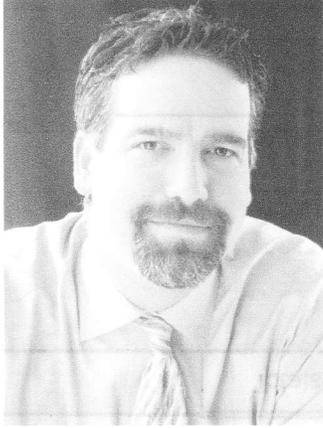


Sexual Offenders-Part II

Todd D. Pizitz, Ph.D.



Introduction

As mentioned in Part I, personal and community trauma and tragedy pushes legislators to design sexual offender laws. As with the deaths of Adam Walsh, Megan Kanka, Jessica Lundsford, and Chelsea King and Amber Dubois, certain legislation is reactively enacted giving us The Adam Walsh Child Protection Act, and Megan's, Jessica's, and Chelsea's Laws. Such senseless acts pose questions about why and how could these events continue to occur. Forensic psychologists are charged with the duty of explaining and often presenting estimates and appraisals of risk with this population, and to elucidate the underpinnings of the sexual offenders' psychosexual functioning. The interface between attorneys, judges, and psychologists occurs with such criminal cases. This second part of this series is written to provide a framework for officers of the court working with sexual offenders.

Sexual deviation and offending tends to be heterogeneous in nature and, therefore, not all sexual offending behaviors are the same. There are those offenders who demonstrate a normal pattern of sexual interests who perform isolated deviant acts and are driven by innate impulsivity and/or opportunism. Such acts often occur in the context of substance abuse, stressful circumstances (i.e., marital problems), and/or mental illnesses. Then, there are offenders who have consistent deviant sexual interests known as paraphilias. The term paraphilia refers to a wide range of unconventional, socially-deviant sexual behaviors. It should be noted that while all paraphilias are considered deviant behaviors

in that they go against the social norm, some are not illegal, such as cross-dressing.

The two most common paraphilias that present for court-mandated treatment and assessment are Exhibitionism and Pedophilia, and each have a California Penal Code Counterpart. Exhibitionism is considered a crime called Indecent Exposure (PC 314) under California Law (Penal Code, 2009) while Pedophilia often results in a crime entitled, Lewd Act on a Child or Dependent Person (PC288).

Assessing Sexual Offenders

Once in the criminal justice system, attorneys and judges coordinate with psychologists to assist in understanding and elucidating the nature and extent of the sexual offender's mental health functioning, psychosexual history, and propensity for risk re-offending. A thorough assessment of sexual offenders can assist evaluators in informing the courts, attorneys, supervision officers, and treatment providers about the psychological functioning of sexual offenders. Having such information can offer mitigating and aggravating issues and inform disposition decisions.

Within an assessment, the evaluator will be looking for patterns of offending. Two distinct patterns are cycles of offending and the progression of the offending. **Cycles of offending** refer to instances of the sexual offender trying to stop his offending behaviors and then determining if there has been periods of abstinence. This involves examining what the offender might have done to cease the offending and then how long of a period before the offending behaviors resumed again.

The progression of offending is a means to determine a starting point of the offending behaviors and assessing the escalation or worsening of the behaviors. For example, a sexual offender might begin with viewing pornography, then progress to illegal pornography. From child pornography, the offender progresses to peeping on a victim; ultimately, from peeping to actually taking a victim.

Continued on page 14

North County Lawyer

Sexual Offenders-Part II

Continued from page 8

Part of an assessment of sexual offenders involves a detailed face-to-face interview. During the interview, the evaluator wants to obtain the offender's story or account of the instant matter. In these instances, the truth can be an elusive and buried for a variety of reasons including impression management, denial, and rationalization. Therefore, it becomes essential to discuss the instant matter with the offender with corroborating police, probation, and/or court records. Such records might elicit more factual reporting.

The interview with the offenders begins with a historical exploration of their lives. This includes family background, family history, developmental issues and milestones, social development, education and school performance, relationship history-friends, family, romance, employment history, psychiatric and psychological history, medical history, drug and alcohol history, criminal background, and sexual history. The discussion of sexual history can be uncomfortable for some evaluators, and developing a comfort level with this line of questioning is essential. Included in the evaluation is the administration of risk assessment measures and psychological tests.

Risk Assessment

The most commonly used risk assessment measure is The Static-99 (Harris, Phenix, Hanson & Thornton, 2003). This risk assessment measure assists in the prediction of sexual and violent recidivism for sexual offenders. It uses risk factors that have been shown through researched studies to be associated with sexual recidivism. The Static-99 is based on ten static or unchanging and fixed factors such as age, relationship history, previous convictions, and victim characteristics. This actuarial instrument offers a prediction of likelihood for future sexual acting out with scores of 12 possible points. The lower scores are indicative of lower risk potential. Once scored, a risk rating of low, medium or high risk is revealed.

Psychological Assessment Measures

The Minnesota Multiphasic Personality Inventory – 2nd Edition (MMPI-2; Butcher, Dahlstrom, Graham, Tellegan, & Kaemmer, 1989) is one of the most widely used instruments with sexual offenders (Schwartz & Cellini, 1995) This is a 567 True/False test of psychopathology and assesses offenders' personality features

and psychological functioning. This test helps to determine the presence of psychopathology and an understanding of the sexual offender's personality functioning.

Treatment of Adult Sexual Offenders

Common Offenses Seen in Treatment with County Probationers

- PC288-Lewd Behaviors with a Minor
- PC261.5-Statutory Rape
- PC314-Indecent Exposure
- PC311-Child Pornography Possession/Distribution

The Containment Model

In San Diego, California, treatment providers must be County Probation Approved to provide treatment to sexual offenders. The treatment providers must adhere to the Standards for Treatment of Court Ordered Sexual Offenders-created by the San Diego County Sex Offender Management Council (SOMC). The Containment Model of Treatment is the County of San Diego accepted method of case processing and case management of sexual offenders. This model involves containing offenders in a tight supervision and treatment network with supervision and enforcement of rules and regulations. It is designed to maximize the safety of the community and minimize re-offense and recidivism because the management of sexual offenders requires a multi-disciplinary approach.

The Containment Model consists of four elements: Supervision, Treatment, Victim Advocacy/Empathy, and Polygraph Examination. This paradigm is designed to facilitate supervision and treatment of sexual offenders with the goal of reducing the risk of re-offense while holding the offenders accountable for their behaviors. The collaboration of these four elements is implemented to assist in containing sexual offenders' behaviors and reducing the chances of further victim harm.

Treatment Modalities and Goals

The treatment of choice for sexual offenders is group psychotherapy. Ideally, only eight to ten offenders should be in one treatment group. More than that number reduces processing time and group

Continued on page 16

North County Lawyer

Sexual Offenders-Part II

Continued from page 14

members might not be given enough opportunity to share. Most treatment programs place contact and non-contact offenders in the same treatment groups; in San Diego, offenders are not typically grouped by offense. Individual treatments are available for offenders who do not benefit from group treatment due to lower IQ, cognitive problems, and the presence of anti-social, psychopathic traits. It is important to mention that the goals of this treatment do not include sexual interest change, but management of sexual expressions.

Polygraph Examinations, Victim Empathy, and Supervision

Once sentenced to a grant of probation, offenders typically have polygraph conditions and probation approved treatment programs requiring regular polygraph examinations from sexual offenders to determine if clients are adhering to their terms and conditions of their probation. Polygraph questions include adherence to terms and conditions of probations, victim safety, and any new instances of sexual offending. Also, within the Containment Model, sexual offenders are introduced to the concepts of victim empathy. This involves teaching offenders to recognize how their sexual offending has negatively impacted their victim(s), and develop ways to feel and empathize with the pain of others. Such empathy development can be a protective factor against future recidivism. Lastly, supervising sexual offenders closely and monitoring their behaviors and whereabouts is crucial to community safety and to prevent re-offense.

Butcher, J. N., Dahlstrom, W. G., Graham, J. R., Tellegan, A., & Kaemmer, B. (1989). *MMPI-2: Minnesota Multiphasic Personality Inventory-2: Manual for administration and scoring*. Minneapolis: University of Minnesota Press.

Harris, A., Phenix, A., Hanson, R. & Thorton, D., (2003). *Static-99 coding rules revised 2003*. Canada.

Penal Code 2009: Abridged California Criminal Justice Edition. Law Tech Publishing, San Clemente, California.

Schwartz, B. K., & Cellini, H. R. (1995). *The sex of-*

fender: Corrections, treatment, and legal practice. Kingston, NJ: Civic Research Press.

As a Forensic Psychologist, Dr. Pizitz assesses and treats defendants charged and convicted of sexual crimes. He is a San Diego County Probation Approved Sexual Offender Treatment Provider, and is an adjunct professor at Alliant International University, teaching Forensic Assessment in the Clinical Ph.D. Program. For the past 10 years, he has worked closely with private and public attorneys, family court services, and adult probation. Contact information for Dr. Pizitz: (760) 806-4330 Phone, tpizitz@sbcglobal.net, www.toddpizitz.com.

Law Firm of

Richard L. Duquette
Criminal Defense
STATE * FEDERAL * DMV



*Celebrating my *North
County practice since 1983!*

*1997 & 2004 Elected
Chairman of the BANSDC
Criminal Law Section*

*Member of the Bar
Association of North San
Diego County since 1983*

**Representing individuals in San
Diego, Orange & Riverside Courts*

Go to www.911law.com
for more information about my practice & results
rduquette@911law.com

800-464-4123