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## Warning: Sex Offenders Need to be Supervised in the Community

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**MANY HAVE PROBABLY** read the seemingly unnecessary instructions that accompany different products. The instructions manual for a hair dryer, for example, states, "Do not use in shower." A packet of peanuts given to airline passengers wisely advises: "Open packet. Eat peanuts." Those purchasing a certain brand of plumbing draining liquid are told, "Do not reuse the bottle to store beverages." If one were to develop an analogous instruction manual for probation or parole officers supervising sex offenders, the contents of the manual might tell probation and parole officers to "Watch sex offenders closely." Such an instruction would likely be received with wonderment about why one would feel the need to state the obvious. Nevertheless, not enough guidance in the form of training has been offered to probation and parole officers supervising sex offenders.

This lack of guidance is particularly troublesome given the recent rash of sex offender legislation mandating various forms of intensive supervision for sex offenders in the community (for exception, visit <http://www.csom.org/>). Laws mandating GPS monitoring for sex offenders, lifetime probation or parole sanctions for convicted sex offenders, and expanded use of polygraphs for sex offenders living in the community have redefined the role of probation and parole officers supervising sex offenders. To make sure that probation and parole officers have the opportunity to receive training tailored to this topic, the American Probation and Parole Association (APPA) recently developed a training curriculum titled *A Sex Offender Community Based Supervision: Case Management Strategies and Tools*. " This curriculum, funded by the Bureau of Justice Assistance (BJA), is designed for probation and parole officers supervising a general or mixed caseload of offenders that may potentially include sex offenders. This article, first provides an overview of the assumptions underlying the curriculum, and, second, briefly describes some of the tools of supervision used to supervise sex offenders in the community. These assumptions include the following:

- The vast majority of sex offenders will be returned to the community.
- Those working with sex offenders must be objective.
- An awareness of sex offender legislation is required to effectively supervise sex offenders.
- Sex offenders are different from other offenders

- Community type influences sex offender supervision.
- The onus for supervision cannot be placed solely on probation and parole officers.
- The goal of supervision should be community safety.
- Officers supervising sex offenders must take care of themselves.
- Technological devices are tools not programs.
- *The vast majority of sex offenders will be returned to the community*
- It is estimated that about 60 percent of the 234,000 convicted sex offenders are under community corrections supervision (Greenfield, 1997). Recent laws have mandated longer probation sentences and parole terms for sex offenders. Arguably, AShort of incarceration, community supervision allows the justice system the best means to maintain control over offenders, monitor their residency, and require them to participate in treatment " (Baerga-Buffler and Johnson, 2006). The sheer number of sex offenders released into the community, and the importance of community supervision of sex offenders, demonstrates the need for adequately preparing probation and parole officers in their roles as sex offender "monitors."
- **Objectivity and sex offender supervision**
- Sex offending is a topic about which the public holds strong opinions. Perhaps more than any other offender group, sex offenders are vilified and viewed with disdain by the public and the media. The degree of stigma for sex offenders is often far higher than it is for types of offenders. This stigma results, in part, from stereotypical views that members of the public have about sex offenders. A number of myths about sex offenses and sex offenders foster misunderstandings about sex offenders and appropriate supervision strategies. According to one expert, AThe appeal of these myths about the offender, the offense, and the victim is that they reduce a very complex behavior to a very simple, single motive. It is frustrating to conceptualize and grasp the many complex, interrelated factors operating in rape and then to find a clear, practical and effective solution to the problem " (Groth, 1979). Myths and stereotypes provide the public with easily understood explanations that consolidate many behaviors into a single definition or term Asex offender " even though such offenses can range from a 17 year-old engaging in consensual sexual activity with a 15 year-old to the far more brutal acts including kidnapping, sodomy, and rape.
- Community corrections officers are not immune to accepting such myths about sex offenders, further requiring appropriate training to prepare officers. It is common to hear individuals from many segments of society making over-generalized comments about sex offenders such as A I could never work with sex offenders, " which seems to be one of the more normal statements. One of the authors recalls a university professor making a similar statement in the classroom, as he said, A I would never interview sex offenders. " Certainly, sex offenders are among the most vilified group of offenders. When supervising sex offenders, the probation or parole officer is not being asked to befriend sex offenders or A be on the side of " sex offenders. Probation or parole officers do not necessarily have to feel sorry for sex offenders or sympathize for them. Rather, what is important is for the officer to objectively assess, develop and manage specific case plans that have the greatest opportunity of preventing future sex crimes. Certainly, by being objective, probation and parole officers will be able to identify the most effective supervision strategies for each sex offender.

*An awareness of sex offender legislation is required to effectively supervise sex offenders*

Literally hundreds, if not thousands, of sex offender laws have been passed in recent years across the United States (and much of Western Europe as well). States have passed laws stating that offenders (1) cannot be ice cream truck drivers, (2) must take regular polygraphs, (3) cannot live near places in which children reside, and (4) can remain incarcerated even after their sentences have been served (i.e., civil commitment). These laws reflect the disdain that society has for sex offenses and are, in theory, designed to prevent sexual offending.

Sex offender laws are passed faster than laws governing other offenders. Probation and parole officers must be aware of these laws, their assumptions, strengths, and weaknesses to ensure that

new laws are being enforced appropriately. Perhaps the most common laws include (1) civil commitment laws, (2) global positioning satellite ( GPS ) monitoring laws, (3) Exclusion or inclusion laws, (4) Registry/notification laws, (5) Castration laws, and (6) Polygraph laws (See Table 1).

*Civil commitment laws* are used to commit sex offenders in institutions beyond their incarceration dates. In many states, a psychological evaluation is performed to determine if an offender is fit for release into the community once their sentence is finished. If it is determined that an offender should not be released C even though they have completed their sentence C such offenders may be incarcerated until they are believed suitable for reentry, which could result in indefinite confinement. *GPS monitoring laws* are mandating that certain sex offenders, usually determined by the characteristics of the offense(s) and criminal history, are to be tracked with GPS devices for long periods of time that typically range between five years and the life of the offender. GPS technology is a tool that officers can use to monitor the whereabouts of an offender in either near-real time or review location data through a passive download within 24 hours. These devices, no doubt, provide community corrections officers with a powerful tool, but the legislation mandating them has tended to overlook many potential drawbacks or unanticipated consequences such as the cost, officer workload, device malfunctioning, and the limitations of the equipment (see DeMichele, Payne, and Button, forthcoming). *Exclusion zones* are laws or policies that stipulate geographic regions that sex offenders are to avoid, which may include playgrounds, daycare facilities, libraries, or schools. These zones vary by jurisdiction and offense type, and officers should check local regulations to determine prohibited areas for sex offenders in their areas. *Registry and notification laws* are intended to inform the public about the location of sex offenders in the community. Federal laws mandate that all states have some form of registry and notification, and community corrections officers should seek to collaborate with law enforcement personnel to ensure the registry information is accurate and updated at correct time intervals. *Chemical castration* allows for the use of drugs to lower offenders = sexual impulses by reducing levels of the masculine hormone testosterone. *Polygraphs* are a tool that should only be used by individuals trained in how to administer them and interrupt polygraph reports. These devices may motivate offenders to be truthful about undetected inappropriate behaviors, and the information gleaned should be shared with other professionals working in a sex offender supervision team (e.g., treatment providers, law enforcement).

Handout A-5 Assumptions, Strengths, and Weaknesses Sex Offender Laws

Laws	Assumptions	Strengths	Weaknesses
Civil Commitment	Keeping offenders away from society by committing them as a danger to society will keep the offender from committing future offenses.	-Clear deterrent value  -Displays contempt for behavior	-Cost  -Blurs line between mental health & sex offender treatment  -Displacement (Crimes in prison)
GPS Monitoring	Monitoring the offender = s whereabouts will protect society from harm. GPS is viewed as another tool officers can use to supervise sex offenders.	-Intensive oversight may deter behavior	-Cost  -May be unnecessary for some offenders  -Equipment failures  -Untested for sex offenders  -False sense of security
Exclusion	Keeping sex offenders out of	-Displays contempt	-Most offenses

Zones	certain areas will protect groups judged to be at risk by law makers. These areas include schools, day care centers, parks, playgrounds, libraries, convenient stores, movie theatres, and other areas. Probation officer will need to communicate laws to offenders	for behavior -In theory, policies restrict movement	committed at/near home -Too restrictive -Displacement -Social exclusion -False sense of security -Harder to find jobs -Difficult to get to work -Foster homelessness -Families must move -Harder to track  -Results in offenders being concentrated in specific part of community
Registries/ Notification	Notifying the public of the presence of a sex offender will protect those who live near sex offenders. More than 500,000 sex offenders are registered.	-Displays contempt for behavior  -Provides database for researchers	-No deterrent value  -Possible harm (vigilantes)  -Lose friends  -Harassment at work  -Difficult to implement  -One size fits all ends up fitting no one  -Impedes reintegration  -Increases fear among residents
Chemical Castration	Injecting the hormone medroxyprogesterone acetate (Depo-Provera) will lower the offender's testosterone levels and sexual impulses	-Evidence of success for some offenders	-Medicalizes social control  -Question about who should decide use
Polygraphs	Some states require sex offenders convicted of two or more sex offenses to submit to periodic polygraphs. As one component of the containment strategy, some have compared them to drug tests. Seen as a supplemental tool, not a primary tool.	-Deterrent value  -Could disclose offending  -Can be a probation condition as long as offender is asked about sex offenses  -Admissible in revocation hearings	-Questions about validity  -Lack of standardization  -Over-reliance can be problematic

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Source: Adapted from APPA = s Sex Offender Curriculum.

*Sex offenders are different from other offenders*

The phrase "A sex offender" likely conjures up many images for different individuals. It is important for probation officers to recognize that sex offenders are not a monolithic group. However, sex offenders, as a group, are generally different from many non-sex offenders in several ways. Sex offenders are likely to be more deceitful and manipulative. The harm that victims experience from sexual victimization can be extremely high. The dangers that certain sex offenders pose for society, particularly unsupervised sex offenders, may be significant. Motivations for sexual offending are believed to be different from motivations for other types of offenses as many sex offenders are motivated by gaining power over their victims. For the most part, sex offenders do not act spontaneously, but rather they often conduct extensive planning of their offenses to prevent detection through secrecy and manipulation. Sex offenders routinely deny that they have done anything wrong by arguing that the victim wanted the sexual contact, and they minimize the amount of harm their offenses have on victims (English, Pullen, and Jones, 1997).

Another difference has to do with the degree to which sex offenders and non-sex offenders recidivate. Interestingly, sex offenders in general have lower recidivism rates than other offenders. Despite these lower recidivism rates, sex offenders engender more fear and concern to the public than any other offender group.

Because of the differences between sex offenders and most non-sex offenders and the laws used to govern sex offenders, the way that probation officers will supervise sex offenders is different from the way that probation officers would supervise other offenders. Some important differences include the following:

- Sex offenders are generally sentenced to longer periods of probation than other offenders. Lengthy supervision periods may lead to a personal connection between the officer and offender.
- Sex offenders are highly manipulative. They seek to befriend " and intentionally groom " those around them. Sex offenders attempt to manipulate those in supervisory and authority roles (as well as potential victims).
- The diversity of treatment approaches within a probation officer =s caseload makes it even more difficult to keep abreast of offender progress and supervision needs.
- Sex offenders are able to conceal their behaviors for extended periods of time. To accurately assess change, agencies must track the offender =s internalization of impulse controls and acceptance of treatment over time. Standard probation or parole documentation is often not designed to track treatment information across several years (Tanner and Dileo, 2000).

Recognizing these differences will help officers to understand that different tools and strategies are needed to effectively supervise sex offenders.

*Community type influences sex offender supervision.*

The complexities of sex offender supervision vary according to different jurisdictions. One of the central community characteristics shaping the sex offender supervision strategies is the difference between rural and urban areas. There is no doubt that urban and rural areas alike experience sexually related offenses, but the access to treatment facilities, polygraphers, and others important to the supervision team differ across these regions. The nature of these differences means that sex offenders, and their supervising probation or parole officer will experience different obstacles. In some rural areas the geographic isolation may make it more difficult to access treatment resources by requiring offenders and officers to travel long distances. Rural

areas, by definition, have much smaller populations that allow for offender and victim information to potentially be disseminated in such a way that sex offenders and their victims may experience higher degrees of stigma compared to urban areas (Carmody, 2006). In some small towns, it is possible that supervising officers may actually know the offenders, their family members, or the victims before the supervision begins.

The point here is not to suggest that supervising sex offenses in urban areas is not difficult. Instead, it is important to recognize that different community characteristics exist for rural and urban sex offenders, their victims, and their supervising officers. Supervisory practices should be tailored to the individual needs of communities. To say it another way, AA continuum of sex offender management and treatment options should be available in each community in the state " (Colorado Sex Offender Management Board, 2000).

*The onus for supervision cannot be placed solely on probation and parole officers.*

Recent legislation calling for increased supervision of sex offenders after they have served their incarceration sentence implicitly suggests that probation and parole officers are primarily responsible for supervising sex offenders and preventing sexual misconduct by the offenders. Experts, however, note that the most effective way to supervise sex offenders is to utilize a comprehensive approach in which multiple agencies work together to prevent sex offenders from re-offending. The most comprehensive approach, and the one on which the APPA curriculum is based, is referred to the containment model that was developed by English, Pullen, and Jones (1996) more than a decade ago.

The containment strategy uses several different agencies to supervise sex offenders. These include the police, courts, probation, treatment programs, social services, public health agencies, and others. Emphasis is placed on internal control, external control, and polygraph testing. Internal control is the focus of treatment and therapy provided to sex offenders. The goal is for sex offenders to recognize the precursor situations involved in their reabuse cycle, whether this is speaking to children at a park or frequenting zoos or visiting certain Internet websites, and to avoid such places and activities. External control refers to the efforts by criminal justice agencies to exert influence over offenders so that their opportunities and abilities for offending are minimized. This involves an overall community supervision strategy that incorporates many tools such as risk assessments, treatment, GPS, and interagency communications not only structures and monitors offender behaviors, but it also provides officers (and others in the supervision team) with a realistic idea of where on a reabuse cycle particular offenders are located. With regard to polygraphs, the containment model calls for polygraphs by approved polygraphers to provide further data about how offenders are adhering to their conditions of probation (English et al., 1997).

Certainly, no one tool or no one strategy will work to prevent all future sexually related offenses. A builder does not build a house with a hammer alone, but rather they use several tools and many workers collaborating with each other. The containment model may vary among jurisdictions and offense type but such a strategy for many sex offenders typically includes the following: GPS tracking, home and work visits by officers, mandatory treatment, development and adherence to a relapse prevention plan, special curfew conditions, no out of state travel, and polygraphs (Hallet, 2006). The goals of the containment model are to prevent future abuse and protect the community through an integrated, multi-agency approach that includes treatment, surveillance, and enforcement. Officials from various agencies will need to work together to supervise effectively and treat sex offenders.

It has been said that probation and parole officers serve as the sex offender =s Aexternal conscience " (Jenuwine et al., 2002). What this means is that probation/parole officers, as one source of external control in the containment strategy, will work closely with sex offenders in an effort to make sure that offenders abide by the conditions of their supervision. To serve as the offender =s external conscience, officers must make sure that they are able to communicate with various parties involved in the supervisory network. They must also work to ensure that others in the supervisory network agree on certain principles about managing sex offenders in the

community. According to the Colorado Sex Offender Management Board, Adequately supervising sex offenders requires that all involved in supervision agree on the following principles:

Sexual offending is a behavioral disorder which cannot be cured " but must be treated

Many sex offenders present unique dangers to the community

Community safety is paramount.

Assessment and evaluation of sex offenders is an on-going process. Risk levels can change.

Assignment to community supervision is a privilege, and sex offenders must be completely accountable for their behaviors.

Sex offenders must waive confidentiality for evaluation, treatment, supervision, and case management purposes.

Victims have a right to safety and self-determination.

When a child is sexually abused within the family, the child's individual need for safety, protection, developmental growth and psychological well-being outweighs any parental or family interests.

A continuum of sex offender management and treatment options should be available in each community in the state.

Standards and guidelines for working with sex offenders will be more effective if all parties apply the same guidelines and work together.

The management of sex offenders requires a coordinated team response (Colorado Sex Offender Management Board, 2000).

Participating in this collaborative supervisory network will provide probation and parole officers the support needed to effectively supervise sex offenders.

*The goal of supervision should be community safety.*

Another assumption of APPA =s sex offender community supervision training curriculum, and the containment strategy more generally, is that the goal of supervision must be community safety. As with any type of collaborative effort, for the supervision to be effective, all parties participating in the containment approach must agree that community safety is the ideal towards which their efforts should be directed. Indeed, experts agree that Acommunity safety should be the primary goal of intervention with sex offenders. Community safety is enhanced when treatment providers and probation officers collaborate " (McGrath et al., 2002). The task at hand is for probation and parole officers to use the tools and strategies available to them to promote community safety.

*Officers supervising sex offenders must take care of themselves.*

All too often when working with sex offenders, community corrections officers suffer from psychological trauma and stress from being heavily engaged with specifics of sex offenders = motivations, the nature of their crimes, opportunity structures, and offense characteristics. It is important, however, that all probation officers recognize their role in preventing sexual offenses, and they do so in a way that maintains their own mental health. All probation officers are role models for members of the public and the offenders they supervise. Probation officers can help make the system work effectively for offenders and victims, and they have a pivotal role in making sure that treatment works. Probation officers are involved in the entire spectrum of sexual assault interventions. From presentence investigations to supervising offenders and helping them make the transition from prison to the community, probation officers are a primary player in the



sex offender supervisory network. They also can be involved in educating the public about sex offenses, developing support systems, and training various professionals about sex offenses (Minnesota Department of Health, 2006).

Of course, working with sex offenders can be very trying. No one is asking officers to Alike " sex offenders or Abe in favor " of them so to speak. But it is important to recognize that the officer =s attitudes about sex offenders will influence their supervision inasmuch as offenders recognize negative attitudes. Using materials adapted from Thomas Thompson of the Ramsey County Community Corrections department, the Minnesota Department of Health incorporates recommendations for probation officers working with sex offenders in a curriculum titled A Place to Start: A Resource Kit for Preventing Sexual Violence. Offenders can tell when officers have negative attitudes about them. These negative attitudes can increase resentment and anger among probationers/parolees. Such a relationship may foster manipulation on the part of offenders, who are already manipulative to begin with. On the other hand, displaying positive values towards sex offenders can aide in the supervision process. Offenders will be less likely to be secretive and manipulative, and when officers serve as a positive role model, the likelihood that the officers = behaviors will carry over to those with whom the offender interacts increases (Minnesota Department of Health, 2006).

Maintaining a positive attitude with this group of offenders is no simple task. Just as important is that probation and parole officials take care of themselves. According to Thompson, officers must set boundaries, have realistic expectations, acquire training, organize and prioritize, recognize their limitations, diversify their work, explore their own sexuality, and seek therapy for themselves as necessary (Minnesota Department of Health, 2006). As well, officers must turn to their colleagues for support. One expert advises:

Officers must acknowledge their feelings about sex offenders and overcome any personal distaste for the bizarre and predatory quality of the sexual behavior. They must learn to separate the offender from the offending behavior so they can discuss the intimate details of the offender =s sexual desires and conduct. If the offender is not seen as a person, establishing the level of communication necessary for supervision will be difficult YEven experienced officers find working with this offender population draining due to the frequent contact and constant vigilance required. Staffing cases is one way to share the responsibility for investigating and supervising sex offenders and prevent officer burnout. In some cases, transferring the case to another officer may be an appropriate decision (Orlando, 1998, p. 18).

In turning to their colleagues for support, probation and parole officers must remember that they are not alone in their efforts to supervise sex offenders.

While probation and parole officers are not solely responsible for preventing sex offenses, their involvement can be pivotal in preventing sex offenses. Recognizing the importance of preventing future sex offenses may make it easier to work with this group of offenders. Several signs indicate that an officer has made a difference, such as the following:

- \_ People who commit sex crimes receive effective treatment
- \_ Offenders are paying restitution
- \_ The public respects your role in preventing further violence
- \_ Fewer sex offenders repeat their crimes
- \_ The number of violations by released offenders decreases

(Minnesota Department of Health, 2006).

#### Tools of Supervision

There are several tools that can and should be used to effectively supervision sex offenders in the community. Few agencies will use all of the tools suggested, for many reasons, which is fine That is, while the containment model is the overall strategy that is sought when supervision offenders, there are many tools that officers can use to most effectively supervise sex offenders

in the community. The APPA curriculum identified four general tools that officers should use when supervising sex offenders: (1) risk assessment, (2) accountability, (3) communication, and (4) treatment.

These tools are used together to enhance the supervision of sex offenders. Risk assessment is explained as more than an actuarial tool, but one that combines professional judgment by officers through an override and throughout the supervision period. Professional assessment is bolstered with the use of a more standardized assessment tool, and, in fact, there should be little variation regarding the suggestion of these two forms of assessment: officer judgments and actuarial tool. An actuarial tool provides many benefits, including: objectivity, legal support, document progress, structure visits.

Community supervision is predicated on the notion that individuals can learn pro-social behavior, but they may need external control in their lives for certain periods of time. Essential to any community supervision strategy is holding offenders accountable for the past and current behavior in order to steer future behavior. Officers must utilize a continuum of response according to the level of non-compliance, severity of offense, risk to others, and recognizing how each behavior fits into a pattern. Using a continuum of response allows officers to apply both positive (e.g., verbal or written, consider altering some conditions) and negative (e.g., verbal or written, increased reporting). There are specific tools that can be incorporated into any sex offender supervision plan such as location tracking with GPS, registration and notification, computer forensics, drug testing, and supervised employment.

One of the most effective tools available to community corrections officers is their ability to communicate with offenders, victims, and the social networks of victims and offenders. Establishing strong lines of communication with any offender is difficult, and some may find open communication with a sex offender especially challenging. The purpose for communicating with sex offenders is to allow them to understand the conditions of their supervision and provide the external control necessary which varies among individual offenders to structure and steer their lifestyle in a pro-social way. There are several forms of communication necessary for supervising sex offenders, including: inter- and intra-agency communication, communicating with victims, communicating with offenders, and communicating with collateral contacts. It is important that officers develop set practices regarding communication strategies by establishing regular supervision team meetings, establishing strict boundaries when communicating with sex offenders through professionalism and recognizing any manipulative or deceptive attempts by sex offenders. Some specific things officers should look include: distortions (lies, exaggerations), rationalizations (pre-crime mental justifications, statements to reduce psychological guilt), and excuses (post-crime justifications).

Treatment is an essential tool when supervising sex offenders. Treatment services can be used to estimate offender performance, structure an offender's time, and contribute to pro-social attitudes and behaviors. Often it seems that treatment is misperceived as an attempt to fix or cure offenders. In actuality, however, treatment is not going to fix or cure anyone, but it does offer community corrections officers another tool to use to provide external control over an offender's life. Treatment services attempt to provide the bridge between external and internal controls. That is, it is hoped that treatment services can contribute to an offender developing internal controls over his/her urges to commit a new crime. As sex offenders tend not to attack spontaneously or randomly, but often go through extensive planning, this suggests that if offenders develop new cognitive filters against sexual offending they might be able to control such impulses.

#### *Concluding Remarks*

The main assumption underlying APPA's training curriculum for supervising sex offenders in the community is that probation and parole officers can help to improve community safety as long as they are appropriately prepared for the task. With longer supervisory periods and increased conditions of supervision for sex offenders, it is important that all officers are aware of the issues that may arise when working with this offender population. Policy changes accompanying technological advancements and social disdain for sex offenders requires that probation and

parole officers play a primary role in efforts to prevent sexual assaults. Their prevention efforts are particularly directed towards keeping convicted sex offenders from re-offending. Recall the A "obvious instructions and warnings" outlined in the beginning of this article. Perhaps another obvious warning is needed: "Without adequate supervision from probation and parole officers, sex offenders are likely to re-offend."

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## **Sex Offenders Need to be Supervised in the Community**

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