

# Understanding Problematic Sexual Behavior in American Indian and Alaska Native Youth

Much of Native culture is based on the Circle of Life. Culture teaches us that we are all relatives to all things in creation. Some of the threads in the Sacred Circle have become broken. Professionals working in law enforcement can help mend the Circle by understanding their roles in the response to youth with PSB. This factsheet describes what PSB is, laws and policies related to PSB in Indian Country, how to respond to PSB, research on PSB, and additional resources for law enforcement.

Addressing trauma, abuse, and neglect in tribal communities is necessary for understanding PSB. Trauma-informed principles can help us support all youth.

**Youth need safety, supervision, protection, guidance, monitoring, and teachings. All youth must know they are connected, sacred, and honored.**

## What is PSB?

Problematic sexual behavior is youth-initiated behavior that involves sexual body parts in a manner that is developmentally inappropriate and potentially harmful.<sup>1</sup>

## Addressing Misunderstandings

▶ **Truth #1:** Many youth with PSB have no history of sexual abuse. There are a variety of other risk factors that may have contributed to the PSB, such as coercive environments, exposure to sexualized materials, and individual factors. PSB may start as curiosity or impulsive behavior that becomes concerning or harmful.

✘ *Misunderstanding:* Youth with PSB have been sexually abused.

▶ **Truth #2:** When youth receive evidence-based interventions, their risk of future illegal sexual behavior is extremely low, with recidivism rates around 3-5%.

✘ *Misunderstanding #2:* Youth with PSB are at greater risk for becoming sex offenders.



**Children are not sex offenders or predators; they are children who are developing these behaviors- give them information. That is all that they need, that there is hope; they are not predators.**

– Janet Routzen,  
Associate Judge Rosebud Sioux Tribe



## Roles

Federally recognized tribes can make and enforce their own laws, but jurisdiction varies based on the type of crime, race of individuals, and where the crime was committed. The role of law enforcement is to determine if a criminal violation of law occurred. Law enforcement may conduct investigations when PSB is suspected and work in partnership with **Multidisciplinary teams (MDTs)**, social services, and other agencies to respond to PSB. Children with PSB are different than adult who sexually offend. The legal system was not designed to handle the special needs of youth with PSB.

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For more recommendations on MDTs, **CLICK HERE.**

## Respond

- Know your role in the response process.
- Utilize an MDT approach for cases involving children with PSB and work with social service organizations (BIA or tribal) to document the allegations and protect all children.
- Ensure policies and procedures are in place and follow best practices.
- Make a report of child initiating PSB.
- **Conduct an investigation** and determine if crime was committed.



For an example of Child Protective Investigation Protocol, **CLICK HERE.**

- Coordinate with child protective services (CPS) and juvenile justice system.
- Contact the caregiver/guardian within 48 hours.
- Develop a community protocol for addressing PSB in children <12 years (or below the age of adjudication).
- Work with MDT to determine if forensic interviews are necessary.
- Support clinical assessment to determine treatment needs and safety planning.



For more recommendations on working with MDTs, **CLICK HERE.**

## Addressing Misunderstandings

➤ **Truth #3:** It is well known that children present a wide range of developmental abilities. Investigations and clinical decision making can be enhanced by understanding the language, cognitive, social, moral, and sexual development of the children involved. Investigations and clinical assessments can be enhanced by considering the use of psychometric testing in determining the developmental levels of each person involved in situations of problematic sexual behavior of youth.

✗ **Misunderstanding:** The differences in chronological age of the children involved is a reliable way to determine if a case involves problematic sexual behavior.

➤ **Truth #4:** Harsh punishment is more likely to result in behavior becoming covert (hidden) and deceitful. Punishment tends to cause a child to be fearful in the short term, does not improve behavior over the long term and can cause more aggressive behaviors. It fails to teach the appropriate behavior and empathy. More effective and long-term change happens when working with the family to teach safe behaviors, positive coping strategies, accountability, and enhance empathy and social connections.


✗ **Misunderstanding:** The use of harsh punishment is an effective way to teach people appropriate behavior. This technique uses retribution and undesired consequences to obtain desired behavioral outcomes.




## ✓ Protocols and Procedures

Law enforcement officials must create and follow established policies and procedures for investigating PSB cases.

- Create protocols for communicating among parties and **managing consent and release of information**. Consider tribal court prosecutors, referral and access to treatment, levels of care based on risk, need and responsivity, data sharing and tracking cases across systems, mandatory reporters, and reporting cases.

 For recommendations on best practices for managing consent and **CLICK HERE**.

- Know and create protocols for addressing jurisdictional issues and **state statutes**. Know who to contact. Consider tribal and state law P.L. 280, P.L. 93-638 or self-governance status, Major Crimes Act, and Indian Country Crimes Act.

 For a state statutes resource directory, **CLICK HERE**.

- Outline and know what protects youth and what places youth at risk for PSB.
- Respond to youth based on their developmental stage and legal culpability.

## Systems, Professionals, Jurisdictional Issues

- Reform of current laws and policies may be considered to ensure that youth with PSB, child victims, and families receive the treatment they need.
- Reach out to MDTs, child protective services, courts, and tribal leaders to revise tribal protocols and codes for supporting youth, families, and child victims of PSB.
- Consider systems interacting with PSB response, professionals involved and legal/jurisdictional issues.

## Research

— PSB does not increase based on sexual orientation, race, ethnicity or socioeconomic status.<sup>1</sup>

**1/3**, of sexual offenses against youth are committed by other youth.<sup>3,4</sup>

12 to 14 years of age, is when PSB happens the most.<sup>4</sup>

**1/2**, of child victims of PSB are under 6 years of age.<sup>4</sup>

**25%** of PSB cases involve family members.<sup>5</sup>

Most PSB occurs between children/youth who know one another.<sup>5</sup>

**<3%**, is the average sexual recidivism rate for youth with PSB and illegal sexual behavior.<sup>6</sup>



## Resources

### PODCASTS

We interviewed David McArthur, law enforcement officer on the White Earth reservation to capture his perspectives about youth with PSB and the role of law enforcement.



Click Here to Listen

### CENTERS, ORGANIZATIONS AND PROJECTS



Indian Country Child Trauma Center  
[www.icctc.org](http://www.icctc.org)



National Center on the Sexual Behavior of Youth  
[www.ncsby.org](http://www.ncsby.org)



National Child Traumatic Stress Network  
[www.nctsn.org](http://www.nctsn.org)



Office of Juvenile Justice and Delinquency Prevention  
[www.ojjdp.gov](http://www.ojjdp.gov)

### TOOLKITS AND BOOKLETS



Law Enforcement Response to Child Abuse, Office of Juvenile Justice and Delinquency Prevention



Multi-disciplinary Teams and Child Advocacy Center Resources



Taking Action: Support For Families of Children with PSB



Taking Action: Support For Families of Adolescents with PSB

### PROTOCOLS AND PROCEDURES EXAMPLES



Child Protective Services Investigation Example



Child Welfare Information Gateway Laws and Policies



Youth with PSB Best Practice Documents Overview



NICWA Resources on Response and Tribal Codes



Tribal Institute, Example Child Abuse Tribal Protocols

The information contained in this toolkit and multimedia content represents the views and opinions of the creators and not the views of OUHSC or states, tribes, and agencies. Mandatory reporting requirements and response to PSB varies between jurisdictions. For more information about mandatory reportings of child abuse and neglect, visit: <https://www.childwelfare.gov/pubPDFs/manda.pdf>

### References

1. Silovsky, J. F., & Bonner, B. L. (2003). Children with Sexual Behavior Problems: Common Misconceptions vs. Current Findings. National Center on Sexual Behavior of Youth.
2. National Indian Child Welfare Act (2016). NICWA Testimony Task Force on AIAN Children Exposed to Violence, December 2013
3. Office of Juvenile Justice Delinquency Prevention (2001). Law Enforcement Response to Child Abuse.
4. Finkelhor, D., Ormrod, R., & Chaffin, M. (2009). Juveniles Who Commit Sex Offenses Against Minors. Office of Juvenile Justice and Delinquency Prevention, Juvenile Justice Bulletin, December 2009.
5. Snyder, H. (2000). Sexual Assault of Young Children as Report to Law Enforcement: Victim, Incident, and Offender Characteristics. NCJ 182990.
6. Caldwell, M. F. (2016). Quantifying the Decline in Juvenile Sexual Recidivism Rates. Psychology, Public Policy, and Law, 22(4), 414.