



# AOC Briefing

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## SCREENINGS AND ASSESSMENTS USED IN THE JUVENILE JUSTICE SYSTEM

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Tools for Assessing Sexual Recidivism Risk  
in Juveniles



ADMINISTRATIVE OFFICE  
OF THE COURTS

JUDICIAL AND COURT OPERATIONS  
SERVICES DIVISION

CENTER FOR FAMILIES, CHILDREN & THE COURTS

## **AOC Briefing**

Judicial Council of California  
Administrative Office of the Courts  
Judicial and Court Operations Services Division  
Center for Families, Children & the Courts  
455 Golden Gate Avenue  
San Francisco, California 94102-3688  
cfcc@jud.ca.gov  
*www.courts.ca.gov*

Prepared by the AOC Center for Families, Children & the Courts

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**Center for Families, Children & the Courts**

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*Director*

Charlene Depner, PhD  
*Assistant Director*

Audrey Fancy  
*Supervising Attorney*

Kimberly Tyda, Author  
*Research Analyst*



## I. INTRODUCTION

During the past two decades, there has been an increased focus on both adult and juvenile sex offenders. Public safety concerns have led to a considerable number of changes in laws on both the federal and state levels regarding the sentencing, monitoring, assessment, and treatment of both adult and juvenile sex offenders. Sexually violent predator (SVP) laws on both the federal and state levels have increasingly been applied to juveniles due, in part, to the perception that juvenile sex offenders resemble adult sex offenders in terms of recidivism rates and risk to the community.

The identification (and monitoring) of those individuals who are thought to be most at risk for recidivism is the primary goal of federal and state laws that require the public registration of both adults and juveniles. Both federal and state legislation create sex offender registration mandates for certain populations of juvenile sex offenders.<sup>1</sup> In addition, California law requires the use of standardized assessment tools for determining the recidivism risk of adult and some juvenile sex offenders.<sup>2</sup>

This document provides an overview of the issues related to the assessment of juvenile sex offender recidivism. The goal is to provide an overview of sexual offender risk assessment, both on the national and state level, including information on the prevalence of juvenile sex offenses, recidivism rates, changes in state and federal legislation that impact juveniles who have committed sexual offenses, and the validated instruments that are currently available for the assessment of sexual recidivism risk in juveniles. It will also describe the benefits and limitations of juvenile sex offender risk instruments.

The briefing will also discuss the importance of taking a broad approach when assessing a juvenile's risk level to the community and when using the results of risk assessment instruments to make critical decisions regarding a youth's placement and treatment. It should be strongly emphasized that the results of any single assessment tool should never be used as the sole criteria

### **FBI STATISTICS ON JUVENILE SEX OFFENDERS (2009)**

- Juveniles comprise 14.5 percent of all arrests for forcible rape and 10.2 percent of all arrests for other sex offenses
- Juvenile courts processed 4,000 cases of forcible rape, 13,200 cases of other violent sex offenses, and 11,200 non-violent sex offenses
- Arrest data between 2002 and 2009 show a decrease in the proportion sexual offense arrests committed by youth

for evaluating a youth's risk level. Given the serious implications associated with being labeled as a sexual offender, this caution is particularly relevant for juvenile sex offender assessments. Although there are several juvenile sex offender risk tools that have established predictive ability, these instruments are generally newer than the instruments used to assess juvenile general recidivism risk and have more limitations regarding the populations that they have been tested with (e.g., limited validated on minority populations and girls). In addition, youth who commit sexual offenses have been found to have low rates of sexual recidivism, and rates of general recidivism that are comparable to the general juvenile offender population. Therefore, in order to make fully informed dispositional and treatment decisions, courts should receive and consider information from other sources (general risk/needs assessments, clinical evaluations, etc.), in addition to the findings of sex offender risk assessment instruments.<sup>3</sup>

## II. INCIDENT RATES

### Juvenile Arrest Rate for Sex Offenses

According to the Federal Bureau of Investigation arrest statistics from 2009,<sup>4</sup> 14.5 percent of all arrests for forcible rape and 10.2 percent of arrests for all other sex offenses<sup>5</sup> were of youth under the age of 18. In terms of actual numbers, 3,110 youth were arrested for forcible rape and 13,400 youth were arrested for other sex offenses nationwide. Examining arrest trends over time, the data indicate that rates of youth arrest for rape and other sex offenses decreased between 2002 and 2009.<sup>6</sup>

Nationwide in 2009, the juvenile courts processed 4,000 cases of forcible rape, 13,200 cases involving other violent sex offenses, and 11,200 non-violent sex offenses.<sup>7</sup> In all types of sexual offense cases, a high proportion of the juveniles were under the age of 16 (59 percent of forcible rape cases, 69 percent of other violent sexual offenses, and 65 percent of non-violent sex offenses). In all offense types, the vast majority involved males (97 percent of forcible rape cases and 94 percent of other violent sexual offenses). Females were most likely to commit a non-violent sexual offense.<sup>8</sup>

### Juvenile Sexual Offense Arrests in California

Arrest data from California reveal similar findings regarding the proportion of sexual offense arrests that involve juveniles.<sup>9</sup> In 2009, 11.6 percent of all arrests for forcible rape and 14.4 percent of arrests for all other sex offenses were of youth under the age of 18. The total number

of youth arrested was 237 for forcible rape and 2,016 for other sex offenses. Also similar to the nationwide trends, California data reveal a decrease in the number of youth arrested for forcible rape and other sex offenses between 2002 and 2009.

According to the most recent daily population data from the California Department of Corrections and Rehabilitation (CDCR), Division of Juvenile Justice (DJJ), 3.4 percent of youth (n=31) placed in DJJ had been committed for forcible rape offenses and 8.5 percent (n=78) had been committed for other sexual offenses.<sup>10</sup> These numbers do not include juveniles who commit sexual offenses that do not require placement in DJJ.

### Juvenile Sex Offender Recidivism Rates

Research studies on the recidivism of juvenile sex offenders often differ in observed recidivism rates. This variation may be due to differences in factors such as the particular juvenile population studied, how recidivism is defined within the study (e.g., re-arrest, new charge, new adjudication), and the length of the post-release follow-up period.<sup>11</sup>

Although the recidivism rates vary, the results from the majority of studies reveal fairly low rates of sexual recidivism by juvenile sex offenders. One meta-analysis that examined sexual recidivism rates across 63 different datasets found an average sexual recidivism rate of seven percent.<sup>12</sup> An additional finding is that youth adjudicated for a sexual offense are far more likely to recidivate with a non-sexual offense than a sexual offense.<sup>13</sup> Additionally, research has found that juveniles adjudicated for sexual offenses do not have higher rates of sexual recidivism compared to youth originally adjudicated for non sexual offenses.<sup>14</sup> Other research has shown that juvenile sex offenders are unlikely to continue to reoffend sexually as adults.<sup>15</sup>

A study of recidivism rates of youth placed with California's Division of Juvenile Justice found that youth committed for serious/violent sex offenses and other sex offenses had lower rates of return to state-level incarceration (for any offense) than other serious/violent youthful offenders. In addition, youth committed for violent rape had lower recidivism rates overall compared to those committed for nearly all other types of violent and non-violent offenses.<sup>16</sup>

#### **KEY POINTS ON JUVENILE SEX OFFENDER RISK FOR RECIDIVISM ASSESSMENT**

- Juvenile sex offenders are less likely to sexually reoffend than are adult sex offenders
- Juvenile sex offenders are less likely to reoffend (with any offense) than are juveniles who commit non-sex offenses
- Juvenile sex offenders are more likely to recidivate with a non-sexual offense than a sexual offense
- Youth tend not to continue to sexually reoffend into adulthood
- Low base rates of sexual recidivism for juvenile sex offenders make prediction difficult

### **III. FEDERAL AND CALIFORNIA LEGISLATION ON JUVENILE SEX OFFENDERS**

During the past two decades, changes to both federal and state Legislation have increasingly led juvenile sex offenders to be treated more like adult sex offenders in terms of risk assessment mandates and registration requirements.

An in-depth discussion of federal and state sex offender registration laws is beyond the scope of this document; however, a brief overview is provided to give context to the discussion of legislation mandating the assessment of juvenile sex offenders in California.

#### **California and Federal Sex Offender Registration Laws**

The purpose of registration is to identify and monitor sex offenders who are perceived to be at high risk for recidivism.

There are key differences between California and federal legislation regarding the registration of juvenile sex offenders, including differences affecting who must register, the length of time registration is required, and the posting of offender information on public websites. More directly related to the subject of this document, the differences between federal and state sex offender legislation lead directly to differences in the way juveniles are classified regarding risk of recidivism.

#### **Federal Registration Laws**

In 1994, the federal government enacted requirements for sex offender registration in the Jacob Wetterling Act.<sup>17</sup> Two years later, Congress amended the Wetterling Act to incorporate elements of “Megan’s Law,” which provides the public with certain information on the whereabouts of registered sex offenders.<sup>18</sup> Title I of the Adam Walsh Act,<sup>19</sup> known as the Sex Offender Registration and Notification Act (SORNA), superseded the Wetterling Act’s sex offender registration requirements.<sup>20</sup> SORNA consolidated and strengthened federal registration and public disclosure laws for sex offenders and established a national sex offender registration system. Under SORNA, every adjudicated juvenile offender aged 14 years or older at the time of the offense must register if the offense “was comparable to or more severe than aggravated sexual abuse . . . , or was an attempt or conspiracy to commit such an offense.”<sup>21</sup>

## California Registration Laws

California's Sex Offender Registration Act (SORA)<sup>22</sup> requires juveniles to register only if they are adjudged as wards for the commission of specified sex offenses, committed to the custody of DJJ, and later "discharged or paroled" from DJJ.<sup>23</sup> Registered offenders adjudicated in juvenile delinquency court do not have their information publicly disclosed online.<sup>24</sup> Law enforcement agencies, however, are permitted to notify communities about registered juvenile sex offenders who may pose a risk to the public.<sup>25</sup>

## Implications of Federal and State Legislation on Juvenile Sex Offender Risk Categorization

Under SORNA, offenders are separated into three tiers based on the gravity of their offense for the purpose of determining the duration of their registration requirements and the possible reduction of the duration. Tier I includes the least serious offenses; Tier III includes the most serious. All juveniles whose offenses are serious enough to require registration under SORNA are classified as Tier III offenders and are required to register for life. If a juvenile maintains a clean record for 25 years from the date of the offense, the registration requirement must be lifted at the end of that period.<sup>26</sup> The assigned tier is also used to determine an offender's recidivism risk level. Those who have committed Tier III offenses are considered to be the highest risk. Juvenile offenders who are required to register are, therefore, automatically classified at the highest risk level. Research has indicated, however, that using offense classifications to assign risk levels may not be the most accurate method for identifying those youth who are most at risk for sexual reoffense.<sup>27</sup> In fact, data from California indicate that youth adjudicated for the most severe offenses (including forcible rape) have lower recidivism rates on average than youth who have been adjudicated for less serious offenses such as burglary and auto theft.<sup>28</sup>

Because of the low correlation between seriousness of offense and risk of recidivism by juvenile offenders, California has opted instead to utilize validated risk assessment instruments to classify the reoffense risk of both adult and juvenile offenders.

By making this choice, California has opted not to comply with the classification scheme in the Adam Walsh Act. The California Sex Offender Management Board (CSOM) recommended that

The California State Legislature, Governor and citizens should elect not to come into compliance with the Adam Walsh Act. Current effective California state law and practice

related to offender risk assessment, juvenile registration and sex offender monitoring is more consistent with evidence-based practice that can demonstrate real public safety outcomes.<sup>29</sup>

The CSOM board outlined a number of reasons for the recommendation of noncompliance. One factor was a concern about the use of crime of conviction (rather than using actuarial assessments, as is the practice in California) to determine offender recidivism risk. Additional factors listed by the board as reasons not to comply include unwanted expansions of juvenile registration and funding concerns related to implementing and maintaining compliance with the requirements of the Act.<sup>30</sup>

## **Risk Assessment in California**

Legislation enacted in California in 2006 as part of the Sex Offender Punishment, Control, and Containment Act (SB 1128) established a mandate for individual sex offender risk assessment, including assessment of some juveniles adjudicated for sexual offenses.<sup>31</sup> Given that Assembly Bill 324 recently expanded the types of sex offenses for which juveniles may be committed to DJJ, it follows that more youth will be mandated to undergo an individual sex offender risk assessment.

The goal of the risk assessment process is to identify those offenders who may be at high risk to recidivate. The risk assessment is intended to inform decisions such as probation/parole supervision level and community notification.

As part of SB 1128, the Legislature created the State Authorized Risk Assessment Tool for Sex Offenders (SARATSO) Review Committee to select uniform risk assessment tools for both adult and juvenile offenders.<sup>32</sup> The Penal Code grants the SARATSO Review Committee authority to designate mandatory risk assessment tools for male and female sex offenders. (Cal. Penal Code § 290.04(b)–(c) (adults), (d)–(e) (juveniles).)<sup>33</sup>

In selecting an appropriate instrument, the committee's search has been framed by the legislative charge to ensure that the authorized assessment tool "reflects the most reliable, objective, and well-established protocols for predicting sex offender risk of recidivism, has been scientifically validated and cross validated, and is, or is reasonably likely to be, widely accepted by the courts."<sup>34</sup>

As of the publication date of this paper, the committee has selected several mandated instru-

ments to be used in the assessment of male adjudicated sex offenders; there are currently, however, no instruments selected for the assessment of female sex offenders.

The Juvenile Sexual Offense Recidivism Risk Assessment Tool-II (JSORRAT-II) is the only risk assessment instrument required for male juvenile sex offenders.<sup>35</sup> Risk must be assessed using the JSORRAT-II before disposition for juveniles who have been adjudicated for sex offenses that would require them to register as sex offenders if the probation department intends to recommend DJJ commitment as an element of the disposition.<sup>36</sup> The legislation specifically states that “the score must be considered by the judge who is imposing sentence on an offender whose offense will require the juvenile to register as a sex offender.”<sup>37</sup> Youth 17 and younger also must be assessed with the JSORRAT-II four to ten months before their release from an institutional setting. If youth are over the age of 17, adult sex offender risk assessment tools may be required prior to release, depending on the age of the youth at the time of the sexual offense. The legislation indicates that the score should be used to determine level of supervision and treatment recommendations, and may also be considered in community notification decisions.

JSORRAT-II intake data obtained from DJJ found that recidivism risk scores for many youth were in the low to moderate range. Specifically, 46 percent of youth had recidivism risk scores of 0, indicating a low risk for reoffense. An additional 15 percent had scores that indicated a low-moderate reoffense risk; 20 percent fell in the moderate range, and 19 percent in the high-risk range.<sup>38</sup>

#### **IV. ASSESSING JUVENILE SEX OFFENDER RECIDIVISM RISK**

Laws requiring the assessment and registration of both adult and juvenile sex offenders are predicated on the notion that it is possible to identify those offenders who are most at risk for sexual reoffense. Methods for assigning risk levels for juvenile offenders include the use of crime of conviction/adjudication, clinical judgment, and standardized risk assessments. From an evidence-based standards perspective, the use of validated risk assessments has been found to be a better predictor of reoffense risk for both adults and juveniles than the other methods described.

It is important to select an instrument that has been validated (tested) on youth. Adult instruments should not be used with juvenile populations, as the factors that predict adult and juvenile sexual recidivism may be different.<sup>39</sup> In a similar vein, the instrument should also have

been tested on a population that is demographically similar to the population that it is to be used with. Juvenile sex offender risk assessments have been validated primarily on populations of male, Caucasian youth. Some instrument authors have attempted to include a more diverse population in validation studies; however, at this time, most of these tools have not been well-tested with females or with minority youth.

Juvenile sex offender risk assessments can provide useful information to the delinquency courts. However, there are certain factors to keep in mind when interpreting and applying the results of any of these types of instruments. Some of these factors are applicable to risk assessment in general, for both youth and adult populations, while others are more specific to the measurement of sexual reoffense in juvenile populations.

### **Can assessment instruments predict sexual reoffense in juveniles?**

The development of juvenile sex offender risk assessments has generally lagged behind the changes in legislation that require a determination of recidivism risk.<sup>40</sup> Unlike assessment instruments for general recidivism risk in juveniles and general and sexual recidivism in adults, the tools for evaluating a juvenile's risk for sexual reoffense are newer and generally less well-researched. The development of instruments for predicting juvenile sex offender recidivism has been a relatively recent activity.

The existing body of research has resulted in mixed findings in the ability of these tools to accurately predict sexual recidivism in juveniles. The inconsistent findings may be due in part to small sample sizes in some studies, low rates of sexual recidivism (which makes it more difficult to predict), variation across studies in methodology and length of follow-up, and lack of agreement regarding the individual factors that best predict juvenile sexual recidivism. One validation study concluded that prediction of sexual recidivism in youth under the age of 15 is particularly difficult.<sup>41</sup> However, a recent meta-analysis that analyzed the existing literature available for three well-researched instruments provided empirical support for the use of these tools in assessing sexual recidivism risk in juveniles.<sup>42</sup> Furthermore, according to the study's authors, the predictive ability of these instruments is similar to that found for adult sex offender risk assessment tools.

Even with these positive findings regarding the ability of some instruments to predict recidivism, caution should be exercised when using the results of these instruments to make important decisions about a youth's risk level, placement, and treatment needs.

## **What information can the instrument provide?**

Some risk instruments allow for an assessment of both general and sexual recidivism; others do not. Some instruments contain only static (non-changing) risk factors and therefore have no ability to provide an assessment of a youth's change in risk level over time. If there is an interest in using the instrument to measure a youth's progress, then an instrument with dynamic factors should be selected. This is particularly relevant for juvenile assessments, since youth are still in a period of development and are therefore more amenable to change over time—periodic reassessment will provide a more accurate picture of the youth's progress and current risk status.<sup>43</sup> Risk assessment tools are better used for short-term prediction of sexual reoffense risk in juveniles, rather than long-term.

## **How should the results be used?**

It is never appropriate to use the results of a single risk instrument as the sole factor in determining a youth's risk level or when making decisions regarding placement or treatment planning. The scores should always be used as part of a larger comprehensive evaluation of the youth. Caution should be taken when using these instruments to make decisions about the youth's sentence, placement, treatment recommendations, and probation/parole requirements (e.g., inclusion on sex offender registries, community notification). The potential impact of these instruments is described by the authors of one of the more widely-used juvenile sex offender assessments:

“When assessing risk with sex offenders in general, and with juveniles in particular, the stakes are often very high. In assessing the risk posed by a juvenile, we have an enormous burden of responsibility. Decisions based on our evaluations can have a profound impact: on the one hand, protecting society from genuinely high-risk youths, while on the other hand, possibly resulting in severe, life-altering consequences for low-risk youths.”<sup>44</sup>

Limitations of these instruments should also be considered when determining how the results are to be used. Some instruments are scored based on a review of the youth's file and official records. Others require youth to self-report certain activities (e.g., association with delinquent peers, recent illegal drug use), which rely on the honesty of the youth's responses. Some information required to complete the assessment may be difficult to obtain, such as academic and disciplinary records. Incorrect or unavailable information may lead to the inaccurate classification of a youth's recidivism risk level.

Other limitations include issues mentioned earlier regarding the lack of validation on certain populations of youth—including girls and minority youth. Most of the instruments are not appropriate for use with girls and some instruments may have limited applicability for non-Caucasian youth.

## V. INSTRUMENT SUMMARY

The following section provides an overview of four sex offender risk assessment instruments that currently have the most research supporting their use with juveniles. These instruments include the Juvenile Sex Offender Assessment Protocol-II (J-SOAP-II), The Estimate of Risk of Adolescent Sexual Offense Recidivism (ERASOR), the Juvenile Sexual Offense Recidivism Risk Assessment Tool-II (JSORRAT-II), and the MEGA<sup>45</sup>.

Currently, the two instruments with the largest body of empirical research regarding their use for prediction of juvenile sex offender recidivism are the J-SOAP-II and the ERASOR. A recent meta-analysis that examined the research available on three juvenile sex offender assessments (J-SOAP-II, ERASOR, and JSORRAT-II) concluded that these instruments were able to predict sexual recidivism in juveniles, finding moderate predictive validity for all three assessment tools.<sup>45</sup> In addition, a recent study on the MEGA<sup>45</sup> provides evidence for the instrument's ability to predict sexual re-offense over a six month follow-up period.<sup>46</sup>

There are a few additional juvenile sex offender instruments being used that currently have limited information available regarding the ability to predict juvenile sex offender recidivism (or are being used in a more limited capacity). These include the Juvenile Risk Assessment Scale (JRAS),<sup>47</sup> the Intensive Parole Supervision Assessment (IPSA),<sup>48</sup> and the Multidimensional Inventory of Development, Sex, and Aggression (MIDSA).<sup>49</sup> Given the limited data available on these instruments, they will not be described at length in this document.

## J-SOAP-II<sup>50</sup>

The original version of the Juvenile Sex Offender Assessment Protocol (J-SOAP) was developed at Joseph J. Peters Institute.<sup>51</sup> The 23 variables selected for the initial instrument were based on reviews of the literature on clinical studies of juvenile sex offenders; risk assessment/outcome studies of juvenile sex offenders, adult sex offenders, and general juvenile delinquency; and risk assessment studies on mixed populations of adult offenders.<sup>52</sup>

Revisions for the current version, the J-SOAP-II, were made to a number of items based on information obtained from instrument validation studies.

### Instrument Overview

The J-SOAP-II is considered to be a “structured risk assessment guide” that uses instrument-informed clinical judgment to determine level of recidivism risk.

The instrument is designed for use with juvenile males, age 12 to 18, who have been adjudicated for sex offenses. It may also be used with non-adjudicated boys who have a history of sexually coercive behavior. The instrument is not appropriate for use with female sexual offenders.

It should also be noted that the J-SOAP-II measures the recidivism risk for both sexual and nonsexual offenses.

### Instrument Content and Scoring

The J-SOAP-II is a 28-item checklist that is composed of four scales, two of which measure static risk factors and two that assess dynamic risk factors. The static scales measure factors such as the youth’s sexual drive or preoccupation, the number of sexual abuse victims, the youth’s history of behavioral problems, and history of prior offenses. The two dynamic scales measure factors such as the degree to which the youth accepts responsibility for his offenses, level of empathy, management of sexual urges, and stability in school.

### J-SOAP-II

- A structured risk assessment guide
- Appropriate for use with boys ages 12 to 18
- Can be used to measure changes in risk level over time
- 28 items
- Categories assessed:
  - Sexual Drive/ Preoccupation
  - Impulsive/ Antisocial Behavior
  - Intervention
  - Community Stability/Adjustment

Items are totaled for each of the four scales to provide scale-level scores. The total risk score is calculated by summing the four scale scores. Each score (sub-scale scores and total score) is divided by the total possible score for that scale, resulting in a ratio score for each scale. The ratios represent the amount of risk that the youth presents in each area assessed and their overall level of risk.

According to the instrument's authors, there is insufficient data at this time to establish specific cutoff scores for risk level categories. While higher scores do indicate a greater amount of risk, the determination of risk level is made by the clinician based on a comprehensive analysis of the risk posed by the youth being evaluated. For example, the clinician may override a low risk score and conclude that the youth is higher in risk if they feel that the score alone does not adequately capture the risk posed by the youth. According to the J-SOAP-II manual, raters should have prior experience conducting risk assessments and also with the assessment of juvenile sex offenders.

Scores on the scales can be used to make decisions regarding placement and treatment recommendations, the level of probation or parole necessary to monitor youth, and the youth's progress towards treatment goals. The instrument can be used to reassess youth every 6 months. Re-administering the dynamic scales may be particularly helpful in measuring the youth's progress, as these scales assess factors about the youth that are subject to change over time.

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**FOR MORE INFORMATION**

Robert Prentky, Ph.D.  
rprentky@fdu.edu

Sue Righthand, Ph.D.  
Rtnds@aol.com

## ERASOR 2.0

### Instrument Overview

The Estimate of Risk of Adolescent Sexual Offense Recidivism (ERASOR) is considered to be an empirically-guided approach to estimating the risk of a sexual reoffense for adolescents who have previously committed a sexual assault. The instrument is intended for estimating short-term risk only. It may be used with boys between the ages of 12 and 18 years. It is not appropriate for use with girls.

The ERASOR is used in a number of countries, including the United States and Canada.<sup>53</sup>

### Instrument Content and Scoring

The ERASOR consists of 25 risk factors that assess multiple areas of youth functioning, including sexual attitudes and behaviors; history of sexual assaults; psychosocial functioning; family functioning; and treatment. Items are scored as being “present,” “possibly or partially present,” “not present,” or “unknown.”

The ERASOR includes static items that evaluate historical information (e.g., ever sexually assaulted two or more victims) and dynamic items that measure the youth’s behavior over the previous six months (e.g., negative peer associations). The dynamic measures allow for the assessment of change in risk level over time.

Item selection for the ERASOR was based on a review of existing research and professional clinical opinion regarding risk for sexual offense recidivism in juvenile and adult offenders.

Items have varying levels of research support in terms of demonstrated ability to predict recidivism. According to the instrument’s authors, items that have not yet been established as predictors are included because they have support in the adult sex offender literature or the juvenile general recidivism literature, or because they have an established level of clinical acceptance as a potential predictor of sexual recidivism. The ERASOR coding manual

#### ERASOR

- Empirically-guided scale
- Assesses short-term risk of sexual recidivism
- Can be used to measure changes in risk level over time
- For use with boys age 12 to 18
- Areas Assessed:
  - Sexual interests, attitudes and behaviors
  - Historical sexual assaults
  - Psychosocial functioning
  - Family/environmental functioning
  - Treatment

provides an explanation for each item's inclusion and information on any existing research that supports each of the factors on the instrument.<sup>54</sup>

The ERASOR coding form has a section for the rater to list the overall risk rating (low, moderate, and high), and there is no specified formula for combining items and no official cutoff scores for risk levels. Instead, clinical judgment is used to determine final risk level. It is generally recommended that the more risk items scored as "present," the higher the risk level; however, the final rating is dependent on both the number and the combination of factors. Even the presence of a single risk factor (e.g., youth says they intend to reoffend) alone may indicate a high level of risk. Due to a high proportion of dynamic (potentially changing) risk factors, assessments become obsolete after a period of time, therefore instrument should be re-administered periodically.

According to the instrument's authors, raters should be familiar with the ERASOR manual before scoring an actual case. It is also important that raters have previous experience with the assessment of adolescents and knowledge regarding the assessment of sexual aggression in juveniles.

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**FOR MORE INFORMATION**

James Worling, Ph.D.  
jworling@ican.net

## THE JSORRAT-II<sup>55</sup>

The Juvenile Sexual Offense Recidivism Risk Assessment Tool-II (JSORRAT-II) was developed by Dr. Douglas Epperson in collaboration with Utah Juvenile Justice Services. The JSORRAT-II is currently the only actuarial assessment tool available for predicting juvenile sex offender recidivism.

### Instrument Overview

The JSORRAT-II is an empirically-developed instrument that is designed to assess sexual recidivism risk for juvenile male sex offenders between the ages of 12 and 17.9 years.<sup>56</sup> It was originally developed for the Utah juvenile justice system and has been validated on juvenile sex offender populations in Utah and Iowa.<sup>57</sup> Additional validation studies are currently being conducted in other states. It should be noted that the JSORRAT-II has only been validated for boys. Therefore, it is not appropriate for use with female juvenile sex offenders. Assessments are no longer valid after the youth reaches age 18.

### Instrument Content and Scoring

The JSORRAT-II was developed using case reviews of the records of more than 600 male juvenile sex offenders in Utah.<sup>58</sup> The study examined a large pool of potential risk predictors. The instrument developers were able to identify risk factors that best predicted recidivism for a sexual offense. The identified risk factors include 12 items from seven categories:

1. Sex offending history;
2. Offense characteristics;
3. Sexual offense treatment history;
4. Abuse history;

### JSORRAT-II

- An actuarial risk assessment for juvenile sex offenders
- Appropriate for use with boys, ages 12 to 17
- Cannot be used to measure change in risk level over time
- 12 items
- Categories assessed:
  - Sex offending history
  - Offense characteristics
  - Abuse history
  - Sex offender treatment history
  - School history
  - Non-sexual offenses

5. Special education history;
6. School discipline history;
7. Nonsexual offending behavior.

All items on the JSORRAT-II are static in nature and are scored based on a case file review of juvenile court records.

Items are hand-scored by a trained evaluator and combined to create a total risk of recidivism score. Based on this total risk score, youth are categorized into risk groups (low, moderate, high). The risk of recidivism score can be used to inform decisions such as the youth's placement and treatment recommendations. Since the JSORRAT-II contains all static items, it does not provide information regarding risk reduction, treatment progress, or other changes in the youth's behaviors or risk level over time.

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**FOR MORE INFORMATION**

Dr. Douglas Epperson  
dleppers@calpoly.edu

## Instrument Overview

The MEGA<sup>60</sup> is a multidimensional assessment tool that measures a youth's risk level for engaging in sexually abusive behaviors.

The instrument is unique in that it has been developed for use with both boys and girls between the ages of 4 and 19 and youth with low intellectual functioning.

The MEGA<sup>61</sup> was developed based on a review of other risk assessment tools, the available literature on sexually abusive youth,<sup>60</sup> and from the findings of a seven year study of sexually abusive male and female adolescents and young adults.<sup>61</sup> The framework for the MEGA<sup>62</sup> was modeled after another risk assessment instrument, the Fonseca Inventory of Sex Offenders Risk Factors (FISORF 1998).

The validation studies on the MEGA<sup>63</sup> included an ethnically diverse population of youth from a variety of treatment settings, including outpatient, inpatient, residential, and correctional settings.

## Instrument Content and Scoring

The MEGA<sup>64</sup> can be administered by professionals who have at least five years of experience in the assessment of sexually abusive youth. It may be administered by both clinical and nonclinical professionals. The information to complete the MEGA<sup>65</sup> is gathered through a file review. The manual for the instrument provides instructions on how to score and interpret the instrument results.<sup>63</sup>

### MEGA<sup>66</sup>

- For use with boys and girls ages 4 to 19 years, and youth with low intellectual functioning
- Provides score based on age and gender
- Can provide information on changes in risk level over time
- Instrument can be used on youth who have not been adjudicated for a sexual offense
- 75 items\*
- Four Scales:
  - Risk
  - Protective risk
  - Estrangement
  - Persistent sexual deviancy

\*Not all items need to be administered

The MEGA<sup>1</sup> consists of 75 items categorized into seven aggregates or domains that cover areas such as the youth's sexual behaviors, neuropsychological functioning, antisocial behaviors, and family history factors related to sexuality, including any history of child sexual abuse. The instrument also considers protective factors (e.g., presence of supportive family members). Each item is scored on a two point scale as either being present or not present. The MEGA<sup>1</sup> includes both static and dynamic items, which allows the instrument to evaluate any changes in the youth's risk level.

Risk variables are assessed by four scales: Risk, Protective, Estrangement, and Persistent Sexual Deviancy. A score is calculated for each scale, and a risk level assigned.

The MEGA<sup>1</sup> Individualized Risk Assessment Report is generated via computer scoring. The report provides a snapshot of the youth at the time of the assessment regarding the factors that put the youth at risk for engaging in sexually abusive behavior. Information from the MEGA<sup>1</sup> Individualized Risk Assessment Report can be used to inform interventions, treatment planning, and supervision activities.

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**FOR MORE INFORMATION**

L. C. Miccio Fonseca, Ph.D.

lcmf@cox.net

## ENDNOTES

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<sup>17</sup> Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, Pub. L No. 103-322, tit. XVII, § 170101 et seq., 108 Stat. 2038 (codified at 42 U.S.C. § 14071 et seq.).

<sup>18</sup> Megan's Law, Pub. L No. 104-145 (May 17, 1996) 110 Stat 1345.

<sup>19</sup> Adam Walsh Child Protection and Safety Act, Pub. L. No 109-248 (July 27, 2006) 120 Stat. 587.

<sup>20</sup> Pub.L. No. 109-248, tit. I, § 129 (July 27, 2006) 120 Stat. 590 (codified in part at 42 U.S.C. § 16911 et seq.).

<sup>21</sup> 42 U.S.C. § 16911(8).

<sup>22</sup> Pen. Code, §§ 290–290.023.

<sup>23</sup> Pen. Code, § 290.008(a). Penal Code section 290.008(c) specifies the offenses that trigger the registration requirement. For a detailed list of these offenses, see the California Megan's Law website, <http://meganslaw.ca.gov/registration/juvenile.aspx?lang=ENGLISH>. In response to the California Supreme Court's decision in *In re C.H.* (2011) 53 Cal.4th 94, the Legislature enacted Assembly Bill 324 to clarify that commission of any of the offenses specified in Penal Code section 290.008(c) is a sufficient reason for the juvenile court to commit the offender to DJJ under Welfare and Institutions Code sections 731 and 733. (Assem. Bill 324; Stats. 2012, ch. 7.) Because commitment to DJJ is a condition of the juvenile registration requirement, AB 324 had the effect of expanding the list of offenses for which registration is required.

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<sup>25</sup> Pen. Code, § 290.45(a)(1), (c)(1).

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<sup>33</sup> Pen. Code, § 290.04(b)–(e).

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Four briefing papers addressing instruments used to evaluate the risks and needs of youth in the juvenile justice system

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