

STRATEGICALLY MONITORING SEX OFFENDERS:

ACCESSING COMMUNITY CORRECTIONS' RESOURCES
TO ENHANCE LAW ENFORCEMENT CAPABILITIES



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In partnership with the U.S. Department of Justice, Bureau of Justice Assistance (BJA), the International Association of Chiefs of Police (IACP) identifies policy and operational challenges facing law enforcement regarding sex offenders and is developing resources to assist law enforcement executives and their agencies to reduce future victimization and increase community safety.

IACP resources include:

- *Sex Offenders in the Community: Enforcement and Prevention Strategies for Law Enforcement*, a publication including an overview of the sex offender population, examples of prevention and enforcement strategies from agencies around the United States, and sample address verification forms
- *Framing a Law Enforcement Response: Addressing Community Concerns about Sex Offenders*, a brochure identifying questions frequently posed to law enforcement officials, with talking points provided to assist agencies in framing a response
- An IACP model policy on registering and tracking sex offenders
- *Tracking Sex Offenders Using Electronic Monitoring Technology: Implications and Practical Uses for Law Enforcement*, a publication created in partnership with the American Probation and Parole Association on the advantages and disadvantages of electronic monitoring technology used to track sex offenders
- *Managing Sex Offenders: Citizens Supporting Law Enforcement*, a publication offering examples of how law enforcement agencies are using volunteers to enhance and support their sex offender enforcement and prevention efforts
- A Webcast on the use of risk assessment tools (forthcoming)
- Training and technical assistance for law enforcement agencies (forthcoming)

Resources available online at:

<http://www.iacp.org/profassist/ReturningOffenders.htm#offendermanagement>

Effective management of the sex offender population requires justice system agencies to perform enforcement and supervision activities and to share information. This document provides baseline information to improve communication between the law enforcement community and community corrections officers (CCOs) with the ultimate goals of enhancing public safety and preventing future victimization. Critical to public safety is the development of effective mechanisms to regularly share information regarding supervision and monitoring of sex offenders in the community.

Most sex offenders return to the community upon release from incarceration. Offenders who are not released may be incarcerated for life or admitted to a psychiatric hospital or other mental health treatment facility through civil commitment. On any given day, there is an average of 200,000 sex offenders under the control of correctional agencies in the United States, with 60 percent of these offenders supervised in a community setting.¹ During the supervision process, both law enforcement personnel and CCOs gather different but equally important information on sex offenders. Sharing information can better prepare both groups to monitor and track the sex offender population.

The law enforcement community is concerned largely with the sex offenders who pose the highest risk to the community. Because community supervision is the most prevalent sanction for sex offenders, CCOs often possess more in-depth information on these offenders and their criminal histories. Therefore, communication between law enforcement agencies and CCOs is crucial to determine which offenders should be considered high risk. With this knowledge, agencies can tailor supervision strategies and resources accordingly. This document outlines the types and methods of information sharing between law enforcement and CCOs regarding sex offenders.

Purpose and Benefits of Information Sharing

Collaboration can be defined as “a mutually beneficial and well-defined relationship entered into by two or more organizations to achieve common goals.”² Central to any collaborative effort is open communication structured around written policies, procedures, and protocols that clearly explain roles, duties, and expectations for all parties. Law enforcement agencies and CCOs have similar goals and purposes for monitoring sex offenders in the community, including helping victims, preventing future victimization, and holding offenders accountable for their crimes. Recognizing these common goals can promote information sharing.

Effective justice system strategies to combat sexual victimization necessitate a strong collaborative effort on the part of many groups and individuals. Law enforcement agencies and CCOs can form symbiotic relationships to allow for an exchange of information to further enhance community supervision of sex offenders. Law enforcement officers have information to enable CCOs to complete presentence investigation reports (for example, the nature of the arrest and specifics of the crime). Additionally, CCOs may gather information during the supervision process that can be shared with law enforcement officers to hold offenders accountable (for example, risk assessment information).

Information Sharing and Communication Strategies

Concern exists about how information should be shared among agencies. The following communication strategies should be considered prior to forming or establishing collaborative partnerships:

- Establish goals and clarify roles and responsibilities
- Facilitate a cross-agency transfer of knowledge, ideas, and suggestions
- Share critical information about specific cases and offenders
- Identify a central point of contact within each participating agency
- Maintain an updated case file for every sex offender
- Provide collaborating agencies with the offender’s conditions of supervision and case plan
- Hold regular meetings to exchange information, review, and update case files
- Use all available technological outlets to communicate with other agencies, including listserves
- Document all law enforcement stops involving sex offenders and report them to CCOs
- Integrate any databases containing sex offender information to provide access to other collaborating agencies
- Coordinate efforts to ensure registry information is accurate and updated.

ACCESSING COMMUNITY CORRECTION RESOURCES

Many instruments, devices, policies, or programs used by CCOs to provide structure to an offender's life and to gather detailed information on offenders and their crimes can be shared with law enforcement agencies to strengthen monitoring and tracking efforts. This document outlines the types of information collected by CCOs and details the **purpose, benefits, access to, and examples of** each piece of information. Discussed in this section:

- What the tool is and how it is used
- How the information can benefit law enforcement agencies' ability to monitor and track sex offenders
- How the tool is obtained and used by CCOs
- How law enforcement can request and obtain the information.

Risk Assessments

Purpose

- Risk assessment instruments are actuarial tools that use mathematical and statistical methodology to measure the likelihood of sex offender recidivism.
- Risk assessment instruments calculate the probability of future recidivism based upon static (historical) and dynamic (changing) factors.
- Sex offender-specific risk assessments gather information such as sexual deviancies, victim ages, offense history and patterns, and so on.
- Sex offender-specific risk assessments assist in resource allocation, provide support for court cases, and shape the case management process.

Benefits

- Accurate risk assessment information allows law enforcement agencies to allocate resources to the supervision of offenders posing the greatest threat to the community.
- Sex offender behavior and risk to the community can change; therefore, continued contact with these individuals can alert police to such changes.
- To maintain thorough investigative files some law enforcement agencies collect supplemental risk assessment information through questionnaires or other forms.
- Psychosocial assessments may be used to identify and understand potential triggering events for individual offenders.

Risk Assessments (continued)

Access

- Risk assessment results are kept in the sex offender's probation file, and law enforcement agencies may access this information by contacting the appropriate CCO.

Examples

- Rapid Risk Assessment of Recidivism (RRASOR) is the prevalent instrument used by CCOs to quickly assess the potential for recidivism. RRASOR includes four questions related to recidivism, including prior sex offenses, age at release, victim gender, and relationship to the victim.
- Static-99 is an assessment instrument used within the corrections field to predict sexual recidivism and violent sexual recidivism potential. Static-99 includes the four RRASOR questions and more specific information about sexual deviancies, victim range, young male victims, and stranger victims.
- Informal methods of risk assessment include home visits, treatment information, polygraph examinations, and other techniques that verify or refute offender self-report data and official records.

Conditions of Supervision

Purpose

- Conditions of supervision dictate what the sex offender must or must not do while under community supervision. Violations may result in revocation of probation or parole.

Benefits

- Access to sex offenders' conditions of release may alert law enforcement agencies to any violations during verification or compliance checks or when responding to citizens' concerns regarding an offender.

Access

- Conditions of supervision are kept in the sex offender's probation file, and law enforcement can be made aware of the conditions by contacting the CCO.

Conditions of Supervision (continued)

Examples

SAMPLE Sex Offender Conditions of Supervision

Offenders assigned to Sex Offender Supervision are subject to the following supervision rules as specified by their probation officer. These rules are in addition to the standard probation agreement(s) and court ordered conditions:

- Enter and actively participate in, and successfully complete a sex offender treatment program as recommended by probation and directed by the court, including any and all aftercare. Comply with any psychiatric testing or physiological testing as required by treatment provider, this includes a polygraph.
- I have been ordered by the Court to have no contact, direct or indirect, with _____, unless contact is approved by the Court, or my probation officer and a therapist trained in the treatment of sex offenders. (Contact includes physical, verbal, visual, letters, phone calls, computer transmissions, text messages, videos, visits, photographs, or any form of contact through a third party.)
- Participate in polygraph examination as ordered by the court and directed by your probation officer. The polygraph information will be used for supervision and risk management standards. Results of polygraph examination may be shared with the court but will not be solely used as the basis for scheduling subsequent court hearings by the supervising agent.
- I will have no contact/unsupervised contact with males/females under age 18, unless approved by the court, or my probation officer and a therapist trained in the treatment of sex offenders. Appropriate supervised contact will be determined by my probation officer.
- I will maintain a suitable residence approved by my probation officer and will make no changes in residence without prior written approval of my agent. I understand that it is my responsibility to report any address changes to the Bureau of Criminal Apprehension if I am required to register as a Predatory Offender.
- I will obtain written permission from my probation officer prior to leaving the State for any purpose.
- I understand that I am subject to both scheduled and random home and employment visits. I will cooperate with my probation officer during the completion of these visits. In addition, the Court may order me to comply with random searches of your residence as a condition of probation. I understand that my agent or other proper authorities may confiscate drugs, weapons, and/or pornographic materials that are found in my home or employment.
- No internet accesses at home, work, library, coffee shops or secondary sites.
- If internet is approved, allow probation/parole officer access to monitor all computers in the home in order to check compliance. Computer may have specific software added, at probationer's expense, to assist probation officer in monitoring use.
- I will not use, purchase, or possess any form of obscene, pornographic, or sexually stimulating visual or auditory material. Nor will I enter any strip clubs or adult book stores, unless approved by my probation officer. Residence(s) subject to random searches by probation officer to monitor compliance.

I certify that I fully understand the conditions of this agreement and agree to be bound by these rules. I understand that the above listed rules and any court-ordered special conditions will be enforced by my probation officer. Failure to comply with the special conditions of my probation or the above listed rules may result in a probation revocation.

Signed and witnessed this _____ day of _____ 20____

GPS/Electronic Monitoring Technology

Purpose

- CCOs use GPS and other electronic monitoring devices to track offender movement.
- Active GPS allows officials to track the movement of sex offenders continuously and to monitor whether they are abiding by their conditions of release or avoiding exclusion areas.
- GPS technology does not prevent sex offenders from committing crimes, but it does record their whereabouts and alerts CCOs to potential violations of conditions of supervision.
- Certain laws place sex offenders on GPS/electronic monitoring for a period of time beyond their probation or parole supervision sentence, which has implications for law enforcement. For example, law enforcement may be expected to maintain electronic monitoring equipment and respond if alerted.

Benefit

- GPS data is important to law enforcement when enforcing geographic restrictions and provides an investigative resource by tracking an offender's whereabouts.

Access

- Law enforcement officers interested in viewing an offender's movements for a specific date can contact the corrections agency or the offender's CCO. Sometimes aggregated, longitudinal data are also available, mapping the whereabouts of the offender over a longer period of time.

Examples

Two types of GPS monitoring used to track sex offenders:

- In *passive GPS monitoring*, offenders wear a GPS monitor, usually around their ankle. The monitor uses signals from global positioning satellites to create a map of offenders' movements. Once or twice a day, that information is downloaded to a computer.
- In *active GPS monitoring*, offenders wear a GPS monitor, usually around their ankle, and the monitor is tracked by global positioning satellites, similar to the process in passive monitoring. However, active monitoring means that the information collected by satellite is transmitted every few minutes by cellular telephone to a tracking center. At the tracking center, staff members monitor offenders' movements. This is the method closest to real-time monitoring.

The IACP, in collaboration with the APPA, produced a supplemental document outlining the implications and practical uses of electronic monitoring technology: *Tracking Sex Offenders with Electronic Monitoring Technology: Implications and Practical Uses for Law Enforcement*.

Resources available online at:

<http://www.iacp.org/profassist/ReturningOffenders.htm#offendermanagement>

Polygraph Examinations

Purpose

CCOs use polygraph examinations to:

- Monitor compliance with conditions of supervision and progress with treatment
- Uncover sexual history and past offenses
- Counter offender denial
- Supplement presentence investigations

Polygraph examinations may be ordered by the court or CCO or suggested by the treatment provider.

Benefits

- Polygraph results may reveal important aspects of an offender's offense cycle that are not known (for example, number of victims, substance use, and additional offenses).
- Polygraph exams help detect violations of conditions of release.
- Polygraph exams may be used as another type of risk assessment if the offender reveals information on additional victims or offenses.
- Polygraph results may prompt law enforcement to increase supervision for a certain sex offender.

Access

- Polygraphs are administered by a professional polygrapher, and results are shared with the CCO and treatment provider as well as other members of the supervision team.
- Law enforcement agencies may request polygraph results from the CCO, who may defer to the polygrapher or treatment provider (depending on who has the information).
- Jurisdictions have different policies and procedures regarding how these data are shared and with whom.

Treatment Information

Purpose

- Sex offender-specific treatment teaches offenders how to manage propensities or urges to commit sexual crimes, potentially limiting their risk to the community and preventing future crimes.
- Treatment providers communicate with sex offender management probation teams to report any changes and verify offender information.
- In using the containment approach, treatment providers work closely with CCOs to measure changes in the sex offender's behavior.
- Treatment providers regularly contact CCOs to report offenders' progress in treatment and to ensure that offenders comply with court-ordered treatment conditions.

Benefits

- Treatment information is valuable to law enforcement agencies because it provides an indication of an offender's offense cycle and may offer insight as to the offender's level of risk to the community.
- Treatment providers often give reports to the CCO discussing the sincerity of an offender's desire to change, denial of crimes, and progress in treatment. Each of these factors may play a role in determining risk.

Access

- Law enforcement agencies may contact CCOs to receive specific information about an offender's treatment history and may even contact the treatment provider directly if a relationship has been established between the two parties.
- Even if specific treatment information cannot be obtained due to confidentiality issues, a general discussion with the CCO or treatment provider regarding an offender's likelihood to reoffend may be helpful.

Joint Home Visits

Purpose

- CCOs and law enforcement officials perform joint home visits to collectively monitor and reduce the risk posed by sex offenders in the community.
- Joint visits can improve the accuracy of information provided in public registries and offender accountability.

Joint Home Visits (continued)

- In most instances, probationers waive their Fourth Amendment rights to privacy, providing CCOs with the authority to search (without cause) a probationer's home, vehicle, and person at scheduled or random times.

Benefits

- Joint home visits with law enforcement personnel and CCOs can provide an extra layer of security and send a strong message to an offender and the community that the entire justice system takes sex offenses seriously.
- Joint home visits allow law enforcement officers to make face-to-face contact with an offender, particularly with offenders who are not required to register.

Access

- Law enforcement officers can contact the appropriate CCO to inquire about conducting a joint home visit.

Employment Schedule

Purpose

- CCOs must approve all employment for sex offenders to ensure that employment duties and environment are not in violation of the conditions of supervision.
- Sex offenders must obtain permission from their CCO to change employment and must notify the CCO if they lose employment.

Benefits

- The employment schedule is valuable to law enforcement agencies because officers will know where a particular offender is supposed to be during specific times.
- This information may serve as an important investigative function because the employment schedule provides law enforcement agencies with an additional offender locations, which may be particularly useful for noncompliant sex offenders or absconders.

Access

The employment schedule is kept in the sex offender's probation file and can be accessed by contacting the CCO. Employment considerations include:

- Whether the location of the job provides access or opportunities to reoffend

Employment Schedule (continued)

- If the offender has access to the Internet, digital cameras, or other equipment that may be used to commit sexual assault
- The amount of surveillance that exists through on-the-job supervision (for example, offenders should avoid jobs with long periods of travel.)

Case Management Plan

Purpose

- A case management plan clearly defines supervision practices for the CCO.
- The plan is based on information collected about an offender's deviant sexual arousal patterns (risk assessment, self-reports, etc.).
- The plan includes all the aspects of the conditions of supervision and details the intentions set for particular offenders during their community supervision.

Benefits

- The case management plan is valuable to law enforcement agencies because it provides a complete picture of an offender and what is expected of the offender during supervision.
- When law enforcement officers are aware of the case management plan, they may contribute to supervision by holding the offender accountable for violations.

Access

- The case management plan is kept in the sex offender's probation file and may be accessed by contacting the CCO.

Updated Photo

Purpose

- Offender photos are taken periodically. The timing of photos differs across jurisdictions depending on registration requirements.
- Some CCOs ensure that a photo is taken during each encounter with a sex offender. Although this photo may not be placed on the registry, it is important to have an updated photo on file.
- A current photo may indicate whether offenders are deliberately trying to change appearance to escape detection.

Updated Photo (continued)

Benefits

- If law enforcement officers are searching for a noncompliant sex offender or absconder, a current photo can serve as a valuable investigative resource.
- Law enforcement agencies can use the updated photo to create a flyer to be posted in the community or on the agency's Web site.
- An updated photo captures any changes in identifying features such as tattoos, plastic surgery, or injuries.

Access

- Photos are kept in the offender's probation file.

Victim Information

Purpose

- CCOs may collect information about a victim and the events surrounding the crime in the presentence investigation report.
- General victim information such as age, gender, and relationship to the offender, may reveal the offender's offense patterns or risk level.
- CCO's may enlist the help of law enforcement in monitoring certain offenders, and share victim information so law enforcement officers are aware of certain risk factors to look for if they encounter the offender.

Benefits

- Victim information such as age, gender, and relationship to the offender, may impact offender recidivism rates.
- Providing victim information helps law enforcement identify and address suspicious behavior before additional offense may occur.

Access

- Victim information such as age, gender, and relationship to the offender may be obtained from CCO's without revealing the victim's identity.

SUMMARY

The justice system consists of many agencies, each with specific missions. These agencies are often able to work with little interaction with one another. However, strategically monitoring and tracking sex offenders requires agencies working together to enhance public safety and prevent future victimization.

NOTES

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- ³English, Kim. "The Containment Approach: An Aggressive Strategy for the Community Management of Adult Sex Offenders." *Psychology, Public Policy, and Law* 4 (1998): 218-235.

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