



REGISTERED SEX OFFENDERS IN MINISTRY ACTIVITIES

White Paper

WHITE PAPER: Registered Sex Offenders in Ministry Activities

CONTENTS

Executive Summary - p. 3

Introduction - p. 4

Sex Offenses Range in Degree, Potentially Affecting Many Ministries - p. 4

A Few Facts - p. 4

Creating a Safe Ministry Environment - p. 5

Sex Abuse Prevention Program - p. 5

Response Teams Establish Fact While Dispelling Rumor and Suspicion - p. 6

Investigate Each Situation On Its Own Merit As Sex Offenders Are Identified - p. 6

Conditions for Sex Offender Participation in Ministry Activities - p. 6

Cooperation with Ministry Leaders and Law Enforcement - p. 7

Prepare a Written Agreement to Confirm the Conditions of Participation - p. 8

Develop a Chaperone Team and Assign a Designated Chaperone - p. 8

Implement Your Attendance Policy, Monitor Its Enforcement - p. 9

Notifying Congregation and Others - p. 9

References - p. 9

Additional Resources Included:

[Sample Sex Offender Attendance Policy](#)

[Sample Contingent Participation Agreement](#)

6400 Brotherhood Way, P.O. Box 2227, Fort Wayne, IN 46801-2227 | 800•333•3735 | www.brotherhoodmutual.com

This publication includes sample documents only. No portion of this publication should be used without prior legal review, revision, and approval by an attorney licensed to practice law in your state. Brotherhood Mutual Insurance Company assumes no liability for reliance upon the information provided within this publication, nor for the use and distribution of the sample forms provided.

© Brotherhood Mutual Insurance Company, May 2018.

EXECUTIVE SUMMARY

Ministries throughout the country increasingly face the uncomfortable situation of individuals with publicly known criminal records involving sexual offenses wanting to participate in church worship and other ministry activities. Often, this places the church's desire to welcome those in need in tension with creating a safe environment for others involved in ministry activities.

While excluding sex offenders from ministry activities and property would be a simple solution, many churches and ministries look on this as an unsatisfactory response. Including sex offenders in ministry activities and protecting others who attend their churches at the same time requires ministry leaders to develop an attendance policy and establish procedures to accomplish these goals.

Generally, sex offender attendance policies:

- Launch a **response team** for handling allegations and information regarding a sex offender who is currently attending or who wishes to participate in ministry activities.
- Establish a **chaperone team** to provide security and accountability for sex offenders during ministry activities.
- Create provisions for a **participation agreement** with individual sex offenders, establishing the conditions of their participation in ministry activities.

This white paper details these elements and the procedures needed to assess the background of individual sex offenders and supervise their behavior while on church property. The appendix includes a sample Sex Offender Attendance Policy and other sample forms that you can refer to as you develop such a policy for your organization.

Should You Allow a Convicted Sex Offender To Attend Church or Participate in Ministry Activities?

INTRODUCTION

In 1994, the U.S. Congress passed legislation¹ requiring states to implement sex offender registries. Since then, communities and the ministries that serve them have had to think about how to handle the presence of individuals with sexual criminal convictions in their midst.

This became an increasingly important issue since 2000 when the first groups of convicts with such records were released from prisons nationwide.

Today, ministries in communities across the country are more and more frequently faced with the uncomfortable situation of individuals with publicly known criminal records involving sexual offenses wanting to participate in church worship and other ministry activities. This often puts two goals of many ministries in tension as church and ministry organizations attempt to navigate between being a welcoming place to all in need and creating a safe environment for those who participate in ministry activities.

Simply being aware of the issue is not sufficient. While categorically excluding sex offenders from ministry activities and property would be a simple solution, many churches and ministries find this to be an unsatisfactory response. However, in order to include sex offenders in their ministry and protect others who attend their churches at the same time requires that they develop policies and procedures to accomplish these goals.

SEX OFFENSES RANGE IN DEGREE, POTENTIALLY AFFECTING MANY MINISTRIES

Some unscientific polls indicate that up to half of ministries are aware of a sex offender attending their programs.² There are hundreds of thousands of registered sex offenders in the United States. To make matters more complicated, not all sex offenses are of equal seriousness. Consider the following examples.

1. A registered sex offender with numerous non-consensual minor victims over a period of years before his conviction.
2. A pair of high school sweethearts whose consensual sexual relationship becomes criminal when one of them turns 18.

Both of these situations could result in a new name being added to the sexual offender registry, but the appropriate response of their community and the ministries in which they participate should be different. Many sex offender registries do not make any allowances for these sorts of details, essentially requiring ministries to make their own determinations on a case-by-case basis.

A FEW FACTS

Sex offenders represent a significant issue for communities nationwide.

- In 2011, there were more than 740,000 registered sex offenders living in the United States.*
- While sex offenders are only 2/3 as likely to be rearrested for any type of crime as non-sex offenders, they are four times more likely to be re-arrested for a sex crime than non-sex offenders.**
- Approximately 24 percent of sex offenders are convicted of a new crime within three years of their release. Approximately 3.5 percent of them are convicted of a new sex crime.**
- Child molesters are more likely to commit another offense than other sex offenders.**

* National Center for Missing and Exploited Children - <https://ric-zai-inc.com/Publications/cops-p220-pub.pdf>

** U. S. Department of Justice

CREATING A SAFE MINISTRY ENVIRONMENT

To handle the reality of sex offenders responsibly, ministries need to develop policies and procedures designed to protect all participants in ministry activities—those vulnerable to abuse, and also those with a history of sex offenses. As part of this process, a number of underlying principles should be kept in mind:

- Sex offenders represent a potential risk which ministries must not ignore.
- Sex offenders frequently have an ongoing relationship with law enforcement (e.g., parole or probation officers) that must be accommodated.
- Sex offenders are not all the same, and the mere presence of a name on the sex offender registry is insufficient to determine the appropriate course of action.
- The accusation of a sexual offense can be damaging to a person's reputation and should be handled with care.

SEX ABUSE PREVENTION PROGRAMS

A sex offender attendance policy is only one component of a complete abuse prevention program. The program should include important features such as screening for volunteers and employees, supervision guidelines for ministry participants, and a communication plan for educating ministry workers and participants.

See Brotherhood Mutual's Guidelines for Ministry Workers for more information on abuse prevention programs.

IS YOUR CHURCH POSITIONED TO MINISTER TO CONVICTED SEX OFFENDERS?

Not every ministry is prepared to safely welcome a sex offender. Some like ex-convict outreach ministries and addiction counseling centers are positioned to serve this population. Often, churches are not so well prepared.

Know where your ministry stands. Work with leadership and participants to reach a consensus about your organization's ability to minister to sex offenders. An analysis of your situation will equip you for the next step: developing an attendance policy for sex offenders.

Such a policy lays out the conditions under which you may permit sex offenders to participate in your ministry activities. Equally important, it also establishes the manner in which you will oversee their participation and hold them accountable.

If you decide to accommodate some sex offenders by allowing them to attend ministry activities, your sex offender attendance policy should include these minimum elements:

- A Sexual Allegations Response Team (response team) for handling allegations or information regarding a sex offender who is currently attending or who wishes to participate in ministry activities.
- A designated chaperone team headed by a ministry employee to provide security and accountability for sex offenders during ministry activities.
- An agreement, commonly referred to as a Contingent Participation Agreement, signed by sex offenders, detailing the conditions of their participation in ministry activities.

These basic provisions give ministries the tools they need to responsibly handle the presence of sex offenders in their communities.

RESPONSE TEAMS ESTABLISH FACT WHILE DISPELLING RUMOR AND SUSPICION

The issue of sexual offenses is a delicate one. Information based upon rumor and suspicion rather than established fact or the mere allegation of a history of sexually misconduct can significantly damage a person's reputation. As a result, ministries are well-advised to establish a designated team of individuals who can convene on short notice to evaluate each allegation as it arises in a thorough, responsible manner.

The governing body of your ministry should appoint people to the response team on an ongoing basis. Other than an annual meeting or two to be sure that members understand their responsibilities, the team itself doesn't need to have any regular responsibilities and can be convened on an as-needed basis to deal with individual allegations as they arise. Although it may be wise to have at least one member of the governing body on the response team, it's not necessary for the entire team to be made up of members of that body.

Ministry participants with legal or law enforcement experience would be obvious candidates for membership on the response team. Regardless of the background of response team members, all of them should be subjected to the same screening procedures as those established for the abuse prevention program for your other ministries.

When a ministry leader learns of the presence of a sex offender in the ministry or is contacted by a sex offender wishing to participate in ministry activities, the leader should refer the issue to the response team for consideration.

INVESTIGATE EACH SITUATION ON ITS OWN MERIT AS SEX OFFENDERS ARE IDENTIFIED

A natural place to start is an interview with the referred person. The response team also may consider contacting local law enforcement first. This investigation may include checking public records, such as state and federal sex offender registries, to confirm and fully understand the referred person's background.

Your ministry needs to know the precise nature of the risk posed by a given offender to appropriately protect those who participate in your ministry activities. This will probably also require the response team to conduct a formal criminal background check. Written permission will need to be obtained from the referred person. If the individual refuses to grant such permission, the response team should take that into consideration as they determine the referred person's level of involvement within your ministry's operations.

CONDITIONS FOR SEX OFFENDER PARTICIPATION IN MINISTRY ACTIVITIES

Once a referred person is known to be a sex offender, the ministry should impose four main conditions on their participation:

- The offender must cooperate with ministry leaders and law enforcement.
- The offender must comply with limitations on their activities put in place by the ministry and law enforcement.
- The offender must comply with limitations on their access to ministry property.
- While on ministry premises, the offender must be supervised by a designated chaperone.

While providers of criminal background checks abound, many simply use database searches of electronically available records. Unfortunately, these searches may miss relevant information due to incomplete records, or they may return false information due to similar names and information. Even worse, not all states make their criminal records easily available. The only way to ensure reliable results is to choose a reputable provider to conduct your ministry's background checks.

Once the investigation has been completed, there are three potential conclusions for most referrals:

1. Your response team may conclude that the referral was unfounded and there's no reason to believe that the referred person poses any unusual threat to others. In this case, the response team should communicate this conclusion to the ministry's governing body, which should deem the issue resolved unless new information comes to light.
2. On the other hand, the response team may discover that there is a verifiable history of convictions for sexual offenses and initiate the ministry's procedures for handling such a situation.
3. The response team may conclude that while there is no verifiable record of any convictions for sexual offenses, there is still reason to believe that the referred person poses a threat to others. In this case, the response team should choose from the ministry's available procedures to create a Contingent Participation Agreement tailored for the details of the referred person's situation.

COOPERATION WITH MINISTRY LEADERS AND LAW ENFORCEMENT

One of the response team's first steps in reacting to a sex offender should be to contact local law enforcement and probation departments. Many sex offenders have restrictions on where they may go as conditions of their parole or probation.

In addition, the court assigns psychologists or counselors to many sex offenders. In such cases, these professionals should be contacted to determine whether the assigned professional considers them ready to participate in activities like those your ministry sponsors.

This may be a sensitive issue for both sex offenders and their counselors. Therefore, you may be required to have the offender's permission before you will be able to interact with their counselor. You also should remain sensitive to the fact that any information you receive from a counselor should be shared only on a need-to-know basis.

Ministries should always work with law enforcement officials to ensure that offenders are complying with the conditions of their parole or probation. While there may be situations where a ministry would like to permit a referred person to participate in ministry, the requirements of law enforcement officers must always be followed.

PREPARE A WRITTEN AGREEMENT TO CONFIRM THE CONDITIONS OF PARTICIPATION

Once it is clear that the referred person has no legal barriers to participation, the response team should indicate which ministry activities the referred person will be permitted to attend.

For example, a church ministry may wish to permit attendance at the worship service but no other events. On the other hand, a different referred person at the same church may be eligible to participate in career counseling but not the singles' group.

In addition to limiting referred persons' participation in ministry activities, the response team may wish to limit their access to particular areas of ministry property, letting the situation of each referred person determine what restrictions are appropriate.

If a ministry has a dedicated children's wing, for example, a referred person with a history of child molestation should be barred from accessing that wing. But another ministry may not differentiate its activities based on location in this way, and some small ministries may simply not be able to impose these restrictions at all. Still, the response team should restrict access where appropriate and reasonable.

The specifics of each person's situation should be the basis on which you determine which activities are appropriate and which are not. The terms of participation should be documented in a Contingent Participation Agreement. The offender and the leader of the response team should discuss the agreement. Both parties should date and sign the document to confirm their mutual agreement with the conditions of the sex offender's participation in ministry activities.

DEVELOP A CHAPERONE TEAM AND ASSIGN A DESIGNATED CHAPERONE

Perhaps the most effective risk management technique for minimizing the danger of sex offenders in ministry activities is the use of chaperones. People are much less likely to engage in misconduct when there is someone watching them.

Because of the seriousness of this situation, simply requiring any chaperone is unlikely to be sufficient. Instead, the response team should assign a specific person the responsibility of monitoring each referred person. If the response team concludes that a referred person has a record of sexual offense convictions or they otherwise feel he or she poses a threat to others, they should require that the referred person not participate in ministry activities without a chaperone.

To ensure that there are enough chaperones to meet the ministry's needs and that these chaperones are adequately trained, ministries should establish designated chaperone teams. Chaperone teams should consist of adult volunteers who have been screened consistent with the procedures established in the ministry's abuse prevention program.

The chaperone team should be led by a specifically assigned person, preferably an employee of the ministry. The chaperone team leader will coordinate the activities of chaperones and maintain logs of their service. Chaperones should be familiar with the referred person's situation, understand the restraints that the response team put on the referred person, and be comfortable fulfilling the duties of a chaperone for a sex offender.

IMPLEMENT YOUR ATTENDANCE POLICY, MONITOR ITS ENFORCEMENT

As with any policy, its benefit is contingent upon its enforcement. Ministries should periodically review their policies and audit their enforcement procedures to ensure that no shortcuts are being taken. At least annually, the ministry's governing body should review any policies they implement and make appropriate inquiries of ministry staff and volunteers.

NOTIFYING CONGREGATION AND OTHERS

There are some risk management precautions to consider when notifying members of the congregation and others outside the ministry about a sex offender's past. We generally encourage ministry leaders to be careful in determining if, who, and to what extent this type of information is shared. If ministry leaders disclose that a particular individual is or is alleged to be a sex offender to individuals who do not necessarily need to know that information, rumors could begin to circulate and it could potentially result in an invasion of privacy or defamation claim against the ministry. Of course, core ministry leaders in the church would need to know this information in order to put appropriate procedures in place to ensure the safety of the individual and others.

When sharing information about a sex offender, it is generally best to only share information that is publicly available either through court records or on a sex offender registry, especially if information is shared beyond key ministry leaders. It is also a good idea to get written approval from the offender to share certain information with others as needed. Such a provision could be included in a Contingent Participation Agreement. Please refer to the sample Contingent Participation Agreement found at brotherhoodmutual.com for sample provision language.

References:

¹Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act.

²Your Church weekly newsletter, Christianity Today International, April 20, 2010.

Sample Sex Offender Attendance Policy

NOTE: This document should be used in association with the information provided in the white paper, entitled: *Tough Issues: Registered Sex Offenders in Ministry Activities*. The white paper provides detailed information about developing policies and procedures to assess the background of sex offenders and supervise their behavior while on ministry property.

While this ministry is committed to being a community open to those who are in need, especially in times of serious personal trouble, it is also committed to protecting its members from the misconduct of others. As such, we are committed to creating and maintaining ministries, facilities, and a community in which members, visitors, staff, volunteers, and other participants can enjoy an atmosphere free from all forms of discrimination, harassment, exploitation, or intimidation.

In light of these commitments, we establish the following practices:

- This ministry will cooperate with legal authorities regarding the participation of persons with a history of sexual convictions in ministry activities.
- No person with any sexual offense on their record will be appointed to any position in this ministry.
- All persons known to have been accused or convicted of sex offenses must comply with the terms of this policy.

This ministry will periodically review this policy and ministry enforcement of this policy.

I. INVESTIGATION AND DISCLOSURE

Once each calendar year, as a condition of continued service, all staff, officers, employees, and volunteers will submit an application form listing all criminal investigations, arrests, or convictions, and authorizing the ministry to conduct criminal background investigations. All names shall be cross-referenced against state and federal sex offender registries. This disclosure also will be required of anyone new to a position or employment if the initial date of requirement has passed.

The ministry further reserves the right to research all public information databases, including, but not limited to, court records, sex offender registries, department of corrections records, and any other repositories of public information regarding any ministry member, guest, staff member, volunteer, or other participant in any ministry activity.

All persons identified through the foregoing investigation and disclosure, or through other private or public information, to have a record of convictions related to any sexual offense will be referred to the response team. Upon receipt of a referral, the response team will convene to conduct a thorough investigation and make recommendations to the ministry's governing body. The ministry's governing body shall implement the recommendations of the response team and take other actions, as appropriate.

II. RESPONSE TEAM

- A. The response team will consist of three (3) members and will be convened on an as-needed basis to address complaints and concerns that arise in relation to this policy. The response team will be familiar with the terms and procedures of both this policy and the ministry's abuse prevention policy. Response team members must submit to the screening procedures established in the ministry's abuse prevention program.
1. The response team will consist of _____
 2. If a conflict of interest among the members arises because of a connection to the referred individual, they should disclose that and recuse themselves from participation. A replacement member will then be appointed by the remaining members of the response team.
 3. All response team deliberations will be strictly confidential, prior to delivery of any final recommendation. Materials related to response team investigations will be treated with care and kept in a limited-access secured file.
- B. Upon receipt of a referral, the response team will convene to investigate the situation, which shall include, but not be limited to, the following:
1. The response team will gather statements or other information from the individuals who are the subject of the referral. The team also may gather statements from others who may have pertinent information, including relevant, qualified professionals and legal authorities. If at any point in this process a response team member learns about an incident of abuse or neglect involving a minor, they will follow our state's mandatory reporting laws.
 2. The response team will make determinations and take actions appropriate to resolve the matter. While the response team is investigating, the subject shall not be allowed on ministry premises.
 - a. If the response team determines that the referral is unfounded, it will indicate its determination to the ministry's governing body, which will deem the matter resolved unless additional information is discovered.
 - b. If the response team determines that the referral is well-founded, it will take the following actions:
 - i. Contact appropriate legal authorities to determine whether the referred person is permitted to participate in ministry activities and any additional legal restrictions imposed on them.
 - ii. Require the referred person to execute a Contingent Participation Agreement with terms established by the response team.
 - iii. Recommend that the ministry's governing body, with the assistance of legal counsel, terminate the referred person's employment or volunteer service (if applicable).
 - iv. Any additional actions determined by the response team to be appropriate, including, but not limited to:
 - a. A formal reprimand, with defined expectations for changed behavior.
 - b. Recommending/requiring psychological or psychiatric assessment, counseling, and/or treatment.
 - c. Probationary standing, with the terms of the probation clearly defined.
 - d. Exclusion from ministry activities.
 - e. Cooperation with criminal proceedings.
 - f. The drafting of a public statement to be delivered to ministry participants by the ministry's governing body.

- v. If the response team determines that the referred person does not have a record of convictions related to any sexual offense, but nonetheless determines that the person may pose a threat to others, it will take any of the actions in this section it deems appropriate.
- 3. The response team may seek the advice of legal counsel or others for advice in performing its functions.
- 4. The ministry's governing body or the response team may, at their discretion, request that the referred person not participate in ministry activities until the matter is resolved. If the referred person is a minor, the team will work with the minor's parents to follow similar protocols.
- C. A confidential written record of the response team proceedings will be maintained. This record will be available to both parties in any litigation involving conduct by the referred person related to the subject matter of the referral. The record also will be available to any party who can produce a subpoena for its release.
- D. Failure to cooperate fully with a response team investigation or to fully comply with response team recommendations will be grounds for exclusion from participation in ministry activities, and/or exclusion from ministry membership.

III. CONTINGENT PARTICIPATION AGREEMENTS

Upon determining that a referral is well-founded, the response team will require, in consideration for being permitted to participate in ministry activities, that the referred person execute a Contingent Participation Agreement, under terms established by the response team.

The Contingent Participation Agreement will detail the conditions under which a referred person will be permitted to participate in ministry activities. These conditions will include a list of ministry activities/areas where the referred person may/may not participate/enter. Additional circumstances could also include:

- 1. Exclusion from serving in volunteer or leadership roles
- 2. Exclusion from participating in certain ministry activities
- 3. Exclusion from using electronic communication devices with cameras on ministry premises
- 4. Exclusion from contacting certain individuals and/or minors electronically
- 5. If the referred person is a minor, exclusion from overnight trips

In addition, any such agreement will include the assignment of a designated chaperone and the condition that the referred person must comply with the instructions of their designated chaperone. Violation of these conditions on the part of the offender will result in their exclusion from future activities.

IV. DESIGNATED CHAPERONE TEAM

- A. The designated chaperone team will be led by an employee of the ministry appointed by the ministry's governing body.
- B. The designated chaperone team will consist of a sufficient number of members to ensure coverage for all persons subject to their supervision. Designated chaperones will be familiar with the terms of their charge's Contingent Participation Agreements.
 - 1. The designated chaperone team will consist of volunteers from the ministry appointed by the response team. Members of the response team may also serve as designated chaperones.
 - 2. Under no circumstances will a designated chaperone be assigned to a referred person to whom they are related.

- C. Designated chaperones will be in the same room as their referred persons at all times during the referred person's participation in ministry activities or presence in ministry areas and will remain with the referred person at all times until the referred person exits the ministry premises.
- D. Each sexual offender will have their own chaperone.
- E. Designated chaperones may arrange for their referred persons to be monitored by other designated chaperones on an as-needed basis, with the prior approval of the team leader.
- F. Designated chaperones will maintain a log of their activities with their assigned referred persons—recording when the referred person arrived, when they departed, and any times when the designated chaperone and referred person became separated. This log will be submitted to the Designated Chaperone Director on a regular basis.

Sample Contingent Participation Agreement

NOTE: This document should be used in association with the information provided in the **Sample Sex Offender Policy**, which contains detailed information about developing policies and procedures to assess the background of sex offenders and supervise their behavior while on church property.

Name: _____

Address: _____

Phone: _____ Date of Birth: _____

Driver's License Number: _____ Social Security Number: _____

In consideration for being permitted to participate in ministry activities,

I, _____, agree that my continued participation in ministry activities and admission to ministry property is contingent upon my adherence to the following conditions:

1. I, _____, agree to abide by all policies and procedures of the ministry to protect the health and safety of the children, youth, and vulnerable adults.

2. I, _____, may not participate in any ministry activity or enter any ministry area without the presence of my designated chaperone(s):

I understand that it is my responsibility to comply with this condition and that failure of my designated chaperone to monitor my presence will not release me from this condition.

3. I, _____, may participate in the following ministry activities:

4. I, _____, may not participate in the following ministry activities:

5. I, _____, may enter the following ministry areas:

6. I, _____, may not enter the following ministry areas:

7. I, _____, will abide by these additional conditions (e.g.,
electronic communication):

8. I, _____, agree to indemnify, defend, and hold the ministry harmless for any liability that may result from my participation in ministry activities or presence on ministry property.

9. I, _____, am not eligible for any employment or volunteer position with the ministry.

10. I, _____, understand that my identity, information about my record, the terms of this agreement, and the reasons for the decision to require this agreement may be disclosed to ministry staff and members. I hereby consent to such disclosure and waive any and all right to take legal action against the ministry, its employees, and members for such disclosure authorized by this agreement. I voluntarily release the ministry and any person or entity listed on this form from liability involving the communication of information relating to my background or qualifications.

I have reviewed this document and agree to abide by its provisions. I agree that if I violate the conditions of this agreement, the ministry may take action against me, including, but not limited to: contacting relevant legal authorities, denying me access to ministry property, and denying me the ability to participate in ministry functions.

I understand that this agreement will be reviewed periodically and will remain in force until such time as the ministry deems it appropriate to modify it. I agree that the ministry may modify the terms of this agreement at its sole discretion.

I further understand that the ministry will rely on the accuracy of the information I provide. Accordingly, I affirm that the information I have provided is true and correct to the best of my knowledge. I further authorize the ministry to conduct additional background investigations of me at its discretion.

Printed Name

Date

Signature

Date

Witnessed by

Date

Response Team Chair or Chairperson

Date

Designated Chaperone

Date