

# The Young Sexual Offender: managing 'the dangerous'

**Julie Brownlie** examines some of the contradictions involved in dealing with young sexual offenders through the criminal justice system.

**G**iven the general hubbub about youth crime in recent years, it is perhaps surprising that young people who sexually abuse have not been the focus of greater attention. This group, after all, perfectly captures the 'iconologically irreconcilable' (James and Jenks 1996) idea of dangerous children. As the *Guardian* put it: "Not even a world where a London headmaster is stabbed to death by teenagers at the school gate, and a toddler is abducted and killed by pre-teen children in Merseyside, prepares the public for primary school rape" (*Guardian*, 1998). In part, the anxiety this group causes speaks to a general societal ambivalence about children's sexuality and, in part, to the significance that sexual offending in general has for 'popular punitiveness'.

It is generally accepted that most offending behaviour peaks in the mid to late teens and – for the majority of young people – tails off thereafter. In other words, most young people simply grow out of crime. The same is not generally true, however, of sexual offending. Unlike other forms of youth crime, there is a sense of sexual offending marking

focused concern with, and specific naming of, 'young sexual offenders' developed. This was partly a result of research on male adult sexual offenders which suggested that they started acting abusively at an early age and partly a result of surveys of victims and of adolescent offenders which indicated that adolescents were responsible for a significant proportion of all sexual offences.

As noted in the introduction, sexually abusive behaviours (unlike other offending behaviours) are not generally seen as experimental behaviours which young people – predominantly males – will grow out of. Research throughout the late 1980s and 1990s emphasised the likelihood that these young people will reoffend and that there may be escalation in the seriousness of their behaviour over time (Vizard *et al* 1995). Related to this concern with risk and dangerousness, there has been a focus on the need for therapeutic intervention to help these young offenders gain control of their behaviour. This dual focus on dangerousness and on 'the controlled self' can be seen as central to the subjectivity of the young sexual offender (Brownlie 2001). The young sexual

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the perpetrator out as indefinitely risky and, as such, as posing particular problems in terms of the management of dangerousness.

In what follows, I look at how this tension between youthfulness and risk is played out in attempts by the care and criminal justice systems to manage the sexual dangers posed by young people. First, however, I briefly review the emergence of the young sexual offender as a discrete subject or problematic group.

## **The dangerous self and the controlled self**

Concern about sexually abusive behaviours by young people is not so new. It can be found in sexological discourses at the beginning of the twentieth century and in psycho-social literature from the 1960s onwards, in the idea of the 'victim-victimiser' – the young person who 'acts out' in a sexually aggressive way as a result of their own experience of being victimised. But it was not until the 1980s that a

offender, in other words, can be thought of not just as a victim-victimiser, but as a 'dangerous self' – a self permanently at risk of re-offending who needs to manage their own behaviour or, failing that, to have their behaviour managed for them.

More recently, however, new emphases have emerged, including attempts to highlight the distinctions and differences between adult and juvenile sexual offenders – for example, through arguments that these young people's developmental stage, motivations and own histories of abuse mean that they cannot be understood simply through theories about adult sexual offenders. Practitioners and researchers have also emphasised the differences between young people who commit sexual offences (Brownlie 2001). Despite the work that has gone in to understanding such heterogeneity, however, there remains no way of knowing definitively which young people will go on to reoffend and which will not, hence the persistence of this concern with risk and the anxiety which surrounds the issue.



What does this emphasis on riskiness, and uncertainty about the distinction between young and adult sexual offenders, mean for how care and criminal justice systems respond to these young people?

### **Criminal justice system responses**

The peculiar position of this particular group is illustrated by the fact that, at a time when young offenders generally are increasingly dealt with through non-formal measures, there continues to be strong resistance to the idea of diversion from formal criminal justice for young people who commit sexual offences. In particular, different juvenile justice systems are grappling not just with how to manage the fact that some of these young people are victims as well as victimisers, but with the possibility of their indefinite 'dangerousness' and, at the same time, the need to encourage more 'controlled selves'.

Research carried out in England and Wales, Scotland and Australia suggests that the main problem in getting cases of sexual offending by young people through traditional justice systems is the familiar one of evidential difficulties – lack of

corroboration, the young age of witnesses and the reluctance of the victim's family to become involved. In justice systems where there are separate criminal and care divisions, the issue of subjectivity – about whether these young people are understood primarily as victims or offenders – is to the fore.

In an English context, the relationship between child protection and juvenile justice is understood as pivotal for young people who sexually offend. Some researchers fear a double track approach depending on which system young people enter first (Masson and Morrison 1999). At the same time, concern with risk and dangerousness is pervasive. Legislation that assumes a high risk of recidivism – like the *Sex Offenders Act 1997* – is also applied to young sexual offenders. Managing 'dangerousness' in this way, however, carries with it its own dangers, not least that the very group needed to monitor these young people – their parents – may come to feel stigmatised and have any denial they are already feeling reinforced (Masson and Morrison 1999).

As well as the impact of this 'logic of risk', research also suggests that young people are unlikely to control their sexually abusive behaviour without therapeutic intervention. It is clear, however, that therapeutic work with these young people causes particular stresses for practitioners, including how best to manage the tension between these children's power and vulnerability; the sense of personal responsibility that comes with working with younger sexual offenders where the possibility of both change (and risk) is considered greater; and the difficulty of assessing young people's motivations. In part, these stresses reflect broader societal anxieties about addressing sexual issues with children, but they also point to deeper-rooted ambivalences about how to understand the relationship between gender, sexuality and power in relation to children.

The conflicting nature of legal and therapeutic roles also makes pre-sentence therapeutic intervention difficult in adversarial settings. For some practitioners, the impact of plea bargaining on young people's cognitive distortions and strategies of denial is considered dangerous. For others, however, choosing to respond to young sexual offenders

*Continued on page 38*

## The Young Sexual Offender

*Continued from page 25*

through non-traditional or restorative systems potentially carries even greater dangers, particularly for victims. To date, most restorative justice programmes tend to exclude young sexual offenders, though there is a growing body of Australian and New Zealand research on restorative justice in relation to gendered violence – including sexual violence by young people (Daly 2002). The construction of sexual offending behaviour as something which young people grow into, however, means that there remains a concern that justice responses to young sexual offenders need to be effective in the sense of deterring young sexual offenders from future acts, mandating them to address past acts and doing both within a ‘culture of safety’ for victims.

Recently, one criminologist has suggested that sexual offenders – including young sexual offenders – present an ‘unsolvable justice problem’, in part because of the difficulty of treating sexual violence seriously while avoiding further brutalising of the perpetrators (Daly 2002). The above discussion highlights how ideas of dangerousness, welfare and justice – and the tensions between them – all have to be managed in relation to children and young people who sexually offend and throws into sharp relief the need to understand the broader social context from which these ideas spring and within

which care and criminal justice systems are positioned. ■

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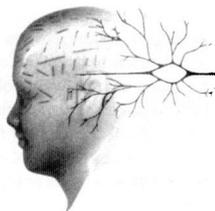
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