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Original article

The assessment of incarcerated sexual delinquents' risk of recidivism

L'évaluation du risque de récurrence de délinquants sexuels incarcérés

C. Blatier*, C. Sellon, C. Gimenez, M. Paulicand

Grenoble University, Grenoble, France

ARTICLE INFO

Article history:

Received 2 November 2007

Accepted 1st March 2012

Keywords:

Recidivism

Risk

Sexual delinquents

Empathy

Mots clés :

Récidive

Risque

Délinquants sexuels

Empathie

ABSTRACT

Introduction. – The present study examined the possibility of assessing the risk of sexual recidivism on the basis of static and dynamic factors.

Objective. – A comparison was carried out of detainees on the basis of their scores on a predictive scale of risk of recidivism, on their empathy towards the victim, on their attributive style, and on their self-esteem.

Method. – Three samples of detainees were compared: two samples of individuals guilty of sexual crime (one sample having committed the aggression towards adults, the second towards children under fifteen years of age) and a control group composed of non-sexual delinquents.

Results. – Results showed that sexual offenders targeting children had a lower risk of recidivism than sexual offenders of adults. However, when considering only the recidivists, no difference was found in risk between the two populations.

Conclusion. – In conclusion, some of the dynamic factors that were analyzed could be retained to complete the static factors in predictive scales of risk of recidivism.

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R É S U M É

La présente étude a examiné la possibilité d'évaluer le risque de récurrence sexuelle à partir de facteurs statiques et dynamiques. Pour cela, elle a comparé des détenus sur la base de leurs scores à une échelle prédictive du risque de récurrence, sur leur capacité d'empathie envers une victime, sur leur style attributif et leur estime de soi. Ces facteurs ont été comparés au score de risque de récurrence. Trois groupes de détenus ont été étudiés : deux d'entre eux étaient coupables de délinquance sexuelle (l'un sur adultes, l'autre sur mineurs de 15 ans), le troisième était composé de délinquants non sexuels. Les résultats ont montré que les agresseurs d'enfants présentaient un risque de récurrence moins important que les délinquants sexuels sur adultes. En revanche, il n'y avait pas différence entre le risque des deux populations si l'on ne tient compte que des récidivistes. En conclusion, les facteurs dynamiques étudiés peuvent pour partie être retenus pour compléter les facteurs statiques analysés par une échelle de prédiction.

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1. Introduction

A constant increase in offences and sexual crimes is a fact: convictions for rape or attempted murder have increased by a factor of six in the last 20 years¹. These crimes accounted for 12% of the incarcerated population in France in 1996; they increased to

reach almost 21% in 2005². One of few studies conducted in France showed that 38% of the offenders guilty of rape were involved in a new offence (of a sexual nature or not) during the four years following their release (Kensey and Tournier, 1994). Among sex offenders, the nature of the recidivist offence is non-sexual in more than two thirds of cases. Determining the risk of recidivism is of great interest in the study of criminal recidivism; it allows the differentiation of sex offenders with a high risk of sexual recidivism from those, which present a low risk. How to determine this risk was the subject of the research carried out in this study, which assesses the risk in a French population of incarcerated offenders.

* Corresponding author. Laboratoire interuniversitaire de psychologie, personnalité cognition, changement, université Pierre-Mendès-France, UFR Sciences de l'Homme et de la Société, BP 47X, 38040 Grenoble cedex, France.

E-mail address: Catherine.Blatier@upmf-grenoble.fr (C. Blatier).

¹ CESDIP. Éléments statistiques pour l'étude de la santé en milieu carcéral. *Études et données pénales*, n° 69.

² Statistiques du ministère de la Justice. DAP.

In order to predict criminal recidivism, a certain number of factors emphasizing two major categories of risk predictors (Bonta et al., 1996), static and dynamic factors, were used. Static risk factors are by definition stable (sex, police record, etc.) and provide information on a long-term risk. Dynamic factors are personality factors (stable dynamic factors) or attitude factors (acute dynamic factors); they are changeable to some extent. Antisocial attitudes and difficulties in employment are significantly represented (the correlations ranging from 0.18 to 0.21) in general criminal recidivism.

Several papers indicate that sexual recidivism has different predictors to those of general criminal recidivism (Gendreau et al., 1996). The dynamic factors relating to this type of recidivism, that have been studied so far, are deviant sexual interests, cognitive distortions in relation to sexual offences, socio-emotional problems, and difficulties in self-control (Hanson and Bussière, 1998; Quinsey et al., 1995a; Roberts et al., 2002).

Hanson and Bussière (1998) conducted a meta-analysis of 61 studies totalling 28 972 sex offenders, which covered assessments of sexual recidivism, violent non sexual recidivism, and general recidivism. Most of the identified factors were static and dynamic factors of a stable nature, such as an antisocial personality. On average, during the follow-up period ranging from 4 to 5 years, 13.4% of sex offenders had committed a new offence of a sexual nature (18.9% of rapists and 12.7% of child molesters). The rate of non-sexual recidivism was 12.2% (22.1% of rapists and 9.9% of child molesters). These results were confirmed by the meta-analysis of Hanson and Morton-Bourgon (2004), who determined a rate of 13.7% of sexual recidivism after 5 years. The recidivism rate in France 4 years after a release was shown by Lecomte and Timbart (2003) to be 31.3% (overall reconviction rate) and 14.6% for reconviction pour a similar type of crime. In 2004, the rates are comparable and the reconviction rate for rape is 1.3%. A detailed analysis of actual numbers of sexual recidivism (Baratta, 2011) situates sexual crime recidivism at 2.7% (including only recidivism within four years, and for crimes committed after 1984; this rate is therefore an underestimate).

Hanson and Bussière's meta-analysis concluded that rapists presented a risk of sexual recidivism, which was slightly higher than that of child molesters. Contradictory findings were reported by Furby et al. (1989), who estimated that child molesters would reoffend more often than rapists, and by Quinsey et al. (1995a,b), who found similar rates between the two types of sexual aggressors. In addition, as revealed by previous analyses (Furby et al., 1989; Hall, 1990), and by the meta-analysis of Hanson and Bussière (1998), almost all predictors of sexual recidivism were historical or highly stable variables. Static factors should thus be very useful in assessing the overall risk of recidivism of an offender. However, Hanson recommends the development of research on dynamic factors in order to identify areas that are best suited for an intervention (Hanson and Thornton, 1999). His study showed that the addition of these dynamic factors would increase the accuracy of the scale's prediction. Unfortunately, not enough research has been conducted on dynamic factors linked to sexual offences, and studies conducted so far on this subject have revealed contradictory results.

In order to test whether the prediction of risk of recidivism could be improved, dynamic factors were used in this study. These include empathy for the victim, offender's self-esteem, and causal attributions regarding his action. This choice of factors was based on the results from recent research.

1.1. Empathy

Empathy in its broadest sense refers to a person's reactions considering what another person may experience. It allows an individual to anticipate, understand and share the points of view

of other people. Moreover, empathy contributes to moral development (Grief and Hogan, 1973) and lead to prosocial behaviour (Hoffman, 1984).

Hanson and Morton-Bourgon (2004) do not rank empathy among the important factors in recidivism. However, these authors indicate that risk of recidivism is lower for offenders who have ties of kinship with their victim or who know him/her. Besides Hanson's model, other theoretical models of sexual delinquency (Finkelhor, 1984; Marshall and Barbaree, 1988; Ward et al., 1995) evoke certain factors relating to the childhood of the sex offender – such as a chaotic family environment marked by violence – and other factors related to adolescence and adulthood – such as a low self-esteem, inadequate social skills, and low empathy for the victim. Along the same lines, Pithers et al. (1988, 1989) found that anger, lack of empathy towards the victim, and lack of self-esteem were common precursors of recidivism.

Furthermore, effective treatment programs for sexual offenders aiming at preventing recidivism specific to this type of offence, use a cognitive-behavioural approach strongly focused on empathy towards the victim (Association for the Treatment of Sexual Abusers, 2003; Council on Sex Offender Treatment, 2005). Claude Balier, a psychiatrist responsible for a treatment service for sex offenders during many years, described recidivism as a repetitive compulsion based on a lack of capacity for empathy for the victim coupled with an absence of internalized law (Balier, 1996). In addition, still in the field of psychological treatment, it has been shown that the most empathetic offenders, and those who have an internal locus of control, are less likely to reoffend as a result of treatment (Benson, 1996; Kumpfer, 1999). Lastly, programs based on the treatment of social skills and emotional competence include the development of empathy as a protection factor of sexual recidivism (Weist et al., 2001).

Empathy defines an affective reaction linked to an emotional experience related to others (Aderman and Berkowitz, 1970). Emotional empathy is negatively correlated with aggressive behaviour when it is evaluated with self-report questionnaires (Miller and Eisenberg, 1988). The study of Pham et al. (1997) measured empathy felt both towards the victim and towards the rape perpetrator, and revealed lower levels of empathy towards victims among rapist than among non-rapist offenders. Thus, in clinical studies it appears that empathy towards the victim plays an important role.

1.2. Self-esteem

Self-esteem has often been studied as a factor of influence on delinquency (Baumeister et al., 2000; Bynner et al., 1981; Campbell et al., 2002; Judge et al., 2002; Kirkpatrick et al., 2002). However, its relationship to recidivism has not received as much attention from researchers. Pithers et al. (1988) showed that anger, lack of empathy towards the victim and lack of self-esteem were all common predictors of recidivism, whereas Hanson's meta-analysis did not detect significant relationships between any of these factors and recidivism. According to Goodstein et al. (1984), higher self-esteem might be associated with a lower risk of recidivism. Similarly, according to Pithers et al. (1988), lack of self-esteem is a precursor of recidivism. Individuals who show high self-esteem are less influenced by their environment (Lewin, 1935) and less dependant on social reinforcement, because they often rely on self-reinforcing when there is a lack of social reinforcement (Mossman and Ziller, 1968). In the present study, the role of self-esteem in the prediction of sexual recidivism was therefore examined.

1.3. Sociocognitive attitude

Research on attribution can give some insight into the sociocognitive position of detainees in relation to their acts and upcoming

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