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Persecutor and victim in the juvenile sexual crimes

Persecutore e vittima nei reati sessuali dei minorenni

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Abstract

In the existing literature on the Juvenile Sexual Offenders (JSO), there is a total eclipse of the victims and especially of the relationship between the victim and the perpetrator. Work on JSOs is aimed at improving the understanding of the phenomenon, trying to identify those variables useful for diminishing heterogeneity. The victims, on the other hand, are considered solely and exclusively as a function of the offender or rather as one of the possible variables that can improve their classification, like personality characteristics, criminal history, and so on.

The purpose of this article is to take into consideration the misconceived link between victim and perpetrator through three directions: the perpetrator as a victim; the perpetrator in the legal system; the perpetrator's relationship with particular types of victims.

Keywords: Juvenile Sexual Offenders; victim-offender overlap; relationship between victim and offenders; evaluation of JSO; Juvenile Justice System

Riassunto

Nella letteratura esistente sui Juvenile Sexual Offenders (JSO), vi è una totale eclissi delle vittima e soprattutto della relazione che intercorre tra vittima e perpetratore. I lavori sui JSO sono finalizzati a migliorare la comprensione del fenomeno, cercando di identificare quelle variabili utili a diminuirne l'eterogeneità. Le vittime, invece, vengono considerate solo ed esclusivamente in funzione dell'autore di reato o meglio come una delle possibili variabili che possono migliorarne la classificazione, al pari delle caratteristiche di personalità, della storia criminale etc.

Lo scopo di questo articolo è quello di prendere in considerazione il legame misconosciuto tra vittima e perpetratore attraverso tre direttrici: il perpetratore come vittima; il perpetratore nel sistema giuridico; la relazione del perpetratore con particolari tipi di vittime.

Parole chiave: Juvenile Sexual Offenders; victim-offender overlap;relathionship between victim and offenders; evaluation of JSO; Juvenile Justice System

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1. Juvenile Sexual Offenders (JSO)

The term Juvenile Sexual Offenders (JSO) is used to define both a legal category of offenders and a phenomenon (the sexual offense) associated by the following parameters: 1. age of the offender between 14 (legal limit set for the imputability in our Country, pursuant to art. 85, co 2., art. 97 of the criminal code) and 17 years; 2. type of crime perpetrated: sexual offense punished pursuant to art. 609-bis and following of the Criminal Code; 3. type of proceeding managed against them: prosecution (according to Article 448/88).

The guidelines developed by the American Academy of Child and Adolescent Psychiatry (AACAP, 1999) show the whole spectrum of sexual crimes in the developmental age by dividing behaviors based on the presence or absence of physical contact between victim and perpetrator (at one extreme of the continually found behaving as obscene phone calls, exhibitionism, voyeurism on the other caresses and touching, up to rape) (see Shaw, 2002, for the classification of the typology of crimes of abuse / sexual exploitation).

In contemporary nosography, despite the recent revision of the DSM, remains a diagnostic uncertainty concerning the problems of sexual behavior in children (Vizard, 2006) which contributes to leave a wide margin of discretion during the evaluation. Unfortunately, the research on Juvenile Sexual offenders due to the type of crime committed (so-called "odious crime"), was greatly influenced by a prejudice of the social kind that considered it almost impossible to attribute to minors sexual crimes earlier considered to be the exclusive prerogative of adults (Di Cori & Fedeli 2010; Di Cori et al. 2008; Veneziano, Veneziano & LeGrand, 2000). This aspect has contributed to slow down the research on the phenomenon ending up underestimating the spread of the same. The first systematic researches, in fact, are placed only at the beginning of the 90s and, right from the start, have shown a remarkable heterogeneity of this population with respect to the motivations that lead to committing sexual crimes, to the type of sexual crime committed and to the possible ways of treatment (Kaplan, Becker & Martinez, 1990; Veneziano et al. 2000; Worling & Curwen 2000; Hunter, Figueredo, Malamuth & Becker, 2003; Hunter, 2000; Saleh & Guidry, 2003; Richardson, Kelly, Graham & Bhate, 2004 ; Richardson, Graham, Bhate & Kelly, 1995).

Veneziano & Veneziano (2002) define it as "a complex population" characterized by manifestations common to different nosographic frameworks that place it on the border between problematic development, psychiatric pathology and antisociality (Andrade, Vincent & Saleh, 2006; Hunter, 2000; Hunter, Hazelwood & Slesinger, 2000; Shaw, 2000, 2002; Di Cori et al., 2010, 2012; Sabatello, 2011; Sabatello & Stefanile, 2016).

The Italian and international epidemiological studies indicate that this is a constantly increasing "behavior" often undersized by the reluctance to denounce the offender (especially if it is known and linked by a family relationship) (for more information on the epidemiology of crimes committed in Italy, please refer to the USM data and ISTAT data processing).

At the present time, an exhaustive classification of the phenomenon is not available, an aspect which is affected by the presence of prejudice in the methodological structure of the design of the research conducted (Seto & Lalumière, 2010) which underlines highlighting excessive differences and similarities between the two groups of offenders (violent and sexual). However, the theoretical dissertations concerning the Juvenile Sexual Offending have focused, and in part sedimented, on two opposing positions for etiology and dynamics of criminal behavior. It follows that adherence to one or the other theory involves, of course, consequences on the different methods of management, publication, and treatment of this population (Camerini, Di Cori, Stefanile & Sabatello, 2018). Briefly, the General Delinquency Explanation does not consider justifiable the distinction between perpetrators of sexual and violent crimes underlining how sexual crime is simply an expression of a more general tendency to antisociality (Seto & Lalumière, 2010; Worling & Langstrom, 2006; Loeber, Farrington, Stouthamer-Loeber &Van Kammen, 1998; Quinsey, Skilling, Lalumière & Craig, 2004; Caldwell, 2002; Prentky, Pimental & Cavanaugh, 2006; Worling & Curwen, 2000). On the opposite side, instead, there are supporters of the Special Explanation of Adolescent Sexual Offending who highlight the presence of specific risk factors and risk mechanisms for JSOs (See, for example, Worling & Langstrom, 2006; Veneziano & Veneziano, 2000, 2002; Driemeyer, Yoon & Briken, 2011; Van Wijk, Vermeiren, Loeber, Hart-Kerkhoffs, Doreleijers & Bullens, 2006; Van Wijk, Mali & Bullens, 2007) which differentiate them significantly from the JVO sample (Seto & Lalumière, 2010; Seto, Harris & Lalumière, 2015, 2016; Fanniff & Kimonis, 2014) and highlight that only a small group of sex offenders also commit violent crimes (Driemeyer et al., 2011;Van Wijk, Vreugdenhil, van Horn, Vermeiren, & Doreleijers, 2007; Zakireh, Ronis & Knight, 2008; Figueredo, Sales, Russell, Becker & Kaplan, 2000).

Another possible distinction concerns the choice of the victim, so the research differentiates between a JSO child, in which the victim is a prepubertal child and JSO peer/adult in which the victim is the same age or older than the persecutor. The two sub-populations seem to differ in type and characteristics and not only in practice and choice of the victim (Knight & Prentky, 1993; Seto & Lalumière, 2010; Aebi, Vogt, Plattner, Steinhausen & Bessler, 2012; Leroux, Pullman, Motayne & Seto, 2014; Joyal, Carpentier & Martin, 2016).

2. The eclipse of the victim

In various cases of violent or criminal acts studied in the literature, attention is usually paid to the characteristics of the victim and the perpetrator, deepening their personality structure, behavioral and social aspects, in order to improve the understanding of the protagonists of the story and from there to implement of preventive (ex-ante) or rehabilitative/therapeutic (ex-post) strategies. However, for some types of crime, especially in cases of interpersonal violence (for example, violence in intimate relationships, pedophilia, bullying, witnessing violence), an analysis now focused on one or the other proposes again a idea of rigid and categorical dualism that provides a limited, and not very useful, range of information precisely because it does not explain the particular form of relationship that binds, often indissoluble and invisibly, the two protagonists of the story. The introduction of a new interpretative paradigm within psychodynamic theories, such as that of a Relational Mind (Bromberg, 1998; Renik, 1995; Aron, 1996/2004; Mitchell, 2000/2002; Lingiardi & Dazzi, 2011) and neuroscientific (Panksepp, 1998), like that of the Agonistic behavior or Dominance/Submission motivational/emotional system, helps to connect the past with the present, the representations with actions, the victim with the persecutor, emphasizing the importance, in addition to complementarity of their neurobiological reactions, of the real relationships between the protagonists and of their unconscious connivance (Dicks, 1967/2009). On the other hand, in the course of phylogenetic and personal development, the competitive system that, during adolescence comes to contrast the attachment system (Giacolini, 2009, 2016, 2018), contemplates both figures of the victim as of the persecutor.

In the relationship then, above all, the more intense and pathological it is, the more we find the traces of those fundamental defects in the process of integration of the Self, which provide us with privileged access in the reactualization of the "here and now", of the relational defective ones experienced in the "there and then" of primary relationships. We often find that violence against the victim, not just any victim, can hide an extreme attempt to protect their fragile psychological Self (Fonagy & Target, 1995). The emphasis on the relationship aspect also plays an important role in our penal code, not only on the accusatory side, which sanctions those crimes that occur within particular forms of bond with more severe penalties (for example: incest, relationship between a teacher and a learner), but also in a reparative sense (for further information see the works carried out by Patrizia Patrizi, Gaetano De Leo, Vera Cuzzocrea, Gilda Scardaccione, on restorative justice).

If all these elements synthesized previously appear more

and more to find their validation also in research, we find something very different in the existing literature on JSOs, in which there is a total eclipse of the victims and above all of the relationship between the victim and perpetrator. All the JSO works are aimed at improving the understanding of the phenomenon, trying to identify those variables useful to diminish the heterogeneity. The victims, on the other hand, are considered solely and exclusively as a function of the offender or rather as one of the possible variables that can improve their classification, like personality characteristics, criminal history, etc. The variables with which the victims are described, however, appear to be scarce, so much so that the parameters most frequently used are only gender and age. The relationship between victim and perpetrator receives an even worse fate. The terms "relationship" or "bond", when considered, are treated as potential and important "confounding factor" or an element that can "soil" the relationship between two variables, thus introducing a "background noise" that must be controlled to increase the statistical power. The "bond" variable is therefore inserted for purely numerical reasons and not for cognitive purposes. Thus, not only do the interpretative and explanatory hypotheses of a violent process and relationship remain unexplored and not considered, but also those internal and external factors that could provide a greater typification and motivation to the act on the part of the author of a sexual offense. Furthermore, if the age variable appears uniform and homogeneous as a parameter because the defining limits appear to be fairly shared at the level of literature, as well as at a regulatory level, the victim-perpetrator link variable lends itself to definitions that are not always shared, often very broad and contradictory, that vary from research to research. Consider, for example, that the term "relationship intrafamilial victim" (Joyal et al., 2016) is an ambiguous term that may include siblings, siblings who share a single parent, those acquired for recomposed family, cousins, children of the foster home, etc. In essence, all those subjects who have physical proximity to the perpetrator, and sometimes of blood, but do not provide any information on the type of bond and on the quality of the same. The term "known victim" is even less defined, meaning by this term a person who is not bound by bond of kinship with the perpetrator. A non-binding marker is instead the label "unknown victim". But even in this case, we know nothing about the process by which that perpetrator identified that victim and not another. In the examination of literature, in essence, we find the same defect of symbolization that characterizes the mental functioning of many JSOs: the "hole" found with respect to the victim and the relationship with the victim has a close and intimate resonance with the representative "hole", structural and identity often typical of these minors (Di Cori, Fedeli & Sabatello, 2012). The action of the JSOs seems to take place in the hole, liquidated, according to the theoretical currents, as antisocial and criminal behavior or as a reenactment of the ancient abuse suffered, in any case the literature on the subject gives us an image of the absence of recognizable psychological plot, narratable and thinkable, in which the same humanity of the minor seems to get lost, dissolved by the reprehensible crime he committed.

We must not forget that especially in adolescence the theme of the management and expression of aggression (Giacolini, 2009, 2016; Giacolini & Sabatello, 2019) binds, overlaps and often overlaps with the nascent theme of sexuality. In this phase the "genital" body assumes an important role in the adolescent's identity, "claiming" on the intrapsychic side a re-signification and a revision of the internal and relationship dynamics that is then expressed on the interpersonal side through the image that progressively he creates himself and his new sexed body (Freud, 1905/1970; Verde, 2007; Novelletto, Biondo & Monniello, 2000). The aggression to the victim and his dehumanization reveals and, in many cases, reveals precisely the altered self-image these minors have as well as the impasse of the mirroring function deriving from the precocious and painful relational experiences that have worked as a distorting mirror for them (Di Cori et al., 2012; Verde, 2007; Winnicott, 1958/1975; Stern, 1985, 1995). Aggressiveness, to the extent that it goes beyond conservative boundaries and the boundary between Self and other, becomes destructive in the first place of Self-Other differentiation, in a process that denies "the common humanity" (Meotti, 2006) of the victim and at the same time it also negates the human nature of the perpetrator, fueling a vicious circle of dehumanization desubjectification - objectification (Bollas, 1995/1996;Volpato, 2011, 2012; Jeammet, 1998; Carabellese, Vinci, Catanesi, 2008) in which object relations are placed at the service of unique desires of the Self. The desubjectification of the object then becomes a defense with respect to experiences of emptiness and agony that threaten the subject's Self, making it experience a painful condition of dependence and passivity on the object that, through action, are magically and omnipotently nullified (Verdi, 2007, Di Cori et al, 2012).

The act on/with the victim then appears as an important key to access that reveals the poverty of both the world of internal representations and the limited ability to establish real relationships with a subject other than oneself. Deprived of moral and juridical judgment, the act of crime thus appears to be a form of communication that must be codified and symbolized, returning a personification both to the author, to the victim and to their relationship.

The victim, in fact, seems to carry out the function of the self for the perpetrator who, by denying her psychic existence as a subject other than himself, repeats, sometimes in a compulsive, uncontrolled and dissociated form, the primitive unpleasant experience in an active form, through the object capture / incorporation (Di Cori et al, 2012).

3. The choice of the victim

The research shows a high incidence of sexual abuse among siblings that would be even more frequent than those that occur by a parent. Often the type of abuse perpetrated appears severe (with use of force and complete sexual acts). However, partly due to the reluctance to report these types of abuses, partly due to the problems described above concerning the categorization criteria, this "subgroup" is little studied within the literature. In recent research conducted by Joyal et al. (2016) the need to consider this group individually was highlighted, as it presents, regardless of the victim's age, a high incidence of previous abuse both on the side of sexual victimization and on the side of physical victimization. In a research conducted by Sabatello and Stefanile (in press) on a sample of 79 male offenders divided into three groups (24 sex offenders against peer/adult; 19 against child; 33 violent) was found in the evolutionary histories of the JSOchilds a marked dysfunctionality of the family system that manifests itself primarily in the greater incidence of abuses or better of simultaneous or sequential experiences of maltreatment (Van der Kolk, 2014), in particular the presence of sexual abuse (36,9%) both direct and witnessed, of physical and emotional abuse. The evidence of a greater prevalence of traumatic experiences, especially of a sexual nature, within this sub-group of JSOs, is complex and paradigmatic and avoids a linear perspective of a simple re-enactment of the original trauma suffered. For a percentage of JSOs, especially children, who have suffered concrete violence, the act of crime can represent an attempt to re-gain a sense of self-unity through identification with the aggressor (Di Cori et al., 2012). For other sex offenders, past traumatization is the precursor of sexual behavior only if it interacts with other risk factors present in the individual's ecosystem (ibidem). The JSO child group, however, turned out to be a borderline group of evolutionary risk that presents greater risk factors than the JSO peer/adult and shares significant risk factors with the JVOs (this also overlaps with the research conducted by Joyal et al., 2016). Furthermore it was found that in general the JSOs and more specifically those who abuse children and/or siblings, present considerable difficulties in the social area characterized by: isolation, poor social relations, introversion (Mattingly, 2000; Seto & Lalumiere, 2010; Milloy, 1994; Di Cori et al., 2008; Sabatello, 2011; Joyal et al., 2016). Van Wijk, van Horn and collaborators (2005) believe that there is a link between isolation and the presence of distortions of thought: "This syndrome of social deficit and disabilities [...] may lead to all kinds of distorted thoughts and fantasies (cognitive distortions) that may ultimately predispose committing a sex offense "(p.31). It has been found that sex offenders who commit sexual harassment on children and especially on siblings, compared to sex offenders against peers/adults, have less adaptive social skills (social anxiety, fear in heterosexual interactions) and greater social isolation (Katz 1990; Hsu & Starzynski, 1990; Van Wijk, van Horn, Bullens, Bijleveld & Doreleijers, 2005; Joyal et al., 2016). The choice of the child and/or blood type victim, again, does not seem to us to be linked only to greater ease of access. We believe that there is an epistemic error which causes the availability to be confused with the perversion of the link. Many researches underline that for these two groups there is a dysfunctional family system characterized by the intergenerational violation of boundaries (Kerig, 2003; Minuchin, 1974/1976) that facilitate exposure and/or actual abuse (Dazzi & Madeddu, 2009).

We must also report a confused and never evaluated area, so there is no data available, in which the sexual ap-

prenticeship is confused and sometimes becomes violence and crime, represented by situations of prolonged institutionalization involving minors. These are the situations of violence, of which they know who is dealing with the developmental age, in which the living in common in a situation of (de) affective and sexual deprivation facilitates the occurrence of predatory sexuality in which the theme of dominance is more significant of sexual motivation.

4. Victims /offenders overlap

In the specialist literature the overlap between the phenomenon of victimization and that of offending is well established (Jennings, Piquero & Reingle, 2012), with an increase in incidence in adolescence and a similar trend in different countries and ethnic groups for various types of crimes of a violent and non-violent nature (Baeckley, Caspi, Arsenealult, et al., 2017). Victims and perpetrators are often the same subjects and share many evolutionary risk factors and risk behaviors (Broidy, Daday, Crandall, Sklar & Jost, 2006; Lauritsen & Laub, 2007; Schreck, Wright & Miller, 2002; Schreck & Stewart , 2011; Jennings, Higgins, Tewksbury et al., 2010; Jennings, Park, Tomsich, Gover & Akers, 2011)."Offenders are more likely than non-offenders to be victims, and victims are more likely than non-victims to be offenders" (Entorf, 2013, p.3). Precisely because of this large overlap, according to some authors, to understand a phenomenon one must necessarily consider the other as well (Lauritsen & Laub, 2007).

However, despite the presence of several empirical and often clinical findings, there are still few studies that simultaneously consider the evolutionary nature of this overlap during development. In fact, most of the data available to us come from studies that separately dealt with offending and victimization. As noted by Beckley et al. (2017) "we haven 't study that has examined the link between childhood risk factors, assessed during the first decade of life, and later victim-offender overlap, and datasets for doing this work are few. Childhood risk factors have been identified in studies of victimization, but few studies can test differentiated victim-offenders from comparison groups of pure offenders and pure victims"(p. 25).

Although there is a greater proliferation of studies on the victim offenders overlap, less attention toward examining the sexual victimization and sex offending overlap has been provided within the international scene (Jennings, Zgoba, Maschi & Reingle, 2014; Seto, 2008), especially in adolescence, and only marginally was the relationship between victim and perpetrator taken into consideration.

The clinic and the research on child abuse also testify that the experiences of abuse can result in phenomena of repetition of violence in an active form. Although the incidence of experiences of child sexual victimization in the stories of young abusers is very variable (between 30% and 70%) and therefore represents a very controversial fact (the relationship between previous abuse and juvenile sexual offending is not always clearly visible), it seems certain that previous traumatic experiences may represent important pathogenetic precursors of deviant sexual behaviors (see Vizard, Monck & Misch, 1995; AACAP, 1999; Seto & Lalumiere, 2010). In the case of child victims of abuse, there are factors of vulnerability, of risk (such as the early experiences of chronic stress) that – although they are not an exclusive factor – can contribute to other risk factors in the criminogenic determinism of deviant sexual behavior (Di Cori & Fedeli, 2010).

The fact that a traumatic experience experienced by a child can be perpetuated through a "cycle of repetition of abuse" depends on the complex relationship and balance between risk factors and protective factors, of resilience, which intervenes by increasing or decreasing the probability that violence repeats itself even between generations. Instead, among the protective factors capable of reducing the likelihood of a repetition of the abuse, it is possible to include: adequate social support, the presence of a supportive environment, prompt and qualified treatment during childhood or adolescence. The lack of adequate responses in terms of the protection of the young victim (when not even the exacerbation of the conflict or the increase in the sense of powerlessness linked to paths hardly modeled on the psychological needs of the victim), can negatively orientate the effects in the short, medium and long-term trauma, and increase the evolutionary risks for the onset of deviant or abusive behavior in adulthood.

Perhaps due to the complexity of these causes, a "historical" and simplistic hypothesis often invoked to describe the phenomenon of both sexual offending and victimization is the "cycle of violence" (Finkelhor, 1984; Finkelhor, Moore, Hamby, & Straus, 1997; Jespersen, Lalumiere & Seto, 2009; Jennings & Maeade, 2016; Jennings et al., 2014).

On the basis of this assumption, reinterpreted in a probabilistic and of concausality key, Jannings et al (2014), based on some research on the victim-offender overlap among violent and sex crimes and on the finding that most of the victims are also perpetrators and vice versa (Jennings et al. 2012), conducted a study on stratified random sample of 654 offenders aged 50 and older from one state's correctional administrative database. We cite this study because it has been "one of the first to investigate the victim-offender overlap between sexual victimization and sex offending simultaneously, and as such, seeking a broader understanding of the link between these two outcomes" (p. 1476). The study in question provides evidence to support the overlap for these specific crimes by highlighting how individuals who were younger than 16 who were victims of abusive sexual contact and victims of sexual assault/rape were significantly more likely to be sex offenders. Within the family context, additional risk factors have been identified, some of which act simultaneously for both sex offending and sexual victimization (such as early experiences of emotional abuse or neglect), others only for sexual victimization (such as physical neglect and witnessing family violence) in the two forms considered abusive sexual contact and sexual assault / rape (Jennings et al. 2014, 2016).

On the basis of clinical and research experience, Di Cori, Fedeli and Sabatello (2012) underline how the serious forms of negligence (sometimes associated with episodes of traumatic sexualization) and the object relations characterized by emotional distance, by the sense of abandonment, from the inconsistency of the structuring and regulating function of the other, they create deficient conditions in the area of representations and symbolizations of external and internal reality, as well as in the organization of identity itself. Poverty in internal object relations often translates into what research indicates as the difficulties in establishing valid intimate relationships and an inability to manage interpersonal relationships. Hence the absence of the ability to feel and to represent one's pain which often results in an insensitivity to pain and suffering inflicted on the victim, in an inability to inhibit aggression and to assume the consequences of one's actions. Juvenile who do not commit sexual assaults/crimes are inhibited by the empathy they feel towards potential victims (Ward, Yates, & Long, 2006). Hanson (2003 cited in Lopez, 2019) believes that the "aempathic" reaction is determined by three starting conditions: an emotionally ambivalent, contradictory or indifferent relationship; a perspective-taking deficit; an inappropriate mode of coping with the perceived suffering of others. Grabell and Knight (2009) have identified in the development window between 3 and 7 years a particularly predictive period of vulnerability for future abusive behavior. During the pre-school period, the authors continue, those abilities of flexibility and cognitive inhibition develop, involved in the implementation or not of sexually abusive behaviors.

The sexual offending, however, is a multi-determined phenomenon, concerning which traumatic experiences are undoubtedly important for the important pathogenetic factors (Di Cori et al., 2012) but cannot be considered the only elements. With respect to the role played by traumatic experiences in the etiopathogenesis of abusive behaviors and in victimization processes, we recall that trauma is not only an objective event but is above all a subjective event and is, for this reason, closely connected to the attribution processes (emotional, cognitive and motivational) with which each of us interpreted a given phenomenon (Sabatello, Thomas & Verrastro, in press). From an evolutionary perspective, it seems to us that the aspects linked to individual development, the structure and functioning of the child are decisive in determining the outcomes of the trauma. The possible structuring of a traumatic syndrome, lasting in the medium or long term, depends on different factors, which Anna Freud (1936/1967) has already identified with: (1) the nature and intensity of the event, (2) the sensitization due to a previous trauma, (3) the hereditary factors, congenital that can influence the level of functioning of the defenses, (4) the chronological age and stage of development at the time of the trauma, (5) the environmental conditions at the time of trauma, (6) the pre-existing personality.

More recently, research on the outcomes of trauma from abuse has attracted the attention of clinicians to complex traumas and to factors of vulnerability and resilience able to orient the victim's psychopathological destiny (age and sex of the child, level of pre-traumatic functioning and vulnerability indexes present in the subject's history, existence of protective factors in the family or, on the contrary, the presence of chronic parental dysfunctions and inadequate methods of treatment, availability of resources and adequate socio-welfare structures to support the child and the family) (Di Cori & Sabatello, 2015).

Therefore, even in the case of "traumatic" objective events, the negative consequences on development are generated only if these experiences interact with a previous vulnus of individual origin (such as social difficulties, lack of intimate relationships and impulsiveness) and of environmental origin.

The Adverse Childhood Experiences are attributable to cumulative processes (Complex Trauma), and not to single circumscribed events, capable of increasing the subject's vulnerability and the risk of persisting the disorder of sexual behavior (sMarshall & Marshall, 2000; Anda, Felitti, Bremner, Walker Whitfield et al, 2006; Anda, Croft, Felitti, Nordenberg, Giles et al., 1999; Felitti, & Anda, 2010; Finkelhor, Shattuck, Turner, Ormrod & Hamby, 2011), of antisocial behavior in age adult (Seto, 2008) or victimization (Haynie & Piquero, 2006).

5. Consequences at the legal level

The not always simple task of the expert, in criminal matters, and of the clinician, during the treatment, is to be able to discriminate between sexual conduct characterized by normal exploration and that which outlines the conduct of abuse. The defining limits between the two behaviors, however, are not at all so categorical and simple to define. At the juridical level, abuse is defined as the behavior that: 1. is carried out without the consent of one of the two parties (giving consent to a sexual act means, synthetically, that there is an understanding of what is proposed, the evaluation of the alternatives possible and an evaluation of the consequences of the actions, the voluntary decision); 2. it is consumed within an unequal power relationship; 3. is the result of a coercion (Ryan & Lane, 1991; AACAP, 1999; Shaw, 2002; Di Cori & Fedeli 2010).

At the trial level, the presence of these elements, if proven, sanction the guilt of the Juvenile (Carabellese, Vinci & Catanesi, 2008). However, some Authors (Di Cori & Fedeli 2010; Di Cori et al. 2011), in consideration of the cognitive-emotional peculiarities of this evolutionary phase, raise several objections to the legal automatism and to the adult-morph criteria with which they could be evaluated and judged Juvenile.

The specialist literature on the subject clarifies that there are significant differences between adult offenders and Juvenile from a criminogenetic point of view, of the stability or relevance of risk factors and protection factors, of personality functions and of the meaning that the crime itself takes into account the specific evolutionary phase (Camerini et al., 2018; Borum, Bartel & Forth, 2006; Di Cori & Fedeli 2010; Abbate, Arbarello & Stefanile, 2018). Moreover, "few development periods are characterized by many different levels. Changes related to pubertal development, the definition of the social role, cognitive development, scholastic changes, and the emergence of sexuality" (Eccles et al., 1993, p.90).

It is precisely on the basis of the multiple changes faced by the adolescent and his ability to adapt to them as well as on the evident difference between evolutionary phases (adult/adolescent) which is an enterprise that is not always easy to prove in court until that point and what behavior constitutes in this evolutionary phase a coercion, whether or not it is sexually appropriate to the age and even in which case two persons are to be considered effectively coetaneous (in a maturing sense and not only in age sense) (Di Cori & Fedeli 2010). Even when we are confronted by frankly deviant sexual behaviors on the basis of the modus operandi, of the repetitive and compulsive nature of the action, of the more or less violent modality, on the psychic level they could represent incongruous conducts and/or exploratory practices that are "acted" in an attempt to integrate a sexual identity that is neither mature nor modulated (Di Cori & Fedeli 2010; Di Cori et al. 2011; Camerini et al., 2018) both of the victim and the persecutor. We recall that in this evolutionary phase some sexual exploration behaviors become a crime when they become aware of the adult or according to the context in which they occur, but Juveniles may not realize that they have committed a crime. The recent research conducted by Grattagliano et al. (2018) on an Italian sample of 31 JSOs between the ages of 14 and 20, despite the narrowness of the sample and the difficulty in generalizing the results, puts in evidence just as for most JSOs (in this study 70% of respondents) the reason given for the abuse commission was "try out a new experience"; in a small percentage of cases violent tactics were adopted while in most cases confusing tactics were used between the game, the affective demonstration and the sexual approach that only in the final analysis were perceived by the victims as violent. Moreover, in the 52% of cases, all in the charge of the Social Services Offices, which had not fully realized that they had committed an offense, most offenders also used detachment and moral disengagement with prevailing defense mechanisms, attribution of responsibility to the victim, minimization of the act up to the attribution of responsibility to the other persons or the surrounding event (Grattagliano et al, 2012; Grattagliano et al 2018). The belief that he did not commit sexual violence is one of the main predictors of recurrence (Lopez, 2019).

These aspects are of considerable importance not only at the moment of evaluation but also for the identification of the most suitable measure for the minor. The juvenile penal process, governed by the Presidential Decree September 22 n. 448/1988, is based on the responsibility and not on the punishment of the minor, also through the reparation of damages and the resolution of the conflict generated by the crime. For this reason, most of the interventions aimed at Juveniles who commit crimes take place with alternative measures to detention. Among these, the putting to the test, governed by the articles 28 and 29 of the Presidential Decree of 22 September 1988, n. 448, is an alternative measure centered on the idea of "giving responsibility" to the adolescent author of the crime, in a perspective for which responsibility is no longer the necessary condition of punishment, but a point of arrival of the criminal course (De Leo, 1998).

Conclusions

Within the JSO literature, we find a lack of attention, if not completely absent, to the victim and the relationship between victim and perpetrator. Although we can understand that attention to the phenomenon of sexual offending committed by adolescents is more recent than the amount of literature present on their adult counterparts or on other phenomena of interpersonal violence, even committed by adolescents, we believe that if they are not held in the three protagonists of the story (victim, perpetrator and their relationship) make a logical error, even a psychological one, colluding with the same archaic defense mechanisms put in place by the offender with the risk, always present, of making a judgment based on the act itself, if lacking the necessary understanding of the perpetrator. David Finkelhor (1989, cited in Kjellgren, 2010, p. 19), one of the most important researchers in this field, argued that "We have to explain ... the emotional roots, the sources of gratification behind the behavior and the sexual arousal components. We are here to explain what emotional needs are and to be resolved by foraying into deviant sexual contact. How it gets insinuated sexually rehearsal thinking, how it gets insinuated into sexually behaved rehearsal thinking, mixes into masturbation and various other kinds of rehearsal sexual behavior, and how it finally breaks out and leads into action, then impulsive repetitions, and so forth".

The considerations made in this article concerning the shortcomings in the literature as well as the detection of the co-presence of victimization aspects in the perpetrators, although not exhaustive for the subject, make us reflect on the pragmatic implications related to rehabilitation/therapeutic programs and on the type of judicial measure adopted. Despite the due differences between victim and perpetrator, we believe that attention to the co-presence of victimization aspects in the offerers and viceversa must be well received within the rehabilitation programs for offenders and those for the protection of the victim. The observation that the same person can be both a victim and a perpetrator necessarily involves a review of the specific client programs and the introduction of more complex treatments that take into consideration the needs of the person (Jennings et al., 2012). Empathy training must aim at specific deficits since non-directional interventions may be ineffective or iatrogenic (Lopez, 2019). At the same time the results of the research by Grattagliano et al. (2018), which appear to be congruent with our assessments carried out at children's neuropsychiatry, highlight the lack of awareness of these adolescent with respect to the crime committed as well as the adoption of a confusing and confusing relationship in which the victim fails to be seen as other than itself, endowed with its autonomous individuality, and still the same author does not perceive himself as an agent of the committed action. We find ourselves in a non-trivial legislative paradox that signals the considerable distance between the understanding of the adolescent as a person and the rehabilitation for the crime that he committed. In the absence of a symbolizing function, whether it is entrusted to a therapeutic path for the boy or it is performed by the appropriately identified legal actors, the answer provided by the penal system risks becoming a mere juridical automatism in which alternative penalties are inflicted without there being for minors, a ritualized moment in which one can pass from action to thought. Translated into psychological terms, we are not giving back to the perpetrator or the victim their subjectivity, the meaning of their actions and their humanity.

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