



Department of Justice

STATEMENT

OF

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BEFORE THE

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS
COMMITTEE ON ENERGY AND COMMERCE
UNITED STATES HOUSE OF REPRESENTATIVES

CONCERNING

“SEXUAL EXPLOITATION OF CHILDREN OVER THE INTERNET: THE FACE
OF A CHILD PREDATOR AND OTHER ISSUES”

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Statement of Andres E. Hernandez
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Committee on Energy and Commerce
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Good Morning Chairman Whitfield and Members of the Subcommittee. I appreciate the opportunity to appear before you today to discuss a variety of issues regarding the sexual exploitation of children over the Internet as it pertains to the Federal Bureau of Prisons (BOP). I serve as the Director of the Sex Offender Treatment Program in Butner, North Carolina. I have held this position since 1997. Prior to my employment with the Bureau of Prisons, I worked as an Assistant Professor for the Department of Psychiatry and Behavioral Sciences at Baylor College of Medicine, where I also completed an internship and post-doctoral fellowship specializing in the evaluation and treatment of sex offenders. I have worked in the field of sex offender treatment since 1992.

The BOP made a commitment to the psychological treatment of sex offenders in 1990, when the population of sex offenders in the Bureau of Prisons represented less than 1% of all federal inmates. Since that time, the proportion of sex offenders has more than doubled. Today, the population of sex offenders in the BOP is over 12,000. This figure includes those serving a term of confinement due to a sex offense and those with a prior history of sexual offending. A significant number of sex offenders in federal custody are convicted of Internet-related sexual offenses.

As the federal sex offender population has increased, the BOP expanded the treatment capacity somewhat. Today, the Sex Offender Treatment Program (SOTP) has 112 beds at the Federal Correctional Institution (FCI) in Butner, North Carolina. The Sex Offender

Management Program (SOMP), established in 2003 at the Federal Medical Center in Devens, Massachusetts, serves nearly 400 sex offenders by providing risk assessment and management services. Consistent with recently enacted legislation, the BOP is actively working to expand sex offender services by implementing additional SOMP and SOTPs, as well as a forensic evaluation service.

Overview of the Sex Offender Treatment Program at FCI Butner, NC

The Sex Offender Treatment Program was established in 1990 at FCI Butner, North Carolina, but it was substantially revised and reorganized in 1997. It is a voluntary, residential therapeutic program that employs cognitive-behavioral and relapse prevention techniques to treat and manage male sexual offenders. The primary goal of the SOTP is to help offenders manage their sexual deviance in an effort to reduce sexual recidivism. The treatment program encourages its participants to change their criminal lifestyle and become honest, responsible, and law-abiding citizens with effective self-control skills. Inmates in the program are assigned to approximately 15 hours of treatment activities per week. They are encouraged to participate in activities and programs that promote personal growth and development outside of the SOTP such as education and vocational training. The SOTP is divided into seven phases. Phase I orients the inmate to the SOTP, introduces him to treatment concepts, and begins the process of psychosexual evaluation, which includes phallometric assessment (i.e., penile plethysmography) and polygraph examination. Phase II involves treatment planning, assignment to therapy groups, and psychoeducational programming. In Phase II through VI, the inmate participates in group therapy and psychoeducation focusing on 1) Victim Impact Awareness, 2) Criminal Thinking and Cognitive Distortions, 3) Communication Skills and Conflict Resolution, 4) Emotional Self-Regulation, 5) Management of Deviant Sexual Arousal, 6) Relationship and Intimacy Skills,

7) Victim Empathy Enhancement, and 8) Relapse Prevention. Phase VII involves Community Reintegration and Release planning.

Overview of the population of sex offenders in the SOTP

The population of inmates in the SOTP is not representative of the entire population of sex offenders in the BOP. It represents a unique group of offenders with the following general characteristics: 1) they have volunteered to participate in treatment and accept some degree of responsibility for their crimes; 2) speak English; 3) are not severely mentally ill; 4) do not have detainers or pending charges that would affect their release to the community; and 5) do not have a history of negative institutional adjustment. The vast majority of the inmates in the SOTP are highly educated, and have marketable job skills. These characteristics, and their willingness to volunteer for treatment are not typical of all sex offenders in the BOP.

Since its inception in 1990, the SOTP has treated several hundred child pornography offenders. The vast majority of sex offenders in the SOTP are individuals convicted of Possession, Receipt, Distribution, and Transportation of Child Pornography. The most common medium of receipt and distribution among inmates in the SOTP is the Internet.

Over the course of my ten years of clinical work with federally convicted sex offenders in the SOTP, I have observed that in the course of treatment many child pornography offenders admit to unreported sexual crimes, many of which include multiple sexual contacts with the victims. I believed it was important to record this information and share it with treatment professionals as well as researchers in this area of practice, to spark the interest of the scientific and treatment communities to study this emerging population of sex offenders.

The ATSA Poster Presentation

In November 2000, I presented a poster at the annual conference of the Association for the Treatment of Sexual Abusers (ATSA) in San Diego, California, entitled “Self-Reported Contact Sexual Offenses by Participants in the Federal Bureau of Prisons’ Sex Offender Treatment Program: Implications for Internet Sex Offenders.” This poster summarized archival data from 90 inmates who had been treated in the SOTP. Of that group, 62 were convicted of Internet-related sexual offenses. These included the possession and distribution of child pornography, as well as interstate travel with the intent to sexually abuse a minor (*i.e.*, “travelers”). At the time of sentencing, the group of 62 Internet sex offenders were known to have committed contact sexual offenses against a total of 55 victims. Following treatment, the same group disclosed committing contact sexual crimes against an additional 1,379 victims. Only 42 percent of the offenders were known to be contact sexual criminals at the time of sentencing; following treatment, 76 percent reported contact sexual crimes, an increase of 34%. In a subsequent analysis, I removed the “traveler” offenders from the group of 62 subjects. This yielded 55 child pornography offenders. The rate of contact sexual offending recorded after treatment among this group was 80 percent.

The dramatic increase of previously unreported sexual offenses among the 62 offenders I treated was interesting and worthy of continued observation and study. As a result, I have continued to record the incidence of self-reported contact sexual criminality among Internet sex offenders in the SOTP. The patterns I have observed more recently are consistent with those reported in the 2000 poster.

Recently I have reviewed and summarized my observations regarding a second group of offenders who participated in the SOTP. The group consisted of 155 men who were convicted of Internet child pornography possession and/or distribution. Again, I compared

the number of contact sexual offenses that were known to the criminal justice system upon sentencing with those reported over the course of treatment in the SOTP. At the time of sentencing, 115 (74%) subjects had no documented hands-on victims. Forty (26%) had known histories of abusing a child via a hands-on sexual act. The number of victims known at the time of sentencing by the 155 subjects was 75. Following treatment, the inmates disclosed perpetrating contact sexual crimes against another 1,702 victims. Eighty-five percent of the inmates were in fact contact sexual offenders, compared to only 26 percent known at the time of sentencing. Thus, both groups of Internet child pornography offenders treated in the SOTP included a significant proportion (i.e., 80% to 85%) of offenders who perpetrated contact sexual crimes. These findings are consistent with my clinical experience treating Internet sex offenders for the past ten years.

While the 2000 and 2006 analyses reveal similar patterns, they represent heuristic observations and the basis for hypothesis testing which must be followed by rigorous scientific studies. I am hopeful that Bureau of Prisons and other researchers will be in a position in the future to provide you with a sound scientific basis for making policy decisions regarding internet sex offenders.

While the relationship between contact sexual criminality and Internet child pornography offenders is an important area of scientific inquiry, there are many other questions that remain unanswered. Among these are: 1) what are the protective factors that keep some Internet child pornography offenders from perpetrating contact sexual crimes; 2) what are the psychological, social, technological and other factors that facilitate sexual offending among Internet offenders; 3) are there different types of child pornography offenders; and 4) does Internet child pornography create sexual deviance among the viewers or consumers. These and many other questions need to be the focus of discussion, debate,

and research among the scientific, professional, and law enforcement community.

Effectiveness of sex offender treatment

With respect to treatment outcome, the BOP has been studying the effectiveness of the SOTP. The results of this research are not available at this time. This is a long-term endeavor that will take several years to complete. However, while the effectiveness of the SOTP at FCI Butner remains to be proven, there is a growing body of scientific literature suggesting that treatment is effective in reducing the risk of recidivism. It appears that cognitive-behavioral and psychopharmacological treatments have the strongest effect. The SOTP employs these methodologies.

Closing

The state of knowledge with respect to Internet child pornography offenders is in its infancy. My observations of the 217 offenders described above who participated in the SOTP indicate that these Internet child pornographers are far more dangerous to society than we previously thought. But, I caution the law enforcement community and others against generalizing beyond the offenders who were the subjects of my treatment interviews. I urge the professional and scientific community to attend to this understudied group of offenders.

Chairman Whitfield, this concludes my formal statement. I would be pleased to answer any questions you or other Members of the Subcommittee may have.