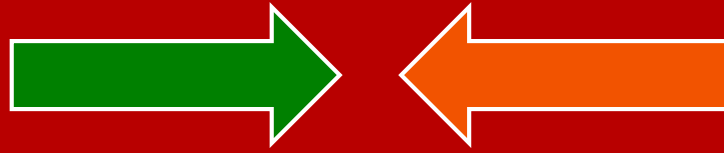


Covenants of Accountability and Support (C of A & S) in the Presbytery of Genesee Valley

PGV Sexual Ethics and Boundaries Training

Rev. James S. Evinger, 02/27/16 (rev.)

Tension Point



Inclusion

versus

Qualified Inclusion

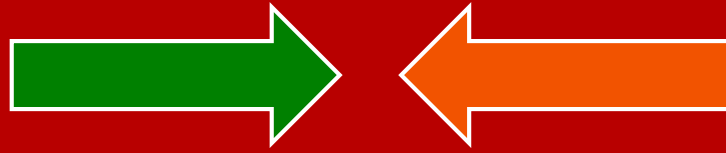
in congregations of people
who are registered sex offenders,
on probation or parole,
or have been arrested for a sex crime.

Objectives

1. Identify the issues raised by incidents in PGV congregations involving persons who are registered sex offenders, on probation or parole, or have been arrested on sex-related offenses.
2. Describe an evidence-based, multidisciplinary framework and resources that address the risks.
3. Identify goals, principles, and rationale for a session's response.
4. Apply the PGV *Sexual Misconduct Policy*.
5. Report results of CoA&S in PGV congregations.



Background



How do incidents in congregations
come to the attention of PGV?

How PGV has become aware...

1. Pastor is approached privately by the person, and confidentiality is requested. Pastor agrees, and becomes the gatekeeper of information. Pastor welcomes the individual until the following occurred, which prompted pastor to consult with PGV about actions to take.
 - A member who is aware of person's legal status as registered sex offender discovers him in worship, and informs the pastor. Pastor had been keeping his participation a secret.
 - Person who is a registered sex offender suddenly reveals his status to the congregation. Pastor had been keeping it a secret.



How PGV has become aware...

- A congregant is arrested by the NY State Police for molesting a minor. He and his wife, a member, request the pastor's confidentiality about the incident. She promises it to them. The wife then informs her community card group what had happened. The pastor, sworn to confidentiality, is unsure what to do next.
- A pastor is keeping secret the fact of a registered sex offender who is working at the church, which hosts a day care center. After accepting a call to another church, she is unsure what to do with the information.



How PGV has become aware...

2. Two offenders of an adolescent minor are working at a church. As an adult, the victim comes forward to PGV, asking that the session be informed of their history. PGV honors the request and discovers the pastor knows and has disclosed information only to a select few.
3. A released, registered offender is participating in the congregation with the pastor's consent, and the information kept secret. In a church group, the individual suddenly informs people of his status, which disturbs parents of children and a victim of sexual abuse, who come forward to PGV.



How PGV has become aware...

4. After a member's arrest by the NY State Police for violating child pornography laws, the media carries the news. (His status as a substitute teacher in the local school system attracts attention.) The pastor seeks a consult with PGV.
5. A member of church confides to the new pastor of his violation of the law for endangering the welfare of a minor, which involved his family. The church is unaware of the conviction. He avoids all contact with minors in the church. He asks for the pastor's confidentiality. The pastor seeks a consult with PGV.

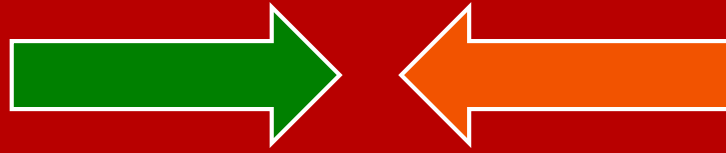


How PGV has become aware...

6. A man forms a relationship with a pastor through a mutually-shared hobby. The man confides in the pastor that he is on probation for endangering the welfare of a child. He likes and trusts the pastor, and wants to participate in the pastor's church. The pastor seeks a consult with PGV.



Typical Scenarios



How clergy describe their decision
to include a person without restriction,
and if the session did not know,
did not disclose it.

Scenario 1 reported by PGV pastor

“A man, whom I know through a 12-step recovery group, is a registered sex offender. He did not have a church home. He wanted to start attending our worship services. I agreed. By our mission statement, we are a welcoming church, especially for those who are outcast. We welcome all. He asked, and I agreed, to keep his story private, consistent with the 12-step group.”



Scenario 2 reported by PGV pastor

"A 79-year-old man who attends worship regularly, but is not a member, has been arrested by the New York State Police, and charged with a sex crime against a minor. The minor is not connected to the church. He is fighting the charge. He and his wife, a deacon here, requested my confidentiality, which I gave them."



Scenario 3 reported by PGV pastor

"The husband of a very active and long-time member, who is pregnant, is now out on parole after serving prison time for sexually abusing a minor. This happened in the community and did not involved the church. The congregation is unaware of his history. The parole officer asked me if the church would give him a part-time job as a janitor, which we needed. We host a daycare center. I agreed to be his supervisor whenever he worked. His hours include when our daycare center is open. I never told the session. I handled this pastorally."



Scenario 4 reported by PGV pastor

“An elder has been arrested by the New York State Police. He also cleans our building and delivers children sermons in worship. He was charged with having child pornography on his home computer. He maintains his innocence. He, of course, is innocent until proven guilty. He and his wife have asked for our support, and, of course, we’ll stand by them.”



What have been persons' situations?

Felony conviction

Level 3

Released from prison;
NYS Sex Offender Registry

Loss of Professional
License

NYS Bd. of Regents

Felony conviction

Level 1

Released from prison;
NYS Sex Offender Registry

Felony arrest &
Criminal charges filed
or pending

Felony conviction

On parole following
imprisonment

Felony conviction

Probation completed



What were persons' relationships to the congregation?

Member
& active

Member
& not active

Congregant
& active

Not Member or Congregant,
Connection with Pastor

Not Member or Congregant,
No connection with Pastor
or Church



Goals identified by PGV pastors

- Honor our church's mission statement to welcome all, particularly the outcast.
- Be pastoral to the individual (and any family). Be compassionate.
- Show forgiveness. Show God's grace. We believe in redemption.
- Honor the request for pastoral confidentiality. (A sacred oath; inviolate trust.)
- Follow secular law's presumption of innocence until proven guilty.



Goals identified by PGV ruling elders

- Be Christian and accept him. Be non-judgmental.
- “He has a Constitutional right to worship wherever he wants. We can’t stop him.”
- Avoid upsetting his family who are long-time members.
- It’s up to our pastor to decide.



Critique identified by PGV



*James S. Evinger,
C.O.M. designee,
& Mel S. Olver,
PGV attorney



Critique

Some serious factors and realities are missing from those pastors' and elders' goals, positions, attitudes, approaches...

The ways of thinking about the situations are seriously flawed and / or limited...



Critique

- Welcoming an individual is not contradicted by structuring the person's participation.
- Accepting/trusting an offender's story at face value as accurate and/or complete is naive and unwise. (None of the pastors had gathered legal records by which to informed their understanding of the situation.)
- Being pastoral and compassionate is not contradicted by structuring the person's participation.



Critique

- Showing forgiveness and compassion is not contradicted by structuring qualifications or limits: Forgiveness is about the past. Ensuring the safety of those who are vulnerable is about the present and the future.
- If the pastor has the only connection to the person, and keeps all information a secret, it limits the resources for dealing with situation, and increases the pastor's responsibilities without increasing a capacity to respond to the multiple issues.



Critique

“Forgiveness does not negate the common good and the duties of justice, including the duty to protect innocent potential victims from future abuse.”

Pope, Stephen J., & Carlson, Patricia B. (2006). “How the Legal System’s Treatment of Clerical Sexual Misconduct with Minors Affects Religious Freedom.” Chapter in Serritella, James A., Berg, Thomas C., Durham, Jr., W. Cole, Gaffney, Jr., Edward McGlynn, & Mousin, Craig B. (Eds.). Religious Organizations in the United States: A Study of Identity, Liberty, and the Law. Durham, NC: Carolina Academic Press, pp. 633-667. [Pope teaches theological ethics at Boston College; Carlson is a lawyer in private practice in Chicago.]



Critique

Forgiveness by the Christian faith community does not alleviate or mitigate the necessity of the sinner's repentance. (Think of Dietrich Bonhoeffer's notion of *cheap grace*.)

Repentance in the New Testament entails a turning away from, as well as turning towards. An offender's verbalizations of remorse or promises are not the same as demonstrations of lived commitments to safe behaviors.



Critique

- Telling the truth is a more effective way than keeping secrets to encourage an offender's healing, recovery, and habilitation, and to nurture growth as a disciple of Jesus Christ.

Secrets reward fear, and dishonor the potential of a congregation to act with spiritual maturity.

In this context, keeping secrets gives the pastor and a select few an enormous amount of control and power over information that potentially affects many people, if not all, in the congregation.

There is no guarantee that secret information can be maintained.

Truth is the best measure to prevent false rumors and the spread of distorted or partial facts.



Critique

- A community of faith is sustained by relationships of trust between believers and God, and among believers. It is a different moral universe than the one of criminal law.
- Being Christian and accepting does not equal a lack of conditions. Deciding who is received into membership, who receives communion, who will be baptized, who will be ordained to office – churches have conditions.
- It is not unConstitutional to place limits on a person's participation in a church. (Religious beliefs are protected by the 1st Amendment under the freedom of religion; not all religious behavior is protected by the Constitution.)



Critique

- The goal is not to try to avoid upsetting people. The goal is to discover and apply the resources of a mature faith in upsetting circumstances. We are people who affirm that God loves us, that God's providential care will sustain us, that Jesus Christ is with us, and that the Spirit moves among us.
- In the Reformed tradition, it is not up to the pastor to decide such an important decision. Our polity is a co-governance model. It is the members of the congregation who elect people to serve on the session. Those people are called **Ruling** Elders. Deferring to the pastor is a denial of the scriptural truth that God gives to **all** believers spiritual gifts.



Critique

There can be significant unintended consequences from a pastor's non-disclosure.

1. Perpetration that is underway could continue uninterrupted.
2. Potential victims would be exposed to future harm.
3. Session as board of trustees fails to fulfill fiduciary obligation under NYS non-profit corporation law.
4. Undercuts session's responsibility for mission and ministry, *Book of Order*, G-3.0112, 4.0101, 4.0102.
5. Potential for congregation's loss of trust of pastor and/or session.
6. Opportunity for spiritual growth through informed, structured interactions with congregation is lost.
7. Pastor carries the knowledge. What happens during vacations, study leaves, sick leave, m/paternity leave, time of dissolution?



"So if you think you are standing, watch out that you do not fall." 1 Corinthians 10:12

Critique



An offender invoking a Pastor's trust → Eliciting a promise of silence → Exposing innocents to risk → Failure to protect vulnerable persons → Protecting the offender

Goals identified by PGV resources*

- Inform the session as soon, and as fully, as possible. (Take into account privacy of victim.)
- Do not promise confidentiality to offender.
- Obtain all the available legal facts. (Do not accept/trust the offender's story at face value as accurate and/or complete.)
- Respect the challenge of the clinical nature of sex offenders and their attitudes and behaviors, and the challenge of safe re-entry for released offenders.
- Act to protect vulnerable people in the congregation (children and/or youth, adults without mental capacity, and people who've been victims).



Goals

- Act on the legal fiduciary duty as trustees to protect the church as a non-profit corporation under NYS law.
- Fully inform the church's insurance carrier. Practice the stewardship of risk management.
- Session commits to inform the congregation in the near future: contents and process.
- Utilize available PGV expertise. [Don't go it alone; do go outside the congregation.]



Resolution of the Tension Point?

How do we reconcile one set of pastors' and elders' **Goals**, which are grounded in faith, with another set of **Goals** equally grounded in faith, but informed by first-hand experience and evidence-based best practices from multiple disciplines?



PGV's *de facto* protocol*

The Session creates a

Covenant of Accountability
and Support (CoA&S)

and requires / invites the
individual to enter into it.



*James S. Evinger, C.O.M.
designee, & Mel Olver, PGV
attorney

Think critically about people, issues, principles,
responsibilities, options, consequences, goals/outcomes.

“ ‘...be wise as serpents
and innocent as doves.’ ”

Jesus to the disciples
Matthew 10:16 NRSV



Which metaphor did
Jesus introduce first?



God's covenants: Noahic, Mosaic, and Abrahamic



Biblical Basis of CoA&S

God's rainbow covenant with Noah and "every living creature." Genesis 9:1-17

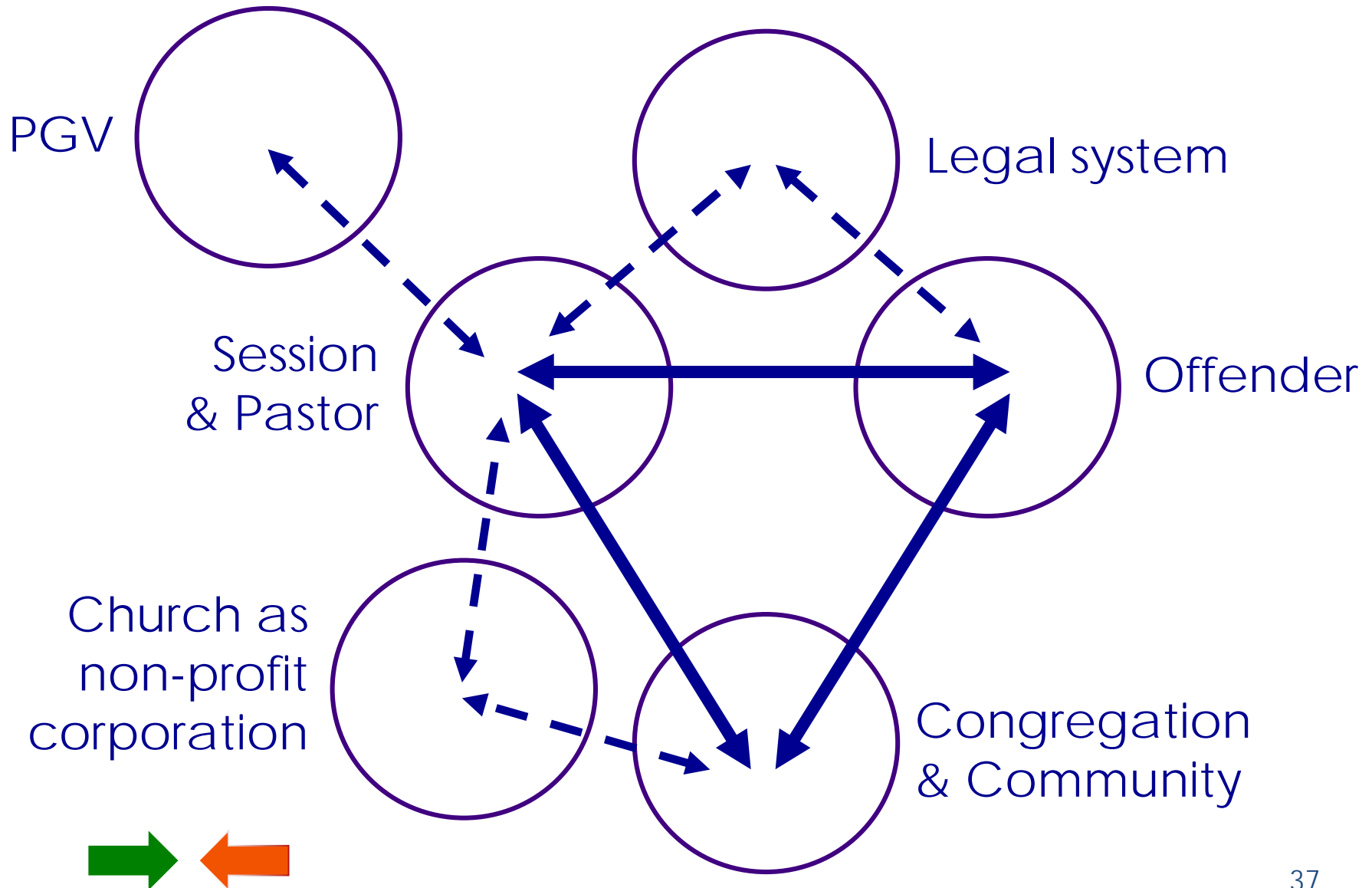
God's "everlasting" covenant with Abraham and Sarah. Genesis 17:1-27

God's covenant with Moses and the people of Israel. Exodus 19

These covenants are bilateral promises initiated by God with people as partners in a relationship in which they are bound to each other through their obligations.



What is a CoA&S ?



1. Based on facts.	Foundation based on 3 rd party documents from law enforcement, judicial proceedings, professional licensure records, etc.
2. Focuses on behaviors.	Promises by session & the individual; terms & conditions applicable to circumstances, people, resources, & limitations.
3. Session assumes the primary role.	Makes decisions, communicates (to individuals, congregation, insurance carrier, 3 rd parties, PGV leadership), implements, monitors, & reviews.
4. Outcomes/Goals /Principles & their rationales are clear.	1.) Reduce risk of harm to people. 2.) Reduce liability risk. 3.) Preserve integrity of mission & ministry. 4.) Preserve trust in leadership. 5.) Offer structured support. (<i>Goals</i> remain; <i>means</i> change.)
5. Non-adjudicatory stance.	Session is explicit that it does not assume the role of adjudicating guilt or innocence of prior behaviors; focus is preventing future offenses.

Principles of a CoA&S

- Tell the truth.

Paul (Ephesians 5:11); James (James 4:17).

PGV Sexual Misconduct Policy principles and commitment to disclosure.

- Protect people who are vulnerable.

Shiphrah and Puah (Exodus 1:15-21); Miriam (Exodus 2:1-10); Elisha (2 Kings 4:1-7); God's angel (Matthew 2:13-14); Jesus (Matthew 18:6).

PGV Sexual Misconduct Policy appendix: commitment to protection of minors.



Principles of a CoA&S continued

- Protect the integrity of the congregation's mission and ministry.
- Preserve bonds of trust of leadership and within the faith community.
- Exercise the stewardship of risk management (in relation to insurance policy).
- Fulfill fiduciary responsibility as trustees of the non-profit corporation under New York law.
- Activate the session to fulfill its co-governance role.



Crime Theory Basis of CoA&S

2 basic theories of crime, which are a foundation for crime prevention strategies.

1. Situational (or Opportunity)

Opportunities in the environment – the physical and social setting – create incentives for the commission of offending behaviors. (The external **situation** tempted the person to commit crime... E.g., laptop left in view on the car seat.)



Crime Theory Basis of CoA&S

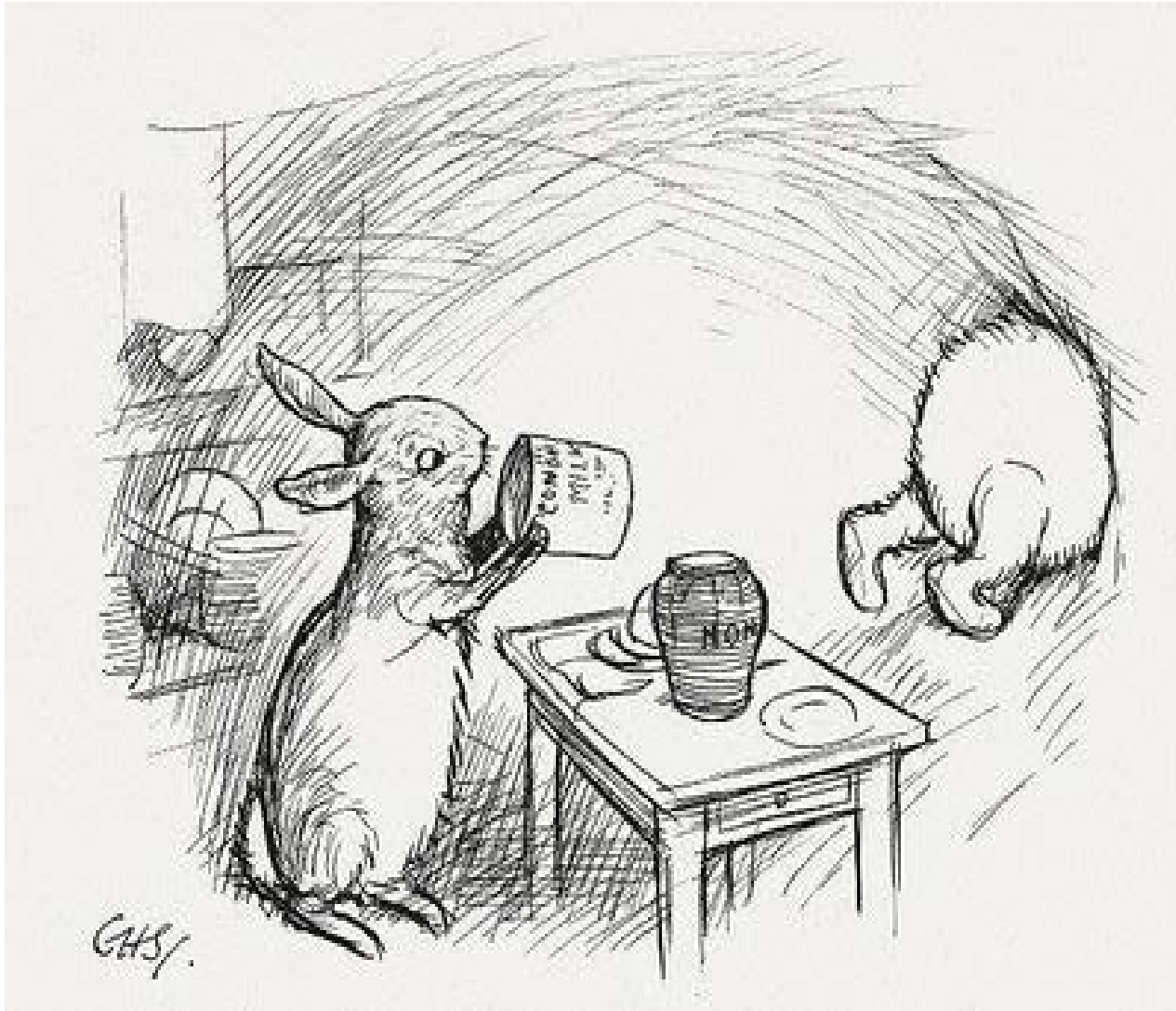
2. Dispositional

An individual's pathology, traits, or characteristics are the causes of the offending behavior. (The person was internally disposed to commit the crime because...)

Wortley, R.K., & Smallbone, S. (2006). "Applying Situational Principles to Sexual Offenses Against Children." In Wortley, R.K., & Smallbone, S. (Eds.). *Situational Prevention of Child Sexual Abuse*. Monsey, NY: Criminal Justice Press.



Crime Theory Basis of CoA&S



Crime Theory Basis of CoA&S

After being invited to Rabbit's home, Pooh accepts Rabbit's offer to eat some of his honey. Trying to leave, Pooh gets stuck. Why did Pooh get stuck?

Pooh

The hole to Rabbit's home is too small.

Situationalist

Rabbit

Pooh can't control his appetite.

Dispositionalist



Crime Theory Basis of CoA&S

Rabbit is very correct.

Pooh is disposed to eat the honey.



What is the nature of the risk?

“Like most [psychiatric] paraphilias, however, the neurodevelopmental sexual nature of pedophilia makes it especially resistant to change. Under legal duress, pedophiles can control their *behavior* – i.e., not approach children and not download illegal images – but their *preferences* are unlikely to change [citations]. Thus, the goals of intervention with identified pedophiles are typically to prevent access to victims by restricting their residence and movement, to try to reduce sexual urges through chemical means, and to encourage or mandate them to attend specially designed abstinence support programs similar to the ones used by substance abusers.”

Miller, Laurence. (2013). Sexual offenses against children: Patterns and motives. *Aggression and Violent Behavior*, 18:509.



Crime Theory Basis of CoA&S

Pooh is very correct.

The situation presents him a problem.
The hole is too small.

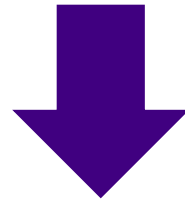
But Pooh is very wrong.

The problematic circumstance is his exposure to an object (honey), in relation to which he cannot control his disposition to devour it.



How do we reduce the risk?

OPPORTUNITY



**REDUCE
OPPORTUNITY
FOR HARM**



How do we reduce the risk?

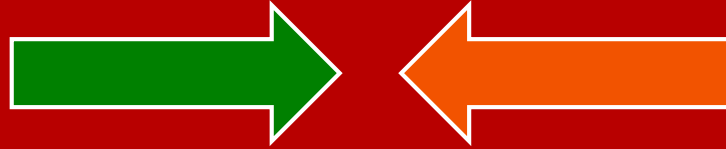
CAPACITY TO RESPOND



INCREASE OUR CAPACITY
TO RESPOND



Observation based
on experience



It's easier to address the
Situations than people's
attitudes of resistance & denial.

9 Core Elements of CoA&S

1. Statement of goals/outcomes and the whys supporting them – principles, convictions, and values.
2. Statement of the relevant facts and circumstances.
3. Measurable, observable behaviors that the individual and the session agree to perform.



9 Core Elements of CoA&S

4. Measureable, observable behaviors that the individual will refrain from performing.
5. Timetable establishing when the covenant will be reviewed.
6. Statement of actions to be taken by the session if the individual does not fulfill the terms of the covenant.



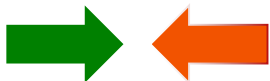
9 Core Elements of CoA&S

7. Individual consents to, and gives permission for, church leaders to communicate with person's parole/probation officer and therapist, if the person has one.
8. Identification of whom the session shall notify about this covenant, what will be disclosed, and how. (E.g., congregation, select leaders of programs involving minors, insurance company, Presbytery...)



9 Core Elements of CoA&S

9. Signatures of the individual, a session representative, a witness, and date.



Principles of a CoA&S

Goal: Fully inform the session as soon as possible.

Principles

- Utilize the co-governance model of the Reformed tradition. [Laity have gifts of the Spirit, too.]
- Truth-telling promotes trust within a congregation and preserves the integrity and accountability of leadership. [Truth counters secrets, rumors, and distortions of fact due to closed communication patterns.] The PGV *Sexual Misconduct Policy* is committed to truth-telling and disclosure.



Principles of a CoA&S

Goal: Do not promise unqualified confidentiality to the person to whom the Covenant would be extended.

Principle

- Honoring the truth is a higher value than an individual's request to withhold information from multiple parties who would be affected by the person's participation in the congregation. [Some sensitive information may need to be maintained on a need-to-know basis. E.g., the identity of the person's victim(s) who are minors.]



Principles of a CoA&S

Goal: Obtain all the available legal facts, including establishing a working relationship with legal authorities, e.g., a parole officer.

Principle

- A session is best able to fulfill its spiritual and fiduciary responsibilities when all relevant information is available to it. [An individual's actions that are subject to criminal proceedings are part of a public, legal record, and are available. Expect parole officers to be willing to communicate with a church's representatives.]



Principles of a CoA&S

Q & A: What's the difference between *parole* and *probation* in New York State?

- *Probation* is typically a sentence imposed by a criminal court in which the convicted individual is released to the community on conditions without having been incarcerated. Oversight is a county function.
- *Parole* is typically part of a criminal sentence served in the community on conditions after having been incarcerated. Oversight is a state function.



Principles of a CoA&S

Goal: Act to protect vulnerable people in the congregation.

Principle

- A session has a duty to fulfill its spiritual responsibilities for the congregation's nurture and well-being. This includes persons who are minors (children and/or youth), adults without mental capacity, and people who've been victims of sexual crimes. Protecting those who are vulnerable and preserving the congregation as a trustworthy community of faith is paramount.



Principles of a CoA&S

Goal: Act to protect vulnerable people in the congregation. *continued*

Principle

- Also see the PGV *Sexual Misconduct Policy*, Attachment C., *Safe Sanctuaries: Protecting Children in Our Congregations*, which outlines core values and principles. Note the “Balance of Protection Rule” which guides a session to honor “the interests and rights of children who are in the congregation or participate in church programs” against “the interests and rights of a person reported to be at risk for committing child sexual abuse...” In balancing the competing interests, “the Session shall honor the balance that most strongly favors protection of children.”



Principles of a CoA&S

Goal: Act on the session's legal fiduciary duty to protect the church as a non-profit corporation under NYS law.

Principle

- Insofar as the session is the board of trustees of a NYS religious non-profit corporation, it has a fiduciary duty to act in the best interests of the church. In secular parlance, this includes exercising the best practices according to prudent risk management. [In a litigious secular culture, this is simply good stewardship.]



Principles of a CoA&S

Goal: Fully inform the church's insurance carrier.

Principle

- The immediate preceding principle applies equally to this goal. [A church that does fully disclose relevant information to its carrier may violate the terms of its policy, which might negate its coverage.]



Principles of a CoA&S

Goal: Commit to inform the congregation in the near future.

Principle

- The preceding principle of truth-telling applies equally to this goal. Disclosing the situation and the session's actions:
 1. increases the capacity of parents and guardians to act to protect their loved ones;
 2. reduces the likelihood of misinformation;
 3. promotes bonds of trust;
 4. preserves the integrity and accountability of leaders.



Principles of a CoA&S

Goal: Utilize available PGV expertise.

Principle

- This variation of the truth-telling principle is necessitated by the complex legal and clinical variables of sexually-based crimes, and the complex responses this topic elicits in a church. The more fully informed a session is, the better its decisions will be. PGV has competent resource people who bring expertise and direct experience in working with sessions on this topic. [Our polity is connectional, not congregational. And we have “first responders” available.]



CoA&S: Results to date ?



Matthew 7:15-20 NRSV

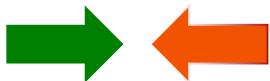
With the disciples,
the standard used
by Jesus to assess
the credibility of
false prophets was
very practical:

“You will know
them
by their fruits.”



Background in PGV

	Genesee Co.	Livingston Co.	Monroe Co. City	Monroe Co. Suburb
Pastors who made arrangement w/o seeking PGV recommendations		1	3	2
Pastors who ignored PGV recommendations (inc. those of PGV attny.)		1		1
Pastors who sought & followed PGV recommendations	5 <i>see following slide</i>			



History of CoA&S in PGV

	Genesee Co.	Livingston Co.	Monroe Co. City	Monroe Co. Suburb
Session extended & Person entered into CoA&S		1		
Pastor* extended & Person entered into CoA&S				1
Session extended & Person refused to into CoA&S	1		2	

*A one-time exception to a session covenant, based on unique legal and family-related facts.



CoA&S: Results to date

1. **All known covert 1:1 arrangements (i.e., between a pastor only and an individual) that have been reported to PGV have been disclosed to sessions.**
 - In one situation, the pastor refused to disclose the arrangement to the session. In response, the Committee on Ministry convened a meeting of the session and disclosed relevant information to the ruling elders. (The legal background involved loss of a NYS-issued professional license for actions against a minor. The individuals were on the church staff.)
 - We hear anecdotally of a few covert arrangements which have not been reported to PGV.



CoA&S: Results to date

2. Most individuals refuse to enter into a Covenant.

Our knowledge of why people refuse is limited by the number of cases plus individuals declining to communicate.

- Is refusal a factor of the person not being known by the congregation prior to the legal event? Perhaps, in some cases. In others, the person was well known.
- Is it a factor of the congregation having been informed and the individual was uncomfortable with the disclosure? Perhaps, in some cases, but clearly not in others.



CoA&S: Results to date

3. Some individuals have entered into a Covenant.

- Is entering a Covenant influenced by the factor of the quality of the relationship between the pastor and the individual? Perhaps, in some cases, but clearly not in others.
- Is a person who enters into a Covenant influenced by how well, or how poorly, the situation was handled by church leaders before a Covenant was extended? Perhaps, in some cases, but clearly not in others.
- Some refused to enter on the basis the information would be disclosed.
- Some refused because they did not want to be accompanied during church events or activities.
- As a rule, it is not feasible to offer a Covenant if the identified victim is part of the congregation.



CoA&S: Results to date

4. When pastors and sessions share a common mind about the core outcomes/goals and supporting principles and rationales, it is easier for them to reach a decision to propose a Covenant that is meaningful, thoughtful, and more likely to be effective.

- Reaching the point of sharing a common mind is typically accomplished by utilizing a PGV resource person ("first responder") who is invited to facilitate the discussion in a specially called session meeting(s). This is Reformed church co-governance: session & presbytery together.



CoA&S: Results to date

5. To the best of our knowledge, no session that entered into a Covenant has regretted doing so.
- We know of one related situation in which an elder resigned when the session chose to inform the congregation of a parolee's status. (The elder anticipated that the person's wife would be extremely distressed at the disclosure. The wife, however, was quite relieved that others in the congregation would be aware and involved in the responsibility of monitoring his behavior at church, a task that burdened her when she was doing it alone and in secret.)



CoA&S: Results to date

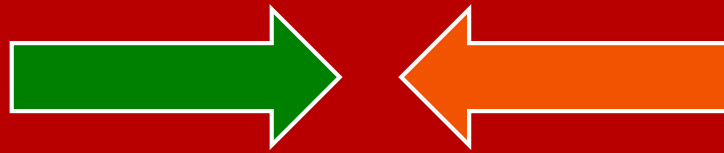
6. A positive sign that sessions which chose to extend a Covenant are satisfied with this model is the fact that a number have given us permission to share their format with other sessions facing these circumstances.

- While the model uses core elements, each situation presents very specific factors unique to the parties involved and affected. Each Covenant is constructed to embody the core elements while being adapted to the specifics of the situation.



Adopting & Implementing

C of A & S



Risk awareness

Factors to consider: N.Y.

75



NYS Department of Corrections is required by law to offer a sex offender treatment program to people serving sentences for felony sex offenses and other offenses defined in the Mental Hygiene Law. (NY Correction Law § 622)

Given that law, where are the studies regarding...

- the nature of the treatment programs?
- participation (how many offenders) by type of offense?
- duration (how long) of treatment?
- outcomes upon re-entry into the community over time (did it work)?

Factors to consider: N.Y.



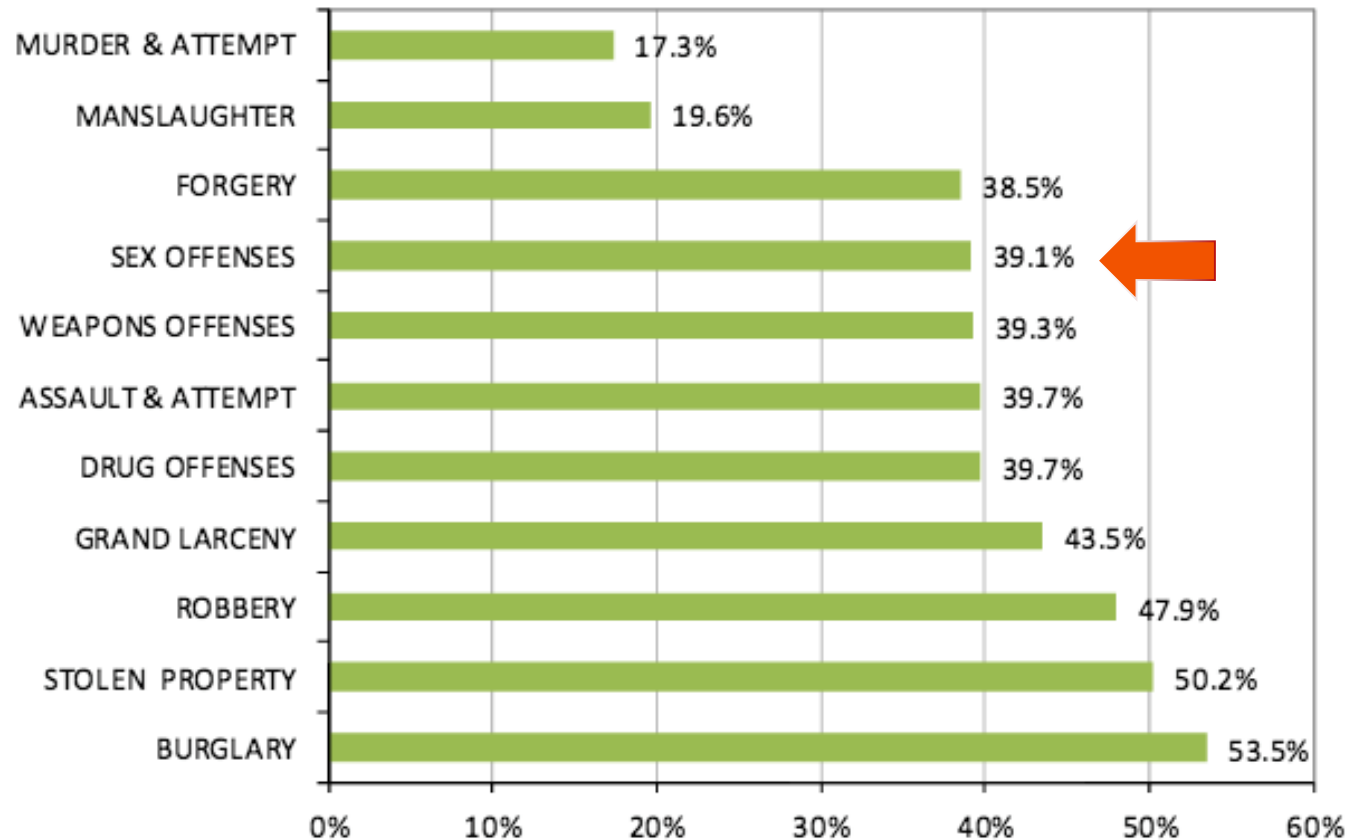
Proportion of NYS registered sex offenders rearrested
(among 19,827 offenders who were registered 03/31/05).

	1 yr.	2 yrs.	5 yrs.	8 yrs.
Any new arrest	15%	24%	41%	48%
Any new registerable sex offense	2%	3%	6%	8%

Source NYS Division of Criminal Justice Services: NYS Sex
Offender Registry & NYS Computerized Criminal History Data
Base.

Krueger, J. (2006). *Research Bulletin: Sex Offender Populations, Recidivism, and Actuarial Assessment*. New York State Division of Probation and Correctional Alternatives. Accessed 02/25/16:
<http://www.criminaljustice.ny.gov/opca/pdfs/somgmtbulletinmay2007.pdf>

Factors to consider: N.Y.



Return rates for selected crimes within 3 years of release in 2010.

Kim, R. H. (2014, June). *2013 Inmate Releases: Three Year Post Release Follow-up*. New York State Department of Corrections and Community Supervision.

Accessed 02/25/16:

http://www.doccs.ny.gov/Research/Reports/2014/2010_releases_3yr_out.pdf

Factors to consider: National



- Recidivism rate of adult sex offenders in the U.S.A. is difficult to measure: offenses are surreptitious in nature; few offenses are reported to authorities; there is a lack of standardized methods and definitions.

Different scientific studies of recidivism rates of adult sexual offenders report different results.

Source: Przbylski, Roger. (2015, July). Recidivism of adult sexual offenders. *Sex Offender Management Assessment and Planning Initiative Research Brief*. U.S. Department of Justice.

<http://www.smart.gov/pdfs/RecidivismofAdultSexualOffenders.pdf>

Factors to consider: International



What is the risk of a convicted sex offender re-offending sexually?

An international perspective.

- “re-offending” based on a conviction after release.
- Sample was from 10 jurisdictions (9 prisons, 1 psychiatric hospital) in Canada, U.S.A. (2 states), England, & Wales.

Risk of sexual re-offending



	5 yrs.	10 yrs.	15 yrs.
Any sexual offense	14%	20%	24%
Offender > 50 y.o. at release	7%	11%	12%
Offender < 50 y.o. at release	15%	21%	26%
♀ Child molester	9%	13%	16%
♂ Child molester	23%	28%	35%
Incest Child molester	6%	9%	13%

Source: Harris, Andrew J. R., & Hanson, R. Karl. (2004). *Sex Offender Recidivism: A Simple Question*. Accessed 02/25/16:

<http://www.static99.org/pdfdocs/harrisandhanson2004simpleq.pdf>

Factors to consider

Regardless of which study of recidivism is used as authoritative...

Scientific studies of recidivism rates of adult sexual offenders are based on POPULATION samples. They are not predictive of any SPECIFIC individual's risk for re-offending.

Analogy: The side effects warnings for a prescription drug are based on population samples. Until you take the drug, no one knows if you will have an adverse reaction.



What evidence-based clinical studies identify as risk factors for re-offending (adult)

Actuarial or static risk factors: More accurate

1. History of prior sexual offenses.
2. Demonstrated sexual interest in children.
3. History of committing a variety of sexual offenses.
4. Lifestyle of instability / criminality (e.g., substance abuse).

Source: Baldwin, Kevin. (2015, July). Sex offender risk assessment. *Research Brief: Sex Offender Management Assessment and Planning Initiative* [U.S. Department of Justice].

<http://www.smart.gov/pdfs/SexOffenderRiskAssessment.pdf>

Factors to consider

Dynamic or fluid risk factors: Less accurate

5. Lack of employment.
6. Age of onset of sexual offense. (As age increases, offending decreases.)
7. Active substance abuse.
8. Lack of cooperation with supervising authority.
9. Demonstrated pro-offending attitudes.
10. Psychological factors (e.g., denial, lack of empathy for the victim's experience).



Factors to consider

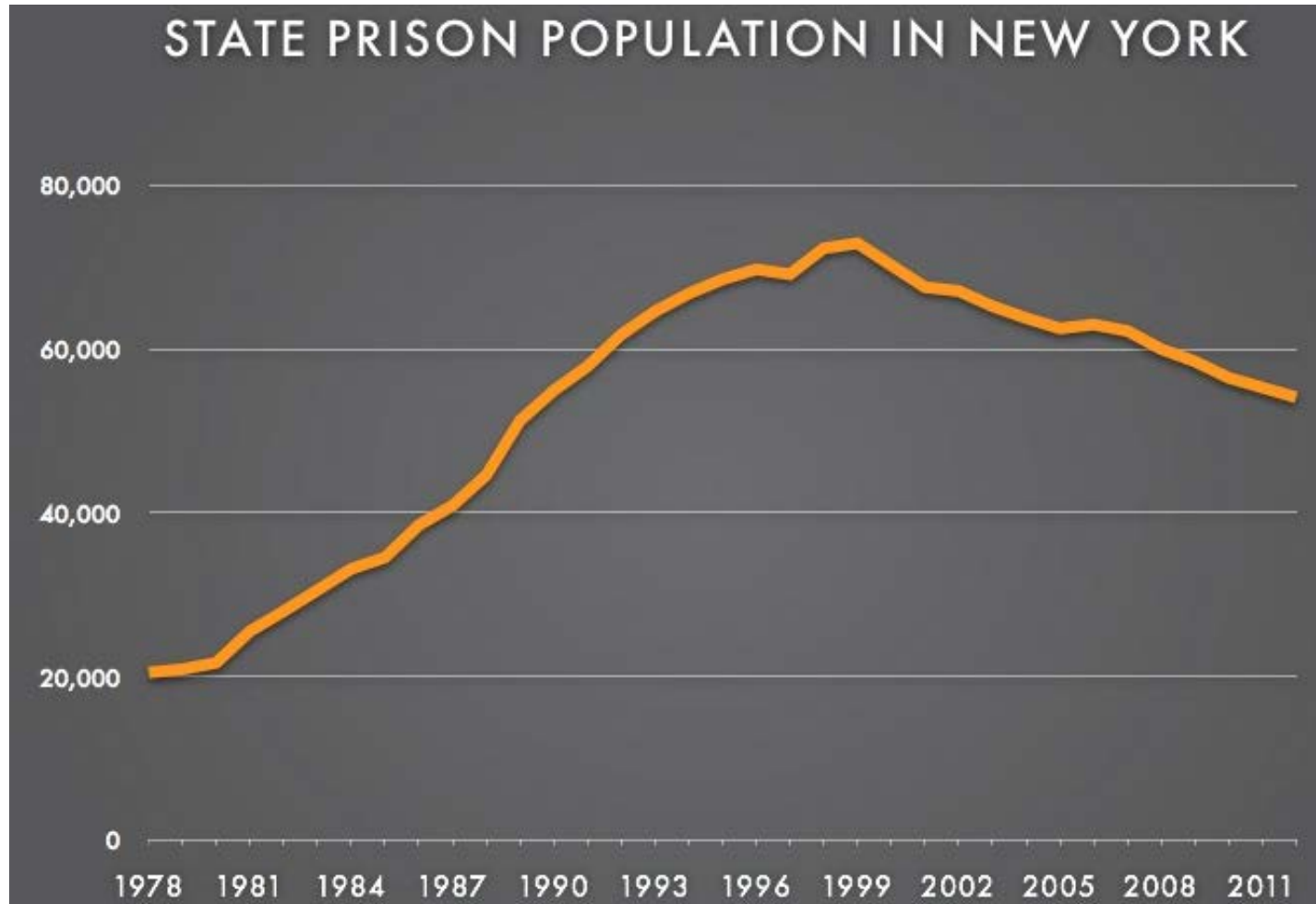
Scientific studies of risk factors for adult sexual offenders are ongoing. Current research is described as 3rd generation.

“Research has yet to identify a single ‘best’ instrument for assessing the risk of sexual offenders...” (Baldwin, D., 2015). Predictive risk assessment is a task for experts.



Factors to consider: N.Y.

People serving criminal sentences are being released before their sentence expires.



<http://www.prisonpolicy.org/reports/overtime.html>

Factors to consider: N.Y.

Parolees who are sex offenders
require greater supervision.



The NYS standard caseload in 2011 was
25 sex-offender Parolees/P.O.

Source: Sex Offender Management Bureau, New
York State Office of the Attorney General (04/13/11).
https://www.ag.ny.gov/sites/default/files/pdfs/bureau/sexual_offender/April%202011%20SOMB%20Yearly%20Report.pdf

Factors to consider: N.Y.



Parole Officers are carrying larger caseloads. I.e., there is less supervision.

Monroe Co. 2014

1,300 Parolees

25 P.O.s

52 Parolees/P.O.

Monroe Co. 2015

1,800 Parolees

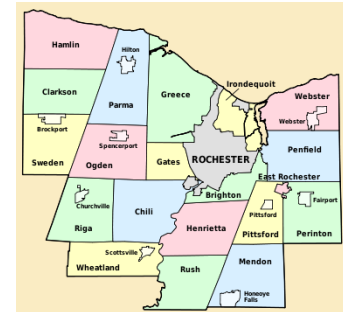
33 P.O.s

54.5 Parolees/P.O.

Source: James VanBrederode, Chief of Police, Gates, NY, citing NYS Department of Corrections and Community Services, quoted in multiple Rochester media (09/25/15).



Factors to consider: N.Y.

» Monroe County has one of the state's largest populations of registered sex offenders of all kinds, at 1,454. Only the New York City metro boroughs of the Bronx, Kings and Queens were higher; Kings was highest at 2,196. There is no clear reason for Monroe having that large a population.



Source: Robinson, David, & Bandler, Jonathan. (2017). NY's civil commitment: The cost of locking up sex offenders. *Rochester Democrat and Chronicle*, (June 4), pg. 23A, column 1.

Risk assessment & CoA&S

Degree of risk of recidivism	
 Low Probability	Based on past known occurrences
 A real Possibility	Based on possible future occurrences



A low probability
of recidivism
does not eliminate
the single possibility
of a new offense.

Risk Assessment: Probability vs. Possibility

First Presbyterian Church, Pittsford, NY

Sanctuary, the afternoon of May 15, 2004



Risk Assessment: Probability vs. Possibility

The morning after the lightning strike of May 20, 2004



Even if the possibility of recidivism is low...

A carefully constructed and realistic Covenant of Accountability and Support is a responsible process, with demonstrated effectiveness, which is consistent with the biblical culture of structured promises and relationships, to address the possibilities of harm recurring.

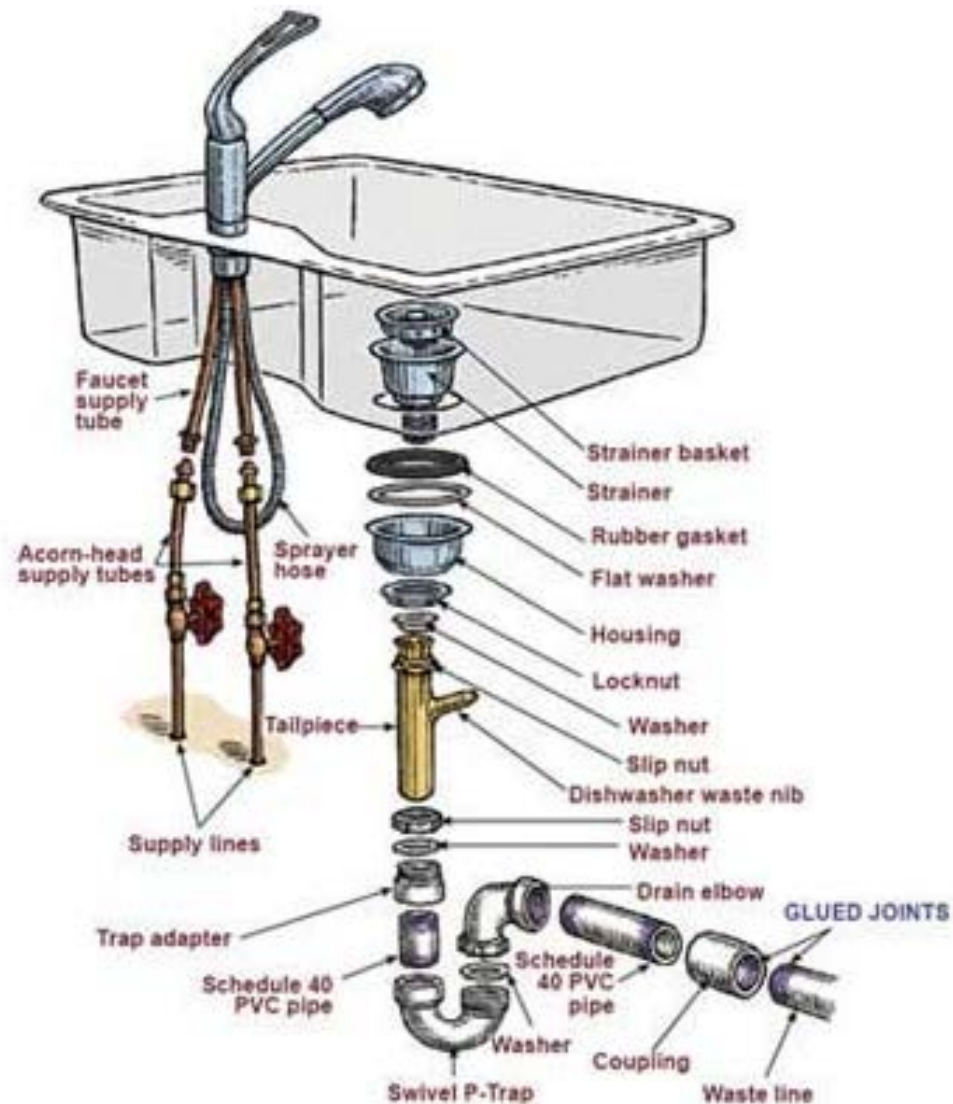


Resources

An annotated bibliography of resources regarding a CoA&S for both adult and youth offenders is available upon request.



Questions?



End