
THE SEXUAL PREDATOR

LEGAL ISSUES • ASSESSMENT • TREATMENT

Volume IV

Edited by
Anita Schlank, Ph.D.



Civic Research Institute

4478 U.S. Route 27 • P.O. Box 585 • Kingston, NJ 08528

Copyright © 2010

By Civic Research Institute, Inc.
Kingston, New Jersey 08528

The information in this book is not intended to replace the services of a trained legal professional. Civic Research Institute, Inc. provides this information without advocating the use of or endorsing the issues, theories, precedent, guidance, resources, practical materials or programs discussed herein. Any application of the issues, theories, precedent, guidance, resources, practical materials or programs set forth in this book is at the reader's sole discretion and risk. The authors, editors, contributors and Civic Research Institute, Inc. specifically disclaim any liability, loss or risk, personal or otherwise, which is incurred as a consequence, directly or indirectly, of the use and application of any of the contents of this book.

All rights reserved. This book may not be reproduced in part or in whole by any process without written permission from the publisher.

Printed in the United States of America

Library of Congress Cataloging in Publication Data
The sexual predator/Anita Schlank

ISBN 1-887554-74-2

Library of Congress Control Number 2009911033

Acknowledgements

I am extremely grateful for the hard work of the authors of the individual chapters, and wish to give special thanks to Dennis Doren, who allowed me to publish his final words in the field before his (way too early) retirement. Special thanks also go to Deborah Launer, the Executive Vice President of Civic Research Institute, and for all the hard work done by her editorial assistant, Leslie Gwyn, and the copy editor, Lori Jacobs. Thanks also to Rich Miraglia, John Culkin, Rebecca Briney, James Doherty, Naomi Freeman, and all of the wonderful staff in New York's Division of Forensic Services for allowing me to assist as you embarked on this wild ride. As always, my thanks go to Bill Plum, for his never-ending emotional support, and also to my parents and Judy, who will now have to make room on their bookshelves for another volume of a book that they would never want to read. (And, this one is thicker than the others—sorry!) My respect goes to all of the treatment providers working in this field. There are many people doing high-quality work, and I know it tends to be a rather thankless job.

About the Authors

Marcus T. Boccaccini, Ph.D.

Marcus T. Boccaccini received his doctorate in clinical psychology from the University of Alabama. He is now an associate professor of clinical psychology at Sam Houston State University, where he maintains an active research program focusing on a variety of issues relating to the intersection of psychology and law. He has authored more than forty peer-reviewed publications, addressing issues that range from psychometric properties of measures used for forensic assessment to juror perceptions of courtroom testimony. Regarding sex offender civil commitment, he has conducted several sexually violent predator (SVP)-related studies and provided education to SVP-related agencies.

Sabrina Demetriooff, B.A.

Sabrina Demetriooff received her B.A. (Honors in Psychology) from the University of Winnipeg, and is currently working toward her Ph.D. in clinical psychology at Dalhousie University with the support of SSHRC (Canada Graduate Scholarship Doctoral Scholarship). Ms. Demetriooff is supervised by Dr. Stephen Porter, and her research interests include criminal psychopathy, risk assessment, and criminal behavior across the lifespan.

Dennis M. Doren, Ph.D.

Dennis Doren is the evaluation director at the Sand Ridge Secure Treatment Center in Wisconsin. He received his Ph.D. in clinical psychology with a subspecialty in Crime and Delinquency Studies from Florida State University in 1983. Since mid-1994, Dr. Doren has conducted and testified about sex offender civil commitment evaluations, served as a consultant, and/or done training on risk assessment of sex offenders in all but two of the twenty jurisdictions with active sex offender civil commitment laws, as well as other places where civil commitments were not the main issue. His second book, published in 2002, was titled *Evaluating Sex Offenders: A Manual for Civil Commitments and Beyond*. His other publications concerning sex offender assessments include about four dozen articles in professional periodicals and book chapters. Dr. Doren has presented at various national and international conferences on topics related to the diagnostic and risk assessment of sexual offenders.

Jan L. Hindman, M.S., L.P.C.

A trailblazer in the field of sexual abuse education, research, and treatment, Jan Hindman worked with sexual offenders and victims for thirty-four years before her untimely death in September 2007, prior to the completion of this chapter. Along with her husband, Mac, she established “Alexandria Associates” and the “The Hindman Foundation” in Oregon, publishing numerous books and providing assessment and treatment to sexual offenders, victims, and their families. Jan was a founding member of the Association for the Treatment of Sexual Abusers, now a flourishing international organization with more than 2,100 members. She was ATSA’s first female board member and later president. She served in many other national endeavors,

including the Advisory Board of the National Resource Center on Child Sexual Abuse and the National Network for Juvenile Sex Offenders. Between 1991 and 2000, Jan developed and directed the Sex Offender Assessment and Sex Offender Day Treatment Programs at the Snake River Correctional Institution, Oregon Department of Corrections. Certified as a sex educator and trainer by the American Association of Sexuality Educators, Counselors and Therapists, Jan is probably best known for her lectures. Her ability to speak about the unspeakable with sensitivity, humility, humor, and insight was unmatched. For twenty-seven years, she inspired others with her unique perspectives in lectures to mental health professionals, law enforcement groups, judges, prosecutors, defense attorneys, child advocacy, and victims' groups in every state and most provinces of Canada. Many consider Jan's 1983 book, *A Very Touching Book . . . for Little People and for Big People*, the most effective sexual abuse prevention book ever written. Teaming with illustrator Tom Novak, their creative genius helped to clarify what sexual abuse is, and is not, by describing three categories of touching: good, bad, and secret. Good touching is pleasant and makes people feel good (e.g., hugging). Bad touching hurts people (e.g., hitting and pinching), and secret touching is just what it says it is—secret—and keeping that secret is not okay. The strength of their approach is that it prevents confusion about what is and is not molestation. Shortly before her death, Jan published *There Is No Sex Fairy—To Protect Our Children From Becoming Sexual Abusers*, completing her twenty-year goal of providing a resource that addresses the sexual abuse problem at its source—teaching adults how to teach sexual respect to children. She also wrote *Just Before Dawn: Trauma Assessment and Treatment of Sexual Victimization*, and the companion book, *The Mourning Breaks*, offering 101 treatment strategies to help victims in breaking the bonds of sexual abuse. Jan developed a protocol for interviewing children suspected of being sexually abused, and her publication *Step by Step: 16 Steps Toward Legally Sound Sexual Abuse Investigations* has been used by police academies and law enforcement training centers throughout the United States.

Rebecca L. Jackson, Ph.D.

Rebecca Jackson received her Ph.D. in clinical psychology at the University of North Texas. She is the director of the forensic psychology program at the Pacific Graduate School of Psychology in Palo Alto, California. Dr. Jackson also works with Washington State's Sex Offender Civil Commitment Program, providing research and training support. She has published extensively on psychopathy, risk assessment, and sex offender civil commitment evaluations. She recently published a textbook titled *Learning Forensic Assessment*, which includes a chapter on sex offender civil commitment evaluations. In addition to her published work, she presents at various conferences and provides training to other professionals in the areas of psychopathy and sex offending. She is on the Leadership Committee of the Sex Offender Civil Commitment Programs Network and serves on the Research Committee.

Shan Jumper, Ph.D.

Shan Jumper received his doctorate in counseling psychology from the University of North Dakota. He is a licensed clinical psychologist and has worked in the field of sexual violence since 1991. Following a predoctoral internship in outpatient mental health and forensics at Connecticut Valley Hospital/Whiting Forensic Division, he

was employed at the SVP program at the Wisconsin Resource Center, where he conducted SVP reexaminations and provided court testimony and sex offense treatment. In 1999 Dr. Jumper joined the staff of the SVP program at the Illinois Department of Human Services Treatment and Detention Facility as a psychologist. An employee of Liberty Health Care, he currently serves as the program's clinical director. Dr. Jumper has worked in private practice as an expert witness in SVP cases, has peer-reviewed articles for *Child Abuse and Neglect: The International Journal*, and is on the adjunct faculty at Argosy University Chicago.

Alisa Klein, M.A.I.P.S.

Alisa Klein is a public policy consultant specializing in the prevention of and response to sexual abuse, sex offender-related policy, and restorative justice. She serves as the Public Policy Consultant to the Association for the Treatment of Sexual Abusers, as the lead researcher and writer for the National Project to Prevent and Respond to Sexual Violence in Disasters, and as a researcher, writer, and public policy analyst and advocate for other organizations working on the prevention of interpersonal violence. Ms. Klein currently serves as a member of the Advisory Council to the National Sexual Violence Resource Center and is an expert panelist for the Sexual Violence Prevention Project of the International Association of Forensic Nurses. She has published articles and presented workshops, plenary addresses, and trainings on preventing and responding to sexual abuse, creating strategic policy plans for sexual violence and child maltreatment prevention, public health prevention, effective policy for sex offender management, and using the tools of restorative justice to prevent and respond to interpersonal violence.

Raymond A. Knight, Ph.D.

Raymond Knight earned his doctorate at the University of Minnesota in 1973. He has been teaching at Brandeis University since 1971 and is currently the Mortimer Gryzmish Professor of Human Relations. He has been doing research on sexual aggression for the last thirty-one years. He has developed and validated both taxonomic and etiological models for rapists and child molesters and has completed a twenty-five-year follow-up of sex offenders released from the Massachusetts Treatment Center. He is currently validating the Multidimensional Inventory of Development, Sex, and Aggression (the MIDSA), which is a computerized contingency-based inventory that provides a comprehensive assessment of multiple critical areas of adaptation for juvenile and adult sexual offenders. He has over ninety publications in the areas of sexual aggression, psychopathy, and schizophrenia. He has served as president of both the Society for Research in Psychopathology and the Association for the Treatment of Sexual Abusers; he is currently on the Executive Board of the Society for the Scientific Study of Psychopathy.

Jill Levenson, L.C.S.W., Ph.D.

Jill Levenson is an associate professor of human services at Lynn University in Boca Raton, Florida. She is also a licensed clinical social worker with over twenty years of experience treating sexual abuse victims, survivors, perpetrators, and nonoffending parents. Dr. Levenson's research includes studies investigating the selection of sex offenders for civil commitment, the impact of community notification and residence

restrictions on offender reintegration, and sex offender treatment issues. She is a co-investigator on two National Institute of Justice grants evaluating the effectiveness of sex offender registration and notification in reducing recidivism. She has published over forty articles and book chapters and has coauthored three books on the treatment of sex offenders and their families.

Warren Maas, J.D., M.A.

Warren Maas is a licensed attorney and licensed psychologist (master's level). He has extensive practice in both fields as well as mental health administration. For fifteen years he was an attorney with the Hennepin County (Minnesota) Commitment Defense Project and coordinator of the panel for ten of those years. In that role he represented more than thirty respondents to sexually dangerous person and sexual psychopathic personality commitments. In 2006 he returned to mental health administration and is currently the clinical director of the adult program at Project Pathfinder, Inc. in St. Paul, Minnesota, one of the state's largest outpatient sex offender treatment programs.

Merrill Main, Ph.D.

Merrill Main is the clinical director for the Special Treatment Unit—New Jersey's sexually violent predator facility. In that role, he develops and oversees implementation of programming for the evaluation, treatment, and supervised release of offenders. Dr. Main is a licensed psychologist in New Jersey. He has given expert witness testimony, lectured, given presentations, and written articles on a number of aspects related to the evaluation and treatment of sexual offenders.

Richard Miraglia, L.C.S.W.

Richard Miraglia was named Associate Commissioner for the New York State Office of Mental Health's Division of Forensic Services in April 2005. He is a clinical social worker, licensed by the NYS Department of Education. Mr. Miraglia has a master's degree in social work from the State University of New York at Albany and has more than twenty-eight years of professional experience in both the delivery of direct care services to persons diagnosed with serious mental illness and the administration of services designed to serve persons with mental illness who are involved in the criminal justice system. Mr. Miraglia began his career as a clinical social worker at Capital District Psychiatric Center where he also served as the chairman for the facility's Hospital Forensic Committee. In 1985, Mr. Miraglia joined the Office of Mental Health's Bureau of Forensic Services and later became its director for Non-Sentenced Services. He is presently the chair of the Forensic Division of the National Association of State Mental Health Program Directors (NASMHPD). He previously served as vice chair and regional representative for NASMHPD. Mr. Miraglia has also served on several statewide criminal justice task forces and has conducted seminars on training sessions on a variety of forensic mental health issues, including violence risk assessment, forensic evaluations, and community reintegration.

Daniel C. Murrie, Ph.D.

Daniel Murrie is an associate professor of psychiatry and Neurobehavioral Sciences at the University of Virginia-School of Medicine. He serves as the director of psychology at the Institute of Law, Psychiatry, and Public Policy, where he conducts

forensic evaluations, trains clinicians, and provides consultation. He maintains a program of research in forensic psychology topics (assessment, psychopathy, juvenile justice issues), with current projects investigating ways to improve the quality of forensic evaluation. Regarding sex offender civil commitment, he has conducted evaluations and provided consultation to both the prosecution and defense.

James M. Peters, J.D.

James Peters is an Assistant U.S. Attorney in Boise, Idaho. He is a graduate of Pacific Lutheran University and Lewis and Clark Law School. He was on the firing line as a deputy prosecuting attorney in the late 1970s and early 1980s as child sexual abuse emerged from the shadows and became a major criminal justice issue. After nearly eleven years as a state prosecutor, he went to the National Center for Prosecution of Child Abuse in Alexandria, Virginia, where he was Senior Attorney from 1987 to 1990. While there, he coauthored *Investigation and Prosecution of Child Abuse* (2nd ed.), published in 1993 by the American Prosecutors Research Institute. Mr. Peters was hired by the U.S. Department of Justice in 1990 as an Assistant U.S. Attorney on St. Croix, Virgin Islands. He transferred to the U.S. Attorney's office in the District of Idaho in 1994, where he has practiced since, specializing in child sexual abuse, Internet child exploitation, and violent crime cases. Mr. Peters has prosecuted more than 200 trials and handled thousands of child abuse and exploitation cases. He has lectured to police, mental health, and legal audiences around the United States and Canada for more than twenty years. A highlight of Mr. Peters's career happened in 2004, when he was temporarily detailed by the Department of Justice as a Special Master for the 9/11 Victim's Compensation Fund, adjudicating claims and hearing appeals of victims of the terrorist attacks. He was previously detailed to the Department of Justice's Child Exploitation and Obscenity section in 2000–2001, where he created, edited, and coauthored *Prosecuting Internet Child Exploitation Crimes*, published as part of the Department of Justice's USABook online series for federal prosecutors. Mr. Peters has published more than sixty articles and book chapters, most relating to the prosecution of child sexual abuse and exploitation. He was the first lawyer to serve on the Advisory Board of the Association for the Treatment of Sexual Abusers (ATSA), and later was elected to ATSA's Executive Board of Directors. Along with Jan Hindman and others, he was a coauthor of *Practice Standards and Guidelines for Members of the Association for the Treatment of Sexual Abusers*, published by ATSA in 2001.

Stephen Porter, Ph.D.

Stephen Porter is professor, researcher, and consultant in the area of psychology and law. He received his undergraduate degree in psychology from Acadia University in 1992, and went on to receive his Ph.D. in forensic psychology at University of British Columbia in 1998. After a decade as a faculty member in the clinical psychology program at Dalhousie University, where he created the first undergraduate program in forensic psychology in Canada, he returned to UBC as a professor of psychology. There he is helping to build a thriving center of forensic psychology. Dr. Porter has published numerous scholarly articles on deception detection, forensic aspects of memory, and criminal behavior/psychopathy. In 2000, he was awarded the President's New Investigator Award from the Canadian Psychological Association. He is the

coauthor of the popular text *Forensic Psychology: First Canadian Edition* (2006, with Thomson Nelson). As a registered forensic psychologist, Dr. Porter is frequently consulted by Canadian courts and has been qualified as an expert witness in various areas, including “dangerousness and risk for violence” and “memory and the factors involved in credibility assessments.” Further, he is regularly consulted by police in serious crime investigations. He has also provided empirically supported training in deception detection to law enforcement, hundreds of trial judges, and other adjudicators.

Susan J. Sachsenmaier, Ph.D.

Susan Sachsenmaier is a member of the Sand Ridge Secure Treatment Center Evaluation Team in Madison, Wisconsin. She has specialized in clinical forensic psychology for over twenty years, with a great portion of that studying, treating, and evaluating perpetrators and victims of sexual violence. Dr. Sachsenmaier is author of several book chapters and articles. She has worked with the U.S. Department of Justice, the U.S. Secret Service, and the Justice Advocate General of the U.S. Air Force. She is an expert reviewer for several journals and has presented original papers, research, and multiday training workshops at conferences throughout this country and in Europe. Dr. Sachsenmaier also has expertise in the psychology–law interface, the admissibility of psychological evidence in court, and providing expert witness testimony. She has been qualified as an expert witness in district, state, federal, and military courts.

Ryan Saylor, J.D.

Ryan Saylor received his law degree from Seton Hall University College of Law. While at Seton Hall, he served as a research assistant to Associate Dean John Kip Cornwell and as the Senior Articles Editor of the *Seton Hall Law Review*. He received his B.S. in aerospace (maintenance management) *magna cum laude* from Middle Tennessee State University in May 2006.

Stacey Katz Schiavone, M.A.

Stacey Katz Schiavone graduated with her master’s degree in forensic psychology from John Jay College of Criminal Justice in New York, and is currently a doctoral student at Pacific Graduate School of Psychology in California. Her research interests include sex offender policies, treatment, risk, and treatment assessment. She has presented at several conferences across the nation, including ATSA in which she sat on a panel of experts presenting on issues relating to sex offender civil commitment.

Anita Schlank, Ph.D., A.B.P.P.

Anita Schlank is a licensed psychologist who received her doctorate in clinical psychology with a forensic specialty from the Law–Psychology program at the University of Nebraska–Lincoln. She is board-certified in Forensic Psychology by the American Board of Professional Psychology. She has worked evaluating and treating sexual offenders since 1986, and was the clinical director of the civil commitment program for the state of Minnesota (the Minnesota Sex Offender Program) from 1995 to 2003. Dr. Schlank was Past President of the Minnesota Chapter of the Association for the Treatment of Sexual Abusers. She is clinical supervisor and director of forensic mental health for the Human Development Center, a not-for-profit agency/

community mental health center in Duluth, Minnesota. In addition, she has served as a consultant to the sex offender civil commitment programs in eight other states.

Jennifer E. Schneider, Ph.D.

Jennifer Schneider is the current director of research and quality improvement at the Special Treatment Unit, New Jersey's treatment facility for civilly committed sex offenders. She has previously served as a program development specialist for the New Jersey Department of Corrections. She has published on the topics of sex offender treatment programs in correctional facilities, assessing treatment progress, research related to the civil commitment of sex offenders, and the management of sex offenders through the assessment of dynamic risk factors.

Leanne ten Brinke, B.S.

Leanne ten Brinke received her B.S. (Honors in Psychology; Certificate in Forensic Psychology) from Dalhousie University, earning the University Medal in Psychology in May 2007. She returned to Dalhousie, with the support of NSERC (Canada Graduate Scholarship), to begin graduate work under the supervision of Dr. Stephen Porter and will be joining him at the University of British Columbia—Okanagan to pursue her doctorate in 2009. Ms. ten Brinke is currently interested in criminal psychopathy, credibility assessment, and emotional facial cues to deception.

Darrel B. Turner, M.A.

Darrel B. Turner is a doctoral candidate in the clinical psychology doctoral program at Sam Houston State University. He is engaged in research regarding jury decision making, expert witness testimony, and sex offender risk assessment. His clinical emphasis involves forensic psychological assessment. Regarding sex offender civil commitment, he is the lead investigator in an ongoing series of "real-world" studies examining jurors' perceptions of expert testimony in actual SVP trials.

James C. Vlahakis, J.D.

Mr. Vlahakis is a partner with Hinshaw & Culbertson, LLP. Mr. Vlahakis has defended lawsuits brought by individuals detained and confined by the Illinois's Treatment Program for Sexually Violent Persons. Mr. Vlahakis has defended employees of the Illinois Department of Human Services and Liberty Healthcare Corporation. He was a member of the trial team that successfully defended the program from a class action brought in 2002 by the American Civil Liberties Union and a privately retained law firm and was the lead attorney in charge of fact and expert discovery. *Hargett v. Adams*, the case discussed at the end of his chapter (Chapter 2), was noteworthy for the fact that Mr. Vlahakis's clients prevailed on all thirty-six claims for injunctive relief, resulting in the dismissal of the entire case after a bench trial. The trial court's decision was never appealed. Mr. Vlahakis has also argued issues involving sexually violent persons in two cases before the Court of Appeals for the Seventh Circuit (*Sain v. Wood*, 512 F.3d 886, 893 (7th Cir. 2008); *Brown v. Budz*, 398 F.3d 904, 910 (7th Cir. 2005)). In addition, Mr. Vlahakis has consulted with other attorneys who have defended other lawsuits as well as with various treatment providers throughout the country. In August 2008, Mr. Vlahakis was recognized by his peers and the *Chicago Daily Law Bulletin* as one of Illinois's "40 Illinois Attorneys Under Forty to Watch."

Introduction

“Just say the words ‘sex offender’ and the rabid mob called the public starts frothing at the mouth and baying at the moon” (Anonymous, 2008). That’s how a recent website begins its article, and it later notes that the problem is that the term is now practically meaningless as it sometimes seems to have been applied to teenagers having consensual sex with slightly younger teenagers. In the past few years, there appears to be as many people angered about what is perceived as unreasonable restriction of and stigmatizing of sexual offenders as there are people clamoring for more notification and restrictions. The same website noted that politicians “have passed asinine laws classifying more and more natural human behaviour as a sex crime.” Civil rights advocates and even some prominent sex crime prevention groups have opposed many of the more restrictive laws, noting that they appeal to voters but are basically ineffective. “They argue that almost all sex offender laws in the United States fail to solve the problem of sex crimes because they drive people underground, block paths to treatment and focus on a high-profile case, like that of 6-year-old Adam Walsh . . . and miss the fuller picture of sexual violence” (Win, 2008). There has been an outcry against Georgia’s strict residency laws that forbid a sexual offender to live within 1,000 feet of a school playground, church, or school bus stop, which essentially banishes them from some counties (Anonymous, 2006). Another website poked fun at Ohio’s plan to issue convicted sexual offenders with a special colored license plate, proposing instead that “they all wear hats that say ‘I (heart) the Axis of Evil.’ That way even the most car-tag-ignorant citizens will be able to pick out the bad guys” (Filler, 2007).

Like the registration, notification, and residency restriction laws, the sex offender civil commitment statutes continue to draw their fair share of criticism. One law professor’s blog even stated that “it’s better that a few children get raped each year than tens of millions of dollars in taxpayer money be spent to keep people who have served out their prison sentences incarcerated in perpetuity.” These laws continue to stir controversy due to the high cost to taxpayers, problems identifying who should actually be committed, slow release from the programs, and difficulty finding placements for those who do successfully complete the programs. For example, in California the state was noted to have made “269 attempts to find a home for one released pedophile. In Milwaukee, the authorities started to search in 2003 for a neighborhood for a 77-year-old offender, but have yet to find one” (Davey & Goodnough, 2007).

Throughout the hysteria and waves of criticism, states appear steadfast in their decision to maintain their civil commitment statutes for sexual offenders. Those employed by the SVP programs continue to work to provide the best assessment and treatment in extremely difficult circumstances. They attempt to be compassionate and helpful, and to offer treatment to an often very angry and hostile population, many of whom claim their attorneys have advised them to accept no treatment whatsoever. These examiners and treatment providers often also face some hostility from the community, both from those who believe the laws should have been found unconstitutional and those who view them as advocates for sexual offenders just by being will-

ing to treat them. It is hoped that society will eventually see that they should honor the diligent efforts of these professionals. This book is intended as one method of offering support for their work.

References

- Anonymous. (2006, November 22). *So many sex offender stories*. Retrieved June 28, 2008, from http://sentencing.typepad.com/sentencing-law_and-policy/2006/11/so-many-sex-off.html.
- Anonymous. (2008). *The "sex offender" madness continues*. Retrieved on September 8, 2008, from <http://freestudents.blogspot.com/2008/03/sex-offender-madness-continues.html>.
- Davey, M., & Goodnough, A. (2007). Doubts rise as states hold sex offenders after prison. *N.Y. Times*. Retrieved on May 18, 2008, from www.nytimes.com/2007/03/04/us/04civil.html.
- Filler, D. (2007). Creative new ways to stigmatize sex offenders. Retrieved on September 8, 2008, from http://www.concurringopinions.com/archives/2007/03/creative_new_wa.html.
- Win, H. (2008). *Is Ricky really a sex offender? California's registry for life may soon include promiscuous kids*. Retrieved on September 8, 2008, from http://www.lacitybeat.com/cms/story/detail/is_ricky_really_a_sex_offender/67236.

Table of Contents

About the Authors	v
Introduction	xiii

PART 1: LEGAL AND PUBLIC POLICY ISSUES

Chapter 1: Being Accurate About the Accuracy of Sexual Offender Civil Commitment Evaluations

Dennis M. Doren, Ph.D.

Introduction	1-3
Issues Concerning the Requisite Mental Health Condition	1-4
Description of the Zander Study	1-4
Pedophilia	1-4
Paraphilia NOS Nonconsent	1-5
Paraphilia NOS Hebephilia	1-5
Antisocial Personality Disorder	1-5
Inaccuracies in Zander Analysis	1-5
Pedophilia	1-5
Paraphilia NOS Nonconsent	1-6
Paraphilia NOS Hebephilia	1-8
Antisocial Personality Disorder	1-8
Correcting Zander’s Inaccuracies and Subsequent Implications	1-10
Description of the Abracen and Looman Study (Diagnoses)	1-10
Inaccuracies in Abracen and Looman Analysis	1-11
Conceptual Inaccuracies	1-11
Inaccuracy in Application	1-12
Correcting Abracen and Looman’s Inaccuracies and Subsequent Implications	1-12
Description of the Wollert Study	1-13
Inaccuracies in Wollert Analysis	1-13
IRR of “Mental Abnormality”	1-13
Reliability of Paraphilia NOS	1-14
Correcting Wollert’s Inaccuracies and Subsequent Implications	1-16
Description of Franklin’s Study	1-16
Inaccuracies in Franklin Analysis	1-16
Correcting Franklin’s Inaccuracies and Subsequent Implications	1-17
Issues Concerning Risk Assessment	1-17
Description of the Jackson, Rogers, and Shuman Study	1-18
Inaccuracies in Jackson et al. Analysis	1-18

Failure to Differentiate Between Recidivism Prediction
and Risk Assessment 1-18

An Improper Risk Assessment of the Case History
Sample 1-19

An Unrepresentative Case History Sample 1-19

Analyses Incorrectly Based on Recidivist Acts and
Over Too Short a Follow-up Time 1-20

Inaccurate Conclusions 1-20

Correcting Jackson et al.’s Inaccuracies and Subsequent
Implications 1-22

Description of Abracen and Looman Study (Risk Assessment) 1-22

Inaccuracies in Abracen and Looman Analysis 1-22

Correcting Abracen and Looman’s Inaccuracies and Subsequent
Implications 1-23

Description of the Hart, Michie, and Cook Study 1-23

Inaccuracies in Hart et al. Analysis 1-24

Invalid Assumptions 1-24

Use of a Single Data Source Instead of the Multiple Data
Sources Available 1-24

Ignoring Cross-Validation Results in Favor of One
Statistically Derived Finding 1-24

Confusing Recidivism Prediction With Recidivism
Risk Assessment 1-25

Correcting Hart et al.’s Inaccuracies and Subsequent
Implications 1-25

Description of the Donaldson and Wollert Study 1-26

Inaccuracies in Donaldson and Wollert Analysis 1-26

Correcting Donaldson and Wollert’s Inaccuracies and
Subsequent Implications 1-27

Description of the Vrieze and Grove Study 1-27

Inaccuracies in Vrieze and Grove Analysis 1-27

Concerning the Prediction of Recidivism and the Relative
Weight of “Incorrect Predictions” 1-28

Concerning the Presumed Recidivism Base Rate 1-30

Correcting Vrieze and Grove’s Inaccuracies and Subsequent
Implications 1-31

Conclusions/Future Directions 1-31

Chapter 2: Legal Issues Involving Sexually Violent Persons

James C. Vlahakis, J.D.

Introduction	2-2
Legal Standards Governing Civil Rights Litigation	2-4
<i>Kansas v. Hendricks</i>	2-4
<i>Seling v. Young</i>	2-4
<i>Youngberg v. Romeo</i> and the “Professional Judgment” Standard	2-5
Summary of the <i>Youngberg</i> Decision in the Lower	
Courts	2-5
The “Professional Judgment” Standard	2-6
Summary of SVP Cases Applying the Professional	
Judgment Standard	2-7
Miscellaneous Legal Issues	2-8
Violations of State Law, Standing Alone, Do Not	
Violate Constitution	2-8
Claims Involving Statutes and Regulations	2-8
Statutory Carveouts From Mental Health Statutes	2-9
The Americans With Disabilities Act	2-9
Qualified Immunity	2-9
Nonapplicability of Prison Litigation Reform Act to SVPs	2-10
Cases Involving Conditions of Confinement	2-10
Applicable Standard of Review	2-10
Conditions of Confinement—General Overview	2-11
Constitutionally Permissible Security Measures	2-13
Physical Restraints and Restrictive Movement	2-13
Strip Searches	2-13
Room Searches	2-13
Seclusion	2-14
Sex Offender Treatment-Related Claims	2-16
<i>Mckune v. Lille</i>	2-16
District Court Litigation	2-18
<i>Hargett v. Adams</i> (Illinois)	2-18
<i>Atwood v. Vislak</i> (Iowa)	2-22
<i>Turay v. Seling</i> (Washington)	2-23
<i>Hydrick v. Hunter</i> (California)	2-24
<i>Canupp v. Liberty Healthcare Corporation</i> (Florida)	2-25
<i>Strutton v. Meade</i> (Missouri)	2-25

Spicer v. Richards (Washington) 2-28
Senty-Haugen v. Goodno (Minnesota) 2-29
 Future Directions 2-30

Chapter 3: The Adam Walsh Child Protection and Safety Act and the Civil Commitment of Sexually Violent Predators

Alisa Klein, M.A.I.P.S.

Introduction 3-1
 Origins of the AWA and Title III 3-2
 In the U.S. House of Representatives 3-2
 In the Senate 3-2
 The Certification of Federal Sex Offenders as “Sexually Dangerous Persons” 3-3
 The Hearing Process 3-5
 Legal Challenges to AWA’s Amendment of Section 4248 3-6
 Background on the BOP’s Sex Offender Population and Treatment Programs 3-8
 Release From Federal Civil Commitment 3-9
 Conclusions and Future Directions 3-10

Chapter 4: Sex Offender Residence Restrictions and Community Reentry

Jill Levenson, L.C.S.W., Ph.D.

Introduction 4-1
 History and Intent of Residence Restrictions in the United States 4-2
 Effectiveness of Residence Restrictions 4-3
 Unintended Consequences of Residence Restrictions 4-4
 Housing Availability 4-5
 Criminal Reentry, Housing Instability, and Recidivism 4-5
 Psychosocial Consequences of Residence Restrictions 4-6
 Conclusions/Future Directions 4-7

Chapter 5: Living Under a Bridge Down by the River—An Eighth Amendment Look at the Government’s Housing of Paroled Sex Offenders Under a Bridge in Miami

Ryan Saylor, J.D.

Introduction 5-2
 History and Application of Eighth Amendment 5-3
 History of Eighth Amendment 5-3
 Eighth Amendment and Conditions of Confinement 5-4

Overcrowding 5-5

Sanitation 5-6

Environmental Tobacco Smoke 5-6

Residence Restrictions for Paroled or Released Sex Offenders 5-7

 Georgia’s Sex Offender Residence Restriction Law and the
 Takings Clause of the U.S. Constitution 5-7

 Iowa’s Sex Offender Residence Restriction Law and the
 Double Jeopardy Clause of the U.S. Constitution 5-8

 Florida’s Sex Offender Residence Restriction Law and the Effect
 of Making Entire Cities Off Limits to Paroled Sex Offenders 5-9

 Private Sex Offender Registration Schemes 5-9

Conditions of Parole 5-10

Applying the Eighth Amendment and Parole Frameworks
to Sex Offender Residence Restriction Laws 5-10

 Sex Offender Residence Restriction Laws Bear No Rational
 Relationship to Public Safety 5-10

 Forcing Parolees to Live Under Bridges Is Cruel and Unusual
 Punishment Within the Meaning of the Eighth Amendment 5-11

 The State and Jailors Are Deliberately Indifferent to the
 Parolees’ Housing Conditions 5-13

Conclusion and Future Directions 5-13

Chapter 6: Civil Management of Sex Offenders—The New York Experience

Richard Miraglia, L.C.S.W.

Introduction 6-2

Historical Perspective 6-2

 Sex Offender Management in New York State (1950–1972) 6-2

 Sex Offender Management in New York State (1995–2007) 6-4

Civil Commitment of Sex Offenders Pursuant to MHL Article 9:
September 12, 2005–April 13, 2007 6-5

 Application of MHL Article 9 in the Civil Commitment
 of Sex Offenders 6-7

 OMH and DOCS Implementation of the Executive
 Directive 6-8

 Legal Challenges to MHL § 9.27: Court of Appeals
 Decisions 6-11

 Response to the Court of Appeals Decisions 6-12

SOMTA: Civil Management of Sex Offenders Pursuant to MHL
Article 10: April 13, 2007–Present 6-14

Overview of SOMTA: Legislative Intent 6-14
 Executive Law § 837-r 6-15
 Correction Law § 622 6-16
 MHL Article 10: Civil Management 6-17
 Key Definitions 6-17
 Overview of Procedures for Civil Management 6-18
 Overview of Screening and Assessment Process 6-19
 Overview of OMH’s Treatment Program: Secure
 Treatment Facilities 6-23
 Overview of Strict and Intensive Supervision and
 Treatment 6-26
 SOMTA: Future Directions 6-27

Chapter 7: A Look at Minnesota’s Use of Civil Commitment of Sex Offenders—Getting Out of a Corner Into Which We’ve Painted Ourselves

Warren Maas, J.D., M.A.

Introduction 7-1
 Political Will or Partisan Politics? 7-2
 Civil Commitment for Rehabilitation or Punishment? 7-3
 Determining Risk of Reoffending 7-3
 Barriers to a More Rational Policy 7-4
 Change in Focus Needed 7-6
 Finding Our Way Out of the Corner: Future Directions 7-7

PART 2: ASSESSMENT ISSUES

Chapter 8: Ethical Challenges in Sex Offender Civil Commitment Evaluations—Applying Imperfect Science in Adversarial Proceedings

Daniel C. Murrie, Ph.D., Marcus T. Boccaccini, Ph.D. and Darrel B. Turner, M.A.

Introduction 8-2
 Acknowledging the Pull of an Adversarial System 8-3
 Evaluator Agreement 8-3
 Adversarial Allegiance 8-4
 Acknowledging the Limits of Available Science 8-5
 Diagnosis 8-6
 Volitional Impairment 8-12
 Risk Assessment and Actuarial Measure 8-12
 Ethical Challenges in SVP Evaluations 8-14
 Ethical Challenge 1: Working Toward Clarity, Candor, and
 Neutrality in Diagnosis 8-16

Ethical Challenge 2: Working Toward Clarity, Candor, and
 Neutrality When Addressing Volitional Impairment 8-18

Ethical Challenge 3: Working Toward Clarity, Candor, and
 Neutrality in Risk Assessment 8-19

Ethical Challenge 4: Working Toward Clarity, Candor, and
 Neutrality in Testimony 8-29

Summary and Future Directions 8-30

**Chapter 9: Advances in Risk Assessment for Sex Offender Civil
 Commitment**

Rebecca L. Jackson, Ph.D.

Introduction 9-1

Advances in Actuarial Risk Assessment 9-3

 Static-99/2002 9-3

 Screening Scale for Pedophilic Interests 9-5

Advances in Dynamic Risk Assessment 9-6

 Stable 2007 9-6

 Violence Risk Scale: Sex Offender Version 9-7

Psychopathy and the PCL-R 9-8

Summary and Future Directions 9-10

Chapter 10: A Case for Using Multiple Actuarial Scales

Dennis M. Doren, Ph.D.

Introduction 10-2

Current Areas of Debate 10-2

 Accurate Recidivism Risk Percentages? 10-2

 Use One Actuarial Instrument or More? 10-3

 The “Single Best Instrument” Model 10-3

 Evidence Contrary to the SBI Model 10-3

 Potential Resolution 10-4

Study 1 10-6

 Defining “High Risk” 10-6

 Instrumentation Independence or Not 10-6

 Time Frame of Relevance 10-7

 Method 10-8

 Subjects 10-8

 Recidivism Measure 10-8

 Risk Assessment Instruments 10-8

 Analyses 10-8

 Results 10-9

Static-99 “High Risk” as Compared to RRASOR
 Scores 10-9
 RRASOR “High Risk” as Compared to Static-99
 Scores 10-9
 Overall Long-Term “High Risk” Recidivism Rates 10-9
 Overall Scale Accuracy Comparison 10-12
 Discussion 10-12
 Study 2 10-12
 Method 10-12
 Results 10-13
 When Static-99 = 6+ 10-13
 When RRASOR = 4+ 10-13
 When Neither Static-99 = 6+ Nor RRASOR = 4+ 10-15
 Overall Recidivism Rate 10-15
 Discussion 10-16
 Conclusions; Future Directions 10-16

Chapter 11: Single Instrument vs. Multidimensional Model Risk Assessment—Resolution and the Risk Profile

Dennis M. Doren, Ph.D.

Introduction 11-2
 Evidential Support Concerning the “Single Best Instrument” Model 11-3
 Comparisons of Current Risk Assessment Measures’ Effect
 Sizes 11-3
 Comparisons Within the Same Sample 11-3
 Comparisons Through Meta-analysis 11-5
 Summary and Conclusions About Comparative Effect Sizes
 Among Instruments 11-5
 The Utility of Atheoretical Combinations of Risk Factors 11-6
 Will Any Combination of Risk Factors Do? 11-6
 Summary and Conclusions About Atheoretical Combinations
 of Risk Factors 11-7
 The Effect of Risk Factor Scoring Methods 11-7
 Investigation 11-7
 Conclusions About Risk Factor Scoring Methods 11-7
 Conclusions About the Single Best Instrument Model 11-8
 Evidential Support Concerning the Multidimensional Model 11-8
 Multiple Scale Comparisons Suggestive of Scale-Specific
 Risk Outcomes 11-8
 Combining Static and Dynamic Risk Variables in Assessing
 Recidivism Risk 11-10

Factor-Analytic Studies of Sexual Recidivism Risk Indicators 11-11

Conclusions About the Multidimensional Model 11-15

Integrating What Is Known—The Use of a Risk Profile 11-15

Hypothesized Factor Structure for Sexual Recidivism Risk

 Factors 11-16

The Role of Protective, Environmental, and Biological

 Factors 11-17

The Risk Profile 11-17

 The Use of the Risk Profile 11-20

 The Development of the Risk Profile 11-21

 The Potential Benefits of the Risk Profile 11-22

 Risk Assessments in the Meanwhile 11-22

Conclusions/Future Directions 11-23

Chapter 12: Applying the U.S. Secret Service Threat Assessment Model to the Risk Assessment of Unique Sexual Offenders

Susan J. Sachsenmaier, Ph.D.

Introduction 12-3

Selection of a Model or Risk Assessment 12-3

 Unstructured Clinical Judgment 12-4

 Actuarial Risk Assessment 12-4

 Structured Empirically Guided Clinical Judgment 12-5

The U.S. Secret Service Threat Assessment Model 12-7

Principles of the USSS Threat Assessment Model 12-8

Case Application: Risk Assessment With the Secret Service Threat

 Assessment Model 12-10

 Discernible and Understandable Progression of Thinking

 and Behavior 12-10

 Interaction Among Potential Attacker, Past Stressful Events,

 Current Situation, and Target 12-10

 Identification of the Potential Attacker’s Attack-Related

 Thoughts and Behaviors 12-13

 1. What Motivated Subject to Make the Statements, or

 Take the Action, That Caused Him/Her to Come to

 Attention? 12-13

 2. What Has Subject Communicated Concerning His/Her

 Intentions? 12-13

 3. Has Subject Shown Interest in Targeted Violence,

 Perpetrators of Violence, Weapons, Extremist Groups,

 or Murder? 12-13

 4. Has Subject Engaged in Attack-Related Behavior? 12-14

- 5. Subject Have History of Mental Illness or Substance Abuse Problems That Have Led to Violence Against Others? 12-14
- 6. How Organized Is Subject? 12-14
- 7. Has Subject Experienced Recent Loss and/or Loss of Status, Leading to Feelings of Desperation and Despair? 12-14
- 8. Corroboration: What Is Subject Saying and Is It Consistent With His/Her Actions? 12-14
- 9. Is There Concern Among Those Who Know the Subject That He/She Might Take Action Based on Inappropriate Ideas? 12-15
- 10. What Factors in Subject’s Life and/or Environment Might Increase/Decrease Likelihood of Subject Attempting to Attack Target? 12-15
- Development and Generalization of the Threat Assessment Model 12-16
 - Background 12-16
 - Conceptual Shift 12-17
 - Duty to Protect 12-17
 - Summary 12-18
- Threat Assessment Model and Principles of Forensic Mental Health
 - Assessment 12-19
 - Ten Principles 12-19
 - Identify Relevant Forensic Issues 12-20
 - Select Most Appropriate Model to Guide Data Gathering, Interpretation, and Communication 12-20
 - Use Multiple Sources of Information for Each Area Being Assessed 12-20
 - Use Relevance and Reliability (Validity) as Guides for Seeking Information and Selecting Data Sources 12-20
 - Obtain Relevant Historical Information 12-20
 - Assess Clinical Characteristics in Relevant, Reliable, and Valid Ways 12-20
 - Assess Legally Relevant Behavior 12-21
 - Use Case-Specific (Idiographic) Evidence in Assessing Clinical Condition, Functional Abilities, and Causal Connection 12-21
 - Use Nomothetic Evidence in Assessing Clinical Condition, Functional Abilities, and Causal Connections 12-21
 - Use Scientific Reasoning in Assessing Causal Connection Between Clinical Condition and Functional Abilities 12-21

Using the Model as Designed	12-21
Admissibility of the Threat Assessment Model in Judicial Proceedings	12-21
Summary and Future Directions	12-23

Chapter 13: The Sexual Psychopath—Current Understanding and Future Challenges

Stephen Porter, Ph.D., Sabrina Demetrio, B.A. and Leanne ten Brinke, B.S.

Introduction	13-1
The Diversity of Sexual Violence and Perpetrator Characteristics	13-2
What Is a Sexual Psychopath?	13-3
Interpersonal/Affective Motivators of the Sexual Psychopath	13-4
Affective Deficits	13-4
Impulsivity	13-5
Thrill Seeking	13-7
Paraphilias and the Sexual Psychopath	13-7
Darwinian Explanation of the Sexual Psychopath	13-9
Interventions With the Sexual Psychopath	13-10
Summary and Future Directions	13-12

Chapter 14: Determining the Effect Offender Aging Has on Sexual Recidivism Risk

Dennis M. Doren, Ph.D.

Introduction	14-2
Is the Overall Relationship Between Sexual Recidivism and Offender Age Linear, Curvilinear, or Nonexistent?	14-4
Interpreting Study Results	14-5
Findings Across Studies	14-6
Summary	14-8
Do All Curvilinear Relationship Findings Look Alike?	14-9
Findings Across Studies	14-9
Summary	14-11
Does Being a Rapist vs. Being a Child Molester Matter?	14-11
Interpreting Study Results	14-12
Findings Across Studies	14-13
Summary	14-16
Does Source of Risk Matter?	14-16
Sexual Deviance Driven Risk vs. General Antisociality	
Driven Risk	14-16
Summary	14-17

Does Jurisdiction Matter? 14-18
 United States vs. Other Countries 14-18
 Summary 14-18
 What Is the Effect of Advanced Age on Historically Assessed
 Recidivism Risk? 14-19
 Interpreting Study Results 14-19
 Summary 14-22
 Does Age at First Offense vs. Age at Release Matter? 14-22
 Interpreting Study Results 14-22
 Summary 14-23
 Is There an Age Threshold After Which Risk Must Be “Low”? 14-24
 Interpreting Study Results 14-24
 Findings Across Studies 14-25
 Summary 14-27
 Does Aging While Incarcerated Matter? 14-30
 Aging in Prison Not Related to Lowered Recidivism Rates 14-30
 Summary 14-31
 Overall Conclusions/Future Directions 14-31

Chapter 15: Assessment for Treatment Planning Purposes

Anita Schlank, Ph.D., A.B.P.P.

Introduction 15-1
 Multidisciplinary Approach to Assessment 15-1
 Psychological Assessment 15-2
 Intellectual Functioning 15-2
 Educational Achievement/Learning Disabilities 15-3
 Psychopathology 15-4
 Psychosexual Disorder/Sexual Compulsivity 15-5
 Substance Abuse 15-8
 Cognitive Distortions/Pro-Criminal Attitudes 15-8
 Psychopathy 15-9
 Neuropsychological Screening 15-9
 Other Issues for Assessment 15-9
 Summary 15-10

Chapter 16: Assessing Inpatient Treatment Progress: The Development of the Dynamic Treatment Monitoring Scale

Stacey Katz-Schiavone, M.A. and Jennifer E. Schneider, Ph.D.

Introduction 16-2
 Measuring Treatment Progress 16-3
 Goal Attainment Scaling 16-3

The Sex Offender Treatment Rating Scale	16-5
The Sex Offender Treatment Needs and Progress Scale	16-6
The Evolution of Dynamic Treatment Assessment	16-8
Sex Offender Need Assessment Rating	16-10
The Stable and Acute	16-10
Assessment in Practice—New Jersey’s Special Treatment Unit	16-11
Measuring Treatment Progress at the STU	16-12
The Dynamic Treatment Monitoring Scale	16-13
Variable 1: Admission of Sexual Criminal History/ Acceptance of Responsibility	16-13
Variable 2: Victim Empathy	16-14
Variable 3: Victim Blaming	16-14
Variable 4: Deviant Sexual Attitudes	16-15
Variable 5: Sexual Interest	16-16
Variable 6: Sexual Behavior	16-16
Variable 7: Sexual Risk Management	16-16
Variable 8: Sex Offender Treatment Cooperation	16-17
Variable 9: Substance Abuse Treatment Cooperation	16-17
Variable 10: Anger Management Treatment Cooperation	16-18
Variable 11: Rule-Breaking Attitudes	16-19
Variable 12: Nonsexual Rule-Breaking Behavior	16-19
Variable 13: Emotion Management	16-20
Variable 14: Problem Solving/Life Skills	16-20
Variable 15: Intimacy and Relationships	16-21
Variable 16: Social Influences/Involvement	16-21
Variable 17: Discharge Planning	16-22
Summary	16-23

Chapter 17: Typologies for Rapists—The Generation of a New Structural Model

Raymond A. Knight, Ph.D.

Introduction	17-2
Brief History of Taxonomic Systems of Rapists	17-2
MTC Taxonomic Program	17-3
Overview of Present Chapter	17-4
Structure and Types of MTC:R3	17-5
Structure of MTC:R3	17-5
Description and Characteristics of MTC:R3 Types	17-5
Opportunistic Types	17-5
Pervasively Angry Type	17-6

Sexual Types 17-6

Vindictive Types 17-8

Reliability and Validity of MTC:R3 17-8

 Summary of the MTC Program Validity Studies 17-8

 Problems With MTC:R3 17-9

 Sexualization Problem 17-10

 Creation of the MASA to Resolve the Sexualization
 Problem 17-11

The Revision of MTC-R3: Solving the Major Structural Problems 17-14

 Structural Problem #1—Vindictive Types/Violence 17-14

 Flipping the Non-Psychopathic Side (Types 6–9) 17-14

 Linear to Circular 17-16

 Structural Problem #2—Sexualization 17-16

 Critical Components of Sexualization 17-17

 Structural Equation Modeling of Sexual Aggression 17-17

Relating the New Circumplex Model to the SEM Etiology Model 17-19

Dimensions vs. Taxons 17-21

Brief Description of the Revised Model 17-22

Conclusion/Future Directions 17-24

**Chapter 18: Empirically Based Recidivism Risk Assessment Estimate
Extrapolations Across Time and Outcome Measure**

Dennis M. Doren, Ph.D.

Introduction 18-1

Study 1: Recidivism Rates Over Time 18-3

 Method 18-3

 Results 18-4

Study 2: Across Multiple Recidivism Measures 18-6

 Method 18-6

 Results 18-7

Practice Implications 18-10

PART 3: TREATMENT ISSUES

Chapter 19: Process Groups in Sexual Civil Commitment Programs

Merrill Main, Ph.D. and Jennifer E. Schneider, Ph.D.

Introduction 19-2

Advantages of Group Therapy 19-3

Elements of and Techniques for Effective Group Therapy 19-3

 Curative Factors 19-3

 Strategies and Techniques 19-5

Goals of Group Treatment 19-5

Characteristics of Effective Group Leaders 19-6

Factors That Influence Treatment Outcome 19-6

Group Treatment for Sex Offenders 19-6

 Prevalence 19-6

 Participants’ View of Process Groups 19-7

The Process of Group Process 19-7

 Frequency and Duration of Groups 19-8

 Feasibility and Depth 19-8

Core Issues in Process Groups 19-9

Techniques of Process Group for Sexual Offenders 19-10

 Taking the Floor 19-11

 Managing the Level of Intensity 19-12

 Managing the Focus of a Group 19-12

 Managing the Level of Challenging Interactions 19-12

 Managing the Tone 19-13

 Setting and Following Rules 19-13

 Documentation 19-14

 Issues to Avoid in Process Group 19-15

 Security Considerations 19-15

Dealing With Problem Groups and Group Members 19-15

 Common Problems 19-15

 Dealing With the Dynamics of Dysfunction 19-16

 Approaches Toward Some Identifiable “Difficult”

 Group Members 19-17

 The Derailing Group Member 19-17

 The Junior Therapist 19-18

 The Silent Group Member 19-18

 Working With Co-Leaders 19-18

Group vs. Individual Therapy 19-19

Therapist Self-Disclosure 19-20

Summary 19-20

Chapter 20: Shedding Light on the Histories of Sex Offenders Using Clinical Polygraphy

Jan L. Hindman, M.S., L.P.C. and James M. Peters, J.D.

Introduction 20-2

Civil Commitment of Mentally Disordered Sexual Offenders 20-2

Dissembling: A Way of Life for Sex Offenders: 20-3

 Self-Reports Minimize Extent of Offenses 20-3

 Getting Beyond Self-Serving Self-Reporting 20-4

Challenging the Sex-Offender-as-Victim Paradigm 20-5

Background of the Oregon Studies 20-6

 Prosecutor’s Conditional Immunity Agreement 20-6

 Information Gathering, Confrontation, and Verification 20-7

The 1988 Study 20-7

 Self-Report Only vs. Self-Report Plus Polygraph 20-7

 Adults vs. Juveniles 20-8

Replicating the Data: 1994 Study 20-9

 Results Similar to Those of Earlier Study 20-9

 Gender of Victims in 1994 Study 20-10

 Juvenile Offenders in 1994 Study 20-10

Replicating the Data: 1999 Study 20-12

Analog Data Collection and Other Polygraph Studies 20-13

Tough Laws, Unintended Results 20-14

Levels of Juvenile Culpability: Assessing Degree of

 Criminal Responsibility 20-15

 Program and Study in Malheur County 20-15

 Effect of Polygraph Verification on Reports of Trac I

 Juvenile Sex Offenders 20-17

Sexual Deviancy Assessments, Polygraphs, and Plea Agreements 20-17

Judicial Recognition of Sex Offender Treatment 20-18

 Court-Mandated Polygraphy for Sex Offenders 20-18

 When Treatment Goals Collide With the Fifth Amendment 20-19

Polygraph Testing and Disclosure Can Benefit Civilly Committed

 Offenders 20-20

 Barriers to Mandated Polygraph Monitoring 20-20

 Immunity for Incriminating Statements Made in Treatment 20-21

 Implications of Polygraph Testing in Negotiated Pleas and at

 Sentencing 20-22

Summary 20-23

Conclusions/Future Directions 20-24

Chapter 21: Conditional Release of Civilly Committed Sexual Offenders

Shan Jumper, Ph.D.

Introduction 21-1

Pathways to Conditional Release 21-3

 Pathway 1: Conditional Release at Time of Commitment 21-5

 Pathway 2: Conditional Release Following Secure Inpatient

 Treatment 21-5

Transition From Secure Inpatient Settings 21-6

Outpatient Civil Commitment: The Texas Approach	21-8
Managing the Sexually Violent Predator in the Community	21-9
Role of GPS in Monitoring	21-11
Barriers to Community Reentry	21-12
Residency Restrictions	21-12
High-Profile Media Coverage	21-14
Clinical Issues	21-15
Revocation of Conditional Release and Return to Secure Setting	21-15
Conclusions/Future Directions	21-16

Chapter 22: The Baby, the Bathwater, and Pendulum Swings—The Need to Slow Down and Evaluate Research Critically

Anita Schlank, Ph.D., A.B.P.P.

Introduction	22-1
Quality of Research Design	22-2
Need for Replication	22-3
Limitations to Meta-Analyses	22-4
Treatment Models	22-6
Cognitive-Behavioral/Relapse Prevention–Based Programs	22-6
The Risk–Need–Responsivity Model	22-7
The Self-Regulation Model	22-7
The “Good Lives” Model	22-8
Combining Risk–Need–Responsivity Model, Relapse Prevention, Self-Regulation, “Good Lives Model,” and Motivational Interviewing	22-9
Summary and Future Directions	22-9

Appendix 1: Bibliography	A-1
---	------------

Table of Acronyms	T-1
------------------------------------	------------

Table of Cases and Statutes	T-5
--	------------

Index	I-1
------------------------	------------