

Disclosure and separation of suspects and offenders

Professional advice from a professing law enforcement training officer

This email is worded rather strongly, but the reality is that I cannot word this strongly enough.

I have received some questions regarding sex offenders and suspected offenders being in meeting with potential victims and what the threshold should be for notifying parents, caregivers, and potential adult victims when someone has offended or is suspected of being an offender. Bottom line, if someone is convicted of or suspected of being a sex offender, they should not be meeting with those who represent their victims (children, teenagers, single women, sister workers, etc.) and people should always be notified so they can protect the vulnerable as they see fit. Failure to do so is comparable to handing a drug addict illicit drugs and trusting/hoping they won't use the drugs and hurt someone. Allowing suspected offenders to be around potential victims is irresponsible and those who knowingly allow that to happen may be guilty of a crime if a suspected offender reoffends. I can only speak for the state of Montana, but MCA 45-5-628 (Criminal Child Endangerment) and MCA 45-5-622 (Endangering Welfare of Children) may apply; a conviction is not required in order to mandate steps be taken to protect children. Note that notifications should not be done in a malicious spirit of judgement, but with the intention of protecting the vulnerable.

It is important to understand that the laws vary quite a bit from state to state and that the proper application of law is often a grey area. What I mean by "grey area" is that it is impossible for the legislature to write laws that specifically cover every single possible scenario, so laws tend to be written simply and are then enforced with a measure of latitude. A lot of people read laws and think "it doesn't specifically cover this situation therefore it doesn't apply". However, law enforcement officers and prosecutors are given discretion to rely on prudent judgement and historical case law when it comes to enforcing laws. The US judicial system is designed so that a jury will decide whether or not the latitude and discretion applied by both the investigating officer(s) and prosecutor is appropriate. Despite this measure of latitude, law enforcement officers and prosecutors still often believe that a crime has occurred but still do not have the proof required for a conviction as beyond a reasonable doubt is a difficult standard to obtain. Because of this, along with the traumatizing effects on a victim of reporting a crime, it is understood that the vast majority of sex and child endangerment crimes go unreported, unpunished, and many offenders remain free. No one should wait for a criminal conviction before taking

action to protect the vulnerable. A prudent officer will try to err on the side of protecting the vulnerable when possible. Friends and workers should do the same. With this in mind, parents and caregivers have a moral obligation to not meet with someone they believe may pose a danger. Once again, anyone who attempts to force potential victims to meet with known or suspected offenders may be guilty of a crime. Of greater importance, anyone who knowingly endangers the vulnerable is guilty of a serious moral failure regardless of criminal code application.

Unfortunately, I am receiving many accounts of workers and friends making determinations of risk on their own. It has happened often in the past and it is regrettably happening right now across North America. It is not appropriate for someone who is untrained in sex crimes and survivor trauma to attempt such determinations. Romans 13 1-7 is quite clear that some things are to be left to the law. Sexual deviancy is unquestionably one of those things. Investigating sex crimes requires an understanding of survivor trauma that the untrained do not have. We have learned in recent years that investigating sex crimes requires a completely different approach which has unfortunately caused a lot of legitimate claims to be dismissed by law enforcement in the past. Without going into too much detail, a person who has experienced survivor trauma is often going to behave and communicate in a manner that comes across as unreliable to an untrained person. However, a properly trained and experienced investigator understands that seemingly unreliable survivor trauma behaviors are actually a strong indicator that a crime has occurred. This is why determinations of crime should be left to law enforcement officers who are specifically trained in such matters. Risk of re-offense should be left to mental health professionals who are specifically trained in such matters. Knowing what we know now, trying to handle things "in house" rather than turning things over to the authorities is harmful and may be criminal.

It is everyone's duty to speak up against actions which put the vulnerable at risk. Many have taken the stance that they are going to sit back, pray, and allow God to handle it. However, God's work often requires his people to both pray and take action. Faith without works is dead. It may be uncomfortable and unpleasant, but God needs his people to take a stand for what is right. Suspected crimes are to be reported to law enforcement. Those who endanger potential victims need to be counseled. If they fail to take appropriate action, they are to be reported.

I hope this is helpful. Please feel free to share as necessary.

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