

A REASONED APPROACH:

RESHAPING SEX OFFENDER POLICY
TO PREVENT CHILD SEXUAL ABUSE

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A Reasoned Approach

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Executive Summary

It is only in the last 30 years that society has begun to fully recognize child sexual abuse as the devastating problem that it is, to portray the trauma of sexual abuse in the media, and to seek ways to prevent and eliminate sexual violence.

► It is only in the last 30 years that society has begun to fully recognize child sexual abuse as the devastating problem that it is, to portray the trauma of sexual abuse in the media, and to seek ways to prevent and eliminate sexual violence. As communities have begun to demand a response to sexual abuse, legislators have passed an increasing number of policies directed at the people who sexually abuse. In 2007 and 2008 alone, more than 1500 sex offender-related bills were proposed in state legislatures and over 275 new laws were enacted.

Nearly all of these laws and policies follow two key trends: 1) they increase the length of sex offender incarceration and 2) they monitor, track, and restrict individuals convicted of sexual offenses upon their return to communities.

While the intent of these laws is to protect communities from those who abuse, to improve responses

to allegations of abuse, and to prevent child sexual abuse, the broad application of these laws has unintended consequences which may make our children and 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:

■ Since those who abuse are often portrayed publicly as “monsters,” people may be less likely to recognize the warning signs of sexual behavior problems in siblings, parents, children, cousins, or others to whom they are close because they do not see them as “monsters.”

■ Someone who suspects abuse within the family may be less likely to seek resources and assistance, fearing that it will result in the public exposure and humiliation of everyone involved, including the victim.

■ When a convicted abuser returns to a community, current sex offender management policy may cause the offender to face housing, employment, and financial instability, as well as social isolation and despair – all risk factors for re-offense. The resulting instability may also reduce the ability of law enforcement and probation and parole systems to supervise the offender and ensure that s/he has access to the specialized treatment and services necessary for full accountability.

In creating a legislative policy environment that may inhibit the willingness of individuals, families, and communities to face, prevent, and respond to child sexual abuse, our society does a disservice to its children. If no hopeful, rehabilitative solutions are available and made publicly known, people who witness signs of risk for victimization and/or perpetration may be less motivated to take the steps necessary to prevent child sexual abuse, intervene in situations of risk, and come forward when a child is sexually abused. Experts agree that a criminal justice response alone cannot prevent sexual abuse or keep communities safe. Yet, tougher sentencing and increased monitoring of sex offenders are fully funded in many states, while victim

services and prevention programs are woefully underfunded. Furthermore, with the majority of child sexual abuse unreported (report rates are as low as 12 percent), laws and policies are unable to ensure accountability for those who abuse or to address the needs of victims. Even with these concerns there is reason for hope.

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there is reason for hope.*

Emerging research about people who sexually abuse has begun to inform new policies. Innovative state-based policies, and policies and programs within organizations and communities, are taking a comprehensive approach toward safety by focusing on the prevention of the perpetration of child sexual abuse, encouraging a range of options for holding abusers accountable, and offering incentives for abusers and families to reach out for help. And new collaborative models encourage cross-disciplinary professional partners to work together to craft new policies that prevent abuse before it is perpetrated and re-offense.

Many of these community-based and organizational policies and programs have been evaluated as effective approaches that offer holistic and hopeful responses to child sexual abuse for families and communities. Key to the success of these policies and programs is their recognition of the diversity of those who sexually abuse and the implementation of different tools and responses that address the needs of different individuals (e.g., responses to children and adolescents differ from responses to adults). Also central to these successful approaches are the use of emerging research about risk and protective factors in the development of primary prevention programs and the employment of actuarial risk assessment instruments in making treatment and management decisions for adult offenders. The involvement of community members and of people directly affected by child sexual abuse in ensuring that policies and programs address the unique cultural, ethnic, spiritual, and other perspectives of each community is also key to success.

Thirty years of remarkable social changes have gone a long way toward breaking down the barriers that have kept the topic of child sexual abuse out of the public domain. However, now, with a growing body of research and evaluative information of existing

public policies available to us, we have an opportunity to continue to make positive change toward the prevention of child sexual abuse before it is perpetrated and to prevent its re-offense. The success of emergent community and organizational policies and programs can guide us in making this report's recommendations. Among those recommendations are the following:

I. Design and implement evidence-informed policy:

Today, there is a growing body of research that examines factors that may increase or decrease offenders' likelihood for re-offense, assesses the effectiveness of existing policies, suggests which risk and protective factors can be incorporated into prevention programming, and delineates how to motivate the prevention of, and intervention in, situations of child sexual abuse. Policies will be most effective when they are informed by this growing body of research.

2. Develop successful community policies that expand the notion of what constitutes abuser accountability; encourage community responsibility and healing; and provide safety, restitution, healing, and avenues for input for victims: To create sustainable change that can stop the cycle of abuse within communities and families, the people affected by

child sexual abuse must have a hand in designing the policies that will affect them. When communities hold offenders accountable in thoughtful ways that prevent re-offense, they increase the likelihood that others will get the help they need before they perpetrate sexual abuse.

3. Integrate what is known about perpetration into prevention programs, victim services, and public education: By incorporating perpetration prevention efforts into their work, organizations and communities can shift societal understanding about those who abuse and make it more possible for individuals, families, and communities to address and prevent situations of risk for child sexual abuse.

Society is at a unique point in time. With the recommendations outlined in this paper, society can create a new wave of legislative, community, and organizational policies that can effectively prevent re-offense and engage individuals, families, and communities in primary prevention. ■

Introduction

When will our consciences grow so tender that we will act to prevent human misery rather than avenge it?

Eleanor Roosevelt, "My Day," February 16, 1946

► Child sexual abuse is an intimate and complicated form of harm. The anger that victims, victims' families, and their communities are likely to feel in response to child sexual abuse is deep and understandable. It is only in the last few decades that society has begun to recognize it as a significant problem, to portray the trauma of sexual abuse in the media, and to seek ways to prevent and eliminate sexual violence. Despite the centuries of silence and denial that have surrounded the sexual abuse of children, the attention of the last 30 years has begun to change the ways in which victims can access help, family and community members can intervene before a child is harmed, and society can work toward solutions to the problem of child sexual abuse.

In an attempt to decrease the harm caused by people who sexually abuse,¹

in the last several years, legislators have introduced increasing numbers of policies. The key trends of these legislative policies have included increasing the length of sex offender² incarceration and monitoring, tracking, and restricting individuals convicted of sexual offenses. However, after nearly 20 years of implementation, emerging research indicates that many of these legislative policy initiatives have not had the intended or desired effects. The majority of legislative policies have been built upon stories of "stranger danger," which now keep society from looking at the more typical and predominant cases of child sexual abuse that are perpetrated within the family and at the broader societal solutions for preventing child sexual abuse. Additionally, the broad application of these legislative policies to every adult, many adolescents, and even children convicted of sexual abuse has created unintended negative consequences:

¹ Whenever possible, the authors use the term "adults, adolescents, and children who sexually abuse" to describe the people who perpetrate child sexual abuse. While this term is cumbersome, it begins to articulate the diverse group of people who engage in these behaviors. For the sake of brevity, this may be shortened to the term "sexual abuser." Terms such as "child molester," "perpetrator," "sexually violent predator," "pedophile," "child rapist," and others are not used because they are either a subset of the broader term "sexual abuser" or they are misleading because of their emotional and mixed use by the public and media.

² When discussing legislative policies, the term "sex offender" is often used and refers to a person who has sexually abused and who has been prosecuted within the criminal justice system.

The broad application of legislative policies to adults, adolescents, and even children convicted of sexual abuse has created unintended negative consequences.

- Since those who abuse are often portrayed publicly as “monsters,” people may be less likely to recognize the warning signs of a sexual behavior problem in siblings, parents, children, cousins, or others to whom they are close because they do not see them as “monsters.”
- Someone who suspects abuse within the family may be less likely to ask for help and subject family members, including victims, to public exposure.
- When a convicted abuser returns to the community, he/she is subjected to many of the current legislative policies. The resulting housing and job instability, loss of income, and isolation may increase the risk to re-offend. The instability may also reduce the system’s ability to monitor the offender

and hold him/her accountable.

As a result of these unintended consequences, it is clear that the broad application of these laws does not make communities safer places for children, protect victims, or encourage the prevention of child sexual abuse.

But there is reason for hope: emerging research about people who sexually abuse has begun to inform new policies within states, communities, and organizations.

This report will discuss the trends, impact, and unintended consequences of current legislative policies that may make children less safe in their homes and communities. It will also provide an overview of the new research about adults, youth, and children who sexually abuse and the innovations in policy that are grounded in this newly established research. Finally, the report will offer suggestions about how to shift our current approaches to sex offender policy to create incentives for primary prevention (before abuse is perpetrated) and, ultimately, offer new opportunities to create safer communities. ■

Historical Background: Waves of Change

First Wave: Growing Awareness

▶ Before the 1970s, child sexual abuse was largely ignored. Few resources were allocated to preventing abuse, responding to the needs of the victims, or addressing the behavior of the abusers. Isolated cases may have been mentioned in the news; however, widespread societal attention was not focused on the problem. Beginning in the 1970s and 1980s, adult survivors of child sexual abuse began telling their stories and describing their trauma publicly. Through the emergence of these personal accounts, it became clear, and was later confirmed by research, that child sexual abuse is perpetrated within every community, every class, and every race in the United States.

As a result of these survivors' compelling stories, many people began to grapple with the question of how to better protect children from sexual abuse. Clinical approaches to working with victims began to change. Professionals such as Florence Rush challenged Freudian theories of children as the “seducers” of adults, and Judith Herman wrote the first

popularized book about the problem of father–daughter incest. An important turning point for working with people who sexually abuse began with a grant from the National Institute of Mental Health. Beginning in 1977, the grant provided funding for the continued study of sexual behavior problems and for the development of five national conferences and a newsletter to facilitate the exchange of knowledge and research about sexual abuse in the U.S.

Second Wave: Increased Media Attention and Policy Responses

▶ In the 1990s–2000s, a second wave of response to child sexual abuse began. Legislators initiated new laws such as the 1994 Child Abuse Prevention and Treatment Act (CAPTA), which created a clearinghouse on child abuse and neglect, mandatory reporting for professionals,³ and educational programs to teach children how to protect themselves from sexual abuse. As well, the awareness that had resulted from the survivor stories of the 1970s–1980s grew into nearly daily media coverage of child sexual abuse. Television dramas, best-selling books,

³ “Mandatory reporting” is a federal requirement that professionals working with children report to authorities any disclosure or suspicion of child sexual abuse.

and even Academy Award-winning movies utilized sexual abuse storylines. Sensationalistic news coverage of rare, horrific child abductions made the headlines, understandably frightening people and fueling public alarm about sexual abuse.

The horrifying crimes perpetrated against Jacob Wetterling, Megan Kanka, Jessica Lunsford and Adam Walsh framed discussions of sexual abuse in the media and politics. Each of these children was abducted while engaged in an everyday activity and either disappeared without a trace or was murdered. Much of the sex offender-related legislative policy enacted in the United States during the last two decades has been shaped around the tragic losses of children like Jacob, Megan, Jessica, and Adam. Legislators have constructed a series of laws to isolate, control, and punish those individuals who abduct and offend against strangers, often called “sexual predators” by the media. And yet, not one of these traumatic stories represents the majority of situations of child sexual abuse in the U.S. Research and thousands of victims’ stories have established that most child sexual abuse is perpetrated by someone within the child’s ongoing circle of trust.

Public focus on the most rare and extreme cases of sexual violence against children has resulted in a “one size fits all” approach to creating new laws for punishing and managing individuals who have sexually abused. Adults, adolescents, and children have been grouped under the singular term “sex offender,” increasing the public’s fear without assessing the realistic risk that an individual may pose to the community. In addition, these laws and policies have not provided any tools for communities to deal with child sexual abuse perpetrated within a home, when members of the family choose not to make an official report.

Third Wave: Comprehensive Understanding and Response to Child Sexual Abuse

► New research about the effectiveness and consequences of existing sex offender legislation and policies has caused professionals to raise questions about the broad application of these laws and policies to every adult, adolescent, and child who has sexually abused. Victim advocacy organizations have questioned the large expenditure of funds on sex offender management tools that may not really protect communities, while resources and services for victims are being cut.

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Individuals and organizations are beginning to ask for resources geared to addressing the full range of sexually problematic and abusive behaviors and to preventing future situations within families and communities.

In this current climate, historically divergent professional disciplines are discovering in each other a deep commitment to essentially the same core values and goals: community safety; participation of victims and survivors in the criminal and restorative justice

Similarity of Goals and Strategies: A National Victim Advocacy Policy Organization and a Sex Offender Treatment and Management Organization	
National Alliance to End Sexual Violence	Association for the Treatment of Sexual Abusers
<p>NAESV believes that policies formulated to manage sex offenders must:</p> <ul style="list-style-type: none"> • Prevent future sexual victimization; • Hold sex offenders accountable while providing support and safety for victims and their families; • Be grounded in research and assessed critically and routinely to ensure their effectiveness; • Include multi-disciplinary and multi-agency collaborations; and • Support primary prevention policies and practices. 	<p>ATSA promotes empirically based assessment, practice, management, and policy strategies that will:</p> <ul style="list-style-type: none"> • Reduce sexual recidivism; • Protect victims and vulnerable populations; • Enhance community safety; • Promote empirically based approaches; • Transform the lives of those caught in the web of sexual violence; and • Illuminate paths to prevent sexual abuse.

processes; policy informed by research; responses tailored to children and adolescents who have sexually abused that differ from responses to adults who have sexually abused; and an investment in prevention research, strategies, and programming.

Equally important to an understanding of the dynamics of sexual abuse and effective policy responses is the growing body of knowledge about three distinctly identified groups needing distinctly different policy

responses: adults who sexually abuse, sexually abusive adolescents, and children with sexual behavior problems. Research has made clear that brain and personality development, social functioning, and sexuality are very different for young children, adolescents, and adults. Research also indicates that adolescents and children are more open to behavior change than adults: the earlier the intervention, the greater the chance that a child or teen will live a healthy and productive life free from sexually abusing. ■

What Is Known about Sexual Abuse and Those Impacted By It

There is no such thing as a dispensable person anywhere in this country. We must quit treating them as such.

David Keenan, Former Chief, Teslin Tlingit Council

- ▶ Interviews with those who have been impacted by child sexual abuse have consistently revealed a deep desire for hope:
 - hope that, although their lives have been forever changed, survivors will receive support to heal and live safe, healthy, productive lives;
 - hope that adults, adolescents, and children who have sexually abused can learn to control and be accountable for their behaviors so they can be safe, healthy, productive members of society; and
 - hope that communities, though harmed by sexual abuse, can become stronger, healthier, and better able to protect children (Klein & Tabachnick, 2002; Yantzi, 1998).

Yet, the prevalent societal messages related to child sexual abuse emphasize hopelessness. The myth that “abusers can never change” sends a message to parents of teens and children with sexual behavior problems and individuals who sexually abuse that nothing can help them.

The myth that victims are forever damaged tells them that they will never be able to heal from the trauma. And when some institutions do not take full responsibility for the abuse perpetrated by their leaders, the lack of action sends a message that no accountability is possible, even when hundreds of victims come forward to disclose abuse by people in positions of trust and power (generationFIVE, 2007).

As an incest survivor, if you decide to live it's because you know it is going to get better.

Tina (Survivor of child sexual abuse)

When individuals, families, and communities acknowledge the full scope of child abuse and have the courage to face the pain, anger, disbelief, and shame that comes with it, feelings of hopelessness can be transformed into hope and positive change. Key to this transformation is having accurate information about the

adults, adolescents, and children who sexually abuse. With this information, more effective policies can be created, and families and communities will be empowered to find their role in preventing child sexual abuse.

Measuring Declines in Incidence and/ or Reporting

► Most people are now aware of the prevalence of child sexual abuse, but fewer are familiar with the research that shows that the majority of sexual abuse remains unreported. One study indicates that only 12 percent of child sexual abuse is ever reported to the authorities (Hanson, Resnick, Saunders, Kilpatrick, & Best, 1999). Over the last few decades, researchers have explored the reasons why many survivors of child sexual abuse, and their family members, have not reported the abuse. Victims have been threatened with physical violence or blackmail to stop them from telling about the sexual abuse (ECPAT International, 2008). Children may feel that they need to protect the abuser, particularly if it is someone they love or depend on. Family members may feel they need to protect the family structure, or they may be dependent – financially or otherwise – on the

person who has abused. Victims and their family members may feel shame at their inability to stop the abuse, or shame that someone they love is capable of abusing.

Communities of color and immigrant communities may face particular challenges in reporting child sexual abuse. Having suffered historical, institutionalized, and systemic misunderstanding and abuse by law enforcement, child protective services, and other social and educational institutions, they are unlikely to seek assistance from these sources. Marginalized individuals' lack of trust and belief in intervening authorities will, justifiably, make it very difficult for them to report abuse or ask for help. As generationFIVE (2008), a child sexual abuse prevention and anti-oppression organization, explains: "Many communities are not willing or able to address child sexual abuse precisely because of the pressures of systemic oppressions such as racism, anti-immigrant sentiment, homophobia, sexism, economic exploitation, as well as poverty."

Analysis of the number of substantiated cases of child sexual abuse between the years 1992 and 2008 shows a decrease from 150,000 to 60,749 cases (U.S. Department of Health and Human Services, Administration for Children

and Families, Administration on Children, Youth and Families, Children's Bureau, 2010) – a decline of 58 percent (Finkelhor, Jones, & Shattuck, 2010). Finkelhor and Jones, who brought to national attention this decline in cases, highlight the effectiveness of “two decades of prevention, treatment, and aggressive criminal justice activity.” In their 2004 analysis of the decline, they also discuss the possibility that a decrease in reported and substantiated cases may be different than a decrease in the incidence of child sexual abuse. They offer six different hypotheses for this decline, one being that the public and professionals have become more reluctant to report child sexual abuse due to negative publicity surrounding cases and other types of “backlash.” Finkelhor and Jones add: “The uncertainty about the meaning of this trend [the decline in numbers of cases of child sexual abuse] ... underscores how much remains to be accomplished ... to determine future policy ... [I]t would be useful to know whether policies of more aggressive prosecution, incarceration, and treatment have played a role.” It is important to consider whether or not the legislative policies currently enforced to manage known sex offenders might play a role in reducing the reporting of sexual abuse as opposed to there being an actual decline in the incidence of child sexual abuse.

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The Diversity of People Who Sexually Abuse Children

► The majority of child sexual abuse is perpetrated by someone known to the victim, whom the victim may love or depend on. One study indicates that 34 percent of people who sexually abuse children are family members and 59 percent are acquaintances (Snyder, 2000). Beyond these basic facts, existing research is very clear that there is a great deal of variation in the way that sexual offenses against children are perpetrated. There can be significant differences in the relationships with the victims whom sexual abusers target, the methods used to avoid detection, and the degree of “intrusiveness” of the offense.

There is also a wide variation in the characteristics of sexual abusers themselves. The majority of people who sexually abuse children are adult men, and the majority of people they abuse are known to them. Some women also abuse, but their numbers are fairly small in comparison (Smallbone, Marshall, & Wortley, 2008). Individuals who sexually abuse represent different races, cultures, and economic classes. Differences in factors such as age, criminal background, social history, attitudes toward sexuality, and sexual arousal also distinguish sexual abusers one from another. In fact, there is no single need that compels individuals to sexually abuse: most individuals do so for multiple reasons.

Thirty to fifty percent of those who sexually abuse a child are children or adolescents themselves (Barbaree & Marshall, 2006; Knight & Prentky, 1993; Finkelhor, Ormrod, & Chaffin, 2009). As with adults, there are multiple factors that contribute to an adolescent or a child sexually abusing another individual. Adolescents and children are more likely to abuse younger children, less likely to abuse within the home, but more likely to abuse within a school setting and in groups. While some youth will continue to sexually abuse others into adulthood, treatment programs have been shown to effectively reduce sexual re-offense, and children and adolescents are

more likely than adults to stop their abusive behaviors and live safely in the community (Finkelhor et al., 2009).

The percentage of youth who perpetrate sexual abuse is consistent with the percentage of children and adolescents who commit other crimes (U.S. Department of Justice, Federal Bureau of Investigation, 2009). However unlike policies toward other crimes perpetrated by youth, current laws pertaining to sexual offending are often applied to adolescents without taking into account how these youth are different than adult sex offenders. These policies risk labeling adolescents and children as “sex offenders” for life, making it much more difficult for them to develop safe, healthy, and productive lives. There is little evidence that these policies protect children from sexual abuse.

Understanding the research on the diversity of individuals who sexually abuse can be tremendously helpful in creating policies that are effective

Understanding the research on the diversity of individuals who sexually abuse can be tremendously helpful in creating policies that are effective and not overly broad.

and not overly broad. A single policy that applies to all people sanctioned for illegal sexual conduct – a nude sunbather, a 14 year old sending a sexual picture by phone, a parent who sexually abuses his/her child, and a sexually violent stranger abductor – is not an effective way to stop abusive behaviors. Applying greater understanding of the motivations behind behaviors, it is possible to match the appropriate type of accountability, treatment, and management to each individual when necessary. Understanding this heterogeneity is also valuable because it helps distinguish adults who sexually abuse from children and adolescents who may exhibit sexually abusive behaviors, but within a very different developmental context.

Risk and Protective Factors for Sexually Abusive Behavior

► In the last 20 years, there has been a growing understanding of the factors that put someone at risk to sexually abuse, as well as the protective factors that can decrease the likelihood of sexually abusive behaviors. The presence of risk factors does not mean that abusive behaviors are certain to happen. It is this balance of risk factors and protective factors that can impact the development of sexually abusive behaviors and affect the likelihood that an individual will sexually abuse.

Risk factors are often examined within the framework of a social-ecological model, which considers risk at four contextual levels: individual, family, community, and society. Individual risk factors include poor coping skills, low self-esteem, and sexual attraction or sexual preoccupation. Family-level risk factors include difficulty establishing and/or maintaining appropriate intimate relationships and a chaotic, unstable, or violent home environment. Community-level risk factors include difficulty developing meaningful peer networks or a community presence. At a society level, factors include attitudes and beliefs about sexuality and children that may be reinforced by the popular media (Kaufman, 2010; Whitaker et al., 2008).

Although elevated levels of sexual victimization can be found in the histories of people who sexually abuse, it is not, by itself, a risk factor for developing sexually abusive behaviors. It remains true that the vast majority of those who survive sexual abuse do not go on to abuse others.

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The study of protective factors with sexually abusive behaviors is relatively new and conducted primarily with child and adolescent populations. Gilgun (2006) observes that the single most important protective factor in children and adolescents is emotional expressiveness. Other vital protective factors include having a confidante, a strong desire not to harm others, a favorable sense of self, the ability to do something positive, the ability to self-soothe when faced with difficult situations and emotions, a sense that gender and/or ethnicity is valid and important, and a sense of hope. Bremer (2006) also notes the importance of overall behavior, regular school attendance, social adjustment, emotional adjustment, an ability to maintain healthy boundaries, education about sex and sexuality, sexual interests in age-appropriate sexual activities, caregiver stability and support, and the ability to cooperate with concerned adults.

Understanding risk and protective factors for an individual, family, and community can help guide interventions and be an essential building block for prevention programs and policies (Graffunder, Lang, & Mercy, 2010). Reducing risk factors allows the individual, family, and community to work together in a proactive way that focuses on safety. Knowledge of protective factors

enables professionals to quickly identify and support the opportunities – especially in children and adolescents – to build on individual, family, and community strengths and to support safety. In addition, this knowledge may offer insights into preventing the development of sexually abusive behaviors.

Understanding Risk Assessments

► Over the past 15 years, research studies have identified different personal characteristics and factors most strongly related to adult males who re-offend sexually. Risk factors for re-offense tend to fall into the categories of abuse-related sexual interests, pro-offending attitudes (e.g., believing children enjoy sexual interactions with adults), poor interpersonal functioning, and impulsive or antisocial lifestyles. With an increased understanding of these characteristics and factors, researchers have developed evidence-based actuarial risk assessment instruments (ARAI) for adults. These tools estimate the likelihood of sexual re-offense based on particular combinations of risk factors that are associated with different risk levels. Although these risk assessment tools do not predict whether a specific individual will commit a new sexual offense, they are currently the most

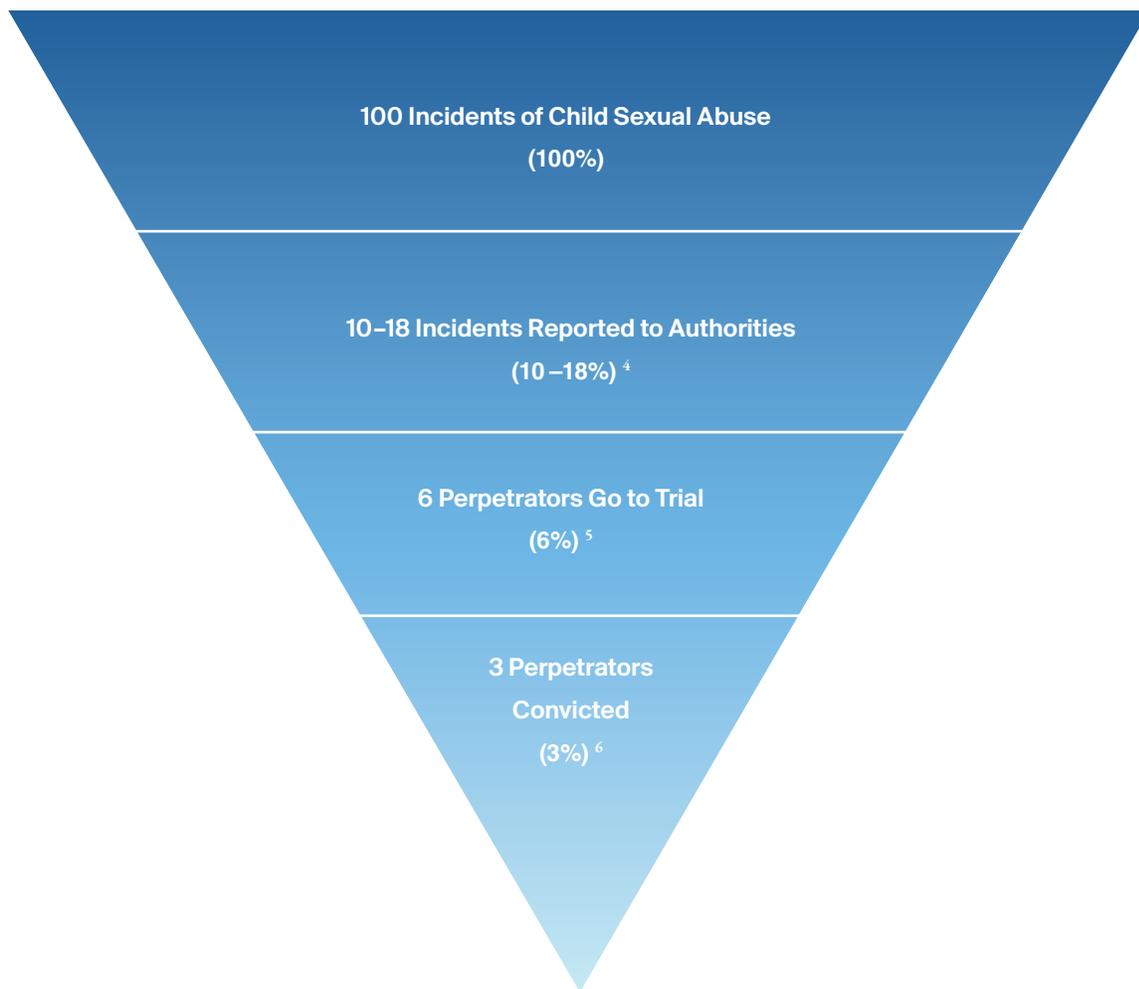
reliable method of identifying adults with particular characteristics that may lead to a higher risk of being re-arrested or re-convicted of a sexual offense. In conjunction with an evaluation that identifies the unique situational, environmental, and individual factors that contribute to an individual's risk to re-offend, use of ARAs provides an opportunity to apply the most rigorous interventions and policies to those who need the most intensive level of supervision, treatment, and other external restrictions.

Unlike for adult males, actuarial risk assessment tools are not validated for adolescents who sexually abuse and are not available for children with sexual behavior problems. However, a comprehensive assessment identifying the unique factors and characteristics related to the sexual behavior(s) provides essential information for developing treatment and risk management plans. Professionals working with younger populations find that a more balanced approach emphasizing the strengths of the adolescent or child while addressing the specific controls needed to maintain a safe environment is the most effective way to ensure that community safety concerns are addressed (Prescott, 2008). If treated with methods that are developmentally appropriate, the

prognosis for living a healthy and productive life is much higher because most children and adolescents who sexually abuse do not continue that abuse into adulthood (Alexander, 1999; Caldwell, 2002).

Policy Impact on the Hidden Cases of Abuse

► The research regarding risk assessment and etiology of sexual abuse has increased greatly over the past ten years. However, it is important to remember that the best information currently available about people who sexually abuse is derived from those who have been caught, prosecuted, and convicted. Most of the current public policy – and especially legislative policies – are directed toward this population of known sex offenders. Given the significant under-reporting of this crime, public policy and community response must also include the impact of new initiatives on the larger population of adults, adolescents, and children who never enter the criminal justice system.



A significant challenge for public, organizational, and community-based policy-makers is to recognize the impact of policies on this larger population. Going forward, the challenge will be to understand this impact and find policy approaches that

will keep communities safer, encourage families to prevent child sexual abuse before it is perpetrated and seek help, and promote healing for victims and all those affected by sexual abuse ■

⁴ London, K., Bruck, M., Ceci, S. J., & Shuman, D. W. (2005). Disclosure of child sexual abuse: What does the research tell us about the ways that children tell? *Psychology, Public Policy, and Law*, 11(1), 194-226.

⁵ Stroud, D. D., Martens, S. L., & Barker, J. (2000). Criminal investigation of child sexual abuse: A comparison of cases referred to the prosecutor to those not referred. *Child Abuse and Neglect*, 24, 689-700.

⁶ Abel, G. G., Becker, J. V., Cunningham-Rathner, J., Mittleman, M. S., Murphy, M. S., and Rouleau, J. L. (1987). Self-reported crimes of nonincarcerated paraphiliacs. *Journal of Interpersonal Violence*, 2, 3-25.

Encouraging Prevention Through Evidence-Based and Community-Informed Sex Offender Policy

Good laws are almost never produced in the cauldron of public passion. The fact of the matter is that when we are angry, when our primary motive is punishment we are impulsive and very rarely smart. The Sicilians have a wonderful line which captures the essence of that: “Revenge,” they say, “is a dessert best eaten cold.” Passing a piece of legislation with a particular victim or, for that matter, criminal in mind is bound to prove less than satisfactory over the long haul.

Ted Koppel, Address Unknown: Well-Intentioned Legislation Doesn't Always Produce Good Laws!, Nightline (2004, February 5)

► Due to recent research on topics related to child sexual abuse and the people who perpetrate it, there is now a body of knowledge with which to evaluate current policy and practice and to inform the development of sound public policy approaches for prevention. However, much of this knowledge is just beginning to be incorporated into public policy. Historically, sex offender policy had been devoted primarily to implementing legislative initiatives that manage known sex offenders. These legislative policies have most commonly focused on

the incarceration, surveillance, and monitoring of abusers who have been reported to law enforcement, prosecuted, and convicted. Typically, far fewer resources have been used to develop policy and programs aimed at preventing child sexual abuse.

Yet, based on the emerging research about the effective prevention of child sexual abuse and the successful management of people who have sexually abused, new community and organizational policies offer a range of options for holding offenders

accountable in ways that encourage community involvement in primary prevention. New attention is being paid to how victims, families, and communities can receive the help they need to prevent future abuse and to heal from sexual harm. This section will examine the trends in policy – both problematic and hopeful – that have been developed legislatively and organizationally over the last two decades to respond to child sexual abuse and the people who perpetrate it.

Legislative Policy Trends

► Over the last two decades, interest in legislating policy responses to known sex offenders has seen a marked increase. Between 2007 and 2008, no fewer than 1,500 sex offender-related bills were introduced in state legislatures, and over 275 new laws were passed and enacted (Vandervort-Clark, 2009). There are currently two leading trends in sex offender management policy. One focuses on incarceration of sex offenders and includes legislative mandates for longer and mandatory minimum sentences, as well as civil commitment – the detention of an offender deemed to be a “sexually violent predator” after

completion of his prison sentence. The other trend is that of intensified surveillance and monitoring of sex offenders returning to communities. This includes enhanced registration requirements that, among other provisions, increase the length of time sex offenders must register with law enforcement; expanded public notification on the location of offenders; residence restrictions that limit where an offender can live; and the use of electronic monitoring technology to track the movements of offenders. (See Appendix A.)

However, evaluative research on many of these legislative policies has not shown them to be effective when applied broadly to all sex offenders. For example, experts in Kansas and California (Kansas Sex Offender Policy Board, 2007; California Sex Offender Management Task Force, 2007) have found that the electronic monitoring of sex offenders poses a number of issues, including the high cost to states and local jurisdictions; dependence on sometimes unreliable satellite coverage; ability to track an offender’s movements only after they have occurred; and inability to prevent offender contact with possible victims within approved zones (Larivee, 2009). The legislatively mandated California Sex Offender Management Board

(CASOMB) has expressed that there is “very little statistical data to support the effectiveness” of global positioning systems (GPS) to prevent re-offense by known sex offenders. Despite a call from CASOMB (2010) to “[p]rioritize the use of GPS monitoring primarily for serious and high risk sex offenders,” the state continues to use GPS tracking with all sex offenders. The application of electronic monitoring, as well as other surveillance policies, to all sex offenders regardless of level of risk to re-offend is extremely costly and, overall, may be harmful to public safety since it can reduce the ability of sex offender management professionals to focus their efforts on the most dangerous of offenders.

Lengthy mandatory sentencing broadly applied to all sex offenders has also come into question as a useful tool in making communities safer. According to the national victim advocacy policy organization the National Alliance to End Sexual Violence (2008): “Long mandatory minimum sentences can have a number of negative consequences that serve to decrease, rather than increase, public safety. For example, lengthy mandatory minimum sentences sometimes result in prosecutors not filing charges or filing charges for a lesser crime than

a sex offense, as well as increased plea bargains down to a lesser crime. Similarly, judges or juries may be less inclined to convict a defendant on a sex offense because of the mandatory minimum sentence. Long mandatory minimum sentences can also keep victims who were assaulted by someone they know from reporting the crime.”

Although the intention of policymakers to protect the public from sex offenders is well-intentioned, there is an ongoing need for them to incorporate evidence and expert direction into policy. With cross-disciplinary and community input, well-designed sex offender management policy can serve to encourage community involvement in the prevention of child sexual abuse. Currently, laws lacking evidence of effectiveness continue to be passed and enacted at the local, state, and federal levels.

For instance, in 1994, despite a dearth of research on sex offender public notification, the State of New Jersey passed Megan’s Law to mandate sex offender community notification. In turn, and with no empirical analysis of the impact of this state-based law, in 1996, Congress crafted similar sex offender registration and notification (SORN) legislation that compelled all

states to create public registries of sex offenders. Despite growing evidence that these types of laws were not effective in reducing re-offense rates of known sex offenders, in 2006, Congress enacted an even more comprehensive sex offender public notification law – the Sex Offender Registration and Notification Act (SORNA) of the Adam Walsh Child Protection and Safety Act (AWA) of 2006 – and extended the mandate to all U.S. jurisdictions, including Indian tribes.⁷

Jessica’s Laws and sex offender residence restriction laws have followed similar trajectories to that of SORN laws. Although the federal government has not created a mandate for U.S. jurisdictions to enact Jessica’s Laws or residence restriction statutes, since 2005, over 30 states and hundreds of local jurisdictions have embraced the concepts behind these policies and enforced such laws (Velázquez, 2008). California’s 2006 Jessica’s Law is a typical example: among other provisions, it requires mandatory minimum sentences of 25 years to life for sex offenders who abuse a child under the age of 14 and lifetime GPS monitoring of registered felon sex offenders released to parole. It also prohibits registered sex offenders (RSOs) from living within 2,000

feet of schools and parks and creates more stringent guidelines for the state’s civil commitment program.

In the 2007–2008 legislative session of state legislatures, 214 residence restriction bills were proposed in 46 states, and 22 new laws were passed (Vandervort-Clark, 2009). By 2008, 30 states had enacted some form of statewide sex offender residence restriction laws (Meloy, Miller, & Curtis, 2008). Even more striking are the thousands of local jurisdictions – towns, cities, and counties – that have enacted their own sex offender residence restriction ordinances in an attempt to deter sex offenders from moving in when pushed out of their homes by less stringent ordinances (Zandbergen, Levenson, & Hart, 2010).

Efficacy of Current Legislative Policy

► Evaluation of most current legislative sex offender policy points to its inadequacy in accomplishing what it has been implemented to do: keep children safe from sexual abuse. As policy analysts and researchers Levenson and D’Amora (2007) write: “Many sex offender policies do not appear to be evidence-based in their development and implementation

⁷ SORNA lays out the minimum standards for how all U.S. jurisdictions (states, Indian tribes, and U.S. Territories) must register sex offenders and make their information accessible to the public. With the passage of this law, sex offenders are now subject to public Internet notification without the benefit of a credible risk assessment process that can serve to predict individuals’ likelihood for re-offense.

because they are founded largely on myths rather than on facts. Little empirical investigation has been conducted to evaluate sex offender policies, but extant research does not suggest that these policies achieve their goals of preventing sex crimes, protecting children, or increasing public safety.”

For instance, in a study published in early 2010, Tewksbury and Jennings conclude that sex offender registration and notification laws have not reduced sex offender recidivism and that these results are “in line with those reported by previous studies ... [that show that SORN policies appear] to have virtually no impact on sex [ual abuse] recidivism.”

Another inadequacy of SORN policy stems from the fact that the vast majority of victims of child sexual abuse know the person who abused them. Because of this, one of the central justifications for sex offender notification laws – the need to inform the public of the whereabouts of released sex offenders – is misguided (Wright, 2008). Since the victim and the victim’s family know the sex

offender under notification, they may be re-traumatized by the public notification process. Nor does this process give the community tools to understand what to do to prevent further harm or to support the victim.

Sex offender residence restrictions, broadly applied to all sex offenders, also appear to be limited in their ability to prevent the sexual abuse of children. In tracking the re-offense rate of a group of released sex offenders, the Minnesota Department of Corrections concluded that “not a single re-offense would have been prevented by an ordinance restricting where sex offenders could live” (Duwe, Donnay, & Tewksbury, 2008). They advised that blanket policies restricting sex offender residency are unlikely to benefit community safety. In other research, the Colorado Department of Public Safety (2004) concluded that residence restrictions are unlikely to deter sex offenders from committing new crimes, and that such policies should not be considered viable strategies for the protection of communities.

Residence restrictions, broadly applied to all sex offenders appear to be limited in their ability to prevent the sexual abuse of children.

The Unintended Consequences

► The prevailing trends in sex offender management legislative policy, specifically public notification and sex offender residence restrictions, appear to have far-reaching unintended and harmful consequences. As researchers Zevitz and Farkas (2000) note regarding public notification on sex offenders, “When community members are notified of sex offenders’ presence in their communities, there are likely to be barriers erected to full and successful integration of such offenders into the community.” When residence restriction laws prohibit adults and youth who have sexually abused from returning to their homes and compel them to find housing in increasingly distant and remote areas, they are unlikely to have access to the specialized services and supervision that they may need to reduce their personal risk factors for re-offending. 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.

Experts who work with adolescents and children who have sexually abused also attest to the fact that public notification and residence

restriction laws are “counterproductive to the goal of these youth developing the capacity to live successfully in a pro-social environment” (Ryan, 2000). Further, many sex offender policies, when applied to children and adolescents, are contrary to the core values of the American juvenile justice system and may interfere with needed treatment and management practices (Association for the Treatment of Sexual Abusers, 2007). The broad application of sex offender policies to adolescents and sometimes children, and the lifelong implications of being convicted of a sex offense, may well decrease the willingness of parents to report or seek help for their child’s sexually abusive behaviors.

These kinds of policies may even contribute to raising offenders’ risks for re-offense. Multiple studies have shown that sex offenders who are subject to public notification and residence restrictions suffer from significant stress factors, such as the loss of a job or home, harassment, and physical assault. A majority of offenders experience chronic difficulty finding a place to live and are frequently forced to move far away from the support and resources that may keep them stable. Most experience employment instability (e.g., Colorado Department of Public Safety, Division of Criminal Justice, Sex Offender Management

Board, 2004; Kruttschnitt, Uggen, & Shelton, 2000; Petersilia, 2003; Tonry, 2004; Uggen, 2002). These personal and psychosocial stressors may serve as risk factors for re-offense and re-arrest.

Research has consistently shown that offenders who have positive support systems, social bonds to the community, and stable housing and jobs, and whose basic human needs are met, have significantly lower recidivism rates. Furthermore, it is well documented that the family members of sexual abusers often struggle with the stress, shame, and stigma associated with having someone close to them exposed as a sex offender (e.g., Farkas & Miller, 2007; Tewksbury & Levenson, 2009). Tewksbury and Levenson (2009) report that of the 584 family members of registered sex offenders they surveyed, the majority attested to frequent feelings of stress, loss, loneliness, and isolation, as well as avoidance of social activities due to shame and embarrassment. Researchers explain that family members' difficulties are "likely to add yet more challenges and additional barriers to RSOs' [registered sexual offenders'] successful (i.e., non-criminal) community re-entry" (e.g., Farkas & Miller, 2007; Tewksbury & Levenson, 2009). Since family members are often the most likely people to

provide released offenders with a foundation from which they can re-enter the community, it is important for these families to be stable themselves. When they are experiencing stress, angst, and stigmatization, family members may be less likely to provide the offender with the kinds of resources and consistency necessary for living safely in the community. Families may also be less likely to keep a watchful eye on the member of the family returning from prison. Policies that isolate family members from their larger communities sacrifice a critical component of sexual abuse prevention.

As offenders' families and communities experience the anger that is often behind sex offender policies, they may be unwilling to come forward when they suspect that people they know and care about are committing abuse or are at risk to sexually abuse. As sex offender policy causes offender despair, isolation, and stigmatization, offenders may feel they have increasingly less to lose. Current policy reinforces the belief that there is no help available and that prevention and intervention efforts will result only in incarceration, punishment without rehabilitation, ostracization, and shame for everyone involved. When this is the perceived outcome, these kinds of policies become active deterrents to prevention.

In creating a policy environment that may inhibit the willingness of individuals, families, and communities to face, prevent, and respond to child sexual abuse, our society does a disservice to its children. If no hopeful, rehabilitative solutions are available and made publicly known, people who witness signs of risk for victimization and/or perpetration may be less motivated to take the steps necessary to prevent child sexual abuse, intervene in situations of risk, and seek help when a child is sexually abused. With unwillingness comes hopelessness – a sense that child sexual abuse is inevitable and unpreventable.

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Growing Critique of Current Legislative Sex Offender Policy

▶ A cross-disciplinary array of organizations and individuals has expressed concerns about current sex offender policy and offered suggestions for alternative policies and approaches to responding to sex offenders and preventing child sexual abuse. The National Alliance to End Sexual Violence (2008) writes in a position statement, “States and communities across the nation are developing measures to manage adult sex offenders with the express purpose of increasing safety for victims and communities. Unfortunately, not all measures currently being enacted do, in fact, increase safety. Some put communities at higher risk, while others create a false sense of security.” Professionals in the field of human rights cite the ways in which sex offenders and their families have been harmed and point to the state’s failure to protect its citizens against harassment and vigilantism (Carey & Human Rights Watch, 2005). The field of public health calls for policies “that alter developmental trajectories leading to initial perpetration of violence” as opposed to the exclusive use of after-the-fact responses (National Center

for Injury Prevention and Control, Centers for Disease Control and Prevention, U.S. Department of Health and Human Services, 2009). Extensive research within the field of juvenile justice speaks of the responsiveness of juveniles who have committed a sexual offense to rehabilitative approaches and the harmful consequences of surveillance, monitoring, and stigmatization (Petteruti & Walsh, 2008; Toft, 2007). The legal field has taken notice as well. One legal scholar writes, “Today, public outrage and political risk-aversion have driven these [sex offender] laws to the outer boundaries of constitutionality” (Agudo, 2008). Even some legislators who have passed sex offender policies are concerned. As the Council of State Governments states in its 2010 report on sex offender management, “Some state leaders have expressed concern that the urgency of efforts to strengthen sex offender management policy is prohibiting lawmakers from fully considering the range of long-term impacts such policies will have.” This widespread concern with society’s current response to the people who cause sexual harm is significant. The moment has arrived in which people, including professionals, affected by child sexual abuse are

ready to craft new policies to prevent re-offense and to prevent child sexual abuse before it is perpetrated.

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Positive Trends in Sex Offender Policy

The Use of Research to Inform Policy

► One positive trend at the state level is the creation of specialized commissions or boards tasked with examining the research relevant to the formation of effective sex offender management policy. Sex Offender Management Boards (SOMBs) are designed differently from state to state, but often fulfill a legislative or other

mandate to develop and recommend evidence-based policy, including standards and guidelines for the assessment, treatment, and monitoring of sex offenders. These boards and research commissions are composed of experts from a variety of professional fields concerned with sexual violence prevention and response. In states with SOMBs, policymakers and the public have access to the cutting-edge research that can best guide the crafting of effective sex offender and perpetration prevention policies.

Another noteworthy trend in sex offender management is the development and implementation of actuarial risk assessment instruments (ARAI) to examine the risk for re-abuse by adults who have previously abused. The knowledge and theoretical foundation underlying risk assessment is a cornerstone to the successful management of adult sexual offenders. As researchers Hanson and Morton-Bourgon (2007) write in their meta-analysis of 79 risk assessment accuracy studies, “The effectiveness of [sex offender management] policies rests on the ability of evaluators to accurately differentiate the offenders according to risk level.” And as the results of

their meta-analysis attest, “For the prediction of sexual recidivism, there is strong evidence supporting the reliability and validity of [actuarial risk assessments].” Currently, states such as Oregon and California use risk assessment tools to determine community supervision standards for sex offenders on probation or parole. Arizona uses an actuarial assessment to make decisions about how to create the most effective specialized treatment plan for each sex offender. Minnesota currently employs a risk assessment process to determine which offenders will be placed on the public Internet registry. Using ARAIs allows public officials to match each released sex offender with the management tools that best suit the level of risk the offender poses to the community.

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Community Accountability and Restorative Justice

There was a fundamental conflict between what the justice system does with offenders and what the community needed to do ... We don't label people. We understand that the decisions that we make today will affect our people for several generations.

*Berma Bushie, Co-founder of
Community Holistic Circle Healing, 1999*

► Victims and their families are rarely asked what their perception of justice might be or what kind of disposition they would want for the person who harmed them. Often, assumptions are made that victims desire harsh punishment and tight surveillance of the perpetrator. Victims, survivors, and the people who surround them do indeed express their need for the abuse to stop and for the perpetrator to be held accountable, but the range of their desires for how this can be accomplished is frequently much wider than allowed for by current policy. As Pennsylvania-based victim advocate Mary Achilles (as cited in Brazemore, 1998) explains, “Victims frequently want longer time for offenders because we haven’t given them anything else. Or because we don’t ask, we don’t know what they want.” When given

a wider set of options for addressing child sexual abuse, those affected by it may be much more likely to choose restorative solutions. One survivor of child sexual abuse tells about her needs for healing and justice:

I believe there is an assumption that victims of sexual abuse want only harsh punitive responses for their perpetrators. The criminal justice system and others speak on our behalves as they push for stricter sentencing, community notification, and other punishments that probably don't keep us safe anyway. A few years after I was sexually abused as a youth, I went to see a lawyer and I asked him, “What are my options? What should I do?” And he said, “Well that depends. Let's look at what justice looks like for you in response to this situation. Since you are in no danger right now, take time to think. What do you need to happen? Think short term and long term.” Grappling with those questions was the most important thing I could do for myself. I think if a different lawyer had presented me with punitive options rather than these questions, I would have just chosen those options without thinking about whether that would make anyone safer or whether that was what I really wanted.

When the conventional criminal justice system is the only option offered to families, it has the potential

to deter justice and reduce offender accountability. For instance, once a report of child sexual abuse has been made to authorities, the current criminal justice process in the United States provides few, if any, incentives for the person accused to admit to the crime. Due to the adversarial nature of the criminal justice system, when a state presses charges, the person accused of perpetrating child sexual abuse is most often advised by defense attorneys to plead innocence. In contrast, victims have consistently reported that when the abuser takes responsibility for his or her crimes, this response can be a cornerstone to the healing process. Some communities that have suffered from and grappled with abuse – from both outside the community and within it – have learned that a punitive response alone to the person who has abused is not an adequate solution. Through a restorative process, the abuser is given a clear understanding of the impact of his or her actions on the victim and on the entire community. If the abuser is able to accept responsibility for the abuse, he/she is given support to make restitution to the victim and the community, desist from perpetrating further harm, and eventually reintegrate fully into the community.⁸

These alternative modes of holding abusers accountable create incentives for individuals, families, community members, people at risk to abuse, and even those who have abused to come forward to heal and prevent future situations of child sexual abuse. There are a number of successful examples of this approach. The Community Holistic Circle Healing (CHCH) project of the Hollow Water First Nation in Manitoba, Canada and New Zealand's Family Group Conferencing Program both use a contract that requires that everyone affected by a crime take responsibility to keep a compassionate yet watchful eye on the offender, be supportive of the victim, and bring about changes to their relationships that will minimize the risk of future abuse. The premise behind this healing and accountability process is that every individual is a whole being, not just a victim, an abuser, or a bystander with no role to play. This response encourages the entire community affected by the abuse to be involved in changing the norms that allow and even promote abuse.⁹ The ten-year evaluation of the CHCH program captured its remarkable success in preventing sex offender recidivism. Of 107 individuals who had participated in the program – a number of them considered at high risk to re-abuse – two re-offended (Couture, 2001).

⁸ The field of restorative justice (sometimes called transformative justice) is well-developed and is used successfully as an alternative or complement to the traditional criminal justice system. For more information on restorative justice generally, the work of Howard Zehr is key.

⁹ For additional information on the Community Holistic Circle Healing program, see the books *Returning to the Teachings* by Rupert Ross and *The Ethic of Traditional Communities and the Spirit of Healing Justice* by Jarem Sawatsky.

Returning to the Community

► Most adults who are sent to jail for sexual abuse are eventually released back into the community. Currently, over 700,000 registered sex offenders live in communities throughout the United States (National Center for Missing and Exploited Children, 2010). Yet, with legislative attention focused almost solely on surveillance and monitoring of released sex offenders, little support, such as jobs, a place to live, specialized treatment, and assistance with skill-building, is made available to them. Additionally, their communities typically lack the skills to effectively hold former offenders accountable, interact with them, and ensure that the community remains safe for children.

In some communities, however, innovative programs that focus on holding sex offenders accountable, monitoring their behavior, and helping them control abusive behaviors have been implemented with success. These communities are also integrating what is known about abusers into child sexual abuse prevention programs.

Reaching Abusers Not Known to the Criminal Justice System

► Working with abusers who have been reported to the system is essential, but it is only a small part of how our society needs to respond to keep children safe and encourage prevention before a child is harmed. Because only 12 percent of all cases of child sexual abuse are reported to authorities (Hanson, Resnick, Saunders, Kilpatrick, & Best, 1999) and few perpetrators are ultimately convicted (e.g., Abel et al., 1999), policies designed to prevent child sexual abuse and to respond to the people who perpetrate it must reach beyond the small number of offenders who enter the system. Policies must address the much larger number of individuals who are never reported, prosecuted, or convicted.

To address those unreported individuals who have perpetrated child sexual abuse, as well as those who may be at risk to sexually abuse a child, a small number of models have been created. The Prevention Project of Dunkelfeld, based in the city of Berlin, Germany, developed a

program that offered treatment and pharmaceutical options to anyone who stepped forward to seek help with sexually abusive behaviors. Even with a limited public outreach campaign, between 2005 and 2008, over 800 individuals contacted the program. Approximately 400 of these individuals traveled to the program's outpatient clinic for a full assessment, and 200 were invited to participate in a one-year treatment program.

In the United States, two similar programs were tested. Prior to changes in mandatory reporting laws, the Johns Hopkins Sexual Disorders Clinic tracked the number of abusers who voluntarily came forward for treatment. When such reporting became mandatory, the rate of self-referrals dropped from approximately 7 per year (73 over a 10-year period) to 0. The rate of voluntary disclosures during treatment also dropped to 0. According to Dr. Fred Berlin (1991), the change in laws may have prevented the clinic from constructively interceding in the lives of children who may still be at risk.

In a pilot program sponsored by Stop It Now! Vermont, between the years 1995 and 1999, over 100 people, nearly all adolescents, voluntarily came forward for help with sexually abusive behaviors and acts (Tabachnick & Dawson, 2000). Concurrent with the program's media outreach campaign, the juvenile justice system in Vermont sponsored a pre-sentence alternative program for adolescents and children who had perpetrated sexually abusive acts.

The enormous response to all of these programs' outreach campaigns clearly demonstrates that the offer for accountability through treatment and other forms of non-punitive management constitutes a hopeful and successful approach to addressing sex offenders and individuals at risk to sexually abuse (Beier et al., 2009). ■

Recommendations

Should you think that I am soft on violent and sexual crime, let me assure you that there is a dark painful part of my soul that wants people who hurt other people to never take another comfortable breath. However let us be intelligent. Given that we are a society of law, let us demand that the laws we do enact achieve their intended mission. Let us stop creating a false sense of security and wasting our precious resources on laws that simply do not work.

Andrea Casanova, Founding Director of the ALLY Foundation

Design and implement evidence-informed policy.

► When the current trends in sex offender legislation began, not much was known about the people who sexually abuse or about how best to prevent child sexual abuse. Today, there is a growing body of research that examines factors that may increase or decrease offenders' likelihood for re-offense, assesses the effectiveness of existing

policies, suggests which risk and protective factors can be incorporated into prevention programming, and delineates how to motivate the prevention of, and intervention in, situations of child sexual abuse. Policies will be most effective when they are informed by this growing research. Individuals, families, and communities are most likely to take action to prevent child sexual abuse when policies based on valid research, offender accountability, and victim involvement de-stigmatize offenders and offer a range of possible actions and responses.

1. Establish Sex Offender Management Boards (SOMBs) or other comparable models for sex offender management and research purposes; prioritize their funding at the federal and state levels:

Sex Offender Management Boards serve as expert panels tasked with establishing standards for the assessment, treatment, and management of different sex offender populations. SOMBs can commission, conduct, and analyze research about sex offenders, integrate it into effective sex offender policies, and make recommendations to legislatures. SOMBs should be comprised of cross-disciplinary partners, including professionals from the fields of victim advocacy, public health, sex offender treatment and management, law enforcement, criminal justice, restorative justice, juvenile justice, and corrections. The interdisciplinary nature of the SOMB model allows for the cross-fertilization of expertise and perspective necessary to conduct research and establish policy in an unbiased and comprehensive manner. The SOMBs in California and Colorado, among others, can serve as models for other states, tribes, and territories that would like to design their own SOMBs.

2. Match responses to the sex offender’s assessed risk to re-offend; ensure that actuarial risk assessment instruments are used to assess adult sex offenders:

The growing knowledge base underlying risk assessment is a cornerstone for creating the most effective policies and practices for sentencing and managing adults who have sexually abused. The broad application of policies in a “one size fits all” approach does not utilize what has been learned about people who sexually abuse. Policy must be designed to take into consideration offenders’ level of risk to re-offend in order to use criminal justice, corrections, treatment, and community-based management resources where and when they are most necessary for public safety. Actuarial risk assessments should be utilized to inform every level of decision-making regarding how adult sex offenders should be supervised to prevent their re-offense. Approximately 25 states are now using validated risk assessment tools to make effective treatment and management decisions for high to low risk sex offenders (Daly, 2008).

3. Ensure access to state-of-the-art specialized sex offender treatment for incarcerated and released offenders:

One of the most important tools for the prevention of sex offender re-offense is specialized treatment that is based on empirical investigation and theoretical development. Specialized sex offender treatment is designed to prevent the recurrence of sexually abusive and aggressive behavior by helping offenders identify and change thoughts, feelings, and actions that may lead to sexual offending. It also assists individuals to develop strategies and plans to avoid and control, or productively address, their risk factors to perpetrate sexual harm and to develop strengths and competencies to avoid re-offending (Association for the Treatment of Sexual Abusers, 2008).

4. Establish policies tailored to adolescents and children with sexual behavior problems:

Because children and adolescents have enormous potential to respond to interventions and change their behaviors, some states have implemented policies specifically designed for youth. These alternative policies include required education for caretakers and professionals working with this population, separate

treatment standards for adolescents, and exemption of youth from public sex offender notification procedures. These adolescent – and child-specific policies should be developed in conjunction with experts from fields such as child and brain development, juvenile justice, victim advocacy, and education.

5. Create funding streams to support research:

Quality research is the foundation of effective sex offender assessment, treatment, management, prevention programming, and policy. As the people who cause sexual harm are further researched and understood, individuals, communities, and institutions will be able to more effectively prevent and intervene in child sexual abuse. State and federal institutions must prioritize funding for research on child sexual abuse prevention, victimization, and perpetration.

Develop community policies that encourage responsibility for prevention by expanding the notion of offender accountability, destigmatizing offenders, and providing safety, restitution, healing, and avenues for input for victims and the people who support them.

► To create sustainable change that can stop the cycle of abuse within communities and families, the people affected by child sexual abuse must have a hand in designing the policies that will affect them. Their experience as the people who know and care about the people who abuse and those who have been abused will enable them to produce a range of options that are most appropriate for their community. When communities hold offenders accountable in compassionate and thoughtful ways that prevent re-offense, they increase the likelihood that individuals will get the help they need before they perpetrate sexual abuse again.

Communities can design solutions that care for victims of child sexual abuse in ways that encourage optimal healing for everyone involved.

1. Expand community-based policies and programs that employ transformative and restorative justice-based principles to address offender accountability and healing for everyone affected by child sexual abuse:

Develop and implement community-driven programs that train volunteers to provide offenders returning to communities with assistance and support in reintegrating safely. Teach compassionate vigilance in keeping tabs on the offender, support victims, and model relationships based on mutual respect and appropriate physical and sexual boundaries. Just as other countries have invested in alternative forms of community accountability and justice, the United States can offer support and incentives for the development of community-based programs that utilize alternative approaches to the traditional criminal justice and public safety models of responding to child sexual abuse.

2. Incorporate into existing legislative policies incentives for living safely:

Existing surveillance and monitoring policies for adult and youth offenders must be replaced with or include developmentally and culturally appropriate opportunities and incentives for sex offenders to live safe and productive lives. For example, Levenson (2007) and others have outlined criteria by which a sex offender can request an exemption from sex offender registration, community notification, and residency restrictions when the offender:

- 1) is assessed with a validated risk assessment tool as posing a low risk to the community;
- 2) has successfully completed an adult sex offender treatment program;
- 3) has lived in the community offense-free for at least five years; and
- 4) is clinically evaluated based on input gathered from the victim or victim advocate. Such a policy would still hold accountable those who have sexually abused but would create evidence-based incentives for law-abiding behavior and expand opportunities for sustainable and safe re-entry to the community.

3. Allow communities to take the lead in developing programs to respond to child sexual abuse and its perpetrators:

Community members and the people affected by child sexual abuse bring a unique perspective to the development of prevention and protection programs. Successful programs listen to and address their personal experiences and unique cultural, ethnic, spiritual, and other perspectives that affect their needs and desires regarding child sexual abuse and the people who perpetrate it. When communities design their own programs, they are more likely to implement them and make them work.

4. Involve cross-disciplinary professional advisors in the planning, design, and implementation of community-based policies and programs:

In order to design programs that incorporate knowledge about successful sex offender treatment and management, victim advocacy, and child sexual abuse prevention, it is imperative that communities draw upon professionals' expertise in program development and implementation and their knowledge of relevant research.

5. Create funding streams to support and broadly disseminate information about successful community-based policies and programs:

Communities across the United States have developed faith-based, public health, and restorative and transformative justice-based programs to respond to and prevent child sexual abuse. As the body of evaluative research documenting the success of these programs grows, public forums need to discuss, share, and expand these approaches. National organizations addressing sex offender treatment and management, victim advocacy, criminal justice, and sexual violence prevention can play a unique role in focusing national attention on these emerging success stories. In order for communities to have the capacity to develop, implement, and evaluate culturally appropriate, comprehensive, and effective policies to respond to sex offenders and prevent child sexual abuse, it is essential that federal, state, and local governments provide them with funding to do so.

Integrate what is known about perpetration into prevention programs, victim services, and public education.

► Over the past several decades, there has been a divide between the professionals who work with victims of child sexual abuse and those who work with abusers. This lack of communication and collaboration mirrors the sense of isolation and separation often experienced by victims. The body of knowledge that has been developed by both of these groups can make programming for preventing and responding to child sexual abuse more comprehensive. By incorporating perpetration prevention efforts into their work, organizations and communities can shift societal comprehension about perpetrators and make it more comfortable for individuals, families, and communities to address and prevent situations of risk for child sexual abuse.

1. Design and promote curricula that include perpetration prevention approaches to the prevention of child sexual abuse:

As research reveals more about the risk factors for, and patterns of, perpetration of child sexual abuse, especially abuse perpetrated by children and adolescents, organizations and communities can design programs focused on preventing the development of sexually abusive behaviors. Information about the continuum of problematic sexual behavior, age-appropriate and developmentally and culturally appropriate sexual behaviors, and strategies for talking about healthy sexual development and relationships should be incorporated into new perpetration prevention programs. Materials created by many programs, including the Sexuality Information and Education Council of the United States (SEICUS), the Kempe Center, and the National Center on Sexual Behavior of Youth, can serve as building blocks for new curricula.

2. Communicate the growing knowledge about perpetration to the public:

Because policy is often created in response to public demands, sharing accurate and evidence-based information with the public will increase the likelihood of public demand for appropriate and effective policy for sex offenders and for preventing child sexual abuse. Involving the media in the dissemination of accurate and non-sensationalized stories about child sexual abuse and its perpetrators and victims will also help shift the public's response to sex offending and motivate the community's desire to prevent child sexual abuse.

3. Create and offer opportunities for adults and youth to get the help they need to control or prevent sexually inappropriate and abusive behaviors:

Multiple programs have proven that when help is offered to individuals who are at risk to sexually abuse or who have sexually abused, and when the help is linked to community-focused accountability, a significant number of individuals will come forward to take responsibility for their actions and gain access to treatment services. In the current political climate toward people who sexually abuse, the most feasible of these programs seem to be those that offer opportunities for youth to take responsibility for the harm they have caused through abuse and to work toward rehabilitation. In some cases, these programs have been linked to alternative and deferred sentencing programs that include community accountability and service components, in addition to a required treatment component.

4. Increase the funding for prevention and for positive youth development:

Policy debates about sex offenders have only recently begun to consider the staggering costs of broadly applied policies such as GPS monitoring, increased community notification, and other initiatives. At the same time, studies have demonstrated that small investments in community-based prevention efforts have demonstrated substantial returns and produced significant public savings. Government funding to keep children safe from sexual abuse would do well to focus on the creation of prevention efforts and programs that promote positive child and adolescent development. ■

Conclusion

► The United States is at a unique point in time with regard to its potential responses to child sexual abuse and the people who perpetrate it. Possibly for the first time, there is widespread access to the information necessary for a more realistic and holistic understanding of the problem of child sexual abuse. This understanding has developed out of the very real stories and experiences of sexual abuse that communities face every day. This awareness and deeper understanding is also built upon a growing body of research about the adults, adolescents, and children who sexually abuse, the children who are victimized by sexual abuse, and the impact of sexual abuse on the families and communities of the victim and the abuser.

Given the complexity of the issue and the diversity of communities facing sexual abuse, an essential change has begun. There is a growing understanding that the simple solutions offered by legislative policies broadly applied to every offender have not been effective in keeping children safe or preventing sexual abuse. Furthermore, the isolation and stigmatizing effect of

legislation on sex offenders and their families have generated a number of unintended consequences that limit family, community, and societal ability to prevent sexual abuse in the first place. Tough restrictive policies are needed for the most dangerous sex offenders in society. But these policies are applied broadly and typically do not recognize the continuum of behaviors of sexual abuse, the range of ages of those who sexually abuse, and the range of risk posed by sex offenders to re-offend. At the community level, where solutions are informed by the realistic stories and experiences of sexual abuse and the full impact on the families of victims and abusers, communities have created a continuum of solutions to respond to and prevent child sexual abuse. Recent research into the assessment, treatment, and management of individuals who sexually abuse has helped inform these community-based solutions. The emerging research offers hope to communities, as it is clear that youth are particularly responsive to treatment and the frequency of re-offending is reduced given appropriate interventions.

State-of-the-art treatment, recent policy initiatives, and promising management practices, such as actuarial risk assessment for adults and the establishment of Sex Offender Management Boards, reflect more hopeful and effective responses to the continuum of behaviors that are sexually abusive.

The most successful solutions recognize the importance of involving victims, families, and communities in holding those who abuse accountable for the harm caused. These solutions also recognize the importance of seeking opportunities to support and offer incentives to those who abuse and can learn to live healthy and safe lives in communities. Current legislative policymakers have the opportunity to learn from these community-based solutions, which involve the entire family and community as a resource for accountability, support, and healing. When society begins to invest in offering a continuum of solutions that mirrors the continuum of sexual violence, society can retain the sanctions necessary for those individuals who cannot or are not

willing to change; there will be an assumption that adolescents and children will be offered a chance to live healthy productive lives; and individuals and families may be more willing to reach out for help to prevent child sexual abuse. With this access to information and new solutions, policymakers can transform the prevailing responses of silence and fear toward a society of hope and prevention. ■

Appendix A: Current Sex Offender Legislation

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.
Jessica’s Laws	Jessica’s Laws are not uniform from state to state but do tend to include similar components across states. These components include, but are not limited to, increased sex offender registration requirements and penalties for failure to register, guidelines for mandatory sentencing and residence restrictions, and the establishment of electronic monitoring of certain adult sex offenders.	To create a comprehensive, state-wide policy response to sex offenders returning to communities.

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The Ms. Foundation for Women is the leading national social justice foundation committed to building women's power to ignite change. Every day, it helps over 150 grassroots organizations across the United States fight for changes like good paying jobs, reproductive health, ending violence against women and girls, and the inclusion of women at decision-making tables. Since 1972, the Ms. Foundation has invested over \$50 million and influenced other funders to support solutions from the ground up.

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