



Thoughts from the RSP Roundtable and Topical Meeting on Sex Offender Management October 29-30, 2013

The goal of sex offender management (SOM) is to promote public safety by reducing recidivism among sex offenders. Sex offender management is meant to protect communities from sex offenders and prevent new crimes. Yet study after study show us that many aspects of commonly used strategies in SOM are not effective, and may have unforeseen negative consequences to survivors and communities. It is crucial for advocates who work with survivors to be involved in SOM, but many local advocacy agencies do not have the access to participate meaningfully in the conversation. State and territorial coalitions can and should represent and facilitate the needs and perspectives of survivors in these conversations and ensure that the media, state policymakers, and SOM professionals stay victim-centered.

The Center for Sex Offender Management (CSOM), in [Engaging Advocates and Other Victim Service Providers in the Community Management of Sex Offenders](#), explains:

When advocates and other victim service providers are involved in developing policies related to the community management of sex offenders, protecting victims and the public more readily can become major goals of sentencing, supervision and treatment plans, conditions of supervision, and the ongoing process of offender monitoring in the community. On a day-to-day management level, they can collaborate with the courts, supervision officers, sex treatment providers, and others to implement victim-sensitive practices and enhance the capacity of community supervision programs to hold perpetrators accountable for their actions and deter future victimization (CSOM, 2000, p. 4).

There are challenges to forming effective partnerships between SOM professionals and victim advocates. Representatives from 21 state and territorial sexual assault coalitions discussed these challenges in the Resource Sharing Project's recent Topical Meeting and Roundtable on Sex Offender Management. Some attendees had been involved in sex offender management for years while others were completely new to the discussion. Discussed at this meeting were current trends in sex offender management, coalition perspectives, emerging issues and conversations on how coalitions can be involved in sex offender management efforts in their states and territories.

Current Sex Offender Management Laws/Legislation and Their Implications

There are numerous laws and pieces of legislation intended to make our communities safer from sex offenders. Many of these laws increase punishment and surveillance of the offenders. Alisa Klein, one of the presenters at the RSP Topical Meeting, and co-author of *A Reasoned Approach: Reshaping Sex Offender Policy to Prevent Child Sexual Abuse*, believes that these laws are "not the methodologies that we need to put into place to keep sex offenders from reoffending. In fact, we're seeing collateral consequences from this kind of legislation, from this kind of policy" (Klein & Tabachnick, 2011, p. 8).

Below is a chart from *A Reasoned Approach* explaining several key pieces of legislation and their intended purposes.

Type of Legislation	Description	Intended Purpose
Civil Commitment	Legislation that provides a legal mechanism for the confinement of adult sexual offenders in secure treatment facilities after their sentences are completed and when a court determines that they are "sexually violent predators," i.e. likely to engage in future acts of sexual violence.	To provide a safeguard to communities by incapacitating a high-risk subgroup of sex offenders.
Mandatory Minimum Sentencing	Policy that mandates that people convicted of certain crimes must be punished with at least a prescribed number of years in prison. Judges do not have discretion to determine a sentence, and sentencing cannot take into account any mitigating factors.	To ensure that people who are convicted of certain sex offenses are punished uniformly and adequately.
Sex Offender Registration	A system that requires people convicted of sex offenses who are returning to communities post-incarceration to register their whereabouts, and in many cases check in regularly with law enforcement.	To provide law enforcement with a tool to track sex offenders. Can aid in the swift location of individuals if they come under suspicion for a new offense.
Public Registration (aka Community/Public Notification)	A process by which the public broadly and/or a specific community is notified either passively (e.g., information is made available via the Internet) or actively (e.g., information is made available through notices in the newspaper or delivered to homes in a community) about the proximity and presence (i.e., residence, job, or school location/s) of a sex offender.	To encourage community members to keep themselves and others safe from sexual abuse by knowing that a person previously convicted of a sex offense is in the vicinity of their homes.
Residence Restrictions	State law or local ordinance that restricts where sex offenders can live. Examples include 500 to 2,500 feet from places where children/minors might congregate, such as schools, playgrounds, day cares, parks, and recreation centers.	To prevent sexual recidivism by keeping sex offenders away from children; to reduce the number of sex offenders in a particular community (Lester, 2009).
Electronic Monitoring and Global Positioning System (GPS) Tracking	The application of technological devices to track the movements of someone previously convicted of a sex offense who has returned to the community.	To give parole agents and/or law enforcement a computerized record of a sex offender's movements and to alert them to movement to a prohibited location.

Civil Commitment

Its intended purpose is to get violent sex offenders off the street and into treatment, but in reality it is potentially subjective, biased, and can be extremely expensive. It can also give the community a false sense of security, because they believe the most violent offenders are off the street, when in reality very few individuals who commit sex offenses are placed in civil commitment.

Mandatory Minimum Sentencing

Mandatory minimums aim to streamline the process of sentencing to make sure that those who commit sex offences are punished uniformly. But as with other forms of mandatory sentences, there's a very real possibility that the punishment won't fit the crime. Because of the broad definition of sex offenses, public urination could get the same sentence as gang rape. Minimum sentencing can also have a chilling effect on reporting. If a victim knows their state has a mandatory minimum sentence for sex crimes, he or she may not report the crime; many may not want the perpetrator to go to jail, they just want the

sexual abuse to stop. Mandatory minimums may also push prosecutors and victims to accept plea deals to lesser, nonsexual crimes like battery or go to trial, as the sentencing options limits the plea options.

Public Sex Offender Registration

As with civil commitment, registration tends to give many a false sense of security. An individual can go online and see all of the registered sex offenders in their area. What they don't know is that only around 3% of those who commit sex offenses are on the registry. The other 97% aren't reported to authorities, don't go to trial, or don't get convicted of a sex offense. Public registration, especially when tied to additional restrictions or surveillance, also places an enormous stigma upon those offenders, which creates obstacles to managing a stable re-entry into society. Survivors, especially those related to or living with the offender, often suffer consequences related to registration as well.

Residence Restrictions

Keeping sex offenders away from areas frequented by children seems like a sound policy. In actuality, residency restrictions often create ghettoized communities, commonly in rural areas or the edges of cities, and force offenders to live away from their families, workplaces, and services that could promote positive involvement in their communities and reintegration into society. "When stripped of a sense of connectedness to family and community support systems, offenders may be more likely to return to the harmful behaviors that these policies are attempting to deter (Klein, Tabachnick, 2011, p. 25)."

Electronic Monitoring and GPS

Although close monitoring of offender re-entering into society is crucial to their healthy reintegration into society, there is very little statistical data to support that GPS monitoring is effective (*CSOMB Recommendations, 2010*). Aside from being largely ineffective, electronic monitoring systems are also extremely expensive, depend on sometimes unreliable satellite coverage, reduces the ability of those monitoring to focus on the most dangerous of offenders, and does not prevent contact with potential victims within the approved zones.

While the intended purpose of these laws is to protect our communities, the broad application of them has unintended consequences which may actually make our communities less safe. "Research from the last decade has highlighted some of the unintended negative impacts these laws may be having on our ability to prevent sexual abuse before it is perpetrated and to prevent re-offense by individuals returning to communities (Klein & Tabachnick, 2011, p. 2)."

What do coalitions and local programs need?

Through our discussions at the RSP Topical Meeting, we identified several needs of coalitions and programs.

Programs need:

- Training on the realities of sex offenders and SOM to better equip them for needed advocacy with survivors
- Skills and information for discussing all justice options with survivors and helping survivors understand SOM and sex offender registration.
- Tools to build local partnerships with SOM professionals, including probation/parole and treatment providers

Coalitions need:

- Tools to build statewide partnerships with SOM professionals, including corrections, probation/parole, and SOM Boards.
- Assessment of advocates' knowledge, beliefs, and attitudes towards SOM so as to better design training and technical assistance
- Tools and strategies for educating the public, media, and policymakers
 - Tips and talking points that allow us to prioritize victim need even when it is a counter-intuitive position that seems “soft on sex offenders”
 - Guidance for discussions and data on the effects of SOM policies and laws on survivors and non-offending family members, particularly in cases of familial sexual violence
- Skills and information to discuss the differences and different approaches to adult and juvenile offenders.
- Increased knowledge of the Adam Walsh Act and federal requirements, as well as the nuances of state laws. The laws regarding sex offender management and registry are complex, and becoming more so.

How are coalitions involved in SOM efforts and conversations?

Coalitions are involved in statewide SOM, and in a variety of different ways. Here are a few examples of the myriad ways coalitions engage in SOM, as highlighted at the RSP's Topical Meeting.

The Colorado Coalition Against Sexual Assault (CCASA) is a key member of the state Sex Offender Management Board, which develops standards and guidelines for the assessment, evaluation, treatment, and behavioral monitoring of adult and juvenile sex offenders. Developing a standardized treatment program for sex offenders was a significant undertaking, and included looking at risk assessment, developing criteria for progress in treatment and creating an application and review for providers. The SOMB also conducts research on many aspects of sex offender management including recidivism rates, costs of SOM treatment, and how certain laws and pieces of legislation impact SOM. The board is made up of 25 community stakeholders representing therapists, department of corrections, defense attorneys, prosecutors, judges, law enforcement, victim advocate representatives, and more. Erin Jemison, executive director of CCASA, is currently the board chairperson and at the Topical Meeting discussed how invaluable it was to have the victim advocate representatives at the table.

The Washington Coalition of Sexual Assault Programs (WCSAP) entered the statewide work on SOM by surveying advocates on their knowledge level, views about SOM, and needs related to SOM. The coalition found that advocates felt they should be concerned and involved in SOM, yet had a lack of accurate information about SOM and felt unprepared to educate communities and survivors about the SOM system. With this understanding of advocates' knowledge, beliefs, and needs, WCSAP is better prepared to educate their member centers about SOM issues and create ways that centers and advocates can be involved in every aspect of SOM in their local communities and across the state.

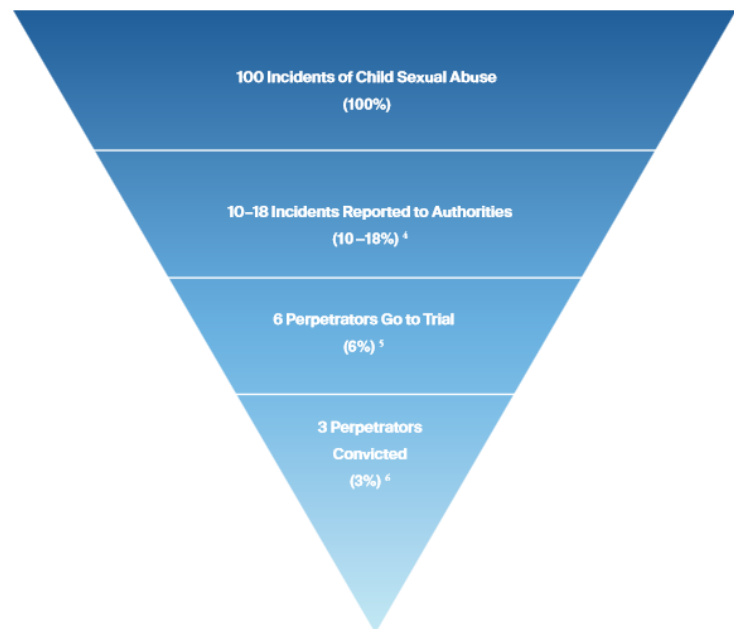
Connecticut Sexual Assault Crisis Services (CONNSACS) is part of an innovative program started 2007 to create Sex Offender Supervision & Management Units throughout the state. These units include probation officers, sex offender treatment providers, and victim advocates. At first, the units were tasked to come up with recommendations for notification procedures, but have expanded to oversee many aspects of SOM. The victim advocates' role in the unit is to provide support, information, and referral services to the victims, to participant in team decision-making, and to participate in the education of the community regarding sex offender management issues.

Survivor involvement—both directly and through their advocates in local programs and state/territorial coalitions—is an important aspect of holding a victim-centered approach to SOM. Survivor input must be sought and used to guide those providing sex offender supervision and treatment. With their broad reach across their states and territories, coalitions are well positioned to collect this information and be the voice for survivors and advocates in the realms of policy, procedure, and practice around SOM.

Major considerations and implications for the field

Where do we go from here? The coalitions at the Topical Meeting identified several issues and significant questions that affect local programs, coalitions, SOM professionals, and state/territorial and federal partners.

- There is still much we don't know about effective treatment and management, including solid data on recidivism of adult and juvenile offenders.
 - How can we stay current on trends and information in SOM and treatment, including understanding new research from a victim advocacy perspective?
 - How can we find and share accurate data on recidivism rates and treatment strategies? How would a better understanding of recidivism and treatment affect services for survivors and the justice system?
- We are inundated with false or misleading information and myths about sex offenders and SOM; policymakers, advocates, and coalitions are not immune from making decisions or reactions based on inaccurate information. One significant issue here is the gross misperception of numbers of registered sex offenders. The public—and many policymakers—often believe that most sex offenders are registered. From this perception, it's easy to jump to thinking we need stronger restrictions related to the registry. However, the vast majority of sex offenders are never reported, convicted, or registered. The focus on sex offender registration, therefore, gives a false sense of security. Moreover, it takes attention and efforts away from work that could increase reporting and prosecution.
 - How can we change the tide of false information and myths to engage our communities in real efforts to manage sex offenders and build safer communities?
 - With this knowledge, how can coalitions and advocates promote a more reasoned approach to SOM?
 - What do victim advocates know or believe about sex offenders and SOM? How does that inform our work?



- Advocacy is both emotionally fulfilling and taxing. Advocates see many survivors denied justice. We need to be honest about our emotional investment in and reactions to conversations about SOM.
 - How can we stay balanced in promoting SOM strategies that are just, victim-centered, *and* humane to sex offenders?
- So much sexual violence happens within families. Often, SOM and registration have adverse effects on survivors. For example, imagine a case where sexual abuse is perpetrated between siblings. The offender is adjudicated and registered, and lives in a state where registered sex offenders are required to put a sign on the house indicating their status. Now, the offender *and* victim suffer the consequences of living behind that sign.
 - What policies and practices would protect survivors in cases of familial sexual violence?
 - How can advocates support families when one member is a registered sex offender and another a victim of that sex offender?
- Juvenile sex offenders are developmentally different from adults, and therefore must be managed differently. However, juveniles are increasingly subjected to the same standards of registration and management as adults.
 - When does adulthood begin? At what age do we start treating juveniles as adults?
 - How young is too young? There are children as young as 10 years old on the registry in some states. For what limits, if any, should we advocate?

These laws and practices discussed at the RSP Topical Meeting are helpful conversation prompts for initial discussions with coalitions, advocates, and other community partners invested in promoting victim safety through SOM. One simple way to start conversations among the coalition staff, with member programs, or with other state/territory partners, is to go through each of the areas of policy described in this brief and discuss:

- What are our state/territory laws and practices? How well do we understand them?
- What are the pros and cons of those laws and practices, for survivors, the public, and offenders?
- Is the law working as intended? What unintended consequences have we seen?
- Is this law/policy victim-centered and humane towards offenders? How could it be more so?

Just, victim-centered, and humane SOM is possible, but it takes the commitment of SOM professionals and treatment providers, the justice system, policymakers, local programs and coalitions.

References

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