

Center For Sex Offender Management

A Project of the Office of Justice Programs, U.S. Department of Justice

Community Supervision of the Sex Offender: An Overview of Current and Promising Practices

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Introduction

Despite recent legislative changes and sentencing practices that increase the likelihood and length of incarceration for convicted sex offenders, many of these offenders are supervised in the community. A U.S. Department of Justice study (Greenfeld, 1997) reports that approximately 265,000 adult sex offenders are under the care, custody, or control of correctional agencies in the United States. Of these, almost 60 percent are under some form of community supervision. Most offenders who are convicted of one or more sex crimes will be supervised in the community at some point—either immediately following sentencing or after a period of incarceration in jail or prison. These offenders present unique challenges to probation and parole departments that are primarily responsible for supervising them. Because of the potentially volatile community responses to sex offenders, and the irrefutable harm that re-offenses would cause potential victims, the community supervision of sex offenders is of critical importance to criminal justice agencies and the public.

Overview

The primary objective of this brief is to provide an overview and discussion of emerging practices and lessons in communities across the country in the management of sex offenders under community supervision. A core assumption appears to underlie these emerging practices: the primary goal of managing sex offenders in the community is the prevention of future victimization. To that end, a comprehensive approach to sex offender management includes several key elements:

Collaboration. Collaboration among those agencies and individuals charged with initiating and implementing effective supervision and treatment practices is essential to managing sex offenders safely in the community. Given the secrecy, manipulation, and deception that characterizes sex offending behavior, there also must be a clear set of operating norms for all involved to minimize the ability of offenders to circumvent the goals of supervision.

Victim-Centered Approach. Since a primary goal of supervision is the protection of victims and the prevention of future victimization, supervision agencies should work closely with victim advocacy organizations to ensure that their policies do not re-traumatize victims of sexual assault, or inadvertently jeopardize the safety of others. While supervision agencies have traditionally been offender-focused in their work, the most comprehensive and responsible approaches to the community management of sex offenders are those which focus on the needs and safety of both past and potential victims of sexual assault. In this regard, concern for the protection of the victim and the community guide policy development, program implementation, and the actions and approaches of supervision agents and other practitioners who are either working with victims of sexual assault or supervising perpetrators.

Sex Offender Specific Treatment. Mandated specialized treatment as part of probation or parole conditions is an integral component of effective community supervision. The notion that sex offenders should be involved in treatment in no way suggests that they be allowed to escape responsibility for their own actions—or that they should be “coddled” (Cumming & Buell, 1997). The offense-specific treatment that research has shown to be most effective holds offenders accountable, is victim-

Established in June 1997, CSOM's goal is to enhance public safety by preventing further victimization through improving the management of adult and juvenile sex offenders who are in the community. A collaborative effort of the Office of Justice Programs, the National Institute of Corrections, the State Justice Institute, and the American Probation and Parole Association, CSOM is administered by the Center for Effective Public Policy.

centered, and is limited in its confidentiality. It is based on the notion that if an offender can be taught to manage successfully his propensity to sexually abuse, he becomes less of a risk to past and potential victims.

Clear and Consistent Polices. Clear and consistent policies at all levels (state, local, and agency) are crucial components of community supervision. Clear policy defines how cases will be investigated, prosecuted, and adjudicated. It also defines the method of community supervision, the roles various agencies play in the supervision process, and the response to indications of risk of relapse. Consensus-built policy establishes the goals of the system and helps jurisdictions to identify clearly what role each agency will play in managing these cases.

Building on these key elements, this paper describes community supervision; emphasizes offender accountability; and underscores the need for those who work with this population to understand the unique supervision, treatment, and public safety challenges that these offenders pose. This document also provides examples of promising approaches to adult sex offender supervision in the country today.¹

Sex Offenders: Who Are We Supervising?

Sex offenders have a wide variety of racial, ethnic, and socioeconomic backgrounds, and vary significantly in age. While some sex offenders may display behavior and characteristics that are similar to other types of criminal offenders (e.g., a lack of education; unstable employment and residence; drug and alcohol problems that interfere with daily life; frequent altercations with families, friends, and strangers; and an overall resistance to authority figures), the majority of them do not have extensive criminal histories or “traditional” criminal lifestyles.

¹ This publication refers exclusively to adult male sex offenders. Juvenile and female sex offenders pose somewhat different management challenges. For more information regarding juvenile sex offenders, see: Center for Sex Offender Management (1999). *Understanding Juvenile Sex Offenders: Emerging Research, Treatment Approaches and Management Practices*. Silver Spring, MD.

A study of sex offenders conducted in 1994 in the state of Oregon found that the “typical” sex offender is male, a high school graduate, and more likely than other criminal offenders to be employed. In addition, the majority of sex offenders have probably not been under correctional supervision previously and most have an established social support group in the community. The Oregon study also confirmed that unlike other offenders who tend to “age out” of their criminal behavior as they grow older, many sex offenders continue to abuse throughout their lifetimes. Finally, the study revealed that sex offenders frequently score in the low range on traditional correctional risk assessment instruments, as these instruments do not address many of the areas that are indicators of risk for sex offenders (Law & Policy Associates, 1994).

A Shift in Perspective: A Victim-Centered Approach to Sex Offender Management

Since the primary goals of supervision should always include the protection of past victims and the prevention of future victimization, it is critically important for supervision agents, treatment providers, and other stakeholders to understand the nature and scope of sexual victimization in this country today. Sexual assault and abuse research reveals clearly that the problem is one of substantial proportions (Freeman-Longo & Blanchard, 1998) and reinforces the recognition that all sex offenders must be supervised as effectively as possible.

Although supervision agencies have traditionally focused on criminal offenders, a shift from this focus to recognizing and addressing the needs of victims has evolved in some jurisdictions. One jurisdiction that has successfully integrated a victim perspective into both the policy development and case management levels is New Haven, Connecticut, one of the Center for Sex Offender Management’s (CSOM) National Resource Sites.² In New Haven, a unique

² The Center for Sex Offender Management Resource Sites are sixteen jurisdictions that have shown innovation in their management of sex offenders. For more information about these sites, see Center for Sex Offender Management (1999). *Case Studies on the Center for Sex Offender Management’s National Resource Sites*. Silver Spring, MD.

relationship has evolved between the Court Support Services Division (which manages probation), local sex offender treatment providers, and a statewide victim advocacy organization. The victim advocate, hired with Court Support Services funds and supervised by the Connecticut Sexual Assault Crisis Services, Inc. (CONNSACS), serves as a full-time member of New Haven's sex offender supervision team.

The victim advocate in New Haven, Connecticut has a number of roles. The advocate supports supervision activities by accompanying probation officers on home and field visits, attending multi-disciplinary case review meetings, and leading the victim empathy component of treatment groups. She also initiates contact with the victim and/or victim's family, provides referrals for counseling and other victim services, and maintains contact with victims for as long as it is necessary. The advocate furnishes information to and raises concerns with probation officers and treatment providers throughout the supervision process, and reviews background information from the probation files of each sex offender being supervised by the unit. She also gathers feedback from victims and the offender's significant others and family members regarding a sex offender's behavior while they are being supervised.

At the policy level, CONNSACS is also extremely supportive of the work of the New Haven unit. Representatives from CONNSACS have testified before the Connecticut Legislature regarding the efficacy of the New Haven program. The Executive Director of CONNSACS states that: "It is very powerful when a victim advocate testifies before the Connecticut State Legislature regarding the effective work of the probation department with sex offenders. Conversely, it is also very powerful when a probation officer testifies regarding the multiple benefits of including a victim advocate on a sex offender supervision team."³

The Central Role of Collaboration in Managing Sex Offenders in the Community

Because of the multifaceted and complex nature of sex offending and its irrefutable impact on victims and society, it is imperative that collaborative efforts to manage sex offenders venture beyond the traditional, cooperative relationships associated with case management. This requires that the supervision agency work

³ For more information about partnerships with the victim advocacy community, contact CSOM to obtain a copy of *Engaging Advocates and Other Victim Service Providers in Managing Sex Offenders in the Community* (In Press).

closely with the treatment agency, the victim advocacy community, polygraph examiners, and, if possible, others involved with the management of sex offenders in the community (e.g., law enforcement officers, defense attorneys, judges, prosecutors, school and social services officials, offenders' families, and others) (English, Pullen, & Jones, 1996).

These entities must not only share information about each offender, but should also work together to evaluate continually the offender's progress and discuss whether modifications should be made in the offender's treatment and supervision plan based on information they might learn from one another. Supervision of sex offenders in some ways resembles "...putting a puzzle together. Small pieces of information taken alone have little significance. However, when the pieces are put together, the picture that emerges often provides important information regarding the offender's activities" (Cumming & Buell, 1997). True collaborative relationships foster a new and enhanced sense of awareness among agencies and individuals regarding who the other parties are, what motivates them, and the benefits that they will derive from working together.

The following are key factors identified in implementing and maintaining successful collaborative efforts:

- effective communication and cooperation among the criminal justice system and other professionals;
- assessment of collaborative needs;
- clear definition and delineation of roles;
- efficient and streamlined coordination of agency tasks;
- routine and regular flow of information and data; and
- participation and accountability by all parties involved in the process.

Establishing a Framework for Effective Supervision

The Pre-Sentence Investigation

An examination of the needs and risks of sex offenders and a careful review of the capacity of the existing management system to supervise this population effectively is a vital function of the supervision agency. The ideal time to begin this evaluation process is during the development of pre-sentence investigation (PSI) reports. The primary purpose of these reports, which should be completed for all sex offenders prior to sentencing, is to provide information about a sex

offender to the court to assist in the disposition of the case. The PSI presents an opportunity for a probation officer to make a recommendation for or against community supervision; assess amenability to treatment; and to recommend specialized conditions of supervision based on the offender's criminal and sexual history and their risk to reoffend (Cumming & Buell, 1997).

Critical Elements of Pre-Sentence Investigation Reports

Ideally, PSI reports should be generated by specialized probation officers who have an extensive working knowledge of sex offenders and their patterns of behavior (Cumming & Buell, 1997). These reports should include:

- **The police record which details the instant offense:** PSI writers should review thoroughly all charging documents that provide details about the crime. Whenever possible and if applicable, writers should also attempt to gain access to any police records detailing prior allegations of sexual abuse.
 - **The offender's personal history:** Obtaining the sex offender's family and personal history should occur during the initial interview with the offender. Information gathered from the offender should include their marital status, employment history, financial history, medical background, military experience, and substance abuse history. Securing this type of information allows the probation officer to discuss areas that are typically non-threatening to the offender and provides an opportunity to establish rapport before broaching the sexual aspects of the report. Other areas that should be explored in greater depth when interviewing a sex offender include the offender's relationship history, past physical and sexual abuse the offender has experienced, and the ages and genders of offender's children or stepchildren.
 - **The offender's sexual history:** It is critical for probation officers to ask probing questions about an offender's deviant and non-deviant sexual history. Interviewers should ask only open-ended questions with positive assumptions, as this technique may evoke responses that provide the detailed information that is needed to assess accurately the offender's patterns of sexually abusive behavior. For example, interviewers should ask: "When did you begin touching your daughter inappropriately?" Rather than "Did you ever touch your daughter inappropriately?"⁴
- **Sex offender specific evaluations:** These evaluations, conducted by psychologists or other trained clinicians, often contain an evaluation of mental disorders, a history of drug and alcohol use, the results of a medical screening, a comprehensive sexual evaluation (including a sexual history, a summary of arousal patterns, and diagnosis of sexual deviancy), and an evaluation of the offender's levels of denial.
 - **Collateral interviews:** Probation officers should also interview the offender's family members, employer, friends, and any other individuals with whom the offender interacts or has interacted with on a regular basis. These individuals can often provide important information about the offender that otherwise would not be known.
 - **An evaluation of the offender's amenability to specialized treatment:** In jurisdictions where sex offender specific evaluations are not conducted and the probation officer must make a preliminary determination about the offender's amenability to treatment, supervising officers should seek answers to the following kinds of questions: Does the offender admit to the offense and accept responsibility for his actions? Does the offender identify his sex offending behavior and express a desire to change? Since sex offenders rarely take total responsibility for their actions at the time of the pre-sentence report, the probation officer will be attempting to evaluate where offenders are in the process of accepting responsibility and their willingness to participate in specialized treatment.
 - **Victim access:** The offender's access and threat to potential victims is perhaps the most critical factor to consider when recommending for or against community

⁴ For a more detailed description of the types of questions that are useful in obtaining an accurate picture of an offender's sexual history, see "Questions Related to Sexual History" in Cumming and Buell, pp. 4-5.

supervision. (It is not uncommon for child molesters to be prohibited from having any contact with children of any age at the beginning of their community supervision term, for example. Consideration should be given to this issue with offenders convicted of other sexual offenses.)

- **A victim impact statement:** All jurisdictions should encourage the inclusion of a victim impact statement in the PSI, if the victim wants to provide such a statement. This statement should reflect the effects (e.g., emotional, financial, or physical) that the assault has had on the victim's life. Supervision agents should work with a victim advocate whenever possible to obtain information from a victim. If this is not possible, PSI writers must take care not to challenge the validity of victims' statements, as most victims have already been interviewed about the details of their assault several times prior to the PSI report.
- **The level of risk that the offender poses to the community:** The PSI's summary recommendation regarding a sex offender's level of risk to the community should be based upon all of the information that the officer has gathered and analyzed during the course of the investigation. Research indicates that reoffense risk is most accurately measured by sex offender specific actuarial risk assessment instruments. These instruments should be utilized rather than solely relying on the judgment or impressions of the pre-sentence investigator.
- **Corresponding recommendations regarding incarceration or community supervision with special conditions:** The recommendation section of the report should include a brief synthesis of the following factors:
 - the probability of reoffense;
 - recommendations regarding risk that were identified during the sex offender specific evaluation;
 - factors gleaned from the investigation that tend to exacerbate risk (e.g., propensity for violence, easy access to victims, lack of treatment resources in the jurisdiction where the offender may be released, and enabling attitudes of family members and/or friends);

- resources that are available which support the criminal justice system management of the offender's risk in the community (e.g., supportive family/friends, specialized treatment, access to polygraph evaluations, sufficient supervision resources, and ability to limit access to victims);
- the degree of harm that might be expected if the offender were to commit another crime (both sexual and non-sexual); and
- a list of special conditions needed to monitor risk if probation is recommended; probation officers must recommend conditions of probation that specifically address the offender's sexually abusive behaviors.

The PSI, therefore, should inform the sentencing decision and help set the framework for community supervision, when community supervision is deemed appropriate.

Sex Offender Classification

Probation and parole agencies have been using classification tools to differentiate sub-populations of criminal offenders who need different levels or types of supervision for many years. In general, classification tools strive to distinguish offenders who pose differing levels of risk and who have different treatment needs. As such, these tools are critically important to agencies in order to prioritize their limited resources. There is, however, no research or analysis that demonstrates the validity of classification tools (unlike empirically validated tools that assess the probability of re-offense in sex offenders). Therefore, it is not known if classification tools accomplish precisely what they were created to do.

Optimally, classification for risk and need should be based upon the results of empirically-based instruments that have been statistically validated on a jurisdiction's own criminal population. To do so assures that the tools are valid in distinguishing varying levels of risk and need among the offenders in a specific jurisdiction. Empirically-based instruments that have been statistically validated provide jurisdictions with reasonable and reliable sex offense risk prediction.

Unfortunately, most agencies do not have access to instruments that have been both empirically tested and locally validated that can identify those subsets of sex offenders on an officer's caseload that present the highest levels of risk and dangerousness. In the absence of these tools, and in an environment in which decisions must be made regarding which offenders should be supervised more intensively, many agencies must use their collective experience to develop tools to help them make these classification decisions.

Development and Maintenance of a Case Plan

Case plans that guide the supervision of sex offenders are a key component of a comprehensive approach to sex offender supervision.

The case planning process forms the basis for sex offender supervision... It reflects all the available and relevant information regarding the offender, including the special conditions of probation or parole... During the life of supervision, the case plan will reflect information that either supports the direction of the initial case plan or requires the use of a different approach or strategy... The case plan is meant to be a useful document, updated when changes occur and created in a format that any staff person involved in the offender's supervision can use (Cumming & Buell, 1997).

Case plans should explain the sex offender's responsibilities while under community supervision and eliminate confusion regarding the expectations that probation/parole officers, treatment providers, and other stakeholders have developed for the offender.

The development and maintenance of a comprehensive and up-to-date case plan is a multi-faceted process that requires input and feedback from the offender, the probation/parole agent, and other professionals who share responsibility for sex offender management. In sex offense cases, it is extremely important to involve the offender in the case planning process in order to ensure that he is fully aware of, and accepts responsibility for, the terms of his

supervision. The supervision agent should also discuss with the offender any changes or adjustments that are made to the case plan. All plans should require the offender to sign and date the document, thereby indicating his acknowledgement of having reviewed and understood it, and indicate his willingness and commitment to abide by the conditions outlined in the plan.

At a minimum, the case plan should include:

- biographical data (e.g., name, date of birth, address, and/or employment);
- the type of sex offense;
- the level of risk (as determined by the results of an actuarial risk assessment tool);
- risk factors with an emphasis on dynamic—or changeable—risk factors and acute dynamic factors (e.g., those that suggest imminent danger to reoffend, such as intoxication);
- special conditions of supervision;
- how and when the offender is to fulfill specific responsibilities (e.g., completion of community service work and payment of fines or court costs); and
- information regarding the role of the supervision agency and how supervision will be structured (e.g., with the use of electronic monitoring, drug/alcohol testing, curfews, motor vehicle restrictions, and other restrictions on movement) (Cumming & Buell, 1997).

All aspects of the case plan must be updated as changes occur in the offender's behavior, and as his compliance with his supervision conditions improves or deteriorates. Using relevant documents (e.g., treatment progress reports or job evaluations), information that is gleaned from their work in the field (e.g., home visits or office visits in the community), and feedback received from collaterals, supervision agents should continually monitor the offender's compliance with supervision conditions and the risks his environment may present. Case plans should consider whether the current supervision conditions adequately address the offender's risks and needs or allow the offender access to past or potential victims.

In the event of staff reassignment, a new supervision agent should be able to use the case plan to understand an offender's needs, issues,

and current supervision conditions. It is vital for supervising officers to maintain clear chronological case notes that detail an offender's progress-or lack thereof-in supervision and treatment. Current and complete information also fosters communication among other members of the supervision team and can serve as a foundation for the formal and informal case management discussions.

Key Elements of Community Supervision

The experiences of probation and parole agencies across the nation indicate that sole reliance on commonly used supervision practices (e.g., scheduled office visits, periodic phone contact, and community service requirements) does not adequately address the unique challenges and risks that sex offenders pose to the community. In order to address these challenges, it is imperative that convicted sex offenders receive, in addition to incarcerative sanctions where appropriate, a period of community supervision. During this period of supervision, the supervising agency is able to assess an offender's place of residence and employment, restrict contact with minors or other potential victims, select appropriate treatment for the offender, and establish, if necessary, other restrictions that diminish the likelihood of re-offense.

Sex offenders must be monitored intensively during community supervision in order to evaluate their level of commitment to and compliance with all imposed special conditions. This supervision typically should include:

- ensuring that the offender is actively engaged in and consistently attending an approved community-based treatment program;
- verifying the suitability of the offender's residence and place of employment;
- monitoring the offender's activities by conducting frequent, unannounced field visits at the offender's home, at his place of employment, and during his leisure time (e.g., is he engaging in inappropriate, high risk behavior such as collecting items that depict or are attractive to children?); and
- helping the offender to develop a community support system—including friends, family

members, and employers who are aware of the offender's criminal history, are supportive of the community supervision plan, and can recognize the sex offender's risk factors.

Probation officers can further enhance their ability to monitor an offender's compliance with probation conditions by maintaining regular contact with the offender's family, friends, and other community members. This contact also can provide an opportunity for community members to express concerns they may have about an offender's behavior.

Special Conditions

Special conditions of supervision have been used to add restrictions to the general terms and conditions of supervision. Although many traditional methods of supervision (such as field visits, collateral contacts, surveillance, drug and alcohol testing, and electronic monitoring) are appropriate to utilize when supervising sex offenders, probation and parole conditions should also address their sex offense histories and individual patterns of offending. Thus, sex offender specific conditions have emerged as one of the key tools in managing this particular population of offenders.

More intensive community supervision practices ensure that external controls are imposed upon sex offenders and can, in some instances, interrupt an offender's sex offense cycle.⁵ There are a number of supervision conditions that are generally accepted and widely used with sex offenders. While these special conditions provide a foundation for the development of a comprehensive case management plan, probation and parole officers should tailor the specific supervision conditions in each sex offender's case plan to address individual risks and needs. Specialized conditions for the supervision of sex offenders usually address:⁶

- **Disclosure:** Signature on a waiver allowing shared communication among treatment, probation/parole, district attorney's office, and the court; and disclosure to others (e.g.,

⁵ The sexual offense cycle is defined as the pattern of specific thoughts, feelings, and behaviors that often lead up to and immediately follow the acting out of sexual deviance.

⁶ These conditions have been adapted from the Maricopa County, Arizona; Westchester County, New York; and the Jackson County, Oregon, Probation Departments.

schools and employer) as deemed appropriate.

- **Treatment:** Participation in and payment for evaluation and approved sex offender specific treatment covered by a signed contract.

The State of Vermont has developed offense-specific conditions which address directly the offender's cycle of abuse:

- Offenders may not use videotapes or film; or watch television programs that act as a stimulus for their abusive cycle, or act as a stimulus to arouse them in an abusive fashion. In other words, a pedophile may not view programs whose primary character is a child.
- Offenders may not use pornography or erotica, and may not patronize adult bookstores, sex shops, topless bars, or massage parlors.
- Offenders may not go where children congregate, such as parks, playgrounds, and schools.
- Offenders may not possess a camera or videorecorder if they have photographed their victim(s) in the past.

- **Victim Contact and Restitution:** No contact of any kind with the victim(s) or their families (including contact through third parties) and payment for victims' counseling. Some jurisdictions (including the CSOM Resource Sites in Jackson County, Oregon, and Maricopa County, Arizona) have defined specifically the meaning of "no contact."
- **No Contact with Children:** Restriction from any intentional or prolonged contact with children, regardless of the age and gender of the offender's prior victims.
- **Driving and Travel:** No unapproved driving after dark or when children are going to and from school except for employment; no connection with hitchhiking; and travel to another jurisdiction only with authorization and a letter signed by local authorities.
- **Daily Living:** Residence only in the supervising jurisdiction; no unapproved visits with family; and maintenance of established curfew hours.
- **Social/Sexual Behavior:** No sexual contact or unchaperoned contact with anyone under the age of 18; full appropriate dress when public view is possible; may not spend time in locations where individuals under the age of 18 are likely to be; no non-therapeutic contact with convicted sex offenders; and no view, purchase, or possession of adult-oriented materials.
- **Work (paid or volunteer):** No such activity where contact with those under the age of 18 is likely.

- **Alcohol/Drugs:** No purchase, possession, or consumption; testing as requested.
- **Polygraph, Plethysmograph, and Other Tests:** Offender must agree to submit to polygraph, plethysmograph, and other physiological tests as directed by the supervising officer.

In addition, some jurisdictions have imposed additional special conditions of supervision that address:⁷

- **Computer/Internet Restrictions:** Offenders must not use the Internet without permission of their supervising officer and offenders must submit to an examination and search of their computer to verify that it is not utilized in violation of their supervision and/or treatment conditions.
- **Other Technology Restrictions:** Offenders will not possess a camera, camcorder, or videocassette recorder/player without the approval of their supervising officer.
- **Other Employment Restrictions:** Offenders cannot hold a position that allows them to supervise women or children.

Developing a supervision strategy to protect potential victims may also involve random home checks after curfew; review of the offender's driving log; restriction of the offender's access to vehicles; frequent contact with the offender's family members, roommates, friends, and employer; and the administration of unscheduled polygraph examinations.

Special supervision conditions, when ordered by the court or the supervision agent, are perhaps the most effective method of imposing external controls on sex offenders. In order to reduce the likelihood of a sexual reoffense, these restrictions must be designed to address the offender's risk factors, and supervision agents must consistently monitor the offender's adherence to all of the conditions of probation. Supervision agents should continually assess whether the conditions assigned to sex offenders appropriately address their current patterns of behavior (including social interactions) and living conditions. For example, a supervision agent may discover during a conversation with a family member that a child molester who has abused strangers is routinely riding a bus to and from work that is also transporting children. The agent might then

⁷ These conditions have been adapted from Dane County, Wisconsin, and the State of Connecticut.

develop and impose an additional condition that forbids the offender from riding public transportation that is likely to have children as passengers (e.g., during the mornings and in the afternoons and evenings before 9:00 p.m.) This ongoing and intensive evaluation of an offender's behavior will also reinforce that his actions are being constantly scrutinized.

Specialized vs. Non-Specialized Caseloads

A survey of sex offender supervision practices nationwide concluded that "policies which promote the specialization of job duties for (probation and parole) officers who manage sex offenders were found to accompany practices associated with the effective management of sex offenders" (English et al, 1996). The survey also revealed that specialized caseloads allow supervision staff to:

- gain expertise and training related to sex offender management;
- ensure that sex offenders, who might have become "lost" on non-specialized caseloads because of their seemingly compliant nature, are supervised intensively;
- establish rapport with sex offenders in order to encourage them to talk openly about their thoughts and activities;
- promote feelings of camaraderie and support among officers who maintain these caseloads in order to reduce secondary trauma;⁸ and
- increase agency-wide consistency in sex offender supervision practices.

Specialized officers should have extensive supervision experience; be trained in sex offender issues such as treatment, assessment and the polygraph; be knowledgeable about victimization; and have interest in and a commitment to working with this population.

Specialized officers must, therefore, be willing to play a different role in supervising sex offenders than other officers who are responsible for non-specialized caseloads. They must be more involved in the offender's daily life and habits and be in contact with others knowledgeable about the offender's current attitudes and behaviors. Sex offender supervision officers have found that the following practices enhance

⁸ Described as the "disruptive psychological effects of working with perpetrators of sexual abuse" (Pullen & Pullen, 1996).

their ability to monitor an offender's behavior and state of mind:

- open discussions with the offender regarding his progress in identifying and avoiding pre-offense planning and behaviors and his understanding and use of relapse prevention strategies;
- detailed discussions of any contact the offender may have had with past or potential victims followed by verification of that information with the offender's family or others in his support network;
- close monitoring of the offender's employment; and
- recognition of treatment progress or other positive achievements (Scott, 1997).

At a minimum, the specialized supervision of sex offenders requires a probation officer to be able to talk openly about sexuality and sexual deviancy; to be knowledgeable about offender and victim issues; and to work collaboratively with treatment providers and other stakeholders to ensure compliance with community supervision and treatment requirements. "Specialization means that no longer will a sex offender slip in the door just before 5 p.m., spend five minutes in the probation office talking about his job and last night's basketball game, pay his fees, and leave" (Scott, 1997).

The nationwide survey concluded that mixed probation and parole caseloads can also be an effective way to manage sex offenders, as long as sex offenders are assigned only to probation officers who receive ongoing, specialized training (English et al, 1996). Regardless of whether the caseloads are mixed or sex offender specific, supervision agencies are urged to minimize the number of sex offenders on an officer's caseload to the extent possible.⁹

Minimum Standards of Supervision

Throughout the course of the offender's supervision, supervising agents must, at a minimum, be able to:

- check an offender's residence and place of employment;

⁹ An analysis of the caseload size of CSOM's National Resource Sites reflects an average sex offender caseload size of approximately 47 sex offenders per officer.

- maintain contact with the offender’s therapist, employers, family members, friends, and other community members, including victims;
- establish and maintain contact with an offender’s associates, significant others, employers, Alcoholics Anonymous sponsors, and others to ensure that they are aware of the offender’s history and risk factors; and
- continue to monitor the offender’s adherence to the conditions of supervision—which likely will include ensuring that the offender has no access to potential victims, is not in possession of pornography or using the Internet, drugs, or alcohol, and that he is employed and living at an approved residence.

The level of supervision should never be so low as to exclude routine field visits to monitor an offender’s behavior in the community.

Surveillance

Some jurisdictions also employ surveillance officers who work closely with probation and parole officers to assist with monitoring an offender’s compliance with supervision conditions.

In Maricopa County, Arizona, the Adult Probation Department has teamed probation officers with sex offender surveillance officers. The surveillance officers work full-time in the community and are assigned flexible and rotating shifts, allowing officers to be in the community seven days a week and 24 hours a day. Surveillance officers monitor sex offenders’ whereabouts and activities in the community; verify addresses; assure that residences are in compliance with program standards and regulations; and communicate often with probation and parole officers and treatment providers. They have access to considerable technology to maintain close contact with their colleagues and the department’s dispatcher, and to assure their own safety while in the field.

Engaging Others to Assist in the Supervision of Sex Offenders in the Community

Another method that has proven to be especially promising in managing sex offenders is the use of a case management team, or groups of individuals who can augment the management

provided by a supervision officer. Meetings between a sex offender and his supervision officer only can provide a snapshot of the offender’s life. In the limited amount of time associated with such meetings, sex offenders may attempt to portray themselves, their behavior, and their compliance with supervision conditions in the best light possible. The use of the case management team allows the probation officer to communicate routinely with others who are more familiar with the offender’s day-to-day activities (Cumming & Buell, 1997).

Where utilized, the case management team typically consists of a supervision agent, treatment provider, and polygraph examiner. However, variations of these teams exist in communities around the nation.

The following are examples of how some jurisdictions have expanded supervision networks to include family members and volunteers.

In **Vermont**, in addition to creating support networks of family, friends, AA sponsors, and others, the Department of Corrections trains volunteers to work with sex offenders in the community. Volunteers serve as support to their assigned offenders as they attempt to reintegrate themselves into the community, and provide community corrections staff with information about the offender’s daily life and progress. A positive support system has been found to be an important factor in reducing recidivism in Vermont.

Spokane, Washington is well known for community policing efforts, and has established a network of community volunteer sites across the city. Trained volunteers serve as sources of information about sex offender movement, changes in residence and behavior, or any other factors that might suggest a heightened risk to the community. These volunteer sites, known as “COPS Shops,” serve as a significant adjunct in the surveillance of sex offenders.

Tarrant County, Texas operates a “chaperone” program in which significant others and family members of sex offenders are taught about the dynamics of sex offending behavior and victimization, are informed about the offender’s sex crimes, and trained to recognize and identify when an offender is engaging in sexually abusive thoughts and behavior. Equipped with this knowledge, the chaperones—often those most intimately involved in a sex offender’s life—are able to intervene if they believe the offender is in danger of committing a new sexual offense or has lapsed into sex offending tendencies.

While there is no method of supervision that guarantees a sex offender will not re-offend, jurisdictions that employ the case management team approach have demonstrated that many sex offenders can be monitored safely in the community. Open information sharing and

consultation among the various agencies charged with the management of sex offenders, proactive and intensive community monitoring, and ongoing, offense-specific treatment can equip some sex offenders with the necessary skills to interrupt their sex offense cycle and control their sexually abusive behaviors.

Sex Offender Specific Treatment

Sex offender specific treatment is another critical component of a comprehensive approach to sex offender management. Appropriate treatment can assist sex offenders to learn control over their sexually abusive behavior.

The most effective sex offender treatment programs assist in preventing victimization because they require offenders to acknowledge their crimes and the harm that they have caused their victims, and to participate actively in the treatment process. Successful participation in and completion of sex offense specific treatment is a very common condition of probation and parole supervision.

Effective sex offender treatment is markedly different from traditional mental health counseling or psychotherapy. Notable differences between traditional psychotherapy and sex offender specific treatment include:

- the primary focus is the protection of the community;
- considerable attention is directed toward understanding the harm the offender has caused the victim;
- sex offenders' thinking errors that contribute to their offending patterns are revealed, examined, and challenged;
- offenders participate in professionally facilitated group sessions; these sessions provide an opportunity for offenders to challenge one another regarding their denial, distortions, and manipulation; and
- information discussed in group is shared with supervision agents, polygraph examiners, and other stakeholders as deemed necessary.

Sex offender treatment providers must, therefore, be willing to work beyond the confines of the traditional psychotherapy model, understand the unique treatment needs of sex offenders, and develop therapy programs accordingly.

In many jurisdictions, supervision agents are encouraged to attend treatment groups periodically to learn more about the offender and to reinforce the close working relationship between supervision staff and sex offender treatment providers. In some jurisdictions, supervision agents co-facilitate treatment groups with therapists.

The Use of Physiological and Monitoring Tools in Sex Offender Management

The Polygraph

The polygraph, a technology that is effective in detecting deception, is being used increasingly as a mechanism to assist in managing sex offenders. "The value of the post-conviction polygraph seems undisputed among those who use it" (English, 1999) and those jurisdictions that now use it report that they could not get along without it (Scott, 1997).

The polygraph has become an important asset in treatment and supervision, providing independent information about compliance and progress. Where an offender is engaging in non-compliant behavior, the polygraph provides information that informs the case plan and/or the need to take other action to prevent relapse and encourage success. In many jurisdictions, the polygraph examiner is a key part of the case management team.

In the early 1980's, Oregon became the first state to begin the systematic use of the polygraph as a treatment and supervision tool for sex offenders. Results of a 1994 national survey of probation and parole agencies on sex offender management indicated that 11 percent of probation and parole offices surveyed used the polygraph as a monitoring tool (English, Pullen, and Jones, 1996). In 1995, the Tennessee legislature passed a law that made polygraph testing mandatory for sex offenders on probation. Since January 1996, Colorado has required the use of the polygraph in treatment and monitoring of all sex offenders who are serving community sentences. On July 1, 1998, Wisconsin removed statutory barriers to the use of the polygraph with sex offenders (English, 1999).

As is the case with sex offender treatment providers, polygraph examiners who administer tests to sex offenders should be specially trained to work with this population.¹⁰

Three types of post-conviction polygraphs are commonly administered to sex offenders under probation or parole supervision:

- **Full Disclosure or Sexual History Examination:** The primary purpose of this examination is to ensure complete disclosure by the offender of his sexual history. This examination is typically administered after an offender has been in treatment from three to six months.
- **Specific Issue Examination:** This examination evaluates a specific behavior or allegation during supervision. It is also used when an offender is either in complete denial or maintains that he did not commit the crime of conviction (in particular, offenders who were sentenced under an Alford Plea¹¹ or offenders who continue to minimize their responsibility for the abuse despite their conviction) (Morris, 1997).
- **Maintenance or Monitoring Examination:** The primary function of this examination is to verify the offender's compliance with treatment and supervision conditions. Maintenance or monitoring examinations are administered on a periodic basis, usually every six months. In most cases, offenders are not tested more than three times per year (ATSA, 1997).

One of the most significant challenges associated with using the polygraph as a sex offender supervision tool is that not all states have licensing laws or procedures for post-conviction sex offender testing. When a supervising agent or a treatment provider identifies a polygraph examiner with whom to work, he or she should

¹⁰ See *Ethical Standards and Principles for the Management of Sexual Abusers*, The Association for the Treatment of Sexual Abusers, 1997, p. 52, for a more detailed discussion of suggested standards for the use and administration of the polygraph.

¹¹ An Alford Plea is defined as a "plea that allows the offender to admit that there is enough evidence to convict him at trial without admitting the offense of record." This type of plea often subverts treatment since it is difficult to treat a sex offender who has not admitted responsibility for the offense.

inquire about the training that the examiner has received and, more specifically, if the training has been endorsed by the American Polygraph Association (APA).¹²

Penile Plethysmograph

The penile plethysmograph is a physiological instrument that measures an offender's erectile response to various stimuli. It typically is used in two ways: to measure the offender's sexually deviant interests, so that a behavioral program to decrease the deviant arousal can be developed, and as an evaluation tool to measure the success or failure of the treatment interventions.

The penile plethysmograph is considered to be one of the more invasive techniques used in the field of sex offender management. None the less, deviant sexual arousal is a significant contributing factor in sex offending (research indicates that deviant sexual arousal is positively correlated with re-offense [Hanson & Bussiere, 1998]), and the self-report of offenders regarding their sexual arousal often is not reliable. The Association for the Treatment of Sexual Abusers (ATSA) has developed guidelines for the use of the plethysmograph with sex offenders.

Drug and Alcohol Testing, and Electronic Monitoring

While many jurisdictions use drug/alcohol testing and/or electronic monitoring for their obvious benefits in reducing chemical abuse and providing information about offenders' whereabouts, neither should substitute for a more specialized approach to sex offender management that includes inter-disciplinary and agency collaboration and sex offender specific treatment.

The jurisdictions that have found these technologies to be most helpful use them in a manner that addresses specific sex offender risk factors. For example, it may not be appropriate to drug and/or alcohol test an offender who, because of a serious medical condition, cannot and does not consume these substances. In

¹² The APA has developed standards for post-conviction polygraph testing of sex offenders and offers a 40-hour block of instruction for polygraph examiners who are interested in working with sex offenders. For more information about the APA, contact their national office at (800) APA-8037 or visit their website at www.polygraph.org.

addition, it may not be the best use of limited resources to electronically monitor an offender who is surrounded and supervised closely by a group of supportive adults (e.g., an employer, a mother and father, neighbors, or other relatives). In such instances, the resources associated with using these technologies should be applied to offenders who have past histories of substance abuse or have not shown the ability or willingness to abide by court-imposed curfews and other restrictions on movement.

Family Reunification

Family reunification, the process by which a convicted sex offender is allowed to return to live in his home with his victims or alleged victims, is an especially controversial issue. Although the stakes involved in returning a known sex offender to a home in which he could again offend are extremely high, many sex offenders, including incest offenders, will seek to be reunified with their families. The most prudent family reunification policies ensure that a known child molester, in particular, is initially separated from all children and is required to engage in ongoing and specialized sex offender treatment before any efforts to reunify the offender with his family are initiated.

Family reunification policies also should require that the non-offending parent and other members of the family be aware of the offender's sexually abusive behavior, participate as needed in the offender's supervision and treatment, recognize the impact that the abuse has had on the victim, and ensure that they are unequivocally willing to monitor the safety and well-being of the victim. Community supervision agents are essential to the family reunification process:

Officers are empowered to enforce what the therapist recommends, but at the same time probation officers who are trained to ask the right questions can demand accountability from those family therapists who want to reunify prematurely. The teamwork between therapist and probation in a reunification case can make the difference between mere survival for victims or emotional health, recovery, and growth. Well-designed guidelines for family reunification should be a part of sex offender supervision (Scott, 1997).

Probation staff also must work with the victim, the victim's family, and, when possible, the victim's therapist and a victim advocate, to ensure that the victim is willing and prepared for the offender's return. Since the offender is generally a person who is a parent, family member, or friend of the victim, it is imperative to realize that some victims may not oppose reunification. This can happen for many reasons, including that the victim may care for the offender, or might be frightened that they may alienate a non-offending parent or other family member by objecting to reunification.

Some jurisdictions, including Maricopa County, Arizona, have established family reunification policies in an attempt to ensure the safety and well being of the family members with whom the offender will be residing. Reunification should be a gradual process that is planned and monitored carefully-by community supervision staff, treatment providers, victim advocates and therapists, polygraphers, and the families of the offenders and victims-in order to avoid further traumatization of the victim and other family members.

Sex Offender Supervision Legislation

Lifetime Supervision

Lifetime supervision is another form of sex offender supervision that has been implemented in a number of states. Lifetime supervision provides for ongoing community supervision of offenders convicted of certain sex crimes throughout the course of their life. The rationale for lifetime supervision is based on several assumptions, including:

- sex offending can be a life-long, chronic pattern of abusive behavior;
- sex offenders often can control sex offending behavior, but do not always voluntarily choose to;
- lengthy probation or parole terms allow supervising officers to respond diligently to offender risks and needs; and
- it is wiser to decrease probation terms as offenders progress than to lack the ability to increase them when more supervision and surveillance is necessary.

Proponents of lifetime supervision assert that sex offending is multi-generational in nature and that future victimization may be avoided through ongoing and extended surveillance and treatment. Such close supervision and surveillance may also improve supervision officers' ability to prevent or detect changes in offenders' behavior patterns, crossover to other types of sex offending, lifestyle changes, or a shift to a new victim group.

According to representatives from Maricopa County, Arizona, "the lifetime nature of the probation sentence, combined with its special conditions and the use of the polygraph, makes this sentence acceptable to many victims of sex offenses" (English, Pullen, & Jones, 1996.). Given the relatively recent emergence of lifetime supervision practices, data regarding the effectiveness of this approach is not yet available.

Community Notification

Community notification legislation enacted around the nation mandates that law enforcement and other officials notify various community members (the scope of community members who are notified typically varies based on sex offenders' perceived levels of risk to reoffend) when a convicted offender is living in their neighborhood.¹³ Community notification can be implemented as a component of a successful approach to community supervision.

While methods vary among jurisdictions, one innovation in community notification involves assigning probation or parole agents—the very individuals who will be responsible for supervising sex offenders in the community—to conduct community notification. This approach can guarantee that a knowledgeable community corrections agent will be given a forum in which he or she can dispense sound information about offenders, their patterns of sex offending behavior, and how community members can best protect themselves against victimization. It also can empower the supervision agency to intervene in any potential conflicts between the community and the offender, which would likely be detrimental to the offender's successful

¹³ See the Center for Sex Offender Management's publication *An Overview of Sex Offender Community Notification Practices (1997)* for a more thorough discussion of community notification laws and practices.

community reintegration. This approach, in place in Jackson County, Oregon, leaves "discretion to the parole or probation officer so a notification plan can be developed according to the offender's specific offending patterns" (English, Pullen & Jones, 1996). Supervision agents can also encourage community members to contact them should any suspicious behavior or other questions or concerns surface.

Some jurisdictions are also using community notification as an opportunity to involve victim advocates in the process of community education about sex offenders. While probation or law enforcement officers can dispense information to community members about notification laws, known offenders living in their neighborhood, patterns of sex offending behavior, and whom to contact if they notice suspicious behavior, advocates offer the community a wealth of experience in prevention education. They can increase residents' understanding of this crime; provide them with facts concerning who is at risk for victimization and by whom (since convicted offenders represent only a subgroup of the actual population of sex offenders); and discuss practical strategies to reduce the risk of being sexually assaulted. They can also assist justice system officials in addressing resident concerns, while helping to allay fears and reduce the possibility of vigilantism against offenders.

Adult Sex Offenders with Developmental Disabilities

Many jurisdictions around the country struggle with the issue of supervising adult sex offenders with developmental disabilities. Developmentally disabled sex offenders pose many of the same challenges to supervision agencies as other adult sex offenders.

In addition, supervising this population entails:

- evaluating the offender's level of cognitive impairment in order to gauge his suitability for community supervision;
- contracting with treatment providers who are well versed in sex offending behavior and developmentally disabled individuals; and
- working intensively with departments of mental health, social services, group home

staff, and others that may be involved closely in the offender's daily life.

As an example of how one jurisdiction has addressed this area, the Colorado Sex Offender Management Board has expanded the state's guidelines for supervising adult sex offenders to include specific guiding principles for working with sex offenders who have developmental disabilities. These principles are:

- Sex offenders with developmental disabilities pose as clear a threat to public safety as sex offenders without developmental disabilities.
- There is nothing inherent in the presence of developmental disabilities that causes sexual offending.
- Sex offenders with developmental disabilities shall be offered treatment that is appropriate to their developmental capacity, their level of comprehension, and their ability to integrate treatment material and progress.

Given the emerging research in this highly specialized field, Colorado's principles are intended to "add to existing standards by better addressing the specific needs and risks of sex offenders with developmental disabilities... they are based in best practices known today for managing and treating sex offenders with developmental disabilities" (Colorado Sex Offender Management Board, 1999).

The Tribal Response to Sex Offending

The Navajo Nation, the Assiniboine and Sioux Tribes at Fort Peck, Montana, and the Yankton-Sioux Tribe in South Dakota are among the tribal jurisdictions working to address the issue of supervising sex offenders on tribal lands. In all of these sites, probation officers must grapple with jurisdictional issues among tribal, state, and federal entities.

Many offenders are sentenced by federal courts and are supervised by federal—or federal and tribal—probation officers. In addition, tribal codes may call for relatively short periods of supervision. These factors, coupled with the lack of staff and financial resources necessary to supervise sex offenders adequately, present unique challenges to tribal jurisdictions.

Tribal jurisdictions around the country have sought to mitigate these problems by maintaining ongoing collaboration with the various disciplines involved in the management of sex offenders in their communities. This communication serves not only to advise members about specific case management issues, but also to refocus the teams' energy and commitment to victims of sexual assault and to enhance their ability to share resources and to develop solutions to problems that have a negative impact on more than one agency.

The **Navajo Nation in Tuba City, Arizona** has developed a subcommittee comprised of representatives from the Tribal Court, Tribal Probation, the Tribal Council, the Tribal Prosecutor's office, law enforcement, mental health providers, local schools, child advocates, community members, and others to examine what resources are available to treat and supervise sex offenders and to provide restoration to victims of sexual assault. These entities work together on an ongoing basis in order to ensure that they are capitalizing on their resources in the most effective way possible and avoiding duplication of their efforts.

The **Yankton-Sioux Tribe in South Dakota** convenes a monthly multi-disciplinary team meeting, during which individuals from Tribal Probation, Tribal Schools, the Tribal Council, local child advocacy organizations, the U.S. Attorney's office, and others join together to address the problems they all face in the management of sex offenders in their community.

The **Assiniboine and Sioux Tribes at Fort Peck, Montana** hold monthly Child Protection Team meetings at the local rape crisis center. Representatives from the Bureau of Indian Affairs, the Tribal Court, Indian Health Services, the FBI, the Criminal Investigators, and others participate in these meetings, used mainly as a venue to discuss their sex offender cases and explore solutions to their common problems.

Conclusion

Many jurisdictions around the nation have embraced the concept that supervising sex offenders in the community effectively requires a highly specialized approach to community supervision. Although there are individual variations in each community, the most promising approaches share several key elements, including:

- thorough pre-sentence investigation reports;
- complete offender assessments;
- the use of empirically validated risk tools where possible;
- the establishment of case management teams;

- highly trained and specialized officers;
- the use of sex offender specific conditions of supervision;
- mandated sex offender specific treatment;
- the use of the polygraph; and
- individualized case plans.

Such approaches also focus primarily on the safety and needs of victims and the community and require that a wide array of individuals and agencies work together to solve the problem of preventing further victimization.

A Note to Readers

The Center for Sex Offender Management is interested in learning more about sex offender supervision and treatment programs in jurisdictions around the country. We would be pleased to hear from your community.

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