

EFFECTIVE MANAGEMENT OF SEX OFFENDERS RESIDING IN OPEN COMMUNITIES

I. INTRODUCTION:

- a. Although the number of sexual offenders behind bars continues growing, most eventually spend a portion of their sentence under some form of community supervision. Communities are best served when they have mechanisms in place that allow these offenders to participate productively in community life while holding them accountable for the harm caused by sexual assault and minimizing the likelihood of further assaults on their part. When sexual crimes are committed within families, relationships between victims and abusers may be especially multi-dimensional and complex, necessitating exceptionally sensitive and sophisticated management.
- b. The California Coalition on Sexual Offending supports managing sexual offenders who are serving community sentences in ways that:
 - i. Maximize community safety while the offender serves his or her sentence
 - ii. Minimize probability of further assaults after the offender is discharged from supervision
 - iii. Further the best interests of already victimized individuals and their families, without unduly compromising community safety.

II. THE CONTAINMENT MODEL IN BRIEF:

- a. Under present conditions, communities can best meet the above objectives by utilizing an interdisciplinary management model becoming known as, The Containment Approach. This model reflects a specific, case-by-case strategy implemented within the context of community-wide initiatives for achieving the stated objectives. (1)
- b. The Model includes:
 - i. A consistent multi-agency philosophy focused on community and victim safety
 - ii. A coordinated, multi-disciplinary implementation strategy
 - iii. Case management and control plans individualized for each sex offender
 - iv. Consistent and informed public policies and agency protocols
 - v. Quality control that maximizes the probability of policies being implemented as planned and provides feedback for enhancing program functioning

III. CONTAINMENT MODEL—UNDERLYING PHILOSOPHY:

- a. Each sexual crime has significant potential for immediate and chronic harm to direct victims, their families and communities.
- b. The great majority of sexual crimes are planned acts, committed within the context of an identifiable pattern integral to the offender's life.

- c. Working together, criminal justice and forensic mental health professionals can effectively identify, monitor, interrupt and modify this pattern in many cases.
- d. Official response to sex crimes can assist or impede victim recovery in many cases.
- e. A victim-oriented philosophy for managing offenders that consistently asks, "What is best for the victim?"
- f. Sensitive laws and practices can provide adequate safeguards without re-victimizing family members.

IV. COLLABORATION:

- a. Collaboration takes the form of intra-agency, interagency, and interdisciplinary teams made up of professionals who specialize in sex offender cases. Teamwork tends to overcome the fragmentation that is often generated by the multi-disciplinary, layered nature of the criminal justice system. As teamwork improves, offender management gaps begin to disappear.
 - i. Depending on the task, each team may meet at different points and with different frequency during the management of a single case.
 - ii. Team training of prosecution and law enforcement is crucial to ensure that the necessary information is obtained to successfully prosecute cases.
 - iii. Case management teams for community supervision may be led by probation or parole officers and are comprised of:
 - iv. A specially trained supervising officer
 - v. A specially trained treatment provider
 - vi. A specially trained polygraph examiner
- b. Other relevant individuals including but not limited to
 - i. Victim therapists
 - ii. Child Welfare social workers
 - iii. Family therapists
 - iv. Physicians
 - v. Specialized law enforcement officers
 - vi. Other individuals with primary involvement in the case
- c. Job specialization is central to multi-disciplinary teams because it minimizes containment gaps that can be actively sought out by perpetrators for the sake of avoiding accountability measures.

- d. Cross training allows team members to appreciate and understand the functions of other team members; it also tends to minimize containment gaps.

V. CONTAINMENT-FOCUSED CASE MANAGEMENT

- a. The scope and recalcitrance of a sex offender's deviance is not necessarily related to the crime he was caught committing.
- b. Effective containment is based on carefully gathered information documenting each offender's unique arousal and behavior patterns.
- c. The information is used to generate a plan that adequately monitors and manages the offender in the community while persuading and teaching the offender to think and behave differently.
- d. Effective containment includes three inter-related, mutually enhancing activities:
 - i. Criminal supervision and surveillance plans appropriate to each offender's idiosyncratic offending patterns
 - 1. Containment focused management can only be effective with small caseloads for supervising officers.
 - 2. 25 or less is the recommended standard
 - 3. The cost for containment focused community management compares very favorably with the cost of imprisonment, even without considering the cost of constructing ever more prison cells
 - 4. Offenders should be assessed normal supervision fees, but should not be charged additional fees because they are sexual offenders and placed on smaller caseloads.
 - ii. Specialized treatment conforming to standards of care established by the Association For Treatment Of Sexual Abusers. (<http://www.atsa.com>(link is external))
 - 1. Offenders should pay for their own treatment.
 - 2. Financial assistance should however, be available to men unable to maintain employment by virtue of medically established, physical, intellectual, or psychiatric conditions.
 - iii. Polygraph examinations conducted by examiners who meet special experience and education standards established by the American Polygraph Association.(<http://www.polygraph.org>(link is external))
 - 1. Full disclosure of pre-conviction behavioral history is essential for effective containment.
 - 2. Offenders cannot be expected to self-report information about previous crimes when such information will lead to further prosecution and additional sentences.

3. To develop effective containment teams and procedures, a community must develop across-the-board policies that assure offenders their self-reported historical information will be used for supervision and treatment purposes only.
4. Offenders should pay for their own polygraph examinations.
5. Financial assistance should be available for offenders unable to maintain employment by virtue of medically established, physical, intellectual, or psychiatric conditions.
6. Information should be appropriately shared among supervising officers, treatment agents, polygraph examiners and other team members.

VI. INFORMED & CONSISTENT PUBLIC POLICIES:

- a. The containment approach requires development and implementation of informed, consistent, and collaboratively generated public policies and agency protocols. Local criminal justice and forensic mental health practitioners should be actively involved in creating public policy at all levels of government.
- b. Informed policy requires that line-level experts work with legislatures, governors, judicial and corrections personnel to assure that policies reflect the best thinking in the field.
- c. Consistency is key.
- d. Written guidelines should include, but are not limited to:
 - i. Timelines for victim reporting
 - ii. Plea bargaining
 - iii. Denial as a sentencing consideration
 - iv. Protocols for dissemination and use of polygraph information
 - v. Family reunification protocols
 - vi. Confidentiality waivers
 - vii. Investigative procedures
 - viii. Crisis intervention
 - ix. Pre-sentence report information
 - x. Failure to progress in treatment
 - xi. Revocation procedures
 - xii. Duty to warn potential victims

- xiii. Employment restrictions for offenders under supervision
- xiv. Length of community supervision
- xv. Management strategies for dealing with burnout and secondary trauma
- xvi. Modifying supervision conditions as treatment and polygraph examinations generate additional information
- xvii. Consequences for failing to register with law enforcement
- xviii. Immunity for containment team members who act in good faith to implement community notification laws
- xix. Protocols for enhancing team functioning when breakdowns occur

VII. QUALITY CONTROL:

- a. Rearrest rates alone may not be an adequate quality control measure for the containment approach. Systematic monitoring of service delivery is vital to successful implementation of the containment model. Quality control includes but is not limited to:
 - i. Honest communication among team members and strict adherence to protocols.
 - ii. An Evaluation Process that brings stakeholders together to:
 - 1. Collectively define the most important aspects of the evaluation process
 - 2. Identify questions to be addressed
 - 3. Identify measures to be used
 - iii. Quality control measures can include:
 - 1. Clear descriptions of the target population
 - 2. Compliance, treatment progress, dropout and revocation rates
 - 3. Subjective reports from individuals who know an offender
 - 4. Staff training
 - iv. Analysis and utilization of quality control data to improve program services
- b. Most sex offending goes unreported. An objective of the containment system is to detect and deter offenders who fail to comply and when necessary, revoke community supervision status before the commission of a new assault

VIII. EVOLUTION:

- a. Containment strategy is based on empirical data and theoretical concepts consistent with the best available information from the field. As new research emerges and additional experience is gained, containment strategy will reinvent itself, always prioritizing victims while influencing and being influenced by larger public policy debates.
 - (1) English, Kim, The Containment Approach: An Aggressive Strategy for the Community Management of Adult Sex Offenders, *Psychology, Public Policy and Law*, 1998, 4(1 & 2), 218-235,

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