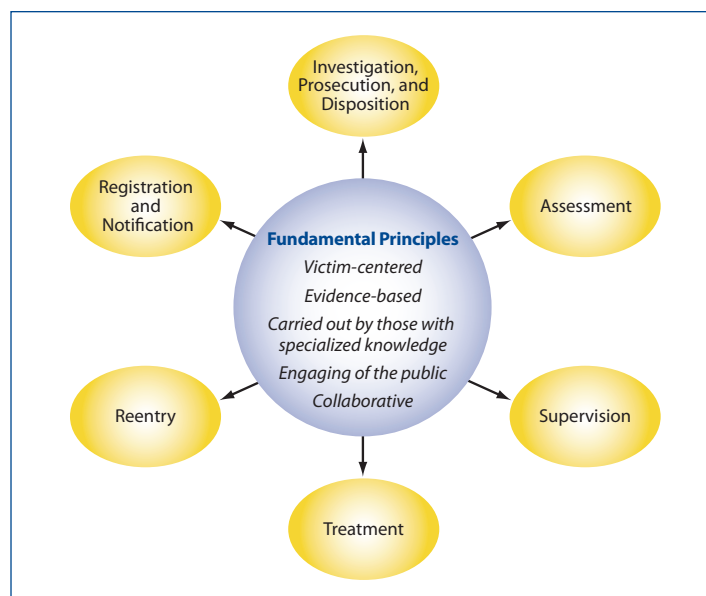


# The Comprehensive Approach to Sex Offender Management

## What can be done to create an effective system for managing adult and juvenile sex offenders?

**Employ a deliberate, strategic model.** The Comprehensive Approach to Sex Offender Management is an integrated framework for managing and reducing recidivism risk strategically and collaboratively. Policymakers and practitioners are striving to advance this model at the state and local levels in communities throughout the country.



**Adopt a values-driven strategy.** The Comprehensive Approach is built on a set of fundamental principles to guide decisions at both the policy and practice levels. These principles indicate that sex offender management should be:

- **Victim-centered.** When developing and implementing strategies to address sex offenders, policymakers and practitioners must always take into account the safety, interests, and needs of victims. Victim advocates play a key role by supporting victims and their families at all stages of the process, and are pivotal in helping other stakeholders adopt a victim-centered philosophy systemwide.<sup>12</sup>
- **Evidence-based.** A large body of “what works” research shows that recidivism can be reduced if evidence-based principles and practices are implemented effectively.<sup>13</sup> Policymakers and practitioners alike should rely on this literature to inform sex offender management efforts, support additional research on sex offender-specific strategies for which evidence is limited, and evaluate the effectiveness and impact of the strategies in their jurisdictions.
- **Carried out by those with specialized knowledge.** This is a specialized field that continues to evolve. Specialized knowledge ensures that laws and policies are well-informed. Specialized training and ongoing professional development equip practitioners with the knowledge and skills needed to manage these cases effectively.
- **Engaging of the public.** Citizens play important roles in shaping the laws and policies that define a given jurisdiction’s sex offender management system and in contributing to sexual abuse prevention efforts. The public should be viewed as a key stakeholder, provided with accurate information, and informed about the steps they can take to support effective management and prevention efforts in their communities.
- **Collaborative.** Preventing sexual victimization and enhancing public safety cannot be accomplished by any individual or entity alone. Stakeholders within and across disciplines must build meaningful partnerships at policy and practice levels, create a shared community safety vision, and ensure that their resources and approaches are strategically aligned.

**Involve a wide range of disciplines and agencies.** Because adult and juvenile sex offender management cross a continuum of justice system processes, a systemwide response requires engaging:

- law enforcement;
- victim advocacy;
- judiciary, prosecution, and defense;
- clinical professions;
- health, human, and social services;
- institutional and community corrections;
- releasing authorities; and
- community supervision.

**Integrate key management activities into a seamless and cohesive model.** The Comprehensive Approach recognizes the interrelatedness of multiple system components and the importance of adopting research-supported and promising strategies in the areas of:

- **Investigation, prosecution, and disposition:** Sound policies and practices at these early phases in the process set the stage for successful risk management and risk reduction efforts, and include investigations that are conducted by specially trained and highly skilled officials, charging decisions that reflect the nature and seriousness of the allegations, and individualized disposition and sentencing decisions that are informed by assessed level of risk.
- **Assessment:** Given the diversity of individuals who commit sex offenses, assessments provide the necessary foundation for case management decisions systemwide, including sentencing, institutional management and release, treatment, and community supervision. Key elements of sound assessment processes include the use of specialized, research-supported tools, multiple sources of data, and ongoing assessments to identify changes in risk, gauge treatment progress, and adjust strategies accordingly.
- **Supervision:** Hallmarks of effective supervision approaches include specialized interviewing skills, assessment-driven case management decisions, individualized conditions, quality contacts that promote accountability and long-term change, timely and proportional responses to noncompliance, and collaboration with other professionals to enhance accountability, victim protection, offender success, and public safety.
- **Treatment:** Sex offender-specific treatment helps individuals develop the skills needed to prevent them from engaging in sexually abusive behavior and to lead successful, nonabusive lives. Necessary elements include research-supported models and intervention targets, programs of varied intensity and dose matched appropriately to individuals' levels of risk and intervention needs, assessment-driven treatment planning, and quality assurance mechanisms.
- **Reentry:** Because most sex offenders in facilities are eventually released, proactive steps are needed to promote successful community reintegration well before release. Examples include providing risk-reducing programming, ensuring continuity of services post-release, identifying suitable housing, and fostering positive community supports. Reentry efforts must take into account the specific risk factors for sex offenders and the unique barriers that make reentry particularly challenging.
- **Registration and notification:** These laws are largely designed to provide law enforcement and other officials with a mechanism to track sex offenders within and across jurisdictions and to support prevention by providing the public with information about sex offenders in their communities. Like the other components of the Comprehensive Approach, policies and practices should take into account the diversity of adult and juvenile sex offenders, and be guided by research about effectiveness and impact.

Visit [www.csom.org](http://www.csom.org) for a list of jurisdictions that have adopted the Comprehensive Approach as their sex offender management model and for further information on its elements and implementation.

# Preventing Sexual Violence

One day, a fisherman was fishing from a river bank when he saw someone being swept downstream, struggling to keep their head above water. The fisherman jumped in, grabbed the person, and helped them to shore. The survivor thanked the fisherman and left, and the hero dried himself off and continued fishing. Soon he heard another cry for help and saw someone else being swept downstream. He immediately jumped into the river again and saved that person as well. This scenario continued all afternoon. As soon as the fisherman returned to fishing, he would hear another cry for help and would wade in to rescue another wet and drowning person. Finally, the fisherman said to himself, "I can't go on like this. I'd better go upstream and find out what is happening."

*CDC, Beginning the Dialogue, 2004*

## What can be done to prevent sexual violence?

Although sexual violence has permeated the fabric of society for centuries, to date, efforts to reduce sexual victimization and perpetration have been primarily focused "downstream" – managing and reducing the risk posed by sex offenders after someone has been sexually abused. While laudable and important, these efforts are only one part of the solution to ending sexual violence.

National and international experts have advanced a variety of theoretical models that seek to explain the root causes of sexual violence and focus attention on prevention and intervention strategies. Common among these models is a deep understanding for the complex nature of sexual violence and the attendant need for a multi-faceted strategy to prevent future victimization. Sexual violence can and will be prevented when the range of conditions that support it are addressed directly. These conditions include:

- Lack of understanding about unhealthy sexual behavior and relationships;
- Attitudes and norms supportive of sexual violence;
- Lack of effective management of sexually abusive behavior; and
- Silence and secrecy.

The use of research-supported strategies from the fields of public health and violence prevention should serve as the foundation of this fundamentally important work. Similar efforts to address widespread social and behavioral problems, such as reducing the incidence of cigarette smoking, traffic fatalities resulting from a failure to use safety restraints, the spread of infectious diseases, and various violence reduction efforts, have demonstrated the efficacy of these models. Effective prevention strategies should be paired with evidence-based approaches to sex offender management. Taken together, these approaches hold considerable promise in combating sexual violence. Such a holistic approach would employ the following:

### Strategies to address lack of understanding about unhealthy sexual behavior and relationships

- Educate young children about healthy sexual behaviors, respect of sexual boundaries, and healthy, age-appropriate relationships.
- Educate older children about healthy social and emotional development, relationships, and choices, and inappropriate, coercive, abusive, and illegal sexual behaviors.

- Assist schools and other youth-serving organizations to strengthen policies and procedures designed to protect children from sexual abuse.
- Educate parents and professionals who work with children/youth about social and sexual development; how to reinforce in an ongoing way healthy sexual behaviors and respect of sexual boundaries; and how to recognize and respond to potential sexual behavior problems.
- Educate community members about how to recognize problematic or concerning sexual behaviors.
- Develop skills among community members to intervene appropriately when problematic or concerning sexual behaviors are identified.
- Evaluate programs designed to increase awareness and promote healthy, safe, consensual, and age-appropriate sexual behavior.

### **Strategies to address attitudes and norms supportive of sexual violence**

- Support and expand public awareness campaigns about the scope and causes of sexual violence.
- Establish and promote a set of guiding principles reflecting a lack of tolerance for materials, messages, and behaviors that support sexual violence.
- Support and establish programs that address bystander intervention.
- Engage stakeholders in every community to support violence prevention initiatives.
- Engage the media in a strategic, proactive effort to promote healthy sexual behavior.

### **Strategies to address lack of effective management of sexually abusive behavior**

- Expand research initiatives designed to understand and interrupt the pathways to sexually violent behavior.
- Support interventions specifically targeted to interrupt pathways to sexually violent behavior.
- Engage stakeholders in every community to implement the Comprehensive Approach to Sex Offender Management.
- Provide funding support for strategies demonstrated through research to decrease reoffense among known sex offenders.

### **Strategies to address silence and secrecy**

- Support strategies that counter the normalization of sexual violence.
- Provide safe and anonymous local resources to support victims of sexual violence and their families.
- Provide safe and anonymous local resources for perpetrators of sexual violence who voluntarily seek assistance to end their abusive behaviors.

## **WHAT YOU CAN DO**

- ✓ Identify and partner with local rape crisis centers and state sexual assault coalitions, researchers, academics, policymakers, service providers, and others to determine how best to expand prevention efforts in your community.
- ✓ Support research to determine the most efficacious prevention strategies.
- ✓ Effectively address the management of known sex offenders in your community by supporting the adoption of the Comprehensive Approach to Sex Offender Management model.
- ✓ Recognize that while sex offender management efforts are essential to stopping sexual violence, strategies to encourage interventions before harm occurs are crucial for protecting children and other vulnerable populations.

## What does the public say about sex offenders and management strategies?

Public policy is, at least in part, driven by citizens' views about a particular topic. With this in mind, and with funding support from the U.S. Department of Justice's Bureau of Justice Assistance, the Center for Sex Offender Management (CSOM) conducted a national public opinion survey in February 2010 to better understand the public's level of knowledge about sex offenders and their views about strategies to manage this population.<sup>i</sup>

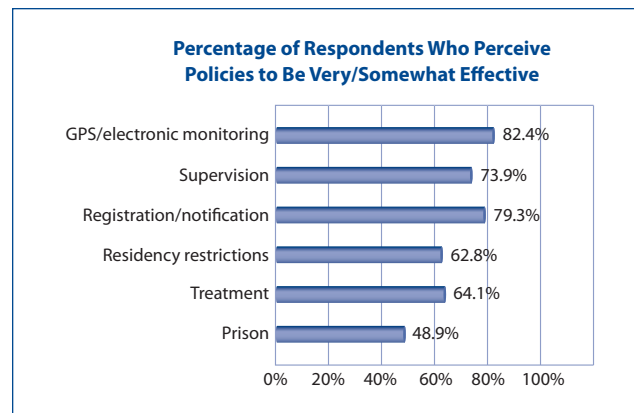
### KEY FINDINGS:<sup>ii</sup>

#### The public overestimates the rate at which adult and juvenile sex offenders reoffend.

- 91% of the respondents provided estimates of adult sex offender recidivism above 25%. As a frame of reference, observed recidivism rates of 15–25% are commonly noted in the research.<sup>52</sup>
- 33% of the respondents estimated that more than 75% of adult sex offenders will commit new sex crimes in the future.
- 66% estimated recidivism rates for juvenile sex offenders to be greater than 25%. This far exceeds the 5–15% figures commonly cited by researchers.<sup>53</sup>

#### Citizens believe that common strategies to monitor and track sex offenders in the community are effective in reducing recidivism.

- 82% of the respondents perceived GPS/electronic monitoring as effective, although studies do not show systematic reductions in sex offenders' recidivism.<sup>54</sup>
- 79% viewed sex offender registration and notification as effective, yet the research findings are inconclusive.<sup>55</sup>
- 74% indicated a belief that supervision effectively reduces recidivism. Research shows that effectiveness varies; approaches that are primarily monitoring- and sanctions-focused tend not to reduce recidivism.<sup>56</sup>



#### Many have confidence in sex offender treatment, and most are willing to support it, if research shows its effectiveness.

- 64% of the respondents believed that sex offender treatment effectively reduces recidivism.
- 74% indicated that they would support treatment if studies demonstrate it prevents reoffending. Current research shows that sex offender treatment is linked to significant recidivism reductions.

<sup>i</sup>Zogby International was commissioned to conduct a telephone survey of likely voters. The sample size was 1,005, with approximately 50 questions asked per respondent. Samples were drawn randomly from a national listed sample. Zogby employs sampling strategies in which selection probabilities are proportional to population size within area codes and exchanges. Industry-standard sampling strategies and analysis methodologies were employed. The margin of error is +/-3.2 percentage points.

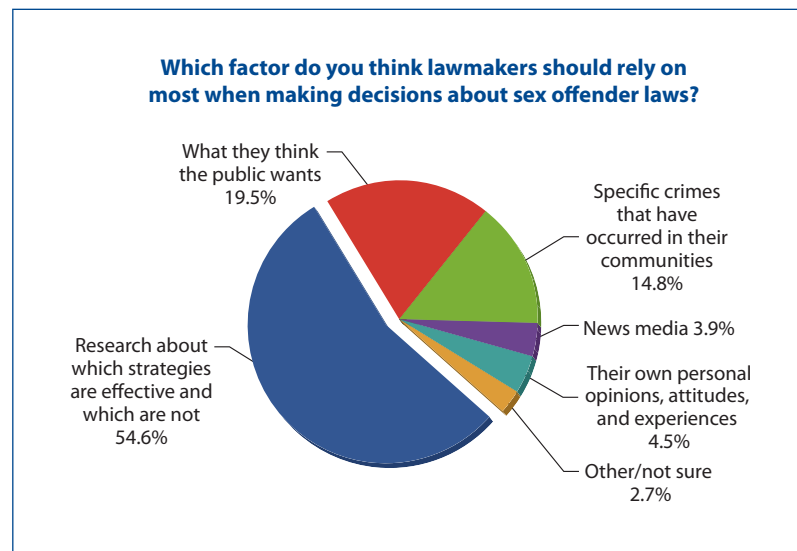
<sup>ii</sup>A full report summarizing the survey findings can be accessed at [www.csom.org](http://www.csom.org).

### Community members are split in their support for strict sanctions.

- Roughly 50% of survey respondents believed that prison is not effective in decreasing recidivism, which is consistent with the research. Yet 43% also indicated that if research shows alternatives to prison are more effective, this research would not affect their support for such alternatives.
- 63% believed that restricting sex offenders from living near schools, parks, or other places where children might gather decreases recidivism, yet current research does not indicate that this is true. More than half (56%) indicated that even if research shows that these restrictions lead to unintended consequences (e.g., making offenders harder to monitor, removing them from positive social supports), they still support such restrictions.
- Nearly half (47%) indicated that all sex offenders should be supervised intensively, even though research shows that intensive supervision is effective for higher risk, but not lower risk, sex offenders.

### Members of the public expect laws to be informed by the research about sex offenders.

- 55% indicated that research about “what works” should be the factor lawmakers rely upon most when making decisions about sex offender-specific laws. Only 17% believed that this is what lawmakers currently rely upon most.
- 60% of respondents believed that sex offender-specific laws should take into account the identified differences between adults and juveniles who commit these offenses.



### The public tends to receive more of their knowledge about sex offenders from the media than from any other source.

- 73% of the respondents indicated that the source from which they receive most of their knowledge about sex offenders is the news media, yet their responses indicated that they do not believe it should be a primary information source to guide lawmakers' decisions.
- Additional sources – albeit limited – were as follows: Internet searches (8%), sex offender registry (7%), professionals in the field (6%), community members (2%), and family members (1%).

### Citizens want more information about how to prevent sexual victimization in their communities.

- 83% of the respondents expressed a desire to have more information than they currently have about preventing sex offending in their communities.

## What is known about contemporary supervision and treatment practices for adult sex offenders?

When considering how to deploy resources to manage adult sex offenders, public officials are presented with many options – some of which are more promising than others. Specialized sex offender supervision, coupled with specialized treatment, are the most well-established and hold the greatest promise for increasing public safety.



**Specialization is key.** To address the unique dynamics and risk factors involved in sex offense cases, agencies nationwide have adopted specialized supervision models that include:<sup>14</sup>

- **Specialized risk assessments** to differentiate higher from lower risk sex offenders and to guide case management decisions;
- **Specialized officers** with advanced training, skills, and experience;
- **Specialized conditions** to promote accountability, minimize risk, and increase prosocial activities; and
- **Specialized partnerships** with law enforcement, victim advocates, treatment providers, and others to support their collective efforts.

**Popular technologies are supplementary tools, not stand-alone strategies.** Specialized technologies are increasingly common for supervising sex offenders, with many states using the following:<sup>15</sup>

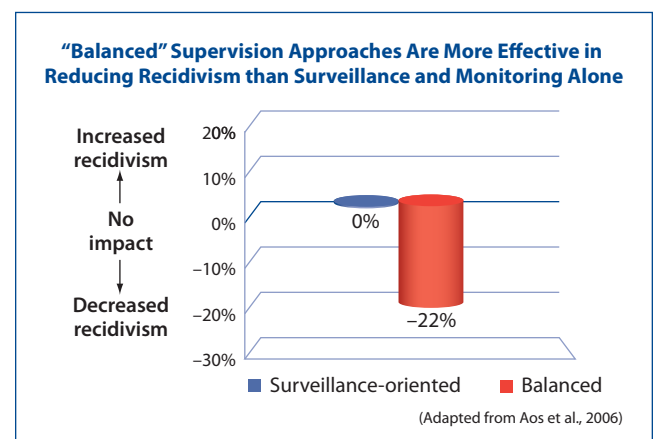
- **Electronic monitoring and GPS** to track sex offenders' whereabouts and to deter them from entering restricted zones or locations;
- **Computer content-restriction and monitoring software** to prevent or deter access to Internet websites, chat rooms, and social networking sites that may be related to increased risk for some – but not all – sex offenders; and
- **Post-conviction polygraph examinations** to encourage disclosures about offense patterns and sexual histories, gauge compliance with supervision or treatment expectations, and deter offenders from engaging in problem behaviors for fear of detection.

Although these technologies can offer additional accountability measures, risk management techniques, and information sources to augment sex offender management efforts, there are several caveats:<sup>16</sup>

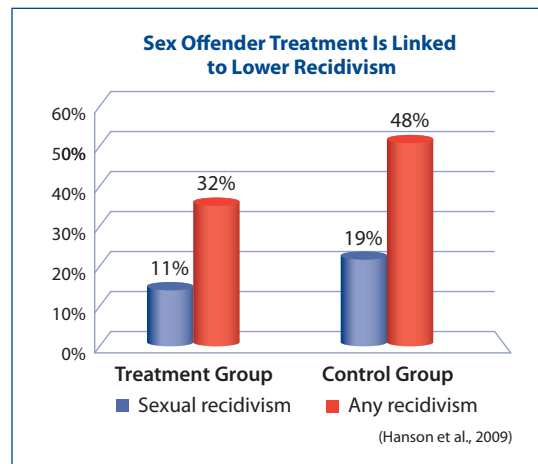
- **Empirical evidence is lacking** regarding the reliability of such tools, their effectiveness in reducing recidivism among sex offenders, and their impact on public safety overall;
- **The potential for misuse and overreliance exists** when professionals lack proper training, fail to appreciate the limitations of these technologies, and view them as failsafe or as "silver bullets;"
- **Equipment and operating costs are high**, chiefly for GPS monitoring, and these costs increase exponentially when required for all sex offenders – regardless of risk – and for extended supervision periods; and
- **Workload and manpower demands increase** in order to fulfill new agency mandates and to respond effectively to the information collected from these tools. This is exacerbated when mandates do not take into account sex offenders' varied levels of risk.

**Restricting, monitoring, and sanctioning are only part of the equation.** Risk management activities are important – but not sufficient – for supporting public safety efforts, as they tend to result only in short-term compliance, not long-term change. Research shows that a "balanced" supervision approach is more effective.<sup>17</sup> With this approach, in addition to "traditional" supervision activities, officers:

- **Assist offenders with learning new skills** through quality interactions and field contacts that increase internal motivation, decrease resistance, and model prosocial attitudes and behaviors;



- **Assess changeable risk factors routinely** and adjust case management plans accordingly. For sex offenders, examples of these risk factors include access to victims, sexual preoccupations, substance abuse, and relationship difficulties; and
- **Link offenders to risk-reducing programs and services**, such as housing and employment assistance, positive support networks, substance abuse interventions, and sex offender treatment.



**Investing in specialized treatment can yield significant public safety dividends.** Prison- and community-based sex offender-specific treatment is designed to assist individuals with developing the skills needed to prevent reoffending and lead successful, nonabusive lives. The value of sex offender treatment is shown through research.

- **Recidivism rates are 25–40% lower for sex offenders who receive specialized treatment than for those who do not.** This holds true for new arrests or convictions for sex crimes, other violent crimes, and nonviolent, nonsexual crimes.<sup>18</sup>
- **The tangible and intangible benefits far outweigh the costs.** Studies show that overall costs to the justice system, victims, and taxpayers are reduced substantially by the crime-reducing benefits of sex offender treatment programs.<sup>19</sup>

To be most effective, sex offender treatment must be:

- **Grounded in the “right” model.** The cognitive-behavioral model, designed to change unhealthy thoughts and enhance prosocial skills, is evidence-based.<sup>20</sup>
- **Focused on the “right” issues.** Changeable factors linked to recidivism – such as deviant sexual interests, intimacy deficits, antisocial attitudes, and lifestyle instability – must be prioritized.<sup>21</sup>
- **Provided in the “right” amount to the “right” offenders.** Not all sex offenders benefit equally from the same level and type of treatment. Higher risk, higher need offenders require a greater dose than lower risk, lower need offenders.<sup>22</sup>
- **Delivered in the “right” manner by the “right” providers.** Treatment outcomes are affected by the skills and styles of providers. Appropriate training and experience, clinical supervision, and quality assurance mechanisms are essential.<sup>23</sup>

**One size does not fit all.** Adult sex offenders vary in many ways, including their risk to reoffend and the interventions that are needed to manage and reduce their risk. Research shows that supervision and treatment are most effective when these differences are taken into account.<sup>24</sup> Policies that support assessment-driven practices – whereby more intensive interventions are reserved for higher risk, higher need sex offenders – can maximize resources and public safety.

## WHAT YOU CAN DO

- ✓ Craft laws that support risk- and need-based supervision and monitoring strategies.
- ✓ Provide support for prison- and community-based sex offender treatment programs.
- ✓ Create expectations for agencies to employ research-supported supervision and treatment strategies and to evaluate their outcomes.
- ✓ Charge a multi-disciplinary policy team with establishing “best practice” guidelines for sex offender management.

# Juveniles Who Commit Sex Offenses

## What should be considered when developing policies specific to juveniles?

Persons under age 18 are responsible for about 20% of arrests nationwide for sex offenses.<sup>25</sup> Initial approaches for developing policies for this population were based on the belief that juveniles who commit sex offenses are essentially the same as adult sex offenders. A growing body of literature challenges this assumption and has implications for guiding current policy and practice decisions.

**Juveniles who commit sex offenses are not simply younger versions of adult sex offenders.** Although their crimes may be similar, juvenile sex offenders differ from adult sex offenders in several important ways, including having lower rates of sexual recidivism.<sup>26</sup> As adolescents, their cognitive, emotional, social, moral, and sexual development tends to be in flux – which can impact their level of sophistication, motivations, and competency. Juveniles are less likely to have fixed sexually deviant interests and entrenched antisocial attitudes, which tends to make them more amenable to treatment.<sup>27</sup> Studies show that juvenile sex offenders are more like other delinquent youth than adult sex offenders.

**Observed sexual recidivism rates are very low.** Follow-up studies of juvenile sex offenders reveal that sexual recidivism rates often range from 5–15%,<sup>28</sup> generally falling at the lower end of that range. Research also indicates that juvenile sex offenders are unlikely to continue offending sexually into adulthood.<sup>29</sup> They are more prone to recidivate with nonsexual crimes, at a rate that is similar to other delinquent youth.<sup>30</sup>

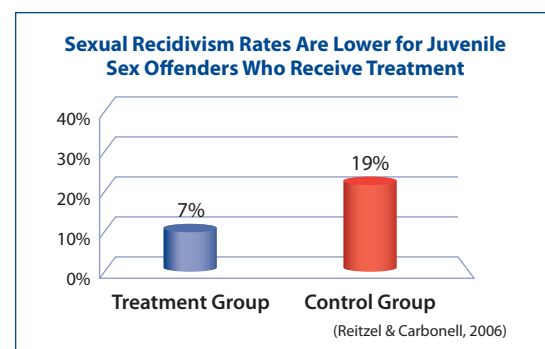
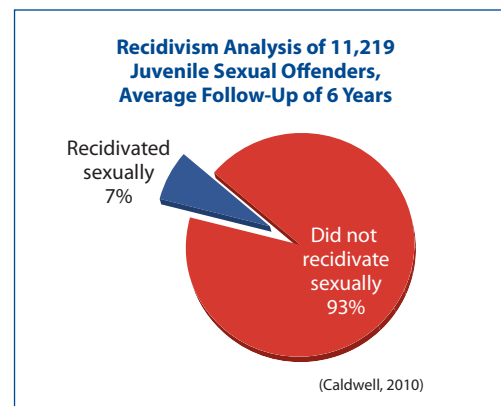
**Interventions are needed along a continuum of care.** Juvenile sex offenders can differ from one another in many ways. Variations include the nature and extent of their problem sexual behaviors, family circumstances, developmental experiences, peer and social adjustment, maturity and cognitive functioning, mental health, and histories of delinquency or aggression. Because these variations can affect their level of risk and intervention needs, a range of services should be in place, from community-based options to residential or correctional placements.

**The over-placement of juvenile sex offenders in residential and correctional facilities may increase – rather than decrease – their risk to reoffend.** Although such placements are necessary for some juvenile sex offenders, namely those with higher risk and intervention needs, juvenile sex offenders as a group are disproportionately placed in public and private facilities nationwide.<sup>31</sup> This likely results from a combination of factors, such as faulty assumptions about their risk, limited community-based treatment capacity, and few housing alternatives for juveniles who victimize children within the family.

- Research does not indicate that such placements are more effective than less restrictive settings in reducing recidivism among juvenile sex offenders.<sup>32</sup>
- Studies show that when delinquent youth are placed together in facilities for intervention, negative peer influences are linked to increased recidivism, particularly when lower risk youth are mixed with higher risk youth.<sup>33</sup>

**Managing juvenile sex offenders in the community is a viable and cost-effective option.** Cost-benefit analyses of various juvenile justice interventions show that community-based options are more effective in reducing recidivism and much less costly than residential or institutional programs.<sup>34</sup> The already low recidivism rates and demonstrated effectiveness of community-based treatment options suggest that many juvenile sex offenders can be effectively managed in the community. Experts commonly recommend a combination of supervision and treatment.

**Treatment for juvenile sex offenders is linked to lower rates of sexual and nonsexual recidivism.** Evidence-based models from the broader juvenile justice field have been adapted for use with juvenile sex offenders and their families, and studies show positive outcomes.<sup>35</sup> These treatment models include:



- **Cognitive-behavioral treatment**, which helps individuals change unhealthy thinking patterns and learn new skills to enhance problem-solving, communication, emotional management, and relationships; and
- **Multi-systemic, community-based interventions**, which seek to improve functioning across the multiple domains linked to delinquency, such as peer relationships, parenting and family issues, school functioning, and community influences.

**Supervision strategies for juvenile sex offenders should complement risk-reduction efforts.** Studies show that intensive supervision and punishment are ineffective in reducing recidivism among delinquent youth, whereas balanced approaches that combine supervision and treatment services are more effective.<sup>36</sup> To that end, contemporary trends for supervising sexually abusive youth are characterized by the following:<sup>37</sup>

- **Caseload specialization**, in which specially trained juvenile officers work closely with these youth and their families;
- **Specialized conditions** designed to increase prosocial activities while minimizing potential risk factors in the home, at school, and in extracurricular and community settings;
- **Multi-agency partnerships** with treatment providers, family therapists, school officials, victim advocates, and child welfare professionals to make collaborative case management decisions; and
- **Networks of “informed supervisors and supports,”** such as parents, caregivers, school personnel, and mentors, who serve as positive models and who support safety.

**Specialized, juvenile-specific risk assessment tools should inform decision-making.** Research-supported risk assessment tools designed specifically for juvenile sex offenders are a key advancement in the field.<sup>38</sup> These tools have gained widespread acceptance for assisting juvenile court judges, supervision officers, case managers, treatment providers, and other professionals systemwide with:

- Determining the appropriate level of care and intensity of supervision;
- Identifying the most effective targets of intervention;
- Assessing changes in risk over time; and
- Gauging the impact of interventions.

**More research is needed about the impact of sex offender registration laws as applied to juveniles.** Current evidence, albeit very limited, does not show that juvenile registration increases public safety.<sup>39</sup> However, experts have identified potential collateral consequences – such as hesitance of family members to report instances of juvenile sex offending within the family, charge and plea decisions that eliminate the sexual nature of the crime, and stigma and social rejection that interrupt healthy development.<sup>40</sup> These may impact the system’s ability to identify and effectively respond to victims, juveniles, and their families. Lawmakers can tailor policies to minimize this potential by:

- Allowing judicial discretion regarding registration requirements, based on comprehensive assessment data;
- Maintaining juvenile registries within the juvenile courts;
- Restricting access to juvenile registration information to professionals on a need-to-know basis;
- Limiting the identifying information about juveniles that is posted on publicly accessible registries; and
- Creating mechanisms that allow for terminating registration requirements under prescribed conditions, such as successfully meeting supervision and treatment goals.

**Laws and policies about juvenile sex offenders should be guided by the same tenets that drive juvenile justice systems.**

Important differences between juveniles and adults are reflected in the separation of juvenile and adult justice systems. Efforts to address juvenile sex offenders should be rooted in the same philosophies, rather than being grounded in strategies used for adult sex offenders.<sup>41</sup> Indeed, in a recent national public opinion poll, citizens expressed support for sex offender management laws that recognize the differences between juveniles and adults who have committed these crimes.<sup>42</sup>

## WHAT YOU CAN DO

- ✓ Ensure that laws take into account the differences between juveniles and adults.
- ✓ Support policies that promote specialized, assessment-driven decisionmaking.
- ✓ Dedicate resources to increasing community-based treatment capacity for juveniles and their families.

# Facts Lawmakers Should Know about Adult and Juvenile Sex Offenders

**There is no “typical” sex offender.** The “sex offender” label implies that all individuals who commit sex offenses are alike, but research shows that they vary in many ways. Variations include basic demographics, the nature and extent of their sexual behavior problems, their development and functioning, intervention needs, and their risk to reoffend. These and other differences underscore the need to resist the tendency to craft “one size fits all” policies and practices.

**The pathways leading to sex offending are complex.** No single factor explains why individuals engage in sexually abusive behavior. Current theories and research indicate that it is a combination of interacting elements, such as individual characteristics, developmental experiences, situational factors, biological traits, and sociocultural influences.<sup>1</sup> Appreciating these complexities can better guide sex offender management strategies and broader sexual abuse prevention efforts.

**Being sexually abused does not cause sex offending.** A common misperception is that all persons who commit sex offenses have been sexually abused, and that victimization must, therefore, lead to offending. Studies show otherwise.<sup>2</sup> Sexually abusive experiences can affect individuals in various ways, but in and of itself, sexual abuse does not “cause” individuals to become sex offenders. Most people who have been sexually abused do not sexually abuse others.

**Not all sexual abusers of children are pedophiles.** The “pedophile” label is commonly misused to describe anyone who has sexually abused a child. In actuality, it refers to a much narrower group of individuals formally diagnosed with pedophilia – a disorder defined by the extended presence of intense, recurring sexual urges, fantasies, or behaviors involving sexual activity with prepubescent children. Many people whose sex crimes involve children do not meet the established criteria for pedophilia. Because deviant arousal and preferences are linked to a higher risk of reoffending, misuse of the term “pedophile” can send an inaccurate message about the risk posed by a given individual.

**Juveniles who commit sex offenses differ from adult sex offenders.** Research on juvenile sex offenders shows that they have very low recidivism rates, are highly amenable to interventions, and are more similar to other justice-involved youth than to adult sex offenders.<sup>3</sup> These findings – coupled with the fact that adolescence is a period of developmental fluidity – suggest that responses to juvenile sex offenders should be rooted in the tenets that drive the juvenile justice system, rather than mirroring strategies for adult sex offenders.

**Sexual recidivism rates for adult and juvenile sex offenders are lower than often believed.** A common myth is that all or most sex offenders will reoffend, but research indicates this is not the case. Recidivism rates vary based on a number of factors, reflecting the diversity of the population. Follow-up studies of adult sex offenders often show that, as a group, less than 25% are rearrested or reconvicted for new sex crimes.<sup>4</sup> Observed sexual recidivism rates for juvenile sex offenders as a group are much lower, often ranging from 5–15%.<sup>5</sup> It should be noted that these figures are underestimates, because sex crimes – like other crimes against persons – are underreported.

**A comprehensive, collaborative approach is needed to support successful outcomes for victims, offenders, and communities.** Working to ensure community safety calls for involvement from a wide range of disciplines and agencies, including – but not limited to – law enforcement, victim advocacy, the courts, evaluation and treatment, corrections, and community supervision. Ongoing collaboration among these key stakeholders at the policy and practice levels is important for establishing an integrated, seamless, and effective sex offender management system.<sup>6</sup>

**The combination of supervision and treatment is more effective than restrictions, surveillance, and sanctions alone.** Traditional supervision activities have a key role in supporting public safety efforts. However, studies show that better results are achieved through balanced approaches in which treatment interventions are also implemented.<sup>7</sup> Because specialized sex offender treatment – both for adults and juveniles – lowers recidivism,<sup>8</sup> it is an essential complement to supervision.

**Sex offender management strategies should be tailored to address the specific risk level and intervention needs of a given individual.** Research shows that staff time and agency resources should be prioritized for individuals assessed to be at higher risk for recidivism and to have greater intervention needs, rather than responding in a “one size fits all” manner.<sup>9</sup> Specialized sex offender-specific risk assessment tools for adults and juveniles can assist professionals systemwide in making more informed decisions that will maximize resources and outcomes.

**More research on sex offender-specific laws is needed to ensure that these strategies are in the best interest of public safety.** Many states have passed laws to implement mandatory minimum sentences, registration, community notification, residence restrictions, civil commitment, and the use of global positioning systems. Research on these laws is limited and the findings are mixed. Some studies reveal the potential for unintended consequences that may increase – rather than decrease – public safety.<sup>10</sup> More research is needed.

“People want a silver bullet that will protect their children, [but] there is no silver bullet. There is no simple cure to the very complex problem of sexual violence.”

*Patty Wetterling, 2007*

**Primary prevention is an essential part of the solution.** Sex offender management strategies contribute to public safety efforts by addressing people who have already engaged in sexually abusive behavior. These approaches should occur in tandem with primary prevention strategies, which are designed to stop sexual abuse from occurring in the first place. Sexual abuse can and will be prevented when the range of conditions that support and contribute to it are addressed directly – at individual, family, community, and broad societal levels.<sup>11</sup>

*For more information about the issues covered in this fact sheet, including promising strategies that have been implemented throughout the country, please visit [www.csom.org](http://www.csom.org).*

# Sex Offender-Specific Laws: A Quick Reference

## What is the status of sex offender-specific legislative trends?

Sex offender management ranks among the top public policy priorities in the United States.<sup>43</sup> In recent years, many sex offender-specific laws have been proposed and enacted nationwide as policymakers strive to prevent sexual victimization, hold sex offenders accountable, and enhance public safety.<sup>44</sup> New federal laws and guidelines, heightened media attention, and ongoing public concerns are a few of the factors that continue to make sex offender management a pressing legislative issue.

**The public expects sex offender management laws that not only “get tough,” but also “get results.”** Citizens support a wide range of sex offender management and other crime policies, but also desire strategies with proven effectiveness.<sup>45</sup> Recent national polls indicate that the public expects lawmakers and criminal justice system professionals to make policy decisions that are guided by research about what works – and what does not work – to increase public safety.<sup>46</sup>

**The impact and effectiveness of many sex offender-specific laws need to be studied further.** The public safety goals of laws such as mandatory minimum sentences, civil commitment, GPS monitoring, registration, community notification, and residence restrictions are well intended. Research about these laws is relatively limited, and findings are mixed (see table on reverse).<sup>47</sup>

- Some analyses identify potential benefits.
- Other studies reveal unintended collateral consequences that may paradoxically undermine public safety efforts.

**Maximizing public safety is contingent upon strategically crafted, well-informed policies.** Media attention in extreme but rare cases, such as abductions and sexual-murders, often leads to community outcry and places pressure on lawmakers to respond swiftly and decisively. Understandably, such circumstances are not ideal for crafting new laws strategically. Leading authorities agree that these laws should be developed proactively within the context of the “what works” research and a broader, comprehensive sex offender management system.<sup>48</sup>

**Public officials are taking proactive steps to advance sound sex offender management policies.** Recognizing that there are no panaceas, lawmakers are exploring ways to promote well-informed sex offender management policies.<sup>49</sup> Examples include engaging local and national experts in educational events designed specifically for policymakers, establishing multi-disciplinary, policy-level advisory groups to develop statewide guidelines, and commissioning cost-benefit analyses of existing laws.

## WHAT YOU CAN DO

- ✓ Convene educational forums for public officials about research-supported and promising sex offender management strategies.
- ✓ Commission systemwide reviews and cost-benefit analyses of existing policies.
- ✓ Evaluate pilot initiatives of new policies before considering large-scale implementation.
- ✓ Ensure that policies and resource deployment are aligned with contemporary research, including risk-based decision-making.
- ✓ Establish a multi-disciplinary sex offender management policy advisory group or board.
- ✓ Partner with key stakeholders and the media to enhance public education about sex offender management and prevention.

## SUMMARY OF KEY SEX OFFENDER-SPECIFIC LAWS

Policy Initiative	Explicit and Implicit Goals	Benefits Reported in Limited Studies and Policy Analyses <sup>50</sup>	Concerns Identified through Limited Studies and Policy Analyses <sup>51</sup>
<b>Registration</b>	<ul style="list-style-type: none"> <li>To provide an investigative and tracking mechanism for law enforcement</li> <li>To deter sex offenders and others</li> </ul>	<ul style="list-style-type: none"> <li>Increased consistency in registry data nationwide</li> <li>Increased capacity for information-sharing across law enforcement and other stakeholders</li> <li>Enhanced tracking within and across jurisdictions</li> <li>Perception by some citizens of reduced recidivism and increased public safety</li> </ul>	<ul style="list-style-type: none"> <li>Increased agency workload demands, particularly as laws become broader in terms of who is required to register and as longer periods of registration are required</li> <li>Monitoring efforts undermined and public confidence reduced because of inaccuracies in registry data</li> <li>Negative impact on juveniles and families when registry information is posted or otherwise publicly accessible</li> <li>No research evidence to indicate that recidivism is reduced or deterrence is increased systematically</li> </ul>
<b>Community Notification</b>	<ul style="list-style-type: none"> <li>To increase public awareness and heighten visibility of local sex offenders</li> <li>To empower citizens to take preventative measures</li> <li>To deter sex offenders and others</li> </ul>	<ul style="list-style-type: none"> <li>Increased visibility and public awareness of sex offenders</li> <li>Perception by some citizens of reduced recidivism and increased public safety</li> <li>Protective, preventative action taken by some citizens, including discussions with children about safety</li> </ul>	<ul style="list-style-type: none"> <li>Potential for false sense of security because laws imply that the greatest risk of victimization comes from strangers and that most sexually abusive individuals have been apprehended</li> <li>Risk of inadvertently exposing victims' identities, particularly in intrafamilial cases</li> <li>Possibility that oversaturation will result in public indifference or confusion about how to use or respond to this information</li> <li>Possibility that "scarlet letter" phenomenon will lead to risk-increasing effects such as employment and housing instability, disruption of positive social supports</li> <li>Potential for citizens to engage in harassment and vigilantism toward sex offenders</li> <li>No research evidence to indicate that recidivism is reduced or deterrence is increased systematically</li> </ul>
<b>Residence Restrictions</b>	<ul style="list-style-type: none"> <li>To prevent victimization by prohibiting sex offenders from living near "at-risk" locations</li> </ul>	<ul style="list-style-type: none"> <li>Perception by some citizens of reduced recidivism and increased public safety</li> <li>Sense of security or protection experienced by some members of the public and other stakeholders</li> </ul>	<ul style="list-style-type: none"> <li>Possibility of sex offenders being displaced from locations in which specialized risk-reducing services and risk management strategies were in place to outlying jurisdictions with less capacity to effectively manage offenders</li> <li>Potential for risk-increasing effects such as employment and housing instability, disruption of positive social supports</li> <li>Supervision and monitoring efforts potentially undermined when offenders become homeless or transient</li> <li>Employs a "one size fits all" approach and may undermine ability of specialized sex offender management professionals to make individualized decisions about suitability of residence</li> <li>Potential for false sense of security because laws imply that the greatest risk of victimization comes from strangers</li> <li>No research evidence to indicate that recidivism is reduced or deterrence is increased systematically</li> </ul>
<b>Mandatory Minimum Sentences</b>	<ul style="list-style-type: none"> <li>To provide strict penalties</li> <li>To reduce sentence disparities</li> <li>To incapacitate and deter sex offenders and others</li> </ul>	<ul style="list-style-type: none"> <li>Longer periods of incapacitation for sex offenders</li> <li>Strong message sent regarding intolerance for sexual victimization</li> <li>Retributive/punitive goals of sentencing are supported</li> <li>Perception by some citizens of reduced recidivism and increased public safety</li> </ul>	<ul style="list-style-type: none"> <li>Potential decrease in victim disclosures in family/acquaintance cases because of concerns about stringent legal consequences and impact on family</li> <li>Potential increase in plea bargaining that eliminates sexual nature of charge to avoid harsh penalties</li> <li>Possibility that high costs of long-term incarceration may divert limited resources from interventions that are known to be effective</li> <li>Exacerbated reentry barriers because of prolonged detachment from prosocial community supports and activities</li> <li>No research evidence to indicate that recidivism is reduced or deterrence is increased systematically</li> </ul>
<b>Civil Commitment</b>	<ul style="list-style-type: none"> <li>To incapacitate a narrow, presumably highest risk, class of sex offenders</li> <li>To provide treatment to reduce recidivism risk</li> </ul>	<ul style="list-style-type: none"> <li>Extended periods of incapacitation for high risk sex offenders</li> <li>Opportunities for intensive treatment that otherwise may not have been available</li> <li>Often requires demonstration of reduced risk prior to being granted release</li> </ul>	<ul style="list-style-type: none"> <li>High costs of long-term placement in commitment facilities compared to costs of incarceration and prison-based treatment</li> <li>Strains on system capacity because of few releases</li> <li>May divert mental health agencies' resources from clients with "traditional" psychiatric needs</li> <li>No research evidence to indicate that recidivism is reduced systematically</li> </ul>
<b>Mandatory GPS, Electronic Monitoring</b>	<ul style="list-style-type: none"> <li>To provide law enforcement and supervision officers with a tracking tool</li> <li>To deter sex offenders from entering at-risk locations</li> </ul>	<ul style="list-style-type: none"> <li>Increased tracking capabilities</li> <li>Perception by some citizens of reduced recidivism and increased public safety</li> <li>Can potentially rule in or rule out an offender's presence at a particular location in criminal investigations</li> </ul>	<ul style="list-style-type: none"> <li>High equipment and daily service costs</li> <li>Increased workload demands and resource challenges for law enforcement and probation/parole officers, particularly as laws become broader in terms of who is required to register and as longer periods of monitoring are required</li> <li>Potential false sense of security because these technologies fail to take into account that many sex offenders victimize familiar victims in "non-prohibited" locations</li> <li>Reliability factors such as service interruptions and equipment failures</li> <li>No research evidence to indicate that recidivism is reduced or deterrence is increased systematically</li> </ul>

The Center for Sex Offender Management (CSOM) is a national clearinghouse that provides information, training, and technical assistance to state and local policymakers and practitioners. CSOM's goal is to enhance public safety by preventing further victimization through improving the management of adult and juvenile sex offenders who are in the community.

The CSOM website, [www.csom.org](http://www.csom.org), provides policy papers, practitioner tools and professional training curricula, as well as informational resources for the public, at no cost. Links to other organizations with expertise in sex offender management, including resources and services for victims, are also provided.

## **Basic Facts About Sex Offenders and Sex Offender Management**

- The Comprehensive Approach to Sex Offender Management (2009)
- Fact Sheet: What You Need to Know About Sex Offenders (2008)
- Myths and Facts About Sex Offenders (2000)

## **Resources for Policymakers**

- Legislative Trends in Sex Offender Management (2008)
- Twenty Strategies for Advancing Sex Offender Management in Your Jurisdiction (2008)
- The Comprehensive Assessment Protocol: A Systemwide Review of Adult and Juvenile Sex Offender Management Strategies (2008)
- Enhancing the Management of Adult and Juvenile Sex Offenders: A Handbook for Policymakers and Practitioners (2007)

## **Assessment, Treatment, and Supervision**

- The Importance of Assessment in Sex Offender Management: An Overview of Key Principles and Practices (2007)
- Understanding Treatment for Adults and Juveniles Who Have Committed Sex Offenses (2006)
- Community Supervision of the Sex Offender: An Overview of Current and Promising Practices (2000)

## **Special Populations**

- Female Sex Offenders (2007)
- Understanding Juvenile Sexual Offending Behavior: Emerging Research, Treatment Approaches and Management Practices (1999)

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- <sup>51</sup> Ibid.
- <sup>52</sup> Hanson & Morton-Bourgon, 2005; Harris & Hanson, 2004.
- <sup>53</sup> Caldwell, 2010; Chaffin, 2008; Reitzel & Carbonell, 2006.
- <sup>54</sup> DeMichele et al., 2007, 2008; Padgett et al., 2006; Payne et al., 2008; Payne & DeMichele, 2008.
- <sup>55</sup> Adkins et al., 2000; Prescott & Rockoff, 2008; Vasquez et al., 2008.
- <sup>56</sup> See, e.g., Aos et al., 2006; Smith et al., 2002.