



**BROTHERHOOD  
MUTUAL®**

## **REGISTERED SEX OFFENDERS IN MINISTRY ACTIVITIES**

White Paper

## WHITE PAPER: Registered Sex Offenders in Ministry Activities

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### Additional Resources:

[Sample Sex Offender Attendance Policy](#)

[Sample Contingent Participation Agreement](#)

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### 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.

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

#### INTRODUCTION

In 1994, the U.S. Congress passed legislation<sup>1</sup> 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.<sup>2</sup> 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

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### 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.

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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.

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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.



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### **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.



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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](http://brotherhoodmutual.com) for sample provision language.

#### References:

<sup>1</sup>Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act.

<sup>2</sup>Your Church weekly newsletter, Christianity Today International, April 20, 2010.

#### Additional Resources:

*Note: The following links provide access to additional resources to use when preparing a sex offender attendance policy for your ministry. If you print the white paper, you also should print these additional resources at the same time.*

[Sample Sex Offender Attendance Policy](#)

[Sample Contingent Participation Agreement](#)