Risk assessment of Luring and Contact Offenders

For a complete discussion on assessing sex offenders, please see Dr. Paul Simpson's CLE talk – "*Anatomy of a Psychosexual Evaluation: What Every Attorney Should Know*" at www.drpaulsimpson.com.

The recidivism rates for child pornography, violence, (including contact sexual) and sexual offenses were relatively low compared with the average recidivism rates obtained for typical samples of sexual offenders. Approximately 5% of the child pornography offenders were caught for a new sexual offense of some kind. A further breakdown of the findings were 3.4% for a new child pornography offense and 2.1% for a new contact sexual offense. (Seto, Hanson, and Babchishin, 2011).

Faust, Renaud, and Bickart (2009) examined the predictors of recidivism in a large federal sample of 870 male, child pornography offenders assessed by the United States Federal Bureau of prisons between 2002 and 2005. The average time of follow-up was almost 4 years, with a sexual re-arrest rate of 5.7%. Of the 30 predictors that were available to these researchers, five were significant predictors of sexual re-arrest.

- Lower education
- Being single
- Having non-Internet child pornography (traditional print media, videos)
- Prior sexual offender treatment
- Not having depictions of adolescent minors (child-only).

Notice that lower education and SQL status are also classic criminological variables. Having non-Internet child pornography may reflect a deeper, greater, or longer standing interest in child pornography. Given that most child pornography is now readily accessed online, prior sexual offender treatment may have acted as a proxy variable for prior sexual offending history or greater clinical needs, rather than an indication of any iatrogenic effect of treatment. Not having any depictions of adolescent minors suggests that the recidivists were more likely to be pedophiles or hebephiles and therefore attuned to images of younger youth.

Seto (2013, p. 206) did a study on child pornography offenders identified through their police case files. In the review of case files, researchers confirmed that offender age and criminal history predicted violent recidivism (including contact sexual), as well as child pornography recidivism. In addition, they found that self-reported interest in pubescent children and substance misuse are significant predictors of contact sexual offending.

Robust Predictors for Re-offense

Antisocial - A number of highly robust predictors of criminal recidivism have been identified across diverse samples of offenders. These include;

- Younger age at first contact with the criminal justice system
- Extent of prior criminal history
- Failure on conditional release (reflecting an unwillingness or inability to abide by rules even with the force of law and potential re-imprisonment behind it)
- Substance abuse
- Antisocial personality traits – particularly psychopathy (Seto, 2013, p. 196)
- Lifestyle instability (e.g., sporadic employment despite being able to work - Seto & Eke, 2005; Wakeling, Howard, & Barnett, 2011)

These risk factors – which reflect antisociality – are robust across types of crimes or offenders. This includes mentally disordered offenders, female offenders, and contact sexual offenders (Bonta, Law, & Hanson, 1998; Bonta, Pang, & Wallace-Capretta, 1995; Hanson & Morton-Bourgon, 2005). Research shows that only a minority of contact sexual offenders, all of whom have committed contact sexual offenses at least

once, will go on to sexually reoffend in this way, even after decades of opportunity (Hanson, Steffy, & Gauthier, 1993; Prentky, Knight, & Lee, 1997). Antisociality factors play the critical facilitation role that increases risk for future sex crimes (Lee, Li, Limade, Schuler, & Prentky, 2012).

Sexual Deviance - At the same time, sex offender specific factors reflecting sexual deviance – paraphilia, sexual arousal to children or sexual violence, sexual victim characteristics, and so forth – further contribute to the prediction of sexual recidivism.

Those with multiple paraphilic interests pose the greatest risk of sexually reoffending (Hanson & Morton-Bourgon, 2004, 2005). Significant minorities of sex offenders with child victims have also engaged in exhibitionistic or voyeuristic behavior or sexually assaulted adults as well (Abel, Becker, Cunningham-Rathner, Mittleman, & Rouleau, 1988; Bradford, Boulet, & Pawlak, 1992)

Quantitative reviews of the sex offender follow-up research have confirmed that many risk factors for sexual recidivism fall into one of the two major risk dimensions of antisociality and sexual deviance (Doren, 2004; Hanson & Bussiere, 1998; Hanson & Morton-Bourgon, 2005; Quinsey et al., 2006).

Socially Incompetent - Carl Hansen, one of the world's authorities on sex offender risk assessment, suggests there is also a third dimension – poor interpersonal competence that contributes to sex offender risk for recidivism. (Hanson & Morton-Bourgon, 2004, 2005). This third dimension can include disrupted attachment, failure at adult relationships, and emotional congruence with children, which describes feeling more comfortable and preferring the company of children.

Criminal History - Child pornography offenders with any kind of prior criminal history - including nonsexual offenses such as theft, possession of narcotics, or assault - were at a significantly greater risk of sexual recidivism during the average follow (approximately 30 months). (Seto & Eke, 2005). The researchers repeated this study in 2011 to extend the time follow-up. In the second study (Eke, Seto, & Williams, 2011), a third of the total sample of child pornography offenders committed any kind of new offense during follow-up. 4% of offenders committed new contact sex offenses. An additional 2% of offenders were charged with historical contact sex offense (i.e., previously undetected offending that came to light following the index child pornography conviction, or what we called pseudo-recidivism). 7% of offenders committed a new child pornography offense. As in the previous study, the authors found criminal history variables predicted recidivism. They also found younger age at first charge predicted sexual recidivism. This is consistent with general forensic psychology that finds that young offender age and criminal history are two of the best established risk factors for future offense.

The research suggests that age at first contact with the criminal justice system is a better predictor of recidivism that age at time of release, suggesting that age at release is less important than some researchers have argued.

Child pornography offenders who already had a history of contact sexual offending have higher sexual recidivism rates then the expected base rates for typical sex offenders reported by A.J.R. Harris and Hanson (2004). Those who have no history of contact offending almost never committed such offenses during the follow-up, despite the fact that a majority were likely to be sexually interested in children (Seto, Cantor, & Blanchard, 2006).

Poor Impulse Control - In the context of online sexual offending, the fact that child pornography offenders are likely to be pedophiles may cause evaluators to assume they are at high risk of contact sexual offenses involving children in the future, because pedophilia is a strong predictor of sexual

recidivism among identified sex offenders (Hanson & Morton-Bourgon, 2005). The "*motivation-facilitation*" model of sexual offending against children suggests, however, only those child pornography offenders who have poor self-control of their pedophilic or hebephilic interest would act on them. Poor inhibitory control is revealed in relatively high scores on measures of risk taking, impulsivity, or similar antisociality traits, or it occurs situationally because of alcohol or drug intoxication, high levels of stress, or depressed mood.

Static Variables - Structured or actuarial risk assessments are recommended as best practice guidelines by the Association for the Treatment of Sexual Abusers. (see Appendix C).

The developers of the Static 99 have suggested that solicitation offenders who had attempted to meet a minor in real life (even if they actually met an undercover police officer) can't be scored using their instrument. "*It is not yet clear how to proceed in the risk assessment of pornography offenders with no history of contact or attempted contact offending, or in the assessment of fantasy–driven solicitation offenders*" (Seto, 2013, p. 203)

Dynamic Factors - In contrast to static risk factors, dynamic risk factors can change over time and may therefore be more effective in assessing shorter-term fluctuations in risk to reoffend. Dynamic factors may also be more amenable to intervention. Alcohol use can illustrate the distinction between static and dynamic risk.

The most prominent dynamic sex offender measure is the Stable – 2007. This assesses 16 factors that can change over time (months or years) that are related to the probability of officially detected recidivism (Hansen et al., 2007). Each of these 16 factors is rated on a three-point scale, with zero indicating no problem, one indicating some concern, and two indicating but the problem is present. The 16 Stable-2000 risk factors can be rationally organized into six domains;

- The **significant social influences** domain represents the balance of positive and negative influences in the person's social world, particularly family and friends.
- The **intimacy deficit domain** represents the stability of intimate relationships, including loneliness or social rejection, a lack of concern for others, emotional identification with children, or hostility towards women.
- The **sexual self-regulation domain** represents problems in regulating sexual behavior, including high sex drive or sexual preoccupation common maladaptive use of sex as a way of coping with negative mood or other concerns, and deviant sexual interest.
- The **attitudes supportive of sexual assault domain** represents offense supportive attitudes and beliefs, including sexual entitlement, attitudes tolerant of rape, and attitudes tolerant of adult-child sex.
- The **cooperation with supervision domain** represents compliance and cooperation with supervision requirements.
- The **general self-regulation domain** represents problems with general regulation of behavior, including impulsivity, poor cognitive problem-solving skills, and negative emotionality or hostility.

First, Webb, Craissati, and Keen (2007) found the Stable-2007 significantly predicted probation failure and "risky sexual behavior" after a follow-up period of 18 months. Risky sexual behaviors included accessing adult pornography on a daily basis but did not include new sexual offenses because none were observed in this study during this timeframe.

Internet Content - There is some evidence that offending specific variables predict child pornography and any sexual recidivism (Seto, 2009). These factors include the ratio of boy-to-girl child pornography content and having non-digital child pornography. Other Internet specific

variables have been proposed, i.e., total amount of child pornography and time spent online.

Seto (2013) remarks;

> *Glasgow (2010, 2012) commented in more detail on the kinds of digital evidence that can be available to police through forensic computer analysis and that could be useful for both research and applied purposes. Though the amount of potential information is large and the forensic analysis can be time-consuming, especially with the pressures of limited resources and long waiting lists, some of it can be automated, and it could present useful clinical data (Fortrell, Debrota, & Hakes, 2012). Glasgow proposed the following list of digital evidence: (a) a record of online search terms (He specifically mentions search engines, but searches on peer-to-peer networks might be even more helpful); (b) details about the timing and duration of use of Internet pornography (both illegal and legal); and (c) chat logs (which could be helpful in attempting to distinguish between fantasy-driven and contact-driven solicitation of offenders and also the degree of active involvement in trading child pornography and pedophile subcultures).*
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> *Stabenow (2010) wrote about how, as a prosecutor, he analyzed digital evidence to make decisions. First, he reviewed the entire shop pornography collection to see the scope of the content. He then examined metadata from a forensic digital analysis to identify patterns in when the files were created, accessed, or modified. Last, he would review what he described as 'secondary materials,' including online chat logs, emails, and other information that might help put the online sexual offending in context. He acknowledged that this approach was more labor and resource intensive then a simple count of image types, so it is likely only suitable for a subset of cases where the information is particularly salient.*
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> *Like Stabenow (2011), von Dornum (2012) also noted that providing such detailed analysis of computer evidence in every case would be too resource intensive to be tenable - for example, if more detailed forensic analysis results were required for sentencing guidelines. At the federal level, there are enhancements simply if there are more than 600 images, there is any content depicting sadistic or violent images, or if there is content depicting a child under the age of 12. The sentencing guidelines should be as simple as possible, yet still capture important variation in dangerousness and culpability. Note that a five second video is arbitrarily assigned a value of 75 images. So a single video can meet the sentencing enhancement threshold.*
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> *Details about child pornography collections and other pornography use are not usually available through court documents because police and prosecutors need only to prove possession, distribution, or production of child pornography to make the conviction. The prosecution might only need to show the worst 10 images to the judge and/or jury to make the connection. Whether the images are of boys or of girls is not legally pertinent, but it does appear to be relevant to the risk of further child pornography offenses (Eke & Seto, 2012). Similarly, the police and prosecutors are not usually concerned about legal pornography or even obscene material (e.g., content depicting bestiality) that carries a less serious penalty then child pornography. However, this information can be helpful in understanding the online pornography use and sexual interests of offenders. Without details from police or court documents, clinicians may have to rely on offender self-report, which can be misleading or incomplete.* Seto, 2013, pp. 222-223

Estimating Lifetime and Residual Risk for Individuals Who Remain Sexual Offense Free in the Community: Practical Applications.

Thornton, D., Hanson, R. K., Kelley, S. M., & Mundt, J. C. (2021).
Sexual Abuse, 33(1), 3–33.

Abstract

Although individuals with a history of sexual crime are often viewed as a lifelong risk, recent research has drawn attention to consistent declines in recidivism risk for those who remain offense free in the community. Because these declines are predictable, this article demonstrates how evaluators can use the amount of time individuals have remained offense free to (a) extrapolate to lifetime recidivism rates from rates observed for shorter time periods, (b) estimate the risk of sexual recidivism for individuals whose current offense is nonsexual but who have a history of sexual offending, and (c) calculate yearly reductions in risk for individuals who remain offense free in the community. In addition to their practical utility for case-specific decision making, these estimates also provide researchers an objective, empirical method of quantifying the extent to which individuals have desisted from sexual crime.