

Controversies and Ethics with Sexual Offenders

The Use of the Polygraph, the Role of Risk Assessments, and the Relationship of Pornography to Sexual Offending

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Workshop Description: Working with sexual offenders is a field awash with controversy. Both clients and professionals have to navigate the legitimate competing interests of forensic psychotherapy: the rigors of therapeutic goals and the demands of court supervision. Are conventional practices necessarily best practices? Sometimes unsettled science doesn't provide easy answers. This workshop will present an overview of the range of controversies inherent in this field. The panel will review relevant research and, with audience participation, discuss practice implications for three selected areas of sexual offender management: risk assessments, the use of the polygraph, and the relationship of pornography to sexual offending.

Panel Members

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Jon Brandt, MSW, LICSW, Mapletree, Maplewood, MN, panel moderator
(Note: Jannine Hebert, MA, MSOP, withdrew from the panel for personal reasons)

Everyone is entitled to their own opinions but not their own facts

Daniel Patrick Moynihan, four-term US Senator, 1927-2003

The panel members are presenting their views on three selected topics in an effort to help close the gap between good research and best practices, as we understand them. While the members of this panel collectively have more than 100 years of experience in the treatment and management of sexual offending, other professionals might well review the same body of research, filter it through their own professional knowledge and experiences, and come to different conclusions. Members of this panel do not all agree on every aspect of these controversial topics. This workshop endeavors to address some of the areas of controversy by offering our understanding of the relevant literature, and suggesting how current research might inform best practices. We humbly offer these perspectives to our colleagues for consideration.

All of the panel members currently are, or have been, members of ATSA. The inspiration for this workshop was the convergence of two professional influences: first, many years of spirited debates between colleagues, and second, the ATSA LISTSERV: the occasionally agitating, insidiously compelling, collectively omnipotent "ATSA water cooler". For those not familiar, the ATSA-LIST provides ATSA members an inimitable vantage point for online eavesdropping into some of the best minds in our field. Everyday LISTers sift through literature, research, and experience to bring insightful opinions, thoughtful suggestions, and on a good day, wisdom to ATSA-LIST colleagues all over the globe. Perhaps more than any single source of continuing education, the ATSA-LIST reveals where there might be gaps in our knowledge, policies, and practices.

Some areas of research in our field are not conclusive. This can result in some misguided policies and practices or applications that overreach the underlying science. In some cases we do have good research, but because of the lag-time between the publishing of research and the widespread promulgation to colleagues, many professionals may simply be unaware of research that is either quite conclusive or perhaps beginning to indicate a new direction for best practices.

Public policies, conventional practices, and even professionals in our field are all influenced, to varying degrees, by the historical and prevailing beliefs and perceptions of sexual offending. Forensic psychology requires a balance between forensics and psychotherapy, resulting in an ethical tension in the delivery of services to clients (offenders and referring authorities), and stakeholders (victims, public safety, justice, etc.). Anyone charged with the responsibility for managing involuntary clients should be mindful of imperfect science, unresolved professional controversies, and the competing principles of ever-present ethical issues.

As a profession, in the best interest of every client and stakeholder, we should not err in any direction. The misallocation of finite resources is only one casualty of any mismanagement of sexual offending. When we get it wrong, there are real consequences to clients, stakeholders, or both. The corollaries of sexual abuse, for both victims and offenders, can be so invasive and encompassing that we have to get it right for the benefit of all concerned. When professionals are at their best, we help transform victims into survivors, offenders are restored to “good lives,” and society is safer.

There are several common characteristics between the three topics of this year’s Controversies and Ethics: The Use of the Polygraph, The Role of Risk Assessments, and The Relationship of Pornography to Sexual Offending.

- There is substantial evidence that many conventional practices with sexual offenders are overreaching both the research and the underlying science.
- There are legitimate questions about whether current practices serve clients well.
- Aggregate data about groups, misapplied to individuals, result in deceptive conjecture.
- Pathologizing normative sexual behavior results in overstating risk and over-controlling clients.
- We may be assuming “cause and effect” in areas where correlations are uncertain and causation may be impossible to know.
- The healing arts of psychotherapy are frequently usurped by reliance on inexact science.
- Intrusive or controlling policies and practices are sometimes justified more on the basis of moral judgments about sexual offenders, than good science or best practices.
- When forensics inordinately dominates psychotherapy, “the tail might be wagging the dog.”
- We often fail to recognize or resolve the ethical conflicts inherent in managing practices with minors and involuntary clients.
- When, in our quest for public safety, we endeavor the impossible goal of risk elimination, we sacrifice the attainable goal of responsible risk management.
- When professionals yield to the pressure to err on the side of “better safe than sorry”, it makes risk management easier for professionals - almost always at the expense of direct clients.
- Little professional courage is required to accept status quo.

With this backdrop, the goals of the workshop are to provide a forum for sharing information and perspectives about the art and science of the treatment and management of sexual offending, and to illuminate what we as a profession know, what we THINK we know, and what we don’t know about the topics selected. And finally, the panel is acutely aware, and it should not be lost on conference participants, that these complex and controversial topics cannot be fully addressed in a 90 minute workshop. We hope this overview of selected topics will result in professional discourse and inspire participants to explore these issues further.

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An expert: a person who knows more about a topic than everyone else that happens to be in the room at the same time.

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A Personal Commentary: Other than ATSA, is there a single organization that is better situated to help further research, promulgate best practices, guide balanced public policy, help repair the consequences of mismanaged sexual behaviors, and contribute to the prevention of future sexual offending? Could that be both a weighty mandate and an imperative opportunity?

At large conferences, it's easy to feel dwarfed by the expertise of well-recognized researchers and respected professionals in our field, but when we go back to our places of employment, network with our colleagues, or provide services to our clients, each of us could discover that we might be "local experts" uniquely informed on relevant research or evidence-based practices. In a field where controversy abounds and ethics are not crisp, it takes professional courage to offer a viewpoint which might compete with prevailing beliefs and practices, or be challenged by our colleagues. When we push past inherent reticence and thoughtfully express our views and concerns, we help to illuminate competing principles and interests, and provide needed balance to ethical issues.

We work in a field where much research is not conclusive, and both policies and practices are often contaminated by society's prevailing beliefs that all sexual offenders are disgusting and dangerous. When we monitor for those influences, understand evidenced-based practices, and apply it all thoughtfully and individually to each of our clients, we are likely to serve well the many competing interests. With a shared commitment to safer communities and healthier lives, all in this field have a responsibility to do everything we reasonably can to reduce future offending. For people that have been arrested for a sexual offense, the consequences of being labeled a "sexual offender" are so onerous that, no matter how low their risk, or great their effort, most simply cannot recover or get their lives back without our help. If not us, who?

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