

Preliminary Review on Risk Assessment of Sexual Crimes



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Abstract

The recidivism rate of sexual offenders is not particularly high, and the sexual crimes are not the main crimes compared to other crimes. However, there is a hypothesis about sexual crimes: sexual offenders are different from general offenders or non-sexual offenders in which that they will continue to specialize on sexual crimes throughout their entire life (or at least significantly). Influenced by this hypothesis, many general and selective crime control policies against known sexual crimes came out, such as the strict risk management process, which is usually applied to this group of people. Nevertheless, if this hypothesis is not correct, the selected risk management process might not be able to prevent crimes or even might potentially increase crime rates.

Therefore, risk evaluation of sexual crimes should have further considerations:

- i. Generalization and specialization of sexual crimes shall be further discussed
- ii. Sexual crimes include crime dynamics with different ages
- iii. Risk evaluation shall take dynamic perspectives of sexual crime life course into consideration
- iv. Risk evaluation shall take different types of crime into consideration.

Keywords: Risk Assessment; Sexual Crimes; Recidivism Rate; Behavior; Sexual Offenders; Criminology.

Introduction

Compared to the recidivism rate of other crimes, that of sexual offenders is not particularly high [1,2], Ming-Jie Lin (2003) Shi-Long Yang (2004), Hsu-Tong Chen (2005). After we observed the number of people and the ratio for prisoners who were released from jail and committed the crime again, sexual crimes are not the main problems of crime.

However, Harris, et al. [3] mentioned there is a hypothesis for sexual crimes: sexual offenders are different from general offenders or non-sexual offenders. From the perspective of traditional criminology, sexual offenders (the same as those who committed other crimes) are as diversified offenders who commit different kinds of crimes throughout their life [4]. However, the study of sexual crimes has different perspectives compared to traditional criminology. This study believes that sexual offenders will continue to specialize in sexual crimes throughout their life (or at least significantly) [5,6]. Specialized offenders refer to those criminals who repetitively, continuously commit certain crimes [7].

Therefore, the strict risk management processes are usually applied to this group of people. It is not only due to the severity of such crime, but also for the general concept and hypothesis stating that "sexual abuse" is committed by the continuous, specific, dangerous and sick offenders, in which their crime will become more and more severe as the time goes by. Recently, many legislative measures against sexual abuse are influenced by the unverified hypothesis "sexual crime is a unique and specific criminal form", which led to the formulation of general and selective crime control policies against known sexual abuse. These policies include bills regarding community notifications, police office registrations, restricted residence, dangerous offenders as well as 2nd generation civil guardianship. Many sexual abuse precautionary measures that had developed in Taiwan are also influenced by those in the U.S., such as Megan's Law, Sexual Violent Predator Act (SVPA), Sex Offender Registry and Community Notification Law in Wisconsin, Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, and Sex Offender Registration in Kansas are the main resources for relevant legislation in Taiwan.

Risk Evaluation of Sexual Crimes

If the hypothesis is not correct, the selected risk management process might not be able to prevent crimes or even might potentially increase crime rates. Therefore, risk evaluation of sexual crimes should have further considerations:

Generalization and Specialization of Sexual Crimes Should be Discussed Further

Hirschi & Gottfredson [4] proposed the general theory of crime, of which the common cognition toward deviant behavior received support from extensive theories and evidence [8]. The theory denied the viewpoint of crime specialization (specialized theory of crime), which defined crime as “violent or fraudulent behavior conducted for personal interests” and regarded that the major crimes reported by the media are matters that are “mostly minor, unfinished, rarely continued, or with great benefits” to the offenders. A very important standpoint of the theory was hedonism, impulsive behavior, pursuit of temporary satisfaction, and disregard for negative results in the long term.

A hypothesis exists in the study of sexual crimes: sexual offenders are different from general criminals or non-sexual offenders; this point of view believed that sexual offenders would commit sexual crimes consistently and specially (at least significantly) throughout their criminal life [5,6]. Crime specialization refers to “the inclination of the type of criminal that repeats the same crime and keeps getting arrested”; it is a key factor to defining a criminal career [9]. People believed that specialized criminals “would become more proficient in their professional and high rate crimes” [7]. Such viewpoint toward general sexual offenders had been considered a matter of fact to a certain extent until a recent study brought up some questions [10].

Lussier [11] reviewed literatures on sexual crime specialization and came to a conclusion, believing specialization of sexual crimes appeared less than that of other types of crimes, such as crimes against violence or property. Soothill et al. [12] carried out a 32-year follow-up study on 6,000 English or Welsh sexual offenders in 1973, and the results indicated sexual offender recidivism was generally diversified instead of specialized. Miethe et al. [13], in an American study, conducted inspections on samples of approximately 10,000 sexual offenders released from prison in 1994, and the evidence showed that sexual offenders were not specialized criminals. Through the criminal history of 566 male sex offenders under civil custody in 1959-1984, Harris, et al. [10] inspected the level of crime specialization and diversification. The ST thresholds of three ratios and the DI indexes of three criminal types were used for the inspection; the results revealed that the people under civil custody were more likely to have the tendency toward criminal diversification, which was consistent with the observation carried out on long-term criminals. Crime specialization was

uncommon among the general offender population. It was just an exception, instead of normality, among the general sexual offender population.

“Sexual offenders” are often considered as a homogenous and consistent group, but this viewpoint may be misleading. In fact, there have always been many discussions on sexual offenders being specialized criminals (meaning they only commit sexual crimes) or generalized criminals (meaning they commit a variety of crimes in addition to sexual offenses [6,10]). Furthermore [14], dichotomy may be misleading as certain criminals may be both generalized and specialized at the same time. Sullivan, McGloin et al. [15] and McGloin, et al. [16] have effectively developed this issue by introducing the concept of short-term specialization, in addition to offering evidence for providing some support, but the concept has yet to be considered as specialization of sexual offense [17].

In brief, although some evidences show there might be specialization among sexual crimes, certain types of sexual offenders (victims who are boys) might have a higher possibility of sexual offense specialization than other types (particularly if the victims are adult women), contact sexual offenders seem to be specialized in contact sex crimes, and non-contact sexual offenders seem to be specialized in non-contact sex crimes, but so far there are very few researches that provide reasons for supporting the view of sexual offenders as being a highly specialized group.

Howard, et al. [18] stated that criminology and corrective psychology had always been interested in the topic of whether criminals were specialized in certain types of crimes. This question becomes extremely important when it comes to sex crimes. Strict risk management procedures are often applied to this kind of groups, not only because of the danger of this type of crime, but also because it is commonly assumed that “sexual offenders” can be confirmed to be persistent, distinctive, dangerous and pathological criminals, in which their crimes will lead to extended harm with time [19]. If a sexual offender is specialized in certain types of sexual criminal behaviors, these behaviors may very likely be driven by different risk factors, so it could be impossible to predict precisely the various sex crime types of the same level by using only one single series of risk factor scoring tool. Therefore, a more reasonable method is to adopt multiple risk tools, such as using different weights or totally different risk factors that might enhance the prediction of different types of sex crimes. However, if the hypothesis is incorrect, the risk management procedure selected might be unnecessary or unfavorable, so it might be unable to prevent crime, or may even have the potential risk of increasing criminal activity. Thus, the generalization and specialization of sex crimes may influence the direction of criminal policies, risk assessment tools and treatment strategies; this indeed requires further investigation.

Sexual Offenders have Different Dynamics in Age of Criminals

Hirschi and Gottfredson proposed a general theory of crime in 1990. Their empirical study revealed that criminal behaviors reached a peak in mid-adolescence (approximately ages 15-17) dropped dramatically until the age of 25, after which the behaviors would reach a stable decreasing condition with age. However, the “tendency” of a person’s crime should remain quite steady, and this phenomenon would not differ with the times, region, crime type, gender or ethnic group.

Recent studies on the life history of sexual offenders have different findings. Lussier, et al. [20] discovered four types of general crime curves. For example, the group of “high-rate offenders” started to commit crimes at the earliest age, while the group of “very low-rate offenders” started at a relatively older age (after becoming adults, at approximate the age of 45), and pedophilic child molesters were more likely to be a part of this group than rapists. The study pointed out that these four groups of curves were different in the aspect of many key criminal careers, such as the criminal’s age at which he committed the first crime, frequency, diversity and different crime type specialization. The results of the study challenged the concept of the high risk, stableness and linearity of sexual offenders, as well as corresponded to the research conducted by Moffitt’s [21].

Lussier & Davies [22] extended the study by Lussier et al. [23] and confirmed two types of sex crime curves up to the age of 35: the “very low offending” group and the “high-rate increasers” group. Recently, Freiburger, et al. [24] found three different sex crime arrest curves, of which the peak ages were 25, 30 and 32, respectively.

Francis, et al. [17] discovered sexual offenders’ four curve models of general crimes and four curve models of sex crimes. The study confirmed that sexual offenders had different tracks, and these groups were different in many criminal patterns, including the first crime, duration of criminal career, peak age of criminal, and age of criminal when entering rehab. Since the study tracked criminals to older ages, it attained longitudinal research evidence that proved the similarities and differences between the general offending pattern of sexual offenders and the offending pattern of general criminals. It also found a group of very late-onset criminals among sexual offenders, and confirmed that sexual offenders had different age tracks, so they should not be considered as a homogenous group.

Therefore, we should further understand the age dynamics of sexual offenders in our nation, carry out systematic tracking and longitudinal researches, and apply the increasingly common track model in the field of sex crimes to investigate the differences in the criminal’s age at which he committed the first crime, frequency, diversity and specialization to provide a more complete empirical reference for criminal policies and treatment strategies.

Risk Assessment Should Take into Account the Criminal Dynamic Perspective in the Life Course of Sexual Offenders

Current criminal justice policies on high risk sexual offenders assume that the criminal risk of sexual offenders is high, linear and stable throughout their life course. Looking from this viewpoint, the recidivism risk of sexual offenders will remain stable and unchanged with time, regardless of any factors, such as age. This conclusion has given rise to a trend of new policies on the criminal stability of sexual offenders.

A number of different risk assessment tools emerged in the 1990s, such as Rapid Risk Assessment for Sex Offence Recidivism (RRASOR) [25], Sexual Offender Risk Appraisal Guide [SORAG] [26], Minnesota Sex Offender Screening Tool – Revised [MnSOST-R] [27], and the Static-99 [28]. These risk assessment tools were usually developed to classify sexual offenders into different risk types, such as low, medium and high risks, for indicating the possibility of recidivism; however, they were mainly based on static and historical risk factors that could not be corrected through intervention or treatment [29]. The static risk factors were mostly related to the criminal history during personal evaluation, such as prior violent crime records, amount of prior sexual offense records, amount of prior convicted crimes, etc. The characteristics of many groups of ages mostly likely to recidivate (i.e. young adults in their 20s) were used in risk assessment tools and applied for all sexual offenders, while excluding the factor of age. Thus, risk assessment tools might over-estimate the recidivism risk of old criminals.

In addition, older recidivists, such as 40 years old, are often targets of policies on high risk sexual offenders [23]. This gives rise to a question of whether older criminals mean the same recidivism risk throughout their life course. Since there are very few studies for understanding the criminal activities and tracks of old offenders, risk assessment tools have omitted many dynamics related information, and decrease in the criminal activity of adult criminals was not taken into account. In other words, although criminal activity still exists for some offenders, it is gradually slowing down and decreasing after reaching its peak, but these tools would not adjust based on this fact. Thus, some people may be considered to be high risk criminals while, in fact, their criminal activity is in the middle of a terminating process. Studies even found that, because the first crimes were committed at an older age, the late-onset group has not accumulated risk factors in risk assessment tools, so they might be under-estimated even though their crimes were elevating.

In order to help risk evaluators in making more precise predictions on recidivism risk, it is necessary when assessing future criminal risks to take into account the life course development and criminal dynamic perspective, such as termination of or decrease in criminal activity, as well as have better understanding toward the criminal activity of sexual offenders. By doing so, risk assessment and prediction may be

improved, and more appropriate mental and physical treatment and parole supervision can be implemented for sexual offenders with effective assistance to enhance effect of treatment and control recidivism.

Risk Assessment Should Take into Account Different Types of Crimes

Regarding the different types of offender recidivism analyses, there have been four major classifications since 1980: Firstly, based on traditional psychodynamics: different types of sexual offenders are distinguished by focusing the development of the nature of mind of individuals on the primary motives and their method of content and subjects; starting from the earliest classification by Groth [30] to the categorization by Knight & Prentky [31] or the FBI, these are all developed based on similar concepts.

Secondly, based on victims: this type of classification does not have a special academic theory; the titles of victims are used as labels for classification, such as a rapist or child molester; this is essentially a categorization that uses the age of victims and offense methods for legal judgment, so it has meaning in justice function.

Thirdly, based on process of sexual offense: in response to the need for clinical risk assessment and treatment, different types of sexual offense routes and cognitive emotional factors are distinguished based on the cognition and behavioral factors of the sexual offense process; for instance: Ward & Hudson [32], Ward & Siegert [33].

Fourthly, from the DSM-based viewpoint, DSM does not have specific pathological diagnosis classification toward sexual offense; in the diagnostic category of paraphilia, a diagnosis related to pedophilic tendency is segmented for younger victims (including imaginary and behavioral), but DSM-5 replaces pedophilia with pedophilic disorder to distinguish their pathological differences. Traditional recidivism risk analyses carry out classification based on "victim type", such as rapist, child molester, incest, etc., and conduct follow-up observation on recidivism. This classification method uses the law as categorization labels, has no special foundation of academic theory, and can only analyze the recidivism rate within a certain follow-up period, but the changes in the overall criminal career of sexual offenders cannot be learned.

The Risk-Need-Responsivity (RNR Model) concept of Andrews & Bonta (2010) also emphasized the importance of treatment classification, but they did not mean the treatment based on the "victim type" (e.g. incest, obscenity, pedophilia, homosexual tendency, young innocent playmates, etc.) or "offender characteristics" (e.g. juvenile, mental retardation, violent nature, mental disorder) as presented in investigations on current community treatment status, instead, they proposed to arrange different treatment models or depths according

to different risk levels. Continuous researches conducted by Andrews, et al. (1990), Bonta, et al. (2000) discovered that, if treatment was arranged without considering different risk levels, it would have negative impact on recidivism control. In other words, if the low risk group was placed under intensive treatment, it would lead to an increase in the possibility of recidivism; if the high risk group only received minimum treatment (such as consulting education), it would lead to the increase, instead of decrease, of the recidivism rate in the end.

Conclusion

In handling issues on sexual offense, the current criminal justice system has at hand excessive number of cases but limited labor and medical resource. Thus, an important topic that requires investigation is how to use assessment tools that are objective and have been proven to be effective through empirical studies to screen various types of high risk groups rapidly and accurately to adopt aggressive intervention measures according to the risk factors and levels, as well as use the limited resources to the greatest extent.

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