

Juvenile Sexual Offenders and Their Victims: Final Report

Task Force on Juvenile Sexual Offenders
And Their Victims
January 18, 2006

A Report Submitted to
The Governor and
The Florida Legislature



Findings of the Task Force

- The Task Force found that Juvenile sexual offending behavior is complex and necessitates a careful analysis of statistics, trends and research. They found significant differences between adult sex offenders and juveniles who commit sexual offenses. The Task Force reviewed research findings from national studies and from the State of Florida that indicated:
- The per capita incidence of juvenile sexual offending crimes in Florida has slightly decreased over a six-year period.
- Juveniles who commit sexual offenses have an extremely low re-offense rate.
- A significant percentage of juveniles who commit sexual offenses were themselves victimized.



Findings of the Task Force

The Task Force found a critical gap in services available for victims and their families. They found that victims of child-on-child sexual offenses have needs that extend beyond the time limits and resources available through existing programs. The Task force considered victim services one of the top priorities in their findings and recommendations.



Findings of the Task Force

The Task Force concluded that a successful approach to treatment of juvenile sexual offenders and their victims must include the development of a balanced continuum of care beginning with multi-agency involvement, collaboration, and cooperation at the community level. The Task Force called for local communities to work together to address the complexity of need, looking to the Department of Juvenile Justice to take the lead to establish interagency communication, coordination and collaboration to develop and maintain an adequate continuum of services.



Finding 1: Limited Resources for Victims and Families

The needs of crime victims and the family members vary in intensity and complexity, and are often overlooked by the juvenile justice system. Limited resources for treatment and continuity of services for the victim, the family and the offender complicate the situation. Many of the problems caused by trauma and victimization may not surface until later in the child's developmental process, leaving a gap in the availability of services and resources when problems arise.

Recommendation 1a:

The Florida Legislature should provide adequate funding for long-term counseling services for all sexual abuse victims ages 18 years and younger.

Recommendation 1b:

The Florida Legislature should expand the role, capacity and capability of Child Protective Teams to allow investigation and intervention services in child-on-child cases.



Finding 1: Limited Resources for Victims and Families

Recommendation 1c:

The *Department of Juvenile Justice and the Department of Children and Families* should collaborate in the development and delivery of training regarding the effects of trauma on child sexual victims.

Recommendation 1e:

The Florida Legislature should fund a Sexual Abuse Intervention Network (SAIN) in each of the 20 judicial circuits, funded at \$100,000 annually to cover the costs of a paid coordinator and related expenses.



Finding 2: Family Relationships Need Attention

The results of research indicate that sexual abuse is often a self-perpetuating, intergenerational cycle that can be broken through appropriate intervention. In intra-familial cases, however, *the Department of Children and Families* maintains limited or no continuing involvement in managing the relationships between the victim and the family once an offender is removed from the home. The assumption appears to be that once a sex offender is committed to residential treatment, the problem has been “fixed.” Many times the offender will be returning to the same home environment where the offending occurred, yet the family unit may be unchanged. The needs of victims and their families with regard to the establishment of healthy relationships are often unmet.

Recommendation 2:

The Florida Legislature should require the *Department of Juvenile Justice* or the *Department of Children and Families* to conduct home studies and victim trauma assessments prior to reunification in crimes of sibling incest.



Finding 3: Service Gap for Victims of Child-on-Child Offenses

The role of intra-familial violence is significant when examining continuity of care for the victim and family, placement of the offender, the ability to enforce treatment, the systems' attention or inattention to cases involving child-on-child offenses, compliance with statutory requirements for notification and involvement of victims of juvenile crime. There is a need to address the fragmented system response in cases of intra-familial sexual offending. Child-on-child cases do not receive the same treatment or focus as the adult on child cases, although the long-term effects may be just as damaging for the victim.

Recommendation 3a:

The Florida Legislature should amend section 39.305, Florida Statutes, to include all victims in child-on-child cases in addition to intra-familial child victims.



Finding 3: Service Gap for Victims of Child-on-Child Offenses

Recommendation 3b:

The *Secretary of the Department of Children and Families* should clarify the role of the agency regarding child-on-child sexual offenses to ensure that assessment and counseling is required and monitored in all cases. *The Department of Children and Families* should:

- Centralize and mandate reporting of all alleged child-on-child sexual battery in cases involving children 12 years of age and younger with referrals to appropriate law enforcement agencies.
- Require Department of Children and Families to maintain an open case, ensuring the victim and family receives appropriate treatment during reunification.
- Coordinate and advocate services and resources with other victim assistance agencies on behalf of the victim.
- Require the Abuse hotline to provide callers with referrals to appropriate treatment providers for services to the victim and family and follow up with written information on the referral.



Finding 4: Limited Victim Advocacy

In intra-familial cases, when victims (typically siblings or stepsiblings) are considered neither dependent nor delinquent, they have no independent representation, and families are often not able to meet the minor victim's needs. Families may not fully understand the potential long-term psychosocial impact of victimization or the warning signs of poor coping by the child victim.

Recommendation 4a:

The Florida Legislature should require a review of Chapter 960, Florida Statutes, to address issues of victim advocacy and the availability of victim services to all child victims of sexual offenses.



Finding 4: Limited Victim Advocacy

Recommendation 4b:

The Florida Legislature should re-establish the Victim Services Unit of the Department of Juvenile Justice to address sexual victimization issues in the family.



Finding 5: Lack of Education About Sexual Offending and Its Consequences

Youth are not fully aware of the potential legal consequences of certain sexual behaviors and they need to be informed on how to protect themselves from unwanted sexual advances or sexual harassment.

Recommendation 5a:

The Department of Health or other appropriate department should conduct a public awareness campaign delivering information aimed at youth about appropriate sexual behavior and the consequences, especially legal consequences, of inappropriate sexual behavior.



Finding 7: Sexual Offender Assessments are Under-Funded; Poor in Quality

Current Department (Juvenile Justice) policy does not require automatic referral for a Level 3 evaluation for all youth with a history of sexually delinquent or sexually inappropriate behavior. The current evaluation process is under-funded and resultant evaluations are insufficient to adequately facilitate the appropriate placement of the youth. An evaluation conducted by a qualified practitioner is needed to ensure that youth receive appropriate treatment in the least restrictive and most cost-effective environment that will meet the dual goals of protecting the public and providing the youth with appropriate treatment.



Finding 7: Sexual Offender Assessments are Under-Funded; Poor in Quality

Recommendation 7:

The Florida Legislature should require and fund (\$290,000) comprehensive psychosexual evaluations, to be conducted by qualified practitioners and included as part of the pre-disposition report, on all adjudicated juveniles with a history of sexual delinquency or sexually inappropriate behavior.



Finding 8: Inadequate Certification for Assessment Professionals

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The assessment process is enhanced when a qualified professional who is skilled and experienced with sexual offenders conducts the evaluation. An improved qualification process for mental health professionals conducting evaluations on youths who commit sexual offenses is needed.



Finding 8: Inadequate Certification for Assessment Professionals

2) Possess 55 hours of post-degree continuing education in the following core areas:

- Sexual offenders and relevant DSM-IV diagnoses.
 - Etiology of sexual deviance.
 - Evaluation/risk assessment and treatment procedures that have an established scientific basis with youth who have committed sexual delinquent acts.
 - Use of plethysmographs, visual reaction time, and polygraphs in the evaluation, treatment and monitoring of youth who have committed sexually delinquent acts.
 - Evaluation/risk assessment and treatment of specialized populations of youth (for example, females or youth with developmental disabilities) who have committed sexually delinquent acts.
 - Legal and ethical issues in the evaluation and treatment of youth who have committed sexually delinquent acts.
 - Safety planning and family safety planning.
 - Report writing.



Finding 8: Inadequate Certification for Assessment Professionals

- 3) Have documented 2,000 hours of post-graduate supervised practice in the evaluation and treatment of youth who have sexually delinquent acts under the direction of a qualified practitioner.
- 4) Complete 20 hours of biennial continuing education in the evaluation and treatment of youth who have committed sexually delinquent acts.



Finding 9: Need for Valid Risk Assessment Tools

An efficient, low-cost screening tool is needed to assist in making determination of risk levels presented by youth who have committed sexually delinquent acts. Currently, a number of tools are in development by experts in the field but have not been adequately validated.



Finding 13: Lack of A Continuum of Treatment Options

- There is a lack of appropriate continuum of care placements, aftercare, and community based services for juveniles who are released from treatment facilities. Too often, youth who have committed sexually delinquent acts are released, only to go back home, often where the victim resides, due to a lack of independent living facilities. In some cases, when a juvenile offender is released to return home, the victim must leave so that the offender has a place to stay. This is inappropriate and risks re-victimizing the victim. Anecdotal evidence also indicates that juvenile offenders are being released to homeless shelters, or other inappropriate or unstructured placements due to limited placement options.



Finding 13: Lack of A Continuum of Treatment Options

Recommendation 13a:

The Florida Legislature should fund a pilot project to examine more effective ways to reintegrate offenders into the community, including transitional living programs and community-based services for those youth who have committed sexually delinquent acts and who cannot reside in their home but do not require a residential level of care.

Recommendation 13c:

The Florida Legislature should require the *Department of Children and Families* to participate in transition planning for youth younger than 18 years of age who cannot be returned to their home due to the risk to the victim or lock out by the parents.



Finding 15: State Should Avoid Label 'Juvenile Sex Offender'

The current definition in statute of juvenile sexual offender encompasses a wide range of sexual offenses from exhibitionism to penetration. This creates instant labeling of the youth with consequences that will continue throughout his or her life.

Recommendation 15a:

The Florida Legislature should modify section 985.03 Florida Statutes, to change the term "Juvenile Sex Offender" to "Juveniles with Sexual Behavioral Problems." The term "Juvenile Sex Offender" should be reserved for youth transferred to adult court for sexual offenses.

Recommendation 15b:

The Florida Legislature should continue the current policy of not registering juveniles in the Florida sex offender registry.

Recommendation 15c:

The Florida Legislature should change section 800.04 (4)(a), Florida Statutes, to reduce the charge from a felony to a misdemeanor in those cases involving sexual offending behavior in which the juvenile offender and the victim are of similar age developmental status, and have engaged in consensual behavior.



Finding 17: Very Young Should Not Be Criminalized

Concern is raised about the treatment of the very young (youth less than 12 years of age). Youth 12 years of age and younger represent one percent of the youth committed to moderate or high-risk facilities. Developmentally, youth in this age group lack the cognitive ability of adolescents to understand the criminal nature of their behavior.

Recommendation 17:

Very young children (less than 12 years of age) or those who are developmentally immature involved in sexually delinquent behavior should be referred to treatment by the Department of Children and Families rather than prosecuted.



Finding 18: Poor Coordination of Services for Juvenile Sexual Offenders and Their Victims

Assessment and services in Florida in response to juvenile sexual delinquency and its victims are fragmented, inconsistent, and inadequate. No agency or constellation of agencies has taken the lead to establish interagency communication, coordination and collaboration to develop and maintain an adequate continuum of services. As a result, many needs are not being met.



Finding 18: Poor Coordination of Services for Juvenile Sexual Offenders and Their Victims

Recommendation 18b:

The Florida Legislature should require the Department of Juvenile Justice to assemble a Task Force every five years to review the issue of juveniles who commit sexual offenses and the impact on victims. The Task Force should be required to report the results of their deliberations and policy recommendations to the Governor, President of the Senate, and Speaker of the House.



Task Force Priority Recommendations

- At a minimum, the Florida Legislature should reinstate the \$2.4 million that was cut from the community-based sex offender treatment budget to make community-based sex offender treatment available in each circuit.
- The Florida Legislature should fund a Sexual Abuse Intervention Network (SAIN) in each of the 20 judicial circuits, funded at \$100,000 annually to cover the costs of a paid coordinator and related expenses.
- The Florida Legislature should require and fund (\$290,000) comprehensive psychosexual evaluations, to be conducted by qualified practitioners and included as part of the pre-disposition report, on all adjudicated juveniles with a history of sexual delinquency or sexually inappropriate behavior.



Task Force Priority Recommendations

- The Department of Juvenile Justice should contract only with qualified practitioners (defined herein) to conduct psychosexual evaluations and require that they participate in initial and ongoing training regarding the services offered by the Department.
- The Secretary of the Department of Juvenile Justice should appoint a group to study and make recommendations regarding the reallocation of resources from high-risk residential programs to lower risk residential or community treatment programs.
- The Florida Legislature should modify section 985.03, Florida Statutes, to change the term “Juvenile Sex Offender” to “Juveniles with Sexual Behavioral Problems.” The term “Juvenile Sex Offender” should be reserved for youth transferred to adult court for sexual offenses.



Task Force Priority Recommendations

-  The Florida Legislature should provide adequate funding for long-term counseling services for all sexual abuse victims ages 18 years and younger.

