

Frequently Asked Questions Regarding Sex Offenders

The information in this document is the result of a 2011-12 collaboration of professional staff from the Nebraska Department of Correctional Services, Nebraska State Patrol, Nebraska Probation Administration, Nebraska Health and Human Services, Behavioral Health Division, Douglas County Attorney's Office, Lutheran Family Services and the Nebraska Commission on Public Advocacy. This information is not intended to be a comprehensive statement of the laws or policies. While care has been taken in preparing this information, the maintainer assumes no responsibility for errors, or omissions. Readers should not rely on this guide and should reference primary documents or obtain their own legal advice.

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Violent Crime is decreasing.

According to the Bureau of Justice Statistics (2012), violent crime has decreased significantly since 1993. This decrease includes instances of rape and sexual assault.

Sexual assaults on children have also decreased.

From 1990-2004, the number of substantiated sexual assaults on children declined 49% (Finkelhor & Jones, 2006). Although there may be several reasons for this decrease, the evidence suggests that there is a real decrease in the instances of sexual assault on children.

Most offenders know their victim(s).

Estimates indicate that 93% of children, ages 0-17, know the individual who assaults them (BJS, 2000), while 73% of adults (18 and older) know the individual who assaults them (BJS, 2000). For children, many offenders are family members, family friends, neighbors, or other individuals known. For adults, many offenders may be friends, acquaintances, or intimate partners. Thus, children and adults should be educated on precautions and warning signs of danger even when among known and trusted individuals.

Most individuals who commit sexual assaults do not reoffend.

The recidivism rate for sexual offenders ranges from 13.4% - 24% (Hanson & Bussière, 1998; Harris and Hanson, 2004; Hanson & Morton-Bourgon, 2005). Additionally, the rates of re-offense differ by the offense type with individuals who commit rape having higher re-offense rates than other types of sexual offenders. Offenders with victims who were strangers or who had male victims also reoffended at higher rates than other offenders (Hanson & Bussière, 1998).

Sex offender treatment does work.

Research indicates that individuals who committed sexual offenses and who completed appropriate treatment for sexual offending reoffend at a lower rate than untreated individuals (Hanson & Bussière, 1998; Harris and Hanson, 2004; Hanson & Morton-Bourgon, 2005; Lösel & Schmucker, 2005).

Treatment must match the risks and needs of the individual.

Although sex offending cannot be “cured,” there are many human conditions that cannot be “cured.” Although many individuals who commit sexual offenses may benefit from treatment, sexual offenders have a wide range of risks and needs. Treatment programs must match those risks and needs for each individual offender. Some individuals may need intensive inpatient programs while others can be monitored with supervision and effective self-management skills. In fact, inappropriate levels of treatment may do more harm than good (Bonta & Andrews, 2007).

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References

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For more information, contact Paul Rodriguez, Nebraska Department of Correctional Services, Sex Offender Program Manager, at 402-326-4995.

Frequently Asked Questions Regarding Sex Offenders

Sentencing and Court Process

Q: What are the potential punishments or criminal sanctions, including registration requirements, for people convicted of a sex offense?

A: The punishment for being convicted of one of the following crimes depends on the class of the crime of which the individual was convicted. Depending on the crime, convictions can range from several classes of Felonies to a Class I Misdemeanor. Punishment can range from probation to a maximum of 50 years in prison. The table below lists potential punishments for these offenses. For more detailed information see www.nebraskalegislature.gov

CRIME	CLASS	SENTENCE
#Non-parental Kidnapping of a Minor §28-313	Class IA Felony Class IA Felony, if committed when person is < 18 years of age Class II if victim released	Life 40 years to Life Max - 50 years Min - 1 year or Term of probation up to 5 years
#1st Degree False Imprisonment of a Minor §28-314	Class IIIA Felony	Max - 5 years or \$10,000 fine or both Min – none or Term of probation up to 5 years
#2nd Degree False Imprisonment of a Minor §28-315	Class I Misdemeanor	Max – 1 year or \$1,000 fine or both Min - none
#1st Degree Sexual Assault §28-319	Class II Felony	Max - 50 years Min – 1 year or Term of probation up to 5 years
#2nd Degree Sexual Assault §28-320	Class III Felony	Max - 20 years or \$25,000 fine or both Min – 1 year or Term of probation up to 5 years

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#3 rd Degree Sexual Assault §28-320	Class I Misdemeanor	Max – 1 year or \$1,000 fine or both Min - none
#1 st Degree Sexual Assault of a Child §28-319.01	Class IB Felony	Max - Life Min - 20 years
#2 nd Degree Sexual Assault of a Child §28-320.01	Class II Felony	Max - 50 years Min – 1 year or Term of probation up to 5 years
#3 rd Degree Sexual Assault of a Child §28-320.01	Class IIIA Felony	Max - 5 years or \$10,000 fine or both Min – none or Term of probation up to 5 years
#Sexual Abuse of a Vulnerable Adult, §28-386(1)(c)	Class IIIA Felony	Max - 5 years or \$10,000 fine or both Min – none or Term of probation up to 5 years
#Incest of a Minor, §28-703	Class III Felony	Max - 25 years or \$25,000 fine or both Min – 1 year or Term of probation up to 5 years
#Pandering of a Minor §28-802	Class III Felony	Max -20 years or \$25,000 fine or both Min – 1 year or Term of probation up to 5 years
#Debauching a Minor §28-805	Class I Misdemeanor	Max – 1 year or \$1,000 fine or both Min - none
#Visual Depiction of Sexually Explicit Conduct of a Child (manufacturing) §28-1463.03	Class III Felony if Defendant is under 19 or a Class ID Felony if Defendant is 19 or older	Max - 20 years or \$25,000 fine or both Min – 1 year or Term of probation up to 5 years Max – 50 years Min - 3 years

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<p>#Visual Depiction of Sexually Explicit Conduct of a Child (distribution) §28-1463.05</p>	<p>Class IIIA Felony if Defendant is under 19 or</p> <p>a Class III Felony if Defendant is 19 or older</p>	<p>Max - 5 years or \$10,000 fine or both Min – none or Term of probation up to five years Max - 20 years or \$25,000 fine or both Min – one year or Term of probation up to five years</p>
<p>#Sexually Explicit Conduct; visual depiction §28-813.01</p>	<p>(possession) a Class IV Felony if Defendant is under 19 or</p> <p>a Class III Felony if Defendant is 19 or older</p>	<p>Max - 5 years or \$10,000 fine or both Min – none or Term of probation up to five years Max - 20 years or \$25,000 fine or both Min – one year or Term of probation up to five years</p>
<p>#Criminal Child Enticement §28-311</p>	<p>Class IIIA Felony</p>	<p>Max - 5 years or \$10,000 fine or both Min – none or Term of probation up to five years</p>
<p>#Child Enticement by means of a computer §28-320.02</p>	<p>Class ID Felony</p>	<p>Max – 50 years Min - 3 years</p>
<p>*Unlawful intrusion on a minor §28-311.08</p>	<p>Class I Misdemeanor (viewing) or a</p> <p>Class IV Felony (recording) or a</p> <p>Class III Felony (distributing recording)</p>	<p>Max – 1 year or \$1,000 fine or both Min – none Max - 5 years or \$10,000 fine or both Min – none or Term of probation up to five years Max - 20 years or \$25,000 fine or both Min – one year or Term of probation up to five years</p>

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<p>*Sexual Abuse of an inmate or parolee in the first degree §28-322.02</p>	<p>Class III Felony</p>	<p>Max - 20 years or \$25,000 fine or both Min – one year or Term of probation up to five years</p>
<p>*Sexual Abuse of an inmate or parolee in the second degree §28-322.03</p>	<p>Class IV Felony</p>	<p>Max - 5 years or \$10,000 fine or both Min – none or Term of probation up to five years</p>
<p>*Sexual Abuse of a protected individual §28-322.04</p>	<p>Class III Felony (sexual penetration) or a Class IV Felony (sexual contact)</p>	<p>Max - 20 years or \$25,000 fine or both Min – one year or Term of probation up to five years Max - 5 years or \$10,000 fine or both Min – none or Term of probation up to five years</p>
<p>*Incest (victim of any age) §28-703</p>	<p>Class III Felony</p>	<p>Max - 20 years or \$25,000 fine or both Min – one year or Term of probation up to five years</p>
<p>*Child Abuse pursuant to subdivision (1)(d) or (e) of section §28-707</p>	<p>Class I Misdemeanor (negligent) Class IIIA Felony (no serious bodily injury) Class II Felony (serious bodily injury) Class IB Felony (death)</p>	<p>Max – 1 year or \$1,000 fine or both Min – none Max - 5 years or \$10,000 fine or both Min – none or Term of probation up to five years Max - 50 years Min – one year or Term of probation up to five years Max - Life Min - 20 years</p>

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<p>*Enticement by electronic communication device §28-833</p>	<p>Class IV Felony</p>	<p>Max - 5 years or \$10,000 fine or both Min – none or Term of probation up to five years</p>
<p>**Murder in the first degree §28-303</p>	<p>Class I Felony or a Class IA Felony</p>	<p>Death Life</p>
<p>**Murder in the second degree §28-304</p>	<p>Class IB Felony</p>	<p>Max - Life Min - 20 years</p>
<p>**Manslaughter §28-305</p>	<p>Class III Felony</p>	<p>Max - 20 years or \$25,000 fine or both Min – one year or Term of probation up to five years</p>
<p>**Assault in the first degree §28-308</p>	<p>Class II Felony</p>	<p>Max - 50 years Min – one year or Term of probation up to five years</p>
<p>**Assault in the second degree §28-309</p>	<p>Class III Felony</p>	<p>Max - 20 years or \$25,000 fine or both Min – one year or Term of probation up to five years</p>
<p>**Assault in the third degree §28-310</p>	<p>Class I Misdemeanor</p>	<p>Max – 1 year or \$1,000 fine or both Min – none</p>
<p>**Stalking §28-311.03</p>	<p>Class I Misdemeanor or a Class IV Felony (prior, victim <16, or possessed deadly weapon, also in violation of other specified offenses)</p>	<p>Max – 1 year or \$1,000 fine or both Min – none Max - 5 years or \$10,000 fine or both Min – none or Term of probation up to five years</p>
<p>**Kidnapping (victim of any age) §28-313</p>	<p>Class IA Felony or a Class II if victim released and safe. Class IA Felony if committed by person < 18 years of age</p>	<p>Life Max - 50 years Min – one year or Term of probation up to five years 40 yrs - Life</p>

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**1st Degree False imprisonment (victim of any age) §28-314	Class IIIA Felony	Max - 5 years or \$10,000 fine or both Min – none or Term of probation up to five years
**2nd Degree False Imprisonment (victim of any age) §28-315	Class I Misdemeanor	Max – 1 year or \$1,000 fine or both Min – none

Convictions of the above crimes and for attempts, solicitation or aiding and abetting, being an accessory or conspiracy to commit the above crimes may require that the individual register as a sex offender with the Nebraska State Patrol.

Indicates that sex offender registration is required

* Indicates that sex offender registration is required if the offender was convicted on or after January 1, 2010.

** Indicates that registration is required if the offender was convicted on or after January 1, 2010 AND was ordered by a judge to register as a sex offender.

For additional information on sex offender registration requirements, see Nebraska State Statutes 29-4001 to 29-4014.

Frequently Asked Questions Regarding Sex Offenders

Q: What kind of treatment can someone convicted of a sex offense receive?

A: A sex offender who is convicted and is serving a sentence in the Nebraska Department of Correctional Services (NDCS) has several types of sex offender specific mental health treatment options available to them. Inmates convicted of certain offenses will also be screened for possible transfer to treatment at the Lincoln Regional Center.

If a convicted sex offender refused to participate in or fails to successfully complete treatment, such a person is subject to the Nebraska Sex Offender Commitment Act (SOCA).

Under SOCA certain convicted sex offenders are evaluated by NDCS psychologists to determine whether they could be considered dangerous sex offenders as defined under SOCA. If so, then the county attorney from the county which achieved the conviction may file a petition before the district court's Board of Mental Health to involuntarily commit the individual to treatment. In a closed and confidential hearing the Board of Mental Health will determine whether the individual is a dangerous sex offender and determine the proper treatment for the individual. The people of the community are represented by the county attorney's office and the convicted sex offender has a right to an attorney and may be represented by retained or appointed defense counsel or a public defender.

If the Board of Mental Health determines the convicted sex offender is a Dangerous Sex Offender, such individual will be committed to treatment under the monitoring of a Board of Mental Health. The Board of Mental Health will then determine the least restrictive treatment alternative which is available which addresses the individual's treatment needs but still at the same time protects the public. Sex offender specific treatment under a Board of Mental Health Commitment can consist of outpatient sex offender treatment (least restrictive) to inpatient sex offender treatment (most restrictive) starting at the Norfolk Regional Center.

For those on an outpatient commitment, community based treatment options are available, but are not available statewide. Information on community treatment providers can be found at http://dhhs.ne.gov/behavioral_health/Documents/Sex-Offender-Directory.pdf. This link will provide you with a list of treatment providers who have self-identified their work in this field. It is not meant to be an endorsement of certain providers.

Not all of those receiving treatment in the community are under commitment. Many others are receiving services while under community based supervision through probation or parole. Still others participate in community based treatment as a form of continuing care once they are no longer under any supervision.

Frequently Asked Questions Regarding Sex Offenders

Civil Commitment/Dangerous Sex Offender

Q: What is a dangerous sex offender?

A: With regard to the Sex Offender Commitment Act the Nebraska Legislature has defined a dangerous sex offender to mean:

- 1) A person who suffers from a *mental illness*, to include but not limited to pedophilia or paraphilia, which makes him/her likely to engage in repeat acts of sexual violence,
- 2) Who has been convicted of *one* or more registrable sex offenses, and
- 3) Who is substantially unable to control his/her criminal behavior;

OR

- 1) a person who suffers from a *personality disorder*, to include but not limited to Anti-Social Personality Disorder, which makes him/her likely to engage in repeat acts of sexual violence,
- 2) who has been convicted of *two* or more registrable sex offenses, and
- 3) who is substantially unable to control his/her criminal behavior.

For more information, see Nebraska Revised Statute 83-174.01

Q: How long is a sex offender's specific treatment while under commitment?

A: Treatment under a Board of Mental Health Commitment will last until the individual has reached the maximum therapeutic value which the treatment can provide and the individual is no longer a risk to himself/herself or others. Typical sex offender commitments under SOCA can last years, transitioning from inpatient, to outpatient in the community, to release from commitment. The Board of Mental Health determines when an individual will be released from commitment.

For more information, please contact Lincoln Regional Center Psychologist Shannon Black at 402-479-5107 or Norfolk Regional Center Facility Operations Officer TyLynne Bauer at 402-370-3328.

Sex Offender Registration

Q: Where can I find information on the Sex Offender Registry in Nebraska?

A: Information regarding the sex offender registry can be found at: <http://www.sor.nebraska.gov> and a registry specific list of frequently asked questions can be found at: <http://www.sor.nebraska.gov/FAQ> Nebraska statutes related to sex offender registration include Nebraska statutes 29-4001 through 29-4014.

Frequently Asked Questions Regarding Sex Offenders

Q: How does Sex Offender Registration fit into a sentence for one of the sex offender crimes?

A: Once a person is convicted of a registrable sex offense, he or she is required to register as a convicted sex offender under the Nebraska Sex Offender Registration Act (SORA) . More information on the Sex Offender Registry in Nebraska can be found at <http://www.nsp.state.ne.us/sor/>. While a convicted sex offender is in prison, he/she is registered as a sex offender with his/her address as the correctional institution. Once the convicted sex offender completes his/her prison sentence, the individual must register where he/she is going to be living in the community and keep that address updated.

Q: What is the punishment if a sex offender does not properly register as a sex offender with law enforcement officials?

A: 1st Offense is a Class IV Felony which carries a potential sentence of up to 5 years incarceration or \$10,000 fine or both, or a term of probation up to five years for the 1st Offense.

2nd Offense and any subsequent conviction (2nd offense or more) for violating the Sex Offender Registration Act is a Class III Felony and the sentence shall be a Mandatory Minimum term of at least 1 year in prison up to a Maximum of 25 years or \$25,000 fine or both.

However, if the crime for which the defendant has to register as a sex offender was a misdemeanor (i.e. Debauching a Minor) then such subsequent violation of the Sex Offender Registration Act is a Class IV Felony which carries a potential sentence of a Maximum of 5 years' incarceration or \$10,000 fine or both, or a term of probation up to five years.

For more information, see Nebraska Revised Statute 29-4011.

For more information, please contact Nebraska State Patrol at 402-471-8630.

Lifetime Supervision

Q: What is the difference between lifetime registration and lifetime community supervision?

A: Separate Nebraska statutes set requirements for lifetime registration and lifetime community supervision. The Sex Offender Registration Act provides criteria for lifetime registration. The Registration Act is administered by the Nebraska State Patrol. In accordance with NRS 83-174.03 certain sex offenders are required to be supervised by the Department of Correctional Services Adult Parole Administration after completing their term of incarceration. While many who are required to register for their lifetime, are also required to be under lifetime supervision, this is not always the case. Not all those who are under lifetime community supervision may be required to be under lifetime registration and vice versa.

Frequently Asked Questions Regarding Sex Offenders

Q: Are sex offenders who move to Nebraska subject to lifetime supervision?

A: All registered sex offenders who move into Nebraska from another state will be screened by the Nebraska Department of Correctional Services Adult Parole Administration to determine if they are subject to lifetime community supervision.

Q: What are the conditions of lifetime community supervision?

If a person meets the criteria to be placed on lifetime community supervision, Adult Parole Administration will send the individual a letter notifying him/her that he/she is subject to lifetime community supervision. The notice of lifetime community supervision will explain why the individual is subject to such supervision and list the information that is considered when determining the conditions of lifetime community supervision.

- The individual subject to lifetime community supervision is then required to contact an identified Parole Officer within 3 days of receipt of their notification letter.
- The individual then has 15 days to submit information to his/her Parole Officer which he/she would like taken into consideration when determining conditions of supervision.
- At the end of the 15-day period, the conditions of lifetime supervision will be determined and the subject will be notified of those conditions in writing.
- Individuals subject to lifetime community supervision may challenge the conditions imposed. An appeal of the conditions shall be heard by the district court in the county where the individual resides.

Q: What are the criteria for lifetime community supervision in Nebraska?

A: An individual is subject to lifetime community supervision if she or she is

- convicted of or completes a term of incarceration for a registrable offense and has a previous conviction for a registrable offense; **and/or**
- is convicted of a Sexual Assault of Child 1st Degree (28-319.01); **and or**
- is convicted of or completes a term of incarceration for an Aggravated Registrable Offense **and/or**
- is court ordered to be placed on lifetime community supervision

See Nebraska Revised Statute 83-174.02 for more information.

Q: What happens if a sex offender under lifetime community supervision doesn't follow the requirements?

A: Failure to comply with requirements/conditions of lifetime community supervision is a Class IV felony for the first offense and a Class III felony for subsequent violations of the conditions. A letter of non-compliance may be sent to the authorities of the community in which the individual resides.

See Nebraska Revised Statute 83-174.05 for more information.

Frequently Asked Questions Regarding Sex Offenders

Community Supervision (Probation & Parole)

Q: Do all convicted sex offenders go to jail or prison?

A: No. Many sex offenders are supervised in the community either through parole (after serving a sentence in prison) or through probation (as an alternative to jail or prison). Between July 2010 and June 2011 there were 67 sex offenders on parole, and there were 220 people convicted of a sex offense who were placed on probation. There were 208 sex offenders sentenced to the Nebraska Department of Correctional Services whose average maximum sentence was 211 months. The average length of probation for a sex offender who was placed on probation between July 2010 and June 2011 was 30 months.

Q: What does community supervision for a sex offender entail?

A: For probation, these individuals are supervised by the highest skilled officers and have the highest level of supervision. Most are required to complete some form of treatment and also comply with a variety of other conditions of probation established to keep the victim and the community safe. Parolees and Lifetime Sex Offenders (LSO) on community supervision are supervised by a special unit of officers trained specifically in sex offender supervision. Supervision of parolees and LSO's may include, but is not limited to, participation of a variety of treatment programs, active global positioning system (GPS) electronic monitoring, polygraphs and other supervision enhancements that are meant to facilitate successful re-entry into the community and public safety.

For more information, contact the Sex Offender Unit, Adult Parole Administration at 402-471-1280 or Toni Jensen, Nebraska Probation Administration, at toni.jensen@nebraska.gov.

Frequently Asked Questions Regarding Sex Offenders

Housing, Residency & Employment

Q: Where are sex offenders allowed to live in Nebraska?

A: Sex offender residency restrictions vary from community to community; however, state law prohibits local ordinances from being more restrictive than 500 feet from a school or childcare facility and applies to those offenders deemed to be sexual predators. Not all communities have laws restricting the residence of sex offenders. Please check with your locale of interest to find the most current information regarding residency restrictions in that area. See: <http://www.nebraskalegislature.gov/laws/statutes.php?statute=s2940017000> for more specific information on state residency restrictions for sex offenders.

Registered sex offenders are **not** allowed to live in Section 8 housing and are not allowed to live in VA funded housing.

Q: Do residency restrictions affect all sex offenders?

A: No, only those sex offenders deemed to be sexual predators are subject to residency restrictions. See: <http://www.nebraskalegislature.gov/laws/statutes.php?statute=29-4016> for more information on residency restrictions of sex offenders.

Q: What are the residency restrictions in Lincoln?

A: In Lincoln, city ordinances state that a sexual predator must live at least 500 feet from the property of any approved or accredited school. There are some limited exceptions. See the following link for more details: <http://www.lincoln.ne.gov/CITY/attorn/lmc/ti09/ch916.pdf>

Q: What are the residency restrictions in Omaha?

A: In Omaha, the city municipal code states that a registered sex offender must live at least 500 feet from the property of any approved or accredited school. There are some limited exceptions. See the following link for more details: <http://library.municode.com/index.aspx?clientId=10945>

Q: How do I find out if an address is in compliance with residency restriction?

A: There are no definitive answers. The following resources may help you find out the residency restrictions in your area, but it is ultimately up to the offender to make sure their residence meets local restrictions.

Nebraska State Patrol: 402-471-4545

County Sherriff

City or township administrator

Local Police Department

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In Lancaster County, you can use the following website to determine if a residence is the required 500 feet or more from a school property:

<http://orion.lancaster.ne.gov/appraisal/publicaccess/> (Go to Search Address on the left and enter the address of the residence in question. Click on the property ID and then click on GIS Map at the top of the page. Click “proceed to map.” Click on the “Tools” symbol in the upper left and then on “Draw-Measure” in the drop down menu. You will now have a “draw measure” box that opens on the right hand side. Click in the first box to be able to draw a line from the residence to the school property line to find out if it is more than 500 feet from the residence in question. Public school properties are designated in pink.)

Q: Are there transitional living facilities (Group Homes) where a registered sex offender can live?

A: In Lincoln, The House for New Life is a Christian based transitional living facility that admits sex offenders. Phone number is 402-466-6080. There are a limited number of other facilities that will accept sex offenders on a case by case basis.

Q: Who do I contact if I have concerns about residency violations?

A: Contact your local law enforcement.

Q: What if a registered sex offender has a severe and persistent mental illness (SPMI) and does not have a place to live?

A: The State of Nebraska has six Behavioral Health Regions to help with issues related to major mental illness. The Region Housing Coordinator will see if you qualify for housing assistance. Please see the follow link to find your behavioral health region:

http://dhhs.ne.gov/behavioral_health/Pages/beh_nebhr gb.aspx

The housing contacts for the Behavioral Health Regions are as follows:

Region 1: 308- 632-4412

Region 2: 308-284-6078

Region 3: 308-237-5113, ext. 243

Region 4: 402-370-3100, ext. 115

Region 5: 402-441-4360

Region 6: 402-341-5128

Please see the following link for more information on the State Housing Region Contacts:

http://dhhs.ne.gov/behavioral_health/Pages/beh_housing_housingcontacts.aspx

For more information, contact Nebraska State Patrol, 402-471-8630, or Nebraska Department of Correctional Services, Director of Social Work, 402-471-3161.

Frequently Asked Questions Regarding Sex Offenders

Treatment

Q: Does treatment work?

A: Research has shown that, in general, sexual offenders who participate in treatment have lower rates of sexual recidivism than those offenders who do not participate in treatment.

Q: Do all sexual offenders need treatment?

A: This is still a matter of opinion. However, research has indicated that re-offense rates among sex offenders are considered low. Further, we know that not all sexual offenders are the same. Risk for re-offense can be predicted with a moderate level of accuracy using validated risk assessment instruments. Some offenders fall into groups with very low rates of re-offense. For these groups, it is possible that treatment can increase the risk for re-offense versus not treating them.

Q: Do all sexual offenders need intensive, inpatient treatment?

A: No. Some offenders have very few risk factors and a low likelihood of reoffending. Exposing these low risk offenders to some of the content involved in more intensive programs may actually increase their risk for re-offense. It is important to assess the risks and needs of an offender and place him or her in the appropriate level or intensity of treatment.

Q: Is some treatment better than no treatment?

A: There is research that indicates that offenders who start a program and do not finish it are at an *increased* risk for re-offense versus similar individuals who do not start a program. It is important for treatment to match the risks and needs of an offender and for the offender to complete the recommended level of treatment.

Q: Does treatment cure sexual offenders?

A: Treatment helps offenders learn to identify risk factors for offending and become aware of warning signs of potentially dangerous thoughts and behaviors. Offenders can then learn how to manage these risk factors so that they can take positive, healthy steps toward keeping the community safe.

Q: What treatment types work with sexual offenders?

A: Any treatment program should use evidence-based practices (EBP). EBP means that the components of the program have been researched and demonstrated to improve outcomes. EBP allows treatment to focus on using supported components and avoids wasting time on disproven treatment approaches. Most treatment approaches are Cognitive-Behavior Therapies (CBT). CBT focuses on changing thoughts and behaviors and are generally well supported in the research literature.

Q: What is the Risk-Need-Responsivity (RNR) principal?

A: The RNR principal is an approach to determine the types and severity of risk factors and the level of need for treatment for a given offender. A good treatment program should formally

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assess these risks and needs and target them during treatment. A third component of a good treatment program is the ability to be responsive to the individual needs of an offender. Some of these responsibility needs may include: cognitive or intellectual impairments, reading difficulties, and mental illnesses. Programs that follow the RNR principal have been shown to be effective in improving treatment outcomes and lowering recidivism rates for treated offenders.

Q: What treatment is available for Sex Offenders?

A: Treatment is available in prison for many sex offenders. For more information on the Department of Corrections Sex Offender Treatment Program, click on this link: www.corrections.state.ne.us/healthbehavioral.html. Treatment is available through civil commitment at the Regional Centers. For more information on this program, click http://dhhs.ne.gov/behavioral_health/Pages/beh_rc_lrcserv.aspx or http://dhhs.ne.gov/behavioral_health/Pages/beh_rc_nrcserv.aspx. Treatment is also available in the community with agency or independent treatment providers. Information on community treatment providers can be found at http://dhhs.ne.gov/behavioral_health/Documents/Sex-Offender-Directory.pdf. This link will provide you with a list of treatment providers who have self-identified their work in this field. It is not meant to be an endorsement of certain providers.

For more information, contact Nebraska Department of Correctional Services Behavioral Health Assistant Administrator-Sex Offender Treatment at 402-471-3161. For the Regional Center treatment services, contact Department of Health and Human Services, Behavioral Health Division, Lincoln Regional Center, Psychologist Shannon Black at 402-479-5107 or Norfolk Regional Center, Facility Operations Officer TyLynne Bauer at 402-370-3328.

Frequently Asked Questions Regarding Sex Offenders

Female Offenders

Q: Do females commit sexual offenses at similar rates to men?

A: Research indicates that fewer women are arrested for sex offenses than men. Depending on the source, they account for between 1-8% of sex offenses for which there is data. Similar to males, these offenses are likely under-reported thus exact numbers are difficult to discern.

Q: Who do women assault?

A: Female offenders are even more likely than men to sexually assault children that they know, frequently in care giving situations versus adults or strangers. If they do commit a forcible sexual assault on an adult, it is more likely same gender. They are more likely to have co-offending partners, usually male.

Q: Is treatment for female sex offenders the same as for males?

A: There are some similarities in terms of addressing responsibility, examining the thinking and developing plans to deal with thoughts, feelings and behaviors, but there is usually more trauma history and issues surrounding co-dependency, intimacy deficits and/or substance abuse.

Hazelwood, Robert R. and Ann W. Burgess. *Practical Aspects of Rape Investigation*. 3rd Edition. Boca Raton, FL: CRC Press, 2001

Center for Sex Offender Management, Female Sex Offenders, March 2007

For more information, contact Lincoln Regional Center, Psychologist Shannon Black at 402-802-0102 or Norfolk Regional Center, Facility Operations Officer TyLynne Bauer at 402-370-3328.

Frequently Asked Questions Regarding Sex Offenders

Juveniles With Sexual Behavior Problems

Q: What are characteristics of children with Sexual Behavior Problems?

A: Childhood sexual behavior problems (SBP) can range widely in their degree of severity and potential harm to other children. Although some features are common, virtually no characteristic is universal and there is no profile or set of factors characterizing these children.

Q. What is a ‘child with sexual behavior problems’?

A: The Association for the Treatment of Sexual Abusers Task Force defines children with SBP as children ages 12 and younger who initiate behaviors involving sexual body parts that are developmentally inappropriate or potentially harmful to themselves or others. Although the term sexual is used, the intentions and motivations for these behaviors may or may not be related to sexual gratification or sexual stimulation. The behaviors may be related to curiosity, anxiety, imitation, attention-seeking, self-calming, or other reasons (Silovsky & Bonner, 2003).

Q: Should children with SBP have restricted contact with other children?

A: Given the diversity of children with SBP, most intervention decisions including decisions about removal, placement, notifying others, reporting, legal adjudication, and restrictions on contact with other children should be made carefully and on a case-by-case basis. Because children and their circumstances can change rapidly, decisions should be reviewed and revised regularly.

Q: Will a child with SBP become an adult sex offender?

A: Despite considerable concern about progression on to later adolescent and adult sexual offending, the available evidence suggests that children with SBP are at very low risk to commit future sex offenses, especially if provided with appropriate treatment. After receiving appropriate short-term outpatient treatment, children with SBP have been found to be at no greater long-term risk for future sex offenses than other clinic children (2%-3%)

Q: What help is there for children with SBP?

A: On the whole, children with SBP appear to respond well and quickly to treatment, especially basic cognitive-behavioral or psycho-educational interventions that also involve parents/caregivers. Intensive and restrictive treatments for SBP appear to be required only occasionally or rarely.

Q: Are children with SBP the same as adult sex offenders?

A: Children with sexual behavior problems are qualitatively different from adult sex offenders. This appears to be a different population, not simply a younger version of adult sex offenders. Public policies, assessment procedures and most treatment approaches developed for adult sex offenders are inappropriate for these children.

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Q: Is all sexual behavior between children normal, acceptable play?

A: Some sexual behavior between children is not appropriate. Sexual behavior between children is considered problematic when the sexual behavior: **a)** occurs at a high frequency; **b)** interferes with a child's social or cognitive development; **c)** occurs with coercion, intimidation, or force; **d)** is associated with emotional distress; **e)** occurs between children of significantly different ages and/or developmental abilities; or **f)** repeatedly reoccurs in secrecy after intervention by caregivers.

Q: Is all sexual behavior between children harmful?

A: Sexual acts between children can be significantly harmful. Some sexual play between young children close in age, such as playing doctor or looking at private parts, is not considered to be harmful. However, some children display intrusive, aggressive, or coercive sexual behaviors, which are potentially harmful to the other children involved.

Q: Have children with sexual behavior problems been sexually abused?

A: Many children with SBPs have not been sexually abused. Research on children with SBPs has shown that highly inappropriate or aggressive sexual behavior is not always an indicator that a child has been sexually abused. In separate groups of children with SBPs, between 4% and 62% have no known history of sexual abuse. It appears that sexual behavior problems in children have multiple origins. Family sexuality patterns, exposure to sexual material, other non-sexual behavior problems, exposure to family violence, and physical abuse can be important contributors to childhood sexual behavior problems.

Q: Do children who have been sexually abused later act out sexually with other children?

A: Most children who have been sexually abused do not have sexual behavior problems. Children who have been sexually abused have been found to exhibit more frequent and intrusive sexual behaviors than children with no history of sexual abuse.

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