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Rasmussen, L. A. L. (2018, Summer/Fall/Winter). Preliminary findings: Unexpectedly high sexual recidivism rate in longitudinal study of adjudicated sexually abusive youth followed in adulthood. *Perspectives, Quarterly Newsletter of the California Coalition on Sexual Offending (CCOSO)*, 1, 4-7, 35-36.

***Preliminary Findings: Unexpectedly High Sexual Recidivism Rate In Longitudinal Study of Adjudicated Sexually Abusive Youth Followed in Adulthood***

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As reported in a previous issue of *Perspectives* (Rasmussen, 2017b) and at professional conferences in the past year (Rasmussen 2018a, 2018b, 2018c), the author is engaged in an ongoing longitudinal study of a cohort of adjudicated male sexually abusive youth who received treatment in a secure custody residential facility, were discharged into the community, and are followed in adulthood (i.e., after the age of 18) to track their adult recidivism. The study provides an unfolding, detailed picture of the adults these youth have become. The significant salient features emerging for several of these subjects are their subsequent arrests for seriously egregious criminal behaviors (e.g., homicide, attempted murder, human sex trafficking, rape, robbery), which are atypical from what is generally reported for sexually abusive youth who recidivate. Their crimes likely result in significant harm, to their victims, their victims' families, their own families, and their communities.

This research is noteworthy because of the exceptionality of the sample. At the time of their initial contact with law enforcement and mental health professionals, the youth were considered at high risk to do further harm as related to sex crimes. They were adjudicated for sex crimes that warranted them being removed from their homes, and placed out of their communities in a secure setting for an extended period of time (typically at least 18 months). Initially, the cohort of 129 male adolescents was followed for 6 years (from intake to discharge) in a study comparing the predictive validity of the two most contemporary risk assessment tools for sexually abusive youth, *JSORRAT-II* (Epperson & Ralston, 2015) and *MEGA*<sup>2</sup> (Miccio-Fonseca, 2009, 2010, 2013). *MEGA*<sup>2</sup> was predictive for this sample while *JSORRAT-II* was not (Rasmussen, 2017a).

Data on 128 youth from the initial study sample were available for further longitudinal follow-up. The cohort are now adults, ranging in age from 21 to 30 years. In the sample of 128, 120 had sufficient data (i.e., name, birthdate, and location) to be tracked long-term. The ongoing study has now followed this residential cohort for an additional 6 years after their discharge from the secure custody facility; follow-up period to date is 12 years, 2 months (mean follow-up = 112.98 months, *SD* = 17.62).

There are limited detailed identified studies similar to this research; that is, studies that have followed a specific sample of (initially assessed) high risk and very high risk adjudicated sexually abusive youth longitudinally into adulthood, documenting subsequent sexual and non-sexual crimes (as adults). Perhaps the most similar research to this study is Nisbet, Wilson, and Smallbone's (2004) study of an adjudicated sample of male adolescent sex offenders (*N* = 303) assessed in a sex offender program in Australia. The youth had "either pleaded guilty to, or had been found guilty of, a sexual offense as a juvenile (aged over 10 years but less than 18" (p. 22), including both "'hands-off' (e.g.,

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exhibitionism) and ‘hands-on (e.g., sexual assault) offenses’ (pp. 225-226). The study followed 292 of the youth, tracking their subsequent charges and convictions as adults. Unlike the author’s study, Nisbet et al. do not report the risk level of the youth in their sample; the variable of risk level was therefore not considered when reporting the subjects’ recidivism as adults.

Risk levels in the author’s study are definitive, given that the tools used, *JSORRAT-II* and *MEGA<sup>2</sup>*, are the only risk assessment tools for sexually abusive youth that have normative data and cut-off scores, with calibrated risk levels. *JSORRAT-II*, normed on adolescent males, has three risk levels (i.e., *Low Moderate*, and *High*). In *MEGA<sup>2</sup>*, cut-off scores of the *Risk Scale* are calibrated according to age and gender and in four risk levels (*Low*, *Moderate*, *High*, and *Very High*) (Miccio-Fonseca, 2009, 2010, 2013). The fourth level, *Very High Risk*, is a risk category unique to *MEGA<sup>2</sup>*. Like *JSORRAT-II*, other risk assessment tools for sexually abusive youth have only three risk levels.

At the time of their baseline risk assessment, 45.9% of the sample of 129 youth scored at *High Risk* on the *JSORRAT-II*, while on *MEGA<sup>2</sup>*, 43.4% scored at *Very High Risk* and 30.2% scored at *High Risk* (Rasmussen, 2017a). *MEGA<sup>2</sup>*’s *Very High Risk* level is specifically designed to parse out those youth whose sexually offending behavior is the most egregious. *Very High Risk* is operationally defined as: “the risk likely is at very critical levels requiring immediate intervention and presenting a danger to others, possibility to lethality levels” (Miccio-Fonseca, 2018b, p. 13). As per this definition, *nearly half* of the sample were assessed by *MEGA<sup>2</sup>* as dangerous, potentially lethal sex offenders.

### ***Preliminary Findings on Arrests for Sexual and Non-Sexual (Violent) Crimes***

The longitudinal study has tracked the cohort of adjudicated sexually abusive youth into adulthood, operationally defining adult sexual recidivism as being found on a sex offender registry (California or national), and/or having a public record of arrest for a sex crime. Adult non-sexual (non-violent), and non-sexual (violent) recidivism are defined as having a public record of arrest for a nonsexual (non-violent), or non-sexual (violent) crime. Thus far, 15 subjects (12.5%) have been arrested for sex crimes as adults and/or are listed on a sex offender registry. The mean follow-up to sex reoffense at this point in the study (12 years, 2 months) is 68.07 months ( $SD = 31.72$ ). To date, 54 subjects (45%) have been arrested for non-sexual crimes (violent and non-violent) as adults.

The 12.5% sexual recidivism rate is substantially higher than the overall rates reported in two meta-analyses by Caldwell (2010, 2016). In Caldwell’s (2016) report of his meta-analyses, Table 1 lists various recidivism rates (and mean follow-up periods) for the overall sample from the respective study sites (see p. 4). There were 23 data sets of residential samples (mean  $N = 170.17$ ,  $SD = 100.26$ ; mean follow-up = 66.27 months,  $SD = 48.05$ ). The mean sexual recidivism rate for the residential sample was 6.61%,  $SD = 3.60$ . For the secure setting samples, mean sexual recidivism rate was 6.63%,  $SD = 4.77$  (29 data sets; mean  $N = 582.83$ ,  $SD = 1255.00$ ; mean follow-up = 44.91 months,  $SD = 19.35$ ). *Note:* youth in secure settings were followed for a considerably shorter period of time (mean follow-ups of 44.91 months and 66.27 months respectively). Sexual recidivism rates

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for longer mean follow-up periods in both types of samples may have been higher.

It is important to put the author's preliminary data in context as it relates to Caldwell's (2016) contention that, "The current rate of juvenile sexual recidivism appears to be less than 5%." (p. 8). Caldwell based his conclusions on examining both juvenile and adult recidivism in the 106 studies in his meta-analysis, while the author's study is longitudinal, focusing solely on a single sample of adjudicated male juvenile sex offenders who are followed into adulthood, tracking their adult sexual and non-sexual recidivism.

Unlike the author's study, Caldwell's meta-analyses did not report on the youth's risk level, nor make comparisons of such. In both the 2010 and 2016 meta-analyses, youth were not differentiated by risk levels; therefore it would not have been possible to identify the most serious, dangerous youth in the various study samples and determine their rate of recidivism. Caldwell's meta-analyses samples are most likely representative of the overall population of adjudicated sexually abusive youth. The weighted mean base rate for sexual recidivism in the 2016 meta-analysis (i.e., 4.92% over a mean follow-up of 58.98 months,  $SD = 50.97$ ) may be a *generalized overall* number for this population of sexually abusive youth. However, it may not in fact, be applicable to the most dangerous sexually abusive youth, such as the very high risk youth examined in the current study.

Youth assessed at *Very High Risk* on *MEGA*<sup>f</sup> are very rare, unique, atypical. Miccio-Fonseca refers to *Very High Risk* sexually abusive youth as "anomalies", or "the preternatural" (Miccio-Fonseca, In Press). Such youth were distinguished as two qualitatively distinct subgroups in an empirically supported nomenclature established by Miccio-Fonseca and Rasmussen, (2009, 2014): "youth who are sexually violent (YSV)", and "youth who are predatory sexually violent (YPSV)". The term "predatory" refers to sexually abusing someone the youth "only knows by sight or has only briefly interacted with" [Miccio-Fonseca, In Press]. The nomenclature was empirically validated by extensive data from the *MEGA*<sup>f</sup> studies, both validation (Miccio-Fonseca, 2009, 2010) and cross-validation (Miccio-Fonseca, 2013, 2017, 2018a; Miccio-Fonseca, In Press).

Youth who are egregiously sexually violent, or predatory sexually violent, are rarely seen in clinics, but more likely to be identified in secure settings. Caldwell (2013) studied 198 youth in secure custody and evaluated for civil commitment, identifying only 54 juvenile sex offenders in a 4-year period (27.3% of the sample) "qualifying for SVP [sexually violent predator] commitment and held for a final commitment hearing" (p. 519). Subsequently, only 4 of these youth were committed under the SVP law, with one later "determined by a judge to be inappropriate for commitment" (Caldwell, 2013, p. 519). That is, only 3 out of 198 youth (1.5%) were civilly committed, demonstrating the rarity of predatory sexually violent youth.

As would be expected (according to the definition of the *Very High Risk* level in *MEGA*<sup>f</sup>) several of the sexual recidivists so far identified in this study have been arrested for sexually violent

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offenses. Sex crimes included: rape of an unconscious person, rape and/or oral copulation by force or fear, human sex trafficking, and sexual battery of a spouse, cohabitant, or former spouse. One subject had sex with a prostitute, then robbed and shot her, leaving her paralyzed. Six subjects are currently listed, or were found listed, on sex offender registries. So far, the preliminary findings have identified 20.8% who recidivated as adults with arrests for non-sexual, violent crimes including: homicide, attempted willful deliberate premeditated murder, and assault/battery with intent to inflict great bodily injury.

The author's study also examines exposure to domestic violence in sexually abusive youth, documenting subsequent adult arrests for domestic violence crimes. Nearly half (49.2%) of the 120 youth followed were exposed to domestic violence. To date, 16 subjects (13.3%) have been arrested on domestic violence charges (i.e., corporal injury of a spouse, cohabitant, or former spouse). An interesting trend has been observed in the preliminary findings – a higher number of sexual recidivists were exposed to domestic violence than subjects who were arrested for domestic violence (80% versus 56.2% respectively). Also notable is that 7 of the 8 sexual recidivists who were assessed by the *MEGA*<sup>1</sup> at *Very High Risk* were exposed to domestic violence. These preliminary findings are instructive, as only a few researchers have studied the variable of exposure to domestic violence in sexually abusive youth (Eastman, 2005; Hunter, Figueredo, Malamuth, & Becker, 2003, 2004; Hunter, Figueredo, Becker, & Malamuth, 2007; Schwartz, Cavanaugh, Prentky, & Pementalm 2006). These studies looked only at the youths' history of exposure to domestic violence, and did not follow the samples to examine whether they later engaged in domestic violence related behaviors.

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### ***Discussion: Practice Implications***

This longitudinal study provides opportunity to examine more closely the recidivism of a sample of discharged adjudicated male sexually abusive youth from a secure residential facility where nearly half (43.4%) were assessed as *Very High Risk* (per *MEGA*<sup>f</sup>). It was expected that some subjects would reoffend with serious crimes (be it sexual or non-sexual), given it was a high risk sample. Even so, the preliminary recidivism findings thus far are both surprising and alarming. The arrests documented to date involve very severe crimes. Sex crimes included rape of unconscious victim, and human sex trafficking, while non-sexual crimes included homicide, attempted willful deliberate premeditated murder, and assault/battery with intent to inflict great bodily injury. Preliminary findings show that a percentage of subjects were found to be in prison; this has ranged from 8-10%.

The *MEGA*<sup>f</sup> validation studies found youth assessed in the *Very High Risk* level were in the smallest numbers. In the combined validation and cross-validation samples ( $N = 3,901$  - ages 4-19, males, females, and transgender-females, including youth with low intellectual functioning), only 13% were *Very High Risk* on *MEGA*<sup>f</sup> (Miccio-Fonseca, In Press). It is *essential* to remember that this author's study examines a small, very skewed, atypical sample of adjudicated male sexually abusive youth, quite different from the *MEGA*<sup>f</sup> overall sample studies, which consisted of youth of all ages, genders, and all risk levels, including *both* adjudicated and non-adjudicated youth in multiple settings (i.e., inpatient, outpatient, foster care, group homes, residential facility, and secure custody). Conversely, where 62% of the *MEGA*<sup>f</sup> overall sample was *Low* or *Moderate* risk, this author's sample was primarily *High* to *Very High* risk, consisting solely of male youth adjudicated for sex crimes, removed from their homes and communities, placed in custody, and matriculated via court orders to an intensive (minimum of 18 months) residential treatment program.

These current preliminary findings speak to the need to accurately assess risk level and consider the implications of *calibrated risk* findings when conducting longitudinal follow-up studies of sexually abusive youth. Doing so is consistent with the inherent purpose of risk assessment tools—to ferret out those youth who are really dangerous. In order to effectively identify those youth and examine their recidivism, risk assessment tools must have predictive accuracy, but even more importantly, must have calibrated risk levels that provide definitive estimates of risk (Caldwell, 2016; Miccio-Fonseca & Rasmussen, 2018).

Subjects in this study received services in a state-of-the-art residential program described on its website (Human Services Projects, 2014) as including comprehensive, multidisciplinary biopsychosocial assessments; risk assessments using two contemporary tools; and multiple treatment modalities (i.e., individual, group, and family therapy). Group treatment included an evidence-based curriculum emphasizing building pro-social behaviors, problem-solving strategies, and independent living skills. Also included were focus groups related to needs identified in individual therapy (e.g.,

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sexual victimization, PTSD, grief and loss, substance abuse) Educational needs were assessed and addressed. When possible the youth's family were involved in the youth's treatment.

The program was highly structured and supervised. The staff at the facility received ongoing training, education, and supervision related to working with sexually abusive youth; this in keeping with maintaining a state of the art, evidence-based facility. Overall the program was well recognized by local and state officials and respected by court officers (i.e., judges, probation officers). The final analysis will examine whether sexual recidivism of the sample is significantly associated with termination and/or premature discharge from the program.

The preliminary findings may point to a deficiency within the criminal justice, child welfare, and mental health systems in following up on high risk sexually abusive youth as they complete, are prematurely discharged, or are terminated from treatment programs and age into adulthood. The program, though comprehensive and contemporary, was appreciably limited by the absence of aftercare services (due to lack of funding for such service). According to the Program Director, the facility was often forced to terminate services when the youth turned 18, and outside resources (through child welfare or probation) were not available for follow-up. Being released into the community without adequate supportive services was likely quite a change for these youth, considering they had been in a residential setting that was highly securely supervised, structured, and tightly scheduled. Finding themselves with no structure, supervision, or resources for support may well have been significantly distressing, taxing their coping mechanisms and strategies.

The preliminary findings of this secure custody residential cohort of primarily *High Risk* youth provide rich information about the rare sub-group of adjudicated sexually abusive youth who are potentially lethal, the *Very High Risk*. Subjects were followed into adulthood examining their adult recidivism rates, both sexually related and non-sexually related. The final analysis will examine whether recidivism increases over time, as well as provide information about what variables are statistically associated with recidivism for sexual, non-sexual (non-violent), and non-sexual (violent) crimes.

Clinicians and administrators of residential programs who treat *High Risk* and *Very High Risk* sexually abusive youth, and probation officers who monitor and supervise them, can best assist these youth by helping them access well rounded supportive aftercare services. If such services are integrated into a program of independent living skills for a minimum of 6-months, and implemented both pre and post release, it may markedly mitigate risk. Follow-up aftercare can assist in promoting prosocial behaviors in young adulthood and preventing recidivism of sexually abusive and/or non-sexual offenses (violent and non-violent).

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