

# The Daily Gazette

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## Experts say treatment can be effective

By Sara Foss

### Kid sex culprits often victims themselves

CAPITAL REGION – Juvenile sex offenders receiving treatment at the LaSalle School in Albany were sent there because they committed a crime. But they are also victims.

Staff estimate that 90 percent have been sexually abused and that 100 percent have suffered from some kind of abuse.

With juveniles, “treatment is highly effective,” said David Wallace, who serves as LaSalle’s director of clinical services. Most of them “are not going to become adult sex offenders.”

Last week a 12-year-old boy from Wilton was charged with first-degree rape for allegedly having sex with a child under the age of 11, according to state police. That might sound unusually young, but the number of youth coming to the attention of police for sex offenses increases sharply at age 12 and plateaus after age 14, according to the U.S. Department of Justice’s 2009 report, “Juveniles Who Commit Sex Offenses Against Minors.”

“Early adolescence is the peak age for offenses against younger children,” the report notes. It states that 5 percent of juvenile sex offenders are younger than 9, and 16 percent are younger than 12. Thirty-eight percent are between the ages of 12 and 14, and 46 percent are between 15 and 17. Ninety-three percent are male.

Depending on the circumstances of his case, the boy could wind up in a residential treatment program such as the LaSalle School, which provides services to adolescents including drug and alcohol treatment and after-school activities to youths on probation. The school’s residential treatment program serves about 78 boys, the vast majority of whom have been adjudicated as juvenile delinquents.

Experts say juveniles charged with sex crimes are often victims of sexual abuse themselves and likely mimicking behavior they’ve observed. The most concerning cases involve predatory patterns of behavior and younger victims, who tend to be people close to them, such as siblings. Sometimes children are charged with sex crimes even though coercion wasn’t involved – when the behavior was between peers and of a more exploratory, “playing doctor” nature. And sometimes both youths willingly engaged in sexual intercourse but are considered too young to consent because they are younger than 17.

Youths charged with sex crimes are most likely to end up in Family Court, but there are exceptions.

In New York, a juvenile is anyone under the age of 16, but at least 7 years old. However, 13-, 14- and 15-year-olds can be charged as adults for certain serious crimes – 13-year-olds accused of murder can be charged as adults, while 14- and 15-year-olds accused of murder, rape, robbery, assault and violent burglaries can be tried as adults. Teens who are between 16 and 19 can be given youthful offender status, with their cases sealed as a result. But a teenager charged as an adult for a sex crime and convicted will be placed on the state sex offender registry.

Under the state’s statutory rape laws, engaging in sexual intercourse with someone younger than 11 results in a first-degree rape charge, no matter how old the perpetrator.

#### Family court

In Family Court, there is no jury. Trials, which are considered civil, are held before a judge, who makes a finding of whether a child committed an act of juvenile delinquency. If the finding is positive, the case will eventually move to the sentencing phase, which in Family Court is called disposition. During this phase, the goal is to answer such questions as whether the youth can return home safely or whether they should be moved to an inpatient treatment program or sent to live with a guardian and undergo outpatient treatment.

“Let’s say the youth is abusing a younger sibling,” said Kenneth Lau, past president of the Association for the Treatment of Sexual Abusers. “Can he go home? They usually don’t recommend that he go home until there’s been a period of treatment and a safety plan developed.” A safety plan outlines the rules under which the youth is expected to live once they return home and might include guidelines on sleeping arrangements and bathroom use.

There’s also the question of whether the youth is being abused at home.

"The last thing you want to do is perpetuate the cycle of violence," said Laurie Shanks, a clinical law professor at Albany Law School. "Why is the child behaving the way he or she is? You want to remove a child from a situation where he or she is being abused."

When determining whether a child should be sent to a residential treatment program, the judge considers questions such as whether the crime was a first-time offense and whether it was severe.

"Older kids are more likely to be treated punitively," Shanks said.

A licensed certified social worker, Lau runs a Westchester County-based outpatient clinic that treats both juvenile and adult sex offenders. He said that much of his work focuses on teaching kids why their behavior was wrong; older kids are likely to blame the victim. Some of the youths in his care have been exposed to a lot of pornography and might be acting out what they've seen.

"Juvenile sex abuse has always been there," Lau said. "We're just more attuned to it. I think the Internet might highlight it a bit more."

According to the U.S. Department of Justice report, juveniles account for 35.6 percent of those known to police to have committed sex offenses against minors.

"In recent years, there has been increased public interest in the incidence of sexual victimization of youth by other youth," the "Juveniles Who Commit Sex Offenses Against Minors" report notes. "Research on juvenile sex offenders goes back more than half a century; however, little information about these young offenders and their offenses exists."

According to the National Center on Sexual Behavior of Youth, between 5 and 15 percent of juvenile sex offenders reoffend.

A 2010 document from the state Division of Criminal Justice Services Office of Probation and Correctional Alternatives notes that, "Juveniles who sexually offend are a diverse heterogeneous group of individuals including both children and adolescents. Their behavior ranges from sexually acting out/inappropriate behavior to predatory and violent offenses. As such, these youth who come to the attention of the juvenile and criminal justice systems must be assessed, treated, and supervised individually. The stigma associated with juvenile sexual offending behavior presents challenges for the offending youth as well as his/her family."

## Hysteria

Experts said there's still a lot of hysteria around the issue of juvenile sex offenders.

Melissa Breger, a professor at Albany Law School, said the way people respond to reports of juvenile sex crimes is very similar to how they respond to reports of adult sex crimes. "They ask, 'How can you represent a child you know is an offender?' People still feel pretty strongly about sexual crimes against children, especially parents. I don't think they see a distinction between youths and adults. ... There's still a push for being tough on crime."

Breger, who teaches a course on children and the law, represented children, including those accused of sexual crimes, while working as an attorney in Brooklyn. Most of these clients were between 10 and 16 and came from abusive homes. In many of these cases, the situation was "nebulous," making it a challenge to determine whether the action was predatory and likely to be repeated, she said.

Breger said she fought for most of her clients to be placed on probation or monitored, in lieu of being sent to detention. "There's more of a chance for someone who is younger to be rehabilitated," she said.

She said she doesn't think youths should be placed on the sex offender registry. "I'm concerned about the stigma of branding a child a sex offender," she said. "The child will carry that with them for the rest of his life."

Megan Kurlychek, an associate professor at the School of Criminal Justice at the University at Albany, said 15 percent of children have had sex by age 13, and that percentage rises to 25 percent among inner-city children.

"Kids are experimenting at a very young age with adult behavior," she said.

Kurlychek said the criminal justice system is pretty good at determining which youths are violent sexual offenders and which are not. "They do a full social history of the youth," she said. "They do psychological tests. They try to get a good picture of what is going on in a kid's life. ... The juvenile court will consider what's going on in school, what's going on in their family."

Those who work with children and teens charged with sex crimes would rather see those cases handled in Family Court than the adult criminal system. The juvenile justice system is more focused on rehabilitation, they said, and helping youths break

patterns of poor behavior and move on in life. One issue is that youths are more likely to be victimized in the adult criminal system, as well as imitate the behavior they observe .

#### 'Kids are kids'

Trying youths as adults is "counterproductive to what we want as a society," Kurlychek said. "Kids are kids, no matter what crime they commit."

The LaSalle School's residential treatment program serves youths as young as 12 and as old as 21. The school treats youth who have committed all sorts of crimes and doesn't make much of a distinction between those who have committed crimes of a sexual nature and those who have committed other types of crimes, such as assault.

In each case, the behavior is viewed as a symptom of an underlying issue, such as family dysfunction and trauma, and though these symptoms sometimes manifest in the form of sexual acting out, "they could have gone in any direction," according to Wallace.

The boys in LaSalle's residential treatment program fill out a 10-question survey that asks whether they've experienced a variety of "adverse childhood experiences," such as exposure to domestic violence. "Our general population answers yes to four to six of the questions," Wallace said. Answering yes to just one or two of those questions, he said, is generally cause for concern.

At LaSalle, treatment focuses on addressing the larger problems in the boys' lives through a mix of individual and group therapy and hands-on, experiential activities, such as art therapy and adventure-based treatment, which makes use of the school's on-site ropes course. LaSalle also stresses family and community involvement, and has a family therapy program.

"We try to get at these issues in a non-traditional way," said Anne Mascinski, associate director for program services at LaSalle. "Many of [the residents] have learning disabilities and mental health issues."

Youths are only discharged from LaSalle if they have a safe place to go, Mascinski said. "Some families don't make the progress necessary for the youngsters to go home," she said.

LaSalle has partnered with the University at Albany on a long-term research project designed to assess the effectiveness of different forms of treatment for juvenile delinquents. The hope, Wallace said, is to emerge from the project with a better sense of how to tailor treatment programs for individuals.

"Our goal is to make a positive difference," Mascinski said.

