

# What Works (or Does Not) in Community Risk Management for Persons Convicted of Sexual Offenses? A Contemporary Perspective

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## Abstract

Contemporary data from the United States show that rates of sexual offending and reoffending have been in steady decline for decades. Nonetheless, nonprofessionals continue to view sexual violence as a community safety issue fraught with risk and uncertainty. The past 30 years have been witness to considerable research and practice in the assessment, treatment, and risk management of persons who have sexually offended. Gains have also been made in regard to prevention and citizen education. Modern day technologies include actuarial risk assessment instruments, measures of criminogenic need and treatment progress, refinements to treatment processes, and the establishment of evidence-based models. Legislative authorities in the United States and elsewhere have also attempted to affect risk in the community with, perhaps, lesser degrees of success. This article reviews current policies and practices, with a specific focus on what happens when offenders are released to the community (e.g., how public policies intended to track offenders and/or restrict their movements can negatively affect community reintegration). Comprehensive approaches to community sexual offender management are examined in addition to suggestions of unique approaches intended to ensure citizen buy-in and engagement.

## Keywords

risk-need-responsivity, sex offender risk management, actuarial risk assessment, public policy, community, citizen engagement

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## Introduction

Despite the existence of credible evidence that a majority of persons who have sexually offended can be safely managed in the community (Carr, Schlank, & Parker, 2013; Wilson, Cortoni, Picheca, Stirpe, & Nunes, 2009), a perspective remains that “once a sex offender, always a sex offender” and that they are all at high risk to reoffend. There are several possible reasons for the intractability of community views about the management of persons convicted of sexual offenses, including fear, lack of education, and a failure on the part of experts to impart knowledge in an accessible and understandable manner. The latter is highlighted in results published by the Center for Sex Offender Management (CSOM; 2010), in which it is clear that the public will easily settle for perspectives in the popular media in spite of a stated preference for more comprehensive explanations from researchers and experts. Although some prominent experts have attempted to share research findings in op-eds or other pieces in popular media (see Cantor in Canadian Broadcasting Corporation [CBC], 2016; Letourneau, 2014), the reality is that most scientifically informed viewpoints are reserved for scholarly journals, textbooks, and other media generally inaccessible to ordinary citizens. Indeed, we are mindful that even this article is being published in a similar fashion.

Misinformation has clouded both public and legislative understandings of the nature of sexual deviance and the supposed high likelihood that those who engage in sexually inappropriate conduct will continue to do so unabated despite treatment or other attempts to intervene. A good example of this is found in the Nothing Works perspective (Martinson, 1974), which asserts that correctional programming does not reduce rates of reoffending. This belief continues to persist for many policymakers regardless of the fact that the research underpinning this perspective was later retracted (Martinson, 1979) and meta-analytic research has consistently shown that programming does, indeed, reduce reoffending (see Aos, Miller, & Drake, 2006; Smith, Goggin, & Gendreau, 2002).

Another example of misinformation and sexual violence risk, this time regarding reoffense rates, emanates from a 1988 U.S. Department of Justice publication (Schwartz & Cellini, 1988) that ultimately informed a perspective (including the U.S. Supreme Court) that the likelihood of new sexual offending by known offenders is “frightening and high” (*Smith v. Doe*, 2003). This perspective was, in turn, informed by a 1986 article in *Psychology Today* (Freeman-Longo & Wall, 1986) in which the authors suggested that rates of sexual reoffending could be as high as 80 %—offered without evidence or elaboration. Longo has since publicly admitted that that figure is “very high” (Vaughn, 2016).

Whatever the reason may be that the “once a sex offender, always a sex offender” perspective endures, numerous studies have shown it to be incorrect. Two recent articles published by Karl Hanson (formerly of Public Safety Canada) and his research group are of particular relevance to our discussions in this article: (a) “High-risk sex offenders may not be high risk forever” (Hanson, Harris, Helmus, & Thornton, 2014) and (b) “Reductions in risk based on time offense free in the community: Once a

sexual offender, not always a sexual offender” (Hanson, Harris, Letourneau, Helmus, & Thornton, 2017). In each of these articles, Hanson and his colleagues provide compelling data showing that persons convicted of sexual offenses—even those regarded as high risk—can and do desist from engaging in sexual violence.

Indeed, these two studies with large samples ( $N > 7,000$ ) and long follow-up periods (20+ years) demonstrate quite clearly that among individuals of all age groups and risk levels, the longer someone convicted of a sexual offense can remain offense-free in the community, the more likely it is that they will stay that way. Although the reoffense trajectories of low-, moderate-, and high-risk offenders are initially divergent, after 10 years of offense-free community reintegration, that separation erodes: “After 10 to 15 years, most individuals with a history of sexual offenses were no more likely to commit a new sexual offense than individuals with a criminal history that did not include sexual offenses” (Hanson et al., 2017).

Reductions in sexual recidivism have also been seen over shorter periods of time. In fact, recent research (e.g., Hanson, Thornton, Helmus, & Babchishin, 2016) has suggested that average 5-year rates of recidivism for persons convicted of sexual offenses are in the 8% to 11% range, which is likely to be considerably lower than that believed by most nonsexual violence professionals. Comparing these rates with those demonstrated in the research only 13 years ago (i.e., 13.7% in 5-6 years; Hanson & Morton-Bourgon, 2005), it would appear as if considerable reductions have been achieved in a relatively short period. It is noteworthy that these reductions have been seen in the United States (e.g., Carr et al., 2013) and internationally (see the meta-analytic results of Hanson et al., 2016), with average rates of sexual recidivism of less than 10% being reported in many jurisdictions over 5 years of postrelease monitoring. Of course, it is critically important to consider these estimates with the caveat that a majority of sexual offenses still go unreported by victims.

How have these reductions in sexual recidivism risk and sexual recidivism rates been achieved? This article will focus on the development of assessment technologies, treatment frameworks, and community risk management procedures over the past 25 years that have aided in preventing additional harm to the community by persons convicted of sexual offenses. We will focus on best practices and evidence-based approaches that seek to further the prevention agenda increasingly championed by sexual violence professionals. We will also discuss several common public policies enacted to manage offenders convicted of sexual offenses upon completion of their criminal justice sanctions, as well as how those policies affect community reintegration.

## **Effective Interventions and Models of Community Risk Management**

The risk-need-responsivity (RNR) model (Bonta & Andrews, 2016; originally Andrews & Bonta, 1994) underpins the majority of correctional programming in the United States, Canada, and other Western jurisdictions. Briefly, the RNR model provides an evidence-based framework within which good treatment and supervision can be delivered, and calls on practitioners to ensure that interventions match levels of

assessed risk and intervention intensity while attending to specific problem areas in a manner that considers client motivation, abilities, and learning styles. Although originally conceived with respect to offenders in general, Hanson, Bourgon, Helmus, and Hodgson (2009) demonstrated that utilizing an RNR framework is equally important when constructing programming specifically for persons who have sexually offended.

### **Risk Assessment**

Risk assessment in criminal justice has something of a troubled history. Not so long ago, predictions of reoffending were accomplished by “experts” employing what amounted to unstructured clinical judgment fraught with subjectivity and bias. Monahan (1981, 2008; see also Meehl, 1954/1996) ably showed that simply asking experts for their opinions as to reoffense risk demonstrated predictive validity not much better than a coin toss. In answer to these damning findings, researchers (e.g., Andrews & Bonta, 1994) employed meta-analytic methods to identify pertinent risk factors and then comprised actuarial risk assessment instruments (ARAIs), which ultimately demonstrated considerably greater accuracy, albeit only moderate predictive validity. Tools commonly used in this regard with persons convicted of sexual offenses now include the Static-99R (Phenix et al., 2016), the Violence Risk Appraisal Guide–Revised (VRAG-R; Quinsey, Harris, Rice, & Cormier, 2015), and the Violence Risk Scale: Sex Offender Version (VRS:SO; Olver, Wong, Nicholaichuk, & Gordon, 2007), among others. The benefit to using such tools is that they ensure that a rule-based, standardized, and objective approach is taken to identifying and assessing pertinent risk factors. In many respects, ARAIs revolutionized risk assessment regarding sexual violence potential and arguably contributed to significant reductions in reoffending simply as a consequence of better identifying those individuals at greatest risk to reoffend and specifically targeting them in an RNR-compliant framework.

Scales developed during the proliferation of ARAIs include those that focus on both unchanging static risk factors and changeable dynamic risk factors. Scales such as the Static-99R focus on historical markers of risk (e.g., number of prior sex offenses, victim types, demonstration of antisocial life choices) while scales such as the Stable-2007 (Brankley, Helmus, & Hanson, 2017; Hanson, Harris, Scott, & Helmus, 2007) or the Sex Offender Treatment Intervention and Progress Scale (SOTIPS; McGrath, Lasher, & Cumming, 2012) focus on current manifestations of personality orientation, lifestyle management issues, and patterns of thought and behavior (e.g., impulsivity, problem solving, sexual self-regulation, and intimacy deficits). Essentially, static actuarial scales answer the question “What has he done?” whereas dynamic scales answer the question “Who is he today?” van den Berg and colleagues (2017) had shown that using dynamic scales together with static scales demonstrates additive predictive validity over either alone.

A benefit of dynamic scales, over and above static risk assessment, is that they are generally comprised of factors that may also be labeled criminogenic needs. These criminogenic needs are often the areas most important to focus on in treatment and other human service interventions, with those factors scoring high on the respective

scale being seen as primary needs and those scoring moderately as secondary. In a comprehensive approach to risk management consistent with RNR, the static actuarial scale would address the risk principle (how intensive the intervention should be and, perhaps, in what environment—inpatient or outpatient) and the dynamic scale would direct service providers in terms of scope and focus.

### *Ensuring Attention to Responsivity*

Of the three principles in the Andrews and Bonta model, our collective 43 years of work in sexual violence prevention suggests that the responsivity principle gets the least or most inconsistent attention. At a general level, this principle decrees that interventions must attend to the learning styles, motivation, cognitive abilities, and other idiosyncratic elements of clients to be maximally effective. For example, clients with intellectual disabilities, cognitive limitations, or severe mental illness are best served in modified programming that attends to their special needs profiles (see Wilson, Prescott, & Burns, 2015). Furthermore, motivation to change must be encouraged and maintained by thoughtful and skilled practitioners (see Prescott & Wilson, 2012; Wilson, 2009).

For many years, sex offender programming was marked by confrontational approaches that stressed dogmatic adherence to full disclosure and rigid accountability structures (see Salter, 2003). Subsequent research (see Marshall, 2005; Marshall, Marshall, Serran, & O'Brien, 2011) has suggested that confrontational approaches are less likely to achieve positive outcomes than those that are Warm, Empathic, Rewarding, and Directive (WERD). In such frameworks, clients are treated as collaborators in community safety by ensuring attention to reduced victimization and greater client reintegration potential. We are mindful that some readers may see these types of approaches as being soft on crime, or somehow apologetic of the harm done by sex offenders. We would counter this by saying that reduced victimization is our primary goal. If the science tells us that being WERD is more likely to reduce victimization than being confrontational (see Marshall, 2005; Prescott & Miller, 2015), then that is what we must do.

### *The Community, When Feasible and Safe, Is the Best Place to Conduct Treatment*

In their seminal text, *The Psychology of Criminal Conduct*, from which the RNR model is extracted, Bonta and Andrews (2016) made additional comments about how to ensure successful results in offender programming. One such prescription is that correctional interventions should be offered in the least restrictive environment—preferably the community—as long as safety concerns can be managed. This is not to say that institutionally based interventions are incapable of achieving successful outcomes; rather, outpatient services allow for an *in vivo* component that is very difficult to realize in prisons, secure treatment facilities, and other closed custody environments. Interventions for persons convicted of sexual offenses may begin during incarceration or civil

commitment detention, but the community is where the rubber meets the road in risk management. Research has shown that preparation for community release is a critically important process (Willis & Grace, 2008, 2009); especially regarding identification of appropriate housing, opportunities for employment, and access to aftercare services. Indeed, continuity of care from institution to community also requires a thoughtful and collaborative process (Wilson, Cortoni, & McWhinnie, 2009) that ensures that clients are prepared for maintenance programming and the challenges they will face on release.

*Risk management* is an all-encompassing term that includes many components, all of which must work together in harmony to achieve the best result. Risk management was not always understood as such, however, and collaboration among community entities (e.g., probation and parole officers, treatment providers, charitable organizations, victim services and child protection workers, legislators, etc.) is a relatively recent innovation. Each group has likely always understood its role in contributing to public safety, but the concept of working together as a team did not really start to emerge until the mid-1990s.

### *Case Management Approaches*

One of the first coordinated, collaborative approaches to community management of persons convicted of sexual offenses was initiated in Colorado as the Containment Model (see English, Pullen, & Jones, 1998). The containment approach sought to manage risk in the community by bringing together probation officers (POs), treatment providers, and polygraph examiners in what became known as the containment triad. The shared responsibility of ensuring adherence to conditions of release by the PO and treatment provider, with periodic enforcement checks via polygraphy, was (and continues to be) popular with probation officials, legislators, and the community—all of whom viewed the approach as keeping tabs on dangerous sexual criminals. Potential problems exist in the Containment framework, however, in that a lack of involvement of other important stakeholders limits the breadth of the approach in risk management. Nonetheless, the containment model has flourished in the United States and remains the model-of-choice in many jurisdictions.

Model creep—the tendency for approaches to drift and morph in the absence of fidelity to the original model—has led to many different versions of the containment model, some of which bear some or little resemblance to the English et al. (1998) base. One such modification can be seen in the United Kingdom. Known as Multi-Agency Public Protection Arrangements (MAPPA; see Wood & Kemshall, 2007), this approach to community risk management of persons convicted of sexual offenses includes a broader representation of community stakeholders. Interestingly, charitable organizations—including those who advocate for fair handling of offenders (e.g., Circles of Support and Accountability [CoSA; Höing, Wilson, & Fox, IN PRESS])—are also often included in the MAPPA contingent.

In the United States, the containment approach has been modified into a “Comprehensive Approach” (Center for Sex Offender Management, n.d.) that includes a much broader representation of community stakeholders and identifies six key functions:

1. Investigation, prosecution, and disposition;
2. Assessment;
3. Supervision;
4. Treatment;
5. Reentry; and
6. Registration and community notification.

The Comprehensive Approach is grounded by five fundamental principles: victim-centeredness, specialized knowledge and training, public education, monitoring and evaluation, and collaboration. Interestingly, aspects of this reframing of containment nicely address some of the criticisms leveled regarding a lack of comprehensiveness and noninclusion of the community as a critical stakeholder. This is where both the MAPPA and Comprehensive Approach provide opportunities for inter-agency cooperation and citizen engagement. One of the better-known examples of citizen involvement in the community management of sexual violence risk is found in the CoSA model (see Wilson & McWhinnie, 2013).

CoSA began in Canada in 1994 as a grass-roots, community-based, and restorative justice-informed approach to working with persons at high risk/need to sexually reoffend released with no social support or supervision framework (as was possible in Canada at that time). In this innovative model, trained and professionally supported community volunteers provide prosocial guidance and support while released individuals attempt to rebuild their lives in the community. Based on initial successes in Canada (see Wilson et al., 2009; Wilson, Picheca, & Prinzo, 2007), the CoSA model has proliferated into the United Kingdom, the United States, European Union, Australia, and New Zealand, among other jurisdictions. Several peer-reviewed evaluations of the CoSA model have been published including data from Canada, the United States, and the United Kingdom (see Duwe, 2013; Wilson, McWhinnie, & Wilson, 2008; and Bates, Williams, Wilson, & Wilson, 2013, respectively). Although studies are limited by small sample sizes and short follow-ups, the findings have been consistent across jurisdictions that individuals in a CoSA are less likely to sexually reoffend than similar persons who are not (see Höing et al., **IN PRESS**, for a more comprehensive review of the CoSA approach).

## Public Policies

In recent years, the community reintegration of persons convicted of sexual offenses has been significantly affected by the enactment of public policies designed to track and/or manage them following their release from incarceration. These policies were enacted with the intent of increasing public safety, and they run the gamut from broad policies that can affect daily living, such as residence restrictions, to narrow policies that target a particular time or a particular day, such as Halloween laws. This section introduces several of these policies enacted in the United States (many of which have also been enacted elsewhere) and discusses some of the research on the impact these policies have had on public safety, while the following section discusses the impact these policies have had on community reintegration.

## Policies

**Registration and community notification.** Probably the two most well-known and widely discussed public policies aimed at sexual violence prevention are registration and community notification. In the United States, states have been federally mandated to have sex offender registries since the passage of the *Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act* in 1994. States were then federally mandated to enact a system of community notification following the passage of *Megan's Law* (an amendment to the *Wetterling Act*) in 1996. Given these federal mandates, registration and community notification are unique among all the sexual violence public policies discussed here, in that they are the only ones that all states must have. Thus, persons convicted of sexual offenses in all states must register their personal information (e.g., home address, work address, offense information) and have some or all of the information made available to the public.

All states having such policies, however, does not mean the systems of registration and notification are the same across the states. Systems differ greatly from state to state because the *Wetterling Act* and *Megan's Law* simply mandated that all states create and maintain sex offender registries and community notification, no instruction was given as to what the systems should look like. States tended to enact systems that were structured similarly, however, with persons convicted of sexual offenses being sorted into tiers based on risk. How often affected parties need to verify/update their information (e.g., every 3 months, every 6 months, annually), as well as how that information is made available to the public (e.g., passively posted on a website, actively mailed to neighbors) is then determined by tier level (Freeman & Sandler, 2010). Despite these similar structures, differences between the specific systems in each state (e.g., method of sorting offenders by risk, regularity of verification) occasionally led to issues when persons convicted of sexual offenses would move between states. The federal government attempted to address any issues caused by differences in the state systems in 2006 with passage of the *Adam Walsh Child Protection and Safety Act*, which contained a standardized registration and notification system (Freeman & Sandler, 2010). To date, however, states have been reluctant and slow to adopt the registration and notification system included in the *Adam Walsh Act*.

Research into the public safety impact of registration and community notification of persons convicted of sexual offenses has generated somewhat mixed results, but most studies on the policies have failed to find that they increase public safety (e.g., Jennings, Zgoba, & Tewksbury, 2012; Sandler, Freeman, & Socia, 2008; Zgoba, Veysey, & Dalessandro, 2010). One possible reason for the lack of an observed increase in public safety could be that many methods of sorting offenders into risk-based tiers (including the method based solely on crime of adjudication proposed by the *Adam Walsh Act*) are inaccurate (Freeman & Sandler, 2010; Zgoba et al., 2016). As such, some persons at low risk to reoffend are likely being subjected to the most stringent registration and community notification requirements, while other persons best described as high risk are being subjected to the least stringent requirements. In RNR terms, therefore, such inaccurate sorting systems violate the principle of risk.

*Global Position Satellite (GPS) tracking.* In addition to registration and notification, another way some jurisdictions are keeping track of persons convicted of sexual offenses is by having them wear GPS trackers while in the community. According to Brown, McCabe, and Wellford (2007), there are three different types of GPS commonly used to track clients: active, hybrid, and passive. Active systems transmit a signal indicating the individual's location every few minutes, essentially giving real-time tracking. Hybrid systems also transmit a signal, but do so less frequently unless someone has been sensed to violate monitoring conditions (e.g., to be somewhere prohibited), at which point the hybrid system switches over to an active signal. Passive tracking systems, however, do not transmit signals. Passive tracking systems record movement throughout the day and then download the information each night, allowing the client's movements to be charted after the fact.

Research into the use of GPS monitoring with persons convicted of sexual offenses has generally failed to find that GPS use has reduced rates of sexual recidivism (e.g., New Jersey State Parole Board, 2007; Turner et al., 2007), prompting Meloy and Coleman (2009) to conclude, "at best it appears that GPS surveillance for sex offenders has a null effect on sex offender recidivism" (p. 263). A common criticism of GPS usage with persons convicted of sexual offenses (indeed, persons convicted of all types of offenses) is that a GPS unit can only tell authorities where someone is, not what they are doing there (Meloy & Coleman, 2009). As such, GPS tracking may be a better tool for investigating offenses (i.e., indicating whether a tracked individual was in the area where an offense occurred during the time the offense has occurred) than it is for preventing them or for social control (Armstrong & Freeman, 2011).

*Residence restrictions.* Whereas registration, community notification, and GPS tracking all attempt to increase public safety by keeping track of persons convicted of sexual offenses (or at least making them more visible), residence restrictions attempt to increase public safety by keeping persons convicted of sexual offenses away from potential victims, specifically children. These laws attempt to accomplish this goal by requiring that offenders live a certain distance away from places where children congregate. As noted by Huebner et al. (2013), "The assumption behind this legislation is that sex offenders choose their victims from the available population of the area in which they reside" (p. 5), and increasing the distance between where persons convicted of sexual offenses live and potential victims, therefore, will decrease recidivism.

The specifics of residence restriction laws vary greatly from jurisdiction to jurisdiction (Meloy, Miller, & Curtis, 2008), but all the laws contain two specific elements: scope and size (Socia, 2011). Scope refers to the types of places near which persons convicted of sexual offenses are not allowed to live. The scope of almost every residence restriction includes schools and day care centers, but many residence restrictions include other locations where children often congregate, such as parks, playgrounds, churches, public swimming pools, and bus stops. The second element of residence restrictions, size, refers to how far away a restricted individual must live from these prohibited places, from everywhere specified in the scope. With a few

exceptions, residence restriction sizes tend to range from about 500 to 2,500 feet (Socia, 2011).

To date, research into the impact of these laws has found little to no evidence that they affect rates of sexual offending, particularly sexual recidivism against children (e.g., Blood, Watson, & Stageberg, 2008; Huebner et al., 2013; Minnesota Department of Corrections, 2003; Nobles, Levenson, & Youstin, 2012; Socia, 2012, 2015). One possible reason for this finding of no effect could be that the main assumption underlying residence restrictions (i.e., that residential proximity to places where children congregate facilitates sexual recidivism) may not be true. For example, Duwe, Donnay, and Tewksbury (2008) studied 224 instances of sexual recidivism with child victims and found that none of the sexual recidivists contacted their victims near places commonly included in residence restrictions, and most recidivists contacted their victims over a mile from their home (see also Zandbergen, Levenson, & Hart, 2010).

**Exclusion zones.** Although residence restrictions prohibit where offenders can live, exclusion zones (sometimes referred to as buffer zones or spatial restriction zones) prohibit where offenders can go. These laws are, therefore, more restrictive than residence restrictions, in that a residence restriction by itself would allow an offender to work near a school or travel across school grounds to get to work, but an exclusion zone would not (see *Does #1–5 v. Snyder*, 2016). Exclusion zones have often been criticized for being overly restrictive to the point of being punitive or for being worded in a too vague manner (e.g., if a law stipulates that a convicted sex offender may not be within 1,000 feet of a school, is that 1,000 feet measured from the physical structure of the school or the school's property boundary), leading to several exclusion zone laws having been ruled unconstitutional, such as those in Georgia (*Whitaker v. Perdue*, 2006) and Michigan (*Does #1–5 v. Snyder*, 2016). To date, no research has specifically investigated the impact that sex offender exclusion zones (independent of a residence restriction) have had on sexual recidivism.

**Internet restrictions.** As opposed to residence restrictions and exclusion zones, which are attempts to keep persons convicted of sexual offenses away from potential victims in the physical world, Internet restrictions are attempts to keep them away from potential victims in the online world. Some of these Internet prohibitions are broadly worded to include all or almost all Internet use, such as the Internet restriction being challenged in New Jersey (Porter, 2017). Others specifically prohibit persons convicted of sexual offenses from using social media sites that allow minor children to join (e.g., Facebook, Twitter), such as the North Carolina statute recently struck down as an unconstitutional violation of First Amendment rights (*Packingham v. North Carolina*, 2017). To date, no research has specifically investigated the impact that Internet restrictions for persons convicted of sexual offenses have had on sexual recidivism.

**Halloween laws.** The narrowest of all public policies aimed at persons convicted of sexual offenses, Halloween laws, often apply to as little as a single 4- to 6-hr period on one specific day each year. There are several different iterations of these laws, but all attempt to

limit contact between persons convicted of sexual offenses and children on Halloween (October 31; Chaffin, Levenson, Letourneau, & Stern, 2009). Chaffin et al. (2009) cataloged many different forms of these laws, including those that forbid persons convicted of sexual offenses from going outside, putting up decorations, attending costume parties, or giving out candy on Halloween, as well as laws that require them to attend meetings with law enforcement, probation/parole officers, or treatment providers during trick-or-treating hours. Although no studies have assessed the actual impact of these laws since they began being implemented, the results of several studies fail to support the assumptions underlying the laws. For example, Chaffin et al. (2009) found no evidence of increased sexual victimization of children on or immediately before Halloween, while Duwe et al. (2008) found less than 5% of sexual recidivists to have victimized their neighbors.

## **Integration and Conclusion**

### *Public Policy Impact on Community Reintegration*

As noted in the preceding sections describing various legislative approaches, research has not consistently found any of the policies listed above to be associated with decreased sexual recidivism and, therefore, increased public safety. Some of the sections above mention possible policy-specific reasons for these findings of no impact, including the fact that research (e.g., Freeman & Sandler, 2010; Zgoba et al., 2016) has shown several systems of registration and notification to inaccurately sort high- and low-risk offenders, thereby violating the RNR principle of risk. Several of the other public policies discussed above also violate RNR principles by being applied broadly to all persons convicted of sexual offenses without any consideration of risk level at all (possibly under the assumption that no person convicted of a sexual offense may be regarded as less than moderate risk), much less criminogenic needs. As such, the inability of these policies to reduce sexual recidivism might not be so much an issue of policy/practice as its implementation. It may well be that each and every policy we have listed might be effective *if applied to the appropriate individuals*. Simply holding all individuals to the same standard breaches both the risk and need prescriptions of the RNR model and likely does nothing to maintain responsiveness.

Another possible reason research has failed to find that the public policies discussed above reduce sexual recidivism may be that any reductions in sexual recidivism associated with the stated intent of the laws (whether increased visibility, decreased access to potential victims, etc.) may be offset by unintended consequences of the laws that actually increase sexual recidivism. Specifically, several studies have found these policies to be associated with significant impairments to community reintegration. For example, Levenson and Cotter (2005a) found that due to registration and community notification, many individuals reported losing their job, having to move from their apartment/home, or having been harassed by neighbors, while a majority of affected parties reported feeling hopeless and having lost relationships with friends/family (see also Jennings et al., 2012; Levenson, D'Amora, & Hern, 2007; Tewksbury, Jennings, & Zgoba, 2012; Tewksbury & Zgoba, 2010).

Mercado, Alvarez, and Levenson (2008) found almost identical consequences associated with residence restrictions and exclusion zones. Specifically, persons convicted of sexual offenses reported that the restrictions made it more difficult for them to find housing and employment, to attend treatment, and to maintain prosocial relationships, as well as making them feel hopeless, isolated, and depressed (see also Levenson & Cotter, 2005b; Levenson & Hern, 2007; Socia, 2011). With regard to Internet restrictions, Tewksbury and Zgoba (2010) found that Internet restrictions made it significantly harder and more stressful for affected individuals to find and secure stable employment. Furthermore, in delivering the Supreme Court's unanimous opinion in *Packingham v. North Carolina* (2017), Justice Kennedy explicitly acknowledged the importance Internet access can play in successful offender reintegration: "Even convicted criminals—and in some instances especially convicted criminals—might receive legitimate benefits from these means for access to the world of ideas, particularly if they seek to reform and to pursue lawful and rewarding lives" (p. 8).

As a whole, legislative policies intended to identify, monitor, and restrict persons convicted of sexual offenses have been found to make it more difficult for individuals leaving prison to find stable housing, employment, and treatment services, as well as to establish and maintain prosocial relationships. As we noted above, these important elements of community reintegration have been associated with lower rates of sexual recidivism (Hanson, Morton-Bourgon, 2005; Hanson et al., 2016); so, by disrupting their reintegration, these policies may actually be increasing the risk some individuals pose to sexually recidivate. Some of this risk may be due to social isolation and hopelessness leading to maladaptive coping and poor general and sexual problem-solving—all of which are known dynamic risk factors (Hanson et al., 2007). As such, it is clear to us that the gains achieved by sexual violence service providers (e.g., POs, treatment providers, community volunteers) may be unfortunately offset by well-intentioned, but ultimately ineffective legislation and public policy.

Despite the limited (and possibly negative) impact of recent public policies, however, recent research has consistently found reductions in sexual recidivism risk and sexual recidivism rates over the past 10 to 15 years (Hanson et al., 2014; Hanson et al., 2017; Hanson et al., 2016). Notwithstanding continued difficulties in ascertaining true rates of sexual offending and reoffending, due to nonreporting by victims, these reductions have coincided with the rise of RNR- and evidence-based treatments and management approaches, such as CoSA and treatments that are WERD. Thus, it would appear that 10 to 15 years of RNR-based, collaborative services—such as those we have suggested throughout this article—are more than capable of achieving positive outcomes regarding increased community safety and increased reintegration potential for persons convicted of sexual offenses. Furthermore, over the past 10 years, the focus of sexual violence professionals has slowly shifted from risk management to prevention (see Tabachnick & Klein, 2011).

We have argued that with a few notable exceptions, sexual violence prevention experts have done a generally poor job of sharing findings of optimistic outcomes regarding risk management with others in the community, including citizens and policymakers. As a result, there remains a prevailing view that persons convicted of sexual

offenses are intractable predators always on the lookout for opportunities to offend. It is also a frustrating reality that even when confronted with research highlighting the ineffectiveness of most of the policies noted above, many legislators lack the courage to act in accordance with those findings. As long as community members are of a view that persons convicted of sexual offenses pose a significant threat to their loved ones, we are unlikely to see a change in perspective. The challenge, therefore, is for knowledgeable practitioners of all walks to confront ignorance and bad policy in all forums, not just peer-reviewed journals.

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