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## *What is the Recidivism Rate of Adolescent Sex Offenders?*

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*Recidivism* specifically refers to a convicted criminal who repeats criminal behavior, and generally references adults. Recidivism is typically studied through either officially documented criminal behavior or an objective measure. Sexually abusive youth, be they males, or females, or youth with low intellectual functioning, are not all arrested, nor charged, nor True Found in Juvenile Court. This is true even of the youngest offenders (under 12 years) who may (atypically) commit egregious crimes. *Recidivism*, then, takes on another meaning when applied to *non-adjudicated* sexually abusive youth, making it more difficult to study. The term *re-offense* is often used interchangeably with recidivism, however not as definitively defined. Re-offense describes recurrent sexually offensive behaviors (which *may* or *may not* be *sexually criminal* behaviors) and is perhaps a more suitable term when discussing non-adjudicated youth, particularly those under age 12 years.

Recidivism (and/or re-offense) is defined differently in respective studies making it difficult to obtain accurate and consistent data regarding recidivism rates. Recidivism studies generally follow a youth longitudinally, attempting to determine the period of time before the youth repeats the sexually abusive behaviors. Predicting such behaviors is hampered by the multiple developmental phases the youth goes through prior to springing into adulthood. This is not to say that adulthood does not have its own set of developmental phases as well (i.e., young adulthood, adulthood, middle age, and senior citizen, and elderly, and since we are living longer, the centenarian).

The majority of studies of recidivism related to sexually abusive youth are on adjudicated male adolescent sex offenders; however subject samples also are composed of non-adjudicated males (i.e., arrested) (Caldwell, 2010). Thus, the number of *undetected* sexually abusive youth (i.e., those that are *not* reported, *nor* identified, or arrested youth) is virtually unknown. What is *only known*, are those sexually abusive individuals (both youth and adults), who *are* eventually identified, reported, arrested and/or adjudicated. When they are, they often have a history of victimizing others; some cases may have a history more extensive than others. Overlooking the stark reality that there are *a significant number of undetected sex crimes* seduces one into believing that the reported low recidivism rates are “accurate”; the fact is, we really do not know what the “true” recidivism rates are for sexually abusive individuals, be they youth or adults.

Although adjudicated female adolescent sex offenders, and non-adjudicated sexually abusive females exist, they are recorded in considerably smaller numbers. Data from National Incident-Based Reporting System (NIBRS) found female youth comprised 7% of a sample of 13,471 juveniles known to police to have committed sex offenses against minors, and were found more frequently among younger youth than older youth (Finkelhor, Ormrod, & Chaffin, 2009).

Sex crimes committed by sexually abusive female youth are also underreported, adding confusion at the actual occurrence and/or recidivism of their sexually abusive behaviors. There is a dearth of recidivism studies for adjudicated female adolescent sex offenders and non-adjudicated sexually abusive females (Miccio-Fonseca, 2016).

The study of recidivism (and/or re-offense) for youth with low intellectual functioning is equally limited. Miccio-Fonseca & Rasmussen (2013) found that sexually abusive youth with low intellectual functioning (who constituted 22.5% of a large sample of 1056 male and female youth ages 4 to 19) were of higher risk, however recidivated less.

NIBRS data indicated that children under 12 years constituted only 16% of the sample of youth known to police to have committed sex offenses against minors (Finkelhor et al., 2009). One of the few recidivism studies that included this age group compared male pre-adolescents (under age 11) and adolescents (age 12 to 18) drawn from a primarily non-adjudicated sample. The “equivalent base rate of sexual recidivism for the pre-adolescents was 25 to 28%, compared to 14 to 16% for the adolescents (Prentky et al. 2010). Notably, the recidivism rate in this study, particularly for the pre-adolescents, was considerably higher than the rate typically reported by most recidivism studies of sexually abusive youth (under 10%). This may be a function of the variance of definitions of recidivism referred to above, which in this study was “any new ‘hands-on’ sexually abusive behavior” (Prentky et al., 2010, p. 28) (as opposed to a new arrest, charge, or adjudication).

***“Does the recidivism rate vary, for different kinds of sex crimes and for sexual versus non-sexual crimes?”***

Studies of adult sex offenders demonstrate that there are varying recidivism rates *according to the specific sex crimes committed* (i.e., adult child molesters recidivate at different levels than rapists) (Hanson, Morton, & Harris, 2003; Hanson, & Morton-Bourgon, 2004). These kinds of studies have not been reported regarding sexually abusive youth and/or adjudicated youth.

Differences between sexual and non-sexual recidivism of sexually abusive youth have been extensively documented in the research literature. The great majority of studies report sexually abusive youth are far more likely to re-offend non-sexually than sexually, as evidenced by a systematic review and three large meta-analyses.

Gerhold, Browne, and Beckett (2007) conducted a systematic review of 12 studies of primarily male juvenile sexual abusers (combined sample = 1315), with a mean follow-up of 67 months. The mean base rate for sexual recidivism was 14%, while the mean for general recidivism was as high as 44%.

Reitzel and Carbonnel’s (2006) meta-analysis included nine studies (published and unpublished) of juvenile sex offenders ( $N = 2986, 2604$  known males). Recidivism rates over an average 59 month follow-up period were: 12.53% (sexual offense), 24.73% (non-sexual violent), 28.51% (non-sexual nonviolent), and 20.40% (unspecified non-sexual).

Caldwell, (2010) described a meta-analysis of 63 data sets examining recidivism among 11,219 juvenile sex offenders followed for a weighted mean of 59.4 months. Recidivism was

defined as arrest or conviction. The weighted mean sexual recidivism rate was 7.08% while the weighted mean rate of general recidivism was 43.4%. In a recently completed meta-analysis, Caldwell (2016) stated, “sexual recidivism by juvenile sexual offenders is a rare event.” (p.8). Caldwell reported, “...the weighted base rate for detected sexual recidivism for juvenile adjudicated for a sexual offense is 4.97% and for general recidivism is 39.4% over a follow-up of 62.06 months.” (p.6). Caldwell’s overall conclusion is: “Based on these data the most appropriate estimated base rate for sexual recidivism over the full data set falls approximately between 3 and 10%, with a global average of approximately 5%.” (p. 6)

It is important to note that Caldwell’s updated findings on the recidivism rates are “exclusively drawn from juveniles adjudicated in juvenile courts” (pg. 9). Caldwell affirms “...nothing in this study should be interpreted as an indication that sexual coercion and violence among adolescents is becoming a minor social problem” (p. 9). Caldwell’s (2016) study did not look at specific kinds of sex crimes committed by juveniles, nor does the study report on females, or youth with low intellectual functioning.

***“What about recidivism for youth that are sexually violent and/or sexually predatory?”***

This group of youth historically has not been clearly defined, or described in the literature (Caldwell, 2010; Caldwell, 2016), nor specifically studied longitudinally. A new nomenclature introduced to the field specifically identified these youths and described their characteristics (Miccio-Fonseca & Rasmussen, 2009), a taxonomy later supported by empirical evidence (Miccio-Fonseca & Rasmussen, 2014) from the cross-validation study of the risk assessment tool *MEGA*<sup>4</sup> (Miccio-Fonseca, 2013). Fortunately, youth who are sexually violent and/or sexual predators are a very small, distinct, atypical group of youth who are very dangerous and can be lethal.

There is a dearth of information regarding these youths’ recidivism rates, who are generally older adolescent males. Largely, sexually abusive females typically are not sexually violent, nor sexually predatory (i.e., target strangers as victims) (Miccio-Fonseca & Rasmussen, 2014; Miccio-Fonseca, 2016); there are however a very few who do so (Kernsmith, & Kernsmith, 2009; Krahe, Waizenhofer, & Moole 2003).

***Reliance on accuracy in assessing recidivism***

Research has demonstrated clinical judgement alone is no better than chance in predicting sexual recidivism, further complicating the task of assessing the level of risk an individual poses to re-offend (recidivist) (Elkovitch, Viljoen, Scalora, & Ullman, 2008; Harris, & Hanson, 2004; Hanson, Morton, & Harris, 2003; Hanson, & Morton-Bourgon, 2004; Monahan, 2000). These findings establish the importance of an objective robust risk assessment measure grounded in the scientific method, (i.e., has validity, reliability, and has been tested and re-tested on large, generalizable samples), with accurate prognostic utility. However, there has been a tendency in some studies and by professionals in their presentations to utilize methods of “bad science”. That is, “the intentional or uninformed distortions, misinterpretation, or selective reports of findings from scientific articles” (Prentky, Janus, Barbaree, Schwartz, & Kafka, 2006, p. 2). This further complicates the task of obtaining an accurate assessment of a youth’s risk for recidivism (or re-offending).

Development of risk assessment measures is compounded by the fact that the sexually abusive youth population have a characteristically low base rate of sexual recidivism as seen in the aforementioned studies (i.e., typically less than 14% [Fanniff & Becker, 2006; Gerhold, Brown, & Beckett, 2007]). Given this consideration, Fanniff and Becker argue there needs to be an established risk assessment tool independently studied and consistently demonstrating confident levels of predictive validity. To achieve such confidence, the accepted scientific standard is an AUC of .70 and above.

The most popular risk assessment tools for sexually abusive youth are the *J-SOAP-II* and *ERASOR*. In reviewing risk assessment tools, Hempell, Buck, Cima, & van Marle, (2013) stated, “Although it is one of the most commonly used measures in the United States with JSOs, the results of the *J-SOAP-II* were mixed across studies, a problem that also applies to the other instruments” (p. 221). Similarly, Fanniff and Letourneau (2012) found the *J-SOAP-II* performed inconsistently in nine studies that examined its psychometric properties. Viljoen, Mordell, & Beneteau (2012) examined and compared risk assessment tools *ERASOR* and *J-SOAP-II* among others and found “given that the effect sizes were moderate, these tools may be insufficient to make predictions that require a high degree of precision” and “no single tool emerged as significantly stronger than the others” (p. 434).

Caldwell (2016) expressed valid concerns regarding the limitations of risk assessment tools and his findings; “...these results demonstrate that identifying risk factors that are reliable will be a very difficult task”, indicating: “The very low prevalence of sexual recidivism reported here suggests that very large samples will be required to obtain adequate power to identify significant predictive variables” (p. 9). Caldwell contended, “...it may be prudent to periodically revalidate risk assessment methods with updated samples.” (p.8).

The more modern tools developed (i.e., *J-SORRAT* and *MEGA<sup>d</sup>*) robustly dealt with some of the significant limitations of the popular tools. The contemporary tools are more generalizable, that is, they have been developed and tested on large representative samples of over 500, providing more of a scientific approach assuring accuracy. Utilizing large sample sizes attempts to overcome the low base rate for sexual recidivism and are validated on more contemporary samples. The modern day risk assessment tools abandon the “guess estimates” of risk because unlike the pioneering tools, the *ERASOR* and *J-SOAP-II*, they have definitive cut off-scores, and demonstrating predictive accuracy on large, generalizable samples, exceeding the limitations of these other tools. There have been some independent studies of these contemporary tools; however, more examination needs to be completed.

Caldwell’s (2016) findings are in tandem with the research cited by Finkelhor, Saito, and Jones (2016) reporting, “sexual abuse continued to decline, down 2% from 2013” (p.1). Intuitively if sexual abuse is decreasing then sex offenses by sexually abusive individuals are expected to decrease. This however continues to leave as a mystery the number of undetected sexually abusive individuals. Caldwell cautions: “Although declining, the incidence of sexual abuse victimization remains unacceptably high, when compared with the incidence of other serious public health issues.” Even though the most recent meta-analysis data indicates that the sexual recidivism rate is low, prevention, treatment and risk assessment must remain high priorities for professionals who work with sexually abusive youth.

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