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SPECIAL ISSUE: Supervision of Sex Offenders and Location Monitoring in the Federal Probation and Pretrial Services System

[Introduction](#)

By Michelle C. Spidell, Trent Cornish

[Electronic Supervision and the Importance of Evidence-Based Practices](#)

By Matthew DeMichele, Brian Payne

[The Many Purposes of Location Monitoring](#)

By Trent Cornish

[Developing an Effective Location Monitoring Program](#)

By Ryan Petroff, Trent Cornish

[Collaborative Supervision Strategies for Sex Offender Community Management](#)

By Ryan Alexander

["I was just given a new sex offense case: now, what do I do?"](#)

By Drew Cromwell, Troy Greve

[The Containment Approach to Managing Defendants Charged with Sex Offenses](#)

By Roger Pimentel, Jon Muller

[Supervision of Sex Offenders: A Multi-Faceted Approach](#)

By Michael Palmiotto, Scott MacNichol

[The Challenges of GPS and Sex Offender Management](#)

By Lisa Bishop

[Traumatized by Association: The Risk of Working Sex Crimes](#)

By Shiloh Catanese

[Contributors to This Issue](#)

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Introduction to the Special Issue on Supervision of Sex Offenders and Location Monitoring in the Federal Probation and Pretrial Services System

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THIS SPECIAL EDITION of *Federal Probation* is dedicated to the unique work and many challenges pertaining to supervising sex offenders and the use of location monitoring technology. The articles emphasize the complexity of sex offender management and the appropriate use of location monitoring technology. Public safety is affected for better or worse depending on how officers can control the risks that sex offenders pose, whether through the use of location monitoring technologies or other supervision strategies. However, these articles emphasize that there is no cookie cutter approach to supervising sex offenders or when and what type of location monitoring technology to utilize.

The authors remind us of the need to continually assess sex offenders on a case by case basis, and to develop and revise supervision plans based on identified risks and needs in an effort to control for certain risks, while simultaneously changing the behaviors that can lead to criminal activity. This edition provides “food for thought” about supervision approaches that may include location monitoring and sex offender management strategies. Although sex offenders only make up a very small portion of our federal supervision population, it requires an extraordinary amount of resources (both time and funding) in order to properly manage and address the various risks this population can present. The authors here emphasize the importance of being resourceful. It is often all too easy to over-supervise low-risk sex offenders and over-utilize location monitoring on our low-risk population, except in circumstances where the sole purpose is to serve as an alternative to incarceration.

We hope that these articles will assist officers in making informed decisions on how to better manage sex offenders and utilize location monitoring, and also develop an appreciation of the challenges that sex offender management and location monitoring can present. One thing that both sex offender management and location monitoring have in common is the amount of publicity and notoriety that these cases often get, which tends to overshadow the real work going on behind the scenes—work that may or may not be consistent with public perception. This special edition is dedicated to the important work that officers do to manage sex offenders and the around-the-clock work of location monitoring specialists. Their efforts help promote public safety every day.

In this special edition we first set the foundation around evidence-based practices, then take a practical look at the use of location monitoring and the importance of sex offender management strategies, next look at the use of location monitoring when supervising sex offenders, and finally end with the importance of officers taking care of themselves when working with sex

offenders or any high-risk offender population.

The issue opens with “Electronic Supervision and the Importance of Evidence-Based Practices,” by Matthew DeMichele and Brian Payne, which provides a brief introduction to evidence-based supervision and the integrated model developed by the National Institute of Corrections (NIC) and the Crime and Justice Institute (CJI). The authors provide some direction for agencies considering using electronic monitoring or other electronic supervision tools in their jurisdictions and emphasize the importance of an adequate assessment of the individual’s risk and criminogenic need factors.

Trent Cornish next provides community corrections with a look at the effective use of location monitoring in post-conviction supervision and pretrial release. “The Many Purposes of Location Monitoring” highlights location monitoring as a *supervision tool*; as such, its use will only be effective if the officer utilizes the information it provides appropriately.

Building on “The Many Purposes of Location Monitoring” and the distinctiveness of location monitoring in utilizing various technologies for distinct purposes, Ryan Petroff and Trent Cornish next describe “Developing an Effective Location Monitoring Program.” They offer an in-depth look at eight strategies to assist officers, managers, and administrators in seeing the full benefits of a properly designed location monitoring program.

In the first article about sex offenders, Ryan Alexander seeks to clarify some distinctions about different categories of victims and offenders. He also provides community supervision practitioners with some general information concerning sex offenders who target children, and discusses offender management according to the American Probation and Parole Association and National Institute of Corrections training curriculum, focusing on how collaboration among agencies should influence empirically driven supervision strategies.

Drew Cromwell and Troy Greve then outline suggested steps to take when first assigned a sex offense-specific defendant or offender. “I was just given a new sex offense case; now, what do I do?” looks at both pretrial and post-conviction supervision and suggests steps to take when first evaluating a sex offense-related case for supervision.

The Containment Approach is widely used in the supervision of post-conviction sex offenders, but is it applicable to pretrial services? Roger Pimentel and Jon Muller assess the potential use of the containment approach in a pretrial setting in their contribution “The Containment Approach to Managing Defendants Charged with Sex Offenses.”

Sex offender supervision in the Middle District of Florida balances re-entry, treatment, and community protection. Michael Palmiotto and Scott MacNichol give an in-depth look at supervision of post-conviction sex offenders in the Middle District of Florida in the “Supervision of Sex Offenders: A Multi-Faceted Approach.” MacNichol and Palmiotto also provide a detailed case in point to further illustrate the supervision strategies utilized in the Middle District of Florida.

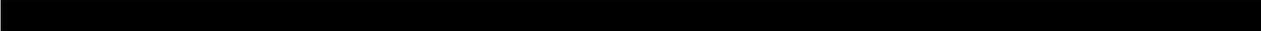
Given the potential harm to our most vulnerable victims, the newest and best technologies are often used to increase the supervision and “public safety” of sex offenders under community supervision. In “The Challenges of GPS and Sex Offender Management,” Lisa Bishop looks at the challenges and potential implications of using global positioning satellite (GPS) in the supervision of sex offenders.

Finally, we conclude this special edition with a focus on the officer working with defendants charged with sex crimes and sex offenders. Shiloh Catanese reminds all involved in this stressful form of supervision of the importance of caring for ourselves in her article “Traumatized by Association: The Risk of Working Sex Crimes.” Catanese reviews the meaning of vicarious trauma, how professionals who work with victims or offenders of sexual crimes can be affected, and what steps they can take to minimize or address these effects.

This special issue is a sample of the work being done across the federal probation and pretrial

services system in the areas of location monitoring and sex offender management. These are areas of rapid growth, as more sex offenders are prosecuted federally, and also of rapid change, as technology continually is updated. We hope the information presented here helps inform and educate the readers about these very specialized areas of pretrial and post-conviction supervision and enhance the practices within the federal probation and pretrial services system.

[back to top](#)



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Electronic Supervision and the Importance of Evidence-Based Practices¹

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[Evidence-Based Practices: Rationalism over Emotionalism](#)

[Evidence-Based Practices: What Counts as Success?](#)

[The Integrated Evidence-Based Practices Model](#)

[The Eight Principles of Evidence-Based Practices](#)

[Evidence-Based and Scientific Research](#)

[Barriers to Implementing Electronic Monitoring Tools as Evidence-Based Practices](#)

[Conclusion](#)

THERE ARE MORE THAN two million adults in jails and prisons, about 800,000 more on parole, and another four million adults on probation. This is about seven million adults currently under some form of criminal justice supervision, and this figure does not include the millions of additional former inmates that continue to feel the stigma of past incarceration (Pager, 2007; Uggen and Manza, 2002). The U.S. prison population during the first three-quarters of the 20th century was marked by stability, despite some fluctuations (Blumstein and Beck, 1999). The U.S. penal system has grown from about 110 inmates per 100,000 people in the population between 1925 and 1973 to slightly over 700 per 100,000 by the end of the 20th century. This growth places a significant burden on government budgets, as local, state, and federal direct expenditures for criminal justice services totaled \$35.8 billion in 1982 and climbed to nearly \$204.1 billion by 2005, a nearly six-fold increase (Bureau of Justice Statistics Facts at a Glance, <http://www.ojp.usdoj.gov/bjs/glance/tables/expgovtab.htm>). When combining both institutional and community corrections figures, it is clear that about 3.2 percent of the adult population is serving a criminal justice sanction.

Criminal justice policy debates need to be reframed to consider emerging research findings. Currently, crime control rhetoric pits rehabilitation against retribution. The 1980s drug war fostered a political environment in which politicians were afraid to be thought of as soft on crime or coddling criminals. In such a context the only policy options considered possible involved building more prisons, lengthening prison sentences, and reducing treatment options. Michael Tonry (2004) simplifies the explanation for the prison buildup by pointing out that incarceration rates have little to do with crime rates, but instead are the result of a series of important political, bureaucratic, and organizational decisions and choices.

Prisons and jails have reached their capacity, as federal, state, and local budgets are stretched

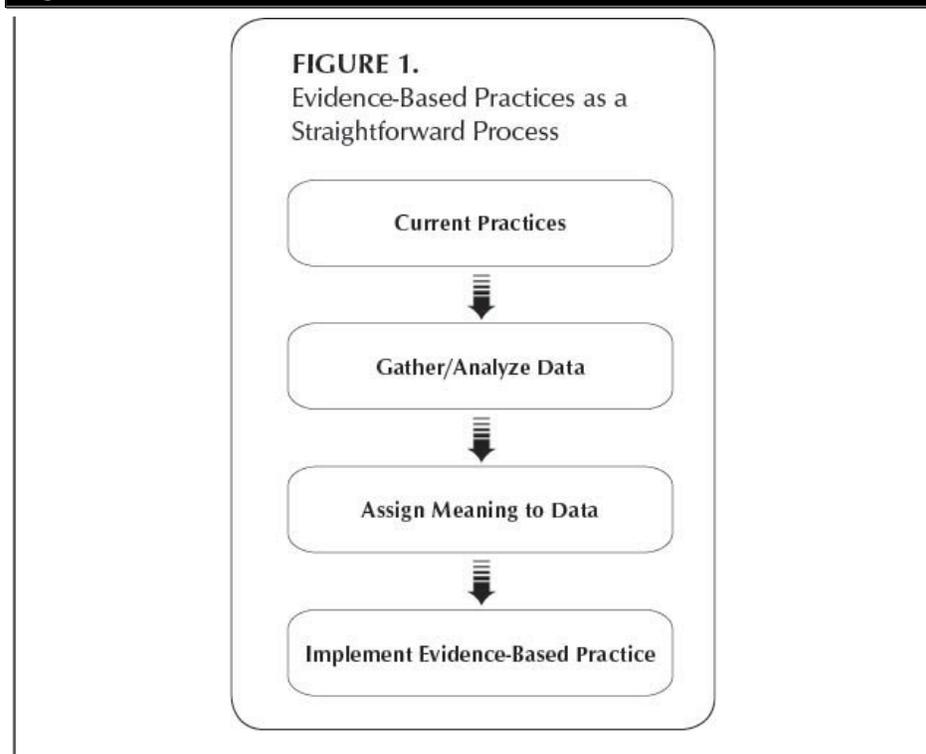
thin by incarcerating more and more offenders. The bulk of inmates eventually will be released back to communities all across the country (see Petersilia, 2003). Many of these released offenders are placed on parole or other post-incarceration supervision, and many others are placed on probation. The community corrections field is challenged to supervise all of these offenders with stagnating budgets. To address these challenges, many agencies across the country are relying on social science evaluations to guide policy and practice development.

Identifying effective justice system interventions is a central goal for many working in the community corrections field. Evidence-based practices provide the field with strategies to collect and analyze data to support or refute the efficacy of certain programs and practices. Evidence-based practices are rooted in an applied scientific approach to determine what interventions assist agencies to reduce recidivism levels and accomplish various intermediate outcomes with limited resources. To date, however, there seems to be much confusion, ambivalence, and anxiety about evidence-based practices. That is, when introducing social science methods, statistical analyses, and the potential for unfavorable findings, many practitioners, administrators, and policy makers are uncertain of what evidence-based practices will do to the delivery of services.

This article provides baseline information about evidence-based practices to assist policy makers, administrators, and line staff to understand better what electronic supervision can accomplish realistically with different offender populations. Often evidence-based practices are referred to in overly scientific terms that may intimidate, confuse, or frustrate some people. We hope to clarify the notion of evidence-based practices so that this strategy can be applied effectively in agencies to guide organizational decision-making regarding electronic supervision.

The phrase evidence-based practices may conjure up certain images for those working in the community corrections field. Often, researchers use “scientific” terms that have little meaning to the people actually implementing the policies and practices. However, in this case, evidence-based practices is a rather straightforward concept, though implementation of evidence-based practices may not always be easy. Agencies collect and analyze evidence to determine what practices should remain, be eliminated, or be altered. This is what some refer to as data-driven actions (see [Figure 1](#)).

Figure 1.



Evidence-Based Practices: Rationalism over Emotionalism

The justice system, unlike many other public service fields, must satisfy the public's emotional desire to see punishment delivered to those breaking laws. There are few types of crimes that generate as much emotionalism as sex-related offenses. When the public reads about or sees television depictions of sexual-related crimes, many become outraged and demand that something be done. The individual responsible is to be punished. Often, fueled by public outrage, new laws are created, many times in the name of specific victims, especially when a child is victimized. This sort of emotionalism is not new, but rather is part of the nature of justice policies and practices, dating back to the tradition of corporal punishments and public executions. Such publicly delivered punishments included brandings, ear clipping, whipping, and executions conducted in public as a way to demonstrate the government's ability to protect the public and inflict pain on law breakers. Today, we do not rely on corporal punishments; instead, laws and policies are created to maintain public safety. Unfortunately, however, many justice system policies are developed with too much emotionalism and not enough rationality. This is not to diminish the importance of the desire by both victims and the public to see victimizers punished. However, it is important to recognize that evidence-based practices can contribute to more effective policies and practices. [Table 1](#) provides a list of differences between evidence-based and emotion-based policies.

Central to the use of evidence-based practices is the identification of the justice system's goals. We must ask ourselves what the justice system is to accomplish. Is it designed to punish offenders, rehabilitate them, do both, or do neither? Obviously, this is a complex question that

Table 1.

Evidence-Based Versus Emotional-Based Practices

	Evidence-Based Practices	Emotional-Based Practices
Purpose	Provide efficient and effective responses to problems	Respond to individual beliefs and desire for pain
Assumption	Policies and practices should be based on evidence	Policies should be responsive to emotions
Relationship to the goals of the Criminal Justice System	Practices are developed with a focus given to all goals of the criminal justice system	Focus is primarily on retribution and just deserts
Focus on cost	Cost effectiveness is central to decision-making	Limited focus
The role of the community	The community plays an active role by providing information that can be used to determine effectiveness	The community plays a passive role with opinions serving as the public's input
The role of leaders	Leaders promote cultural change in the organization	Leaders manage and maintain traditional strategies
Role of line officers	Implement and set new practices	Maintain status quo
Time orientation	Focus on present and future	Focus on the past
Focus on evaluation	Extensive	Limited
The role of researchers	Researchers evaluate programs to determine effectiveness and recommend changes	Researchers study public attitudes and provide little input to program effectiveness
Definition of Success	Quality of program	Quantity of offenders

[back to top](#)

cannot be answered fully here, but what can be agreed upon is that the public wants justice system policies to increase public safety. Therefore, what is needed, especially given the public's emotionalism, is a rigorous approach to identifying practices that are less concerned with inflicting revenge upon an offender and more focused on shaping an offender's behavior.

Shaping offender behavior refers to attempts by community corrections officers to utilize a system of positive and negative responses to offender behaviors to promote long-term behavior change. This approach embraces social learning theories that suggest that offenders and non-offenders are not born as much as they are made through a combination of life experiences and psychological makeup. That is, some individuals learn—for many reasons—that it is acceptable to commit crimes, while others learn that it is unacceptable to commit criminal acts. If people can learn to commit crimes, then the community corrections field should develop policy responses that facilitate approaches to shape pro-social individuals, not just punish them.

Evidence-Based Practices: What Counts as Success?

Individual agencies need to define exactly what they are looking for from a particular policy or program, and then create ways to measure the level of success. Recidivism is typically suggested as a benchmark, but there is controversy about how to define and measure recidivism. Should agencies only be concerned with counting the number of arrests, convictions, revocations, or returns to prison or jail? Or should they be concerned with whether offenders are working toward being alcohol and drug free, employed, and following the conditions of their supervision? The point here is that there are many ways to measure recidivism (e.g., Albonetti & Hepburn, 1997; Andrews et al., 1990; Dejong, 1997). Although there is little empirical research on the crime-reducing impact of electronic supervision for offenders supervised in the community (Renzema & Mayo-Wilson, 2005), it might be that electronic monitoring is most effective at helping offenders reach intermediate goals.

The evidence-based practices literature focuses on correctional practices concerned with reducing an offender's likelihood to commit new crimes or technical violations. Interestingly, there are times when this research actually refutes mainstream thought regarding effective interventions. It is commonly thought that the *number* of officer-offender contacts is most important to ensure offender compliance. In this model of supervision, officers would scramble around town conducting home visits rather quickly, especially at the end of the month, to make sure that officers attempted or completed the correct number of visits with each offender. This approach to officer-offender interactions, however, is changing because it does not recognize the importance of the *quality* of contacts. For instance, Skeem, Encandela, & Eno-Louden (2003) found that one of the biggest contributors to successful probation outcomes occurred when officers utilized a dual-role relationship strategy comprised of trust, caring-fairness, and toughness. Others have investigated hybrid models that incorporate what is referred to as law enforcement vs. social worker orientation among probation and parole officers, and these studies also find better outcomes for offenders supervised by officers using a blended interaction approach (Dowden & Andrews, 1999; Paparozzi & Gendreau, 2005). Officers are able to spend so little time directly with offenders, and offenders often lack pro-social interpersonal networks. Hence, the community corrections field is finding that officers' relationship with offenders can serve as an opportunity for pro-social modeling and as an intervention.

Agencies may have programs or policies in place that are not intended to reduce recidivism but to accomplish other goals. Many agencies have large numbers of offenders that are not on active supervision, referred to as banked or administrative caseloads. These offenders do not need much direct officer supervision, and may take officers away from supervising more high-risk offenders (Barnes, Ahlman, Gill, Sherman, Kurtz, and Malvestuto, 2010). The New York City Probation Department uses an electronic reporting system that allows offenders to report to a kiosk at scheduled times. The kiosks have a camera and fingerprint scanner to verify the identity of the supervisee; they are connected with police databases within New York, and they can prompt an offender to report to an officer, take a drug test, or respond to other demands. Kiosk

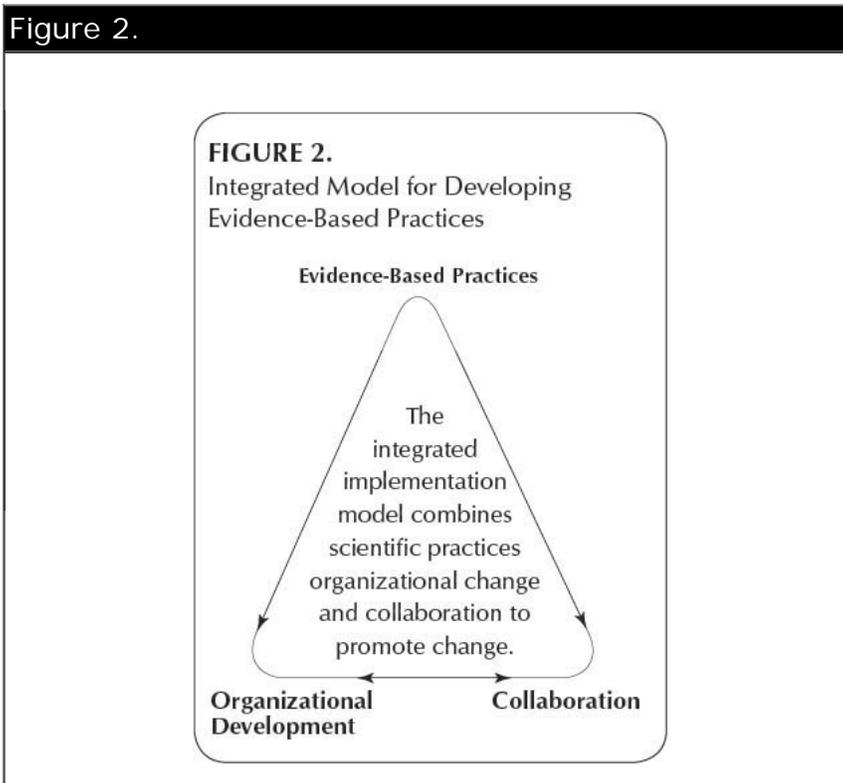
reporting is not expected to reduce recidivism—although there may be fewer technical violations because officers are not scrutinizing these offenders as closely—but this tool might alleviate workload problems in many agencies. In the New York pilot, recidivism levels for offenders on kiosk reporting were found to be about the same as before kiosk reporting. Kiosk reporting allowed officers to pay more attention to higher-risk offenders, who had slight reductions in their failure rates.

Evidence-based practices do not have to focus only on recidivism, but can achieve other goals. Certainly, improvements in risk assessment and offender classification can have an indirect effect on recidivism rates. Broadly defining the goals of the justice system contributes to assessing the effects (or consequences) of different programs and policies. The National Institute of Corrections (NIC) is a leader in defining and promoting evidence-based practices for the community corrections field, and they have developed guidelines for implementation.

[back to top](#)

The Integrated Evidence-Based Practices Model

The National Institute of Corrections (NIC) and the Crime and Justice Institute (CJI) have developed an integrated model for implementing evidence-based practices (see [Figure 2](#)). This is a tripartite model placing equal emphasis on: 1) evidence-based practices, 2) organizational development, and 3) collaboration. This model has the potential to move community corrections toward practices rooted in empirically verifiable evidence (data). NIC and CJI developed an integrated implementation model that incorporates scientific investigations (such as evaluations), organizational culture change, and collaboration. The first element of this implementation strategy involves evidence-based practices. It is not enough for agencies to merely measure effectiveness of specific practices if administrators are not flexible enough to adjust practices based upon evaluation findings. NIC and CJI emphasize the importance of developing organizational cultures that seek to improve agency functioning. Organizational development simply recognizes that implementing new practices or adopting new technologies can at times require courageous leaders. The courage comes from recognizing that the agency may need to change in certain areas—and change can be frustrating and even frightening for some. This is essential to instituting effective electronic supervision components as decision makers move away from holding onto ineffective programs, but are willing to alter, eliminate and incorporate new practices that hold offenders accountable and maintain public safety.



Pfeffer and Sutton (2006) recognize a similar trend with many large corporations and the medical field as CEOs and hospital administrators try to deliver products and services in cost-effective ways. They mention how many top CEOs have been forced to shift away from longstanding business practices due to evidence suggesting their ineffectiveness—measured as lost productivity and profits. Community corrections leaders have to adopt a new operating logic not based upon what sounds good, or the path of least resistance when implementing an electronic supervision component. Rather, administrators should create an atmosphere that empowers employees to collect appropriate information, objectively process that information, and make decisions based upon the findings. [Table 2](#) provides a list of questions that community corrections leaders can ask to assist in promoting cultural change when implementing electronic supervision technologies.

Table 2.

Fifteen Questions Leaders Can Ask Themselves to Promote Cultural Change When Using Electronic Monitoring Technologies

1. How can officers determine the amount and type of electronic monitoring intervention needed to protect and promote behavioral change among offenders?
2. How can the electronic monitoring tool raise offenders' levels of internal motivation to change?
3. How is the offenders' risk level related to chances of success on electronic monitoring?
4. How can electronic monitoring tools address offenders' current criminogenic needs?
5. In what ways can the electronic monitoring tool be matched to different offenders' culture, gender, motivation levels, and related areas?
6. What degree of electronic monitoring is needed to effect change?
7. Can too much monitoring cause a problem rather than prevent a problem?
8. To what degree should treatment programs be incorporated with electronic monitoring tools?
9. Do staff members using the electronic monitoring tools have the skills to make sure that the tools are used in ways that address the specific characteristics and needs of offenders?
10. Are positive rewards for offenders incorporated into the application of the electronic monitoring tool?
11. Is the electronic monitoring tool promoting offenders' abilities to engage in ongoing support in natural communities and restricting offenders' access to criminal networks?
12. How is the effectiveness of the electronic monitoring tool and related practices going to be defined?
13. How will information learned about the ongoing application of electronic monitoring tools be used to adjust the application of the tools?
14. How is collaboration being promoted through the use of the electronic monitoring tools?
15. How will new technological advances and cultural shifts influence the use of the electronic monitoring tools?

Source: Developed from a discussion of the eight principles described by NIC and CJI.

The third arm of the integrated implementation model recognizes the need for enhancing buy-in and collaboration among both agency members and other agencies as well (Joplin et al., 2004). No community corrections agency can carry out all its duties without input and assistance from other agencies. And, for this reason, probation and parole cannot be expected to tackle community supervision alone, especially for many high-risk offender populations. In fact, Kim English and her colleagues from the Colorado Department of Public Safety coined the approach known as the “containment model” to supervise sex offenders (English, Pullen, and Jones, 1996). This approach creates a highly structured life for sex offenders through a complex web of justice and non-justice agencies working together to provide external control over offenders’ lives. Community corrections agencies must reach out to other justice and non-justice

organizations to incorporate, for instance, law enforcement, judicial personnel, and victim advocates in the supervision process. Besides establishing these external communication networks, agencies should also work toward communicating and collaborating with officers inside their agency.

The integrated implementation model improves community corrections practices and programs for several reasons. First, this model moves the community corrections field away from practices performed simply because “that is how things get done around here” to practices founded on rigorous data collection, analysis, and application of the findings in a practical way. Second, this model recognizes organizational dynamics, the need for a progressive, innovative leadership style that allows for decentralized decision making, and willingness to accept evaluation findings not as either a defeat (did not reduce recidivism) or a victory (reduced recidivism), but rather as the basis for objective decisions to discontinue, maintain, or adjust practices. Finally, the integrated model acknowledges that community corrections agencies must establish broad professional networks of justice and non-justice organizations to participate in the supervision process, something especially important for high-risk offenders (e.g., sex offenders, domestic violence offenders).

Electronic supervision is not the answer to all justice system problems, but it may have potential as an additional tool for community corrections officers to shape offender behavior. Or, conversely, it could be found that electronic supervision components do not result in significant reductions in violating or criminal behaviors.² This does not mean that electronic supervision is not effective at accomplishing other supervision goals. Next, we will focus briefly on the first element of the integrated implementation model, but refer readers to the NIC and CJI publications and webpage for further discussion of organizational development and collaboration (Howe and Joplin, 2005; http://www.crjustice.org/cji/niccji_initiative.html).

[back to top](#)

The Eight Principles of Evidence-Based Practices

NIC and CJI developed eight evidence-based principles for effective interventions. This section provides a brief sketch of how each of these principles applies to electronic monitoring policies and practices. The eight principles are: 1) perform actuarial risk assessment, 2) enhance intrinsic motivation, 3) target interventions, 4) conduct skills training, 5) increase positive reinforcement, 6) engage ongoing support in natural communities, 7) measure relevant processes and practices, and 8) provide measurement feedback (Clawson, Bogue, and Joplin, 2005, p. 6).

The first principle, actuarial risk assessment, is a foundational element for supervising offenders by allowing officers to determine the amount and type of interventions needed to maintain safety and most effectively work toward offender behavior change. Actuarial risk assessments provide supervising officers with an initial glimpse into an offender’s life, and are necessary to accurately classify offenders. Risk assessment instruments should be used in conjunction with other information gathered more informally, such as home and office visits, discussions with treatment providers, and collateral contacts. The point here is that actuarial risk assessments are only one part of the assessment process. Officers should continually evaluate offenders on their caseloads to determine where an offender is along a risk continuum.

Some may wonder what “risk” really means—risk of what? One of Webster’s definitions states that “risk is the probability of loss or injury.” For community corrections officers, this fear of loss or injury is measured differently across jurisdictions, and usually measures the likelihood of a noncompliant offender outcome. When supervising sex offenders, for instance, the greatest fear for officers is the occurrence of a new sex crime. Research has found that offenders with combinations of certain background characteristics (e.g., antisocial personality disorder) and other more malleable (changeable) characteristics (e.g., substance abuse issues) are more or less likely to commit another sex crime. These offender characteristics are referred to as *risk factors*, and we are aware that validated forms or instruments exist to help officers assess the cumulative impact of such risk factors. Risk assessments provide agencies with a standardized way of

determining if an offender is suitable for electronic supervision tools.

The second principle, enhance intrinsic motivation, is related to shaping offender behavior as officers attempt to use communication and interaction strategies that make offenders *want* to change. Most of us have had to change some feature in our lives, whether it was trying to lose weight, stop drinking, quit smoking, or another area of self-improvement. Accomplishing any one of these is not easy, and requires internal drive or motivation to succeed. Seldom do people give up smoking or lose weight because they were told to do so or forced to by someone else. The individual must want to change. Others may encourage and enhance this motivation by communicating to the smoker or the dieter that only he or she has the power to change. The change process is not easy and there may be times when individuals will relapse and smoke a cigarette or slip from their diet. This does not mean that they have failed, merely that they must start over again. Humans are animals of habit, and many of these habits have existed for a long time. It is unrealistic to expect someone who has smoked cigarettes or had poor dietary habits to change overnight. Similarly, it is unreasonable to expect offenders who often come from lower socioeconomic strata and have substance abuse issues and perhaps lengthy criminal records to change immediately. Community corrections officers, instead, should focus on raising the level of internal motivation to change.

Enhancing intrinsic motivation in offenders is somewhat different from motivation needed for self-improvement. For the most part, high-risk offenders are ambivalent about changing their attitudes and behaviors. Like many people, high-risk offenders may resist change, but the difference here is that offenders do not have as much choice. Officers may be able to encourage or stimulate this internal motivation. There are several ways in which electronic supervision can contribute to bringing out such motivation by providing offenders with external control by monitoring their behaviors and communicating with them in a way that breaks down areas of ambivalence. Offenders know that GPS tracking gives officers information about where they have been and when they were at particular places. This information is valuable when interacting with offenders, as they will learn that it is more difficult for them to deceive an officer. Electronic supervision of a sex offender, for instance, is only one piece of the supervision process, but it can provide useful information for officers to know where offenders are in their relapse cycle.

The third principle, targeting interventions, is more nuanced than the others. It actually involves five parts: (a) risk principle, (b) criminogenic need principle, (c) responsivity principle, (d) dosage, and (e) treatment. The risk principle recognizes that offenders present different levels of risk of failure on supervision (however an agency may measure it), and that agencies must target interventions according to these risk levels. Essentially, do not place low-risk offenders in settings with high-risk offenders. Research has shown in the past that when low-risk offenders were placed in treatment services with high-risk offenders, the low-risk offenders did much worse (Hanley, 2006). Risk levels should be determined through an ongoing process of evaluating risk with both actuarial instruments and more informal or informed officer judgments. Triaging offenders by risk classifications allows agencies to maximize resources by differentiating among the low- and high-risk offenders and concentrating their efforts (i.e., time and money) on high-risk offenders. Low-risk offenders perform relatively well on community supervision when their lives are interrupted the least—leave social bonds, attachments, and commitments intact—making them good candidates for kiosk reporting. Location tracking with GPS is more appropriate for high-risk offenders, such as sex offenders, domestic violence abusers, and gang members.

The second element of targeting interventions is referred to as criminogenic needs. The needs principle captures those changing or dynamic offender risk factors such as mental health problems, substance abuse issues, informal networks, employment, and other individualized factors related to an offender's psychosocial functioning (Taxman & Thanner, 2006). Whereas risk factors focus on past behaviors related to an offender's criminal history, the needs principle recognizes that there are offender time-varying characteristics that greatly influence an offender's predisposition to reoffend. An example of this is the potential for a domestic abuser to be set off following the receipt of divorce or separation papers or other potentially upsetting

information, events, or processes. Taxman and Thanner (2006: 31) argue that criminogenic needs refer “to the degree to which daily functioning is impaired and involved in criminal (antisocial) behavior.” Risk and needs assessments are essential for administrators confronting growing caseloads, as they offer an objective measure of an offender’s likelihood to recidivate and they identify the most appropriate interventions based upon the unique risks and needs presented by each offender. Community corrections officers may need to adjust case plans in light of an assortment of static (risk) and dynamic (needs) factors. Cumulatively, the risk and needs principles identify the importance of considering offender past behaviors alongside changing (and changeable) characteristics that contribute to their likelihood of reoffending.

The responsivity principle argues that a variety of learning styles and approaches exist and that interventions should be assigned carefully to offenders according to their culture, gender, motivation levels, and other areas. Evidence-based practices research suggests that treatments must be matched to each offender and that particular care should be taken to match style and methods of communication with an offender’s level of readiness to change his or her behavior. This means, for instance, that it may be pointless to include substance abuse treatment interventions for offenders without a substance abuse problem. In order for agencies to maximize the impact of interventions, it is important to carefully match offenders to services, since interventions can actually have an inverse effect from their intentions.

The dosage principle acknowledges the importance of quantity of interventions. Providing either too many or too few services or structure to offenders’ lives can have significant unintended consequences. Too much supervision or monitoring can lead to what Payne and Gainey (1998) referred to as the brutalization effect. These researchers found that some offenders on home detention felt unfairly treated and frustrated by too many interventions or punishments; these offenders may believe that they cannot meet all of the conditions and stop trying to change. From an organizational standpoint, too many interventions can siphon resources by taking too much officer time. A strategy commonly accepted is to apply high levels of structure and services during the first three to six months. This initial supervision period should structure about half to three-quarters of offenders’ “free” time. GPS may be a good tool to use with many high-risk and recently returning individuals during their initial time in the community.

The treatment principle is essential for many high-risk offenders. High-risk offenders have thinking and behavior problems that lead them to commit crimes. Treatment should be directed at high-risk offenders to work toward changing offender thought patterns, which will hopefully lead to a change in behaviors. Take, for instance, a convicted sex offender that believes it is appropriate to engage in sexual behavior with children. Many of these offenders convince themselves that children are sexual beings that have had their sexual freedom restricted. Obviously, it is paramount that sex offender supervision teams work to change such thinking patterns to ones that define sexual behavior with children as victimizing behavior. Hopefully by changing such thought, we can also change offender behaviors. A group of Canadian researchers found that offenders on house arrest with electronic monitoring did not have lower failures per se. They did find that the offenders monitored with electronic monitoring and ordered to treatment were more likely to complete their treatment, and the offenders that completed their treatment had much lower failure rates (Bonta, Wallace-Capretta, & Rooney, 2000a).

The fourth principle, provide skills training, emphasizes the need for staff to be trained in many areas of psycho-social development and deficiencies. By training staff in social learning theory, antisocial thought patterns, and motivational interviewing techniques, offenders may learn necessary skills through role-playing and other practice sessions. This principle can be extended to include providing initial and ongoing training on any electronic supervision components.

The fifth principle, positive reinforcement, suggests that the best way to shape behavior is by using four positive responses for each negative response given. Positive reinforcement may be a difficult thing to apply with high-risk offenders. Community corrections officers need to remember that they are not in the business of punishing or rehabilitating as much as they are in the business of improving public safety. So, if an offender has not had a travel violation (i.e., followed all inclusion and exclusion zone requirements) for a certain length of time, an officer

should mention this to the offender. This is not to suggest that by merely telling an offender that he or she is doing well that dramatic change will immediately take place. Instead, the idea behind variable response systems is that officers can make offenders *want* to receive the positive reinforcer.

Consider how good it feels when someone mentions to you that you have done something well or that they appreciate you. These sorts of interactions do have the potential to produce significant positive feelings for people, and may even make you want to be around that person more. Officers should not ignore inappropriate behavior, however. All inappropriate behavior should be responded to as quickly as possible. The idea here is to create a context for offenders in which they expect a response from their supervising officer for all behaviors. Applying more positive reinforcers is more effective than just the absence of a negative response.

Traditionally in community supervision the only offender behavior that was recognized was inappropriate behavior and all good behavior was not responded to. New learning approaches have moved to incorporate positive reward systems. A non-justice system example of this is to try to get a child to improve his or her grades in school. One approach is to let the child know that all bad grades (however defined) will be matched with something the child does not like, such as more chores, earlier bedtime, or restriction from a favorite toy. This may yield a child who does not get bad grades, or, on the other hand, the child may get bad grades and suffer the consequences, which may eventually foster a strained parent-child relationship. An alternative approach is to use those negative reinforcers if the child gets bad grades, while providing positive reinforcers such as fewer chores, later bedtime, or money, if the child excels at school. The point here is that the second approach does not shy away from letting the student (or offender) know when he or she has underperformed, but also lets the child (or offender) know that good performance may be rewarded.

The sixth principle, engage ongoing support in natural communities, identifies the importance of collateral contacts. Informal social controls are crucial to shaping behavior. The pro-social individuals within an offender's group of friends and family can contribute to keeping an offender on the right track. GPS technologies allow officers to exclude offenders from being around other offenders on GPS.

The first six evidence-based principles developed by NIC and CJI focus on how officers can work to shape offender behaviors, and the last two principles focus on important organizational features. The seventh principle, measure relevant processes and practices, allows agencies to identify important benchmarks for offender behavior as well as officer performance. Principle eight, provide measurement feedback, recognizes the need for the information from principle seven to be used in a constructive way to steer agency decisions.

[back to top](#)

Evidence-Based and Scientific Research

Despite the growing popularity of electronic supervision tools, especially GPS tracking of sex offenders, the bulk of research fails to find a significant crime reduction benefit from using electronic supervision. This is not to say that electronic supervision is not a worthwhile component for community supervision. The research that does exist, for the most part, focuses on either radio frequency home arrest programs or GPS tracking. In this section we will summarize the research findings about electronic monitoring to provide those considering including an electronic monitoring component and those with existing components to set realistic goals and expectations.

Evaluations typically focus on the direct impact of a new intervention on offender behavior. Offender behavior is usually measured as a technical violation and a recidivism measure. Some researchers have considered the potential for electronic monitoring to have an indirect effect on offender behavior. That is, electronic monitoring may not necessarily cause offenders to change their decisions to commit a new crime. But, it might make offenders more aware of their

likelihood for being caught violating other conditions of their supervision. A comparison between court- and corrections-based programs using electronic monitoring with inmates and probationers in Canada found little crime-reducing effect for either program using electronic monitoring (Bonta, Wallace-Capretta, and Rooney 2000b).

Other benefits were found as offenders on electronic monitoring had more favorable attitudes toward staff (e.g., empathy, trust), and had significantly higher program treatment completion rates. In light of evidence-based principles mentioned above, these findings are significant. First, finding that offenders in the electronic monitoring groups perceived supervising officers more positively suggests the potential for officers to have more impact with offenders. Second, offenders who completed treatment were far less likely to fail on supervision, and nearly all of the offenders in the electronic monitoring groups completed their treatment.

The most robust evaluation of electronic monitoring effectiveness investigates the use of both radio frequency and GPS technologies. Padgett, Bales, and Blomberg (2006), looked at more than 75,000 offenders under house arrest in Florida, and found that offenders monitored with either technology had significantly lower rates of revocations for technical violations or new crimes as well as lower absconding rates. This is the only evaluation of electronic monitoring technologies in a community corrections setting to uncover such optimistic findings.

How should agencies interpret these findings? First, it appears that there may be some potential for curtailing offender behavior while offenders are on electronic monitoring. However, it is important to remember that community supervision is a human intensive process, and just because offenders in one place do well when they are monitored with electronic monitoring devices does not mean this will translate to another jurisdiction. There is no way of knowing from the current research what actually caused lower absconding in Florida or better treatment completion in Canada. The point here is that electronic monitoring is not a program, but rather one tool that can be incorporated in an overall supervision strategy. It may be that, in those jurisdictions where electronic monitoring appears to bring about crime reduction, there are other program components at work.

[back to top](#)

Barriers to Implementing Electronic Monitoring Tools as Evidence-Based Practices

Given the widespread support for developing evidence-based practices, it is natural to question why these practices are not more widely used. A number of barriers inhibit the use of evidence-based practices. They include:

- Resistance of policy makers to new strategies
- Concerns about cost
- Public desire for retribution
- Complacency among line staff
- Difficulties defining success
- Lack of awareness
- Working with researchers
- Fear of the unknown

[Table 3](#) provides an overview of these issues and ways that community corrections officials can overcome these issues.

Table 3.***Challenges to Developing Evidence-Based Practices***

Challenge	Why the Challenge Exists	How to Overcome the Barrier
Policy makers resistant to new strategies	Policy makers are responsive to public opinion and may be unwilling to try new things.	Engage in an awareness campaign informing policy makers of the utility of evidence-based strategies.
Concerns about Cost	Because many evidence-based practices are new, start-up costs may cause resistance among the public and policy makers.	Cost-benefits analyses can demonstrate whether the start-up costs are less than the continued costs for ineffective practices.
Public desire for retribution	The public demands that offenders be punished and many evidence-based policies appear to be "slaps on the wrist."	Even less severe sanctions are experienced as punitive by offenders. Those developing evidence-based practices should demonstrate the punitive nature of those practices to the public.
Complacency among Line Staff	Some workers implementing policies may be accustomed to old practices and resistant to change.	Leaders must demonstrate how and why new practices will make the line officers' job more practical, without adding unnecessary work to workers.
Defining success	It is sometimes difficult to define measures of success for evidence-based practices when individuals are focused on punishment as the definition of success.	Indicators of success should be broadly defined so that all advantages of evidence-based practices are recognized and evaluated thoroughly.
Lack of awareness about evidence-based practices	Criminal justice officials may not be aware of practices that are deemed to be most effective.	Through collaborative efforts, different practitioners can share information about effective and promising strategies.
Working with researchers	In some places a gap exists between researchers and practitioners.	Develop partnerships and relationships with research agencies and college/university researchers.
Fear of the Unknown	Because evidence-based practices are new, leaders and practitioners may see untested practices as risky.	Pilot test the program and demonstrate to leaders and practitioners that the principles of the new practice are based on evidence that suggest the new practice should be effective.

Central to all of these issues is resistance to change by policy makers, practitioners, and the public. [Table 4](#) highlights things that community corrections leaders can do when promoting

change surrounding the use of electronic monitoring technologies.

Table 4.

Strategies Leaders and Policy Makers Can Follow to Promote Change

Collaborate with others involved in the criminal justice system.

Help workers see the benefits of the new practices.

Aadjust practices as needed.

Never say never.

Give incentives to workers and offenders.

Evaluate the new electronic monitoring techniques.

Conclusion

This article provided readers with a brief introduction to evidence-based practices and the integrated model developed by NIC and CJI. Evidence-based principles provide some direction for agencies considering using electronic monitoring or other electronic supervision tools in their jurisdictions. Deciding to place any offender on electronic supervision requires an adequate risk assessment to determine the individual's risk and criminogenic need factors. The assessment is a foundation for the rest of the supervision period. Forgoing adequate assessment would be like building a building on a faulty foundation. The building will ultimately collapse and fail to provide safety. Supervising offenders without assessing their needs will also fail.

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The Many Purposes of Location Monitoring

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[Post-conviction Purpose](#)

[Pretrial Services Purpose](#)

[Conclusion](#)

THREE POINTS NEED to be emphasized when considering the purposes of location monitoring: 1) location monitoring is nothing other than the technology used to verify and/or enforce a condition of supervision; 2) location monitoring provides an officer with information about a defendant/offender's location and travel patterns but does not predict or suggest defendant/offender behavior; and 3) location monitoring does not replace the officer's skills and instincts, which ultimately make the difference in making positive changes in a defendant/offender's behavior. Undue reliance on a technological or any other tool is not the basis for successful supervision of defendants/offenders.

[back to top](#)

Post-conviction Purpose

In post-conviction supervision, location monitoring is a distinctive program, as the desired outcome and purpose may vary depending on the sentencing authority's intent and the type of case. For example, location monitoring may serve solely as an alternative to incarceration in a probation sentence, with no expectation of changing behavior or even reducing risk. In this case the primary desired outcome is for the offender to successfully fulfill a sentence. Location monitoring may also serve solely as a punitive tool of the court when it is imposed as a TSR condition. Or it may be imposed to address a specific risk identified in a violation case; under these circumstances it can fill both a punitive and a correcting (risk reducing) purpose of the court.

In post-conviction, it is no secret that oftentimes location monitoring has been applied as a "band-aid" to address violations but not necessarily to effectively address an identified risk. For example, location monitoring is often imposed in response to a positive drug test, even though there is no evidence to suggest that the technology or even home detention itself addresses substance abuse risks. Ideally, location monitoring should be considered as a sanction only after the court has been persuaded that it can mitigate a specific risk that may have led to noncompliant behavior. For example, if an offender continues to associate with negative peers in a particular known drug area and tests positive for drugs, location monitoring might be considered to enforce and establish zones to restrict the offender's whereabouts and add

accountability to the offender.

Location monitoring has many purposes; however, the only way the technology can enhance community safety is to “control” certain risks by enforcing court-ordered conditions of supervision via location monitoring technology. In post-conviction supervision, location monitoring can be a great supervision tool to create structure and accountability for offenders. Probation officers can use the information provided by the technology to determine generally if the offender’s patterns or travel are consistent with his or her supervision requirements (such as treatment, employment, and travel restrictions). Officers using location monitoring should not be exclusively relying on the information it provides about the offender’s movements to detect or “catch” the offender doing something wrong, but should also rely on this information to verify or confirm that the offender is doing something right. To take this a step farther, the officer should use the information provided by location monitoring technology to recognize positive behavior, and by doing so this recognition becomes positive reinforcement for the offender, consistent with the principles of Evidence-Based Practices (EBP).

Location monitoring can also be used to verify compliance with a condition that is otherwise difficult to monitor without the technology and one that, because of this difficulty, may pose a challenge to supervision compliance. For example, in the federal system, since the inception of the Defendant/Offender Workforce Development program (DOWD), the need to verify a defendant/offender’s employment, vocational training, and efforts to obtain employment have become critical to a good supervision plan. In many instances, it is difficult to verify a defendant/offender’s employment or efforts to seek employment; often, violations occur because of a defendant/offender’s failure to seek or maintain a job.

Location monitoring offers an “alternative to incarceration” by providing a viable sanction or solution to this problem for as little as \$4.95 per day. For that cost, passive GPS can be used to increase defendant/offender accountability and confirm that he or she has traveled to the job site or vocational training or is traveling to and from potential employment sites as directed. In an instance such as this, the purpose of location monitoring is not to change behavior directly or to “confine” a defendant/offender to his or her residence, as is the case in traditional home confinement, but to better verify compliance with a court-imposed condition of supervision and thereby reduce the risk of violating this particular condition.

This is just one of many examples of how location monitoring can be viewed as an effective supervision tool for the purpose of verifying compliance rather than restricting or confining those under supervision to their homes. The versatility of techniques and variety of purposes of this program prompted federal probation and pretrial services to change the program’s name from “home confinement” to location monitoring.

[back to top](#)

Pretrial Services Purpose

In pretrial services, the primary desired outcome of location monitoring is to reduce detention by serving as an alternative to detention. As is the case with other alternatives to detention, the court’s aim in employing location monitoring is to use the least restrictive means of ensuring safety to the community and the defendant’s appearance in court. In other words, the goal of (safely) reducing detention underlies using location monitoring as an alternative, to enforce a court-imposed condition of release that will assist in reasonably assuring the safety of the community. Although preliminary studies suggest that location monitoring may have little to no impact on reducing violations or re-arrests, one must consider the significant cost-saving benefits of reducing pretrial detention through the use of location monitoring. The Office of Probation and Pretrial Services (OPPS) provides districts with data to assist pretrial officers in making informed decisions pertaining to this “trade-off” and to ensure that the risk of release does not outweigh the benefit of reducing unnecessary pretrial detention and costs.

Aided by feedback from federal pretrial services districts, OPPS plans to initiate studies that

show the impact of using location monitoring on pretrial detention and the associated success and failure rates. This data can assist districts on a case-by-case basis when determining if the tradeoff is worth the risk. For example, hypothetically, if the data suggests that using location monitoring on high-risk defendants results in a 2 percent increase in violations, but the use of location monitoring as a whole decreases detention in their district by 12 percent, the officer and/or judge considers this tradeoff to determine whether the reduced detention and cost savings is worth the risk of releasing the defendant.

Preliminary data suggest the following: (1) the use of location monitoring has no negative impact on failure to appear (FTA) rates and violations; (2) location monitoring is not being used on high-risk populations consistently and effectively; and (3) the increased use of location monitoring results in decreased detention. OPPS will continue research and data analysis in this area and provide additional data and guidance in the near future.

[back to top](#)

Conclusion

Regardless of the purpose of location monitoring, in any given case employing it will only be effective if the officer uses the information it provides appropriately. In the computer world, there is a common phrase called IPOs or Input-Process-Outcomes. Inputs are anything that goes into the system. The process is what the system does with these inputs, and the outputs are the outcomes of the input and process. In the location monitoring program, the technology itself can be considered an “input” that does nothing more than generate alerts or location data; the “process” is the officer’s investigation and response to that data or alert. The “output” is how the officer uses the information (alerts, GPS tracking points, etc.) to take action and potentially create an outcome. That outcome can be in the form of a violation, a change in supervision strategy, or simply reinforcing compliance with conditions of release in a positive manner.

Looking at outcomes regarding the use of location monitoring technology itself can be complex and tricky. Consider this hypothetical situation: Two officers receive the same type of alert on a similarly risky defendant or offender, and the alert is based on the fact that the offender left his home during a curfew due to a domestic dispute. One officer investigates, responds, and reacts appropriately to the alert and is able to address the violation. The second officer fails to investigate or respond to the alert and remains unaware of any violation. In both instances the location monitoring technology functioned properly and alerts were generated. However, when you go to look at “success” and “failures” of these cases, it is the officer’s supervision that creates the true “output” or outcome, not the technology. Therefore, it is only the officer’s “output” that can truly verify compliance with conditions of supervision and influence outcomes in our system.

In the first instance of the hypothetical above, if it were not for the location monitoring technology, the officer would not have any indication that a domestic dispute had occurred. Potentially, domestic problems in the offender’s home could have escalated to other criminal behaviors. However, what is the defining difference between the successful and unsuccessful outcomes of the hypothetical above? It is important to point out that it was not the technology alone that prevented continued criminal behavior, but the officer’s thorough investigation and supervision instincts to address the violation and therefore possibly prevent criminal behavior. When we are considering the purposes and benefits of location monitoring, the impressiveness of the technology should never blind us to the fact that it is always the servant of the officer using it.

[back to top](#)

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Developing an Effective Location Monitoring Program

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[Develop Local Policy](#)

[Implementing Alert Response Protocol](#)

[Educating Court and Staff](#)

[Recognizing Benefits and Limitations of Location Monitoring Technology](#)

[Identifying Appropriate Defendant/Offender Location Restrictions \(Program Components\)](#)

[Ensuring Manageable Caseloads](#)

[Establish Clear Roles within Location Monitoring Program](#)

[Ensure Training](#)

[Conclusion](#)

IN JUNE OF 2008 members of the National Location Monitoring Program Working Group, which was formed to collaborate with the Office of Probation and Pretrial Services (OPPS) in providing guidance on federal location monitoring practices, developed “Strategies for an Effective Location Monitoring Program.” These strategies were developed to assist U.S. probation and pretrial services offices in implementing the revised *Monograph 113* (The Federal Location Monitoring Program for Defendants and Offenders) and to assist in newly introduced technologies, concepts, and principles. This article will delve further into these eight strategies to assist officers, managers, and administrators in seeing the full benefits of a properly designed program.

[back to top](#)

Develop Local Policy

Although *Monograph 113* sets the framework for program considerations, each district has its own set of circumstances that may differ from other districts. However, it is important to develop local policy so that the location monitoring program runs proficiently and meets the needs of the court. The district should take into consideration training, how staff responds to program violations, managing caseloads, backup policy, discretionary leave, and educating other stake holders. For example, if an officer receives a key alert after hours on an offender, how should the officer respond? There are things to consider, such as the geographic area the district covers. If the key alert is a GPS exclusion zone entry on a sex offender, would the officer be able to respond effectively if he or she were 150 miles from the exclusion zone? Developing a

close working relationship with local police departments may assist in investigating and responding to this type of alert. The district should be practical in its expectations of officers when developing policy for responding to program violations. One major point to remember is that simply receiving a key alert does not constitute a violation. Receiving the key alert is a starting point. When developing response policy, one should keep in mind the principle that officer investigation is paramount. Developing a response policy that is clear and revolves around a thorough and timely investigation will lead to a successful program and enhance program integrity.

[back to top](#)

Implementing Alert Response Protocol

Location monitoring requires responses to key alerts 24 hours per day, 7 days per week. Developing alert response protocol should first begin with more than one officer. The key alert should be sent to a district designated primary officer for investigation. If the primary officer does not respond to the alert within 30 minutes, a second alert will result, typically directed to the backup officer (preferably a supervisory probation or pretrial services officer). This process will continue until someone responds to the alert. Districts may want to consider a rotation of primary and backup officers to lessen officer burnout. Outside of the guidance provided by *Monograph 113*, districts should develop protocol for investigating alerts. For example, should officers conduct fieldwork in pairs or with the assistance of other law enforcement? Should officers staff the case with a supervisor prior to completing fieldwork, so that officer safety is taken into consideration? Should local law enforcement be contacted to assist in expedient resolution of an alert? Another consideration is what to do after-hours, when, after investigation, an officer determines that an alert is a violation. It is best for the district to collaborate with the court, U.S. Marshals Service, and U.S. Attorneys Office to develop policy if a petition for revocation or an immediate warrant is needed during non-business hours, particularly in instances where there is an identified third-party risk. The memo dated October 21, 2008 from OPPS provides specific guidance on establishing alert notification protocols.¹

[back to top](#)

Educating Court and Staff

Unfortunately, most people's knowledge of location monitoring comes from Hollywood, which has portrayed a less than accurate account of how this technology actually works. Besides staff and the court, other stakeholders that would benefit from knowing the benefits and limitations of location monitoring include the U.S. Attorneys Office, Federal Public Defenders Office, and state, local, and federal law enforcement, as well as the general public as a whole. Since location monitoring is a specialized technology that is generally only well known by agencies actually using the equipment, it is best to provide this information. Districts should develop educational programs detailing the technology used in the district, its limitations, and benefits. The district can also provide a demonstration of GPS software, alert procedures, and typical response procedures for key alerts. Educating the court on location monitoring technologies helps ensure that expectations are realistic and attainable.

[back to top](#)

Recognizing Benefits and Limitations of Location Monitoring Technology

Most districts must assess new technology or methods of using current technology. No particular form of location monitoring technology (voice recognition, radio frequency, passive GPS, or Active GPS) is perfect. Each has limitations and benefits. When selecting or recommending location monitoring technology, the district should consider the desired outcome, and weigh that against limitations. For instance, placing a low-risk offender on active GPS may not be as beneficial as using location monitoring technology that is more cost effective and less demanding on staff. Similarly, using location monitoring technology that solely depends on

cellular service in a geographical location that has poor cellular service will not be beneficial to the supervision of the offender. There is no *cookie cutter* approach to selecting a type of location monitoring technology; technologies should be considered on a case-by-case basis.

[back to top](#)

Identifying Appropriate Defendant/Offender Location Restrictions (Program Components)

There are three components to location monitoring: curfew, home detention, and home incarceration. The officer should use the component that will allow for appropriate supervision of risks and establish accountability. Curfew and home detention will permit employment and participation in other programs, while home incarceration will not. It is important to tailor supervision to the program component most suitable, rather than simply placing all location monitoring cases on home detention. A sex offender may require a different level of accountability than an offender/defendant with a history of fraud. Therefore, the type of program component recommended should primarily revolve around the offender/defendant's risk level.

[back to top](#)

Ensuring Manageable Caseloads

As noted previously, location monitoring cases require 24 hours a day, 7 days a week supervision and response to key alerts. If an officer is so inundated with alerts that he or she cannot respond and investigate each alert in a timely and thorough manner, program integrity is diminished. Managing schedules, verifying activities, inputting chronological records, installing equipment, reviewing GPS tracking, and responding to key alerts is time consuming. The district should develop standards for caseload size and ensure that those standards are not compromised. Districts should also take into consideration that some technology can be more time consuming to use than others. For example, installation, developing zones, inputting schedules, and reviewing GPS tracking is typically more time consuming than managing a typical radio frequency case. Due to this, each district should develop caseload standards based on the technology used and the risk of each offender or defendant. The memo dated June 2, 2009 from OPPS provides recommendations and considerations for location monitoring caseload sizes.²

[back to top](#)

Establish Clear Roles within Location Monitoring Program

The effective running of the location monitoring program does not rest solely on the shoulders of the location monitoring specialist. Many hands may be involved with ensuring that the program runs efficiently. Support staff may be used for verifying activities, reconciling billing, or ordering equipment and supplies. Supervisors should be involved with the general oversight of the program. This includes having an advanced working knowledge of the technology used, software of the vendor, and timely responses to key alerts. Roles should be developed and the supervisor should make certain that those playing a part in the location monitoring program properly fulfill their roles and that location monitoring information and key alerts are handled appropriately.

[back to top](#)

Ensure Training

Over the past several years perhaps the most obvious thing to notice in the field of location monitoring is the advancement of technology. More and more districts are using multiple forms of technology, which have their own nuances. It is important to provide yearly training to staff in the particular forms of technology that the district uses. Even staff not associated with or

involved in the location monitoring program should have a general idea of what each technology provides. For those who are involved with the location monitoring program, more advanced training should be required.

[back to top](#)

Conclusion

Location monitoring is distinctive in that various technologies may be utilized for various purposes, depending on the circumstances of each case and the court's intent regarding the use of the technology. It is important to recognize that the technology simply provides officers with information to assess, and that it is only the officer's skills and instincts that influence supervision outcomes. These strategies were developed to enhance location monitoring program integrity, which in turn will result in a program that adds value to effective supervision.

[back to top](#)

[Endnotes](#)

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Collaborative Supervision Strategies for Sex Offender Community Management

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[Child Victims](#)
[Offenders](#)
[Supervision](#)
[Conclusion](#)

THE ISSUE OF SEX OFFENDER community supervision has continued to be very much in the public eye. Recent cases such as the Jaycee Dugard case, in which an offender under community supervision kept a young girl for years at his house, have only served to highlight public interest in community supervision of sex offenders. Frequently the public questions probation and parole agencies' effectiveness in supervising sex offenders. More generally the concept of community supervision of sex offenders as a practice is doubted. Officers who supervise sex offenders are often caught in the middle. They need to satisfy the public so that legislators are placated. Oftentimes the result is a ratcheting up of supervision methods and new restrictions, which ultimately means increased workload for line officers.

The purpose of this article is to provide line officers and supervisors with some general information concerning sex offenders who target children. Readers must keep in mind that the data provided here pertain to generalizations about those who target children as sexual victims and not individual cases. Thus sex offender community supervision policy or strategy may be influenced. Resources can be targeted with more precision, new strategies can be adopted, and old ones reconfigured or discarded. As noted in an article from a previous edition of this journal, "Researchers interested in studying sex offenses and responses to these offenses can use their skills and abilities to inform our understanding about the most appropriate collaborative tools and strategies" (Payne and DeMichele June 2010).

[back to top](#)

Child Victims

Victim characteristics appear to be often overlooked when considering sex offender community supervision. Characteristics of offenders are often studied in sex offender literature. However, officers supervising their caseloads usually have the opportunity to become acutely aware of their clients' proclivities, but less frequently have access to victim details. These details can be just as important to successful sex offender management (i.e. supervision strategies) as offender information. Later in this article offender characteristics will be examined, but these will not be

portrayed as what to “look out for” but rather as a counter to public misperceptions that can affect community supervision strategies.

As many know, crimes in general are vastly underreported to police. However, sex crimes in particular are even less commonly reported. The Bureau of Justice Statistics reported that approximately 33 percent of all sex crimes are ever reported to police (Snyder 2000). As one may well imagine, when minors are the victims of sex crimes, these cases are reported to police much less frequently than when adults are victims of sexual violence. It is estimated that approximately 1 in 7 (14 percent) sex crimes involving children under the age of 6 are ever reported to police (Snyder 2000). This figure becomes even more distressing when we consider that more than half of violent crimes committed against children involved victims 12 or younger (Greenfeld 1997). Thus young children are an especially susceptible population of victims and often do not have the tools, ability, or wherewithall to report such abuses.

Children are most likely to be the victims of sexual assault at approximately 14 years of age (Snyder 2000). However, if one looks more closely at the differences between sex and age of victimization, male and female victimizations are likely to take place at distinctly different ages. Sexual victimization of females outnumbers males. Females are most likely to be victimized at approximately 14 years old, while male sexual victimization generally takes place at approximately 4 years old (Snyder 2000). Thus one can easily see a huge sexual victimization age difference between the sexes. This may help officers to reconfigure efforts and highlight concerns. However, one needs to keep in mind that some sex offenders are opportunists and may sexually assault a child who does not conform to their usual preferences (Smallbone and Wortley 2006). This makes it vitally important for officers to study traditional case materials, such as pre-sentence reports. Officers can look outside those traditional sources of information and include outside agencies’ reports, such as reports from therapists for the offender and the victim, or reports from family and police reports, or family service reports, in order to gain a full picture of the offender’s modus operandi.

There is a relationship between the age of the victim and the location of the offense. Greenfeld (1997) observed that child victimizers were much more likely (77 percent) than violent offenders of adults to have committed the crime in their own home or the victim’s home. This information can support the need for officers to make unannounced home contacts with offenders, as these places are the most likely location for child sexual victimizations to occur. These visits can serve as a potential deterrent to an offender or as an extension of the offender’s “external conscience” (Jenuwine et al. 2002). Knowing about the predatory habits of these offenders can also serve as a note of caution for supervision agencies concerning the public safety aspects of house arrest as an intermediate sanction or court-ordered sanction of supervision. Monitoring solely by electronic means those sex offenders who fall into the category of most likely to victimize may actually create a false sense of security for supervising officers.

The offender’s relationship to the victims is also very important. The general public appears to have grasped the concept of stranger danger concerning sexual victimization of children. However, if one looks at the data, a different picture emerges. Only about 7 percent of sexually victimized children are assaulted by strangers (Snyder 2000). Children are six times more likely to be related to their sexual victimizers than are the victims of offenders who sexually assault older persons (Greenfeld 1997). Thus young children are more likely to be sexually victimized by someone they know. This information can obviously benefit officers when confronted with offenders living with (or wanting to live with) biological children and/or step-children. Again, those decisions should not be made in a knowledge vacuum. Collaboration with different resources should impact case management decisions. The overarching theme here is for supervision agencies to adopt a strategy that includes other members (i.e., therapists of offender and victim, family members, etc.) in the decision-making process as opposed to strategies that employ a one size fits all approach in which offenders (regardless of their individual circumstances) are barred from certain living arrangements.

[back to top](#)

Offenders

Sex offenders, like most offenders, come in all shapes and sizes. However, most fall into some broad categories. Adult males represent the vast majority of sex offenders (Snyder 2000). Also, the victim usually knows the offender. Typically, younger children experience harm at the hands of parents, guardians, and primary caregivers on whom they are dependent and with whom they compete for attention, affection, and available resources (Lord et al. 2002). The broad categories mentioned above illustrate just how little sex offenders as an entire subpopulation have in common with each other—or, put another way, just how much many of them have in common with large sectors of the general, non-offending population. Much of the adult male population fits such a category. Thus it makes sense to discover just how diverse this population is. Discovering these nuances can enhance community supervision effectiveness.

Within the realm of offenders in general, sex offenders appear to be qualitatively different from other offenders (Buttell 2002; English et al. 1997, Hansen et al. 1998). As a result of this distinct difference from other violent criminals like murderers or perpetrators of domestic violence, and considering the varying typologies within the broad category of “sex offender,” this population should be studied and dealt with by the criminal justice system as a heterogeneous group (Snyder 2000). In other words, rapists, child molesters, and most other sex offenders should be studied as individual and exclusive classes (such as the incest offender) of sexual criminals. Predictors of probation failure or the commission of an additional sex crime may differ greatly depending upon whether we are considering an offender who victimized adults or a heterosexual child incest offender. This means that some of the blanket conditions often laid down for all sex offenders because they have been broadly labeled “sex offender” may have little to do with the effective supervision of an individual case. For instance, a blanket policy for all sex offenders supervised by a certain agency barring a sexual victimizer of adults from living near a place where children congregate can be counterproductive in individual cases.

The modus operandi of those who sexually victimize children has been a recent focus for some researchers (Smallbone and Wortley 2006 and Leclerc et al. 2009). Lanning (2001) contends that offender behavior resides on a continuum between preferential and situational extremes and is continually modified by the state of an offender’s desires and perceptions. Thus officers must be aware that a feedback loop between these two variables may exist, where major life course events (such as losing a job) in the offender’s life can influence daily routine activity (in the case of the job loss, staying home and increasing the possibility of contact alone with children living in the same house). For instance, if an offender is left home alone to baby-sit a child, the offender’s perception of guardianship (or lack of guardianship) in that situation can impact a possible offense. The offender may sexually prefer an older child, but given this particular circumstance may victimize a young child because of the situation or because of a constellation of factors such as depression, unemployment, or substance abuse. Rarely do predators or opportunistic offenders attempt to engage those who appear strongest, most adversarial, or well defended. In an effort to maximize return for their efforts and minimize the risk of injury or apprehension, both predators and opportunistic offenders typically seek those who appear weak, isolated, and undefended (Smallbone and Wortley 2006). Thus, consciously employing supervision strategies that recognize the importance of situational and preferential variables or life course alterations in affecting offender routine activities is critical. Collaborating with offender and victim therapists can be key, as well as communicating with collateral contacts such as employers, friends, and neighbors.

When considering offender characteristics, officers and supervisors will of course ask themselves what danger this population of offenders may present to the public. Finding the answer to this question provides practitioners of community supervision with a better understanding of the population, and this knowledge can translate into the education of policymakers. Also, collaboration between lawmakers and professionals involved with this population fosters the employment of evidence-based practices.

Sex offenders sexually reoffend at relatively low rates, as a whole. Of course, some sex offenders have a vast number of victims. However, those offenders represent a very small

portion of the general sex-offending population. Smallbone and Wortley (2006) found that only 5 percent of offenders in their sample population were sexual predators. Quinsey, Chaplin, and Varney (1981) estimated that 2 to 5 percent of the sex offender population can be classified as sadists. Hanson and Bussierrie (1998) conducted a meta-analysis of almost 30,000 American and Canadian sex offenders and found that about 14 percent of offenders sexually recidivated within 4-6 years of release. When compared with other serious types of criminal behavior, sex offenders in large-scale studies are often found to exhibit lower recidivism rates and have less extensive criminal histories. These conclusions hold for both sex offenders as a group and within specific subtypes of offenses (i.e., rapists, child molesters) (Meithe and Mitchell 2006). Melloy (2005) discovered that only 41 (4.5 percent) of the 917 sex offenders in her study committed another sex crime while on probation. However, as referenced earlier in discussing the under-reporting of sex crimes, particularly those of certain classes of sex crimes such as those committed against minors and by non-strangers, official recidivism rates of sex offenders may less accurately capture these offenders' behavior than recidivism rates for other populations of criminals. Thus, informed community supervision practitioners can use this information when confronting stereotypes.

Sex offenders are often portrayed in the media as more apt to kill their victims than many other offenders. When an offender does commit a new sex offense when on supervision, the officer and the agency are likely to be confronted by special difficulties. Supervision agencies should be diligent but have some sense of balance concerning supervision needs. Hyper-vigilance can lead to premature and unnecessary incarceration. If one examines the data available, a more detailed picture emerges. In only 3 percent of all sex crimes cases is there also a charge of homicide (Sample 2006). When sex offenders do commit murder in the course of their crimes, those victims tend to be adults, not children (Sample 2006). These are some of the profile details that can help practitioners involved with sex offender community management to understand the population. This knowledge, based on empirical evidence, can also translate into legislative action and/or agency action and strategy change when collaboration amongst educated parties occurs.

Offenders often have a certain preference for particular types of victims, whether male or female, belonging to a certain age group, conforming to a certain body type and features (such as hair color or physical immaturity). Offender preference can be a characteristic of higher recidivism (Kemper and Kistner 2007). Some offenders do have apparently strong preferences for certain kinds of victims (male or female or age group); those offenders do not tend to recidivate at higher levels (Hanson and Morton-Bourgon 2005). Compared to other groups, the mixed offenders (those whose criminal history reveals more variety in sexual offending) are more opportunistic in their sexual offending. These non-specific offenders offend even when the risks of being detected or reported by the victims are high, and may engage in behaviors that are more likely to cause physical injury, especially to child victims. Thus it would benefit officers to become familiar not only with offenders' criminal history but also with the details of the crime(s) often included in police reports, social service agencies, schools, etc. This is one of many instances where collaboration with agencies such as victim's services and offender therapists would be beneficial (Payne and DeMichele 2010).

The larger purpose here is for supervision staff to become proactive in the community and with other agencies that have an interest in community safety. Community supervision staff can help educate members of a community not to be complacent at one end of the spectrum nor hyper-vigilant at the other end. This educational aspect mirrors what officers are encouraged to do in the American Probation and Parole curriculum training module (Payne and DeMichele 2010). Several researchers have shown that stereotypical images have serious negative consequences for the effective detection, treatment, and control of sex offenders (Quinn, Forsyth, and Mullen-Quinn 2004; Simon 2000). These stereotypes can result in legislation imposed on agencies or implementation of internal agency policies that may be counterproductive to successful case management. Therefore, sex offender supervision strategies may need to be revisited and formulated on evidence-based practices.

Supervision

When supervision officers and supervisors are armed with more knowledge about this specific type of offender, supervision strategies and policies can be impacted. Broad policy measures or strategy are the focus here, not individual tactics of supervision. In addition, officers and supervisors can better collaborate with other agencies to ensure that public safety needs are met. Part of public safety needs is the success and societal reintegration of the offender. In other words, offender success is a component of the broader public safety goal. Successful collaboration among agencies can help protect public safety. Supervision agencies should not make sex offender policy decisions in a vacuum; rather, all agencies involved with offenders can cooperate to ensure that public safety needs are met. This also fits within the collaborative model set forth by Payne and DeMichele 2010.

A good illustration of targeted collaboration is the containment approach. This supervision concept includes three different entities: probation/parole officers, sexual treatment therapists, and polygraphists (English, et al. 1997). Many agencies have adopted this approach toward sex offender community supervision, yet the collaboration network needs to be widened from sex offender treatment staff and polygrapher to include court staff, jail staff, prison staff, and victim advocates (Payne and DeMichele 2010).

Broad strategies, including legislative mandates and internal agency policy concerning supervision issues, confront line officers and supervisors daily. These include:

- **Offender employment:** Employment has been identified as a factor that promotes positive community adjustment and lower recidivism (Kruttschnitt, Uggen, & Shelton 2000; Laub & Sampson 2001). However, this is a very difficult sub-population of offenders to employ. Education of possible employers concerning the rigors of supervision may help alleviate reservations employers have. Also, officers can communicate to employers that they can act as an extension of supervision monitoring and as collaborators to support offender success (i.e., societal reintegration). Alternatively, officers can relay information concerning possible tax benefits for employers of felons.
- **Specialized caseloads:** The Center for Sex Offender Management has concluded that using officers with specialized caseloads is an efficient and effective way to manage this population. The Maryland Department of Juvenile Services points to the results of a nationwide survey of sex offender supervision practices in the adult system; the survey indicates the following benefits of caseload specialization: (1) Expertise and training related to sex offender management; (2) More intensive supervision of certain sex offenders who might have become “lost” on non-specialized caseloads because of their seemingly compliant nature; (3) Establishment of a rapport with sex offenders, which encourages them to talk openly about their thoughts and activities; (4) Promotion of feelings of camaraderie and support among counselors who maintain these caseloads, which can help reduce secondary trauma; and (5) Increased agency-wide consistency in sex offender supervision. As a result, the topics of caseload specialization, training, and caseload size are frequently debated as they pertain to supervising this population. (Maryland Department of Juvenile Services 2005)
- **Home contacts:** The idea of home contacts for any population of offenders is a contentious issue for community supervision agencies. Issues like officer safety, officer liability, overtime costs, and officer training costs must be considered, besides the larger issue of being perceived as slanted to a more law enforcement approach of supervision. Those issues lie beyond the scope of this article. However, nationally recognized experts such as the Center for Sex Offender Management are in favor of home contacts with offenders. Home contacts of sex offenders are seen by many as beneficial (Bosco 1996 and Kansas Sex Offender Review Board 2007). Home contacts can also promote inter-agency cooperation, as police and probation departments as well as other social service

agencies can forge partnerships.

[back to top](#)

Conclusion

One purpose of this article has been to spark discussion about broad policies and practices concerning sex offender community management. Some strategies may need to be revisited due to lack of empirical evidence supporting such measures employed at a macro or strategic level. Strategies that are all encompassing, where all sex offenders are merged together in the same overly broad category of “sex offender,” may not be an efficient way of supervising this category of offender. Rather, resources can be targeted more precisely.

Another purpose of this article was to make the case for inter-agency collaboration explicit as a community supervision agency strategy beyond the containment approach. Collaboration has a dual advantage for probation and parole agencies. Primarily, better offender management strategies can be developed due to more information at a supervisor’s disposal. This information can result in more effective management of resources, ultimately promoting increased community safety, while at the same time conserving resources. Secondly, collaboration can result in better information sharing among the public, legislators, and other agencies that have an investment in effective sex offender management. This collaboration can encourage community supervision agencies to employ evidence-based practices.

[back to top](#)

References

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"I was just given a new sex offense case: now, what do I do?"

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Troy Greve

Supervising U.S. Pretrial Services Officer, District of Nebraska

[Pretrial Services Interview and Information Gathering for Possible Release](#)

[Pretrial Supervision](#)

[Post-Conviction Supervision](#)

[Assess and reassess](#)

THE WORLD OF DEFENDANTS charged with a sex offense and convicted sex offenders is a high-intensity, quickly changing population (laws, ordinances, technology, risks presented, and mental health) of persons to supervise. Due to the issues listed above, this population can be overwhelming and can present unusual supervision challenges for new officers or officers who may have little or no experience in this area. Coupled with the challenges presented by this population, officers need to be aware of the cost to society should a violation occur during the course of supervision. As a result, it is important for officers to constantly assess and reassess risks throughout the term of supervision.

Due to the possible risks to all parties involved, including the defendant or offender, the public, the court system, as well as our respective offices, we felt compelled to generate a list of things officers may want to consider when formulating their supervision plan. This list is designed to meet the needs of both defendants and offenders. It is by no means all-inclusive; however, it does provide a fairly good starting point to begin the journey of effective supervision. We feel this will prompt officers to review all aspects of the risks presented and assist them in meeting the needs of this population of clients as well.

[back to top](#)

Pretrial Services Interview and Information Gathering for Possible Release

In pretrial services a defendant charged with a sex offense comes to us either via summons or following arrest on a criminal complaint or an indictment. When the defendant is arrested, the officer who is responsible for the interview process begins the assessment of the defendant by reading the charging document, compiling criminal history, and, time permitting, contacting the AUSA handling the case. From the interview of the defendant and contact with the AUSA and collateral resources such as family, friends, and employer, the officer attempts to identify risks

in the following areas:

1) The living environment the defendant will be returning to.

- Do children reside at the residence?
- Does the defendant have access to computers or the Internet in the residence?
- Are there parks, schools, or daycare providers within close proximity to the residence?
- If the defendant is charged with an offense included in the Adam Walsh Act, are there resources in the home for location monitoring equipment?
- Does the defendant utilize gaming devices, and what type of cell phone is used?
- Does the defendant have adequate support in the home (i.e., parent, spouse, or sibling who can serve as a third-party custodian for the court)?

2) The methods the defendant used to obtain and store pornographic images and the types of images the defendant is allegedly interested in (gender, age, etc.). Talk with the U.S. Attorney or case agent for information.

3) The nature of the defendant's employment. Explore this with the defendant and collateral sources.

- Do the job requirements put the defendant in the presence of children or allow the defendant to have access to them?
- Do the defendant's job responsibilities require him to have access to a computer while in the work environment and after work hours?
- Do the defendant's job responsibilities require travel to areas or businesses frequented by children?

4) The defendant's possible danger to himself. Make a determination by asking about suicidal ideations or a previous history of mental health symptoms and/or care.

After carefully reviewing these areas, the officer will make a determination about whether the defendant possesses non-appearance or danger risks. If risks are identified, the officer is required to recommend the least restrictive conditions of release necessary to reasonably assure the safety of the community and the defendant's appearance in court as required. Below are some of the types of conditions used with this population of defendants:

- Computer restrictions
- Third-party custodian
- Association restrictions
- Third-party risk
- Specialized treatment for defendants charged with a sex offense
- Residence restrictions
- Location monitoring (type and level, such as curfew and home confinement)
- Sex Offender Registration (if the defendant has a prior sex offense conviction)

[back to top](#)

Pretrial Supervision

1) Meet with the defendant immediately after release and conduct the Post-Release

Intake Interview.

The purposes of this interview are to establish a rapport with the defendant, obtain additional information, and establish initial expectations of the roles and responsibilities of the officer and the defendant. The intake interview sets the tone for the entire period of supervision. To facilitate understanding and cooperation, officers encourage questions, offer assistance, and maintain a neutral, approachable, and non-judgmental demeanor. During the interview with the defendant, the officer:

- a) reviews the requirements of each condition of release and clarifies the potential consequences of any noncompliance with release conditions;
- b) provides specific information about the boundaries of any travel restrictions, which may include areas frequented by persons under the age of 18, and how to seek permission to travel;
- c) when applicable, advises the defendant of any third-party custodian's legal obligations;
- d) identifies any additional collateral sources of information related to the defendant's supervision (e.g. family members, significant others, treatment providers);
- e) when applicable, begins installation of location monitoring equipment and thoroughly explains the requirements of this program;
- f) when applicable, makes a referral to specialized treatment for defendants charged with a sex offense and/or mental health treatment and has the defendant sign a release of information and/or Prob 45;
- g) informs the defendant that a home assessment will be conducted, describes what that entails, and clarifies that additional home contacts may also be made during the course of supervision.

2) State and Local Sex Offender Registration Requirements

If the defendant has a prior sex offense conviction, the officer must require the defendant to comply with SORNA and state or local sex offender registry requirements. To verify compliance, the officer needs to contact the local sex offender management registration office.

If the current offense is the defendant's only sex offense, the officer must ensure that the defendant remains in compliance with all state or local sex offender registry requirements. Depending on the jurisdiction in which the defendant resides, he or she may be subject to registration requirements upon conviction or sentencing.

3) Personal Home Assessment

The personal home assessment is the primary strategy for verifying residence. However, with this population of defendants, home inspections are the preferred supervision technique, as they force the defendant to maintain an appropriate level of awareness and provide a supervision presence to encourage compliance.

The officer should verify the home as the residence of the defendant by viewing personal items, rental agreements, or mail addressed to the defendant at that location. The officer also verifies the identity of anyone else living in the residence and notes the proximity of the residence to schools, parks, or daycare centers.

The officer should conduct a physical walkthrough of the residence, including attached or unattached storage areas or garages. During this walk-through a plain-view observation should be conducted, looking for items such as computer equipment, unauthorized electronic media, gaming systems, pornography, or inappropriate clothing.

4) Danger to Another Person, Identify Third-Party Risks:

Defendants charged with a sex offense may require the officer to make additional assessments of the potential danger to the community. In assessing potential risk to another person, the officer should pay special attention to:

- The defendant's living situation: Are there children present? Does the defendant have access to minors? Are there computers in the residence or indicators of grooming tools such as children's toys or games?

If an officer determines that the defendant presents a danger to another person, 18 U.S.C. §3154(5) requires the officer to notify the court and the U.S. attorney's office of the danger and suggest any modification of release conditions or other action that might reduce the danger.

Once such a danger is identified, the officer first should personally contact the assistant United States attorney and the court and follow this notification with a letter. The letter should describe in detail the apparent risk factors and recommend a course of action. Such action may include:

- 1) adjusting supervision activities to minimize the danger;
- 2) recommending that the judicial officer modify the release condition to preclude the individual from the employment or activity that results in the danger;
- 3) giving a confidential warning to the person at risk or another party who can eliminate or reduce the danger; or
- 4) permitting the defendant to inform the person of the factors that create the danger, followed by officer verification that the warning has been made.

In determining what recommendation to make to reduce danger, officers should also consider the possible jeopardy to the defendant's employment.

Officers must obtain court approval before taking an action other than adjusting supervision activities in accordance with current conditions. Officers are then to closely monitor the defendant's compliance with any actions ordered by the court.

5) Verify employment—third-party risk?

This population of defendants may present a different set of risks to potential employers than other defendants. Potential risk factors include but are not limited to computer use, Internet access, access to minors, residential service or repair, working with minors, and the work site's proximity to such facilities as schools, daycare centers, or playgrounds. If a risk is identified, the officer follows the steps listed in the third-party risk section above.

6) Defendant/Community Observation

Observing the area in which the defendant resides gives the officer a better understanding of potential third-party risks. It could reveal that the defendant lives near a vulnerable party or children. Also, such observation could reveal that the defendant lives near a daycare or a school. Monitoring the offender's patterns of behavior can also help assess possible increased risk to the community and whether the offender is being truthful about reported activities.

7) Refer for Treatment

This population of defendants may have risks associated with substance abuse addiction or mental illness; thus, conditions to address these risks are often contained in the order setting conditions of release. Officers should be cautioned about making a referral to traditional sex offender treatment services, as disclosure of deviant behavior that may have led to the instant offense will conflict with the right against self-incrimination. As a result, officers need to be aware that a referral to any treatment provider that requires disclosure of the offense conduct on

behalf of the defendant is discouraged.

8) Assessment of Mental Health

Officers need to continually assess the defendant's mental health status during the course of the term of supervision, especially just prior to major events such as change of plea and sentencing hearings. This population of defendants often experience anxiety associated with shame and hopelessness due to the nature of the offense charged. As a result, officers must be prepared to garner the assistance of family members and make a referral for a mental health assessment and/or other community resources.

9) Specialized Treatment for Pretrial Defendants

In fiscal year 2009, OPPS released project codes 7013 and 7023 in their Treatment Services National Statement of Work to assist in addressing the special needs associated with this population of defendants. Project code 7013 covers services provided to one defendant and 7023 covers services for two or more defendants. These services employ cognitive behavioral treatment, crisis intervention, and life skills to promote healthy coping skills. Vendors providing project codes 7013 and 7023 are also instructed in keeping with the national statement of work to protect the defendant's right against self-incrimination. As a result, referrals to treatment vendors who provide these services are encouraged if the defendant begins to show signs of anxiety or suicidal ideation.

10) Location Monitoring, Curfew, Home Detention, Home Incarceration, GPS

Defendants charged with an offense included in the Adam Walsh Act are required to be on some type of location monitoring during their term of pretrial release. This technology can be a valuable supervision tool to assist in the defendant's accountability for daily activities and provide an additional layer of protection to the community.

11) Collaboration with Law Enforcement

Contact with local law enforcement can aid in verifying the defendant's compliance with law ordinances and state laws. However, while working with other law enforcement agencies, officers need to review the confidentiality regulations on pretrial defendants.

12) Collateral Contacts

Defendants charged with a sex offense can be unreliable in reporting problem behaviors; therefore, developing multiple collateral contacts is essential. In addition, collateral contacts from different sources help ensure a community-based supervision.

13) Look for social networking sites by asking for e-mail addresses

Social networking sites attract millions of users, many of whom integrate these sites into their daily practices. We would recommend determining if your defendant possesses a social site, as much information can be gleaned from this source. At times, it can be difficult to find your defendants on these sites; thus we would recommend asking for defendant/offenders' e-mail addresses, as this can save a great deal of time in locating their social sites. A checklist of activities for officers supervising sex offense defendants appears at the end of this article in [Appendix A](#).

Appendix A.

Pretrial Services Initial Checklist

	1) Identify Risks Presented by the Defendant for Possible Release
	2) Post-Release Intake Interview
	3) State and Local Sex Offender Registration Requirements
	4) Personal Home Assessment
	5) Danger to Another Person, Identify Third-Party Risks
	6) Verify Employment—Third-Party Risk
	7) Defendant/Community Observation
	8) Refer for Treatment
	9) Assessment of Mental Health
	10) Specialized Treatment for Pretrial Defendants
	11) Location Monitoring
	12) Collaborate with Law Enforcement
	13) Collateral Contacts
	14) Look for Social Networking Sites

Post-Conviction Supervision

1) Prerelease planning

Prerelease planning is an important part of preparing for the arrival of a new sex offender case, as it sets the stage and prepares offenders with the knowledge and skills necessary to rejoin the community. Key to success is working with case managers to devise a release plan that is safe for the community, prepares the defendant/offender for life after prison, and ensures compliance with conditions ordered by the court. This collaboration with case managers helps in determining a sex offender's release plans as they relate to location and third-party risks. The myriad needs of this re-entry population offer important targets of change. Careful attention to the criminogenic needs of offenders is important to effective programming.

2) Meet with offender face to face within 72 hours of his release and go over conditions

Not only is meeting with the offender within 72 hours a Standard Condition of supervision, it is important in assessing the offender's criminogenic needs and developing a supervision strategy. This initial meeting sets the stage for supervision and provides a clear understanding of the responsibilities set forth in the Judgment and Commitment.

3) Offender Notice and Acknowledgment of Duty to Register as a Sex Offender

The Office of Probation and Pretrial Services collaborated with the Administrative Office's General Counsel to develop the Offender Notice and Acknowledgment of Duty to Register as a Sex Offender form, which was first sent out in a memorandum in October 2006 and was later revised in September 2009. The Sex Offender Registration—Revised Form reflects the duty of the probation officer to advise the offender of the obligation to register and explains the Sex Offender Registration and Notification Act (SORNA) requirements.

The importance of activating this form is twofold; first, it is important for the sex offender to understand the obligation to register and the laws surrounding registration; second, this signed document becomes an important piece of evidence for the Marshals Service in their investigation of potential noncompliant offenders and is important to the U.S. Attorney's Office for prosecution purposes should a violation of the registry act be alleged.

4) Initial Home Visit—Blueprint

It is important for the officer to verify the home and determine its occupants and the proximity of the home to schools, daycares, or families with children. It is necessary for the officer to verify that the offender is in compliance with city ordinance and state laws.

Drawing a sketch/blueprint of the residence and property can prove very helpful in the preparation of an approved search.

Also, the officer should conduct a plain-view observation and pay special attention to unauthorized electronic media, children's toys and clothes, gaming systems, pornography, and inappropriate clothing.

5) Identify third-party risks

Determining whether a "reasonably foreseeable" risk or a third-party risk exists depends upon a selective, case by-case evaluation. Among other factors, the officer should base the evaluation upon the offender's offense, prior criminal background, and conduct. The officer should pay special attention to employment or other circumstances that present the offender with an opportunity or temptation to engage in criminal or antisocial behavior related to the offender's criminal background and risk. Sex offenders may require an officer to make additional assessments regarding the potential danger to the community. Canvassing an entire neighborhood in notifying community members of a sex offender's presence is not recommended; rather, the officer should do diligent investigative work in determining specific risks.

6) *Verify employment—third-party risk*

This population of offenders may present a different set of risks to potential employers than other offenders. Potential risk factors include but are not limited to computer use, Internet access, access to minors, residential service or repair, working with minors, and the work site's proximity to such facilities as schools, daycare centers, or playgrounds.

7) *Verify sex offender registration*

Officers *must* follow up with their local sex offender registration management office to ensure compliance with local, state, and federal registration laws.

8) *Refer for Evaluation*

Determining therapeutic needs and risks through the use of a sex offender specific evaluation is considered a best practice. Understandably, some districts may not have this resource available, but every effort to gain an evaluation is paramount in determining the level of care your offender will require. The evaluation will also determine the current amenability for treatment and provide specific recommendations for treatment and treatment intensity.

9) *Refer for Treatment*

Conducting intensive supervision within a treatment-oriented or rehabilitation-focused framework—with a key goal to ensure that offenders develop the necessary skills and competencies to become prosocial and successful individuals—reduces recidivism rates considerably. Preliminary evidence indicates that this same holds true for sex offenders. Lower recidivism rates have been found among sex offenders when supervision is paired with specialized treatment, in contrast to using supervision alone. (See also: Center for Sex Offender Management, *Managing the Challenges of Sex Offender Re-entry*, U.S. Department of Justice, Office of Justice Programs, February 2007.)

10) *Schedule Polygraph—Historical*

Polygraphs are a critical tool in the treatment of these offenders. A historical polygraph (as opposed to a maintenance polygraph, which will need to be done thereafter) provides a foundation for subsequent polygraphs and provides detailed information that can be used in the treatment of the offender. This information helps assess risks and targets treatment interventions.

11) *Offender/Community Observation*

Observing the area in which the offender resides gives the officer a better understanding of potential third-party risks. Information could reveal that the offender lives near a vulnerable party or children. Also, such observation could reveal that the offender lives near a restricted area such as a daycare or a school.

Monitoring the offender's patterns of behavior can also help assess if there is an increased risk to the community and whether the offender is being truthful with reported activities.

12) *Collateral Contacts*

Sex offenders are often unreliable in reporting problem behaviors; therefore, developing multiple collateral contacts is essential. In addition, collateral contacts from different sources help ensure community-based supervision.

13) *Collaboration with law enforcement*

Creating and maintaining communication with local law enforcement can prove beneficial in community-based supervision of sex offenders. Outside of the VCCA notice, detailed

information given to law enforcement about specific cases can be a good way of creating a collaborative effort in protecting the community.

14) Look for social networking sites by asking for e-mail addresses

Social networking sites attract millions of users, many of whom integrate these sites into their daily practices. Determining if an offender possesses a social site can prove helpful, as much information can be gleaned from this source. At times it can be difficult to find offenders on these sites; thus, we recommend asking for the offender’s e-mail addresses, as this can save a great deal of time in locating a social site. A checklist of post-conviction activities for officers supervising sex offenders appears at the end of this article in [Appendix B](#).

Appendix B.	
<i>Post-Conviction Initial Checklist</i>	
	1) Prerelease Planning
	2) Meet with Offender within 72 hours of release
	3) Acknowledgment of Duty to Register as a Sex Offender
	4) Initial Home Visit
	5) Identify Third-Party Risks
	6) Verify Employment—Third-Party Risk
	7) Verify Compliance with Sex Offender Registration Requirements
	8) Refer for Evaluation
	9) Refer for Treatment
	10) Schedule a Polygraph
	11) Offender/Community Observation
	12) Collateral Contacts
	13) Collaborate with Law Enforcement
	14) Look for Social Networking Sites

Assess and reassess

To paraphrase Heraclitus, an ancient Greek philosopher, “No person ever steps into the same river twice, for it’s not the same river and they are not the same person.” This philosophy can be applied to the supervision of defendants charged with a sex offense and sex offenders. Risks the defendant and/or offender present are always changing and officers performing supervision of these populations need to be prepared to develop a supervision strategy that is dynamic and reflects the risks posed.

The Containment Approach to Managing Defendants Charged with Sex Offenses

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[The Containment Approach and Defendants](#)

THE CONTAINMENT APPROACH, developed by Kim English, is an accepted, effective way to manage sexual offenders, based on empirical data and theoretical concepts consistent with the best available information from the field of community corrections. But will the approach work with pretrial defendants who have been charged with a sex offense?

It is important first to understand this approach and its application to offenders. The containment approach is a method of case management and treatment that emphasizes victim protection and public safety and implements strategies that depend on agency coordination and multi-disciplinary partnerships to hold sex offenders accountable. It is most effectively implemented through interagency and interdisciplinary teamwork. (*See also: (1) English, Kim, The Containment Approach: An Aggressive Strategy for the Community Management of Adult Sex Offenders, Psychology, Public Policy and Law, 1998, 4(1 & 2), 218–235.*)

The underlying principles of the Containment Approach include:

- Each sexual crime has significant potential for immediate and chronic harm to direct victims, their families, and communities.
- The great majority of sexual crimes are planned acts, committed within the context of an identifiable pattern integral to the offender's life.
- Working together, criminal justice and forensic mental health professionals can effectively identify, monitor, interrupt, and modify this pattern in many cases.
- Official response to sex crimes can assist or impede victim recovery in many cases.
- A victim-oriented philosophy for managing offenders consistently asks, "What is best for the victim?"
- Sensitive laws and practices can provide adequate safeguards without re-victimizing family members.

Collaboration takes the form of intra-agency, interagency, and interdisciplinary teams made up of professionals who specialize in sex offender cases. The containment approach begins with the

cooperation of supervision agencies, offense-specific treatment providers, and polygraph examiners. Information must be shared and communicated freely among supervision officers, treatment providers, and polygraph examiners to prevent sex offenders from maintaining secrecy and deception or playing members of the team against one another to the sex offender's advantage. Teamwork tends to overcome the fragmentation that is often generated by the multi-disciplinary, layered nature of the criminal justice system. As teamwork improves, offender management gaps will also begin to disappear.

Officers play a key communication role in the containment approach and act as a conduit of information among all players in this team approach. The goal of sex offense-specific treatment is to assist offenders in developing internal controls that will help these individuals control their deviant behavior and adjust to supervision, ultimately increasing public safety. Both the offender and the therapist should share progress with developing these internal controls with the officer. It is the responsibility of the officer to coordinate this communication with the therapist and include the offender in this process. The offender must be aware that the therapist and officer maintain regular communication throughout the course of treatment. This conveys to the offender that there is no secrecy around his or her sexual deviance or other criminal behavior.

Polygraph examinations are an effective treatment tool that should be used regularly to provide the sexual offender with an incentive to remain truthful with the treatment provider and the officer. The sex offender should be aware that communication among the officer, treatment provider, and polygraph examiner is standard practice and occurs frequently. This collaboration should be managed by the officer, with both the officer and treatment provider having input into the relevant questions asked by the polygraph examiner.

Again, interagency collaboration is a vital aspect of sex offender management. By successfully combining effort and resources, independent agencies can function as one entity to develop a unified approach to sex offender management within the community. This collaboration may include separate agencies, such as local, state, and federal law enforcement; area sex offense task forces; supervision teams of probation and pretrial services officers; reunification of social services agencies; and treatment providers. Just as important as establishing collaborative teams is maintaining any collaborative efforts. Regular meetings among all stakeholders regarding the success of the program should be held and updates regarding the success of the program should be provided to agency heads. Shared information is the key to effective supervision and public safety.

When developing any collaborative approach that includes any outside agency or provider having specific responsibilities or expectations, the probation or pretrial services office will likely find a memorandum of understanding (MOU) useful. This MOU should clearly outline the expectations and responsibilities of each member of the group and any issues that may arise about information sharing, especially in the case of pretrial defendants and confidentiality issues.

A form of interagency collaboration that is highly recommended is officer participation in area and regional task forces. Not only do these task forces provide vital information and resources for officers, but participation also may help foster networking and develop longstanding working relationships. Participation in a regional task force may make it possible to share resources, specifically computer forensic services, which may help reduce operational costs. Many regional task force organizations provide a multitude of training opportunities; these may be available to probation and pretrial services officers through the district's membership in the group.

Interdisciplinary collaboration may include combining the resources of reunification agencies, which may include child protective services, community corrections, and educators. Intra-agency collaboration includes the combined efforts of the district's chief, deputy chief, supervising officers, information technology staff, mental health specialist, location monitoring specialist, cyber-crime specialist, search team coordinator, and line officers to develop supervision strategies to address the needs of defendants or offenders.

It is also important to illustrate the collaborative effort that officers, specialists, and supervisors

must implement for this approach to be successful. The supervisor's involvement with the officer should begin with the initial case assignment and continue throughout supervision, including staffing and case planning various issues as needed. The supervisor should ensure that the officer is addressing all case-specific issues, including:

- Assessing whether registration or notification requirements apply;
- Assessing third-party risk, foreseeable risk, and notification issues;
- Developing supervision strategies to meet identified objectives;
- Reviewing psychosexual evaluations, monthly treatment reports, and any other pertinent information to determine any change in risk and need.

Supervisors should encourage issue-driven staffings on such pertinent matters as:

- Discussing the results of polygraphs,
- Determining imposition of special conditions at the time of sentencing,
- Assessing the need for a sex offense-specific evaluation at the time of the presentence report, and
- Assessing the need for searches.

They should ensure that officers who supervise sex offenders consistently uphold the orders of the court and effectively protect the community.

The sex offender specialist should demonstrate the traits, characteristics, and skills required of an officer as well as the specialized knowledge required of a specialist. The specialist should be an authority on all aspects of supervising sex offenders. The officer who serves as a sex offender specialist should use his or her special training, knowledge, and skills—along with the multidimensional skills expected of all officers—to assess and deliver the appropriate level and type of supervision required in each case. The sex offender specialist should support the district by serving as a consultant to other officers by:

- Being proficient in legal issues and case law relating to the sex offender population;
- Formulating and updating local policies and procedures;
- Partnering with officers in the case assessment and planning process;
- Staffing responses to noncompliance with officers and supervisors;
- Developing and assessing the quality of community resources and treatment providers; and
- Serving as a liaison to other staff members of the court family and outside agencies.

The supervision of sexual offenders is more demanding, emotionally taxing, and intense than the supervision of most other defendant and offender populations. Sex offenders pose distinct and inherent risks to the public, due to the harm they may potentially cause the most unsuspecting of victims. The risk factors they present often necessitate intense, enhanced, and non-traditional supervision strategies to ensure community protection. Such strategies include:

- Enhanced and high frequency fieldwork—including home inspections, employment, and community contacts—conducted during both traditional and non-traditional hours;
- Regular, consistent staffings with the sex offender treatment provider and polygraph examiner;
- Establishment of a network of collateral contacts (i.e., family members, state probation/parole officers, and local law enforcement) who are contacted routinely during supervision;

- Monitoring of the defendant or offender's employment; and
- Use of location monitoring, when appropriate.

[back to top](#)

The Containment Approach and Defendants

So is this approach appropriate for officers to use with pretrial defendants who have been charged with a sex offense-related crime? It is imperative that officers supervising defendants charged with a sex offense address and monitor closely throughout supervision any factor that would present the defendant with an opportunity or temptation to engage in criminal or antisocial behavior that could harm another individual. In making this assessment, officers should look at two areas: stable dynamic risk factors and acute dynamic risk factors. The stable dynamic risk factors are variables that may be slow to change. Stable dynamic risk factors most significantly related to sexual recidivism are:

- deviant sexual arousal
- pro-rape or pro-child-molester attitudes
- emotional loneliness
- lifestyle impulsivity
- antisocial attitudes and activities
- intimacy deficits and conflicts in intimate relationship
- ineffective problem solving.

In contrast, acute dynamic risk factors may change rapidly, within days or even hours, and may signal the need for immediate intervention. Officers should assess acute dynamic risk factors during every interaction with the defendant. Factors include:

- alleged victim access
- substance abuse
- emotional collapse
- sexual preoccupations
- acute mental illness
- collapsed social supports
- lack of cooperation with supervision.

Comparing the Containment Model with the goals of pretrial supervision should make it clear that the model has application for defendants as well. The three prongs of the model are case management, mental health treatment, and the polygraph. Starting with the polygraph, to assess a specific condition of release through the use of the polygraph in limited scope may be appropriate, if ordered under 18:3142(c)(B)(xiv)—“satisfy any other condition that is reasonably necessary to assure the appearance of the person as required and to assure the safety of any other person and the community.” While use of the polygraph in pretrial status is distinct from its traditional use in a treatment capacity, it is clearly an effective tool that will assist in determining compliance with release conditions and support the pretrial mission of community safety.

That leaves two additional prongs: case management and mental health treatment. The approach to supervising defendants or offenders charged with a sex offense, when they present similar risks, should not be vastly different. Officers supervising defendants charged with a sex offense

should still adhere to a blend of good, sound, traditional and non-traditional supervision techniques. Officers should employ intensive and non-traditional supervision strategies aimed at reducing risk. Examples include increased field and community contacts, unannounced home inspections, non-traditional work/field hours, collateral contacts, and community observation. Additionally, when conditions permit, using state-of-the-art technology can provide officers with a wealth of information. Computer monitoring and forensics not only will allow officers to confirm that defendants are committing new criminal offenses, but will allow officers to gain insight into the defendant's thought patterns, possibly shedding light on any changing acute dynamic risk factors. Location monitoring, and specifically Global Positioning Satellite Systems (GPS), allows officers to monitor defendants' movements within the community, identify risky behavior, and intervene appropriately should a defendant enter an area of increased risk, such as a school, playground, or victim's neighborhood. Location monitoring also provides the supervision officer with controlling strategies that assist in structuring a defendant's daily schedule.

Finally, how can a defendant undergo mental health treatment and specifically address the dangers associated with child sexual exploitation without forgoing his or her constitutional rights? Recently, the treatment services branch introduced Specialized Treatment for Defendants charged with Sex Offenses. Officers can now use this specialized treatment model to provide defendants with crisis intervention, support, healthy coping skills, cognitive behavioral therapy, and keys to a successful incarceration. This specially designed program for pretrial defendants provides assessments and group counseling designed to help defendants handle the impact of arrest and preparation for incarceration. This is not sex offender treatment. The program is extremely helpful in identifying defendants with suicidal ideation and deviant thoughts, which allows an officer to remain proactive in his or her supervision approach. The program model provides officers with additional information and intelligence that may impact their supervision strategies. (*See also: New Defendants, New Responsibilities: Preventing Suicide Among Alleged Sex Offenders in the Federal Pretrial System: James M. Byrne; Arthur J. Lurigio; Roger Pimentel Federal Probation Volume: 73 Issue: 2 Dated: September 2009, pp. 40 to 44.*)

The effective management and supervision of the sexual offender will always challenge the field of community corrections. As we have learned over time and illustrated by many tragic cases that are often highlighted in the media, even the best practices cannot prevent all victimization. However, as professionals working in the field on a day-to-day basis, we must strive to implement effective supervision strategies with this population that minimize the potential risk to the community and unsuspecting victims. While a defendant charged with a sexual offense during the pretrial stage is entitled to certain rights against self-incrimination and overbearing restrictions, he or she is not immune to collaborative supervision models and intensive strategies that are risk based and safety driven. The collaborative team approach, specialized mental health counseling, intensive supervision strategies, and use of technology are principles and strategies that can be applied effectively to the alleged sexual offender. For decades, the Containment Model has provided a framework of sound sex offender management principles for the post-conviction world. The evolution of this model for the pretrial sexual offender is not only logical, but necessary to ensure community safety.

[back to top](#)

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Supervision of Sex Offenders: A Multi-Faceted and Collaborative Approach

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[The Hub](#)

[Role of the Court](#)

[Role of the Administrative Office](#)

[Role of the Chief United States Probation Officer](#)

[The Spokes in the Wheel](#)

[Role of the Presentence Officer](#)

[Role of the United States Probation Office](#)

[Role of the Supervising United States Probation Officer](#)

[Role of Collateral Contacts](#)

[Role of the Treatment Provider and Polygrapher](#)

[Role of the Search Team](#)

[Role of the Computer Forensic Team](#)

[Role of Local and Federal Law Enforcement](#)

[Closing](#)

CURRENTLY, THE SEX OFFENDER supervision program in the Middle District of Florida (MDFL) consists of a multi-faceted program that balances reentry, treatment, and community protection. A review of the United States Sentencing Commission's statistics reveals that the MDFL has consistently exceeded the national average in the sentencing of sexual offenders, particularly in the category of child pornography and prostitution offenses (USSC, Statistical Information Packet, FYs 2003 to 2009).

In view of the fact that the MDFL sex offender population was convicted primarily of non-contact offenses (such as possession/distribution of child pornography), consider this: Offenders who committed non-contact sexual offenses were more likely to recidivate than those whose offenses involved sexual contact with a victim (Hanson and Morton-Bourgon, 2004). No longer can possessors of child pornography be viewed as significantly less serious than so-called travelers or perpetrators with contact victims. In fact, the data appear to reflect that the non-contact offender is more likely to recidivate. Because of the heightened vulnerability of these offenders' victims, risk reduction is the overarching theme of our program.

Any strong wheel has a hub with many overlapping spokes that provide strength. We consider the court, the Administrative Office, and the chief United States probation officer as the hub of

this wheel, and the essential supervision strategies are the overlapping spokes within that wheel. In our view, this is the model of a successful, multi-faceted approach to supervising sex offenders. This article will outline our multi-faceted and collaborative approach in the MDL. At the conclusion, we will recount our application of this approach to a [case-in-point](#) we will refer to as JM.

[back to top](#)

The Hub

Role of the Court

The district court, through sentencing and timely supervision response, is the foundation of a successful supervision program. To have a successful sex offender supervision policy, the U.S. probation office requires adequate support from the district court. Florida is heavily populated and consists of several major theme parks, attractions, and beaches. Many of these attractions cater to families and are located in the MDL. Florida news media is replete with incidents involving children who have either been sexually molested, abducted, or killed. As a result, in the past 20 years, state legislation has progressively enacted more stringent laws to help reduce risks to the community from sex offenders.

Our court supports a comprehensive district policy, which was developed and is maintained through a committee process that brings together officers from around the district and in different disciplines. This policy is continuously reviewed and its guidance is responsive to changes in law, outcome-based research, and lessons learned through supervision experience. The policy provides comprehensive direction in areas such as state registration requirements; notification and third-party risk; preparing the presentence report; supervision contact standards; sex offender treatment and polygraph examinations; assessing and responding to missing children and Amber alerts; alternative plans for potential disasters (hurricanes, tornadoes, etc.); and Halloween, which is a major calendar event that attracts children. Our court also supports us through the imposition of certain special conditions. Tailored special conditions provide our office with the added tools necessary to better monitor and control the risks associated with sexual offenders on federal supervision. These include: sex offender treatment and polygraph examinations; state registration requirements; no direct contact with minors (under the age of 18) without approval from the probation officer; not entering any area where children frequently congregate, including schools, daycare centers, theme parks, playgrounds, etc.; not possessing, subscribing to, or viewing any video, magazines, or literature depicting children in the nude or sexually explicit positions; not possessing or using a computer with access to any on-line service at any location (including employment) without approval from the probation officer; and submitting to a search of person, residence, place of business, storage units, computer, or vehicle by probation office at a reasonable time and in a reasonable manner, based upon reasonable suspicion.

The search condition is probably the most important tool the probation office has available, but it must be used judiciously. This tool has been very effective in supervising sex offenders, because we have taken a systematic and methodical approach. Although offenders on federal supervision have a reduced expectation of privacy, they do not relinquish their fourth amendment right altogether. While probable cause is not required, reasonable suspicion must still be present before conducting a search (*U.S. v. Carter*, 566 F.3d 970, 11th Cir. 2009). Reasonable suspicion is achieved when we reasonably believe, based upon available information, that a crime has been committed or is about to be committed. After an evaluation of the history of the case, the circumstances of the crime for which the offender is on supervision, and the conduct since the term of supervision commenced, reasonable suspicion is based upon current information (MDL Manual, Chap. 15, April 2009). Assessing each case separately, rather than using a blanket approach, ensures that, despite an offender having a lower expectation of privacy, his or her individual rights are still not being infringed upon. This also has increased the likelihood of finding evidence of criminal conduct after having obtained a sufficient level of

reasonable suspicion, which then strengthens our court's support and collaboration in our approach to sex offender supervision.

[back to top](#)

Role of the Administrative Office

Without budget support, a truly multi-faceted approach to supervising sex offenders is not possible. Besides policy guidance, the Administrative Office provides budget support and allocation as essential elements.

During the past several years, the Office of Finance and Budget, working with the Office of Information Technology, proactively created a budget allocation for law enforcement-type needs. This was in response to a recommendation from the Information Technology Advisory Council (ITAC). Terry A. Cain, chief of the Information Technology Policy Staff and Jim Baugher, chief of the Budget Division, were largely responsible for the implementation of the Counsel's recommendation.

As a result, every district in the nation, by formula, receives law enforcement-type funds, which can be applied to a wide variety of needs, including training and equipment for search and seizure and computer forensics. This coupled with the already existing treatment allocation can provide a much-needed, balanced approach to supervising sex offenders.

[back to top](#)

Role of the Chief United States Probation Officer

The last essential core player in a district is the chief United States probation officer. As with the court and the Administrative Office, without chief probation officer support and approval, a multi-faceted approach cannot succeed. The chief probation officer is responsible for a national effort to promote and gain support for the needs within the district.

Within their respective districts, chief probation officers are responsible for securing policy approval from the court, usually the chief judge. Finally, and equally important, the chief probation officer is responsible for allocating those law enforcement funds provided by the Administrative Office. A chief probation officer who supports policy development, seeks policy approval, and funds these policies through training and product purchasing, moves the district toward a successful multifaceted approach to managing sex offenders.

In the MDFL, the chief probation officer or designee is responsible for approving the execution of searches of offenders. In assessing reasonable suspicion, the chief probation officer discusses the case with the officer, the supervisor, and oftentimes a member of the computer forensic group. These discussions of the relevant factors are followed by a formal written request to the chief probation officer for approval to conduct the search. In addition to providing relevant details of the case, including the offender's history, the instant offense, and his or her conduct while on supervision, there are two important questions to answer: Why might the search be productive, and are there any alternatives to conducting a search that will dispel our concerns?

[back to top](#)

The Spokes in the Wheel

Role of the Presentence Officer

Very early in the process, the presentence officer lays a foundation for the eventual supervision of a sex offender. Grounded in the Monograph 107, *Presentence Investigation Report*, the presentence officer must consider many aspects when preparing the presentence investigation (Guide to Judiciary Policy, Vol. 8, Part D). The presentence report must not only be useful to

the sentencing court and the Bureau of Prisons (BOP), but also to the future supervision officer.

A detailed presentence investigation not only gives the sentencing court the needed facts to properly apply the sentencing guidelines and impose the appropriate sentence, but also provides others with vital facts. In a possession of child pornography case, knowing an offender's age of attraction can be essential for the treatment provider. Compiling the offender's criminal history is not only important in calculating the offender's guideline range, but is essential in evaluating the offender's danger to the community. During the eventual supervision of the offender, the supervision officer will benefit from knowing the offender's criminal history when assessing risk or planning a search. Additionally, the offender's personal and family history is valuable to all those involved in the supervision process. The presentence officer cannot predict what information will be vital during the assessment of reasonable suspicion as to whether a search condition will be executed.

Tailored special conditions, formulated from the facts of the case and the offender characteristics, are also an important part of this process. Without them, effective supervision is impossible.

[back to top](#)

Role of the United States Probation Office

In the majority of cases, senior United States probation officers (Sr. USPO) supervise the sex offenders and other high-risk cases in the MDL. In the last several years, our training and experience has increased our consciousness of the steps needed to treat the offender and control risk. Not only does supervising a sex offender initially require more work than supervising other offenders, but the level of intense supervision continues throughout the sex offender's period of supervision. Consequently, a Sr. USPO's caseload is significantly reduced to maintain that higher level of supervision and accountability.

Upon release from the BOP, sex offenders are required to register in Florida within a 48-hour period. Florida law also requires registered sex offenders to have a special identifier on their driver's license. In order to help facilitate the re-entry of sex offenders, the Second Chance Act of 2007 makes funding available to assist in registration fees and in housing upon leaving prison and to obtain identification documents. The Sr. USPO must also enroll the sex offender into a sex offender-based treatment program, requiring a psychosexual evaluation, and promptly schedule a polygraph examination that outlines the offender's sexual history and conduct. This is important, since the instant offense may not fully represent the offender's sexual history. The Sr. USPO is also required to conduct a thorough inspection of the home and property; address any third-party risk issues, and develop with the sex offender an appropriate disaster plan. Initially, and throughout supervision, all of these activities require additional follow-up and verification in order to ensure compliance.

In order to help control risk, the MDL incorporates the assistance of other probation officers within a division. These officers are introduced to the sex offenders who reside in their geographical area of supervision and are utilized sporadically during the course of a sex offender's supervision. Sr. USPOs supervise multiple counties or a much larger supervision area than an officer with a generalized caseload. The Sr. USPO conducts home inspections with the officer to familiarize him or her with the residence. This benefits both the probation office and community for several reasons. If issues develop in a case, one of these officers may simply drive by the residence or conduct surveillance and report the information back to the specialist. Additionally, when faced with events that pose a special risk, such as Halloween, or when responding to Amber alerts, the Sr. USPO must often contact several sex offender residences and cannot accomplish this in a short period of time. Because probation officers within the division are already familiar with these cases, they can help respond to these events quickly and effectively. Although the Sr. USPO is the primary case officer, involving other officers increases the overall effectiveness of controlling risk.

Role of the Supervising United States Probation Officer

Due to the complexity, increased demands, and constant public safety issues that surround the supervision of sex offenders, supervisors in the MDL assume more involvement and responsibility. This added involvement ensures that supervisors are supportive and understand the many activities and requirements of supervising several sex offenders, which can be stressful. Most supervisors in our district already have a working knowledge of supervising sex offenders, since many have previously supervised these cases as Sr. USPOs. If not, they have the added responsibility of developing that working knowledge and expertise. This is accomplished by learning more thoroughly the applicable case law, policies, and treatment methods.

The supervisor's involvement begins with the initial case planning and continues throughout supervision. Depending on the nature of the case, various issues are commonly discussed, which include: assessment of registration requirements; assessment of third-party risk and notification requirements; development of supervision objectives and strategies; fostering relationships with law enforcement and other community resources; and review of treatment reports and polygraph examinations. Supervisors are also readily available to discuss any pertinent matters that may arise. This involvement and familiarization enable supervisors to perform field visits and other necessary supervision activities if the case officer is absent.

[back to top](#)

Role of Collateral Contacts

In a multi-faceted approach, it is imperative that the case officer develop a network of contacts. Establishing a collateral network of individuals who interact with the sex offender gives a more defined notion that "community supervision" is taking place. Some important partners are family members, friends, neighbors, employers, clergy, and even law enforcement, who may have frequent contact with the sex offender (Guide to Judiciary Policy, Vol. 8, Part E, Chap. 4, Sec. 430.20). From our experience, an involved USPO is a source of comfort for anxious neighbors residing near sex offenders. Case officers should independently assess an offender's circumstances through field and collateral contacts at a level appropriate to the issues in the individual case (Guide to Judiciary Policy, Vol. 8, Part E, Chap. 1, Sec. 170(e)).

[back to top](#)

Role of the Treatment Provider and Polygrapher

Treatment vendors who provide sex offender-based counseling are crucial in managing sex offenders in the MDL. They are expected to work closely with the probation officer and be an instrumental part of that officer's collateral network. To ensure that treatment begins positively, the case officer will help set the tone by attending the first treatment session with the sex offender. This demonstrates to the offender that the officer and treatment provider share a willingness to cooperate, communicate, and share information with the sex offender's best interest in mind. Various issues are often discussed, such as the sex offender's own deviant sexual thoughts and behaviors; risk factors or issues of noncompliance; family issues, such as reunification; goals and objectives; and empathizing with victims. Because treatment vendors are such an integral part of supervision, frequent contact is essential.

The polygraph examination is an important part of the treatment process; it is a tool to help ensure that the sex offender is maintaining compliance with both treatment and conditions of supervision. Generally, we use two types of examination. The initial examination, done within the first two months of supervision, covers sexual conduct throughout a lifetime. Used to identify risks and plan supervision needs, its primary purpose is to gain an accurate picture of the sex offender. This examination often reveals additional acts of victimization not previously

identified.

Additional polygraph examinations take place approximately every six months and are used for monitoring and treatment. The focus is specific to the highest risk issues for that offender and may change with the current circumstances.

Communication with both the treatment vendor and polygrapher prior to the examination is important to discuss any treatment issues, noncompliant behavior, and any other concerns. This communication will aid in the development of effective questioning during the examination, thereby increasing the usefulness of this tool.

[back to top](#)

Role of the Search Team

By virtue of their illicit conduct, sex offenders thrive on secrecy. A search condition can help ensure that a sex offender's behavior is within the acceptable limits of conduct. If the office determines that there is reasonable suspicion to conduct a search, then preparation and planning of the search begins. The search team consists of a pool of probation officers throughout the district who have met certain criteria. The MDFL has developed a training curriculum that entails a comprehensive review of policy and legal aspects in conducting a search, and a mock search to plan, execute, and conduct a search. Participants receive feedback from more experienced staff, and if selected to be part of a search team later, they are often grouped with more experienced officers. In order to ensure safety, officers must be qualified to carry a firearm and oleoresin capsicum spray (MDFL Manual, Chap. 15, Section 1508, April 2009).

A search team is assembled by the deputy chief probation officer. The search team consists of: the case officer and supervisor, since they are the most knowledgeable about the case; officers who will conduct the searching of the residence; officers who will forensically review any electronic evidence; an officer to conduct inventory of evidence; and a search coordinator, who is ultimately in charge of executing the search. The search team then undergoes a comprehensive presearch briefing in which all roles are identified, along with the details of the case and how the search will be executed. After executing the search, the team reassembles for a debriefing, which provides valuable feedback on the execution of our searches and ultimately strengthens our processes.

[back to top](#)

Role of the Computer Forensic Team

In the mid to late 1990s, United States Probation Officer Dan Weiser founded the computer forensic program in the MDFL. The program eventually grew to its current size of 12 members, which allows the group to support our geographically large district. The program grew not only out of need but also as the result of its successes.

Initially, the MDFL attempted to partner with existing computer forensics programs established at other law enforcement agencies. This proved to be largely unsuccessful, as those agencies had and have large backlogs of their own computer forensics investigations. The MDFL did not have the luxury to wait several months to determine if a sex offender had violated the terms of supervision. Also, those agencies were solely geared toward investigating new crimes, and not whether an offender had committed a technical violation by inappropriately using the Internet.

Thus, out of necessity, the MDFL developed a least intrusive but technically feasible approach to its computer forensics program. To accomplish this, the MDFL developed a model not only for the laboratory, but also for the field, such as an offender's residence or employment. Our field model allows us to meet the least intrusive prong of our policy. Often we can forensically preview computers and storage media at an offender's residence and determine that they have no evidentiary value. This allows the offender, or maybe more importantly his family, to

continue on with their approved activities, and lessens the load of evidentiary items we are seizing for more in-depth examination at our office. Other times in the field, we can discover evidence of a new law violation and immediately assess a plan of action, including removing the offender from the community. We use the same comprehensive tools in the field as in our laboratories. As a result, we are limited only by time as to the amount and type of data we can review in the field. Without our comprehensive field model, a decision to remove an offender from the community could come too late.

From late 2007 to early 2009, the MDFL conducted at least six residential searches of sexual offenders, which included examination of their computers and associated electronic media. All but one of these computer forensic examinations resulted in the discovery of evidence of a violation of supervised release. In four of the cases, the computer forensic group discovered evidence of new law violations, including possession, receipt, and production of child pornography. The resulting sentences imposed for the new law violations totaled over 84 years of imprisonment and the removal of dangerous offenders from society.

When the computer forensics team is not participating in an offender search or examining computers and related media, the team is attending training and honing their skills. Not only does the training help the computer forensics examiner gain expertise with specific tools and concepts, it also helps to build the examiner's *curriculum vitae*, and thus courtroom credibility.

Training is also essential due to the constant developments and changes in technology. Volunteers for our computer forensics program commit to a career-long program of annual training and continued development. As a result, the team is ready to serve the district and enforce the conditions of the court.

[back to top](#)

Role of Local and Federal Law Enforcement

In response to the increased public scrutiny and registration laws in Florida, many law enforcement agencies have developed sex offender units with designated personnel to process sex offenders for registration. These sex offender units conduct visits to all registered sex offenders in their jurisdiction, whether or not they are on some form of community supervision. This enables law enforcement to be proactive in monitoring and tracking offenders and enforcing Florida law related to sexual offenders.

Officers who supervise sex offenders in the MDFL have developed good working relationships with many of these units. Because these agencies share the goal of reducing risk and protecting the community, there is frequent contact among our agencies. These agencies have been on stand-by when our office conducted searches (as a safety precaution for probation officers conducting the search), provided intelligence concerning the offender or family members, and assisted investigations of violations.

The United States Attorney's Office and various federal law enforcement agencies have also been vital collaborative partners. Once our office has discovered new law violations, federal agencies have adopted our cases and assisted in the investigations in areas such as subpoena compliance and presenting the case to the U.S. Attorney's Office for prosecution.

[back to top](#)

Closing

As we have shown, all these groups represent the hub and spokes of our sex offender supervision wheel. Without this multi-faceted and collaborative structure, our supervision of sex offenders would enjoy less success. On the following pages is a [case-in-point](#) that shows in detail how we apply our approach to supervising sex offenders.

[References](#)

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The Challenges of GPS and Sex Offender Management

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[Top Challenges of GPS and Sex Offender Management](#)

[GPS Abilities & Misconceptions](#)

[False Sense of Security](#)

[Lifetime GPS Monitoring for Sex Offenders](#)

[Residency Restrictions for Sex Offenders](#)

[Increased Officer Workload and Costs](#)

[Legal Issues](#)

[Conclusion](#)

DUE TO THE NATURE of sex crimes and their impact, no other criminal population generates as much public trepidation as sex offenders. The extensive media coverage of sex crimes is highly influential in public perception and legislative response. The media's interest regarding sex offenders may instill fears about public safety and the potential for victimization. This "media hype" may also perpetuate misinformation about these offenses, who commits them, and who is most likely to be targeted (Proctor, Badzinski, & Johnson, 2002; Sample & Kadleck, 2008). This misinformation and the lack of details about sex offender management strategies can exacerbate the public's already legitimate concerns, leading to stricter measures for safeguarding people and their communities.

On average, on any given day, 200,000 sex offenders are under the control of correctional agencies in the United States, with 60 percent of these offenders supervised in the community (International Association of Chiefs of Police, "Strategically Monitoring Sex Offenders"). Constitutional safeguards do not allow continuous imprisonment after an individual has served their maximum sentence. Short of receiving a life sentence without the possibility of parole, those incarcerated by our judicial system will eventually re-enter society. Currently, global positioning system (GPS) technology is regularly used to monitor sex offenders in the community. This technology combines tracking, crime-mapping, and web-based data integration to provide information to the supervising officer about the location and movements of offenders.

There are two primary types of GPS technology commonly used to monitor sex offenders: *passive and active GPS monitoring*. Both technologies require offenders/defendants to wear a receiver/portable tracking device, usually around their ankle; they also require use of a cellular telephone and computer software to review GPS data. Signals from global positioning satellites create a map of offenders' movements. With *passive GPS monitoring*, the information is downloaded to a monitoring center and relayed to the supervising officer once or twice daily. This is commonly referred to as "after the fact reporting." In *active GPS monitoring*, the

information collected is transmitted every few minutes by cellular telephone to a monitoring center and any violations are immediately reported to the officer. This method is the closest to “real-time monitoring.”

It is important to understand the limitations and the melding of the two technologies of GPS (which identifies signals from satellites) and cellular technology (which transfers that data to the nearest cell phone tower). The weaknesses of these technologies are compounded by combining them. Non-violation innocuous alerts are common, which makes the technology very labor intensive and causes some critics to question the reliability of GPS as a tracking tool. It is also crucial to emphasize that these GPS devices only allow officials to track the offender’s whereabouts when everything works properly and when the offender/defendant cooperates.

GPS monitoring zones not only exclude geographic areas (exclusion or “hot zones”) for sex offenders such as schools, libraries, etc., but also define acceptable areas. Inclusion zones may be used to identify places where offenders/defendants are required to be (such as home, treatment sessions, or employment) and specific times for those locations. This flexibility allows agencies to develop appropriate supervision strategies based on the defendant/offender’s risk level and offense patterns, instead of requiring the same restrictions on all sex offenders. GPS systems serve a variety of other functions, including analyzing data location points to identify specific patterns of movement and frequently visited locations, which may warrant further investigation.

[back to top](#)

Top Challenges of GPS and Sex Offender Management

GPS Abilities & Misconceptions

With GPS emerging as a common tool to supervise sex offenders, agencies must be aware of the uses, capabilities, and limitations of this technology. GPS monitoring, which was once embraced as a highly effective technological solution for tracking sex offenders, is proving to be less than ideal as a categorical solution for some state and local agencies. System limitations that must be considered include certain geographical conditions (terrain, large or dense urban areas, vehicles, and weather), which may cause problems with the GPS receiver’s ability to record location information. While GPS is a valuable tool, it is not a panacea or a replacement for community supervision, which includes the officer’s personal contact with the offender, his employer, family members, residence, etc.

Many contend that GPS is more effective for acting on tips about potential crimes or investigating incidents that already have occurred. That is because monitoring reveals a location as a dot on a map but not what the offender is doing there.

[back to top](#)

False Sense of Security

GPS is yet another supervision tool that allows data on offenders to be collected from a distance (similar to surveillance, without having to be present). This information may include knowing whether an offender/defendant is at home or work, or pinpointing the exact location of an offender/defendant at a certain time. It is crucial to understand that if the officer has not assigned an exclusion zone to a particular victim, school, etc., then the officer *will not* be notified that the offender/defendant has entered such a zone. Different GPS devices have different functions and should be used with an understanding of the capabilities, purposes, and limitations of each device.

Due to a limited public understanding of what GPS monitoring can accomplish, there is significant potential for a false sense of security. Media misinformation and false information

received from a variety of other sources can lead the public to believe that GPS is a panacea for monitoring all sex offenders for life. This is simply not true. Further, there is an incorrect perception, among both the public and law enforcement, that “someone” is in a room with a life-size map and constantly watching the movements of all sex offenders. This is not the case. Each individual is monitored 24/7; however, the assigned officer is typically only notified if there is a possible violation. For example, the offender/defendant goes on a school campus that has been determined by the officer and designated as a “hot zone” or exclusionary zone. Normally, not all schools, libraries, and places where children might congregate are designated as exclusionary zones. The reason for this is that in most communities there are too many schools, libraries, etc. If every one was an exclusion zone, the offender/defendant would not be able to take public transportation down a major thoroughfare in most cities. This is why officers should limit their zones to areas that the offender/defendant frequents, or areas on the way to and from employment, etc.

Because GPS monitoring is a relatively new form of technology, the public may not realize that offenders/defendants can tamper with ankle devices or render them inoperable. This may be as simple as failing to charge the device. While the officer will eventually be notified that the equipment battery has died, at the point where the unit loses charge, the offender/defendant and his or her whereabouts are no longer known. The officer will only be able to determine the last viable point where the equipment was properly functioning. Another example is an offender/defendant who cuts the transmitter from his or her ankle. While the officer will be notified of this violation, the officer will only be able to determine where and when the bracelet was severed. He or she will not be able to determine where the defendant/offender went, or whether the defendant/offender has cut off the transmitter in a “dead zone” where there is no GPS (such as Metro).

Additionally, there may be a time lapse between an alert notification and agency response. In some areas, particularly if the cellular coverage is poor, the tracking will be limited. This in effect means that there may be gaps in time or periods throughout any given day where no tracking information is available.

GPS by itself is useful as an outdoor technology; while it frequently will track offenders into buildings, public transportation, etc., it is designed to work outside, and cannot offer information within a building, such as the particular floor a defendant/offender is visiting. The limited tracking information is likely to include when the offender/defendant entered the building and lost GPS, and when he or she exited the building and GPS was again re-acquired.

If everything is functioning properly with a GPS unit, it can provide tracking and information about an offender/defendant’s whereabouts. However, while it may tell us where the offender/defendant is located, it does not tell us what he or she is doing. Therefore, it is not going to stop a crime from happening or even tell us, without further follow-up, whether a crime is occurring. It is a tool that, combined with the proper restrictions/parameters placed on an individual, *may* help the officer to intervene in a potentially dangerous situation.

Effective sex offender management incorporates multiple tools with an overall strategy that includes community supervision, treatment providers, polygraphist, and law enforcement to work toward increased public safety.

[back to top](#)

Lifetime GPS Monitoring for Sex Offenders

To date, 22 states have passed legislation requiring the use of GPS technology to track sex offenders (International Association of Chiefs of Police, “Tracking Sex Offenders with Electronic Monitoring Technology” 2008). At least seven of those states have enacted laws requiring lifetime GPS monitoring for certain sex offenses. Some law-enforcement leaders who pushed for a ballot initiative requiring sex offenders to be tracked by GPS for life are now saying that the surveillance program voters endorsed is not feasible, and is unlikely to be fully

implemented for years.

Placing sex offenders on GPS for life has huge implications for law enforcement, as the law does not specify many basic details of implementation, including which sex offenders require supervision, who should monitor them, how to define the restrictions on living near places where children congregate, and how to pay for GPS tracking, which could ultimately cost hundreds of millions of dollars a year.

Another significant issue is the impracticality of tracking sex offenders who are no longer required to report to parole or probation officers, the lack of any penalty for those who refuse to cooperate with monitoring, and the question of whether such widespread tracking is effective in protecting the public. For example, if a sex offender travels from one city to another, or outside the state—as they are free to do once discharged from parole—it would be unrealistic for local authorities to continue to track them where they have no jurisdiction.

Overall, GPS is “just one tool in a very large tool bag” and does not enable law enforcement to exert complete control over sex offenders. GPS technology does not prevent sex offenders from committing crimes, but it does record their whereabouts, may alert officers to potential supervision violations, and may allow the officer an opportunity to intervene in certain situations.

[back to top](#)

Residency Restrictions for Sex Offenders

Residency restrictions seem to have unintended consequences that many now believe may make communities less safe rather than more safe, because a poor residential situation makes an offender more likely to re-offend (Florida Department of Corrections, n.d.; Willis & Grace, 2008). These restrictions make it more difficult to find housing for released defendants/offenders, resulting in increased risk factors for recidivism, such as homelessness, transience, and instability (Levenson & Hern, 2007).

Restrictions regarding acceptable housing for convicted sex offenders have grown increasingly stringent over the past two decades. These statewide mandates do not include the many local ordinance restrictions enacted in cities and counties. For example, in some states, real estate developers and private communities are mandating background checks that will automatically exclude convicted sex offenders from being able to buy or rent property in these residential areas, regardless of the proximity to schools, day care centers, or bus stops (Levenson & D’Amora, 2007).

Probation officers have been required to devote an increasing amount of work, time, and effort to looking for suitable places for sexual offenders to live. Especially in more densely packed low-income communities, the common 1,000- or 2,000-foot rule keeps many registered sex offenders from residing with immediate family, relatives, and loved ones, or from finding affordable housing of any kind. When these offenders lack a stable home environment, it is more difficult to monitor them, to ensure that they receive treatment, and to see that they comply with the conditions of their supervision. This makes the lives of these defendants/offenders less stable, which promotes homelessness, unemployment, and despair—all of which increase the likelihood of new sex crimes.

Public perception and the increase of restrictions have led to a serious decrease in available housing for a large percentage of the sexual offender population, and since these restrictions now exist in over half of the United States, the problem is more significant than ever (Bumby, 2008). For example, due to the high density of schools and parks in San Francisco, California, a sex offender subject to the 2000-foot restriction would be unable to find a suitable residence that complies with Jessica’s Law, which would make the entire city virtually off limits.

Critics contend that in many states, legal requirements are so strict that defendants/offenders

may not be able to find anywhere to live, which is extremely problematic and creates an enormous dilemma: whether it is better to have sex offenders identified and residing in populated neighborhoods or to have them homeless, where they are unaccountable and where supervision is virtually impossible.

[back to top](#)

Increased Officer Workload and Costs

With several states requiring lifetime GPS monitoring for certain convicted sex offenders, the numbers of individuals on community supervision will increase. The result is an increased workload for law enforcement and community supervision officers (International Association of Chiefs of Police, “Tracking Sex Offenders with Electronic Monitoring Technology” 2008). Agencies must be prepared for several labor-intensive tasks, which may include:

- Monitoring GPS equipment
- Responding to alerts
- Reviewing GPS data
- Fitting offenders with GPS units
- Teaching offenders how the equipment works (learning curve)
- Maintaining equipment, procurement, inventory, and product replacement.

Probation officers have experienced a major increase in the workload associated with the supervision of sexual offenders. In some cases, political agendas, media sensationalism, and public outcry have resulted in legislative unfunded mandates that possibly deter from the true goal of containment (A.L. Datz, “Sex Offender Residency and Other Sex Offender Management Strategies”). Unfortunately in many cases, input has not always been solicited from those who conduct supervision.

[back to top](#)

Legal Issues

GPS monitoring of sex offenders presents a wealth of potential legal issues, which may or may not have court precedent. Some of the issues that have been brought before the courts include:

- Cases involving a failure to respond to an alert that results in a new crime.
- Cases involving a new crime committed when the satellite and cellular signal is lost or during equipment malfunction.
- Questions about the admissibility of location data points and reports from GPS vendors.
- Privacy rights challenges.
- Potential issues of cruel and unusual punishment.
- Cases involving an officer with the ability to respond to a significant alert, but who chose not to (versus having limited access with non-GPS technology such as radio frequency).

GPS technology is still somewhat new, and jurisdictions may be challenged in court. There are several states with current GPS cases pending in federal court dealing with some of the above issues.

[back to top](#)

Conclusion

Our nation has continued to experience a considerable increase in sex offender legislation over the past decade. Unfortunately, in some cases decisions seem to have been made for political reasons or in response to tragic cases that have had a large impact on the victims and their communities. Campaigns claiming to be “tough on crime” can result in policies that have been developed haphazardly, rather than through careful consideration of the best way to protect communities and deter further crime. Policies can evolve due to heightened pressure by victims to initiate immediate change following tragedy. This unfortunately causes initiatives to be drawn up quickly, and may not allow for thorough proposals. As a result, in many cases money and time have been poured into policies and programs that do not make our communities safer, because they are politically or emotionally motivated, rather than motivated by evidence of effectiveness.

One of the most significant steps taken nationally is the development of laws and policies that take into account the varied levels of risk posed by different types of sex offenders. These evidence-based practices, particularly in terms of risk, consistently demonstrate the significant public safety value of implementing strategies that are driven by risk level (Andrews & Bonta, 2006). Risk-based sex offender management policies may include imposing longer sentences (including indeterminate sentencing) for sex offenders who pose the greatest risks and allowing for alternative sentencing options for lower-risk sex offenders; or reserving intensive supervision, lifetime supervision, and GPS tracking strategies for high-risk sex offenders (Andrews & Bonta, 2006). Through risk-based strategies that prioritize resources for higher-risk sex offenders, the desired impact of policies for reducing sexual victimization and increasing public safety are more likely to be achieved.

Policymakers have begun to explore and develop well-informed data-driven and evidence-based sex offender management policies. Ultimately, the goal of GPS as a tool should be to enhance supervision and form one part of an overall comprehensive strategy of community supervision. In order to effectively allocate resources, reduce future victimization, and increase community safety, GPS monitoring should be individually tailored to the risk level posed by the defendant/offender and primarily used for moderate- to high-risk defendant/offenders. In addition, officers must be given the proper resources to manage a reasonable caseload.

[back to top](#)

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Traumatized by Association: The Risk of Working Sex Crimes

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[The Who](#)

[The What](#)

[The Why](#)

[The How](#)

PROFESSIONALS WORKING WITH the victims or offenders of crimes that result in trauma have the potential to be deeply affected by the stories and the images they are exposed to during their work. Vicarious, or “secondary,” trauma occurs in someone who is not the primary person experiencing the trauma. A trauma is described as an experienced or witnessed event that involves actual or threatened death or serious injury. This event causes the person to respond with intense fear, helplessness, or horror. Vicarious trauma occurs when a secondary person is exposed to the original victim or offender, likely in the course of their profession. In this case the person now referred to as the “vicarious trauma victim” can experience symptoms and feelings of trauma just by being exposed to the victim’s pain or the offender’s history of offending. By familiarizing themselves with the situations that cause vicarious trauma and the symptoms that may occur, professionals regularly exposed to victims or offenders of crimes may prevent vicarious trauma development.

[back to top](#)

The Who

As we know, there are many people involved in the investigation, prosecution, and rehabilitation of crimes with vulnerable victims, specifically sexual offenses. There are first responders, such as police officers, fire fighters, and emergency medical personnel, who encounter the victim when the crime is still fresh. They are on the scene to comfort the child who is developing a swollen black eye or the woman who is unable to describe her attacker because she is ashamed and sobbing. Victim advocates and forensic nurses are called out of bed in the middle of the night to go over the crime in detail with the victim and witness the physical damage inflicted. Investigators and forensic technicians collect the hundreds of images of child pornography from suspects’ computers and book the evidence in necessary detail. Judges and attorneys who specialize in sexual assault cases also go over the narratives and images to make the best decision possible during the adjudication process. After the offender is convicted and “pays his debt to society,” he or she is released back into the community, where a supervision officer monitors the offender’s behavior. This officer often specializes in sex offender supervision and

is tasked with reading all of the accounts of the sex offense. Ideally, the offender is referred to sex offender specific treatment and a mental health professional spends one to four hours per week with the offender digging deeper into the sexual offense as well as past offenses and traumas. At a minimum, six people are professionally exposed to one sexual offender's crime. This example does not include dispatchers, polygraphers, halfway house managers, professional trainees, jury members, social workers, or support staff of the above listed players.

Professionals who work with sex offenders or victims begin their careers with their own sets of issues, personalities, and past experiences. As all humans do, they have their own baseline of emotional stability. Some may be able to handle stress abnormally well and others may "cry over spilled milk." If a person has been the primary victim of a trauma in his or her past, symptoms may resurface when faced with an offender or victim's traumatic situation. Often we do not recognize that we have experienced a trauma in our lives and it therefore goes unresolved. Similar situations or feelings of vulnerability may trigger traumatic symptoms; however, the past traumas do not have to be similar in nature to evoke similar emotions. For example, a man who experienced abuse as a child and then served in a combat zone in war can start experiencing traumatic symptoms by witnessing a car accident years later. If none of his previous traumas were resolved, they may have been bubbling below the surface, waiting for one more traumatic event to occur before the symptoms exploded. We know that with primary trauma, such as the above-mentioned Post Traumatic Stress Disorder (PTSD) example, multiple traumas can build up and surface at any time.

Resilience is an important factor in how a person will handle the exposure to a traumatic event. It is an innate buffer that allows people to compartmentalize work from the rest of life and, more specifically, the unpleasant situations of work from the rewarding experiences. People who are particularly resilient have the ability to emotionally detach for a short amount of time while they perform their job duties. However, at some point they need to cope with the resulting negative feelings in a healthy manner. For example, a federal agent and former local police officer reported several primary and vicarious traumatic experiences (including the death of a partner) in which he was able to perform his duties correctly, go home after his shift, and sleep a full eight hours. Occasionally, he reported taking a few days off to process the events, but he always felt 100 percent when he returned to work. He never felt the need to cope with alcohol or risky behavior (as many people do) to avoid facing unpleasant experiences and the subsequent emotions.

Resilient people also tend to have a more optimistic outlook on life in general, which encourages better social interactions and helps to reduce stress experienced from vicarious trauma. Those in law enforcement roles are simultaneously dealing with inherent stressors of their jobs such as shift work, dangerous situations, and public apathy. In general, police officers tend not to cope well with stressors and seek unhealthy or informal outlets to deal with overwhelming emotions or work-related stress (Turvey, 1995; Wright, Powel & Ridge, 2006). This can make them more prone to depression and feelings of despair. Of course, all of us are forced to deal with stressors outside of work that can make us less focused or more susceptible to negative coping skills on the job. It is important not to ignore symptoms. Those who are regarded as resilient can recognize when they are starting to experience symptoms of vicarious trauma. Additionally, they can take steps to protect themselves or seek assistance.

[back to top](#)

The What

The symptoms of vicarious trauma, just as with primary trauma or PTSD, can manifest in several ways. We often connect emotionally (whether in a positive or negative way) with our clients or the victims, and this can in turn cause us emotional turmoil. Some emotional indicators of secondary trauma include prolonged feelings of grief, anxiety or sadness. When the emotions experienced during the workday are so strong that the professional takes them home, it may be a sign of emotional symptomatology. Vicarious trauma can also manifest in such feelings

as irritability, cynicism, and mood swings. Another indicator of vicarious trauma occurs when the professional acts on these feelings through isolation or avoiding duties or clients. Some who experience vicarious trauma stemming from their work have experienced paranoia or a general mistrust of other people. This can have a significant impact on relationships at work and at home. Examples may include a sex offender therapist who is avoiding sexual contact with his or her spouse because of feelings of disgust brought up by an offender or a sex offender polygrapher who does not let his or her child go on outings with other adults due to the fear of the child being victimized because of the grooming habits the polygrapher has learned about from offenders. Vicarious trauma can even influence and change the way someone thinks about life and the world in general. It can cause people to second guess their spirituality, humanity, and the self. This is when views such as cynicism and loss of purpose can surface. Conversely, these emotions may cause the opposite to occur. Professionals may become too involved with their work, not setting proper boundaries with individuals on their caseload. They may find themselves staying at work longer or not being able to separate work from their personal lives.

Stressors, including those brought to the surface by vicarious trauma, can also manifest in physical symptoms. When we ignore the emotional indicators or “stuff” them down, they eventually will take the form of physical ailments. Common physical indicators can begin with headaches, hives or rashes, and heartburn symptoms. Eventually, if ignored, they may become more extreme, such as migraines, ulcers, or more serious problems such as heart attack or stroke. We often wait until our body is telling us that something is wrong before we get it checked out. Due to the stigma of mental health issues, it is easier to deal with the physicality of a problem rather than with the emotional component. The mind and body should be thought of as one; each affects the other and is of equal importance. The emotional symptoms should not be ignored, as they commonly occur first and therefore offer the opportunity for early intervention.

Not everyone wants to specialize in the area of sex crimes, so those who do are typically passionate about their work. A “specialty” takes a lot of time, money, and training to produce people who are exceptional at their tradecraft. The investment is worth the results, whether it is reflected in higher prosecution rates or more offenders successfully completing mental health treatment. However, it is best that an individual not work in the specialized area of sex offenses or sex crimes for more than a few years because of the risk of vicarious trauma. As a rule, research has found that the longer and more severe the exposure to such work, the more likely one is to suffer from vicarious trauma (Pearlman & Mac Ian, 1995). More recently, Perez, Jones, Englert, & Sachau (2010) found that when forensic computer investigators of child pornography cases had more exposure to disturbing material, they experienced higher levels of secondary trauma and cynicism. How do you justify rotating someone out of a specialized position given the investments that have been made, only to train someone new and start the process over? The reality is that some professionals who are not rotated out of their positions suffer from some very real traumatic symptoms. Rich (1997) found that 62 percent of those who work in sex offender management (psychologists, supervision officers, etc.) experienced such symptoms as flashbacks and intrusive images. These same professionals were also more likely to experience depression and isolation, which are common symptoms found in those suffering from trauma disorders. More specifically, mental health professionals who work with survivors of abuse and those who work with offenders were found to suffer from symptoms such as avoidance (of people and activities) and intrusion such as images or nightmares (Way, VanDeusen, Martin, Applegate, & Jandle, 2004).

Other research suggests that victim advocates are also emotionally affected by their work and that their personal lives have suffered in some cases (Carmody, 1997). When comparing attorneys to mental health and social workers, Levin and Greisberg (2003) found that the attorneys reported more secondary trauma symptoms, such as intrusion, avoidance, and poorer sleeping habits. Jaffe, Crooks, Dunford–Jackson, & Town (2003) found that 63 percent of judges who oversaw sex offense cases identified symptoms stemming from work such as interrupted sleep, intolerance of others, increased isolation, as well as physical problems. Judges with six or fewer years of experience had fewer symptoms than those with seven or more years on the bench. Parole officers who specialize in sex offender cases also reported experiencing emotional

turmoil outside of work, such as physical ailments, disrupted sex lives, and hyper vigilance (Pettus-Davis & Severson, 2009).

[back to top](#)

The Why

Although a majority of professionals who deal with victims or offenders enjoy their work and find it rewarding, it is still difficult to see and hear things that the general public do not have to deal with on a day-to-day basis. It can be emotionally draining to listen to graphic accounts of sexual assault or to witness gruesome crime scenes. Additionally, constant monitoring and supervision of offenders in the community can be very stressful when public safety is at risk. This stress can increase dramatically if the case is particularly high profile, especially with the rate of public interest and involvement of the media. The caseload, whether for a supervision officer or therapist, is constant. Recovery time between cases is essentially non-existent. The innate responsibilities of these jobs can contribute to stress, and professionals in sex offender management are often limited in whom they can talk to about the details of the day, whether out of confidentiality or pure respect. However, professionals working in the realm of sex offender management, treatment, or investigation need to have clear outlets for talking about their work. Of course this has to be done carefully, taking into consideration confidentiality issues or law enforcement-sensitive material. Ideally, the professional should have someone at work to talk to about feelings related to the job and someone outside of work with whom he or she can also speak freely.

[back to top](#)

The How

Fortunately there are ways to prevent professionals exposed to trauma victims or offenders from becoming susceptible to developing a secondary trauma or to assist in coping with the day-to-day feelings that they may experience. In the workplace they should try to maintain a light and humorous work environment. Most of us already excel in this area and it has been a successful coping skill for many years. It is important to steer clear of negative people and form relationships with colleagues who have positive attitudes. Additionally, professionals at risk should make sure that they have healthy intimate and family relationships to engage in when away from work. In their personal lives, they need to take time to enjoy activities that have no timeline or “goal.” This can include going for a hike or reading something not related to the job. Self-care can also be promoted by being involved in healthy social relationships. They should surround themselves with others who are not in the same profession to gain different outlooks on their personal lives. As with any stressful situations, professionals should avoid negative coping skills such as alcohol consumption, risky behaviors, or isolation. Most important, they should know the signs and symptoms and, if necessary, seek assistance from appropriate mental health professionals to ensure that symptoms do not increase in severity. Training and education on vicarious trauma should be provided to individuals working in the specialized area of sexual offenses. Training can help workers take a proactive stance in lowering their risk of developing vicarious trauma, as well as familiarizing them with the warning signs so that they may take proper action before symptoms get too severe. Professionals in the area of sex offender investigation, prosecution, and management have a unique but important role in the realm of public safety. We need to take care of ourselves so that we may continue to be of service to others.

[back to top](#)

[References](#)

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[back to top](#)

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[back to top](#)

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[back to top](#)

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[back to top](#)

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[back to top](#)

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[back to top](#)

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[back to top](#)

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[back to top](#)

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[back to top](#)

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[back to top](#)

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[back to top](#)

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[back to top](#)

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[back to top](#)

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[back to top](#)

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[Home](#)

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[back to top](#)

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[Home](#)

Endnotes

[References](#)

[Electronic Supervision and the Importance of Evidence-Based Practices](#)

[Developing an Effective Location Monitoring Program](#)

Electronic Supervision and the Importance of Evidence-Based Practices

1. An earlier version of this article was printed in DeMichele and Payne (2009), *Offender Supervision with Electronic Technology: Community Corrections Resource*, second edition. Supported under Award number 2005-WP-BX-K177 from the Office of Justice Programs, Bureau of Justice Assistance, Department of Justice. Findings and conclusions of the research reported here are those of the authors and do not reflect the official position or policies of the U.S. Department of Justice.
2. In fact, it is highly likely that electronic monitoring through its increased element of surveillance of an offender may uncover more technical violations and new crimes, but this has yet to be empirically verified.

[back to top](#)

Developing an Effective Location Monitoring Program

1. http://jnet.ao.dcn/Probation_and_Pretrial_Services/Memos/2008_Archive/ppspad00109.html
2. http://jnet.ao.dcn/Probation_and_Pretrial_Services/Memos/2009_Archive/ppspad01009.html

[back to top](#)

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[Home](#)

References

[Endnotes](#)

[Electronic Supervision and the Importance of Evidence-Based Practices](#)

[Collaborative Supervision Strategies for Sex Offender Community Management](#)

[Supervision of Sex Offenders: A Multi-Faceted and Collaborative Approach](#)

[Traumatized by Association: The Risk of Working Sex Crimes](#)

Electronic Supervision and the Importance of Evidence-Based Practices

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[back to top](#)

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[back to top](#)

Supervision of Sex Offenders: A Multi-Faceted and Collaborative Approach

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[back to top](#)

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[back to top](#)



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Supervision of Sex Offenders: A Multi-Faceted and Collaborative Approach

Case in Point: JM

In 2004, in the Middle District of Florida, JM pleaded guilty to Possession of Child Pornography and Felon in Possession of a Firearm. During preparation of the presentence investigation, the offense conduct section revealed that JM possessed images of child pornography. It also revealed that JM attempted to delete images once he learned that investigators were focusing on him.

The offense was discovered after local law enforcement received a call from JM's sister that she had witnessed JM having inappropriate contact with neighborhood children. On one occasion, she walked into JM's bedroom, where she found him lying on the bed with a clothed erection and two small girls approximately ages six and eight. She also reported seeing a video camera recording the events. JM's sister informed law enforcement that JM had molested her younger sisters and she believed that he had molested a close family friend. When law enforcement questioned JM, he granted them permission to inspect his computer, which had over 2,000 images of adult pornography and child pornography. A subsequent search of his residence also uncovered firearms, which JM, a convicted felon, could not possess.

The presentence investigation detailed convictions from 1975 for violent crimes, including armed assault with intent to murder. The presentence officer interviewed JM's adult sibling, who reiterated JM's molestation of his younger siblings while he was a young adult and they were children.

At a sentencing hearing in 2004, the Court sentenced JM to 57 months imprisonment, to be followed by three years of supervised release. Included in his special conditions of supervision, JM was to participate in a sexual offender treatment program, including submitting to polygraph examinations, having no contact with persons under 18, submitting to search of his person and property, not possessing or using a computer with Internet access, and being prohibited from possessing depictions of children in the nude and/or in sexually explicit positions.

JM was released from the BOP on January 3, 2008, to the MDFL. The case officer instructed JM on his conditions of supervised release and referred him for sex offender treatment. JM reported planning to resume his previously held position as a handy-man in a senior citizen's mobile home park. The case officer conducted an initial home inspection of the residence, and he gave JM permission to have one computer in his home office but without an Internet connection. Subsequently, two other officers accompanied the case officer to JM's residence to introduce themselves to him and inspect the residence. As a result, the officers were able to conduct an occasional drive-by and surveillance of the residence. Additionally, the supervisor reviewed the case file and also accompanied the case officer into the field to meet JM and

conduct a home inspection.

Consistent with our collaborative effort, in February 2008, local law enforcement contacted the case officer advising that there was another vehicle in JM's driveway registered to an elderly woman in Apollo Beach, Florida. When JM was questioned about the vehicle, he indicated that the woman was one of his handyman clients who allowed him to take her vehicle to perform necessary repairs.

As a result of several home visits to JM's residence, it became apparent that JM's adjacent neighbors had children who either lived at the homes or frequently visited. Based on this information, the case officer visited with these neighbors, who were made aware of JM's risk to their children. One of the residents recounted the incident where JM was babysitting the two neighborhood girls and had inappropriate contact with them.

During JM's first polygraph, which covered historical sexual conduct, JM recounted an occasion where a girl, approximately five years of age, was sitting on his lap and touched his penis from the outside of his pants. The polygrapher was under the impression that this incident happened after JM's release from prison, and a review of the video confirmed that JM reported the incident occurred after his release. When confronted by the case officer and supervisor, JM claimed that it had occurred prior to his incarceration. JM was questioned further as to the identity of the little girl's mother, but JM was evasive and only stated that the girl's mother was a friend with whom he no longer had contact. In an attempt to verify JM's statement, the presentence report was reviewed for information of JM's previous relationships with women who had children. When our office obtained JM's BOP visitation list and telephone list, attempts were made to locate the mother of the child. Although the attempts were unsuccessful, local law enforcement assisted our office in following those leads in the community.

In September 2008, we received JM's first maintenance polygraph, which reported no significant responses to the questions being asked. During the exam, however, JM revealed that he had been on the Internet. As previously mentioned, JM worked as a handy-man and apparently had a good relationship with many of his clients. He stated that his clients allowed him access to the Internet to search for products related to his work and to obtain driving directions. Also during the exam, JM reported having regular contact with his brother's minor children, all of whom lived close to him.

Based on this information, the case officer and supervisor visited JM's brother at his brother's residence. JM's brother confirmed that JM routinely visited them at their residence several times weekly and often had contact with his children, sometimes alone. That evening, the case officer and supervisor conducted a home visit in order to confront JM. When questioned about having contact with his brother's minor children, JM defiantly stated that they were his family and nobody was going to stop him from seeing them. He advised that if the probation office did not like it, they could submit a violation report and send him back to prison. When questioned about accessing the Internet, JM admitted accessing the Internet at his clients' homes for work-related purposes. JM was instructed to provide all of the contact information of those residents who allowed him to utilize the Internet, but he refused. Prior to leaving the residence, the officers conducted a home inspection and discovered a new computer in JM's office. When questioned, he reported that he obtained it from one of the residents at the mobile home park.

As a result of JM's conduct, a request to conduct a search was submitted to our chief probation officer, which was approved based upon the reasonable suspicion present. A search team was subsequently assembled, which consisted of line officers, senior officers, and managers. For added security a sheriff's deputy already familiar with JM's case was briefed on the details of our planned search of the residence and was present during the search.

During the search of JM's residence, the MDFL's computer forensic team forensically previewed JM's known computer for evidence of a violation of supervised release. During that time, it was learned that this computer was essentially a decoy for the supervision officer. The search team located a hidden laptop computer and storage media, including compact disks

bearing printed labels depicting children in the nude. A forensic review of one of these compact disks revealed multiple images of child pornography. Interestingly, the forensic analysis determined that the CD was created prior to JM's offense of conviction but had not been previously discovered. After the discovery of child pornography during the search, deputy sheriffs on the scene arrested JM on state charges.

During the search, various documents pertaining to an aircard account were located for a woman living in Apollo Beach. JM identified the woman as one of his handyman clients, who was having difficulty installing the aircard on her home computer. JM offered to assist and reportedly took her computer and aircard to his home, where he completed the installation. JM admitted that upon installation of the device, he briefly accessed the Internet. Afterwards, JM reported returning the computer and aircard to the woman. The search team, however, located the aircard during the search.

The search team recovered approximately 270 floppy disks, the majority of which contained depictions of children in the nude, exhibiting their genitals in a lewd manner, and/or engaged in sexually explicit conduct. While the images were found to have "created" dates in the late 1990s, the majority had "last accessed" dates after JM's release from imprisonment in January 2008.

An examination of the files from the hidden laptop computer revealed that the aircard was installed in May 2008. Following the search and during our investigation, the elderly woman was contacted and reported befriending JM in the 1990s; she admitted securing the aircard account for JM, as he reported he was unable to do so himself. She also reported paying the monthly account fee for JM, and in exchange he would perform work and/or maintenance at her home.

An examination of the files from the hidden laptop computer revealed that files for an encryption program were installed in August 2008. A further examination of the laptop computer discovered numerous image files, which were encrypted and hidden from view. The computer forensics team decrypted the files, which revealed images of child pornography downloaded in October 2008.

Also discovered during the residential search were over 150 non-commercial VHS tapes, as well as an 8mm videocassette tape. Using three high speed VHS to DVD recorders and three large-screen LCD monitors, several USPOs volunteered to view every second of tape over an approximate 10-day period. Discovered in the middle of three of the VHS tapes were recordings of JM in his bedroom on his bed with his nieces, a nephew, and also two girls from the neighborhood. The investigation revealed that JM recorded these events using a hidden camera. During the recordings, JM was wearing only nylon type running shorts, and while wrestling with the children, JM became visibly aroused. The investigation revealed that these videos were recorded prior to the instant offense but were never previously discovered.

The examination of the 8mm videocassette tape revealed that JM previously constructed a photography studio at a storage facility in the early 1990s. The investigation revealed that JM, under the guise of a photography studio, used the location to ply the girls with alcohol and unknowingly photograph them while changing outfits. The videotape depicted minor girls, eight years of age and older, dressing and undressing in a changing room, while a video camera hidden behind a one-way mirror recorded the events.

Subsequent to MDFL's search and computer forensic exam, additional collaboration with the FBI and U.S. Attorney's Office resulted in a new federal indictment. As a result of our multi-faceted approach to supervising sex offenders, JM pled guilty to multiple counts of receipt and possession of child pornography, and he was sentenced to over 60 years in prison.

[back to top](#)

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