

Evaluation of Sexual Offending: Are They All Predators?

There has been great voiced concern by practitioners and researchers over overcategorization and overgeneralization of individuals accused of sexual offending being lumped into one category of "sexual predators." Whereas there certainly is a need for protection of children from predators in our society, the pendulum has swung too far to the extreme. One example of this is in California the monitoring of individuals for compliance with Penal Code 290 registration is at such a point that the state is having difficulty keeping up with the number of indicates in the pool. Individuals who are in treatment in custodial facilities are in a catch-22 in that if they are honest and forthright about their sexual issues and behavior, then this could be used against them by the prosecution. This is a good example of how the judiciary and treatment should be separated. For example, recidivism data by the Department of Justice comparing 79 sex-offender treatment studies results indicated sex offenders who participated in relapse prevention treatment programs had a combined re-arrest rate of 7.2% compared to 17.6% for untreated offenders. Thus, providing an effective treatment environment is essential.

In part, it appears that this overreaction is due to ignorance and misinformation about the etiological basis of sexually offending behavior. Research by Barber indicates that, with adolescent sexual offending, one theoretical formulation is that young people in these families are beset with an environment wherein the parents tend to the children by giving them material things and not of their time. Thus, the children grow up with a deprivation of affectional needs. They then do not know how to behave in intimate relationships. Therefore, the only way they know how to behave is to relate physically to another, and then they get into legal difficulties. The issue of attachment behavior in psychopathology was discussed in an intriguing paper by a colleague, Reid Meloy, in the Handbook of Forensic Psychology (2003). Reid talked about how disruptions in attachment in individuals can result in various forms of psychopathological behavior.

To address this nebulosness of the term "sex offender" and to more rationally and fairly treat individuals standing before the court accused of sexual allegations, this examiner collaborated with Dr. Ray Anderson (2012) on a comprehensive approach to understanding of individuals accused of sex offending. In essence, the theory of this approach is that if an individual is a certain type of sexual offender then he will score in a similar fashion to specific types of sex offenders on specific tests. Dr. Anderson formulated a [psychological test](#) battery which, among other things, incorporates the Thorne Sex Inventory, which is a sampling of a wide range of sexual behaviors in indicates. There is also the Taylor-Johnson Temperament Analysis analyzing behavior and temperament. Moreover, there is the Attachment History Inventory which assess an individual's attachment relationships during their development. The scores on these various instruments are compared to empirical groups of three offenders:

1. Doubtful offenders (DO) - these are offenders who have been accused of alleged offenses but there is little corroborating evidence.
2. Situationally mediated offenders (SMO) - these are situational offenders who are alleged to have committed sexually deviant behaviors within families or other types of domestic situations secondary to issues such as substance abuse, extreme stress, divorce.
3. Preference mediated offenders (PMO) - this third group is composed of individuals who have a sexual preference for children, i.e., pedophiles.

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Typologies

The aforementioned typologies represent an accurate spectrum of behaviors of various sex offenders. This writer posits that this is a much more sensible approach than to categorize everyone into "sexual predatory" categories.

Common Misconceptions

There are a number of misconceptions that are prevalent. One misconception is that the recidivism rate for sex offenders is alarmingly high, yet this is at odds with the science. The Department of Justice (DOJ) found that the reoffense rate, in particular of situationally mediated offenders such as incest offenders, was in the lower decile. Marshall and Barbaree (1990) found in their review of studies that the recidivism rate for incest offenders ranged between 4-10%. Alexander (1999) conducted an analysis of a large group of treatment-outcome studies encompassing nearly 11,000 sex offenders. Data from 79 sex-offender treatment studies were combined and reviewed. Results indicated that sex offenders who participated in relapse prevention treatment programs had a re-arrest rate of 7.2% compared to 17.6% for untreated offenders.

Risk Assessment

It is important to have static factors evaluated in a risk assessment, i.e., age, prior offense history, age at first offense, arrest, or conviction. Moreover, dynamic factors also need to be addressed, such as sexual arousal or intoxication immediately preceding a reoffense as well as deviant sexual preferences. Moreover, risk assessment instruments, such as the Static-99 which has undergone revision, are useful. Even the Static-99 research used by the State of California, which is the most widely used risk assessment tool for sexual offenders, notes that the five-year sexual recidivism rate for the Static-99 based on survival analysis indicates a relative risk of 4.3%. The ten-year recidivism rate of the Static-99 is 3.9%. This is hardly an astronomically ascending recidivism rate such as are presented by some individuals.

Conclusions and Recommendations

There is a great need for use of protocols such as the above. This writer would add that the Abel Assessment for sexual interest™ test is an invaluable aid with these tests in determining if an individual has a sexual interest towards children. There is also a test by the Abel Center called the Diana Screen to evaluate individuals for sensitive positions involving children. For some reason unknown to this writer, many facilities with individuals in contact with children in positions of trust do not use this screen.

Another conclusion is that not all individuals accused of [sexual offending](#) are predators. Some individuals are family members who have had a misstep with another family member during a period of great stress or family dysfunction. These individuals go on to lead normal lives and have normal relationships with their children. For this reason, this writer was gratified to see many cities in California doing away with the restriction of convicted sex offenders near park and recreation areas. This writer assesses public safety as well as recidivism rate and reoffense rate in his forensic assessments. However, the balance is important to have an accurate perspective. Otherwise, an individual is operating from a biased perspective which leads to increasing errors in interpretation of behavior of these individuals in these populations.

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