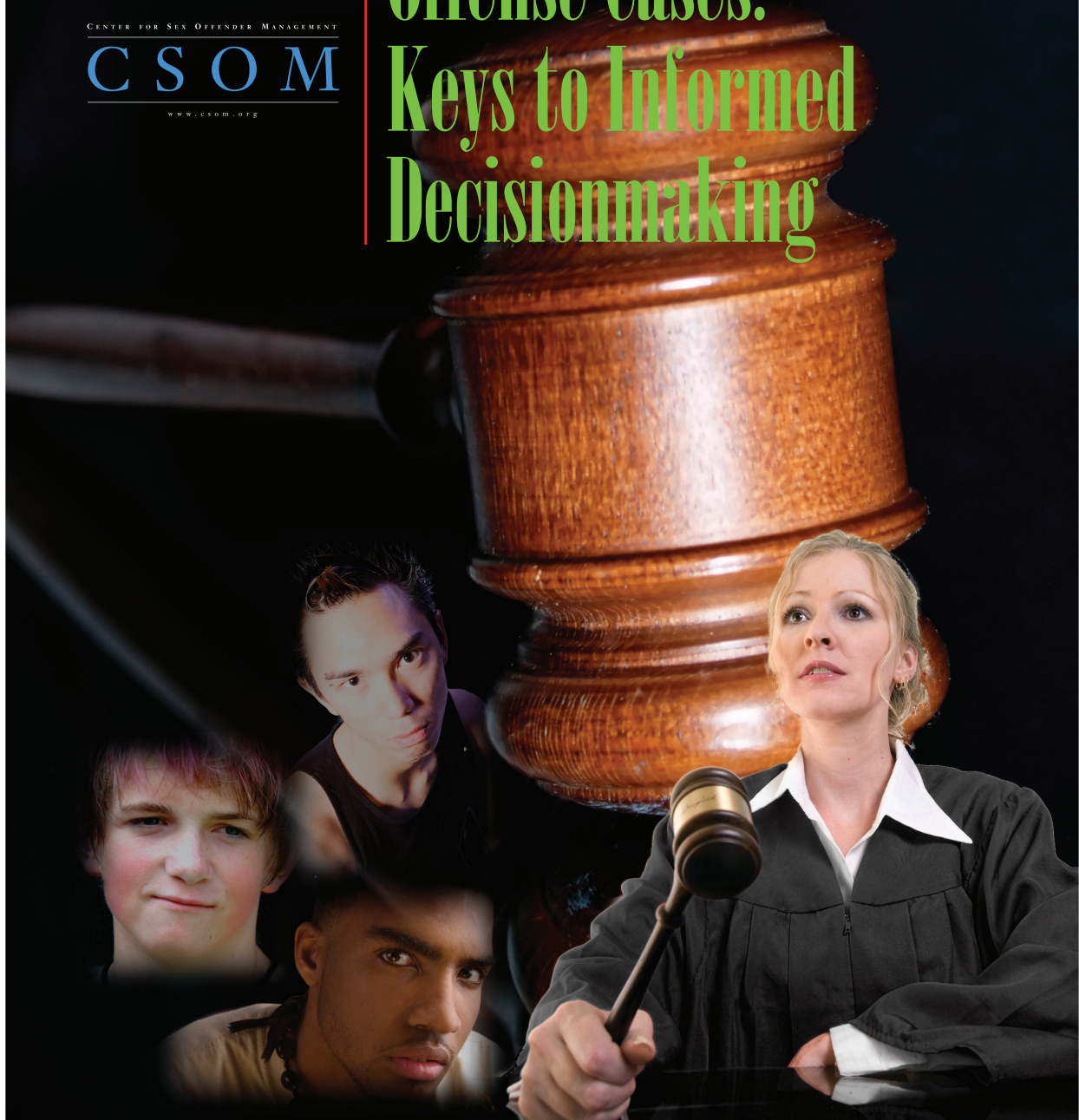




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# The Role of Judges in Managing Juvenile Sex Offense Cases: Keys to Informed Decisionmaking



# **The Role of Judges in Managing Juvenile Sex Offense Cases: Keys to Informed Decisionmaking**

## **A Judicial Education Curriculum**

*Center for Effective Public Policy © 2009. This document was developed under grant SJI-04-N-160, "Judicial Education on Juvenile Sex Offenders," from the State Justice Institute. The points of view expressed herein are those of the authors and do not necessarily represent the official position or policies of the State Justice Institute.*

## Table of Contents

Developers of This Curriculum.....	3
Acknowledgements.....	4
Summary of This Curriculum.....	6
Guidance for Users of This Curriculum.....	9
Event Goals.....	14
Event Agenda.....	16
Overview of Panel Discussion.....	20
Presentation Slides.....	22
Participant Exercises.....	72
References and Additional Readings.....	75
Event Evaluation.....	82

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## Acknowledgements

This curriculum was developed under a State Justice Institute (SJI) grant to the Center for Effective Public Policy entitled, “Judicial Education on Juvenile Sex Offenders.” It is designed to provide practical information to juvenile and family court judges about youth who engage in sexually abusive behavior, and to enhance their day-to-day decisionmaking in these challenging cases.

This project would not have been possible without the support, leadership, and foresight of SJI’s prior and current Executive and Deputy Directors. David Tevelin, Kathy Schwartz, Kevin Linskey, Janice Munsterman, and Jonathan Mattiello recognized that although specialized training opportunities exist for several disciplines who share responsibility for juvenile sex offender management efforts, a comprehensive curriculum tailored to address the specific questions and needs of juvenile and family court judges was lacking. This curriculum is intended to address this significant and noteworthy gap in the judicial education field.

We determined at the inception of the project that such a curriculum requires a faculty member from the judiciary, in addition to substantive experts from other disciplines, including specialized clinical evaluators, treatment providers, and specialized juvenile probation or parole officers. As such, during the creation, delivery, and refinement of this resource, we worked very closely with Judge Deanne Darling from Oregon City, Oregon. She has been a critical substantive partner in this exciting endeavor and our work over the past several years with her has been a great privilege for us. Judge Darling has been instrumental in framing the approach to this curriculum, particularly the inclusion of the various issues warranting consideration by judges at key decision points in the juvenile and family court process, and an emphasis on the multiple roles that juvenile judges can play in the disposition and overall management of these complex cases. In addition to her substantive knowledge and understanding of juvenile sex offenders, the victims in these cases, and their families, and her experience on the bench, this project and the audiences in the 17 states where we have worked have benefited immeasurably from Judge Darling’s passion, energy, and humor.

We were also fortunate to have the National Council of Juvenile and Family Court Judges (NCJFCJ) as a partner during the initial phase of this initiative. Specifically, we worked closely with Ian Curley, former Program Manager at NCJFCJ, who demonstrated a longstanding commitment to enhancing the capacity of the courts to respond effectively to juvenile sex offense cases and who advocated for sessions on this topic at NCJFCJ’s annual conferences. We are grateful for the opportunities to deliver earlier versions of this curriculum to judges at NCJFCJ’s 68<sup>th</sup> National Conference in July 2005 and 70<sup>th</sup> National Conference in July 2007. We also relied on Mr. Curley’s extremely valuable networks and contacts in the judicial education field to raise awareness about this important initiative.

As indicated above, this curriculum has been delivered with positive results in 17 statewide judicial education events (i.e., 16 states and the District of Columbia) to approximately 700 juvenile and family court judges, magistrates, and masters. These include:

- Arizona,
- Colorado,
- Connecticut,
- The District of Columbia,
- Georgia,
- Hawai'i,
- Indiana,
- Maryland,
- Michigan,
- Missouri,
- Nebraska,
- North Dakota,
- Ohio,
- Oregon,
- Tennessee,
- Texas, and
- West Virginia.

Each state was selected through a competitive application process. We would like to extend our very sincere thanks to the judges, magistrates, and masters who participated in these events. At each of our stops across the country, we encountered engaging audiences who actively explored the material, posed insightful questions, and provided rich substantive feedback that supported our ongoing efforts to enhance and improve the draft of this curriculum that was distributed to the field in January 2007. The subsequent revisions and enhancements reflect our goal of providing contemporary and practical information to members of the judiciary that is relevant in their day-to-day efforts with juvenile sex offense cases.

*Tom Talbot and Dr. Kurt Bumby*  
*April 2009*

## **Summary of This Curriculum**

## Summary of This Curriculum

Sex offenses committed by youth are frequently identified by juvenile and family court judges as among the most challenging cases faced by the courts, though representing only a relatively small proportion of all delinquency petitions. These cases are considered particularly challenging by judges for a host of reasons, including:

- The complex dynamics associated with juvenile sex offending behavior;
- Questions about differentiating higher from lower risk youth;
- Concerns about adequately and concurrently addressing the needs of victims, especially in intra-familial cases;
- Variations in the availability of specialized evaluators and quality of specialized assessments;
- An often limited continuum of treatment resources at their disposal;
- Dynamics affecting family engagement; and
- Broader system responses that are based on the assumption that these youth mirror adult sex offenders.

In most jurisdictions across the nation, juvenile and family court judges are afforded considerable discretion and, as such, they are uniquely positioned to facilitate appropriate and effective intervention strategies, beginning at the early stages of the system and continuing thereafter. Because many advances in research and practice relative to juvenile sex offenders have been made during the past decade, exposure to and understanding of this contemporary information can prove useful for juvenile and family court judges as they preside over these cases. However, in contrast to the expansion of discipline-specific resources for the professionals responsible for assessment, supervision, institutional programming, and community-based treatment, specialized educational opportunities and materials about juvenile sex offenders that are designed specifically for juvenile judges have remained relatively limited.

As highlighted in the event agenda below, the key topics that are covered in this curriculum include the following:



- Differences between juveniles and adults who commit sex offenses;
- Unique considerations for judges at key decision points throughout the juvenile and family court process;
- Specialized assessment, treatment, and supervision approaches from the perspective of the judiciary;
- Strategies for facilitating family engagement from the bench;
- Local policies and practices that are in place for juvenile sex offenders, the victims of these offenses, and their families; and
- Various roles that the judiciary can assume in promoting effective juvenile sex offender management efforts.

The event agenda is designed to facilitate open exchange and discussion between participants and the faculty members regarding common challenges and creative solutions related to the management of juvenile sex offenders. In addition, the curriculum is structured in manner that can afford participating judges opportunities to work in smaller discussion groups to explore the practical implications of the material.

## **Guidance for Users of This Curriculum**

## Guidance for Users of This Curriculum

This section is designed to provide information to judicial educators, judges, and others who are interested in using this curriculum. Many of the suggestions offered herein are based on the lessons learned by project staff in delivering this curriculum in 17 states across the country.

### *Definition of “Juvenile Sex Offenders” for This Curriculum*

For the purpose of this curriculum, juvenile sex offenders are defined as youth who are generally between the ages of 12 and 17, have come to the attention of the authorities for allegedly engaging in abusive and/or prohibited sexual behaviors, and are ultimately adjudicated by the courts. Users should be aware that the material contained in this curriculum pertains to juvenile male sex offenders, and that effective intervention and management approaches for juvenile female sex offenders should be grounded in the growing body of gender-responsive research and practice literature in the juvenile justice field. Finally, it is important to recognize that young children with sexual behavior problems (i.e., often pre-pubescent children) are a distinct population to which this curriculum is not designed to be applicable.

### *Target Audience*

Juvenile and family court judges are the exclusive target audience for this curriculum. Given the experiences, challenges, and perspectives that are unique to the bench, the material is tailored specifically to assist judges as they consider their role in managing juvenile sex offense cases. It is designed to promote candid exchanges among judicial participants about special concerns that arise through the course of the court process, and offers the opportunity to explore problem-solving strategies and creative solutions with their judicial colleagues and the faculty.

### *The Event Faculty*

This curriculum is designed to be delivered by seasoned faculty members, including a judge with knowledge and expertise regarding juvenile sex offenders, contemporary research and other literature regarding these youth, victims, and their families, and promising management strategies. Lists of references and readings have been included and may be helpful for faculty members in preparing themselves to conduct the event.

### *Tailoring the Curriculum Materials to Address Local Needs and Questions*

This curriculum provides an overview of several key topics that were identified through a combination of inquiries and requests from judges and judicial educators, information gleaned from other training and technical assistance fieldwork with multidisciplinary teams,

and needs assessments completed by juvenile and family court judges throughout the course of this project. However, it is not possible to develop a curriculum for national distribution that reflects the legislation, policies, and practices related to the management of juvenile sex offenders in every state, or that addresses the varied substantive needs, interests, and questions of diverse judicial audiences in jurisdictions across the nation. It will, therefore, be necessary for the users of this curriculum to familiarize themselves with local legislation, policies, and practices related to juvenile sex offender management, find opportunities to integrate these into the existing curriculum content, and work proactively with potential participants in advance to ensure that the material covered is as meaningful and relevant as possible.

In the events that were convened using this curriculum, a range of local practitioners – including specialized evaluators, treatment providers, juvenile probation and parole officers, case managers, staff from residential or juvenile corrections programs, prosecutors, defense bar representatives, and victim advocates or victim service providers – agreed to participate in a panel discussion and highlight specific practices that are in place in the jurisdiction. This panel, entitled, “Becoming Informed Consumers Relative to Juvenile Sex Offender Management in Our Jurisdictions,” enabled the participating judges to become more familiar with important and relevant local resources, and to consider and discuss those strategies and resources within the context of the substantive material provided.

Users of this curriculum are encouraged to work collaboratively with identified panelists prior to convening the judicial education event to clarify their roles, responsibilities, and anticipated remarks; prevent unnecessary duplication of content; reach agreement about the ways in which the allotted time will be used equitably; and ensure that all panelists are operating from a shared understanding of the identified needs and interests of the judicial audience. Included in these curriculum materials is a one page overview that can be utilized to guide their preparations. It is helpful to use a moderator who can promote constructive dialogue between the panelists and the participating judges, synthesize key points and issues that emerge, and effectively manage the limited time that is allotted to the panel. In several of the states where this curriculum was delivered, the panel was moderated by a juvenile or family court judge (sometimes the Chief or Presiding Judge); in others, one of the designated faculty members served in this important capacity.

### *Event Length*

Given the significant amount of material covered, the importance of facilitating interactions between the faculty members and the participants, and the need in some events (especially those where the audience is particularly large) to divide participants into smaller groups to process the material that they have heard, a full day is required to deliver this curriculum. Indeed, in a number of instances during the delivery of this curriculum across the country, participants indicated that they would have liked the session to have been longer than one day, so that the faculty members could have covered topics in more depth and so that there was more time for audience members to discuss implications.

### *Audience Interaction*

As is the case in any live event, participants benefit from the opportunity to engage one another and the faculty members in discussions about the material covered. Therefore, this curriculum is not designed to be delivered exclusively as a lecture. As outlined in the accompanying sample agenda, opportunities for questions and interactions among audience members should be interspersed with didactic presentations by the faculty members.

This curriculum also includes a series of questions for use by the participants during the designated small group discussion sessions. If the participating judges are not able to cover all of the questions that have been included in the time that is afforded during the day-long event, they can be encouraged to use the questions as catalysts for ongoing consideration and dialogue with their judicial colleagues and other stakeholders upon returning to their jurisdictions.

In the 17 states where this curriculum was used, another strategy for engaging audience members was a discussion of several excerpts from specialized assessments of juvenile sex offenders whose identifying information had been redacted. After reviewing each excerpt with the faculty members, participants were provided opportunities to explore the strengths and limitations of the information provided, consider the extent to which the data would be helpful in their decisionmaking, and discuss any issues or concerns that arose with the information contained in the evaluation. Based on the participants' subsequent feedback about the value of this exercise, those who utilize this curriculum similarly may want to integrate into their materials examples of specialized assessments from the jurisdiction in which the event is being convened.

### *Post-Event Evaluation*

A brief post-event evaluation form is included in this curriculum to assist users with assessing the impact and effectiveness of the events that they conduct, and to identify enhancements that can be made in future sessions.

### *Obtaining Electronic Copies of This Curriculum or for Additional Information*

Paper copies of this curriculum are being distributed to judicial educators, members of the judiciary, and other interested parties across the nation. Electronic versions of the materials are also available. To request electronic copies or to receive additional information about this curriculum, please contact:

Tom Talbot, Project Director and Senior Manager  
Center for Effective Public Policy  
8403 Colesville Road, Suite 720  
Silver Spring, Maryland 20910  
Phone: 301-589-9383, Fax: 301-589-3505, Email: [ttalbot@cepp.com](mailto:ttalbot@cepp.com)

Alternatively, electronic copies can be accessed via the websites of the State Justice Institute ([www.sji.gov](http://www.sji.gov)), the Center for Effective Public Policy (the Center) ([www.cepp.com](http://www.cepp.com)), and the Center for Sex Offender Management ([www.csom.org](http://www.csom.org)). The Center for Sex Offender Management (CSOM) is a national training and technical assistance initiative that has provided support to judges, prosecutors, probation and parole staff, treatment providers, law enforcement officers, victim advocates, and others in every state in the country on the topic of sex offender management during the past decade. SJI is one of the original funders of CSOM and continues to be a partner of the initiative. Because the CSOM website is a valuable substantive resource to the field and is accessed approximately 700,000 times each month, this curriculum will be “housed” there, so that it is readily accessible to the largest possible number of interested parties. Visitors to SJI’s and the Center’s websites who are interested in the curriculum will be linked directly to the location on the CSOM site where the resource is located.

## **Event Goals**

**State Justice Institute**

**Insert Name of Hosting Agency**

***Present:***

***THE ROLE OF JUDGES IN MANAGING JUVENILE SEX OFFENSE CASES:  
KEYS TO INFORMED DECISIONMAKING***

Insert Date

Insert Location

---

**Event Goals**

The primary goals of this event are to enhance juvenile and family court judges' understanding about juvenile sex offenders, and highlight the critical roles that judges play in the management of these cases. Specifically, it is designed to:

- Provide an overview of current research about juvenile sex offenders, underscoring the diversity of this population and the differences between juvenile and adult sex offenders;
- Examine how the management of these youth can be enhanced through informed judicial decisionmaking at key decision points throughout the court process;
- Emphasize the importance of quality, specialized assessments to guide individualized dispositions for juvenile sex offenders and their families;
- Describe contemporary approaches to treatment and supervision for juvenile sex offenders;
- Assist judges with considering the leverage they have in facilitating appropriate services for these youth and their families;
- Review existing local resources related to juvenile sex offender management; and
- Facilitate dialogue among participants and the faculty members about the information that is presented, its practical implications, and the multiple roles that the judiciary can play in the successful management of these youth.



## **Event Agenda**

State Justice Institute

Insert Name of Hosting Agency

*Present:*

**THE ROLE OF JUDGES IN MANAGING JUVENILE SEX OFFENSE CASES:  
KEYS TO INFORMED DECISIONMAKING**

Insert Date

Insert Location

---

**Event Agenda**

9:00 a.m.                    **Welcome and Introductory Remarks**

9:15 a.m.                    **Juvenile Sex Offenders and the Courts: An Historical Perspective**

*Highlighted in this session are the evolution of system responses to juvenile sex offenders, common myths about these youth, and some of the unique challenges currently faced by judges when presiding over juvenile sex offense cases.*

9:30 a.m.                    **Understanding Juvenile Sex Offenders: Implications for Judges at Key Decision Points**

*The diversity of juvenile sex offenders is emphasized in this session through a review of contemporary research and professional literature about these youth. Included are discussions about factors influencing sexually abusive behavior, emerging subtypes of juvenile sex offenders, recidivism rates, and differences between juvenile and adult sex offenders. The implications of this information on judicial decisionmaking at various points in the court process are explored.*

10:15 a.m.                    **Break**

10:30 a.m.                    **What Judges Should Know about Specialized Assessments of Juvenile Sex Offenders**

*The importance of reliable and valid assessments as a key to promoting effective and individually-tailored dispositions for juvenile sex offenders and their families is underscored in this session. Pre-sentence/pre-disposition reports, psychosexual evaluations, and*

*promising approaches to risk assessment for these youth are highlighted.*

11:30 a.m.

**Small Group Discussions: A Critical Analysis of Specialized Assessments in Our Courts**

*During this time, participants have the opportunity to engage in an informal dialogue with their colleagues and the faculty about the information presented thus far and, more specifically, begin to consider the quality and practical utility of specialized assessments used within the courts locally.*

12:15 p.m.

**Lunch**

1:15 p.m.

**What Happens after the Juvenile Leaves the Courtroom? Treatment and Supervision for Juvenile Sex Offenders**

*This session offers an overview of national trends and promising approaches regarding the treatment and community supervision of juvenile sex offenders, including an emphasis on eliciting the support and engagement of families and caregivers in the treatment and supervision processes. Outcome data are included as a means of emphasizing the critical leverage held by juvenile and family court judges in promoting community safety through specialized dispositions.*

2:15 p.m.

**Case Reviews and Terminations/Discharges**

*In this brief session, faculty members have the opportunity to engage participants in a discussion about potential expectations for and circumstances under which juvenile sex offenders should return to the court, and how judges can use court appearances as a tool not only to support juveniles' compliance with community supervision and treatment expectations, but also to reinforce positive change.*

2:30 p.m.

**Break**

2:45 p.m.

**Becoming Informed Consumers Relative to Juvenile Sex Offender Management in Our Jurisdictions**

*Local practitioners provide examples of strategies currently in place to manage juvenile sex offenders effectively, including treatment services, supervision approaches, family interventions, and safety planning in the home and schools.*

4:00 p.m.

**Small Group Discussions: Treatment and Supervision for Juvenile Sex Offenders in Our Jurisdictions**

*Participants are afforded another opportunity to engage in an informal dialogue with their colleagues and the faculty. In this small group forum, judges are asked to consider a series of questions about treatment and supervision practices in their jurisdictions, and the potential roles that they can play in promoting quality services and positive outcomes for juveniles, victims, and families.*

4:45 p.m.

**Closing Remarks: How Judges Can Enhance Juvenile Sex Offender Management Practices**

*This final session summarizes the implications of the material covered throughout the event, and focuses on strategies that judges can utilize both inside and outside the courtroom to enhance juvenile sex offender management practices in their jurisdictions.*

4:55 p.m.

**Completion of Event Evaluations**

5:00 p.m.

**Adjourn**

**Overview of Panel Discussion: Becoming Informed Consumers  
Relative to Juvenile Sex Offender Management in Our  
Jurisdictions**

**THE ROLE OF JUDGES IN MANAGING JUVENILE SEX OFFENSE CASES:  
KEYS TO INFORMED DECISIONMAKING**

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**Overview of Panel Discussion: Becoming Informed Consumers Relative to Juvenile Sex  
Offender Management in Our Jurisdictions**

2:45 p.m. – 4:00 p.m.

Throughout the morning and early afternoon of this judicial education event, the core faculty members will review the literature on juvenile sex offenders and summarize promising practices in the areas of assessment, treatment, and supervision. In addition, the faculty will explore the implications of the information provided in the day-to-day work of judges in (INSERT JURISDICTION).

The inclusion of this important panel discussion on the event agenda is in response to judges' stated interest in understanding the juvenile sex offender management efforts underway in their jurisdictions. During the panel discussion, seasoned practitioners from (INSERT JURISDICTION) are asked to provide examples of initiatives and programs currently in place, such as prosecutorial practices, assessment strategies, treatment interventions, supervision approaches, family interventions, and services for victims. This information can enhance judges' awareness of the current resources and strengths within their overall system of juvenile sex offender management, and can facilitate a problem-solving dialogue about addressing any identified challenges or needs.

In order to capitalize on this unique opportunity to address judges, panelists are asked to consider the following questions:

- What role(s) do you and/or your agency assume in managing juvenile sex offenders? What kinds of approaches and strategies do you use? Which specific aspects of your work (and/or your agency's work) are most effective? What, if anything, are you hoping to adjust or change in the future?
- What challenges do you face in working with this population that you would like judges to be aware of? Is there anything that judges could do to support or enhance juvenile sex offender management efforts locally or statewide?
- Is there any additional information that you think is particularly relevant to judges as they preside over juvenile sex offense cases? Please feel free to share anything else that you think would be helpful.

## **Presentation Slides**



# **The Role of Judges in Managing Juvenile Sex Offense Cases: Keys to Informed Decisionmaking**

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## Juvenile Sex Offenders and the Courts: An Historical Perspective

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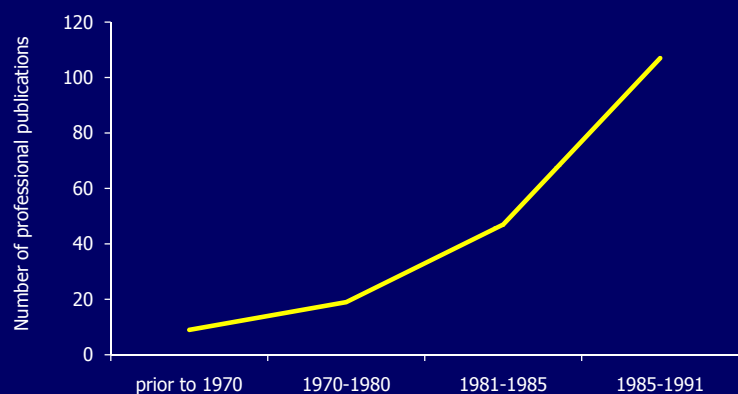
## Early Responses to Juveniles' Sexually Abusive Behavior

- Overlooked
- Disregarded
- Minimized
- Excused

(see Karpman, 1954)

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## Emergence of Professional Interest in Juvenile Sex Offenders



(Barbaree et al., 1993)

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## Contributors to Increased Awareness

- Revelations from victimization surveys
- Disclosures of onset reported by adult sex offenders

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## Early, False Assumptions about Juvenile Sex Offenders

- Mirror adult counterparts
- High sexual recidivism rates
- Inevitably continue sex offending as adults

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## Impact of False Assumptions

- Adult-like system responses
  - Treatment programming
  - Supervision strategies
  - Legislation, policies
- Questionable effectiveness
- Potential collateral consequences

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## Current State of Affairs

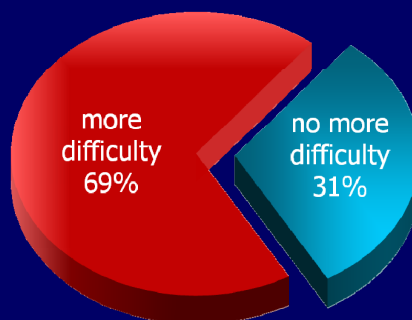
- Recognized need to address juvenile sex offenders
- Heightened scrutiny regarding sexual behaviors among youth
- Increasing number of juvenile court referrals for sexual behavior problems
- Controversies about system responses to juvenile sex offenders

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## Decisionmaking Challenges in Juvenile Sex Offense Cases: Findings from a National Survey of Juvenile and Family Court Judges

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Compared to other delinquency cases, please rate the difficulty you experience presiding over cases involving juvenile sex offenders from a legal/technical perspective

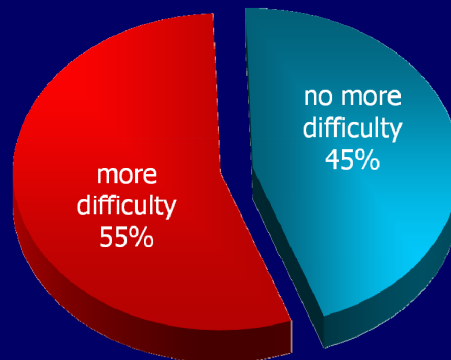


N = 389

(Bumby et al., 2009)

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Compared to other delinquency cases, please rate the difficulty you experience presiding over cases involving juvenile sex offenders from a public scrutiny/pressure perspective

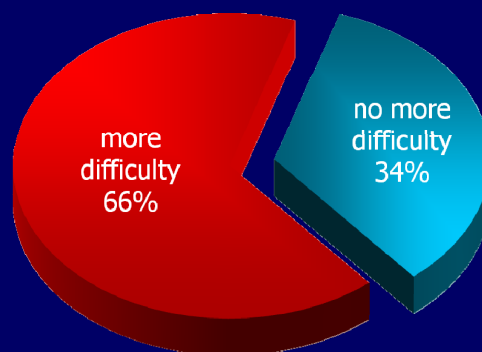


N = 387

(Bumby et al., 2009)

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Compared to other delinquency cases, please rate the difficulty you experience presiding over cases involving juvenile sex offenders from a personal/emotional perspective



N = 388

(Bumby et al., 2009)

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## Barriers, Challenges Reported by Judges

- Quality, reliability of evaluations
- Limited treatment options, resources
- Intra-family cases
- Parent denial, non-involvement
- Lack of interagency collaboration
- Adult-like system responses
- Reduced judicial discretion
- Differentiation along complex continuum of sexual behavior problems

(Bumby et al., 2009)

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## Understanding Juvenile Sex Offenders: Implications for Judges at Key Decision Points

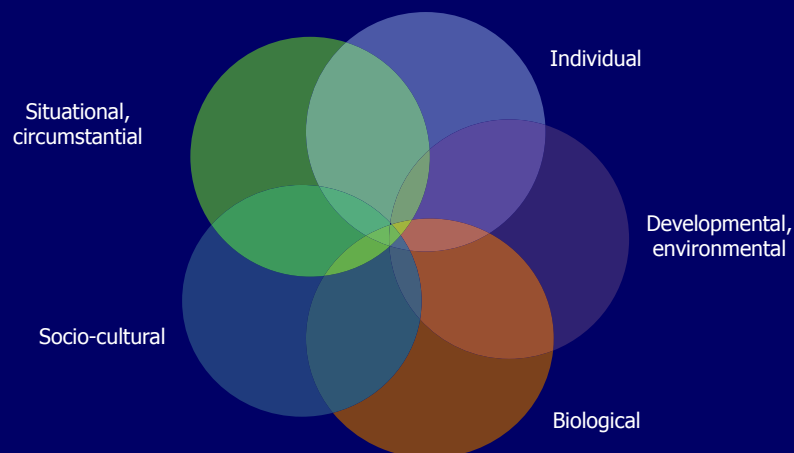
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## Exploring Juveniles' Problem Sexual Behaviors: Contextual Considerations

- Age, power, size differential
- Nature, range of sexual behaviors
- Frequency, patterns
- Motivations
- Response to detection

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## Influencing Variables



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## History of Victimization

- Correlated with adjustment difficulties
  - Emotional, psychological, interpersonal
  - Substance use, abuse
- Not known to “cause” offending
  - Some offenders were victimized
  - Most victims do not offend

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## Significant Developmental Changes during Adolescence

- |               |             |
|---------------|-------------|
| ■ Cognitive   | ■ Emotional |
| ■ Moral       | ■ Physical  |
| ■ Personality | ■ Sexual    |

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## Suggested Ways in Which Juvenile and Adult Sex Offenders Differ

- Sexual interests, arousal more fluid
- Brain development not yet complete
- Potential for more impulsive behaviors
- Less entrenched antisocial values, attitudes
- Social competency deficits more evident
- Greater influence of family, peers
- Lower recidivism rates

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## Summary of Recidivism Findings for Juvenile Sex Offenders

- Low sexual recidivism rates observed
- Non-sexual recidivism more likely
- Similar to other justice-involved youth
- Rates lower than adult sex offenders

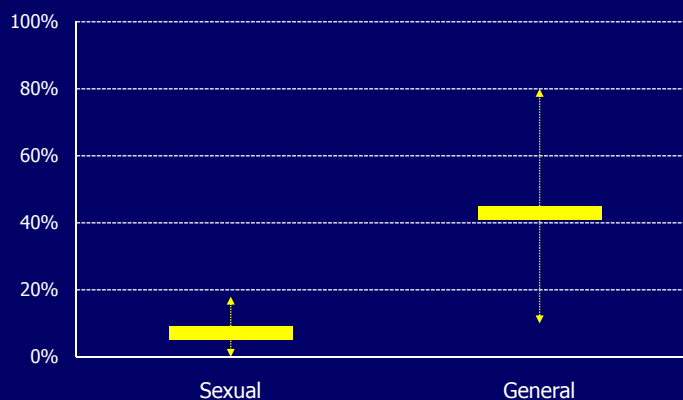
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## Factors Influencing Recidivism Findings

- Recidivism measure
  - New charge, new conviction
- Sample studied
  - Risk level, placement type
  - Treatment, no treatment, unspecified
- Duration of follow-up

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## Juvenile Sex Offenders: Range of Recidivism Findings by Types of Recidivism

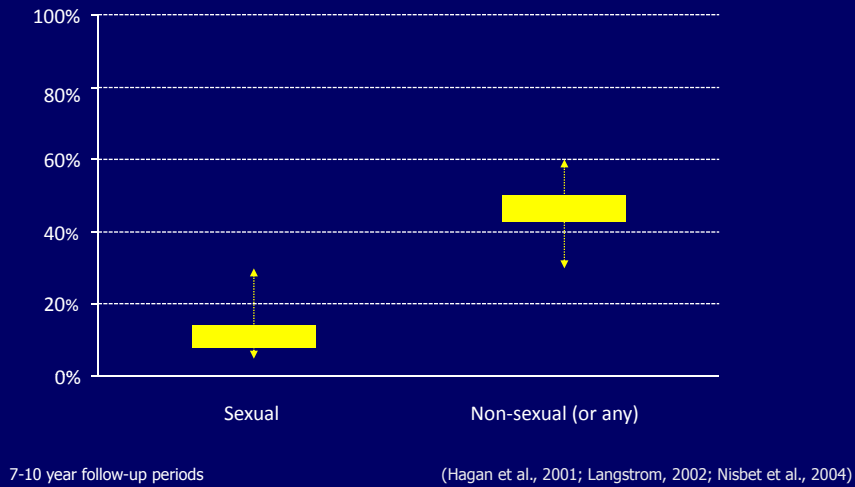


63 data sets  
N = 11,219 juvenile sex offenders  
Approx. 6 yrs. follow-up

(Caldwell, in press)

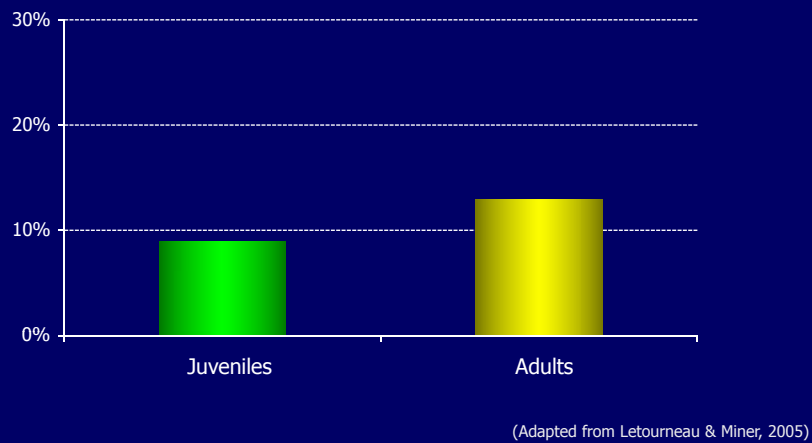
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## Persistence into Early Adulthood: Range of Recidivism Findings



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## Sexual Recidivism Rates: Juvenile vs. Adult Sex Offenders



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## Diversity of Juvenile Sex Offenders

- Recidivism likelihood
- Offense patterns
- Motivation
- Placement needs
- Intervention needs
- Response to intervention

(Hunter, 2006)

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## Emerging Subtypes of Juvenile Sex Offenders

- Life-course persistent, generally delinquent
- Adolescent onset, non-paraphilic
- Early adolescent onset, paraphilic

(Hunter, 2006)

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## Implications for Judicial Decisionmaking

- Appreciate differences between juveniles and adults
- Consider developmental, family, peer influences
- Recognize diversity, heterogeneity
- Use assessments to inform decisions

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## Key Decision Points

- Initial appearance
- Adjudication/admission
- Disposition
- Case review
- Termination/discharges

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## Initial Appearance

- Release or detain considerations
  - Assessed level of risk to self or others
  - Caregiver/family response, strengths, needs
  - Victim needs, interests, safety

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## Initial Appearance (cont.)

- Additional considerations
  - Time elapsed since point of disclosure
    - Stability, adjustment
  - Acute intervention needs
    - Child welfare, social services, mental health
  - Current services being provided
    - Response to services

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## Adjudication/Admission

- Explain steps in court process
  - Victim, victim's family
  - Juvenile, juvenile's family
- Prepare participants for potentially adversarial court dynamics
  - Victim, victim's family
  - Juvenile, juvenile's family

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## Adjudication/Admission (cont.)

- Approach to establishing factual basis of plea
  - Impact on victim, family
  - Impact on youth's ownership, accountability
  - Impact on caregiver's denial, acceptance
- Consider providing copy of admission record to treatment providers
  - Can minimize denial

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## Nature of Charge in Plea Negotiations

- Charge bargaining may affect range of disposition options
  - Specialized supervision conditions
  - Type, setting of treatment
  - Registration, notification

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## Nature of Charge in Plea Negotiations (cont.)

- Impact on victims, families
  - Validation vs. invalidation
  - Consult with victim advocates
- Impact on juvenile's, family's response
  - Accountability, ownership vs. denial, minimization

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## Disposition Decisions

- Rationale
  - Punishment, deterrence, and/or rehabilitation
- Assessment-driven disposition decisions
  - Risk
  - Need

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## Disposition Decisions (cont.)

- Availability, suitability of placement options
  - In home, other relative
  - Out-of-home
    - Foster care
    - Group home, residential
    - Correctional, commitment
- Costs vs. benefits of placement options

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## Disposition Order

- Specificity and wording
  - Type of treatment required
  - Supervision, treatment expectations
    - “Participate in” vs. “successfully complete”
    - “Take” vs. “pass” the polygraph
  - Expectations of caregivers, family members

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## Caregiver/Family Involvement

- Valuable resource
- Vested interest in positive outcomes
- Strong influence long after court involvement ends

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## Leveraging Family Involvement

- Clarify mutual goals, interests
- Recognize potential guilt, shame, secretiveness
- Capitalize on family's respect for judicial authority
- Respect parents'/caregivers' role and authority

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## Leveraging Family Involvement (cont.)

- Elicit support of parents/caregivers as an "arm of the court"
- Emphasize parents' duties as healthy supports, informed supervisors, enforcers
  - Clarify consequences of failure to uphold duties
- Understand family dynamics
  - Obtain assessment of family, if needed

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## What Judges Should Know about Specialized Assessments of Juvenile Sex Offenders

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## Sources of Assessment Information to Assist Judges

- Risk assessment
- Pre-disposition/pre-sentence report
- Psychosexual evaluation

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## Risk Assessment

- Juvenile-specific risk assessment tools
  - Adult tools not appropriate
- Value of sex offender-specific tools
  - “General” risk assessment tools important, but insufficient

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## Suggested Recidivism Risk Factors for Juvenile Sex Offenders

- |                                     |  |
|-------------------------------------|--|
| ■ Family instability                | ■ Prior sex offenses                   |
| ■ Poor parent-child relations       | ■ Number, type of victims              |
| ■ Association with delinquent peers | ■ Deviant sexual arousal               |
| ■ Antisocial attitudes, values      | ■ Sexual preoccupation, compulsiveness |
| ■ Social isolation                  | ■ Treatment non-compliance/termination |

(see, e.g., Worling & Langstrom, 2006)

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## Juvenile Sex Offender-Specific Risk Assessment Tools

- Guided by research
- Focus targets of intervention, supervision
- Ideally detect changes in risk over time
- Offer recidivism risk estimates, not absolutes
- Require specialized training

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## Juvenile Sex Offender Assessment Protocol-II (J-SOAP-II)

- 28 items
- Static, unchangeable risk factors
- Dynamic, changeable risk factors
- Can be used to assess changes over time
- Usable by supervision officers, case managers, clinicians

(Prentky & Righthand, 2003)

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## Estimate of Risk of Adolescent Sexual Offense Recidivism (ERASOR)

- 25 items
- Static, unchangeable risk factors
- Dynamic, changeable risk factors
- Can be used to assess changes over time
- Recommended for use/scoring by clinicians

(Worling & Curwen, 2001)

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## Juvenile Sexual Offense Recidivism Risk Assessment Tool-II (JSORRAT-II)

- 12 items
- Static, unchangeable risk factors
- Usable by supervision officers, case managers, clinicians
- Experimental tool, still under development

(Epperson et al., 2006)

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## Pre-Disposition/Pre-Sentence Reports

- Provide first comprehensive assessment of risk, needs, strengths
  - Youth
  - Family
- Offer rationale, foundation for disposition decisions

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## Suggested Content of Pre-Disposition/Pre-Sentence Reports

- |  |   |
|--|---|
| ■ Offense summary  | ■ Family dynamics, home environment           |
| ■ Victim impact  | ■ Parent, caregiver capacity                  |
| ■ Victim safety considerations   | ■ Intervention needs                          |
| ■ Delinquency, violence history  | ■ Strengths, assets                           |
| ■ School adjustment, functioning   | ■ Aggravating, mitigating factors             |
| ■ Health, behavioral health  | ■ Recommended placement level, type           |
| ■ Peer relationships   | ■ Recommended supervision conditions          |
| ■ Recidivism risk <ul style="list-style-type: none"><li>– Sexual, non-sexual</li></ul> | ■ Summary of psychosexual evaluation findings |

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## Psychosexual Evaluations

- Primary goal of informing disposition decisions
- Inappropriate uses
  - Investigative purposes
  - Charging decisions
  - Determine guilt/innocence
- Best ordered post-adjudication, pre-disposition

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## Potential Concerns Arising from Pre-Adjudication Evaluations

- Presumption of juvenile's guilt
- Self-incrimination
  - Current allegations
  - Previously undetected, unreported behaviors
- Evaluator temptation to offer opinion about guilt or innocence

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## Recommended Qualifications of Specialized Evaluators

- Graduate clinical degree
- Education and training
  - Adolescent development
  - Evidence-based practices in juvenile justice
  - Forensic mental health, psychology
  - Juvenile sex offender management
- Supervised clinical experience
- Continuing education, professional development

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## Content Judges Should Expect from Psychosexual Evaluations

- |                                       |  |
|---------------------------------------|--|
| ■ Referral source, question           | ■ List of specific assessment methods, tools |
| ■ List of specific records reviewed   | ■ Data interpretations, data limitations     |
| ■ Psychosocial, developmental history | ■ Intervention needs for youth, family       |
| ■ Cognitive functioning               | ■ Recidivism risk estimates                  |
| ■ Sexual history                      | ■ Recommended level of care                  |
| ■ Strengths, assets of youth, family  |  |

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## Data Sources for Psychosexual Evaluations

- Clinical interviews
- Thorough record reviews
- Assessment tools
  - Broad psychological
  - Sex offender-specific
  - Subjective vs. objective ratings
    - Youth, parent/caregiver, others
    - Evaluator
  - Physiological

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## Indicators of Unreliable Psychosexual Evaluations

- Assessment limited to general psychological, personality, and/or intellectual functioning
- Language alluding to guilt/innocence
- No assessment tools used, self-report only
- Use of tools not supported by research
- Use of tools designed for adults
- Absolutes about recidivism risk
- Conclusions without adequate basis

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# What Happens After the Juvenile Leaves the Courtroom?

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# Treatment for Juvenile Sex Offenders

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## Important Treatment Considerations

- Developmentally appropriate
  - Language, content, structure
- Holistic
- Multiple modalities
  - Individual, group, family
- Collaborative
  - information-sharing

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## Important Treatment Considerations (cont.)

- Continuum of care, risk-need driven
  - Least restrictive environment
  - Implications of aggregating delinquent peers
- Individualized, assessment-driven
  - Treatment planning
  - Objective measurement of progress
  - Completion

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## Research-Supported Models

- Cognitive-behavioral treatment
  - Sex offender-specific
  - Employed across placement settings
  - Longstanding, most common approach
  - Evidence of impact

(McGrath et al., 2003)

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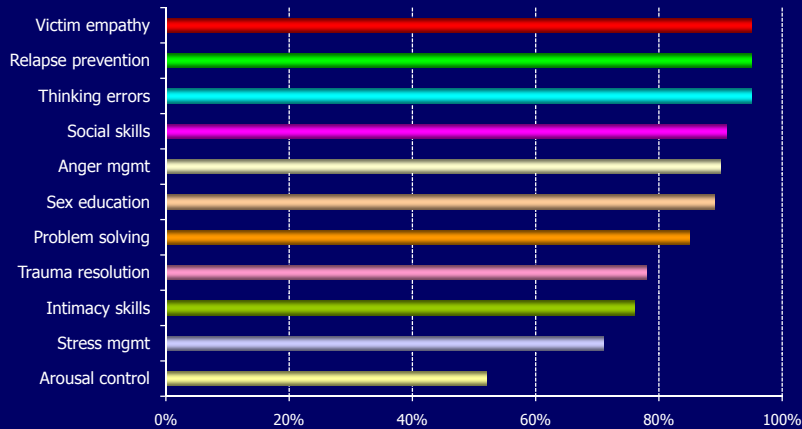
## Research-Supported Models (cont.)

- Multisystemic Therapy (MST)
  - Home, family, community-based
  - Longstanding evidence-based strategy with chronic delinquent youth
  - Growing application to juvenile sex offenders

(Saldana et al., 2006)

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## Common Treatment Targets in Juvenile Sex Offender Programs Nationwide



(Adapted from McGrath et al., 2003)

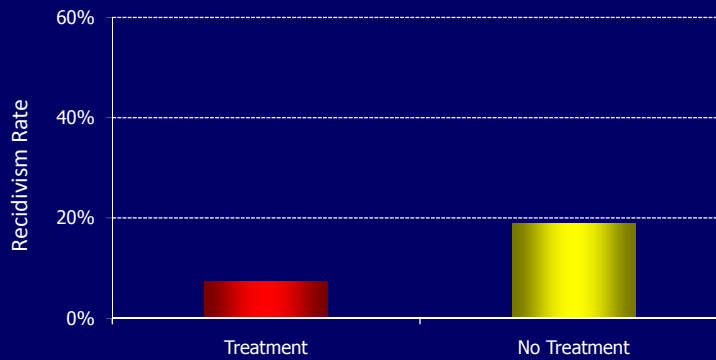
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## Exploring Treatment Effectiveness Through Meta-Analysis

- Examines multiple studies concurrently
- Reveals “overall” presence/absence of intervention effect
- Increases confidence in findings
- Primary strategy to identify “what works”

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## Meta-Analysis of Treatment Effectiveness for Juvenile Sex Offenders

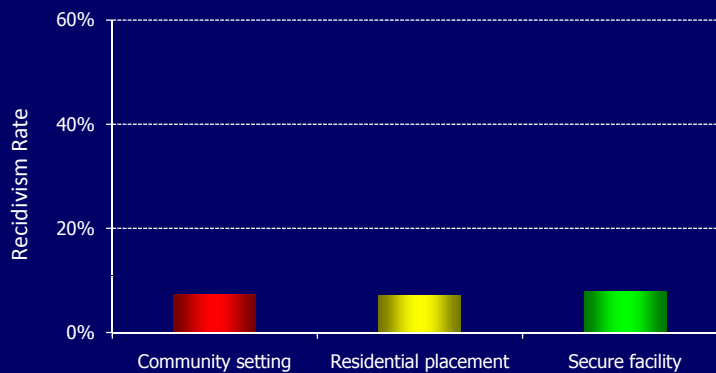


N = 2,986 juveniles  
Approx. 6 yrs. follow-up

(Reitzel & Carbonell, 2006)

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## Meta-Analysis of Sexual Recidivism as a Function of Juvenile Sex Offenders' Placement



63 data sets  
N = 11,219 juveniles  
Approx. 6 yrs. follow-up

(Caldwell, in press)

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# Supervising Juvenile Sex Offenders in the Community

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## Community Supervision

- Intensity based on risk, needs
- Specialized caseloads, conditions
- Avoidance and approach goals
- Rewards/incentives, and sanctions
- Complement rehabilitative efforts

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## Maximizing Supervision Outcomes via Evidence-Based Principles

### Risk Principle

- Assess youth's risk for recidivism using research-supported tool(s)
- Match supervision intensity and strategies to risk level
  - Prioritize intensive resources for higher risk youth
  - Avoid over-intervention with low risk youth

(Borum, 2003; Borum & Verhaagen, 2006)

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## Maximizing Supervision Outcomes via Evidence-Based Principles (cont.)

### Need Principle

- Identify changeable risk factors
- Target through supervision practices
- Refer to risk-reducing treatment programs

(Borum, 2003; Borum & Verhaagen, 2006)

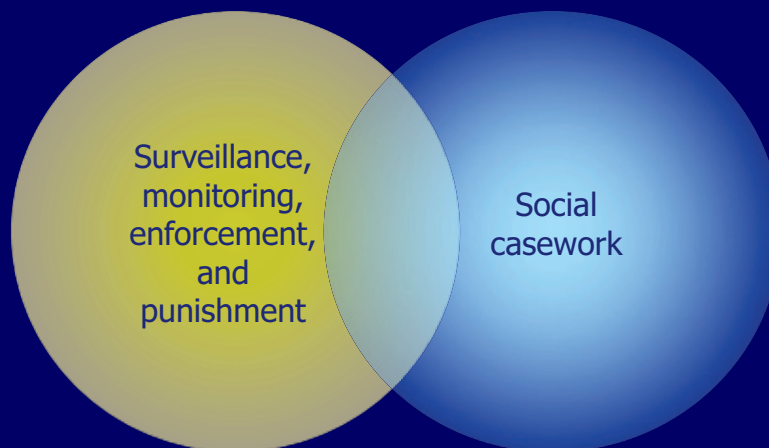
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## Continuum of Supervision Intensity



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## Balanced Supervision Approach



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Surveillance, Monitoring, Enforcement, and Punishment	Balanced Approach with Focus on Accountability <u>and</u> Success
Officers are viewed as enforcers of supervision/release conditions	Officers are viewed as agents of change in the lives of youth and their families
Monitoring occurs primarily to identify compliance and need for sanctions	Monitoring occurs to assess progress, goal attainment, and compliance
Contacts are driven by adherence to standards set forth in policies: Focus on <b>number</b> of contacts	Contacts are driven by problem-solving and change-promoting interests: Focus on <b>nature</b> of contacts
Emphasis is on punishment for non-compliance and problem behaviors	Emphasis is on reinforcers to promote positive behavioral change, sanctioning when warranted
Referrals to programs and services are ancillary/secondary	Advocacy and brokerage for evidence-based programs and services are central
Officers react after problems arise	Needs are anticipated in advance and officers intervene proactively

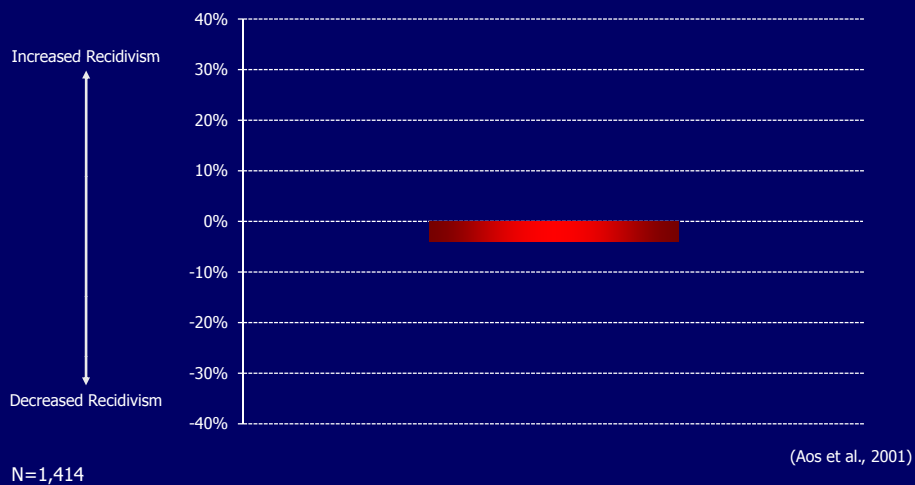
Center for Effective Public Policy © 2009 (Adapted from Carter et al., 2007)

## Outcomes of Supervision Approaches with Juvenile Justice Populations

- Surveillance, monitoring, punishment
  - Very limited impact on recidivism
- Balance of surveillance, monitoring, and treatment
  - Significant reductions in recidivism

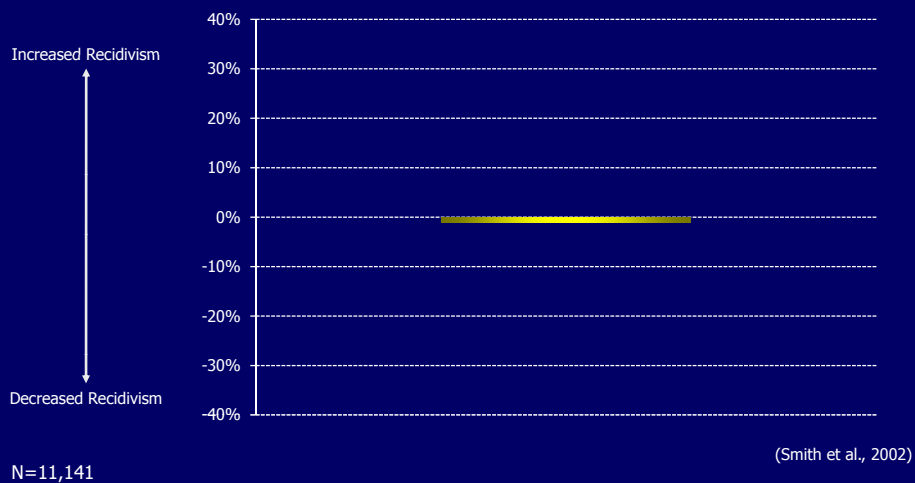
(Aos et al., 2001; Smith et al., 2002)

## Impact of Intensive, Surveillance-Oriented Juvenile Probation and Parole



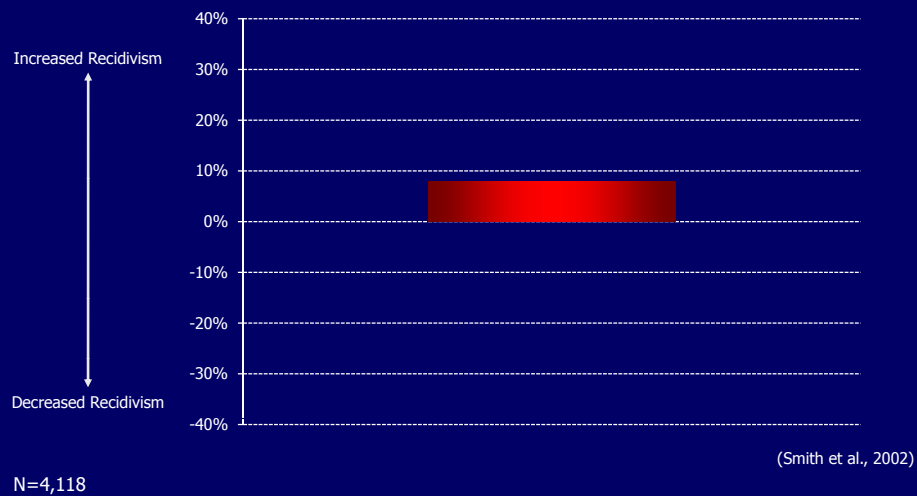
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## Impact of Intermediate Sanctions with Juveniles: Surveillance-Oriented Supervision

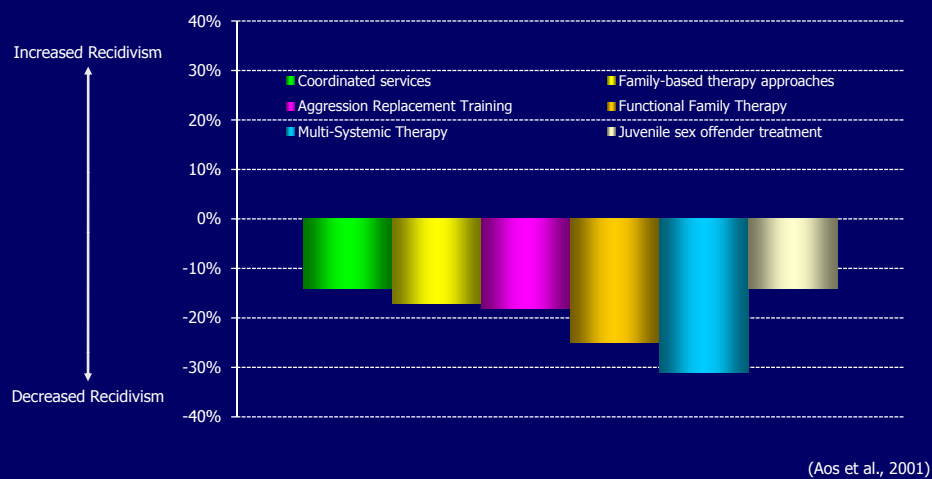


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## Incarceration vs. Community Supervision of Juveniles



## Balanced Approach: Supervision Paired with Treatment for Juveniles



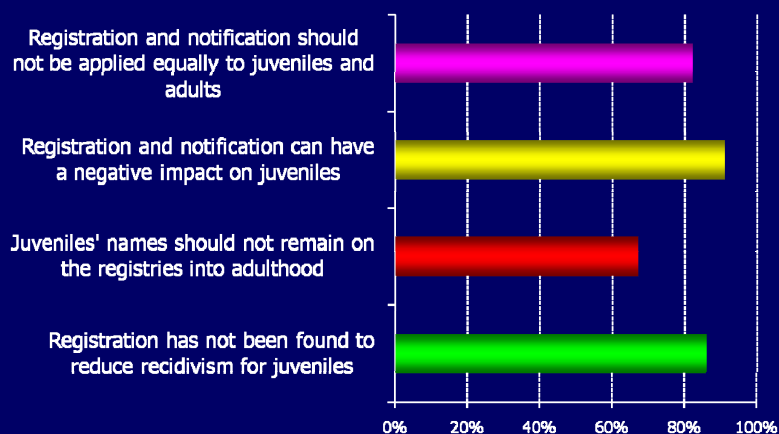
## Impact of Registration and Community Notification

- Controversies regarding application to youth
- Current evidence does not support effectiveness
- Concerns about collateral consequences
  - Impact of “adultification” of youth
  - Prosecutors may alter decisionmaking to protect juveniles

(Letourneau & Armstrong, 2008; Letourneau et al., in press; Zimring, 2004)

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## Judges' Perspectives on Juvenile Registration and Community Notification



N = 428

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(Bumby et al., 2009)

## Caseload Specialization

- Specialized caseload model popular
  - Units
  - Individual officers
- Benefits
  - Enhanced expertise
  - Reduced caseload sizes promotes fieldwork
  - Familiarity with resources
  - Collaboration

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## Expanding the Scope of Supervision Conditions

- Standard conditions necessary, likely not sufficient
  - Some risk factors for juvenile sex offenders parallel risk factors for “general” delinquents
  - Some risk factors unique to juvenile sex offenders
- Specialized conditions can enhance risk management, promote success

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## Examples of Specialized Conditions

- Limit and monitor Internet, video games, television content
- Restrict certain extracurricular activities, employment
- Restrict contact with victims, monitor interactions with vulnerable parties
- Require participation in treatment per assessment recommendation

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## Selective Application of Conditions

- Individualized, case-specific
  - Should reflect risk, needs, circumstances
- Expectations
  - Reasonable
  - Clear (to the youth, family)
    - Consequences of not complying
    - Benefits of complying
  - Enforceable

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## Avoidance and Approach Goals

- Manage risk through avoidance goals
  - Minimize exposure to risky situations
  - Protect victims, others
- Promote stability, success through approach goals

(see, e.g., Thakker et al., 2006)

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## Potential Targets of Approach Goals

- Extracurricular, leisure activities
- School achievement
- Employment
- Peers
- Dating, relationships

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## Emphasize Rewards and Incentives

- Punishment promotes short term compliance, not long term change
- Rewards and incentives yield positive behavior change
  - Should outweigh punishments by a ratio of 4 to 1

(see, e.g., Andrews & Bonta, 2007)

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## Examples of Rewards and Incentives

- Reduced supervision intensity
- Fewer reporting requirements
- Removal or adjustment of conditions
- Approval of additional privileges
- Early completion of supervision

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## Responding to Non-Compliance

- Proportional
- Gradual
- Timely

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## Issues to Consider

- Nature, severity of violation
- Isolated incident vs. ongoing pattern
- Current risk level
- Contributing factors, motivation
- Availability, appropriateness of existing risk management strategies in community

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## Potential Responses on a Case-by-Case Basis

- Official reprimand
- Loss of privileges
- Increased treatment intensity
- Additional programming
- Increased supervision intensity
- House arrest
- Detention
- Revocation

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## Case Reviews and Terminations/Discharges

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## Judicial Case Reviews

- Judges' expectations, interests, desires?
- Type of review?
  - Written reports vs. court appearance
- Means of accountability?
  - Youth, family
  - Agencies
- Means of positive reinforcement, rewards, incentives?

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## Terminations/Discharges

- Which factors influence decisions about when to close or terminate these cases?
- How long is "long enough" for treatment and/or supervision?
  - Point of diminishing return?

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## Summary: How Judges Can Enhance Juvenile Sex Offender Management Practices

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### Roles Inside the Courtroom

- Use assessments to inform disposition decisions
- Demand quality assessments, evaluations
- Impose special conditions selectively
- Engage families, support involvement
- Reinforce successes of juveniles, families
- Hold juveniles, families, system actors accountable

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## Roles Outside the Courtroom

- Convene or participate in multidisciplinary team meetings at state and local levels
  - Promote sound policies, protocols, standards
  - Enhance resource capacity
- Assume a proactive role in shaping legislation that impacts management practices

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## Roles Outside the Courtroom (cont.)

- Meet regularly with local supervisors
  - Ensure timely, orderly case processing
  - Maintain open communication with key stakeholders (e.g., prosecutors, CASA, child protective services, juvenile probation)
- Become an informed consumer
  - Visit treatment programs
- Educate others, train at conferences

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## **Participant Exercises**

**THE ROLE OF JUDGES IN MANAGING JUVENILE SEX OFFENSE CASES:  
KEYS TO INFORMED DECISIONMAKING**

---

**Small Group Discussions:**

**A Critical Analysis of Specialized Assessments in Our Courts**

11:30 a.m. – 12:15 p.m.

*During this time, please begin to explore the use of specialized assessments of juvenile sex offenders within your courts, using the following questions to guide your discussions:*

1. Of the information provided in the assessment session, what was most noteworthy, validating, and/or thought provoking?
2. How do the findings from various assessments currently inform your decisionmaking in juvenile sex offense cases? Which assessment data are most influential or important to you?
3. Do you routinely order pre-disposition reports or pre-sentence investigations for juvenile sex offenders? Why or why not?
4. Do you routinely order psychosexual evaluations of juvenile sex offenders? Why or why not?
5. Compare and contrast the assessments you receive when presiding over juvenile sex offense cases against the assessment information that was outlined in the presentation. Is there specific information that you now desire or expect that you were not receiving previously?

**THE ROLE OF JUDGES IN MANAGING JUVENILE SEX OFFENSE CASES:  
KEYS TO INFORMED DECISIONMAKING**

---

**Small Group Discussions:**

**Treatment and Supervision for Juvenile Sex Offenders in Our Jurisdictions**

4:00 p.m. – 4:45 p.m.

*Please use this opportunity to consider the treatment and supervision practices operating in your jurisdictions, using the following questions as a guide:*

**Treatment**

1. Of the information presented about contemporary approaches to the treatment of juvenile sex offenders, what was most noteworthy, validating, and/or thought provoking?
2. What do you believe are the strengths of the range of treatment services for juvenile sex offenders, victims, and families in your jurisdiction? What questions or concerns do you have about the available services?
3. In which interventions or services do you require parents or caregivers to participate, and why?

**Supervision**

1. Which information about promising approaches to supervising juvenile sex offenders was most noteworthy, validating, and/or thought provoking?
2. How are community supervision practices for juvenile sex offenders similar to – and/or different from – the practices used with other delinquent youth in your jurisdiction?
3. What steps do you take to ensure that the needs and interests of victims are addressed when you order community supervision of juvenile sex offenders?

## **References and Additional Readings**

**THE ROLE OF JUDGES IN MANAGING JUVENILE SEX OFFENSE CASES:  
KEYS TO INFORMED DECISIONMAKING**

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## **Event Evaluation**

**THE ROLE OF JUDGES IN MANAGING JUVENILE SEX OFFENSE CASES:  
KEYS TO INFORMED DECISIONMAKING**

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**Event Evaluation**

A critical aspect of this judicial education event is to assess the impact of the event on participants' understanding of key issues related to juvenile sex offenders and current management practices, and to identify ongoing needs for information or assistance. As such, please complete this questionnaire and return it to any of the event faculty or staff immediately following the conclusion of the session. Thank you in advance for your invaluable assistance.

1. What were the three most noteworthy pieces of information about juvenile sex offenders or juvenile sex offender management that you heard today?

1) \_\_\_\_\_

2) \_\_\_\_\_

3) \_\_\_\_\_

2. Was this event responsive to your questions about your role in managing juvenile sex offense cases and your need for information on juvenile sex offender management?

*Not at All*

*Definitely*

1

2

3

4

5

3. Will information from this event assist you on a day-to-day basis as you preside over juvenile sex offense cases?

\_\_\_ Yes

\_\_\_ No

Please explain:

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4. Were there any critical topics that were not covered sufficiently in this event?

\_\_\_ Yes

\_\_\_ No

Please list:

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5. Would you recommend this event to other judges?

\_\_\_ Yes

\_\_\_ No

6. Please include other comments and feedback you believe would be helpful in improving events like this one.

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