

**Testimony Submitted by Madeline M. Carter**

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to

**House Judiciary Committee**

**Subcommittee on Crime, Terrorism and Homeland Security**

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Good afternoon Chairman Scott and members of the Committee. My name is Madeline Carter. I want to begin by thanking the Committee for convening this hearing and for offering me the privilege of addressing you. I also want to acknowledge the enormous respect I have for the other witnesses who are speaking today. Each of us comes to this issue with a unique background and set of experiences – including law enforcement, prosecution, defense, and victim advocacy. As a result we may see the issue of sex offender management through different lenses and perhaps have divergent thoughts about the public policy approach that will result in the greatest benefit. I am certain of one thing however: that we all share the same goal – to prevent sexual victimization.

Let me begin by saying a few words about my background. I am a Principal with a non-profit organization in Maryland. For 26 years we have worked with state and local government officials across the country to advance sound policy solutions within the criminal justice system. Nearly 12 years ago we were awarded funds by the Justice Department to establish the Center for Sex Offender Management. I have served as its director since that time.

CSOM's mission is to enhance public safety by preventing further victimization through improving the management of adult and juvenile sex offenders. Over 12 years, we have produced nearly 40 policy and practice briefs and other resource documents; trained nearly 50,000 professionals; and provided training and technical assistance to officials in almost every state. We do not conduct original research ourselves. Our role is to assist policymakers and practitioners in understanding the research and translating its findings into policy and practice.

I want there to be no misunderstanding about the purpose of our efforts. We do not view ourselves as advocates for anything more than sound policy approaches that result in safer communities. Our goal is to support efforts to end sexual violence. I personally am deeply concerned about the threat posed by sexual violence. I am a professional in this field and also the mother of two

children. I pray they never experience sexual assault. I am a friend to many who have, and as a young teenager I was the victim of an attempted rape by an individual that was described to me by police as most likely a serial rapist. Like you, I have a major stake in the safety of victims and potential victims and the safety of our communities.

I would like to share with you five points that I believe can guide our collective thinking on this matter.

Point #1: Sex offender policy and practice should be evidence based. When empirical research is applied to both policy and professional practice it is referred to as evidence-based policy or practice. Today, we have a wealth of knowledge about the factors associated with recidivism risk, and methods to intervene with and reduce that risk. Important and extensive research regarding criminal offenders, including sex offenders, has been conducted over the past three decades.

Within the context of this hearing it is not possible to reasonably review all of the significant findings, although I and perhaps some of my colleagues will touch upon a few major findings. The point I want to make at this moment, however, is an important and over-arching one: that there is a wide body of research that can and *should* shape public policy because it can increase public safety by reducing new crimes, including sexual offenses.

This research has shaped practice in local communities across this country over the last decade or more. The results are promising and need ongoing support and evaluative study.

Point #2: Not all sex offenders are alike. Perhaps one of the most illuminating research findings relates to the label “sex offender.” One of the fundamental problems in our field is that we tend to paint all sex offenders with the same brush when professionals in the field have long recognized key *differences* among these offenders. These differences relate to the types of crimes they commit and the victims they target, the pathways that lead to their abusive behavior, the degree to which they are motivated to change, their risk for recidivism, and the types of interventions that will most likely reduce their risk for reoffense.

These key differences have important implications. For example, among adult sex offenders, research tells us that some are at higher risk to reoffend than others. While some are extremely dangerous others can be safely managed in the community. Research further distinguishes adult sex offenders from their juvenile counterparts: Juveniles are developmentally different, have lower recidivism rates, and seem to respond well to treatment.

These research findings suggest that a “one size fits all” approach to sex offender policy is inappropriate. Instead, a more tailored and strategic approach is called for.

I respectfully recommend that this Committee support further examination of the differences between juvenile and adult sex offenders, and the treatment, supervision, and other supports needed to prevent specific sub-populations of offenders from committing new crimes.

Point #3: Risk assessment is an important tool in our management arsenal. If a one size fits all approach is not appropriate, we need a way to distinguish among sex offenders. Until recently, we had no choice but to categorize offenders primarily on the basis of the specific offense they had committed. Risk assessment instruments offer a scientifically-based method to distinguish important differences among individuals. While these tools are not perfect, they have been consistently demonstrated to be more reliable than professional judgment.

Given the significant advances in research—both in terms of our understanding that sex offenders are not all alike, and in terms of our ability to distinguish sex offenders from one another through the use of risk assessment tools—a tailored approach to sex offender management, based upon risk to reoffend, should be employed to all of our sex offender management strategies.

The road to moving the criminal justice system from an offense-based to a risk based system, not only for sex offenders but also with other offender types, has been a long one. Today, many states use actuarial risk assessment to differentiate between offenders; resource allocation and management strategies are deployed accordingly. I encourage this Committee to consider establishing a commission to examine the use of actuarial risk assessment tools to guide the tiering of sex offenders for registration and notification purposes.

Point #4: There is no silver bullet. We want desperately to find the “silver bullet” that will solve this problem, but there are no silver bullets—there is no single answer to the problem of sexual violence. It is much too complicated for any one solution.

CSOM has developed a model policy framework for sex offender management. We call it the Comprehensive Approach. It is built on solid research and a set of core values, the most fundamental of which is that our efforts should focus squarely on victim protection and safety. The Comprehensive Approach acknowledges that there are many elements involved in an effective approach to protecting public safety: thorough investigative practices; appropriate charging and plea negotiations; informed sentencing; and management practices based in research around assessment, treatment, and institutional and community management. Among these elements are registration and notification. Research suggests that some of the strategies that we have at our disposal are more powerful tools in reducing recidivism than others. Admittedly the research is not yet complete; there is still much we do not know. But thus far, the evidence suggests that a combination of sex offender specific treatment and

community based supervision can increase public safety by reducing new sex crimes. Thus far the research on registration and notification has not demonstrated the same results. Therefore, the research suggests that we cannot rely on this as our only strategy, and it also suggests that we should invest our limited resources in those strategies that show promise for greater public safety by reducing new sex crimes and, *at the very least*, be judicious in our investment in options that do not.

Point #5: We should use the lessons of research and experience to build a better, stronger approach to reducing victimization. There was a time not too long ago when little was known about sex offenders. I still remember it well. When we established CSOM, the research was scant. The professional opinions were oftentimes in sharp disagreement. Our first step was to bring all the voices in the field together. With their help we identified promising practices, synthesized the research, and built an approach that offered the promise of reducing future victimization. As we have learned more, the approach has evolved. We still have more to learn.

But some things we already know. We know that some of the efforts we have made in the past in the name of public safety have proven ineffective. We should let go of those. Others hold promise for recidivism reduction. We should embrace these.

We know now from more than a decade of experience working with communities all across the country that we can hold offenders accountable; we can provide victims with support and safety, and partner with them in our efforts to increase public safety. Most importantly, we know from research that we can reduce the likelihood of new sex crimes and the harm that it causes. But to achieve these goals, we must be thoughtful and deliberate in our strategy. We must bring all of the stakeholders together. We must evaluate the extent to which each community's efforts align with research. We must provide information and training to professionals; educate our communities; and fully invest in strategies proven effective. These are the lessons of more than a decade of work that guides us to meaningful solutions. These lessons are documented in several of the written materials I have supplied along with my testimony. I and my colleagues across the country would be most pleased to partner with you to understand how best to implement these approaches to sex offender management strategically on a national basis.

In closing let me say that my first and only goal is to prevent future sexual violence. To this end, I support efforts to reconsider any provisions of SORNA that are not supported by research; to advance policy around those strategies that are evidence based; and to expand our national research agenda in the area of sexual violence prevention.

Congress can provide important leadership to the nation on this critical issue. I thank you for your concern over this matter and look forward to joining forces with you to end sexual violence.