

SHAPING THE FUTURE

2019 ATSA Conference | Thursday November 7 | 3:30 PM – 5:00 PM

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Denial and Minimization: Motivations, Functions, and Outcomes

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Why do some people deny and minimize their sexual offenses? Does the reason make a difference in terms of risk, treatment, or management? In this symposium three papers will consider potential motivations, functions, and outcomes of denial and minimization. The first paper tests for subgroups of deniers that have been proposed in various models and typologies, and compares their rates of recidivism. The second paper will examine the relationship between denial and sentence length in sexual assault cases. The final paper will explore the extent to which denial and minimization are associated with psychopathy, pedophilic interest, self-esteem, identity, and attitudes. Together these papers take a more nuanced look at denial and minimization, and its implications for risk, treatment, and management.

Exploring Heterogeneity Among Deniers: Do Distinct Groups of Deniers Predict Recidivism?

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Denial of responsibility has been an extensive focus in the sexual offender literature. Prior studies have examined deniers of varying risk levels, examining whether denial is associated with scores on actuarial risk measures as well as if it independently predicts sexual recidivism. Several theories have proposed different motivations and functions of denial among sexual offenders. In addition, there is some evidence that denial may predict greater likelihood of sexual recidivism for some sexual offenders, but not for others. The purpose of the current study is to identify subgroups of deniers and compare their rates of sexual recidivism. We use latent class analysis to test the heterogeneity of a sample of 134 male, Canadian sexual offenders who categorically denied having committed any sexual offenses. Variables used to identify subgroups were selected to reflect antisociality, sexual deviance, and other constructs that have been hypothesized to be relevant to denial. These variables were chosen as most relevant to past denial typologies and reflective of offenders

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denying for different underlying reasons (e.g., denial reflecting high antisociality). Preliminary analyses provided evidence of four subgroups of deniers, with varying probabilities on the aforementioned variables of interest (e.g., any unrelated victims, prior non-sexual violence convictions). These findings suggest that there may be meaningful subgroups of deniers which may differ in the motivation or function of their denial and which differ in likelihood of sexual recidivism.

Learning Goals:

From the perspective of scientific research conducted on empirically distinguished subgroups of sexual offenders who categorically deny responsibility for their offending, I will present:

- An overview of previous attempts and theories to identify subgroups of deniers,
- New evidence of distinct groups of deniers and the relationship between denier subgroups and sexual recidivism, and
- The implications of these findings in the context of previous theory and potential utility for practice.

The Incongruity Between Denial and Principles of Sentencing

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According to the principles of effective offender rehabilitation, otherwise known as risk, need, and responsivity (RNR) principles, expressing denial of responsibility for sexual offending behaviour should be considered a responsivity factor that could be an obstacle for offenders to engage in treatment and supervision (Jung & Dowker, 2016). However, the challenge for treatment providers and supervising professionals is that denial serves a functional purpose for such individuals (Jung, 2017; Jung & Zara, 2018). Past research has suggested that individuals who deny responsibility for their behaviour (criminal or non-criminal) tend to be perceived more favourably; for example, parole boards may assess denying offenders as less likely to reoffend than admitting offenders (Hood, Shute, Feilzer, & Wilcox, 2002). One context where denial may be beneficial to offenders is in the courtroom where sentencing decisions rely on a number of variables.

Although denial is limited in its relationship with risk for sexual violence (see Yates, 2009) and therefore should not necessarily be considered in determining sentencing severity, court decisions made regarding sentencing often takes into account the level of responsibility that an offender accepts. When the judiciary decides upon a sentence, it is expected that decisions be guided by the principle that a sentence must be proportionate to the gravity of the offence and the degree of responsibility of the offender (e.g., Criminal Code of Canada, 2016). The purpose of sentencing includes denunciation, deterrence

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(specific deterrence / general deterrence), incapacitation (separating offenders from society), rehabilitation, reparation to victims, and responsibility. The latter purpose suggests that sentencing has the objective to promote a sense of responsibility, and often remorse is considered to be a mitigating factor. However, judiciary decision making is an intricate practice, which requires judges to synthesize vast amounts of information. Past research has demonstrated that while there is evidence of systematic variation in judiciary decision making, there are also a variety of sources of unsystematic variation.

The present study examines whether there is an association between offender denial and sentence length. Approximately 300 sexual assault sentencing decisions from a Canadian repository were identified, and over 250 cases met eligibility for inclusion in this study's sample. Our hypothesis was that individuals who accept responsibility would receive shorter sentences than individuals who deny. The findings from our study reveal a less parsimonious result, indicating that those who denied responsibility received shorter custodial sentences. When we examined whether minimization of their responsibility played a role (as opposed to absolute denial), we found that offenders who minimized tended to receive longer community supervision sentences (i.e., probation) than those who did not minimize. The influence of denial on criminal justice outcomes for individuals who commit sexual offences has implications on the functionality of denial, particularly when they may be, at times, reinforced for denying responsibility. Hence, targeting denial in treatment and supervision should consider how to work with offenders when denial may be perceived as advantageous.

Learning Goals:

By the conclusion of this session, attendees will learn:

- How denial is construed as a responsibility variable
- Denial serves a functional purpose for the offender
- How denial may be beneficial to offenders in the criminal justice system

The Function of Denial Among Men Who Sexually Offend

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Denial is commonly addressed in sex offender treatment programs across Canada and the United States to reduce risk of reoffending. However, empirical studies have not consistently found a relationship between denial and risk of sexual re-offending, questioning what role or relevance denial may have among people who have committed sexual offences and their behaviors. Some have hypothesized that denial may be utilized by those motivated to maintain their offending behavior or that it may be a product of risk-

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related characteristics, such as those with antisociality and pedophilia. More recently, denial has been reconsidered as a healthy and adaptive response to being charged with a crime that carries negative consequences, such as loss of family, friends, and employment. Indeed, denial is often cited by those who have committed sexual offences as a way to protect their identity and maintain self-esteem as a result of how negatively the label “sex offender” is evaluated by others. In light of conflicting theories and results of the relevance and function of denial, the current study explored the associations between denial, psychopathy, deviant sexual interests, self-esteem, identity, and attitudes towards people who commit sexual offences in a small sample of men convicted of a sexual offence against a child using data visualization techniques.

The Comprehensive Inventory of Denial—Sex Offender version (CID-SO) and a number of self-report and implicit measures were used. Visual inspections of scatterplot matrices revealed mostly small relationships between denial and the constructs of interest, but some interesting patterns emerged. Participants with greater callous-affect traits of psychopathy appeared to use denial more than those with less callous-affect traits. Additionally, participants with the greatest possible pedophilic score appeared to display greater minimization of harm compared to participants with lower pedophilic scores. Visual comparisons of attitudes, identity, and self-esteem revealed discrepancies in the relationship of denial between explicit and implicit measures. Though participants with more self-reported negative attitudes towards sexual offenders, less identification as a sexual offender, and lower self-esteem displayed greater denial, participants with more implicit positive attitudes of sexual offenders and greater identification as a sexual offender displayed greater denial. These preliminary findings are consistent with many possibilities. Denial may be utilized to maintain desired behavior among individuals with greater callous-affect traits or may be a product of callous-affect traits, such as manipulation and deceitfulness. Those with pedophilic sexual interests may minimize harm experienced by the victim as a product of cognitive distortions; if an individual believes that the victim consented or enjoyed the act, then it would be consistent that they would also believe the victim was not harmed. Lastly, the discrepancies between the explicit and implicit measures may be the result of the measures capturing different constructs or perhaps as a result of the explicit and implicit measures being structurally different. If the measures capture different constructs, the results would be consistent with participants using denial to protect implicit self-esteem. Overall, the small relationship between the denial and the constructs of interest pose interesting questions for future research, which should continue to use a continuous, multi-faceted measure of denial, as well as explicit and implicit measures.

Learning Goals:

The goals and objectives of the current study were to:

- Review the literature on the function of denial,
- Explore the relationship between denial and constructs related to potential functions of denial, and
- Examine future research directions.

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Kevin Nunes, PhD is an associate professor and director of the Aggressive Cognitions and Behaviour Research Lab in the Department of Psychology at Carleton University. The main focus of his research is on the conceptualization and measurement of cognitions (e.g., attitudes, beliefs, expectancies, etc.) thought to be relevant to sexual and nonsexual violent behavior, and the role these cognitions may play in violent behavior. His main goal is to contribute to scientific knowledge about the causes of violence, which is the foundation of effective and efficient assessment and intervention aimed at managing and reducing violence.

Joshua Peters is in the second year of his Masters degree at Carleton University, Ottawa, Ontario. He has conducted and presented research on topics related to physical and sexual violence, including the relationship between actuarial risk and denial of responsibility among sexual offenders as well as the heterogeneity of intimate partner violence men.

Dr. Sandy Jung is an Associate Professor of Psychology at MacEwan University. She is an active researcher and educator who had published research on sexual and violent offenders, risk assessment, and criminal justice decision-making. Prior to her current academic position, she was employed as a forensic psychologist at an outpatient forensic clinic and has provided expert testimony on cases related to sexual offending and criminal responsibility. She continues to practice in the field of forensic psychology and to be involved in program development and evaluation. She has served on regional committees in criminal justice and mental health and has been active with ATSA, in the development of the current practice guidelines, as an Editorial Board member for SAJRT, and as the secretary on the Executive Board of Directors.

Lindsay Adams completed her undergraduate honours degree in the Department of Psychology at MacEwan University under the supervision of Sandy Jung. The current focus of her research is the examination of partisan allegiance in sentencing hearings for sexual assault criminal cases.

Gabrielle Lucente is a M.A. candidate at Carleton University under the supervision of Kevin Nunes, as well as a researcher in the Aggressive Cognitions and Behaviour Research Lab. The main focus of her research is on the role cognitions may play in sexual offending behavior.