

# **ENHANCING ATSA'S WORK IN PROMOTING EVIDENCE-INFORMED POLICY AND PRACTICES**

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ATSA Public Policy Committee

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## Introduction

Over recent decades, significant research advances have improved our collective understanding of the correlates and dynamics of, as well as the processes of desistance from, sexual offending behavior. Among its guiding principles, ATSA is dedicated to promoting the practical application of such research through the promotion of evidence-informed policies and practices (EIPPs) that can contribute to a safer society.

At the outset, it is important that we distinguish between the terminology of "evidence-based" and the more flexible notion of "evidence-informed" policy and practice. The former generally refers to specific programs and interventions that have been rigorously evaluated and tested, whereas the latter encompasses a broader array of policies and practices that are aligned with (and informed by) relevant research evidence.

Within the realm of sexual abuse prevention, it is common for policies and practices to operate in ways that are misaligned with the body of relevant research knowledge. Those who have worked to promote EIPPs in the public policy and practice environments know that this is rarely a straightforward endeavor – but rather a complex undertaking that requires effective strategic engagement, partnership, and communication with key decision-makers. Moreover, while many practitioners commonly recognize the need for applying evidence to their own policies and decision-making processes, there are also significant challenges of doing so within a "high stakes" organizational and political environment, characterized by a wide range of constraints, external stakeholders, and interdependencies. The integration of evidence into policy and practice is therefore dependent on a wide range of organizational, political, and cultural forces.

Strategies for effectively navigating this challenging terrain may be informed by a growing body of research surrounding the application of evidence into the formulation of public policies and program-level decision making. In the realm of organizational practice, insights from the field of implementation science have underscored that evidence integration is a multi-level, dynamic process involving front-line decision-making, agency-level organizational characteristics, and external environmental factors<sup>1</sup>. Additional insights may be drawn from the extensive research literature on knowledge utilization in the design and implementation of public policies and programs – research that highlights the importance of accounting for variation in evidence

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<sup>1</sup> Damschroder, L. J., Aron, D. C., Keith, R. E., Kirsh, S. R., Alexander, J. A., & Lowery, J. C. (2009). Fostering implementation of health services research findings into practice: a consolidated framework for advancing implementation science. *Implementation Science*, 4(1), 1-15. <https://doi.org/10.1186/1748-5908-4-50>

<sup>2</sup> Taxman, F. S., & Belenko, S. (2011). *Implementing evidence-based practices in community corrections and addiction treatment*. Springer Science & Business Media.

characteristics (e.g., evidence convergence, methodological rigor, practical relevance, and accessibility), as well as the manners in which evidence is accessed, interpreted, and used by relevant stakeholders<sup>3 4 5 6</sup>.

In this context, achieving the goal of bringing policies and practices more closely in alignment with the evidence requires strategic conversations among those who work directly with perpetrators of sexual violence, as well as those engaged in advocating for policy reform, in producing research, and in directly shaping policies and practices.

Regarding ATSA's work, responding to this challenge requires ongoing attention to developing effective means of communicating research findings (e.g., via position statements or research summaries), and articulating strategies aimed at building effective coalitions with trusted intermediaries and EIPP "champions" within and among those engaged in policymaking and agency level decision-making. This, in turn, requires strategies and materials that can help ATSA's members and affiliates improve their communication with legislative staff and agency leadership regarding mechanisms to promote and cultivate organizational cultures that support the adoption and use of evidence informed practices.

In this context, the ATSA Public Policy Committee's current initiative is to provide a toolkit and framework for those engaged in policy reform efforts concerning sexual violence, both at the legislative and grassroots organizational levels. The initiative aims to go beyond "talking points" and more toward developing domain-specific toolkits to support the integration of research evidence into the policy and practice environment. Materials generated through this initiative will be targeted not only to ATSA members and affiliates, but will also be geared toward those engaged in shaping and implementing EIPPs within their agencies and jurisdictions.

## **Why evidence-informed decision making is important**

Sexual violence is an international public health issue that impacts everyone – individuals, communities, and society as a whole. Our understanding and response to sexual violence is often influenced by cultural shifts and societal values, with policy and

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<sup>3</sup> Bowen, S., & Zwi, A. B. (2005). Pathways to "evidence-informed" policy and practice: A framework for action. *PLoS Medicine*, 2(7), e166.  
<https://doi.org/10.1371/journal.pmed.0020166>

<sup>4</sup> Nutley, S., Walter, I., & Davies, H. T. (2003). From knowing to doing: A framework for understanding the evidence-into-practice agenda. *Evaluation*, 9(2), 125-148.  
<https://doi.org/10.1177/1356389003009002002>

<sup>5</sup> Nutley, S. M., Walter, I., & Davies, H. T. (2007). *Using evidence: How research can inform public services*. Policy Press.

<sup>6</sup> Weiss, C. H. (1979). The many meanings of research utilization. *Public Administration Review*, 39(5), 426-431. <https://doi.org/10.2307/3109916>

practice responses frequently reflecting the Zeitgeist of the era rather than the evidence<sup>7 8 9</sup>. Although the lens through which we view survivors of sexual abuse and sexual abuse itself has evolved in recent years, any harmful myths about both prevail<sup>10 11 12</sup>. Evidence-informed decision making (EIDM) can help us balance our past and present reactionary processes when intervening with persons who have sexually offended.

Historically, EIDM has been met with numerous barriers - most of which still exist today. These include a lack of adequate knowledge due to the absence of research or, when research is available, policy makers and practitioners may be unaware it exists. Policy makers' ability to interpret the evidence may also be limited, or the evidence may be ignored due to long and tightly held beliefs regarding an issue. Additionally, organizational culture and decisions made with urgency may present as barriers for EIDM. Failure to involve those with the relevant expertise and knowledge in decision-making processes, or lacking processes in general for ongoing evaluation and improvement of policies and practices can result in decisions being based on incomplete data. Also, in some cases, the need to act quickly due to a specific situation or crisis can preclude the examination and appropriate application of evidence.

Policy makers can also be influenced by public perceptions, which are often colored by media coverage<sup>13 14 15</sup>. When the public lacks factual information on a subject, their responses are often based largely on their own experiences and emotions rather than evidence. The media plays a significant role in providing information to the public and thus can impact what the public perceives as reality and what a remedy might be for an

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<sup>7</sup> Rosellie, M.K. & Jeglic, E.L. (2017). Factors impacting upon attitudes toward sex offenders: The role of conservatism and knowledge. *Psychiatry, Psychology and Law*, 24(4), 496-515.

<sup>8</sup> McCartan, K.F., Kemshall, H. & Tabachnick, J. (2015). The construction of community understandings of sexual violence: Rethinking public, practitioner and policy discourses. *Journal of Sexual Aggression*, 21 (1), 100-116.

<sup>9</sup> Fortney, R., Levenson, J., Brannon, Y. & Baker, J.N. (2007). *Sexual Offender Treatment*, 2(1), 1-17.

<sup>10</sup> Levenson, J.S., Brannon, Y.N., Fortney, T. & Baker, J. (2007). Public perceptions about sex offenders and community protection policies. *Analyses of Social Issues and Public Policy*, 7(1), 1-25.

<sup>11</sup> Kleban, H. & Jeglic, E. (2011). Dispelling the myths: Can psychoeducation change public attitudes towards sex offenders? *Journal of Sexual Aggression*, 1-15.

<sup>12</sup> Katz-Schiavone, S., Levenson, J.S., & Ackerman, A.R. (2008). *Journal of Criminal Justice and Popular Culture*, 15(3), 291-311.

<sup>13</sup> Ibid.

<sup>14</sup> Galeste, M.A., Fradella, H.F. & Vogel, B. (2012). Sex offender myths in print media: Separating fact from fiction in U.S. newspapers. *Western Criminology Review*, 13(2), 4-24.

<sup>15</sup> Zatkin, J., Sitney, M. & Kaufman, K. (2021). The relationship between policy, media, and perceptions of sexual offenders between 2007 and 2017: A review of the literature. *Trauma, Violence & Abuse*.

issue. Even when the perception may have little-to-no basis founded in evidence, it still ultimately impacts policy and practice as members of the public – and their perceptions, beliefs and understanding of an issue - directly and indirectly influence decision-makers. This influence can subsequently impact the availability of resources dedicated to a specific issue. Reduced resources can be a barrier for EIDM as this can impede the consideration of evidence during decision making or hinder the proper implementation of evidence-informed decisions when applied.

Despite these barriers, the primary goal is to *prevent* sexual abuse, and EIDM is integral to achieving this goal. Significant advances in the quality and amount of research in recent decades have notably improved our collective understanding of the correlates with, dynamics of, and the processes of desistance from sexual offending behavior<sup>16 17</sup><sup>18</sup>. Incorporating evidence within all levels of policy and practice is essential if our society strives to create policies and practices that maximize our ability to prevent sexual abuse. It is critical to acknowledge that the field of sexual abuse prevention contains topics and phenomena that remain under-researched. Due to this, the lack of evidence may create difficulties for informing decision-makers on those specific issues. This lack of evidence highlights the importance of incorporating an ongoing review process and flexibility within policies and practices. Ongoing evaluation would ensure that as new evidence becomes available, it is incorporated into policy and practice promptly and consistently. If this procedure was implemented, over time, it is hoped that the implementation of new evidence would become standard, such that it becomes an expectation rather than a suggestion.

## **How evidence-informed decision making can influence the criminal justice system**

Many systems play a critical role in maintaining society's functioning, all of which have specific responsibilities. One of the most prominent systems involved in managing individuals who have committed sexual offenses is the Criminal Justice System. Many factors are involved in managing a forensic population such as this one, making it imperative that the Criminal Justice System be comprised of numerous subsystems that work in tandem. Within these subsystems, there are many dedicated professionals from a wide range of disciplines, each of which has a specific role in working toward the

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<sup>16</sup> De VriesRobbe, M., Mann, R.E., Maruna, S. & Thornton, D. (2014). An exploration of protective factors supporting desistance from sexual offending. *Sexual Abuse: Journal of Research and Treatment*. doi: 10.1177/1079063214547582.

<sup>17</sup> Hanson, R.K., Harris, A.J.R., Helmus, L & Thornton, D. (2014). High risk sex offenders may not be high risk forever. *Journal of Interpersonal Violence*, 29(15), 2792-2813.

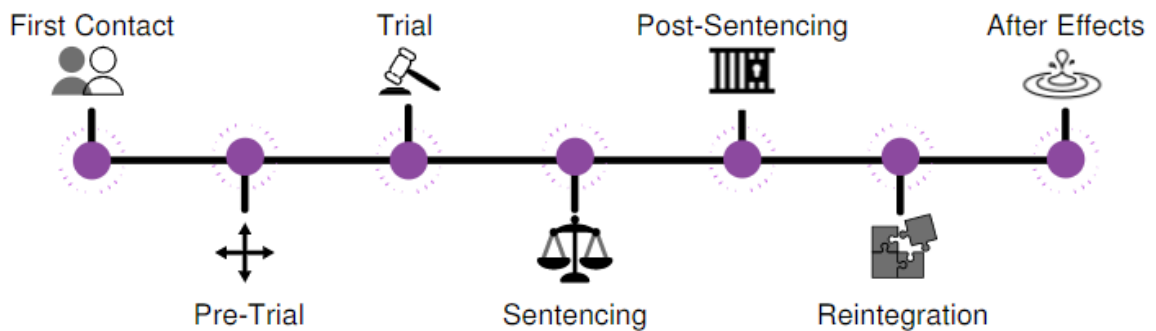
<sup>18</sup> Hanson, R.K., Harris, A.J., Letourneau, E., Helmus, L.M., & Thornton, D. (2018). Reductions in risk based on time offense free in the community: Once a sexual offender, not always a sexual offender. *Psychology, Public Policy & Law*, 24(1), 48-63.

Criminal Justice System’s overarching goal of promoting public safety. However, for a system with many parts to work effectively and fulfill its purpose, subsystems must operate cohesively.

With echoing outcries accusing the Criminal Justice System of being “broken,” cohesion is arguably a point of weakness for this system<sup>19</sup>. In this context, the term “broken” may mean different things to different people; however, one way in which it can be interpreted is that it is describing the severed connections between its subsystems. We propose that one means to help reconstruct these vital links between subsystems is to consistently employ EIPPs at each key decision point in the Criminal Justice System. Implementing EIPPs is critical, as one judgment can create a ripple effect, impacting each subsequent decision made, resulting in each decision having long-lasting implications. In light of this, everyone involved in the Criminal Justice System has an obligation to base their decisions on the most relevant, objective information. We acknowledge that given the emotional, and often traumatic nature of sexual abuse, basing decisions on evidence can be challenging at times; however, we suggest that doing so will most effectively promote the safety and well-being of both the individuals moving through the Criminal Justice System and the public. Therefore, this section will highlight key decision points in the Criminal Justice System (see Figure 1), whereby EIDM strategies should, and in some cases, have begun to be implemented.

**Figure 1**

***Key Decision Points Within the Adult Criminal Justice System***



*Note.* This table illustrates the several key points in the Criminal Justice System whereby evidence-informed decision-making strategies can be employed.

<sup>19</sup> Zalman, M., Larson, M. J., & Smith, B. (2012). Citizens’ attitudes toward wrongful convictions. *Criminal Justice Review*, 37(1), 51-69.

## First Contact

Following a report of sexual abuse, when an alleged perpetrator is first interviewed by law enforcement, numerous pieces of information, most being verbal and physical, are collected by officers. Although the collection of this information is a seemingly mundane procedure, it can profoundly affect a case. This is because the mental health of the alleged perpetrator and their developmental, cultural, and racial characteristics, among others, may impact the information received by officers, how investigators interpret the evidence collected, and the direction of an investigation<sup>20</sup>. An example of these potential impacts are the overrepresentation of people of color and mentally ill persons in the criminal justice system in the U.S. and other countries, most often as a result of various systemic and policy issues impacting arrest rates and sentencing decisions<sup>21 22 23 24 25 26</sup>.

In the United States, one instance in which it is essential to employ evidence-informed considerations is when an alleged perpetrator is advised of their rights under *Miranda* (*Miranda v. Arizona*, 1966). Many countries have adopted so-called “right to silence” statutes that inform the accused of their right not to answer questions posed by law enforcement<sup>27</sup>. Still, despite these mandates, alleged perpetrators may be confused by these rights or may not fully appreciate the consequences of assenting to further questioning. The choice of whether to participate in questioning is of great consequence. It is also one of the only decisions in the criminal justice process left entirely up to the alleged perpetrator. Due to the gravity of this choice, it is critical that salient perpetrator characteristics are taken into consideration and responded to

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<sup>20</sup> Howell, K. B. (2014). Prosecutorial Discretion and the Duty to Seek Justice in an Overburdened Criminal Justice System. *Geo. J. Legal Ethics*, 27, 285.

[https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=1113&context=cl\\_pubs](https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=1113&context=cl_pubs)

<sup>21</sup> The Sentencing Project. (2008). Reducing racial disparity in the criminal justice system: A manual for practitioners and policymakers. <https://www.sentencingproject.org/wp-content/uploads/2016/01/Reducing-Racial-Disparity-in-the-Criminal-Justice-System-A-Manual-for-Practitioners-and-Policymakers.pdf>

<sup>22</sup> James, D.J. & Glaze, L.E. (2006). Mental health problems of prison and jail inmates (NCJ 213600). Bureau of Justice Statistics. <https://bjs.ojp.gov/content/pub/pdf/mhppji.pdf>

<sup>23</sup> Sarteschi, C.M. (2013). Mentally ill offenders involved with the U.S. criminal justice system: A synthesis. *Sage Open*, July-September: 1-11.

<sup>24</sup> Samele, C., McKinnon, I., Brown, P., Srivastava, S., Arnold, A., Hallett, N. & Forrester, A. (2021). The prevalence of mental illness and unmet needs of police custody detainees. *Criminal Behavioral Mental Health*, 31(2), 80-95.

<sup>25</sup> Tonry, M. (2010). The social, psychological, and political causes of racial disparities in the American criminal justice system. *Crime & Justice*, 273.

<sup>26</sup> Fix, R.L., Cyperski, M.A. & Burkhart, B.R. (2015). Disproportionate minority contact: Comparison across juveniles adjudicated for sexual and non-sexual offenses. *Sexual Abuse: A Journal of Research and Treatment*, 1-18.

<sup>27</sup> Staff of the Law Library of Congress Global Legal Research Center. (2016). *Miranda Warning Equivalents Abroad*. <https://fas.org/sgp/eprint/miranda.pdf>

appropriately. For example, when questioning someone with intellectual deficiencies, immigrants, and those with severe and persistent mental illness, law enforcement should take the additional steps necessary to ensure that individuals have adequate comprehension of their rights and the steps involved to invoke those rights <sup>28</sup>.

## Pre-Trial

Following an arrest, several important decisions are made, including whether to allow an alleged perpetrator bail, the amount of bond set, and conditions for bond and pre-trial supervision. To make these decisions, judges often rely on a number of factors. Several of these factors are objective, such as posted bail schedules, the severity of the current charge, the defendant's criminal record, and the defendant's ties to the community. Additionally, judges may rely on subjective data to inform bail decisions, including the likelihood the defendant will attend future court appearances, the defendant's risk of flight, and the potential risk to public safety<sup>29</sup>. In addition to these factors, judges' decisions can also be informed by their experience with similar cases.

During this phase, prosecutors are responsible for reviewing the evidence from the investigation and deciding what crime(s) to charge the defendant. Often, prosecutors will choose to charge "worst, first," that is, charging the most severe crime a prosecutor believes they can prove in court with the understanding that the charge could be amended to a lesser crime<sup>30</sup>. In many jurisdictions, there is often overlap between criminal statutes, such that the elements involved in an offense may fit more than one statute, possibly with varying severity levels and consequences<sup>31</sup>. Deciding upon what crime to charge can be used as a legal tactic to provide prosecutorial leverage over the defendant<sup>32</sup>. This subjective decision is often based on the defendant's perceived fear, and may or may not consider other data such as the defendant's mental capacity, understanding of the legal process, or related factors<sup>33</sup>.

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<sup>28</sup> Rogers, R., Harrison, K. S., Hazelwood, L. L., & Sewell, K. W. (2007). Knowing and intelligent: A study of Miranda warnings in mentally disordered defendants. *Law and Human Behavior*, 31(4), 401-418. <https://doi.org/10.1007/s10979-006-9070-8>

<sup>29</sup> Sacks, M., Sainato, V. A., & Ackerman, A. R. (2015). Sentenced to pretrial detention: A study of bail decisions and outcomes. *American Journal of Criminal Justice*, 40(3), 661-681. <https://doi.org/10.1007/s12103-014-9268-0>

<sup>30</sup> Beichner, D., & Spohn, C. (2005). Prosecutorial Charging Decisions in Sexual Assault Cases: Examining the Impact of a Specialized Prosecution Unit. *Criminal Justice Policy Review*, 16(4), 461-498. <https://doi.org/10.1177/0887403405277195>

<sup>31</sup> Kessler, D., & Piehl, A. (1997). The role of discretion in the criminal justice system. [https://www.nber.org/system/files/working\\_papers/w6261/w6261.pdf](https://www.nber.org/system/files/working_papers/w6261/w6261.pdf)

<sup>32</sup> Oppel, R. A. (2011, September 5). Sentencing Shift Gives New Leverage to Prosecutors. The New York Times. [https://cdpsdocs.state.co.us/ccjj/Meetings/2012/2012-01-13\\_ToughSentences\\_NYT-09-25-2012.pdf](https://cdpsdocs.state.co.us/ccjj/Meetings/2012/2012-01-13_ToughSentences_NYT-09-25-2012.pdf)

<sup>33</sup> Ehrhard, S. (2008). Plea Bargaining and the Death Penalty: An Exploratory Study. *Justice System Journal*, 29(3), 313-325. <https://www.tandfonline.com/doi/abs/10.1080/0098261X.2008.10767896>



Once charges are filed, the prosecution and defense must decide what legal avenue to pursue. These avenues can include diversionary measures, plea negotiations, or preparing for a trial. To decide what path to take, opposing counsel often engages in discussion regarding next steps. During this process, defendants rely on the advice of their attorney to guide their decisions. However, defendants can differ in their ability to obtain adequate representation. Particularly, individuals who cannot afford an attorney will be assigned one. In these circumstances, a defendant's counsel may or may not be as thorough or invested as an attorney who is retained, which can put them at a disadvantage<sup>34</sup>.

We suggest that it is critical that each part of the pre-trial process is guided by evidence. Particularly, although judges consider a variety of factors when making their decisions, we suggest that these decisions should be informed by factors based on evidence rather than assumptions or convenience. Moreover, when decisions are made regarding charges to be laid or what legal avenue to take, we recommend that these decisions are guided by evidence rather than based on subjective, emotional and/or system-serving (e.g., pressures to "win" a case) motives<sup>35</sup>.

## Trial

The overwhelming majority of convictions for sexual abuse cases are the result of a plea bargain<sup>36 37 38</sup>. Each parties' reasons for agreeing to a plea bargain vary. Most defendants choose to enter a plea bargain to avoid a potentially longer sentence if convicted or lessen other consequences, such as length of supervision or registration<sup>39</sup>. Whatever the reason, the defendant often presumably bases their decision primarily on self-interest. In contrast, prosecutors may agree to a plea bargain to lessen the impact on the victim(s) (e.g., not having the victim testify), dispense the case quicker, or save

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<sup>34</sup> Kutateladze, B. L., Andiloro, N. R., Johnson, B. D., & Spohn, C. C. (2014). Cumulative disadvantage: Examining racial and ethnic disparity in prosecution and sentencing. *Criminology*, 52(3), 514-551. <https://doi.org/10.1111/1745-9125.12047>

<sup>35</sup> Beichner, D., & Spohn, C. (2005). Prosecutorial Charging Decisions in Sexual Assault Cases: Examining the Impact of a Specialized Prosecution Unit. *Criminal Justice Policy Review*, 16(4), 461-498. <https://doi.org/10.1177/0887403405277195>

<sup>36</sup> U.S. Department of Justice. (2016). *Federal Justice Statistics, 2016 - Statistical Tables*. <https://bjs.ojp.gov/content/pub/pdf/fjs16st.pdf>

<sup>37</sup> Grossman, G. M., & Katz, M. L. (1983). Plea Bargaining and Social Welfare. *The American Economic Review* 73(4), 749-757. <https://www.jstor.org/stable/1816572>

<sup>38</sup> Tor, A., Gazal-Ayal, O., & Garcia, S. (2010). Fairness and the Willingness to Accept Plea Bargain Offers. *Journal of Empirical Legal Studies* 7(1), 97-116. [https://scholarship.law.nd.edu/law\\_faculty\\_scholarship/835](https://scholarship.law.nd.edu/law_faculty_scholarship/835)

<sup>39</sup> Scott, Z. (2018). An Inconvenient Bargain: The Ethical Implications of Plea Bargaining in Canada. *Saskatchewan Law Review*, CanLII Docs 372. <https://canlii.ca/t/2fns>

taxpayers money. Prosecutors may also fear an acquittal if the case were to go to trial, which is a concern often fueled by the evidence against the defendant being weak<sup>40</sup>.

For cases that go to trial, evidence-informed decision making can be incorporated into a variety of key processes, including, jury selection (i.e., taking precautions and following guidelines to ensure potential jurors are not biased), determining what evidence is admissible, practices surrounding who is brought as a witness (e.g., victim, defendant, expert), and jury instructions.

## Sentencing

Upon adjudication for a sexual offense, the now-convicted individual faces disposition. Sentencing decisions consider several factors, but each jurisdiction varies on precisely what those factors may be. Some jurisdictions leave room for a great deal of judicial discretion, while others rely on strict pre-determined guidelines<sup>41</sup>. This irregularity in application leaves room for ineffective and potentially unfair decisions to be made. Consistently applying evidence-informed sentencing strategies could mitigate these issues.

Evidence-informed sentencing decisions incorporate processes such as risk and needs assessments<sup>42</sup>. These assessments can evaluate a defendant's criminogenic and sexual-specific risk factors, treatment needs, and responsivity factors. Pre-sentence assessment such as these allow the court to incorporate evidence into the disposition process that can assist in determining a) the type of sentence most appropriate, b) how long the sentence or length of supervision should be, and c) what conditions should be placed on the individual during their supervision<sup>43</sup>. Not conducting these assessments and, consequently, not considering this information when making these decisions can result in the implementation of interventions or sanctions which can increase, rather than decrease, community safety and do little to promote the prevention of sexual abuse<sup>44</sup>.

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<sup>40</sup> Fine, R. A. (1987). Plea bargaining: An unnecessary evil. *Marquette Law Review*, 70(4), 615-632. <https://scholarship.law.marquette.edu/mulr/vol70/iss4/2>

<sup>41</sup> Yang, C. S. (2015). Free at last? Judicial discretion and racial disparities in federal sentencing. *The Journal of Legal Studies*, 44(1), 75-111. <https://www.journals.uchicago.edu/doi/abs/10.1086/680989>

<sup>42</sup> Bonta, J., & Andrews, D. A. (2016). *The psychology of criminal conduct*. Routledge. <https://doi.org/10.4324/9781315677187>

<sup>43</sup> Hannah-Moffat, K., & Maurutto, P. (2010). Re-contextualizing pre-sentence reports: Risk and race. *Punishment & Society*, 12(3), 262-286. <https://doi.org/10.1177/1462474510369442>

<sup>44</sup> Ibid.

## Post-Sentencing

Evidence-informed decision-making can also have a significant impact on post-disposition processes. Particularly, the institution an individual is placed in (i.e., community-based supervision, prison, mental health treatment facility) and the type of services the individual is eligible to receive can be determined, in part, by the incorporation of objective and individualized assessment information.

Actuarial risk assessment and the identification of stable and protective factors enhance the overall conceptualization of an individual's specific treatment needs<sup>45 46</sup>. Intimacy deficits, social skills, problem solving, and sexual self-regulation are a common focus among treatment programs for individuals convicted of a sexual offense. Implementing evidence-informed programs that encompass these factors is essential, as some have been associated with reductions in recidivism<sup>47</sup>.

## Reintegration

Reintegration is a complex process, and too often, systemic issues and subjective criteria inhibit a justice-involved person's successful re-entry; this is particularly true for individuals convicted of sexual crimes<sup>48</sup>. Establishing clear, evidence-informed standards for re-entry can help decision-makers determine who is ready and appropriate for release, what interventions those individuals will likely need once released, and what conditions should be placed on the individual to ensure safe behaviors within the community.

One critical aspect of the reintegration process is community supervision. Effective community supervision includes monitoring, supporting, treating, and responding to increased or decreased risk with modifications to an individual's community supervision

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<sup>45</sup> Brankley, A. E., Babchishin, K. M., & Hanson, R. K. (2021). STABLE-2007 demonstrates predictive and incremental validity in assessing risk-relevant propensities for sexual offending: A meta-analysis. *Sexual Abuse*, 33(1), 34-62.  
<https://doi.org/10.1177/1079063219871572>

<sup>46</sup> Hogan, N. R., & Sribney, C. L. (2019). Combining Static-99R and STABLE-2007 risk categories: An evaluation of the five-level system for risk communication. *Sexual Offender Treatment*, 14(1).

<sup>47</sup> Hanson, R. K., Helmus, L. M., & Harris, A. J. (2015). Assessing the risk and needs of supervised sexual offenders: A prospective study using STABLE-2007, Static-99R, and Static-2002R. *Criminal Justice and Behavior*, 42(12), 1205-1224.  
<https://doi.org/10.1177/0093854815602094>

<sup>48</sup> Levenson, J., & Tewksbury, R. (2009). Collateral damage: Family members of registered sex offenders. *American Journal of Criminal Justice*, 34(1), 54-68.  
<https://doi.org/10.1007/s12103-008-9055-x>

plan<sup>49</sup>. Evidence-informed decisions during community supervision allow for an individualized and flexible approach to accomplish the goal of fostering a fulfilling life incompatible with criminal behaviors while promoting community safety. Establishing a specific plan (i.e., case plan) unique to the individual's risk, needs, responsivity, and protective factors ensures supervision decisions are based on relevant, objective data<sup>50</sup>. Utilizing evidence-informed criteria provides supervision teams the opportunity to respond more effectively when an individual displays difficulty with reintegration and adjust their plan accordingly.

Reintegration also often includes adjunctive policies such as registration and notification, residence restrictions and similar other restrictions. Unfortunately, such policies have been implemented without evidence to support such measures<sup>51 52</sup>. Recently, many jurisdictions have begun evaluating their approach to such measures, and some have made legislative changes based on existing and emerging evidence<sup>53</sup>.

## After Effects

As mentioned, the criminal justice process involves numerous professionals providing a variety of functions, some simultaneously, others years apart. Although certain individuals' roles in the process may be temporary, their functions are nonetheless important and impactful. Perpetrators and survivors of sexual abuse are constantly affected by the decisions made throughout the criminal justice process<sup>54</sup>. Survivors of sexual abuse have a vested interest in how their perpetrator goes through the criminal justice process. Many survivors, either by familial association or other reason, stay abreast of their perpetrator's progression through the system. This can result in secondary victimization, as well as negative societal reactions that are directed toward

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<sup>49</sup> Wilson, R. J., Stewart, L., Stirpe, T., Barrett, M., & Cripps, J. E. (2000). Community-based sex offender management: Combining parole supervision and treatment to reduce recidivism. *Canadian Journal of Criminology*, 42(2), 177-188. DOI: 10.3138/cjcrim.42.2.177

<sup>50</sup> Viglione, J. (2019). The risk-need-responsivity model: How do probation officers implement the principles of effective intervention?. *Criminal Justice and Behavior*, 46(5), 655-673. <https://doi.org/10.1177/0093854818807505>

<sup>51</sup> Levenson, J. S. (2018). Sex offender management policies and evidence-based recommendations for registry reform. *Current psychiatry reports*, 20(3), 1-7. <https://doi.org/10.1007/s11920-018-0884-0>

<sup>52</sup> Letourneau, E. J., Levenson, J. S., Bandyopadhyay, D., Sinha, D., & Armstrong, K. S. (2010). Effects of South Carolina's sex offender registration and notification policy on adult recidivism. *Criminal Justice Policy Review*, 21(4), 435-458. <https://doi.org/10.1177/0887403409353148>

<sup>53</sup> Association for the Treatment of Sexual Abusers. (2020). Registration and Community Notification of Adults Convicted of a Sexual Crime: Recommendations for Evidence-Based Reform. <https://www.atsa.com/policy/AdultSORN.pdf>

<sup>54</sup> McGlynn, C., Downes, J., & Westmarland, N. (2017). Seeking justice for survivors of sexual violence: Recognition, voice and consequences. In *Restorative responses to sexual violence* (pp. 179-191). Routledge.

the survivor in the aftermath of a crime. Survivors of sexual crimes often feel doubted, blamed, or re-traumatized by their experiences with the criminal justice system<sup>55</sup>. Ensuring decisions made throughout the process are informed by evidence can potentially increase survivors' trust in the system and faith in a just outcome. Sexual abuse affects more than just the perpetrator and victim - family members and loved ones also experience the ramifications of decisions made throughout the process. Community safety is enhanced when policies that are meant to protect the public are based on sound research<sup>56</sup>. Applying evidence-informed decision making across the spectrum ensures that perpetrators of sexual abuse are treated according to objective standards rather than emotion and fear. Consistent utilization of evidence-informed decision making will enhance public trust in the system and further promote public safety.

## Next Steps

As previously noted, this initiative's purpose is to develop a toolkit and framework for those engaged in policy reform efforts both at the legislative and grassroots organizational levels. The ATSA Public Policy Committee hopes that these resources will encourage and assist practitioners and policy makers to begin incorporating evidence to inform all levels of policy and practice within the criminal justice system. EIDM also brings many benefits that typically outweigh the costs, as the incorporation of EIPPs typically results in better use of fiscal resources, consistency in practices and service delivery, more equity within responses, and improvement in the overall outcomes for all involved.

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<sup>55</sup> Antonsdóttir, H. F. (2018). A witness in my own case: Victim-survivors' views on the criminal justice process in Iceland. *Feminist Legal Studies*, 26(3), 307-330.  
<https://doi.org/10.1007/s10691-018-9386-z>

<sup>56</sup> Tabachnick, J., & Klein, A. (2011). *A reasoned approach: Reshaping sex offender policy to prevent child sexual abuse*. Beaverton, OR: Association for the Treatment of Sexual Abusers.

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MAKING SOCIETY SAFER

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