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Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking

SOMAPI RESEARCH BRIEF

SEX OFFENDER MANAGEMENT ASSESSMENT AND PLANNING INITIATIVE

Luis C.deBaca, Director • July 2015

Adult Sex Offender Management

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Introduction

Prevention and intervention strategies for sexual offending behavior, including sex offender management, have become increasingly prominent and important in the United States. The concept of sex offender management has been conceptualized under the construct of a Comprehensive Approach to Sex Offender Management (CASOM) by the Center for Sex Offender Management (CSOM). The CASOM model includes the fundamental principles of a victim-centered approach, specialized knowledge and training for professionals, public education, monitoring and evaluation of strategies, and multidisciplinary collaboration, as well as the critical components of investigation, prosecution, and disposition; assessment; treatment; supervision; reentry; and registration and community notification (CSOM, 2007).

Despite the intuitive value of using science to guide decisionmaking, laws and policies designed to combat sexual offending are often introduced or enacted in the absence of empirical support. However, there is little question that both public safety and the efficient use of public resources would be enhanced if sex offender management strategies were based on evidence of effectiveness rather than other factors.

This brief addresses sex offender management for adult sexual offenders. It summarizes what is scientifically known about the topic and identifies policy implications, knowledge gaps, and unresolved controversies that emerge from the extant research and that might serve as a catalyst for future empirical study.

SMART
Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking

About SOMAPI

In 2011, the SMART Office began work on the Sex Offender Management Assessment and Planning Initiative (SOMAPI), a project designed to assess the state of research and practice in sex offender management. As part of the effort, the SMART Office contracted with the National Criminal Justice Association (NCJA) and a team of subject-matter experts to review the literature on sexual offending and sex offender management and develop summaries of the research for dissemination to the field. These summaries are available online at http://smart.gov/SOMAPI/index.html.

A national inventory of sex offender management professionals also was conducted in 2011 to gain insight about promising practices and pressing needs in the field. Finally, a Discussion Forum involving national experts was held in 2012 for the purpose of reviewing the research summaries and inventory results and refining what is currently known about sex offender management.

Based on the work carried out under SOMAPI, the SMART Office has published a series of Research Briefs, each focusing on a topic covered in the sexual offending and sex offender management literature review. Each brief is designed to get key findings from the literature review into the hands of policymakers and practitioners. Overall, the briefs are intended to advance the ongoing dialogue related to effective interventions for sexual offenders and provide policymakers and practitioners with trustworthy, up-to-date information they can use to identify what works to combat sexual offending and prevent sexual victimization.

Summary of Research Findings

Specialized Supervision

The development and refinement of specialized legal supervision for sexual offenders has largely occurred over the past 25 years. Specialized supervision frequently involves specially trained probation and parole officers who manage a caseload of sexual offenders using sex-offender-specific supervision strategies that include special conditions of supervision, multidisciplinary collaboration with a treatment provider, and, if appropriate and permissible, the use of global positioning systems (GPS) and polygraph.

Several large-scale studies have assessed the effectiveness of intensive supervision used with criminal offenders. It is not known whether findings from these studies are generalizable to sex offender populations, but the findings provide important insights concerning the effectiveness of intensive supervision overall. Results of these studies found no research support for the effectiveness of community-based Intensive Supervised Probation (ISP) with a primary surveillance orientation in reducing criminal recidivism (Aos, Miller, & Drake, 2006; Petersilia & Turner, 1993), but did find research support for the effectiveness of treatment-oriented ISP (Aos, Miller, & Drake, 2006).

Questions about the effectiveness of intensive supervision in the absence of treatment have led to the development of intensive supervision programs with a treatment orientation. A specific example is the containment approach, which includes collaboration on specialized supervision of sexual offenders provided by trained supervision personnel, sex-offense-specific treatment, and polygraph assessment. Research on the effectiveness of specialized supervision strategies such as the containment approach has been completed in a handful of jurisdictions across the country with some studies showing effectiveness, as measured by significant reductions in sexual recidivism, based upon the use of specialized supervision models (Aytes et al., 2001; Lowden et al., 2003; McGrath et al., 2003), while other studies found no recidivism reduction for the program (Boone et al., 2006; Stalans, Seng, & Yarnold, 2002).

Circles of Support and Accountability

The Circles of Support and Accountability (COSA) model is a supervision strategy involving the use of community volunteers to provide support to an individual sex offender. COSA assists offenders in garnering community resources while holding them accountable to their self-monitoring plan, typically following completion of legal supervision. The limited research to date has demonstrated that COSA participation is effective in reducing sexual recidivism (Wilson, Cortoni, & McWhinnie, 2009; Wilson, Picheca, & Prinzo, 2005).

Polygraph

The use of polygraph assessment with sexual offenders is a somewhat more controversial management strategy than the others described thus far. Three different types of polygraphs are used with sexual offenders: a specific-incident exam that focuses on the sexual offense conviction or other specific offenses or behaviors, a sexual-history exam that explores the offender's history of sexual offending behavior, and a maintenance exam that reviews the offender's compliance with supervision and treatment conditions.

Results of multiple research studies across a variety of jurisdictions indicate that the use of polygraph with sexual offenders leads to additional disclosures. Reported increases in offender disclosure based on polygraph include the number of victims, offenses, and offense categories (Ahlmeyer et al., 2000; English et al., 2000; Heil, Ahlmeyer, & Simons, 2003; Hindman & Peters, 2001); high-risk behaviors (Buschman et al., 2010; Grubin et al., 2004); and age of onset, duration of offending, and frequency (English et al., 2003). However, in a study conducted by McGrath and colleagues (2007), no significant differences in sexual recidivism between polygraphed and nonpolygraphed sex offenders were found.

Electronic Monitoring, Including GPS

Another recent trend in sex offender management and supervision has been the use of GPS to monitor sex offenders. GPS is an updated, more technologically advanced form of the electronic monitoring techniques used with criminal offenders in the past. Research has been mixed on the use of GPS with general criminal offenders, with one systematic review showing no significant reduction in criminal recidivism for offenders subject to electronic monitoring techniques (Aos, Miller, & Drake, 2006), while another study indicated that criminal offenders on electronic monitoring had

lower levels of criminal recidivism (Padgett, Bales, & Blomberg, 2006).

In studies on the use of GPS with sexual offenders, research studies have demonstrated no significant reductions in sexual recidivism for those on electronic monitoring (Bonta, Wallace-Capretta, & Rooney, 2000; Gies et al., 2012; TBPP, 2007; Turner et al., 2007), or in the rate of violent crime and rape in jurisdictions utilizing this strategy (Button, DeMichele, & Payne, 2009).

Sexual Offender Civil Commitment

Sexual offender civil commitment (SOCC) is predicated on the belief that some offenders will be at continued high risk (in some cases termed "more likely than not") to commit a new sexual offense if they are not preventively detained and offered treatment designed to lower their risk for recidivism. To be subject to civil commitment, most SOCC statutes require the state to demonstrate that a potential candidate for this measure has (1) a history of engaging in criminal sexual behavior and (2) a "mental abnormality" that, without treatment, would preclude him or her from being able to manage his or her criminal sexual propensities in the community.

At present, very few civil commitment programs have released sufficient numbers of offenders to allow researchers to study the impact of civil commitment in a meaningful way. Across the 16 SOCC programs reporting data to the annual survey of the Sexual Offender Civil Commitment Programs Network (Jackson, Travia, & Schneider, 2010), the average number of releases per program was less than 10. One study that provides some insight into the impact of civil commitment on post-release offending examined the reoffense rates of 135 "almost SVPs"[2] (persons who were referred for SOCC, but petitions were not filed with the court) in Washington State (Milloy, 2007). With a uniform followup period of 6 years, 23 percent were convicted of new felony sexual offenses—a rate considerably higher than that found in "routine" samples of sexual offenders.

Sex Offender Registration and Notification

Sex Offender Registration and Notification (SORN) programs have been implemented to deter offenders from reoffending, give law enforcement an investigative tool, and increase public protection (CSOM, 1999). Research to date has been mixed in terms of the impact of SORN on the rates of sex crimes in an implementing jurisdiction, with several studies showing no change in the rate based on SORN (Holmes, 2009; Walker et al., 2006) while other studies have demonstrated a decrease in the rate (Letourneau, Levenson, Bandyopadhyay, Armstrong, & Sinha, 2010; Prescott & Rockoff, 2008). In addition, SORN was studied for its impact on the rates of sexual recidivism for registered sex offenders, with the majority of studies demonstrating no impact (Adkins, Huff, & Stageberg, 2000; Freeman, 2012; Letourneau, Levenson, Bandyopadhyay, Sinha, & Armstrong, 2010; Sandler, Freeman, & Socia, 2008; Schram & Milloy, 1995; Zevitz, 2006; Zgoba & Bachar, 2009; Zgoba et al., 2008). However, two studies did show a significant decrease in sexual recidivism for registered sex offenders (Duwe & Donnay, 2008; WSIPP, 2005).

State-level surveys of community members regarding SORN found that the public was aware of and supported SORN (Anderson & Sample, 2008; Lieb & Nunlist, 2008); thought it was fair (Brannon et al., 2007); believed that it provides safety for their family (Anderson & Sample, 2008; Lieb & Nunlist, 2008; Zevitz & Farkas, 2000); thought it makes sex offenders follow the law (Phillips, 1998, as cited in CSOM, 2001; Lieb & Nunlist, 2008; Brannon et al., 2007); see the benefits of SORN and learning about sex offenders through SORN (Phillips, 1998, as cited in CSOM, 2001; Lieb & Nunlist, 2008); took preventive measures (38 percent) based on SORN information (Anderson & Sample, 2008); reported suspicious behavior of offenders (3 percent) (Lieb & Nunlist, 2008); and accessed the registry (31 percent)—but those who did were more likely to be female, to be affluent, and to have children (Sample, Evans, & Anderson, 2011).

In a review of eight individual surveys on SORN's impact on sexual offenders subject to it, Lasher and McGrath (2012) found that 8 percent of sex offenders reported physical assault or injury, 14 percent reported property damage, 20 percent reported being threatened or harassed, 30 percent reported job loss, 19 percent reported loss of housing, 16 percent reported a family member or roommate being harassed or assaulted, and 40 to 60 percent reported negative psychological consequences.

Residence Restrictions

Sex offender residence restrictions that limit where convicted sex offenders may legally live have become more popular across the country. These restrictions

typically prevent sex offenders from living within 1,000 to 2,500 feet of schools, daycare centers, and other places where children congregate. Research has demonstrated that residence restrictions do not decrease (Colorado Department of Public Safety, 2004; Nobles, Levenson, & Youstin, 2012; Socia, 2012; Zandbergen, Levenson, & Hart, 2010) and are not a deterrent for (Duwe, Donnay, & Tewksbury, 2008) sexual recidivism. In addition, research has shown no significant decreases in sex crime rates following the implementation of residence restrictions (Blood, Watson, & Stageberg, 2008).

In terms of the impact on sex offenders of residence restrictions, research indicates that many sexual offenders have had to move or would have to move due to the implementation of residence restriction laws (Barnes et al., 2009; Chajewski & Mercado, 2008; Levenson & Cotter, 2005; Tewksbury & Zgoba, 2010) despite having limited housing options, particularly in urban areas (Barnes et al., 2009; Chajewski & Mercado, 2008; Levenson, 2008). This combination led to a report of increased homelessness (Levenson, 2008), loss of family support, and financial hardship (Levenson & Cotter, 2005).

Research Limitations and Future Needs

The research on sex offender management has a number of limitations. These include a small number of studies on a given strategy, short followup periods, small sample sizes, the use of different recidivism measures (making cross-study comparisons challenging), little information about the specific elements of the programs that are found to be successful, the inability to identify if the strategy being studied is what leads to the result or not, generalizability problems with certain geographic-specific studies, and problems with the scientific rigor of some of the studies including lack of comparison groups. Finally, general issues related to underreporting of sex crimes leads to the problem typically seen in sex offender management research; that is, a low base rate for sexual recidivism, which limits the ability to achieve significant differences between the intervention and comparison groups.

Regarding survey research, limitations include small response rates and sample sizes, leading to possible self-selection bias. In addition, the answers provided by certain responders, including sex offenders, may be subject to distortion because offenders may try to give a socially desirable response or portray themselves in a sympathetic light.

In terms of future research directions, it is recommended that research using rigorous scientific methods be encouraged and supported. Comparison studies with large sample sizes and longer followup periods should be conducted. Finally, it would be beneficial for future research to not only identify the effect of the intervention, but also identify the program components that appear to be most beneficial and the mechanisms by which successful outcomes are achieved.

Conclusions and Policy Implications

This brief has focused on the effectiveness of a number of prominent sex offender management strategies, including specialized supervision, COSA, polygraph, GPS, civil commitment, SORN, and residence restrictions. Specialized supervision, in conjunction with rehabilitation, appears to be effective in reducing recidivism for sexual offenders. However, the use of specialized supervision in the absence of rehabilitation is not supported by research. The few studies of COSA that have been undertaken thus far have produced encouraging findings, but far more research employing larger samples of offenders and more rigorous designs capable of isolating COSA effects are needed. Research related to the use of polygraph assessment is somewhat less definitive. Therefore, the polygraph, if used, should only be used in conjunction with a comprehensive supervision and treatment approach.

In terms of SORN, research to date has exhibited mixed results on sex offender crime rates and recidivism. Studies have not adequately controlled for outside factors that might serve as an alternative explanation for the observed study outcomes. Future, more rigorous research on the effects of SORN is needed. Despite these limitations, there is broad public and policymaker support for SORN, and a perceived public safety benefit among these groups. Finally, the evidence is fairly clear that residence restrictions are not effective. In fact, the research suggests that residence restrictions may actually increase offender risk by undermining offender stability and the ability of the offender to obtain housing, work, and family support. There is nothing to suggest this policy should be used at this time.

Overall, sex offender management policies are often implemented on a one-size-fits-all basis for all sexual offenders. It must be stressed that all of the above-noted policies that show a positive impact should be implemented in a targeted rather than one-size-fits-all fashion commensurate with offender risk and need.

Finally, it is recommended that sex offender management policymakers strive to use empirically supported strategies. Granted, there are times when new strategies are identified in the absence of research and need to be tested for effectiveness, as innovation in criminal justice practice (including sex offender management) is important. Given this contingency, it is recommended that future implemented policies should be evidence-generating so that empirical study can occur.

Notes

1. Abstract databases such as Academic Search Complete, Criminal Justice Abstracts, Google Scholar, PubMed, PsycNET®, ScienceDirect, Wiley Online, and Sage Online were also searched for potentially relevant research.

2. SVP stands for sexually violent person/predator.

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ABOUT SMART

The Adam Walsh Child Protection and Safety Act of 2006 authorized the establishment of the Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) Office within OJP. SMART is responsible for assisting with implementation of the Sex Offender Registration and Notification Act (SORNA), and also for providing assistance to criminal justice professionals across the entire spectrum of sex offender management activities needed to ensure public safety.