



The long term recidivism risk of young sexual offenders in England and Wales– enduring risk or redemption?

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ABSTRACT

Purpose: To examine the long-term sexual recidivism risk of juvenile sex offenders in England and Wales, and to compare the risk to that of a first time sexual offense for non-convicted juveniles. Additionally, the study explores the long term sexual recidivism risk of other types of juvenile offenders, and the long term violent recidivism risk of these groups.

Methods: The England and Wales Offenders Index was used to extract birth cohort data. Life table methods were used to estimate cumulative recidivism risk, and discrete time hazard models were used to compare hazard functions.

Results: At the five year period, 7% of juvenile sexual offenders have been reconvicted of a sexual offense; reaching 13% by the end of the 35 year follow-up. When the reconviction hazard of the juvenile sexual offenders was compared with the first sexual conviction risk of a non-convicted comparison group, the hazards converged statistically after 17 years.

Conclusions: The study has implications for the registration periods of juvenile sex offenders. Indefinite registration for some juveniles needs to be considered, and a review of registration after a conviction free period would provide more balance between the protection of the public and the rights of the offender.

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Introduction

This paper is concerned with the redemption of juvenile and young adult sex offenders in England and Wales. In broad terms, this relates to whether it is possible, to determine a future time point when the risk of sexually reoffending for such an offender becomes so low that it is similar to the risk of a first sexual offense by someone with no convictions. To establish such a time point, consistent data on the long term recidivism of sexual offenders, over a 20 year period, is needed. The current paper focuses on two issues, firstly that of long term sex offender recidivism of juvenile and young adult sex offenders, and secondly that of desistance and redemption which relates to the reintegration of sexual offenders into society. Determining when a convicted sex offender becomes low risk has important policy implications. In England and Wales all individuals convicted, cautioned or released from prison, for sexual offenses against children or adults since September 1997, must register on the sex offenders register under the Sex Offenders Act 1997 (amended by the Sexual Offences Act 2003). The sex offender register allows further monitoring of sexual offenders and protection of the public. However, it is an *invisible punishment* and can hinder the rehabilitation of sexual offenders. To justly impose additional punishment, the offenders in question should be a greater risk to the public than

the general population. The paper proceeds by first reviewing the literature on long term sexual recidivism, sex offender registration and notification programs, and redemption studies. It then describes the current study, methodology and results. The discussion focuses on the implications the results of the paper have for registration legislation and reintegration of offenders.

Background

Previous work on long term recidivism

Soothill (2010) has recently reviewed the evidence on long term recidivism of sex offenders and stressed the importance of long term follow up. He identified three such studies with follow up times exceeding 20 years. Hanson, Steffy, and Gauthier (1993) collected long term recidivism information on 186 child molesters released from the Millbrook Correctional Center in Ontario, Canada. They found 23% of their sample was first reconvicted more than 10 years after release. Prentky, Lee, Knight, and Cerce (1997) focused on a sample of 251 male sex offenders committed to the Massachusetts Treatment Center for Sexually Dangerous Persons, and followed their progress after release (when they were determined no longer sexually dangerous). Separating out child molesters and rapists, they found that recidivism rates continued to increase over time and increased from 20 years follow-up to 25 years follow-up. In terms of convictions the increase was minor (from 23% to 24%) but was larger for

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child molesters (from 37% to 41%). The results of these earlier authors, who do not separate out juvenile offenders from adult offenders, have been validated by [Cann, Falshaw, and Friendship \(2004\)](#) who focused specifically on adults in England and Wales. Cann et al. found all 419 male sexual offenders discharged from prison in 1979 in England and Wales were followed up until 2000, giving a follow-up period of 21 years. The sexual reconviction rates after 2, 5, 10 and 20 years were 10%, 16%, 20% and 25% respectively.

More recently, studies of sexual recidivism have used trajectory modeling, partitioning samples into distinct recidivism trend lines, although follow-up times have been short. In a series of studies, [Tewksbury and Jennings \(2010\)](#) and [Tewksbury, Jennings, and Zgoba \(2012a\)](#) have looked at pre-SORN and post SORN recidivism rates in five and eight year follow-up studies, finding little difference. More generally, there have been a number of studies of sexual offending trajectories ([Freiburger, Marcum, Iannacchione, & Higgins, 2012](#); [Lussier & Davies, 2011](#); [Lussier, Tzoumakis, Cale, & Amirault, 2010](#)). Of specific interest to this study, however, is that of the sexual offending trajectories of juvenile sexual offenders ([Lussier, van den Berg, Bijleveld, & Hendriks, 2012](#)). 498 Netherland juvenile sexual offenders, with a mean age of 14.4 years, who had been convicted or confessed to a sexual offense, were selected. This group all received treatment and was described as a “group at elevated risk of psychological problems, trauma, and recidivism” ([Lussier et al., 2012, p1566](#)). Sexual offending conviction from official criminal records over an average of 14 years were used to identify two distinct trajectories – an adolescent limited trajectory, peaking at age 14 before declining to nearly zero by age 20, (89.6%) and a low-rate chronic group (10.4%), whose sexual offending rate declined more slowly over age. This suggests a partitioning of juvenile sexual offenders into two groups – those that do not offend past adolescence, and those that continue to offend at a low and declining rate.

Research on juvenile sexual recidivism has generally used shorter follow-up times. [Fortune and Lambie \(2006\)](#) review six studies of recidivism rates of male adolescent sexual offenders, but all have lengths of follow-up of around 10 years or less. The longest follow-up reported was provided by a Swedish study ([Långström, 2002](#)), who reported recidivism rates of 30% with a mean follow-up of 116 months. [Caldwell \(2010\)](#), in a more extensive review, examines 63 studies, and reports a mean follow-up time of 59.4 months and a mean recidivism rate of just over 7%. [Vandiver \(2006\)](#), in a study of 300 registered male sex offenders who were juveniles at the time of their initial arrest for a sex offense, explains how non-sexual offenses are predominate in recidivism among juvenile sex offenders. The series is followed through for 3 to 6 years after they reached adulthood and, while more than half of the series is arrested at least once for a nonsexual offense during this adult period, only 13 (4 per cent) were rearrested for a sex offense. Similar results are portrayed in [Nisbet, Wilson, and Smallbone \(2004\)](#), with a follow-up of between 4 and 12 years, showing relatively low rates of detected adult sexual recidivism among young men who committed sexual offenses as adolescents. More recently, studies with longer follow-ups have been undertaken. [Worling, Litteljohn, and Bookaloom \(2010\)](#) report on a twenty year follow up of male adolescents who received specialist treatment, together with a control group. After 20 years, the control group had a sexual recidivism rate (based on charges) of 21% compared to 9% for the treatment group.

There have been few reports on juvenile recidivism where offenders self-report their own sexual reoffending. One notable exception is [Bremer \(1992\)](#), who followed 285 serious juvenile sexual offenders following release from a residential treatment program. With a variable length of follow up, between 6 months to 8.5 years, a self-report recidivism rate of 11% was reported, nearly twice that of the reconviction rate of 6%. However, this increased rate was partially caused by a reduction in the base sample size due to non-response and an inability to trace respondents.

To summarize, most long-term recidivism studies have focused on adult sexual offenders. While evidence of long term recidivism among the adult offending groups was found, the type of offender and the nature of the samples used (i.e. committed to an institution) means that the results may not be generalizable to juvenile offenders. While there has been a broad range of recidivism studies on juvenile sexual offenders, only one to our knowledge could be considered to be a long term study and this does not provide the detailed evidence on recidivism at various time gates that the Prentky et al. and Friendship et al. studies provide for adult offenders.

Sex offender registration

Sex offender registration and notification (SORN) is now common throughout the western world as a means of keeping track of recently released or sentenced sex offenders. Registration legislation was first introduced in California in 1947 with federal legislation introduced in 1994 (the Jacob Wetterling Act) to require all states to introduce SORN registries, following the kidnap of an 11 year old boy in 1989 in Minnesota. An extra requirement of community notification introduced in New Jersey in the 1990s, was consolidated into the Adam Walsh Child Protection and Safety Act of 2007. This act requires states to maintain a public and free to access register of the location of sex offenders anywhere in the USA. Registration periods depend on the seriousness of the offense – the most serious offenses (Tier 3) require lifetime registration, Tier 2 offenses require 25 years of notification from release, and Tier 1 offenses 15 years. The legislation allows a reduction of five years for Tier 1 offenses if the offender has not been convicted for ten years – with registration effectively stopping at ten years. A Tier 3 juvenile sexual offender can have the registration term reduced to 25 years if they have no convictions in that time.

Canada's National Sex Offender Registry (NSOR) came into force at the end of 2004, with the passing of the Sex Offender Information Registration Act (SOIR Act). The registration period varies from 10 years to life according to the length of the sentence awarded, and there are no discounted periods for juveniles. There is no public access to the registry. In Australia, the Australian National Child Offender Register (ANCOR) is a web-based system focusing on child sex offenders and is used to co-ordinate state registration systems. Registration times of eight years, fifteen years and life again depends on the severity of offense. Juvenile offenders receive a 50% time reduction.

Turning to England and Wales, the jurisdiction of interest in this study, a sex offender register was introduced in 1997, with its operation subsequently modified by the Sexual Offences Act 2003 – it now forms part of the Violent and Sexual Offender register (ViSOR). As with Canadian legislations, the public does not have access to the register. The length of time to which such individuals are to be registered is determined by the length of sentence received, and ranges from 2 years for a caution, seven years for a sentence of 6 months or less, 10 years for a sentence between 6 months and 30 months and indefinite for longer prison sentences. Those under 18 at the time of conviction are required to register for half the registration time.

There are common features to these pieces of legislation. Firstly, there is general agreement that lifetime registration is needed for those receiving longer sentences. Secondly, in some legislations, the view is taken that there should be some differential treatment for juvenile sex offenders. There appears to be no empirical evidence supporting either the determination or the length of the registration period.

Redemption and risk of recidivism

The issue of redemption has been a concern of criminal justice since the work of [Lombroso \(1897\)](#), who divided offenders into the 50% who were redeemable and the 50% “whom all educational efforts fail to redeem and who therefore should be segregated at once”. The

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