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The Paradigm is Changing in Risk Assessment Tools For Youth Who Are Sexually Abusive: The Differences

L.C. Miccio-Fonseca, Ph.D.

Chaffin and Bonner's seminal article (1998), "Don't shoot, we're your children": Have we gone too far in our response to adolescent sexual abusers and children with sexual behavior problems?" expressed notable concern regarding applying the adult criminal model to youth. Despite the significant concerns, shortly thereafter an adult centered paradigm from the world of empirical research on adult convicted sex offenders was introduced in peer reviewed studies examining recidivism and risk assessment of youth (e.g., Worling & Curwen, 2001; Worling & Langstrom, 2003). Risk factors empirically associated with adult sexual recidivism were applied to youth and tools created that were modeled after adult tools (Caldwell, 2019).

As Chaffin and Bonner feared, the adult centered paradigm was adopted, taking hold and becoming the dominating paradigm for the last two decades in the area of risk assessment of youth who are sexually abusive. An empirical study from prominent researchers warned that using risk assessment tools based on the adult paradigm can be harmful. The researchers (Fanniff & Letourneau, 2012) anchored this assertion on their review of multiple empirical study findings demonstrating the lack of consistent performance and accuracy in one of those tools, the *Juvenile Sex Offender Assessment Protocol (J-SOAP/J-SOAP)*; Prentky, Harris, Frizzell, & Righthand, 2000; Prentky & Righthand, 2003).

Continuing an Old Paradigm

Shortly after Chaffin and Bonner's seminal article (1998), the first risk assessment tools for youth who are sexually abusive were created, the aforementioned *J-SOAP*, and the *Estimate of Risk of Adolescent Sexual Offense Recidivism (ERASOR - Worling & Curwen, 2001)*. Templates from adult *risk predictive* tools derived from the criminal world of adult sex offenders guided the construction of *J-SOAP-II* and *ERASOR* (see discussion by Caldwell, 2019). Prentky, Righthand, et al. and Worling and Curwen thus embraced the adult centered paradigm when developing these tools, applying it to assessing youth.

Risk predictive tools are designed to have high performance in accuracy regarding "predicting". That is, adult sex offender assessment *risk prediction* tools need to be able to best ascertain, as to who amongst *convicted sexual offenders, will likely re-offend with a sex crime*. This "one size fits all" approach is unsuitable for youth. There is little to no regard for a youth's developmental status, or gender, and/or if the youth was with low intellectual functioning. The primary focus of the approach is *predicting likelihood* that the youth will *re-offend with a sex crime*.

The stated goals for *J-SOAP-II* and *ERASOR risk predictive or risk recidivism* were "assessing reoffense risk among juvenile sexual offenders" (Prentky et al., 2000, p. 75) (*J-SOAP-II*); and "to predict adolescent sexual recidivism" (Worling & Curwen, 2001, p. 3). The initial studies on these tools involved considerably small validation samples ($N = 96$ for *J-SOAP* [Prentky et al., 2000] and $N = 136$ for *ERASOR* [Worling & Curwen, 2001]) for the wide age range studied (i.e., 9-20 for *J-SOAP* and 12-18

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for *ERASOR*). In the case of the *J-SOAP-II*, youth were referred to as “juvenile sex offenders” even though one-third of the sample was non-adjudicated. The construction of the two tools reflects the adult criminal paradigm, as does the terminology used for the *J-SOAP* (i.e., “juvenile sex offenders”).

The necessity of having *some* tool to assess risk in youth substantially eclipsed professional scrutiny, resulting in the *J-SOAP-II* and *ERASOR* being widely adopted. Subsequent reviews of independent studies (Fanniff & Letourneau, 2012; Hempel et al., 2013) and meta-analyses (Viljoen et al., 2012) reported inconsistent results for these tools and questionable accuracy. Prominent researchers in the field have criticized both tools for incorporating risk factors associated with convicted adult sex offenders. In fact, Caldwell (2019) urged a cessation of using these tools due to their potential harm to a youth. Despite the warnings, many professionals continue to use them. It is important to note that in 2017, Worling, one of the authors of the *ERASOR*, acknowledged its limitations and discontinued his use of the *ERASOR*, stating:

A number of risk factors were included in the ERASOR back in 2000–2001, as they were judged to be promising at that time based on the available research and clinical expertise. This is no longer the case for several of the risk factors, however, based on more recent research. Of course, this significantly compromises the validity of the ERASOR.

Accurate, developmentally sensitive assessments avoid “serious unintended consequences of mislabeling youth as ‘dangerous’ when they are not” (Prentky et al., 2010, p. 43).

The Adult Criminal Sex Offender Template Pattern Continues.....

Consistent with their paradigm derived from the world of the adult criminal offender template. Prentky, Righthand, Worling, and Kang (2020) introduced the *Youth Needs and Progress Scale (YNPS)* “for assessing –primarily - dynamic risk and protective factors and limited ‘experimental’ historical items empirically associated with sexual and nonsexual reoffending in juveniles with sex offenses (JSOs) and identifying related intervention needs associated with those factors” (p. 16). Careful analysis revealed notable deficiencies in this new tool (Miccio-Fonseca, 2020, 2021). The empirical grounding of the *YNPS* is questionable; the researchers’ literature reviews (Kang et al., 2019; Prentky et al., 2020) failed to include research for some populations to be assessed (i.e., female youth, emerging adults ages 18-25).

The *YNPS* fortifies the long-standing adult centered model by maintaining the ongoing reliance of intermixing the convicted adult criminal sexual offenders’ recidivism template. This is seen in the construction process. Reference points of the authors’ previous creations (i.e., *J-SOAP*; *ERASOR*), empirically shown by multiple studies to have poor performance, were integrated into the new tool, the *YNPS*.

Other evidence that the *YNPS* is built on the adult criminal offender template is its theoretical framework, the Risk-Needs-Responsivity (RNR) model (see Prentky et al.’s [2020] Final Report, p. 48). RNR is a long-standing adult criminal model implemented worldwide on convicted adult criminal offenders, supported by decades of empirical studies (Andrews & Bonta, 2010). Although it ostensibly looks

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encouraging in its use with adjudicated juveniles, RNR overlooks the fact that adults who lead criminal lifestyles are markedly different than emerging young humans.

In describing the *YNPS*, Prentky, Righthand, Worling, and Kang state, “The 4-point ordinal scale provided a *measure* [italics are the author’s] that is designed to capture risk to reoffend as it potentially changes (increases or decreases) over time through the tracking of ‘intervention needs’” (p. 28). The description is a misnomer; the *YNPS* is not a psychometric “measure”. That is, it has no definitive scoring scheme according to age and gender, is dependent on professional judgement (like *J-SOAP* and *ERASOR*), thus the continued endorsement of a paradigm that reflects the adult centered criminal paradigm. The closer examination of the *YNPS* astonishingly revealed a palpable lack of adherence to scientific standards of psychometric test construction (Miccio-Fonseca, 2020, 2021).

The 21st Century New Paradigm of Risk Assessment

The *New Paradigm* for risk assessment measures for youth who are sexually abusive is qualitatively different than the adult centered paradigm, illustrated by its wide range of applicability to all types of youth (i.e., adjudicated and non-adjudicated, males, females, transgender, children under 12, and youth with low intellectual functioning). Tools based on the *New Paradigm* are scientifically constructed refined measures that discriminate the fine distinctions in risk, such as detecting the most dangerous youth (i.e., defined in a proposed nomenclature of youth who are “sexually violent”, and/or “predatory sexually violent”) (Miccio-Fonseca & Rasmussen, 2009b, 2014). The *New Paradigm* also incorporates the most contemporary concerns related to sexually abusive behavior in youth (i.e., engaging in coarse sexual improprieties through the internet).

Tools that evidence the 21st Century *New Paradigm* for risk assessment for youth who are sexually abusive considerably more advanced and progressive than *J-SOAP-II* and *ERASOR*. They are more robust in overall psychometric structure, as evidenced by their empirical grounding according to age and gender, validation studies on sizeable samples, and definitive scoring.

The *JSORRAT-II*, an actuarial measure (*risk prediction* assessment tool) for youth, (Epperson et al., 2006; Epperson & Ralston, 2015) incorporates some aspects of the *New Paradigm* (i.e., scientifically constructed, definitive risk levels). Authors of *JSORRAT-II* conducted several studies, utilizing samples of 500-600 subjects (Epperson & Ralston, 2015; Ralston et al., 2016) reporting predictive validity to be moderate to good in the validation studies; findings in independent studies were similar (Rasmussen, 2017; Viljoen et al., 2008).

The paradigm shift in risk assessment for youth signals a point of demarcation. That is, the import of an enriched, more sophisticated measure that is developmentally gender-sensitive, includes youth with low intellectual functioning, and considers socially contextual risk and protective variables (static and dynamic) (Miccio-Fonseca, 2014, 2018a, 2019). An example is the *MEGA^r*, a risk level tool that underwent decades of development and was tested on multiple sizable validation samples now totaling 3,901 youth ages 4-19 (Miccio-Fonseca, 2009, 2010, 2013, 2018b). Independent studies have begun to emerge on the *MEGA^r* with significant findings. Rasmussen’s (2017) independent study comparing *MEGA^r* and the *JSORRAT-II* with a residential sample of adolescent sex offenders, reported

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moderate predictive validity. Another independent study, (Fagundes & Viglione, 2021) reported *MEGA's Risk Scale* was significantly positively correlated with history of antisocial behavior and inversely correlated with completion of a treatment program.

The paradigm shift in risk assessment does **not** assume that the youth is an adjudicated sex offender. Nor is the starting point an adult centered sex offender assessment *risk prediction* tool paradigm. Rather, as seen in the *MEGA*, the posture is assessing *all youth* who engage in coarse sexual improprieties and/or sexually abusive behaviors, regardless of their gender and age. Youth do not need to be adjudicated for a sex offense to be assessed by the *MEGA*. The *New Paradigm* is not focused on assessing if the youth is likely re-offend with a sex crime, *since the tool was not specifically designed for adjudicated youth*. The *New Paradigm* is not a “one size fits all” approach, but rather there is considerable regard to a youth’s developmental status, the variances in gender, and/or if the youth was with low intellectual functioning (Miccio-Fonseca, 2016; Miccio-Fonseca & Rasmussen, 2019).

Thus, the paradigm shift is one that in fact is observable, different than the historically held model from the world of the adult convicted sex offender template. The paradigm shift is changing the focus from constructing *risk predictive* tools to developing *risk level* assessment tools. Tools that exemplify the *New Paradigm* have calibrated risk levels, grounded on given algorithms (i.e., cutoff scores according to age and gender), which are established by testing and retesting the tool on large representative samples. The tools are thus more definitive and applicable, enhancing prognostic utility and accuracy. The risk level of the youth can fluctuate corresponding to how the youth is doing at the time of the assessment. As a result, risk level is not cast as a static (permanent) level, but rather as one that can change and in tandem with the youth’s current functioning. In contrast, *predictive risk assessment tools*, regarding the levels of risk assessed, are static. That is, they are anchored in testing out an identified predictive variable; thus, each tool has its own predictive variable(s).

Trauma, Brain Development, and Sexuality in Youth

A paradigm shift is guided by the findings of scientific study. For example, the *New Paradigm* in risk assessment includes considerations of the seminal Adverse Childhood Experiences (ACEs) study (Felitti, 1998). The ACE study demonstrated the long-term impact of such experiences well into adulthood, as related to overall psychological and physical health. Youth (males and females) who committed sex offenses experience more ACEs than youth who committed nonsexual offences (Levinson et al, 2017).

Though limited, some research on exposure to adverse childhood experiences suggests an impact on the structural and functional development of the brain (e.g., Burke et al., 2011; Cohen et al., 2006; Larkin et al., 2014). Studies in neuroimaging have provided the evidence related to structural changes in the brain (Edwards, 2018). Research on the effects of traumatic exposure have demonstrated that critical parts of the brain (e.g., amygdala, hippocampus) are affected (Davies & Troy, 2020; Perry & Szalavitz (2017). Likely over time ongoing research will demonstrate that the entire brain is affected by trauma, regardless of how minimal. The developing brain may be impacted by the manner it unfolds and its intricate complexities. The new paradigm then, must include considerations of the neuropsychological aspect of youth (and adults for that matter).

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New measures introduced into the field of assessing youth for coarse sexual improprieties and/or sexually abusive behaviors likely will be more in tandem with the current times, such as considering the profound impact the Coronavirus pandemic has had on human development, including brain development, and more specifically human sexual development and youth. How does the Coronavirus-19 pandemic, which has imposed extended social isolation for human survival worldwide, impact human sexuality, including the developing sexuality of young humans? Does it trigger possible premature awakening of the endocrine system and erotic development in youth? And what about adults; does the prolonged withdrawing of human contact and interaction delay, or prompt more maturity? These are very delicate frontiers still to be studied and explored (i.e., the developmental benchmarks of lust).

Research on youth in years to come will provide considerably more information on the developmental impact of the Coronavirus-19 pandemic as well as possibly supplying new developmental norms. For example, it will be important to assess the impact of imposed prolonged social isolation on brain development and physical growth of, or delays in youth, and the long-term impact of the decrease in human contact and human gatherings brought about by the pandemic.

The Coronavirus pandemic has imposed an overnight shift to a digitized world, and it is unknown the impact this has on human's sexual development, and sexually related issues (i.e., sex education, online dating, pornography, child porn, etc.). The pandemic may contribute to another paradigm shift since it likely will result in studying the next frontier related to risk assessment, that is, sexual improprieties and the internet, along with other unforeseen technological developments that may be implemented in sexually related ways. Thus, paradigms for risk assessment tools, be it for youth or adults, need to shift, recalibrate and be in accordance with the changes in the anthropological and sociological ambiance. Doing so enhances improvement and accuracy levels of risk assessment measures.

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