

THE CONTAINMENT APPROACH: An Aggressive Strategy for the Community Management of Adult Sex Offenders

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Most convicted adult sex offenders remain or return to the community. This article recommends a specific approach to the community management of adult sex offenders, which holds convicted abusers accountable for the risk they pose to the community. The containment approach can be achieved only when criminal justice and related agencies proactively engage in a multidisciplinary, multi-agency strategy that seeks to close the natural fragmentation that occurs across multiple agencies and systems. The containment strategy described here begins with 5 distinct components: (a) a victim-centered philosophy, (b) multidisciplinary collaboration, (c) specific management tools, (d) consistent multi-agency policies and protocols, and (e) program quality-control mechanisms. This strategy cannot be implemented without a local, ongoing commitment to teamwork and community safety. The strategy must be customized to jurisdictions seeking to minimize public risk and maximize offender and public agency accountability. It is an evolving approach that is based on empirical data and field experience.

Introduction

Every 5 minutes in America, nearly 30 children are molested (American Humane Association, 1995) and someone is forcibly raped (Federal Bureau of Investigation, 1995). One in eight women is raped during her lifetime—nearly one third before the age of 11—and 84% of these rapes are never reported to the police (Kilpatrick, Edmunds, & Seymour, 1992).¹

According to *Rape in America: A Report to the Nation* (Kilpatrick et al., 1992), only 22% of rape victims were raped by strangers. This means that the majority of rapists—nearly four out of five—had extraordinary access to their victims and sufficient privacy to commit this heinous crime.

It is clear that most rapists will never come into contact with the criminal justice system. But for those who do, criminal justice system policies and practices must eliminate both sex offenders' access to potential victims and any privacy the

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¹Kilpatrick et al. (1992) conducted a 3-year longitudinal study of 4,008 adult American women. The study found that more than two thirds of the rape victims who did not report the crime said it was because they did not want their family to know about the rape (over one third of those raped were raped by family members) or they did not want people to think it was their fault (39% were raped by boyfriends, ex-boyfriends, or other acquaintances).

offenders may enjoy. The criminal justice system can exert significant control over offenders' opportunities to commit new crimes and, at the same time, strictly abide by nondiscriminatory and humane rules of ethics and the law. This is the essence of an aggressive sex offender containment strategy.

Criminal justice professionals in jurisdictions across the country have begun to reform many current practices that inadvertently give sex offenders opportunities to reoffend. Containment strategies operate in circumstances of multi-agency collaboration, explicit policies, and consistent practices that combine case evaluation and risk assessment, sex offender treatment, and intense community surveillance designed specifically to restrict offenders' privacy and access to victims.

While offenders are under official supervision, every effort is made to prevent them from obtaining the opportunity to hurt others. And, given the lifelong nature of this problem for many sexual abusers who come into contact with the criminal justice system, a growing number of professionals endorse court sentences that impose lifelong correctional supervision under the containment model.

Method

A study (English, Pullen, & Jones, 1996) conducted by the Colorado Division of Criminal Justice for the National Institute of Justice, U.S. Department of Justice, identified a system of innovative methods local jurisdictions are using to manage adult sexual offenders. The 2-year investigation involved a telephone survey of a national sample, stratified by population and geography, of 732 probation and parole supervisors; an extensive literature review on victim trauma and sex offender treatment; a systematic document review of scores of materials ranging from agency memoranda and protocols to legislation and administrative orders; and field research involving site visits to 13 jurisdictions in six states (Arizona, Colorado, Louisiana, Texas, Ohio, and Oregon). The findings from the field research resulted in a description of a promising approach for managing adult sexual offenders, which is presented here.

During the field research, more than 100 face-to-face interviews were conducted in formal and informal settings. Data were gathered from probation officers, parole officers, defense and prosecuting attorneys, law enforcement personnel, social service workers, sex offender treatment providers, sexual assault victim treatment providers, polygraph examiners, judges, correctional administrators, police detectives, parole authorities, victim advocates, and sexual offenders.

According to methodologist Babbie (1995) " '[b]eing there' is a powerful technique for gaining insights into the nature of human affairs" (p. 300). Being there was, indeed, the only way to begin to build an understanding of the scope and complexity of issues that local criminal justice practitioners grapple with daily to safely manage sex offenders under their charge.²

During the study (English et al., 1996), patterns emerged from observing innovative management practices that many professionals were undertaking. These practices were grounded in the scientific literature, specifically sex offender treatment and victim trauma research and theory, and were frequently supported by

²In fact, I urge policymakers to appoint committees of working professionals to advise them on issues related to this complicated and dangerous correctional population.

multi-agency agreements and often by state policy. Practitioners told us that they were working to close gaps and inconsistencies in sex offender management, because where gaps exist, offenders frequently position themselves to reoffend, cause conflicts among staff and agencies, and skillfully distract others from the dangerous threat they pose to the community.

Research findings are traditionally presented in the past tense, to reflect the time frame in which the data were collected and to restrict generalizations beyond that time period. Yet, hard work continues in many jurisdictions that served as the foundation for this study (English et al., 1996), work intended to improve the criminal justice response to sex offenders. In recognition of this ongoing work and because the containment approach is part research and part theory—an evolving social experiment that operationalizes the best of empirical data and human experience—the description below is in the present tense.³

Research Findings

The Containment Approach: Five Components

Overview. In many jurisdictions in the United States, professionals are actively involved in the development, implementation, and evaluation of locally defined and developed sex offender containment strategies. In these locales, mechanisms are in place to hold identified sex offenders continuously accountable for the damage caused by sexual assault. Containment professionals believe that proactively coordinating policies and practices pertaining to the monitoring, supervision, and treatment of sex offenders allows for many, although not all, sex offenders to spend portions of their sentences in the community. Although many citizens believe convicted sex offenders are sent directly to the penitentiary, in fact, most sex offenders receive community supervision, either as a direct sentence to probation or, following time in prison, on terms of parole. Because many of these crimes occur within families, the relationship between the abuser and the victim is complex and multidimensional. "Lock 'em up and throw away the key" sanctioning may not best serve the community's interest, so the containment strategy is an important sentencing option.

Community-based sex offenders are held accountable for their behaviors, and every effort is made to avoid allowing the offender to access past or potential victims. While serving time in the community, many offenders on probation and parole work and pay for their supervision and treatment, and, sometimes, victim treatment.

The containment approach reflects a specific case-by-case management strategy that occurs within the context of a communitywide initiatives that are aimed to eliminate opportunities for reoffending by individuals convicted of sexual assault. Opportunities for sex offenders to assault again begin with society's lack

³Support for aggressive containment systems by Assistant U.S. Attorney General Laurie Robinson led to the recently created Center for Sex Offender Management in June 1997. The Center's goal is to enhance public safety by preventing further victimization through improving the management of adult and juvenile sex offenders who are in the community. As a collaborative effort of the U.S. Office of Justice Programs, the National Institute of Corrections, and the State Justice Institute, the Center is jointly administered by the Center for Effective Public Policy and the American Probation and Parole Association and is located at 8403 Colesville Road, Suite 720, Silver Spring, Maryland 20910.

of understanding of the insidious nature of these crimes and the multitude of ways that offenders manipulate situations and perceptions specifically to lay the groundwork for the next crime. Closing the gaps on these opportunities requires a systemwide, multidisciplinary approach founded on a clear and common goal: victim safety.

Our research (English et al., 1996) suggests that a sex offender containment approach consists of five core components. The exact development of each component varies according to local needs and values, but some version of the following five elements seems to exist in a fully operational and continually evolving containment approach: (a) a consistent multi-agency philosophy focused on community and victim safety; (b) a coordinated, multidisciplinary implementation strategy; (c) a case management and control plan that is individualized for each sex offender; (d) consistent and informed public policies and agency protocols; and (e) quality-control mechanisms designed to ensure that policies are implemented and services are delivered as planned. These components are described below, and examples are given from jurisdictions engaged in implementing sex offender containment approaches.

Component 1: Community safety philosophy. The effects of sexual assault on victims are often brutal and long-lasting. Victim research indicates that entrenched, long-term trauma is significantly related to the trust violation between the perpetrator and the victim (abuse by a father or step-father is associated with the worst outcome) and also to the duration and frequency of the abuse (Beitchman et al., 1992; Hindman, 1988; Salter, 1988). Psychological recovery from the assault is often prolonged for victims of these types of assaults. Also, Hindman's research revealed that trauma may be associated with the response the victim receives when he or she discloses the crime. If the response—whether from a school counselor, criminal justice officials, or a parent—implies that the victim was at fault, then the experience of trauma is magnified and recovery may be delayed.

For this reason, the containment approach begins with an explicit philosophy that values victim protection and community safety as paramount objectives of sex offender management. Criminal justice officials' commitment to the healthy recovery of the victim and the well-being of the community begin to guide policy development, program implementation, and the actions of professionals working with sexual assault victims and perpetrators.

The need for the victim-oriented philosophy is based on the recognition that case management decisions, even those grounded in agency policies, can jeopardize public safety and negatively impact sex assault victims. A common, victim-centered philosophy allows for the reassessment of traditional policies and practices with a new awareness drawn from the research literature on sex offenders and victim trauma.

The key to understanding the need for a victim-oriented–public safety approach is understanding the constant struggle that professionals endure to hold the offender accountable. Holding dangerous, manipulative, and often obsessive offenders constantly accountable is difficult indeed.⁴ Grappling daily with sex

⁴See Pullen and Pullen (1996) for a compelling discussion of the very difficult job sex offender containment professionals perform to humanely uphold public safety.

offender psychodynamics can rock the foundation of professionals' personal belief systems. Sexual assault—from acquaintance rape to incest, rape—murders, voyeurism, or weaponless-stranger rapes—occurs because the offender deliberately obtained the opportunity to assault someone:

Our safety seems less precarious if we believe sexual abuse is performed by individuals who have taken momentary leave of their faculties. . . . Many aggressors, seeking to minimize their responsibility for offenses, would also have us believe their behaviors are the product of irresistible impulses overwhelming their self-control. Offenders have numerous incentives to misrepresent their acts as impulsive rather than as the product of active planning and intention. . . . In reality, many offenders carefully plan offenses so that they appear to occur without forethought. (Pithers, 1990, p. 344)

Understanding these matters of opportunity and planning, along with the fact that sex offenders are generally not forthcoming about the scope and frequency of their deviant sexual activity, is fundamental to the philosophical foundation of a containment approach to managing sex offenders. The significant planning involved allows containment professionals to identify the modus operandi of each offender. Then therapists and criminal justice professionals can deliberately interrupt the planning behaviors and aggressively contain the offender.

By recognizing that the official response to sex crimes can assist or impede the victim's recovery, it follows that a clear, victim-oriented philosophy is essential in jurisdictions committed to a containment approach to sex offender management. "Making the victim whole" is the restorative justice phrase used since the early 1980s to describe the mission of the Jackson County, Oregon, Probation and Parole Department in the sex offender management process.⁵ "What's best for the victim?" is the question returned to again and again during quarterly meetings of Oregon's Sex Offender Supervision Network of adult probation and parole officers. Likewise the Colorado Sex Offender Treatment Board (1996) has designated that "community safety is paramount" among its nine guiding principles.

When a victim-oriented philosophy is at the center of a sex offender containment approach, it is reflected in public policies directed toward sex crime perpetrators. An example of operationalizing this philosophy is the Oregon law regarding sex offender notification. Because community notification laws might be devastating to the victim when the perpetrator is a family member, the 1994 Oregon statute explicitly directs probation and parole officers to develop and implement the notification plan. This mandate reflects the fact that the supervising officer is often in the best position to understand the case, that is, the offender's modus operandi to gain the necessary access and privacy to assault again. Most important, the officer understands the impact of notification on the victim. Public notification in some Oregon jurisdictions, then, occurs on a case-specific basis, which guards against revictimizing family members.

Component 2: Collaboration. The second feature of a sex offender containment approach includes a collection of implementation strategies that rely on cross-agency coordination, multidisciplinary partnerships, and within-agency job

⁵See English et al. (1996) for a description of the Jackson County, Oregon, Probation/Parole Sex Offender Management Program, Oregon Sex Offender Supervision Network.

specialization. When this effort takes the form of intra-agency, interagency, and interdisciplinary teams that are made up of professionals who specialize in sex offender cases, management gaps begin to disappear. Teamwork tends to overcome the fragmentation that commonly occurs from the multilayered nature of the criminal justice system. Also, the team approach minimizes duplication of effort and maximizes resources. It creates a rich pool of information and perspectives to improve the management of sex offenders. Teamwork strengthens both the motivation and the effectiveness of individuals, and a well-functioning team provides a support network for coping with the ongoing stress of managing dangerous cases.

Sometimes, jurisdictions have one large interagency team that deals with policy issues, and several smaller teams are formed to accomplish a variety of more specific tasks. Depending on the task (e.g., law enforcement investigation vs. parole supervision), each team may meet at different points and with different frequency during the management of a single case. The teaming of prosecution and law enforcement for training purposes is crucial, for example, to ensure that the necessary information is obtained to prosecute a case and to preclude certain defenses. For example, Nanetti and Greer (1996) maintained that a knowledgeable police investigator can make a strong case by effectively interviewing the suspect.⁶

Colorado, for example, has a Sex Offender Treatment Board with multidisciplinary membership defined in legislation. The Board has issued guidelines for the evaluation, treatment, and behavioral monitoring of adult sex offenders (Colorado Sex Offender Treatment Board, 1996). The guidelines designate a case management team for community supervision, led by the probation or parole officer, and comprised (at a minimum) of the officer, a Board-approved treatment provider, and a Board-approved polygraph examiner. Naturally, any team is enhanced with the participation of a specialized law enforcement officer, the prison treatment provider (if the offender is on parole and had been in prison treatment), the victim's therapist, and other individuals with primary involvement in the case.

Finally, job specialization is central to multidisciplinary teams. Voluntary job specialization tends to increase consistency at all stages of sex offender management, from investigation through prosecution and sentencing to assessment, monitoring, and treatment. Whatever the size of the jurisdiction, job specialization shrinks the containment community and closes gaps in the system, gaps that are actively sought out by the perpetrator and often pried open for the sake of avoiding accountability measures. Also, cross-training by specialists

allows physicians to learn the evidentiary issues prosecutors face, law enforcement officers and prosecutors to learn about common reactions to trauma from rape crisis counselors, and victim advocates to learn more about the criminal justice system so that they can better help victims prepare for court. (Epstein & Langebahn, 1994, p. 85)

Component 3: Containment-focused case management. The research data are clear that many offenders have multiple paraphilias. *Crossover* is the term used

⁶Nanetti and Greer (1996) noted that common defenses include (a) the touching was not sexually motivated or was accidental or innocent; (b) the child's graphic description of sexual matters is based on prior knowledge; (c) the alleged abuse is a fantasy, the child wants attention; and (d) the identification of the perpetrator is inaccurate.

to refer to the fact that many rapists of adult women also rape children and that many exhibitionists are also voyeurs and, given the opportunity, may progress to more aggressive behaviors. In groundbreaking research, Abel and Rouleau (1990) obtained self-report data from sex offenders that quantified this crossover: 51% of the 561 male participants had assaulted multiple age groups, 20% assaulted both genders, and 23% of incest perpetrators also molested children outside the family. This research also documented the frequency of offending behavior. The 561 participants reported victimizing 195,407 individuals, with crimes ranging from child rape to obscene phone calls. The crossover research also revealed an early age-at-onset for some abusers, with deviant behaviors starting as early as 10 years of age, suggesting that for convicted adult sex offenders, the behavior is likely to be well entrenched and integrated into the offenders' lifestyle (Able, Mittelman, & Becker, 1985; Awad, Sanders, & Levene, 1979; Becker, Cunningham-Rathner, & Kaplan, 1986; Groth, 1977; Groth, Longo, & McFadin, 1982; Smets & Cebula, 1987).

The acknowledgment of crossover and early-onset may be two of the most important aspects of the containment strategy, for the criminal justice system has traditionally managed sex offenders as if they were their conviction crime: "He is a rapist;" "She is a male-oriented child molester;" "He is a male pedophile." On the basis of these conviction-crime assumptions, many convicted offenders have been given, in the course of normal supervision, significant access to victims and an inordinate amount of privacy with vulnerable children and adults. For example, it is not uncommon to place a paroled rapist in a home with children because decision makers assume the conviction crime represents the scope of his sexual interests. If the offender sexually abuses one of these children, the approved parole plan then represents the first step in an officially sanctioned opportunity for the offender to rape again.

A successful sex offender containment approach includes a case management plan that clearly defines surveillance tactics to hold sex offenders accountable on a day-to-day basis. Information that is gathered specifically to identify the scope and frequency of the offender's deviant sexual arousal and behavior patterns forms the basis of a surveillance and management plan customized for each offender. This approach requires three interrelated, mutually enhancing activities: criminal justice supervision, sex-offender-specific treatment, and polygraph examinations. Visualize a triangle, with the three corners anchored with the three interventions just mentioned and with the offender contained inside the triangle. The triangle exists within a multitude of accountability measures: DNA testing, law enforcement registration linked to detailed modus operandi investigation database, specialized criminal justice caseloads, case management teams (including police units, social services, prosecutors, and probation, and parole officers), multidisciplinary investigation teams (including emergency room medical staff, rape crisis center staff, school counselors, victim advocates, prosecutors, prison officials, and law enforcement), official lists of approved service providers, confidentiality waivers, public service campaigns to stop child abuse,⁷ fully funded and supported child advocacy centers, consistent and adequately funded public

⁷STOP IT NOW! is a unique example of a primary prevention program developing strategies to prevent sexual abuse through public education and sex offender treatment. For further information, contact STOP IT NOW! at P.O. Box 495, Haydenville, Massachusetts 01039.

policies (including legislation and administrative and executive orders), and other efforts to control sexual offenders.

The triangle is anchored at each corner by three key activities: (a) criminal justice supervision and surveillance plans toward each offender's idiosyncratic offending patterns, (b) sex-offense-specific therapy for the offender, and (c) polygraph examinations conducted by highly qualified and specially trained investigators. The criminal justice supervision activity is informed and improved by the information obtained in sex-offender-specific therapy, and therapy is informed and improved by the information obtained during well-conducted postconviction polygraph examinations.

The three components are effective only if they work cooperatively, as appears to occur with many cases processed in many jurisdictions nationwide.⁸ Nevertheless, the first anchor on the triangle is the criminal justice system. Sexual assault is a crime, and the criminal justice system has primary jurisdiction over convicted sex offenders. The criminal justice system has important containment power when it uses well-trained, multi-agency teams and supervision tools, such as surveillance officers doing unanticipated home visits, urinalysis testing, verified law enforcement registration, detailed presentence investigations, lengthy terms and special conditions of supervision, employment restrictions, and clear and consistent sanctioning practices.⁹ Consistent plea bargaining is an important part of a successful containment strategy because certain pleas, such as Alford, no-contest pleas to nonsex crimes, and even sentences to diversion programs, minimize the seriousness of the behavior and can inadvertently reinforce an offender's denial of the crime.¹⁰ Pleas to nonsex crimes are discouraged, and the factual basis of the crime should be entered as part of any plea agreement.

A key contribution of the criminal justice system to the containment approach is the consequences it can leverage against the offender whenever the conditions of community supervision are violated. Without this constant pressure to adhere to the behavioral expectations detailed in the conditions of supervision and the treatment contract, community safety is dependent on the goodwill of the offender. Even the most motivated client needs serious consequences leveraged on his or her behalf to support him or her in moments of dangerous weakness. The criminal justice system, in the containment strategy, provides external controls and meaningful consequences that can occur only within a legal environment. According to Herman (1989), "Vigorous enforcement of existing criminal laws prohibiting sexual assault might be expected to have some preventive effect since both the compulsive and opportunistic offenders are keenly sensitive to external controls" (p. 188).

⁸For further information, contact officials in Jackson County, Oregon; Ontario, Oregon; Multnomah County Oregon; Clakamus County, Oregon; Maricopa County, Arizona; Arapahoe, Boulder, Jefferson, and Mesa Counties in Colorado; Massachusetts State Police/Framingham, Massachusetts; Division of Community Corrections in Everett, Washington.

⁹One district judge in Colorado refuses deferred judgments for sexual assaults, but when the case is weak will enter this judgment and attach strict conditions of court supervision to increase the likelihood that dangerous offenders will violate and return to court on a revocation, only to have the deferred judgment stricken and the original sentence imposed.

¹⁰Salter (1988) described multiple levels of denial: denial of the acts themselves; denial of fantasy and planning; denial of responsibility for the acts; denial of the seriousness of the behavior; denial of internal guilt for the behavior; and denial of the difficulty in changing abusive patterns.

Vigorous enforcement translates into surveillance strategies that are geared to each offender's idiosyncratic assault patterns—that offender's method of operation combined with criminal justice consequences when the offender engages in preassaultive behavior. For example, if an offender uses the Internet for sexual gain, the terms and conditions of probation or parole must prohibit the offender from owning or accessing a computer, and the consequences for failing to comply with parole or probation conditions of supervision might be 3 days to 3 weeks in jail, or longer. Likewise, depending on the offender's habits, telephone bills must be scanned for 900 numbers (one offender in Maricopa County, Arizona, had to take out a second mortgage to pay for \$24,000 in bills for 900 calls). Home visits must be unscheduled, and officers must look for toys, children's videotapes, animal crackers, and catalogs that are dog-eared at the children's underwear section. Bindings such as silver tape, wire, shoelaces, and bungee cords become the target of searches of homes and automobiles. In some jurisdictions such as New York, state law prohibits searching for anything beyond that which is in plain view.¹¹ Such laws which are based on the protection of individual rights, may inadvertently protect dangerous sex offenders by granting them what might be argued as excess privacy. I recommend public-safety-based modifications of such laws in cases of convicted sex offenders.

Sex-offender-specific treatment, a second anchor in the triangle, assists clients to develop internal controls over deviant thoughts and behaviors. The Colorado Sex Offender Treatment Board (1996) defined *sex-offense-specific treatment* as "a long term comprehensive set of planned therapeutic experiences and interventions to change sexually abusive thoughts and behaviors"¹² (p. 9). Sex-offense-specific programming focuses on actual sexual behavior, arousal, planning, and rationalizations, not stress, alcohol abuse, or childhood injuries because these distract from important work pertaining to directly and immediately stopping the abuse. Related issues are addressed in time, and often simultaneously, but first the offender must fully assume responsibility for the damage he or she has caused the current victim(s) and take all measures necessary to prevent the future abusive behaviors.

Sex-offense-specific therapy is unlike traditional psychotherapy. Treatment providers care best for the client by not first trusting the client's word but by seeking corroborating information. The therapist immediately targets behavioral and attitudinal changes because a client's current beliefs and actions likely represent a threat to the community. Unlike traditional therapy, counselors will not support the client's lifestyle when it revolves, even remotely, around accessing victims unless a myriad of safety nets are in place. Also, by using criminal justice system consequences, therapists help to motivate nonvoluntary clients to engage in treatment, complete homework assignments, and learn and use the tools of internal management.

¹¹It is possible that when the New York legislature amended P.L. 65.10 by adding subdivision 5 in 1996, allowing the court to impose reasonable probation conditions when the court determines such conditions are necessary or appropriate to ameliorate the conduct which gave rise to the offense, that surveillance methods based on specific offending patterns of individual offenders might become allowable. My thanks to Janice E. Taylor, general counsel to the New York City Department of Probation, for clarifying this issue.

¹²I am particularly grateful to Linda Jones for her work with the Colorado Sex Offender Treatment Board in drafting the 1996 Colorado Standards.

Sex-offense-specific treatment providers seek to obtain from the client, in a group therapy setting, descriptions of misguided thinking patterns, rationalizations, psychological defense mechanisms, and step-by-step methods each client uses to set up opportunities to assault victims. According to Pithers (1990), founder of the Vermont Prison's sex offender treatment program,

Although victims may be selected opportunistically, the act itself has generally been nurtured for a considerable time in the offender's most secret fantasies. The sex offender's deviant fantasies are tantamount to planning sessions for the refinement of future behaviors. (p. 334)

Thoughts and fantasies are the stuff of therapy, not criminal justice supervision. Regardless of whether therapy works,¹³ its role in the criminal justice containment strategy is, at a very minimum, to get inside the offender's head and obtain the method-of-operation information necessary for criminal justice officials to safely manage the offender and protect potential victims.¹⁴ Of course, treatment also provides the offender with self-management skills, and, by linking treatment to surveillance, public safety is enhanced. Furthermore, offenders may need to be pressed into a nondeviant lifestyle for some time—through close surveillance—before he or she begins to see its value and internalize the behaviors necessary to live safely and productively.¹⁵

By working with the therapist, the supervising officer can learn the offender's long-term patterns that precede actual assaults and tailor each offender's conditions of supervision to target his or her specific assault precursors. The officer can then restrict employment, driving, leisure-time activities, and other at-risk ventures as necessary. In cases of noncompliance with treatment or supervision requirements, officers can request that the court or parole board consequence the offender with supervised community service, jail time, halfway house placement, or long-term prison sentences. The key is detecting, for possible supervision revocation, at-risk behavior rather than new assaults.

This level of surveillance requires time, so probation and parole officers working toward a containment strategy should have a caseload size limited to 25. It is not uncommon for sex offender specialists to have caseloads that number in the hundreds, and under such circumstances, public safety cannot be secured. Reallocating criminal justice resources to safely implement a containment approach seems feasible. If the cost of incarceration averages \$20,000 per year per offender (for juvenile offenders, it is usually double this figure), then for every year that four adult offenders are aggressively supervised in the community rather than in prison, at least \$80,000 of public funds can be redirected to lower the caseload size for sex offender specialists. Construction costs may be estimated at \$80,000 per cell; if construction costs are avoided for four offenders, an additional one-time

¹³Ample evidence exists that certain types of intervention may work for certain types of sex offenders (see English, ch. 18 in English et al., 1996), but most of these studies rely on arrest records, which is an insensitive indicator of actual offending.

¹⁴I am grateful to Peggy Heil, Director of the Sex Offender Treatment Program at the Colorado Department of Corrections, for helping me understand this specific value of treatment.

¹⁵I am grateful to Sam Olsen, Jackson County, Oregon, Probation and Parole officer, for helping me understand this aspect, and so many others, of the containment strategy.

cost of \$320,000 could be reallocated toward aggressive community containment and victim services.

The third anchor in the supervision triangle is the postconviction, polygraph examination conducted by an examiner who specializes in sex offender exams. Data obtained from postconviction polygraph examinations are used to inform the treatment plan. Similar to a physician, psychotherapists cannot design a meaningful treatment plan without full knowledge of the offender's problems, current and historical. Furthermore, supervising officers cannot monitor the risk an offender poses to community without knowing all the types of opportunities and victims that attract the offender. The value of the polygraph examination in obtaining additional information that is helpful to case supervision and clinical intervention is well-known by those who use this tool.¹⁶

The postconviction polygraph examination is used to detect previously undisclosed deviant interests, behaviors, types of victims, and preassaultive behaviors (e.g., stalking or looking at pornographic material) that indicate a certain offender is approaching a level of imminent danger, either to a specific victim or to the community at large. The risk behaviors vary across offenders—they are as varied as any human's sexual interests and preferences—and the treatment provider, supervising officer, and other team members must work together to develop the most meaningful polygraph questions.

The postconviction polygraph examination is to sexual offenders what the urinalysis drug test is to drug offenders. It is an independent source of information that is not contingent on the offender's self-report. Its use in the containment strategy requires a highly qualified examiner that is a member of the American Polygraph Association and who has received special training in clinical testing with convicted sex offenders. The polygraph examiner is a critical member of the supervision team. The examiner plays a very distinct role within the containment system, and this role should not be contaminated by the training of therapists or officers to become polygraph examiners.

The polygraph report is released to both the treatment provider and the supervising officer. The report contains detailed information about disclosures obtained during the examination. The report identifies the questions asked of the offender and, using a computerized scoring system, presents the probability of error for each truthful or deceptive response. It is quite common to obtain inconclusive results on any given question, and this finding reflects a lack of data on the physiological measures and should not be interpreted otherwise (it is common for nonpolygraph professionals to infer a deceptive finding when inconclusive results are found).

The value of the postconviction polygraph seems undisputed among those who use it. Findings of multiple, previously undisclosed victims and paraphilias have been reported by researchers studying sex offenders and polygraph data (Abrams, 1991; English, Heil, & Alhmeyer, 1998; Hindman, 1988).

The value of the polygraph is reflected in its growing use in the community management of sex offenders. In 1995, the Tennessee legislature passed a law that

¹⁶While conducting the field research that serves as the foundation for the description of the containment approach, numerous probation and parole officers reported that they considered the polygraph an essential component of community supervision of sex offenders. Many reported that they would not supervise this population without it.

made polygraph testing mandatory for sex offenders on probation (Tennessee House Bill No. HB0308, 1995). Since January 1996, Colorado has required the use of the polygraph in the treatment and monitoring of all sex offenders who are serving community sentences. On July 1, 1998, Wisconsin removed statutory barriers in the use of the polygraph with sexual offenders. California, Colorado, Florida, Indiana, and Texas have developed guidelines for polygraph examination with sex offenders, and at least three other states, (Oregon, Washington, and Wisconsin) are seeking to develop guidelines at this writing.

According to Colorado polygraph examiner J. Jenks (personal communication, August 18, 1997), the value of the data generated from an examination is tied directly to the ability of the examiner. Professionalism, accountability, and objectivity are key requirements, along with special training in conducting exams with this special population. The National Association of Polygraph Specialists in Sex Offender Testing/Monitoring (the members of which belong to the American Polygraph Association) has recommended core requirements for sex offender examiners, including the documentation of conducting at least 500 specific-issue polygraph examinations and a minimum of 20 hr of annual training in the area of sexual assault. In addition, Jenks recommended videotaping every examination to monitor professionals for quality control and to document offender disclosures that they may later recant. Colorado standards for managing adult sex offenders require the use and 3-year storage of such videotapes.

Question construction is a key factor in the validity of the polygraph examination. Questions must be specific and time-bounded, and the words used in the questions must be clearly understood by the client. A clinical, sex-offense-specific exam takes at least 1.5 hr and consists of three phases: the pretest, the actual test, and the posttest. During the pretest, the questions are presented to the client, words are defined, and the examination process is explained. During the actual test, the offender is connected to the machine to obtain measures of respiration, Galvanic Skin Response, and cardiovascular interbeat intervals. The exam is completed and is immediately scored. The posttest consists of an interview between the examiner and the client, and the offender is given an opportunity to amend answers given during the prior test phases.

According to the Association for the Treatment of Sexual Abusers (ATSA, 1997),

The polygraph's utility lies in its ability to elicit information not available through traditional interviewing techniques. When utilizing polygraph examinations with sexual abusers, therapists should work in conjunction with polygraphers in developing protocols for pre-examination interviewing, question formulation, reporting and use of results. Specific decisions relative to instrumentation, interpretation of data and questions formulation should be made by trained polygraph examiners.¹⁷ (p. 52)

The polygraph is used in three ways in the containment of sex offenders. The sexual history examination, included as part of a comprehensive psychosexual evaluation, is used to obtain an abuser's lifetime sexual history. This examination ideally focuses on the offender's self-reported sexual history as disclosed in therapy and written as an ongoing homework assignment. Indeed, the verification

¹⁷ATSA devotes six pages to the polygraph examination (pp. 52-57). The Standards are available from ATSA, 10700 Southwest Beaverton-Hillsdale Highway, Suite 26, Beaverton, Oregon.

of the frequency and range of behaviors, numbers and types of victims, and the ages that paraphiliac behaviors commenced is essential for the development of a relevant treatment plan and a safety-oriented surveillance strategy. The specific-issue examination focuses on a specific allegation or behavior. Finally, the maintenance examination is conducted periodically to assess the offender's compliance with treatment and supervision requirements. Maintenance polygraphs should be used frequently when the supervision team has reason to believe the offender may be at risk of reoffending. The Department of Defense Polygraph Institute (Dollins, Cestaro, & Pettit, 1995) reported the efficacy of repeated polygraph testing for the Zone Comparison Test, so concerns about the habituation of offenders to frequent polygraphs may be unfounded.

Disclosures of new crimes may be handled in a variety of ways, from granting limited immunity, to requirements that new disclosures of crimes not reveal names, dates, places, or other prosecutable information, to granting no immunity. Whatever the approach, it must be agreed on by local criminal justice officials and become an explicit part of an overall containment strategy. When a supervision program "minimizes the importance of the actual behavior and does not provide any concrete method for monitoring it, failures are likely to go unrecognized, sometimes with disastrous consequences" (Herman, 1989, p. 184). The use of the polygraph every 3 to 6 months (and perhaps more frequently) in the context of a containment strategy, with clear consequences for failure to disclose, may minimize this type of failure.

One frequently unanticipated consequence of instituting the polygraph in the supervision of sex offenders is the emotional impact the new information has on workers. Many people cope with this difficult subject by staying uninformed about it to various degrees. Denial seems to be an important part of the sex offender's manipulation pattern, and it also can help containment professionals manage their stress. However, information obtained after jurisdictions begin using the polygraph disallows this coping mechanism. Many professionals who work with sex offenders become traumatized by the scope of deviant behaviors, the details of the abuse, and the numbers of victims hurt by offenders, and when such information gets multiplied every time polygraph details about a new case are obtained, professionals may begin to experience, on a very personal level, the pain of victims and perpetrators. When this occurs, professionals experience secondary trauma. Secondary trauma is likely to increase when jurisdictions introduce the use of the polygraph examination in the containment strategy.

Empathy and exposure to traumatic material are the forces behind this difficult syndrome, also called *compassion fatigue* (Figley, 1995; Stamm, 1995). Police, firefighters, and other emergency workers report that they are most vulnerable to compassion fatigue when dealing with the pain of children (Beaton & Murphy, 1995). "Trauma is contagious," said Herman (1990, p. 180). Add to this the fact that most sex offenders target criminal justice workers with their abuse of power and manipulative behaviors, and professionals are frequently left feeling shocked and overwhelmed (Pullen & Pullen, 1996). Because the containment system requires offenders to disclose the full scope and frequency of their abusive behaviors, key power holders in jurisdictions that implement the containment strategy should endorse and implement policies that help professionals with burnout, isolation, generalized feelings of mistrust, and other symptoms of

secondary trauma. These policies can include limiting caseload sizes, working in teams, frequently training on issues that include coping with trauma, supporting flex time, providing time for exercise, and valuing socializing.

Component 4: Informed and consistent public policies. The fourth component in this comprehensive approach requires the development and implementation of informed, consistent, and collaboratively generated public policies and agency protocols in regards to sex offender management. Ideally, local criminal justice practitioners are actively involved in creating public policy at all levels of government. That is, informed policy requires experts in sex offender management to work with state legislatures, governors, and state judicial and corrections departments to assure that the policies reflect the latest thinking in this ever-evolving field. Consistency is key, and as we have described elsewhere (English et al., 1996, p. 2.14), written guidelines should address, but are not limited to, the following:

- Timelines for victim reporting (Epstein and Langebahn, 1994);
- The acceptance or rejection of plea agreements in cases of sexual assault;
- The weight given in sentencing to an offender's denial of the crime;
- The use of polygraph information;
- Family-reunification-assessment protocols;
- Confidentiality waivers;
- Investigation procedures;
- Crisis intervention;
- Presentence investigation report information;
- Failure to progress in treatment;
- Revocation procedures;
- Third-party liability-duty to warn potential victims;
- Employment restrictions for sex offenders under criminal justice supervision;
- Length of community supervision (i.e., lifetime);
- Management strategies to deal with burnout and secondary trauma;
- Special supervision conditions, modified as more information about the case is disclosed through treatment and polygraph exams;
- Clear, felony consequences for sex offenders who fail to register with local law enforcement;
- Blanket immunity for containment professionals who act in good faith to safely and thoughtfully implement community notification laws; and
- Protocols to enhance team functioning when fragmentation occurs.

The range of activities that require such documentation is quite large and is reflected in the description of the other components of the containment approach. However, the primary activity among the components is the need for open communication and information-sharing at all stages of the management of sex offenders.

Component 5: Quality control. The fifth and final piece required to systematically contain sex offenders within criminal justice jurisdictions requires the implementation of quality-control mechanisms. Quality-control activities range from regular, multi-agency case review meetings to ensure prescribed practices are delivered as planned to the sophisticated collection of data-tracking offenders who fail in treatment or commit new sex crimes, as occurs in the Maricopa County (AZ) Probation Department.

Systematic monitoring of the processes of service delivery is vital to the

success of the approach described here. Sexual abuse cases are difficult to manage, and the offender generally attempts to manipulate the system and the criminal justice professional just as he or she did the assault victim(s). Containment professionals can burn out, get soft, miss red flags, or become cynical and otherwise ineffective. Working together as a team is the first line of defense against these common phenomena. To maintain the humanity and integrity that is the core of the containment system, policymakers must proactively develop and implement mechanisms that hold professionals accountable along with sexual abusers.

Honest communication among team members and strict adherence to agreed-on protocols are the first steps in a continuum of quality-control mechanisms. The next level is ongoing monitoring. The next step is process evaluation that brings together stakeholders to collectively define some of the most important aspects of a process evaluation and identify the questions to be addressed and the measures to be used. Such studies are the best vehicle for program directors to document success and get the necessary feedback to identify and resolve problems.

Quality-control measures include clear descriptions of the target offender population, the program selection process, dropout–revocation rates, and staff training. In the criminal justice community, program success is often measured according to whether an offender is rearrested in a given time period. Arrest is an inadequate measure for sexual recidivism because most offending goes unreported. And it is a particularly challenging measure when the objective of the containment system is to detect, detain, and, when necessary, sometimes revoke offenders before the commission of a new assault.

Most professionals in jurisdictions that implement an aggressive containment strategy are collecting data that can be analyzed and fed back into the program and also to policymakers. Such efforts help clarify failure and success and contribute to the knowledge base of an ever-evolving, innovative public safety model.

The Containment Approach Is Evolving

The containment strategy is based on empirical data and theoretical concepts that are consistent with the best available information from the field. As new studies are conducted and published (about risk for reoffense, psychopathy, hormonal therapy, aggression and the brain, surveillance tools, and the impact of broad public policies such as public notification and civil commitment), the containment strategy will reinvent itself, prioritizing victims while influencing and being influenced by larger public policy debates.

Until a full-scale process and outcome evaluation of the containment approach is completed, anecdotal data obtained during field interviews reveal important support for the containment strategy for managing adult sex offenders who are serving community sentences:

- Many probation and parole officers believe containment strategies result in an increased likelihood that offenders will be officially detected committing preassault behaviors that, otherwise, might have escalated into sexual assaults.
- Many professionals engaged in collaborative efforts say that they better understand the responsibilities of their colleagues in other agencies and can better provide them with the information they need and that they, in turn, receive better information from other agencies.

- Professionals report fewer conflicts among each other because they are all working toward similar, explicit goals.
- Local victim organizations, including rape crisis centers, generally support containment strategies.
- Professionals directly responsible for containing sex offenders say that they feel they have more control of their clients and more influence on criminal justice decisions that affect their cases.
- Offenders often pay for their treatment and portions of their supervision, and sometimes they pay for their victim's treatment.

Conclusion

The *Rape in America* (Kilpatrick et al., 1992) report is a reminder that most (84%) of sexual assaults are never reported to officials. Researchers and policymakers should use the attention currently riveted on this issue as a springboard to better understand and prevent the problem of sexual assault. Now is a time for careful research, judicious dialogue, and innovative programming.

As the media and the public focus on policies driven by heinous, but relatively rare, sex crimes, truly challenging problems loom ahead. Many cultural norms nurture environments in which some humans are objects to be overpowered by others in the name of power and sexual gratification. Although this last issue is obviously beyond the scope of this article, the public's interest in sexual crimes gives researchers and policymakers an opportunity to examine the problem of sexual assault with a wide-angle lens: The containment approach, civil commitment, and community notification are important but narrow components of the public safety discourse. The momentum from the current sex offender control policies must be used to spur thinking and challenge assumptions. For example, the responsibility for managing this social problem falls squarely on the shoulders of child and adult rape victims to report the crime,¹⁸ yet most victims never tell a law enforcement agent. Without understanding this phenomenon, criminal justice professionals will never access many offenders who would benefit from involvement in the containment strategy.

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