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Adolescent sex offenders: a life sentence?

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In recent years children's sexuality and claims about the "pornification" of childhood have attracted considerable media attention. Among other phenomena, social commentators have observed the marketing of brands and clothing normally associated with adult sexuality to an increasingly younger age group, while three years ago the American Psychological Association (APA) released its report on the Task Force on the Sexualization of Girls (Zurbriggen et al., 2007). The APA report outlined a number of concerns with these trends and concluded that the proliferation of sexualised images of girls and young women was harmful to girl's self-image and healthy development.

While the market has encouraged younger children to embrace and explore their sexuality, there has been increased revulsion and disgust directed towards those who are charged with sexual offences against children. The stereotype of the predatory pedophile who insinuates himself into positions of trust within families, schools or churches has become one of the most potent symbols of fear and loathing in our society today. Beyond the stereotypes, however, is the growing realisation that the problem of child sexual assault is not restricted to the activities of middle-aged pedophiles. Adolescent boys also make a significant contribution to rates of sexual assault. It is estimated they are responsible for approximately a fifth of rapes of adult women and between a third and half of all reported sexual assaults of children (Bourke & Donohue, 1996; Finkelhor, Ormrod, & Chaffin, 2009). Also, while it has been recognised for some time that children are typically sexually assaulted by a family member or someone that they know, at least one study has reported sibling sexual abuse to be twice as common as sexual abuse perpetrated by a father or step-father (Cawson, Wattam, Brooker, & Kelly, 2000).

As children are encouraged to explore their sexuality at increasingly tender ages, it appears likely that we will see an increase in the number of cases coming before the Court that involve the sexual assault of children by those who are little more than children themselves. This issue, particularly as it relates to indigenous communities, has already received attention in the mainstream media, as well as from government agencies (O'Brien, 2008). It is not an issue, however, that it restricted to specific racial or socioeconomic groups.

As psychologists are increasingly being called on to provide Courts with evidence regarding risk or levels of dangerousness, there is an increasing need for expert advice regarding the meaning of adolescent sexual offending and the prognosis for those who have sexually assaulted a child. Should we brace ourselves for an explosion in the number of pedophiles in the future?

Thankfully, the research suggests that answer to this question is "no", and the good news (desperately needed in this area) is that most young people who sexually assault children are not on a trajectory to become adult pedophiles. While a person becomes a child sex offender by breaking a law, one becomes a pedophile by meeting diagnostic criteria. The terms "child sex offender" and "pedophile" are not synonymous, a point that is lost on most journalists and social commentators. Very few adolescents who are charged with child sex offences would meet diagnostic criteria for pedophilia. Research also suggests that few of them go on to be charged with sexual offences as adults.

Two large scale follow-up studies of Australian adolescents who were charged with sexual offences have been published in the peer-review literature in recent years (Allan, Allan, Marshall, & Kraszlan, 2003; Nisbet, Wilson, & Smallbone, 2004). Both had very similar findings, with adult sexual recidivism rates being 9.5% and 9% respectively and adult nonsexual recidivism rates being 63% and 61% respectively. So, while it is common for adolescents to be charged with further nonsexual offences as adults, it is relatively rare for them to be charged with further sexual offences. This same pattern is observed in similar studies overseas.

Notwithstanding the fact that adult sexual recidivism tends to be very low for this population, teenagers who are convicted of child sexual offences are still obliged to become "registrable offenders" on the various Child Protection Registers that are administered by police in the various states and territories of Australia. In NSW they are also ineligible to have their child convictions for sexual offences "spent" under the current NSW spent conviction scheme. This prohibition has recently been the subject of an inquiry by the Law and Justice Committee of the NSW Parliament and a number of members of the College of Forensic Psychologists made submissions and gave evidence to this inquiry.

The involvement of children in the criminal justice system is often controversial, but perhaps nowhere are the issues more sensitive and complex than when they relate to young people who have sexually offended. Psychologists play an important role in assisting the Courts to deal with these matters, as well as advising governments about framing and amending legislation in this area and, most importantly of all, how best to prevent child sexual assault from occurring in the first place.

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