

From the Literature

by Erin Bundra*

The Juvenile Sex Offender: The Effect of Employment on Offending

by Chantal van den Berg, Catrien Bijleveld, Jan Hendriks, & Irma Mooi-Reci
42 J. Crim. Justice 145-52 (2014)

Juvenile sex offenders fall into a unique subset of criminals. They may be permanently branded as sexual offenders, yet their youth often makes them more amenable to rehabilitation efforts. Since youth offenders are at a vulnerable stage in life, many researchers take a particular interest in what factors will influence a juvenile delinquent to end deviant or criminal behaviors and conform to traditional expectations of productivity. The authors of this study set out to determine whether “the decline in offending in early adulthood that has been shown for juvenile sex offenders can be explained by employment in the way employment has been shown to reduce offending in general offenders.” (*Id.* at 146.)

Possible Role of Employment in Decreased Offending. Overall, offenses committed by juveniles decline as they reach adulthood. Some researchers believe that the transition to adulthood, with its increasing investment in and responsibilities to such structured activities like work and families, draws young people away from at-risk activities and buffers them from the possible consequences of criminal acts. While juvenile sex offenders follow a similar pattern of diminishing criminal activities as they age, it is unknown whether employment plays a role in this decrease.

Many youth sex offenders possess low IQs, backgrounds of abuse, and social or psychological issues. These characteristics, along with their criminal records, may make it difficult for them to obtain employment. However, if being employed prevents youth sex offenders from recidivating, society

benefits when it provides suitable and satisfying jobs for these juveniles.

Sample and Data Collection. The sample size population was comprised of Dutch males who had committed a sex offense between the ages of 10 and 17. Study participants had been convicted of or admitted to at least one “hands-on” sex crime. To be included in the study, the offender may have completed the offense on his own or in a group, but he had to be an active participant in the crime, not merely a bystander or acting as a lookout. The 498 juvenile delinquents in the study were tracked for an average of 14 years after their offense. Data were not collected directly from participants, but rather from three

that “having a regular job (with more than 90 days of work within one year) is associated with a significant decline of 30.8% in offending,” while temporary employment did not make a difference in offense rates. (*Id.* at 150.) When the data were broken down by offender type, it was discovered that group offenders showed the largest decrease in subsequent offenses (a 60.9% decrease), followed by peer offenders (a 34.9% decrease). Participants who had committed offenses against children (minors at least five years younger than the offender at the time of the crime) did not show any significant decrease in offending when employed. However, minors who abused children were much less likely than

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sources of documents: judicial, treatment, and employment records.

Approximately 40% Unemployed Year-to-Year. During the follow-up period, the average number of jobs held by sample participants was 11, ranging in length from one day to 15 years. Among the participants, employment increased after age 18, leveling off at a 60% rate of employment after age 25. The authors of this study point out that this equates to almost 40% of the offenders being unemployed year-to-year, and given the average number of jobs held, very few held steady long-term positions. When comparing “regular” employment to temporary employment through an agency during the follow-up periods, the authors found that over 80% of the participants held regular jobs and a little over 45% found temporary employment through a job agency. (*Id.* at 148-49.)

When comparing solo offenders to group offenders, no significant difference in employment results was found. Researchers also looked at the quality and stability of the employment to determine whether these factors had any influence on the decrease in offenses after the participants reached adulthood. They found

peer abusers and group offenders to commit further offenses in adulthood, which may be why employment had no noticeable effect on their offense rates.

Stable Employment Associated With Decline in Offending. The authors of this study conclude that regular employment has a significant effect on offending, though how largely employment benefits a prior sex offender may depend on the type of offense and the stability of the employment. The researchers also note that since they only utilized available official records, they were unable to take into account whether employment was part- or full-time, what specific work was performed, and why employment ended. They recommend further research to consider whether these factors may influence offense rates. They also advise that future studies take into account other life milestones that may have a significant effect on offending, such as marrying, purchasing a home, or starting a family. This study provides important groundwork for discovering how employment may reduce juvenile offenders’ offense rates in adulthood.

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Behavioural Characteristics of Rapists

by Marita P. McCabe & Michelle Wauchope 11(3) J. Sexual Aggression 235-47 (2005)

Researchers often cite power, a need for control or dominance, and aggression or anger as motivators for rapists. Studies often examine these factors in the context of sexual acts to define types of rape and classify types of rapists. The authors of this study, however, propose that:

Rather than trying to infer a motive from the behavioural characteristics of

Researchers used the collected data to look at the patterns and themes that were common in sexual assaults—types of assault, the relationship of victim and offender, communication with the victim during the assault, etc. They discovered the following:

- Physical actions involved in the reported sexual assaults were divided into five categories: vaginal, kissing/fondling, oral, anal, and brutal/physical. More than one of these acts was present in 68% of the crimes, with penetration of the vagina (through intercourse or by digital, foreign object, or hand penetration) being the most commonly reported action (in 119, or 91.5%, of the 130 cases), followed by kissing/fondling in 41 (31.5%) of the cases. (*Id.* at 238-39.)

Rapists may be trying to convince themselves that their assaults are mutually enjoyable and possibly consensual, given that this behavior is frequently present in consensual sexual relationships.

an offender, it may be more informative in understanding the characteristics of rapists to examine behavioural characteristics in isolation, without attempting to link them to a motive. (*Id.* at 236.)

Understanding a sex offender's several behavioral characteristics, not just those directly linked to the action of rape, may actually provide further insight into the motivations and surrounding circumstances of sexual crimes.

Behavioral Characteristics of Sexual Assaults. For the study on behavioral characteristics of sexual assaults, "Study 1," researchers gathered data from the police rape records, which cataloged homicide and sexual offenses in Victoria, Australia. Information reported from these criminal investigations contains detailed information on the offender, including his personal and behavioral characteristics, and known factors of the assault itself. The files on 130 men charged (but not necessarily convicted) with attempted or completed rape of an adult woman were included in the current study. The questionnaires completed and turned in by investigating detectives on sexual assault cases include 28 questions regarding the behavior-related factors of a sex crime.

- The most frequent combination of physical actions during an assault was vaginal and kissing/fondling in 37 cases, followed by a combination of oral and vaginal actions in 29 of the cases. (*Id.* at 239.)
- In 55 of the cases, the offender did not know their victim, suggesting a "predatory and/or impersonal element to the assaults" in the majority of the crimes (42% of the cases). Thirty-one of the cases (24%) involved an "acquaintance/work colleague type of relationship." (*Id.*)
- Researchers divided communication preceding and during the assaults into four categories: caring, persuasive, or reassuring; sexually abusive or explicit; angry, demeaning, or threatening; and revenge or payback. Words indicating care, persuasion, or reassurance were used in nearly one-quarter of the cases, and sexually abusive or explicit language was used in nearly one-fifth of the cases, as were angry, demeaning, or threatening words. Words of revenge or payback were used in only 2% of the cases. (*Id.* at 240-41.)

Validation of Data. The second study examined validation of data. Researchers utilized court transcripts from 50 cases of

men accused of attempted or completed rape of an adult woman. The men in this study were not the same individuals as those included in Study 1. Not all of the men in these cases were convicted; much of the data collected in this study portion were gathered from victims' statements.

Researchers again analyzed the type of physical actions involved in the assault, the victim-offender relationship, and type of communication used in the assaults, using the same categorizations as in Study 1. They found the following:

- Similar to Study 1, vaginal penetration was the most common (48 of the 50 cases), followed by kissing or fondling (25 of the 50 cases). Again, the most frequent combination of physical actions during an assault was vaginal and kissing/fondling, followed by a combination oral and vaginal assault. (*Id.* at 242-43.)
- Also similar to Study 1, the majority of offenders chose a stranger as their victim (18 cases, or 36%); however, the next most commonly targeted victim was an ex-partner (12 cases, or 24%). (*Id.*)
- Angry, demeaning, or threatening language was reported in 15 of the alleged assaults, followed closely by sexually abusive or explicit words (in 14 cases) and caring, persuading, or reassuring words (in 12 cases). (*Id.* at 243-44.)

Majority of Assaults Perpetrated by Strangers. The prevalence of kissing and fondling-type actions combined with vaginal penetration in the examined sample cases "seems to suggest that rapists may be trying to convince themselves that their assaults are mutually enjoyable and possibly consensual, given that this behavior is frequently present in consensual sexual relationships." (*Id.* at 244.) However, the finding that "most alleged assaults were perpetrated by a stranger to the victim" is at odds with several other studies that have found the majority of rapes are committed by acquaintances or others known to the victim. The authors of this study note that this inconsistency may be attributed to their method of data collection: The cases analyzed in the current study were assaults that were reported to the police and being processed through the legal system. Sex assaults committed by acquaintances often go unreported and would therefore be underrepresented in data that looks solely at pending or completed court cases.

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Communication choices of sexual offenders during their crime have rarely been studied in the past, and the results from the current study provide some additional support for theories suggesting that offenders act out of a need for power and control or anger and aggression. The authors of this study recommend that further research on these various behavioral factors be conducted on a wider range of sexual offenders. More diverse study populations will indicate whether these findings may be generalized and then may provide the groundwork for new rehabilitation programs.

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Maybe in My Backyard: A Correlational Study of Registered Sex Offender Residences in an Urban Area From a Social Disorganization Approach

by Mark Rubin & Jeffrey Rush

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Sex offender registries exist at national, state, and local levels, offering the public a sense of assurance that they can proactively prevent sexual crimes from occurring, especially against their children. Whether sex offender registration systems actually provide any practical offensive measures has been a subject of much debate. Many scholars argue that, rather than creating safer neighborhoods, these registries have prevented the reintegration of one-time sex offenders back into the communities where they can lead productive lives, as sex offender laws severely limit where a registered offender may live. The authors of this study propose that residency restrictions force convicted sex offenders into low-income neighborhoods, and their greater presence in certain geographical areas may be linked to social disorganization in the community.

Routine Activity, Social Disorganization Theories. Two main theories regarding released sex offenders' residency habits have been used by other researchers in past studies: routine activity theory and social disorganization theory. Routine activity theory takes into consideration an offender's opportunity to commit a crime—for sex offenders, living near places such as day care centers, parks, and schools would be considered advantageous for targeting victims. Past studies,

however, have not shown that this theory adequately explains a sex offender's propensity to commit sexual assault. It also has not been suitably utilized in studies examining residency restrictions on sex offenders.

A social disorganization approach to sex offenders' residencies fits a bit more neatly into the explanations for sex offenders' housing choices: Sex offenders are often precluded from traditionally more desirable neighborhoods with schools and parks in close range, so they are forced into residency areas where property and visual perceptions are valued less. Socially disorganized neighborhoods tend to be run-down, and inhabited by residents with lower education levels, lower employment rates, and high youth and minority populations.

correlation between socially disorganized communities and registered sex offenders, but rather found “an extremely statistically significant negative correlation between social disorganization and the presence of registered sex offenders.” (*Id.* at 9.) While this finding is contrary to what the researchers expected, it is still an important step in this area of research. This result is at odds with prior studies, which found links between social disorganization and sex offenders. It remains to be determined whether the current study was skewed due to inherent limitations or perhaps individual neighborhood characteristics play a more influential role in sex offenders' residency choices than previously was thought to be the case. Comparing the sex offender population of differently sized

Prior studies have found links between social disorganization and sex offenders, largely based on residency restrictions, which force them into unkempt neighborhoods.

Relation Between Communities and Sex Offenders. The authors of this study set out to expand on past research by attempting to answer the following question: “What is the relationship, if any, between socially disorganized communities and the presence of registered sex offenders within the community?”

Data from the 2010 United States Census and the Texas Sex Offender Registry were culled for use in this study. Geographically, researchers focused on Harris County in Texas, which had a population of over four million at the time of the study. The final study data included 5,886 registered sex offenders. Harris County is made up of 786 census tracts, with population per tract ranging from a low of 282 to a high of 17,754 people. Each tract had between zero to 54 registered sex offenders, averaging just over seven offenders per tract. (*Id.* at 6-7.)

To determine the level of social disorganization in the sample communities, researchers looked at 11 factors, including average education levels, employment rates, percentage of families below the poverty line, median household incomes, and percentage of households headed by a female. This information was compared with the data on sex offenders in the community to determine whether a correlation existed.

Negative Correlation Found. The authors of this study did not find a positive

urban and rural areas would be beneficial. Accurate insight into where sex offenders tend to live, and why, is crucial to creating effective residency restriction legislation.

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Prosecuted But Not Silenced: Courtroom Reform for Sexually Abused Children

by Maralee Mclean (2013)

This book recounts the involvement with the judicial system of child advocate Maralee Mclean and her daughter following allegations of child sexual abuse against her estranged husband.

Initially, Mclean had full custody of her daughter and the father had limited visits. Her story took a darker turn on July 9, 1989, when her toddler returned from a visit with her father and complained that her crotch hurt:

“Mommy, I have an owie.” She lay on the floor, pulled her panties down and opened her vagina, placed her finger in the opening, and cried, “Daddy hurt me!” (*Id.* at 58.)

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Returning from another visit with her father, this time without her panties, her daughter again placed her fingers in her vagina and repeatedly said, “Daddy touches me here.” When social services was called in, Mclean thought she had someone on her side, defending her daughter and helping them maneuver through the legal process to end the father’s visitation rights. Instead, her first impression of the social worker was that she was “slovenly and aloof . . . untrained . . . unprofessional.” (*Id.* at 57.)

Three years of accusations, psychological examinations, court appearances, and social service involvement followed. For a brief time, the daughter was sent to a foster home, and Mclean was allowed to see her three times a week. The competing dynamics demonstrated the biases of the legal system toward stereotypical perceptions of males and females: While authorities might not have been persuaded that the father’s charm and collectedness made him a good parent, they *were* persuaded that Mclean’s frantic attempts to wrest her daughter from the father’s abusive involvement were the sign of an unstable woman who was not equipped to parent her child.

She lost custody in 1992 and was ordered to pay the [abuser’s] attorney fees and child support. She was reduced to one-hour-a-week supervised visits for eight years. A custody evaluator’s opinion cited Dr. Richard Gardner’s extensively criticized “parental alienation syndrome,” and, despite the centrality of medical records to the determination of the daughter’s abuse, omitted

The court finds that non-supervised visitation by the mother in this case would endanger the child’s physical health and impair her emotional development . . . continue indefinitely, until such time as the mother can demonstrate to the court’s satisfaction that she is no longer a danger to the child and that she recognizes the harm that

The competing dynamics between the father and mother demonstrated the biases of the legal system toward stereotypical perceptions of males and females: While the father’s charm and collectedness was not evidence of a good parent, the mother was perceived to show the instability of a woman not equipped to parent her child.

all medical, police, and preschool teacher reports. The court concluded:

[T]he father has not abused his daughter. The mother has emotionally abused the child by subjecting her to repeated exams . . . by insisting she tell anyone who will listen that her father is abusing her, and by subjecting the child to intense media exposure and scrutiny.

she has done to the child and the damage and expense she has caused the father. (*Id.* at 103.)

The end of the saga is not a celebration, despite the fact that mother and daughter are in some ways reunited. The daughter developed numerous mental health issues. Mclean lost years of her life and was destroyed financially because of the case.

Mclean has subsequently become involved in legislative work around the topic of child abuse, testified before Congress to promote judicial accountability to better protect sexually abused children’s rights in courts, and become an expert witness in courts on parental alienation theory and domestic violence.

Available from: www.Amazon.com/Prosecuted-But-Silenced-Maralee-Mclean/dp/1620240637. ■

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