

MSOTA

NEWSLETTER

WELCOME

This is the second issue of the Montana Sex Offender Treatment Association's (MSOTA) newsletter. We hope to use this newsletter as a means to help us accomplish a key component of our mission: promoting community safety & education. Hopefully, this newsletter serves as resource to you and those in your community.

LAYING THE GROUNDWORK

UNDERSTANDING THE SEXUAL/VIOLENT OFFENDER REGISTRY (SVOR)

MYTHS AND MISCONCEPTIONS

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UNDERSTANDING THE SEXUAL/VIOLENT OFFENDER REGISTRY

Several high-profile sexual crime cases in the 1990's resulted in public policies being implemented aimed at increasing public safety from stranger danger. Montana proved to be ahead of most states, for it had enacted its first Registration law for persons convicted of a sexual offense in 1989 (MCA 46-23-51).

Sex-offender registration laws are frequently referred to as "Megan's Law." This is based upon a New Jersey case in 1993 in which a little girl, Megan, was abducted, raped and murdered by a man previously convicted of a sexual offense who had lived in the neighborhood. In 1996, President Bill Clinton enacted the "Megan's Law," as an amendment to the Jacob Wetterling Act (1994). The amendment enhanced the Jacob Wetterling Act to require all states to have registration and community notification laws in place by 1997 or run the risk of losing federal funding. The purpose of Registration laws or Megan's Law is two-fold:

1. To accurately inform the public of the risks a persons in their community pose in order to provide a higher level of safety for children; and
2. To assist law enforcement in investigation of sexual offenses;

Presently, Montana, as with many other states, has a 3-Level system for the registry:

- Level 1 Low Risk (10 year registration)
- Level 2 Moderate Risk (25 year registration)
- Level 3 High Risk (Sexually Violent Predator, lifetime registration)

The Court determines the level-; designation of a person convicted of a sexual crime, which subsequently determines how long a person has to be on the registry. To help determine an appropriate tier designation, Courts utilize recommendations put forth in psychosexual evaluations.

The method used to assess an individual's risk to sexually reoffend has evolved and become much more sophisticated since registration laws were first enacted. A trained evaluator who is performing a psychosexual evaluation can utilize a number of actuarial or statistically-based risk assessment scales. These scales measure a variety of risk factors that have been found in the professional literature to be significant as it relates to sexual recidivism. Not one single factor stands alone in determining risk. The determination of risk is a multi-factor analysis. Further, the assessment of a person's risk to sexually reoffend is not a direct analysis of that person's risk. It is simply comparing the person to large samples of others who have been convicted of sexual offenses and their rates of recidivism. It is a comparative analysis.

The mission of the Montana Sex Offender Treatment Association is the promotion of community safety and education by maintaining professional standards for the evaluation and effective treatment of sexual offenders, individuals with sexually abusive behaviors, and/or sexual behavior problems. MSOTA promotes education and training throughout the state and region. A number of MSOTA clinical members are recognized nationally for their work and expertise in the area of evaluation and treatment of sex offenders. The relatively small population of Montana has enabled the association to coordinate efforts and provide consistency of services throughout the state.

MYTHS AND MISCONCEPTIONS

There are many myths and misconceptions in regards to persons who commit sexual offenses and their risk to sexually reoffend. Much of this is the result of the fact that it is generally the most heinous sexual offenses that are reported in the mainstream media. From that, both the media and the public in general assume that all persons convicted of sexual crimes are like those portrayed in news reports.

It is well established in the professional literature that a small percentage of persons who sexually offend on a child(ren) commit a large percentage of all sexual offenses. It is also understood that a high percentage of those convicted with a sexual offense have relatively low rates of recidivism. This is why it is very important that a person convicted of a such a crime is subjected to a comprehensive assessment in order to address matters related to risk so as to properly instruct the public, as well as the legal system, about the risk that an individual presents to the community.

In regards to risk, many clinicians who perform psychosexual evaluations of convicted adult male sexual offenders utilize risk assessment scales that are referred to as the Static series of Scales, primarily the Static 99R and the Static 2002R. Research regarding the use of the Static series of Risk Assessments would suggest that about 55 percent of adult males who are assessed fall into the Low Risk, Level 1 group, followed by approximately 33 percent that fall into the Moderate or Level 2 Risk group, and 12 percent or less in the High Risk, Level 3 group. Factors which tend to increase an individual's risk to sexually reoffend include, but are not limited to:

- Young age
- Marital status (single/never married)
- Prior criminal history
- Prior history of sexual-offense conduct

Indications of deviant sexual interests (pedophilia)

Prior non-sexual violence conviction

It is also important to note that an individual's risk to sexually reoffend can lessen over time. The law allows for a reduction in level of risk, which is at times appropriate. Further, an individual's risk over time can increase based upon their behaviors subsequent to their initial sexual-offense conviction.

Another important concept related to risk is that it is in the first five (5) years of opportunity, meaning the first five (5) years a convicted sex offender is in the community, when approximately 50 percent of all recidivism occurs. After the first five (5) years of opportunity, rates of recidivism decrease significantly. Further, it is also important to note that specialized sexual-offense specific treatment has been demonstrated in the professional literature to decrease rates of recidivism. That is to say that individuals who have successfully completed a specialized sexual-offense specific treatment program tend to have significantly lower rates of recidivism.

Finally, participating in outpatient sexual-offense specific treatment provides an added layer of safety in the community as the offender is seen on a frequent basis and is held to very high levels of accountability in regard to their behavior and conduct.

These articles were contributed by Michael D. Sullivan, LCSW, MSOTA Clinical Member. Mr. Sullivan conducts forensic evaluations for the Courts. He practices out of Billings, Montana.

JUVENILES

In Montana, since 2007, juveniles who have been convicted of a felony-level sexual offense are required to register. Prior to that, for a juvenile to register as a sexual offender, the District Court Judge would have to so order that at the time of disposition. In 2007, the legislature essentially reversed that part of the statute, requiring registration for juveniles, but also allowing for a judge to make a determination that registration would not be necessary in terms of providing a higher level of public safety.

As of March 16, 2017, only 7 persons on the registry were juvenile offenders (less than 1%).

SVOR IN DOLLARS

On March 16, 2017, 6190 persons were listed on the Sexual/Violent Offender Registry. Targeted multi-jurisdictional compliance check operations are paid for by the US Marshals Office Sex Offender Unit. Montana's SVOR annually spends \$51.80 per an offender on compliance management. It is presumed that local registering agencies also incur costs.

SVOR STATISTICS:

On March 16, 2017, 6190 persons were listed on the State's Sexual/Violent Offender Registry. Of these persons, 2614 registered as Sexual (n = 2515) or Sexual & Violent (n = 102) Offenders. For those who had to reigister for a sexual offense, approximately:

- * 50.1 % were non-designated a Tier
- * 27.0% were designated a Tier 1 (Low Risk to Reoffend)
- * 17.9% were designated a Tier 2 (Moderate Risk to Reoffend)
- * 5.1% were designated a Tier 3 (High Risk to Reoffend)