as much information as possible.
- **In this section we have also learned that how we assess is just as important as what we assess.** Our style and approach can influence whether we get more and better information. And I briefly highlighted some specific strategies and techniques.
- **We discussed two key types of formal “point in time” assessments.** These are the pre-sentence/pre-disposition report and the psychosexual evaluation, and how those types of evaluations, if done well, can be very helpful for developing case management plans for youthful sex offenders. As part of that discussion, I emphasized that all of our assessment tools have their own strengths and limitations, which is a good reminder that we should never rely on any one instrument or tool to make our decisions.
- **Similarly, we must always keep in mind that there are no specific assessments that can determine absolutes.** This includes whether a youth is guilty or innocent, whether a youth is or is not a “sex offender,” or whether a youth will or will not commit additional offenses in the future.
- **Assessments can, however, provide critical information.** Assessments can provide important information about juveniles, their families, their peers and environments, and their individual circumstances, such that individually tailored interventions can be developed and modified on an ongoing basis. These youth are a heterogeneous and diverse population, and one size does not fit all! Therefore, assessments are our key to making more informed decisions.

Before we conclude this section, does anyone have any questions about the material we covered?

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