DRAFT-Research Based Aggravating and Mitigating Factors Specific to Sex Offenders

JSORRAT-II- Juvenile Sexual Offense Recidivism Risk Assessment Tool II

J-SOAP-II- Juvenile Sex Offender Assessment Protocol-II

ERASOR- Estimate of Risk of Adolescent Sexual Offense Recidivism

Aggravating Factors:

1. **Number of victims- Two or more victims**

- JSORRAT-II- #2 *"Number of different victims in charged sexual offenses"*
- ERASOR- #5- *" Ever sexually assaulted 2 or more victims"*
- J-SOAP- II #2- *"Number of sexual abuse victims"*

2. **Multiple ages, behaviors, both genders in and out of home**

- JSORRAT-II-
- ERASOR #11 – *"Indiscriminate choice of victims."* #13- *"Diverse sexual assault behaviors"***
- J-SOAP-II- #7- *"Sexual drive and pre-occupation"*

** Prefer this language over the tool's language

3. **Non-Sexual Adjudication** - Should be included if there is a separate agg/mit list created.

- JSORRAT-II- #12- *"Number of adjudications for non-sexual offense prior to the most recent sexual offense."*
- ERASOR- #14 – *"Antisocial interpersonal orientation"* and *"Poor self-regulation of affect and behavior"*
- J-SOAP-II- #12 – *"History of Conduct Disorder before age 10"*, #13 *"Juvenile Antisocial Behavior"*, #14*"Ever charged or arrested before the age of 16"*, and #15- *"Multiple types of offenses."*

Mitigating Factors:

1. **Healthy Peer Groups** (No problematic/delinquent peers-socially- is a mitigating factor)

   - JSORRAT-II- No reference
   - ERASOR- #16 *"Negative peer associations and influences"*
   - J-SOAP-II- #23 *"Quality of peer relationships" and* #28 *"Evidence of Positive Support systems"*

Sentencing Guidelines Aggravating Factor: Gang Involvement?

2. **Appropriate Supervision in the Home**,
   - JSORRAT-II-No reference
   - ERASOR-#20-#23 ERASOR)
   - J-SOAP-II- #9 "Caregiver Consistency", #26 "Stability of current living situation", and #28 *"Evidence of Positive Support systems"*

3. Motivation for Change
   - JSORRAT – no reference
   - JSOAP - #18 – Internal Motivation for Change.
   - ERASOR - (we use attitude supportive of sexual offending for the ERASOR and JSOAP as aggravating factors.

   Sentencing Guidelines: Significant Improvement since the offense

4. Family/Attachment/Supervision/Stability of parental figures (family physical and sexual boundaries)

   - JSORRAT-II- No reference
   - ERASOR- #20 *"High-stress family environment"*, #21 *"Problematic parent-offender relationships/parental rejection"*, #22 *"Parent(s) not supporting sexual-offense-specific assessment and treatment"*, and #23 *"Environment supporting*

opportunities to reoffend sexually" Family Mitigating Factor Parents/ Guardians are willing and able to provide an appropriate level of supervision to decrease the opportunities for re-offense by the youth.

- J-SOAP-II- #9 *"Caregiver consistency"* and #26 *"Stability of current living situation"*

5. Behavior Problems at school: (If no behavioral problems at school it is a mitigating factor)

    - JSORRAT – II- #10 Does the JSO have a history of special education history? (sub.3) A JSO was officially classified as behaviorally disordered., #11- Number of educational time periods with discipline problems (elem., jr. high, high school).
    - JSOAP - #11 – School behavior problems (K-8th grade), #27 – Stability in school.

Sentencing Guidelines Aggravating Factor: Lack of Participation in Educational Programs