



An Executive Summary of:

**THE
OREGON REPORT
ON
JUVENILE SEXUAL
OFFENDERS**

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A PROFILE OF OREGON'S JUVENILE SEXUAL OFFENDERS

1985 Data:

- Over 1,000 sexual offenses were committed by juveniles, an increase of 53% over 1984.
- Juvenile sexual offenses occur throughout Oregon's 36 counties, in numbers generally proportional to population distribution.
- Ninety-five percent of the 382 juveniles arrested for sexual offenses were males.
- The greatest percentage of the juveniles arrested for sexual offenses were in the 13 to 14 age bracket.
- "Molestation" (defined as genital contact but no penetration) was the most common sexual offense reported; followed closely by "penetration" (defined as sexual intrusion, rape, sodomy, etc.).
- Eighty-nine percent of the sexual offenses reported by juvenile victims were committed by relatives or acquaintances.

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INTRODUCTION

Juvenile sexual offenders comprise a serious problem, in Oregon and in every other state in the union. This Executive Summary presents the highlights of the *Oregon Report on Juvenile Sexual Offenders* which resulted from a year-long study by the Children's Services Division, Oregon Department of Human Resources. A multidisciplinary, inter-agency committee was formed to gather information and to develop guidelines for identification, assessment, and treatment of juvenile sexual offenders. Avalon Associates, a private consulting firm, was contracted to manage the project and to prepare the final report. The project was funded by a grant from the National Center for Child Abuse and Neglect (NCCAN), U.S. Department of Health and Human Services.

The issue of juvenile sexual offenders in Oregon is complex and under-discussed. The purpose of the *Oregon Report on Juvenile Sexual Offenders* is to enhance existing juvenile offender treatment programs and to facilitate planning and development of a comprehensive statewide response to the problem. The contents of the report include:

- A description of the factors which make it difficult to deal with the issue of juvenile sexual offenders.
- Statewide statistical information about juvenile sexual offenders and current information on the availability of assessment and treatment services for all regions of the state.
- Recommended procedures for managing a case as it is processed through the various agencies responsible for dealing with youth-perpetrated sexual offenses.

- Guidelines for treatment of juvenile sexual offenders which correspond to the severity of the offender's problem.
- Recommended policy to the legislature and the public- and private-sector agencies involved in working with juvenile sexual offenders. These recommendations will address the treatment needs of offenders as well as the professional training needs of caseworkers and agency administrators.

A word about style: This report uses only the male pronoun. While female sexual offending is clearly in evidence, the vast majority of sexual abusers are males.

BACKGROUND

Identifying the Problem

Sexual offenses by juveniles in Oregon are not a new phenomenon. Only recently, however, have efforts been made to collect information so that decision makers can begin to ferret out the dimensions of the problem and start developing programs and policy recommendations to deal with it.

Children's Services Division recently decided to determine the extent of the problem of juvenile sexual offenders in Oregon. The numbers show evidence of a serious and growing problem. In 1984, the Children's Services Division identified over 900 cases of children under age eighteen perpetrating sexually related crimes. A year later the agency recorded at least 1,000 such cases, and although the data is unclear, the number may actually exceed 1,300. Those working in the field believe that this increase is a function of three factors: raised reporting requirements for state and local officials, an increased awareness by society-at-large about the importance of reporting such cases, and an actual year-by-year increase in the number of sexually related offenses committed by juveniles.

However, a number of complex questions have hindered attempts to understand and adequately address the problem of juvenile sexual offenders:

How should "juvenile sexual offender" be defined for information-gathering purposes?

Which agency should have primary responsibility for investigating reported cases of juvenile sexual offenses?

What guidelines should cover the use of such assessment tools as the penile plethysmograph, the polygraph, the Sexual Fantasy Survey, and arousal card-sorts?

What are appropriate guidelines regarding treatment philosophy and procedures, including the use of aversive stimulation or chemotherapy?

Which agency should be responsible for providing treatment for juvenile sexual offenders?

What are the guidelines for deciding which offenders should receive community-based services versus residential care or treatment under secure conditions?

What should be done about the lack of training programs and professional certification for treating juvenile sexual offenders?

What certification standards are needed to ensure that treatment programs are appropriate?

How can equal access to needed services be guaranteed?

In order to develop policy recommendations addressing such complex issues, the Children's Services Division established a multidisciplinary, inter-agency committee. It was asked to examine a set of issues ranging from program administration to providing services in the field; to produce recommendations which would be grounded in reality; and to obtain the support of the relevant agencies serving juvenile sexual offenders. It identified two key assumptions which guided its work:

- Despite the fact that many juvenile sexual offenders were themselves victims of abuse, they nevertheless must be held responsible for their acts.
- Sexual offense-specific intervention can substantially reduce the rate of reoffense and should be mandatory.

A PROFILE OF OREGON'S JUVENILE SEXUAL OFFENDERS

Sources of Information

Data for use in the *Oregon Report On Juvenile Sexual Offenders* was obtained from three sources:

Children's Services Division Central Registry. All cases of child abuse or sexual victimization must be reported to the state child protective services agency. Data collected from Children's Services Division branches and caseworkers around the state are compiled and stored confidentially in the Central Registry.

Law Enforcement Data System. The various law enforcement agencies in Oregon collect information about the perpetrators of sexual offenses. Police officers investigating an alleged crime submit information about a suspect to the Law Enforcement Data System (LEDS). Information compiled locally is subsequently combined to provide statewide data.

County Survey. The Working Committee prepared and distributed a survey to all appropriate public and private agencies statewide seeking information about the availability of local resources, perceived needs of offenders, and the kinds of services provided.

Problems of Data Collection and Analysis

As the Working Committee examined the available data on juvenile sexual offending in Oregon, several problems relating to data collection and analysis became apparent:

Under-reporting.

Reluctance to Label.

Complexity of the Crime.

Inconsistent Reporting Procedures.

Data Incompatibility.

The primary reporting agencies, Children's Services Division and the juvenile departments, store their data in different categories. Consider the following chart:

AGE BRACKETS FOR JUVENILE SEXUAL OFFENDERS

LEDS DATA:	Under 10	10-12	13-14	15	16	17	
CSD DATA:	0-5	6-8	9-10	11-12	13-14	15-16	17-18

At the time this report was published, the state Juvenile Services Commission was leading an effort to improve data collection procedures on juvenile offenders, sexual and otherwise, so improvements in data collection and reporting procedures appear to be imminent. Because of the problematic nature of data collection on this topic, all Children's Services Division data reported in this study should be considered "preliminary."

Findings

Because sexual offenses are under-reported, it is likely that Oregon has considerably more juvenile sexual offenders than suggested by the statistics. However, analysis of the available data from 1985 indicates that:

- Over 1,000 sexual offenses were committed by juveniles, an increase of 53% over 1984.
- Ninety-five percent of the 382 juveniles arrested for sexual offenses were males.

- The greatest percentage of the juveniles arrested for sexual offenses were in the 13 - 14 age bracket.
- Molestation" (defined as genital contact but no penetration) was the most common sexual offense reported, at 37%; followed closely by "penetration" (defined as intrusion, rape, sodomy, etc.), at 32%.
- Eighty-nine percent of the sexual offenses reported by juvenile victims were committed by relatives or acquaintances.

The types and severity of sexual offenses perpetrated by juveniles vary widely. For example, there are significant numbers of juveniles who engage in what researcher Michael O'Brien refers to as "naive experimentation." (O'Brien, 1985). These tend to be younger adolescents, even pre-teens, with no previous history of acting out sexually abusive fantasies or behaviors. At the other end of the "offending" spectrum one can find severely disturbed perpetrators whose propensity for violence is a serious threat to themselves and the community. Juvenile sexual offenses occur throughout Oregon's 36 counties in numbers approximately proportional to population distribution.

Oregon Resources

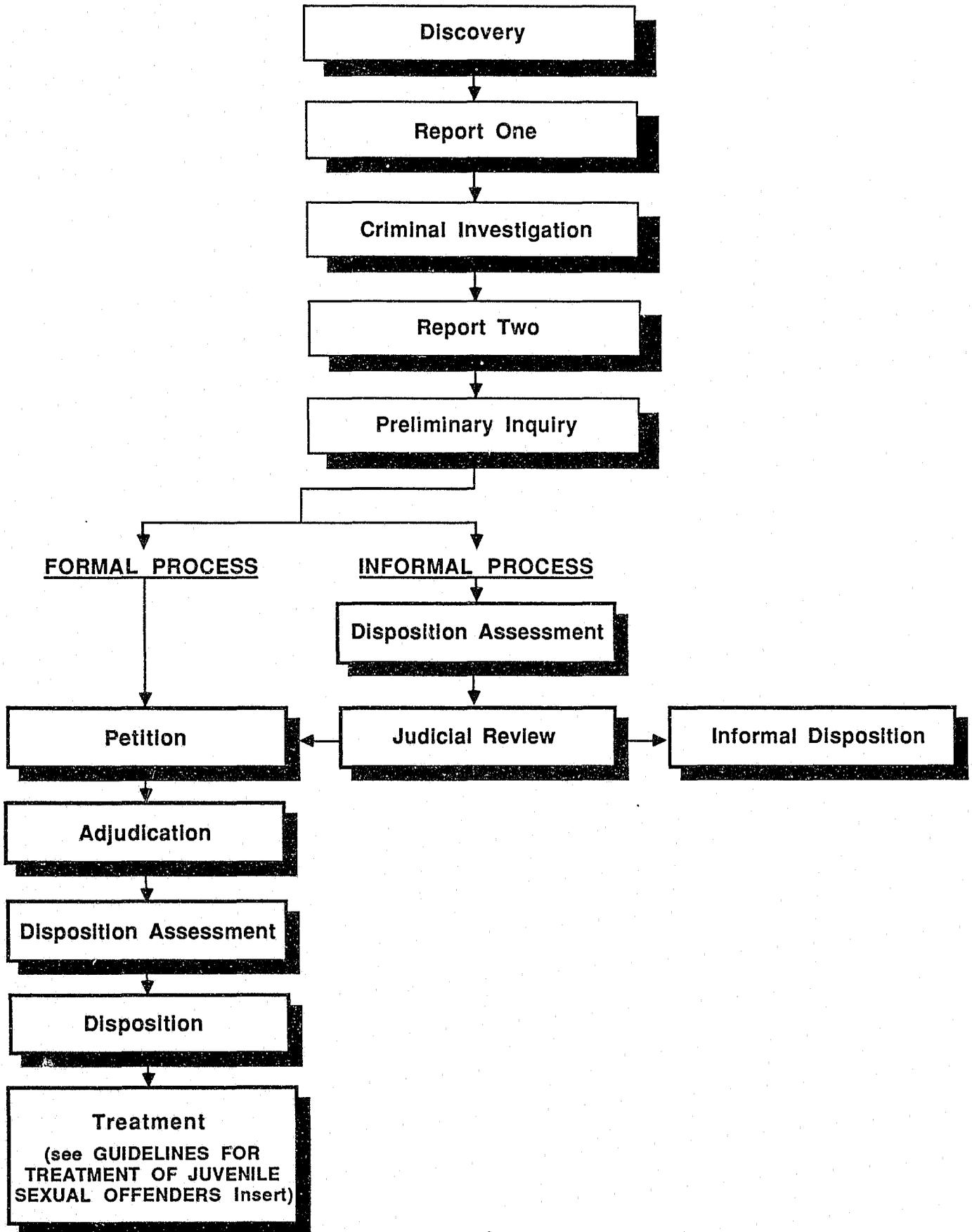
Oregon's resources for treating juvenile sexual offenders are limited. The County Survey data suggests that while treatment resources are spread throughout the state in roughly the same proportion as population, there are not enough resources to do the job. Only between one-third to one-half of the juvenile sexual offenders needing treatment were able to obtain services in 1985.

IDENTIFICATION, ASSESSMENT, AND DISPOSITION

A major concern identified by the Working Committee on Juvenile Sexual Offenders was the variation in procedures used by professionals and agencies in identifying offenders and assessing the extent of their problems. There was concern that different and inconsistent information was being collected for the court and for treatment personnel. It was thought that because of this variability in information, some offenders were not necessarily receiving consistent types of treatment.

The Working Committee determined that it would be useful to develop a standard model describing the phases through which cases of juvenile sexual offending proceed and clarifying the types of information needed at appropriate places in the process. This section describes that model and, whenever possible, identifies the agency which should hold primary responsibility for managing activities in each phase. The phases are represented on the Oregon Juvenile Offender Case Management Flow Chart on the next page. The full report describes the case management process in detail, and includes definitions of technical terms.

OREGON JUVENILE SEXUAL OFFENDER CASE MANAGEMENT FLOW CHART



REMAND

A troubling issue flowing from analyzing the effectiveness of treatment has to do with remand. It is sometimes necessary to return a youth to custody pending trial or for further treatment. Suggestions for modifying existing statutes regarding remand to respond to the needs of juvenile sexual offenders and society are discussed in the full report.

EXPUNCTION

Another complex issue has to do with the need, expressed both by members of the Working Committee and outside reviewers, to take steps to prevent the expunction of juvenile offenders' records when they become adults. Justification for not expunging records is based on the possibility that juvenile sexual offenders, even after professional treatment, may reoffend.

The Working Committee recommends establishing a "Juvenile Sexual Offender Registry" to assist in resolving data collection difficulties. Similar to Motor Vehicle Department records, the registry would deal with a *type* of record rather than a class of person. It would therefore be more readily defensible as consistent with provisions of the Equal Protection Clause of the U.S. Constitution. A registry would not provide the level of detail available from juvenile court records, but it would, nonetheless, identify persons with offense histories, and cut through the critical treatment phenomenon of denial.

TREATMENT

The Working Committee has developed a comprehensive set of Guidelines for Treatment of Juvenile Sexual Offenders. (Refer to the *Oregon Report on Juvenile Sexual Offenders* and see insert.) The guidelines summarize information about the different types of juvenile sexual offenders, their specific needs, and the programs and services which should be available to meet those needs. The guidelines are intended to (1) aide placement of an offender in an appropriate treatment program and (2) offer model structures and components for each treatment level. They are also designed to assist development of standards for program certification and facilitate long-range planning and decision making.

The six levels of treatment described in the guidelines correspond to offender profiles and the level of risk an offender poses to either himself or the community. The first three treatment levels are community-based programs appropriate for low-risk offenders; moving down the guidelines, the recommended levels become more intensive programs in increasingly secure settings for seriously disturbed youth who present a considerable risk to themselves and/or society.

RECOMMENDATIONS

The Working Committee on Juvenile Sexual Offenders developed recommendations on the following issues. The full *Oregon Report On Juvenile Sexual Offenders* contains the rationale for the recommendations.

1. **Policy on Juvenile Sexual Offenders.** The State of Oregon should establish and maintain policy guiding the operations of the variety of public- and private-sector agencies and practitioners responsible for addressing the needs of juvenile sexual offenders. Policy should apply statewide but also allow for local options. The state should set minimum standards with local options about methods of compliance.
2. **Program Standards.** The State of Oregon should work with treatment specialists to establish standards for certifying programs to treat juvenile sexual offenders.
3. **Uniform Assessment Standards.** The State of Oregon should establish uniform standards for assessing the needs of juvenile sexual offenders.
4. **Program Evaluation.** The State of Oregon should establish a process assessing the effectiveness of the various programs for treating juvenile sexual offenders.
5. **Certification of Treatment Personnel.** The State of Oregon should establish and maintain a program to certify personnel for assessing and treating juvenile sexual offenders.

6. **Uniform Data Collection Procedures.** The State of Oregon should enable the Juvenile Services Commission, in conjunction with a currently operating multi-agency task force, to establish a unified procedure for collecting accurate information on the number of juvenile sexual offenses which are committed, and the extent to which juvenile sexual offenders are adjudicated, tried, and convicted. It should ensure that the procedure collects information as to the disposition of cases coming to its attention, and the outcome of treatment. Further, it should ensure that all steps within the procedure carefully guard the "due process" rights of alleged offenders.

7. **Mandated Roles.** The State of Oregon should pass legislation defining which agency has primary responsibility for addressing the needs of juvenile sexual offenders, and which agencies should work in supporting roles at various phases in the process of managing cases of juvenile sexual offenses.

8. **Court-Appointed Special Advocate.** The State of Oregon should evaluate the "Court-Appointed Special Advocate" (CASA) being tested in several jurisdictions and, if deemed effective, appoint one for each juvenile sexual offender who also was a victim of sexual abuse.

9. **Security.** The Oregon Legislature should revise the Juvenile Code to ensure that secure custodial and treatment services are available for sexual offenders.

10. **Regional Assessment Centers.** The State of Oregon should authorize the establishment of four regional short-term, secure, juvenile sexual offender assessment centers to assist in prescribing appropriate treatment.

11. **Mentally Retarded/Developmentally Delayed Youth.** The State of Oregon should authorize the establishment of special treatment programs for juvenile sexual offenders who are mentally retarded and/or developmentally delayed.

12. **Research Pilot Programs.** The State of Oregon should authorize the establishment of six pilot programs, one for each level of treatment currently available (See the Guidelines for Treatment of Juvenile Sexual Offenders insert), and located in different parts of the state. To determine their ultimate viability, each pilot program should be authorized to run for four years, and should be required to evaluate the cost and effectiveness of the treatment offered.

13. **Training.** The State of Oregon should authorize the implementation and funding of a three-year program to train appropriate specialists from throughout the state.

14. **Penile Plethysmograph and Polygraph.** The State of Oregon should ensure that guidelines on the use of the penile plethysmograph and polygraph with juveniles are developed by treatment specialists. The guidelines should specify use of the least intrusive treatment strategy likely to be effective with juvenile sexual offenders. Consistent with this principle, treatment specialists may make use of the penile plethysmograph and/or the polygraph as options for diagnosis, treatment, and after-care monitoring.

15. **Aversive Conditioning.** The State of Oregon should ensure that guidelines are developed by treatment specialists to allow the use of aversive conditioning only as a "last resort," that is, after documentation that all appropriate, less intrusive treatment modalities have been unsuccessfully attempted with an individual client.

16. **Arousal Card-sorts.** The State of Oregon should ensure that guidelines are developed by treatment specialists regarding the use of arousal card-sorts with juveniles.

17. **Depo-Provera.** The State of Oregon should ensure that guidelines are established to prevent the use of Depo-Provera with adolescents.

18. **Judicial Review.** The State of Oregon should ensure that county courts establish rules requiring direct judicial review of the dispositions of cases involving juvenile sexual offenders developed through the informal disposition process.

19. **Remand.** The State of Oregon should pass legislation expanding the criteria by which remand may take place to include first- and second-degree sexual abuse, rape in the third degree, and sodomy in the third degree.

20. **Juvenile Sexual Offender Registry.** The State of Oregon should pass legislation authorizing the establishment of a Juvenile Sexual Offender Registry, to maintain data on the sexual offenses committed by juveniles and on their disposition. Records in the Juvenile Sexual Offender Registry should be maintained in perpetuity.

21. **Financial Support.** The State of Oregon should ensure that resources are available to implement the preceding provisions.

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The names of other administrative personnel who provided support for the project are mentioned in the full report.

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