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REGISTERD SEX OFFENDERS

Should your church accommodate
known offenders?

Presented by:

Love & Norris & MinistrySafe



REGISTERED SEX OFFENDERS

Should your church accommodate known offenders?

By Gregory Love & Kimberlee Norris

Our church just completed an RSO Policy. Will you review it and tell us if it's adequate?

We frequently encounter this (seemingly simple) question in our law practice.



In reality, the issue is multi-faceted and complex, and tends to kick off a broader discussion. In the larger conversation, this 'simple' query should be preceded by a half-dozen more pertinent questions *before* putting RSO policies in place. This writing's purpose is to posit the topics a church should evaluate *before* offering ministry services to *known offenders*. We will *not* attempt an exhaustive analysis of the criminal justice system, the sex offender registration system, various *tiers* of offenders or state-by-state analysis of relevant legal issues. Instead, this article will draw upon concepts discussed in prior articles in this series ([visit churchexecutive.com/?s=stop+sexual+abuse](http://churchexecutive.com/?s=stop+sexual+abuse)) in an attempt to provide ministry leaders a better understanding of the challenges inherent in the provision of ministry services to known offenders.

PRINCIPLES AND DEFINITIONS

The following principles and definitions shape the larger conversation.

What is a Registered Sex Offender? A Registered Sex Offender is an individual who has been convicted of a crime involving a sexual act (i.e., sexual assault, child sexual abuse, possession/distribution of child pornography), and an element of the conviction and sentencing process requires that he or she be placed on a Sexual Offender Registry after serving a criminal sentence or when released on parole.

Please note: the majority of sexual offenders will not be arrested, much less convicted of a crime that requires sex offender registration. The RSO population constitutes a very small percentage of the abuser population as a whole, as more than 90% of abusers have never encountered the criminal justice system *in any form*.

A common requirement in the registration process requires the offender to disclose to church leaders his or her past criminal conviction, seeking written permission from church leaders to attend or participate in church activities.

What is a known offender? A *known offender* is an individual who is known to have sexually abused one or more children. He or she might have been criminally convicted, but not required to be placed on the Registry. *Or*, an abuser might have been arrested, but the arrest did not result in a conviction (i.e., deferred adjudication, victim did not wish to testify, and so on). In some circumstances, the abuser admits to past sexual abuse of a child, but no criminal prosecution occurred. In short, a *known offender* is someone who is known to have sexually abused a child in the past.

In ministry contexts, RSO policies are commonly limited to RSOs — not including other *known offenders*. With respect to civil liability for sexual abuse risk, the standards of care and damages related to the *known offender* are identical to that of an RSO: a ministry *knew or should have known* of the risk from a particular person, and the risk unfolded, harming a child.

What is an unknown offender? The *unknown offender* constitutes the largest group of abusers. Sexual offenders look like you and me, and often have no criminal record or other obvious indicators of risk. In every ministry, there are *unknown offenders*.

What is a sexual abuser? Of the *types* of sexual abusers, the *preferential offender* is the primary risk to children in child-serving programs. Ministry leaders must understand the 'grooming process' of

the preferential offender, that the preferential offender typically targets children within a specific age and gender, and that the preferential offender will *groom the gatekeepers*. Sexual Abuse Awareness Training is the first step in gaining a better understanding of the preferential offender and his/her grooming behaviors. (See our previous article on this subject at churchexecutive.com/archives/stop-sexual-abuse and churchexecutive.com/archives/stop-sexual-abuse-2.)

Ministry involvement is a privilege, not a right. Some church leaders view sex offenders as the ‘leper’ of our current culture, inviting Christians to serve ‘the least of these’: taking the position that all broken people — including sex offenders — are in need of God’s grace and forgiveness and therefore entitled to participate in church ministry. Not true!

Access to God (and His grace and forgiveness) are not interchangeable with access to a specific ministry. A church is a fellowship and community led by a shepherd. It is the shepherd’s responsibility to protect the sheep within the flock — especially the vulnerable — from danger, including danger at the hands of other congregants. *Wolves* do not have an automatic right to fellowship within the sheep pen.

BEFORE OPENING THE GATE...

With these principles and concepts in mind, every church considering ministry to known offenders should address these questions.

“From a liability standpoint, you are responsible for what occurs on your watch, under your roof or in the context of your ministry program – when harm or damage results from a known risk.”

#1: Is your church *called* to minister to sex offenders?

The issue of whether to allow a known offender to attend or participate in church programming might arise when a long-time attendee (or relative of a prominent family) has completed a criminal sentence and desires to reconnect with his or her ‘church family’. After his (or her) return home, the individual or family involved might ask church leaders to create a plan to accommodate attendance.

The better starting point is to make concerted effort to discern whether your church is *called* to this type of ministry program, beginning with an examination of your mission and missional values. What is your mission?

This analysis might generate a long list; *make* the list and assign priority. Some ministry programs might seem like a ‘given’ in American culture: preaching ministry, teaching ministries, music ministry, children’s ministry, student ministry and missions (domestic and/or international). These ministry programs seem to be the foundational elements of the majority of US churches, and tend to constitute what congregants ‘shop for’ in a prospective church.

Other missional values might include programs related to recovery (i.e. Celebrate Recovery), counseling, mentoring, youth sports, neighborhood outreach and social services such as a food/clothing bank, legal or medical clinics.

Each of these programs require ministry resources coming from a finite budget. Ministry resources necessary to appropriately manage a ministry program to known offenders will pull from a budget that would otherwise provide resources to another age, need or program. Is your church prepared to designate *significant* resources to manage a program (and related services) to known offenders? Are your members informed of and included in this analysis? (See Question #5) ➡

COMMON ASSUMPTIONS

Don't assume the criminal record provides the whole story.

Offender studies indicate that the preferential offender commonly has *dozens of victims* prior to criminal prosecution, while a criminal record will likely relate to one victim. Remember: the criminal justice system creates records for the purpose of tracking a particular and distinct criminal prosecution. It is NOT the purpose of the criminal justice system to find evidence concerning *all* criminal behavior of the defendant. Criminal records related to a convicted offender may be a *fraction* of the offender’s abusive history. Do not assume the risk is limited to the criminal records available for review.

Don't assume the offender is giving you the whole story.

Never accept a self-reported explanation of a past criminal offense. Common exculpatory explanations offered by abusers include these: “the child recanted”, “I didn’t want the child to have to testify”, “the child was coached into an accusation by her mother”, “I thought she was older” and so on. Do not assume the offender is giving you the whole truth.

Don't assume every offender is appropriate for ministry services.

Some offenders will approach church leaders and initiate the conversation regarding past behavior and willingness to comply with church restrictions. Not all offenders will initiate this conversation. When church leaders learn an offender is *already* attending and these leaders initiate the conversation, be wary. A successful ministry offering to a known offender requires that the offender be willing to submit to boundaries set by the ministry. If the offender exhibits any signs of deception, attempts to dodge or evade processes or resentment toward boundaries, assume that he or she is not a good candidate.

Don't assume that a parent, spouse or family member should serve as the chaperone or supervisor of the offender.

Parents tend to believe the best about their children, and rarely believe their child has willingly participated in sexually aggressive behavior toward another child. Spouses are subject to the ongoing influence of the offending spouse: sometimes a spouse *knew or should have known* of the offending behavior but is in denial of the resulting implications in the marriage. Chaperones should be trained, screened *unrelated* individuals who are very familiar with offender behaviors, including the common behavior of *grooming the gatekeepers*.

Don't assume your congregation is on board.

Studies indicate that one out of four women and one of six men were sexually abused as children. This means your congregation is *full* of abuse survivors in various stages of recovery from past abuse. Some will simply leave when they learn known offenders are welcome in their church. Understandably, they want to feel SAFE in their church home, and want to feel their children are less at risk *at church* than they would be at the mall. Those who have not admitted (to themselves or others) that what they experienced as a child was, *in fact*, abusive, may be particularly at risk where the offender is concerned. This individual may struggle to properly protect *their own child* from unacknowledged experiences in their own past.

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Back to the baseline question: is your church *called* to serve known sex offenders? Never assume so; don’t consider services to known offenders as ‘just another ministry offering.’

This question is fundamental. Do not move past it until you have a definitive response.

#2: Does the church have rock-solid child safety protocols in place?

Using a common analogy: before you create a ministry program for wolves, do you have rock-solid protections in place for your sheep?

For many churches, this query derails the discussion (at least temporarily). Appropriate child protection protocols are meant to protect children in your congregation from the *known risk* of child sexual abuse. In general terms, an effective child safety system is aimed at a *known risk* stemming from an *unknown* source. In other words, you don’t currently KNOW which applicant for employment, volunteer or congregation member poses a risk to children in your program – the unknown offender. As a result, an effective safety system includes training, screening, policy provisions and supervision meant to create an environment where offenders (known and unknown) have limited opportunity to *groom* a child for inappropriate interaction.

Ministry to *known offenders* requires that you take reasonable steps to address a *known risk* from a *known* (past) offender. This is a higher bar. From a liability standpoint, you are responsible for what occurs on your watch, under your roof or in the context of your ministry program — when harm or damage results from a *known risk*.

If your church doesn’t have rock-solid child protections in place and a strong track record of ongoing compliance, your church is not ready to provide a ministry program to known offenders.

(For a description of an effective child protection safety system, see churchexecutive.com/archives/stop-sexual-abuse-2; churchexecutive.com/archives/stop-sexual-abuse-3; and churchexecutive.com/archives/stop-sexual-abuse-4.)

#3: Are we the right kind of church for this type of ministry?

What is the *right kind of church*? Consider the following characteristics:

An established church with an established pastor. Church plants and churches in the process of significant transition in upper leadership (or anticipating change) should avoid stepping into ministry to known offenders. A church experiencing exponential growth — therefore encountering an escalating need for volunteers to serve children — should likewise forbear.

A church with existing programs serving populations dealing with addiction and criminal convictions — Celebrate Recovery, AA, family reunification programs. These churches are usually staffed with program leaders that understand addiction, manipulation, the criminal process, and behavior accountability.

A church with significant and stable resources. Ministry to known offenders will require training, an uncommon depth of knowledge (individuals familiar with the criminal justice system and offender behavior), manpower (designated staff members and volunteers to serve with consistency), and financial resources (modification of physical plant, camera systems, securing manpower, expertise and record retrieval).

#4: Will ministry to offenders impact our insurance coverage?

Some churches have stepped into offender ministry only to learn that their program resulted in loss of insurance coverage. Do some due

diligence in advance of launching programs to serve known offenders. (See churchexecutive.com/archives/stop-sexual-abuse-7.)

#5: Have you clearly and transparently involved your congregation?

Don’t assume all congregants will be excited about ministry to known offenders. Rather, you should assume there are many individuals in your congregation who were victimized as children who will simply leave, *voting with their feet*.

Communicate with your congregation carefully, involving members and lay leaders in the decision-making process. Never assume this decision has no cost to your members, and never require an abuse survivor to worship alongside his or her abuser. The needs and comfort of the victim should *always* take priority.

If church leaders are not prepared to communicate to the congregation with great transparency about this issue, assume your church is not called to this ministry at this time.

#6: Can a church offer limited ministry services, or is it ‘all or nothing’?

Some churches have concluded they are able to offer limited ministry opportunities — from meeting with several deacons or elders *off campus*, allowing supervised attendance at a specified worship service or involvement with a small group with no children present. It is NEVER advisable to allow a known offender to serve in children’s or student ministry.

If you conclude your church is NOT equipped to provide ministry services to known offenders, find other programs, regionally or nationally, that specialize in this area, and be prepared to provide a list to known offenders who approach church leaders or come to your attention. Don’t attempt to recreate the wheel if a ministry in your area is already providing excellent services.

#7: If we believe we are called, what are the next steps?

Undertake significant reconnaissance to determine *which ministries are doing this well*. Get the benefit of their experience, and retain competent legal counsel to understand the common boundaries and liability issues.

With skilled help, create written policies and agreed boundaries for each offender who requests ministry involvement. Where relevant, communicate with each offender’s parole officer, and check the risk assessment created by the state that paroled or released the offender. Do not assume that every offender qualifies for a program designed for known offenders.

Train your staff members and volunteers who will participate in the program, and create and maintain a ZERO TOLERANCE for boundary violations.

CHILD SAFETY SYSTEM

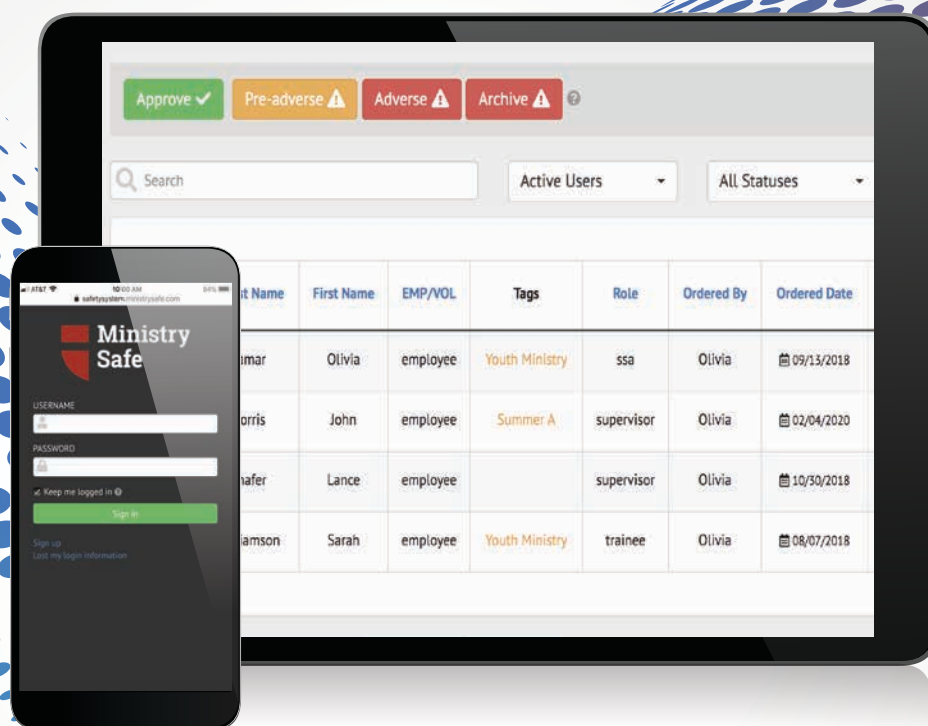
If your church has worked through the questions above and desires competent counsel in this realm, contact the law firm of Love & Norris. For help creating child safety protocols, contact MinistrySafe. 

Kimberlee Norris & Gregory Love are partners in the Fort Worth, Texas law firm of Love & Norris and founders of MinistrySafe, providing child sexual abuse expertise to ministries worldwide.

After representing victims of child sexual abuse for more than two decades, Love and Norris saw recurring, predictable patterns in predatory behavior. MinistrySafe grew out of their desire to place proactive tools into the hands of ministry professionals. Love and Norris teach the only graduate-level course on Preventing Sexual Abuse in Ministry as Visiting Faculty at Dallas Theological Seminary.

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