



**NYS Division of Probation
and Correctional Alternatives**

Sex Offender Management Survey Report Results and Recommendations

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ACKNOWLEDGEMENT

The New York State Sex Offender Management Survey of probation practices and community supervision was a large and important undertaking for both the State Division of Probation and Correctional Alternatives (DPCA) and local probation departments. The 100-question survey was a formidable challenge for probation departments, many of which are not automated. Nevertheless, probation directors understood the importance of this survey study and its potential to shape future policy, identify the need for both guidance and resources and promote community safety. Indeed, probation professionals know best that sentences of probation supervision in New York State, now six years for misdemeanor and ten for felony sexual assault crimes, continue to be the most frequently imposed disposition by Courts throughout the State. Probation departments now manage nearly 6,000 sex offenders in our communities, 4,000 of whom are listed on the State's Sex Offender Registry (SOR).

I want to thank probation directors and officers who worked to provide DPCA with this important information. I also want to acknowledge DPCA Community Correction Representative Jami Krueger, who produced this report. Collecting and analyzing the information contained in this report, researching the literature on sex offender management practices and examining the practices of other states while writing this document was a major initiative. DPCA Community Correction Representative Gary Govel provided invaluable assistance in developing the survey instrument, assuring data quality, providing technical assistance on probation practice and conducting numerous interviews.

The Sex Offender Survey Report provides us with important information on the latest practices and challenges regarding the management of probationers in the community. This report will continue to inform probation practice and sound policy and serve as the basis for future guidance.



Robert M. Maccarone
State Director

EXECUTIVE SUMMARY

Sex offenders under community supervision are an important public safety issue, with nearly 6,000 sex offenders under probation supervision in New York State. Although sex offenders constitute less than three percent of persons on probation, sex crimes can have devastating and long-term effects on victims and challenge our communities. Therefore, it is essential that probation officers who supervise these offenders utilize the best training, resources and tools known to the field.

During the summer of 2006, the Division of Probation and Correctional Alternatives conducted a survey of 58 local probation departments in an effort to assess management practices for each county and New York City. The rich information obtained from the survey will help to guide probation in an effort to strengthen its management of sex offenders in our communities throughout New York State.

The report that follows includes comprehensive information on the management of sex offenders at pre-trial release and under supervision; supervision practices such as specialized orders and conditions of probation for sex offenders, risk assessment, specialized supervision, field work, collaboration and probation officer training; treatment of sex offenders, and short sections on victims and juvenile sex offenders. Finally, strengths and challenges of current supervision practices are assessed and recommendations are made for strengthening management practices.

Key Findings:

- In addition to the nearly 4,000 registered sex offenders, officers supervise another 1,970 offenders as sex offenders. This includes persons convicted of non-registerable offenses but whose crime was sexual in nature, as well as juveniles and youthful offenders.
- Local probation departments are likely to conduct enhanced pre-sentence investigations on sex offenders, which include more attention to victim issues such as more comprehensive victim impact statements, advocacy and service referrals.
- Almost two-thirds of departments provide specialized supervision or caseloads for sex offenders, which usually includes supplemental training on sex offender management issues.
- At the time of the survey, 16 of 58 departments were using sex offender-specific validated risk assessment tools.
- While most departments have a treatment provider within their county, providers are still in demand; and the nature of treatment provided by local providers and departments of mental health is unknown.

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- Several difficulties exist in providing post-conviction polygraph assessments, within the context of treatment, to sex offenders on probation. Those difficulties include a shortage of certified polygraph administrators and related costs.
- The areas of most concern to probation departments are monitoring computer use, the availability of the polygraph examiners, GPS and other types of electronic monitoring, improving supervision and management of sex offenders.

There are several key areas that DPCA can work with local probation and other practitioners to provide current information to departments:

- Compile and disseminate current information to probation professionals on evidence-based practice in the areas of assessment, treatment, recidivism and relapse prevention.
- Explore options to increase access to polygraph examinations and treatment providers.
- Create and deliver comprehensive training to probation officers who conduct pre-sentence investigations and/or supervise sex offenders.

Part I: Introduction and History

Introduction

In 2006, the DPCA undertook an extensive survey of all 58 probation departments regarding their sex offender management policies, practice, and resources.¹ The overall goal of this survey was to increase public safety and lower recidivism by assessing current practice and assisting probation departments move forward toward evidence-based practice. This report constitutes a comprehensive analysis of the data and it will continue to be used for the following purposes:

- To strengthen management practices utilized by probation departments in conducting investigation and supervision responsibilities;
- To identify and support legislative policy initiatives;
- To complete an inventory of resources available to and utilized by probation departments;
- To foster cross-system collaboration in probation departments;
- To explore ways to fill identified gaps in supervision practice, policy and treatment resources;
- To provide guidance to probation departments on evidence-based practice in the management of sex offenders;
- To bring consistency to probation departments in policy and practice.

Evidence-Based Practice in Sex Offender Management

The term “Evidence-Based Practice” (EBP) has roots in the health and human services field, where research (evidence), clinical expertise, and patient practices are the foundation for clinical decision-making. This concept has recently been embraced by criminal justice practitioners as national and international researchers challenge the “Nothing Works” notion first offered in the 1970s. These practitioners held firm, knowing that the work they do to intervene in the lives of offenders, works in many more cases than originally indicated. After years of accumulating individual research studies and program evaluations, researchers turned to meta-analysis of these individual studies and found that intervention does indeed work. However, there are certain principles associated with more effective interventions.

Although used interchangeably, “What Works,” “Best Practices” and EBP carry different connotations. “Best Practices do not necessarily imply attention to outcomes, evidence, or measurable standards...[and are] often based on the collective experience and wisdom of the field, and may be based on insufficient scientific or inconclusive evidence.” “What Works implies a linkage to general outcomes, but does not specify the kind of outcomes desired (e.g. “just desserts,” deterrence, organizational efficiency, rehabilitation, etc.). Specificity regarding the desired outcomes is essential to achieving system improvement.” EBP implies that “1) one outcome is desired over others; 2) it is measurable; and 3) it is defined according to practical

¹ A copy of the survey can be obtained by contacting the DPCA at (518) 485-2395.

realities (i.e. public safety) rather than immeasurable moral or value-oriented standards.” (National Institute of Corrections and the Crime and Justice Institute, 2004, p. 2²)

What does EBP mean for probation? The State of Virginia provides a succinct description of the role of EBP in community corrections³:

Evidence-based practice (EBP) is the application of science into operational practice for services and programs for offenders. The goal is to use practices that have been empirically tested and have been shown to reduce recidivism among offenders. Based on numerous studies and meta-analyses of offender rehabilitation programs, researchers have outlined a set of principles to guide the implementation of EBP. The evidence-based principles for effective services and intervention with offenders are:

- 1. assess offender risk and needs using an actuarial instrument and determine the drivers of criminal behavior**
- 2. enhance intrinsic motivation through use of constructive communication techniques, such as motivational interviewing and goal setting**
- 3. apply risk, need, and responsivity principles (i.e. target high-risk offenders, focus on changing criminogenic factors, provide services that match needs); provide the appropriate dosage of services; and deliver treatment and other services as part of the sentencing and sanctioning process**
- 4. employ programs and practices grounded in scientific evidence (i.e. cognitive-behavioral therapy) delivered by trained staff**
- 5. utilize community support networks to reinforce pro-social behaviors and help offenders establish pro-social contacts in the community**
- 6. routinely monitor and assess offender and staff performance**

Several areas listed above as EBP are highly relevant to effective sex offender management: actuarial assessment, understanding the relapse cycle coupled with research indicating what types of sex offenders are most likely to re-offend (ranging from engaging in the precursors to offending -- to a failed polygraph exam -- to rearrest), recidivism differs among types of sex offenders and varies based on both static and dynamic factors, identifying and effectively engaging offenders in appropriate treatment, monitoring attendance and progress, and specialized training for probation officers who supervise sex offenders.

Development of a Comprehensive Strategy: The Containment Approach

One outgrowth of the EBP movement was the development of particular strategies to supervise and treat sex offenders. In January of 1996, the American Probation and Parole Association published a groundbreaking work titled *Managing Adult Sex Offenders: A*

² Download at <http://www.nicic.org/Library/019342>. Implementing Evidence-Based Practice in Community Corrections: The Principles of Effective Intervention. This monograph discusses EBP in depth.

³ *Putting Research Into Practice: Implementing Evidence-Based Practices in Community Corrections*, <http://www.dejs.virginia.gov/corrections/documents/researchToPractice.pdf> (printed 11/14/2006).

*Containment Approach*⁴. This publication grew out of the work of the Colorado Division of Criminal Justice, a leader in the area of sex offender management. Later that same year, the Office of Justice Programs of the U.S. Department of Justice convened a group to address the issue of community supervision of sex offenders. In response to their recommendations, the Office of Justice Programs, in conjunction with the National Institute of Corrections and the State Justice Institute, created the Center for Sex Offender Management (CSOM)⁵.

The core goals of CSOM are to enhance public safety, prevent future victimization, and improve management practices of sex offenders in the community. This is accomplished through the exchange of information, training and technical assistance, and the development of 19 resource sites nationwide. The Containment Approach, as advocated by CSOM, has been more or less incorporated into *The Comprehensive Strategy*, which focuses on three areas in the community supervision: the supervising officer, the treatment provider and use of the polygraph⁶. As illustrated by Figure One, The Comprehensive Approach involves the entire criminal justice system in managing sex offenders, sex offender-specific treatment, and use of the polygraph.

Figure One: The Comprehensive Approach to Sex Offender Management



Source: CSOM, Sex Offender Management Training Materials.

⁴ More information on obtaining a copy of this publication is available at: <http://www.appa-net.org/publications%20and%20resources/managingadult.htm>

⁵ <http://www.csom.org>

⁶ The Containment Approach has five components: a victim orientation, multi-disciplinary collaboration, containment tools (polygraph), consistent policy, and quality control.

While the DPCA Sex Offender Management Survey (“The Survey”) did not directly ask about some of the elements listed above, the individual elements can be evaluated statewide by identifying questions as proxies for the concepts listed in Figure One. Through this methodology, only “Leisure Time Monitoring”, “Victim-Community Approval” proved too elusive to be measured. New York law does not provide for a 72-hour mental health hold on this particular type of offender. Table one indicates how closely probation in New York has been able to adhere to the model.

| Table One: Assessment of the Use of the Containment Approach by Probation Departments in New York to Manage Sex Offenders (N=57)* | | |
|--|-------------------|---------------------------|
| Concept | % Positive | No. of Departments |
| Confidentiality Waivers: Do departments include a confidentiality waiver as a condition of probation? | 77.2% | 44 |
| Surveillance Officers: Does department conduct surveillance of sex offenders? | 50.9% | 29 |
| Consistent Policies | 38.6% | 22 |
| * Cross-Systems Teams: None Listed | 36.8% | 21 |
| * Cross-Systems Teams: Multiple agency cooperation | 42.1% | 24 |
| * Cross-Systems Teams: Works with law enforcement agencies only | 15.7% | 9 |
| * Cross-Systems Teams: Unknown | 5.2% | 3 |
| Interagency Teams: Law enforcement accompanies with field work. | 82.5% | 47 |
| Interagency Teams: Probation and law enforcement collaborate on specific initiatives. | 24.6% | 14 |
| Interagency Teams: Works with Immigration and Customs Enforcement. | 57.9% | 33 |
| Employment Restriction: Condition of probation. | 78.9% | 45 |
| Internet Restriction: Condition of probation. | 86.0% | 49 |
| Internet Restriction: Includes a condition to allow monitoring of internet activity. | 78.9% | 45 |
| Internet Restriction: Department has ability to search computer. | 61.4% | 35 |
| Family Reunification: Does the department have a policy? | 47.4% | 27 |
| Sex Offender Registration: State-wide requirement. | 100.0% | 57 |
| Urinalysis: A standard condition of probation. | 100.0% | 57 |
| Monitored Leisure Time: No adequate proxy in survey. | | |
| 72 Hour Mental Health Hold: New York does not have a statewide law allowing for such hold pertaining to sex offenders. | | |
| Supervision Conditions: Does the department have sex-offender specific conditions of probation? (Multiple selections were allowed, minimum of one checked to be included.) | 100.0% | 41 to 57 |
| Victim Therapist: Referrals for probationers who are victims. | 56.1% | 32 |
| *Victims: Local partnerships with victim-centered groups. | 7.1% | 4 |
| Victims: Policy regarding victims, most common report is at pre-sentence investigation stage. | 78.9% | 45 |
| Approved Treatment Providers: Presence of an ATSA-affiliated treatment provider within the county. | 40.4% | 23 |
| Polygraph Examiner Approval: Access to polygraph examiners. | 54.4% | 31 |
| Victim-Community Approval: No adequate proxy in survey | | |
| Cross-training: Number of departments with at least one training agency. | 82.5% | 47 |
| Victim Services: Presence of a Crime Victims Board. | 100.0% | 57 |
| Victim Services: Sex offense-specific crime victims service providers. (from the Crime Victims Board) | 66.7% | 38 |

*Questions indicated with an asterisk were coded from narrative (n=36; 21 departments do not report membership in a cross-systems team). The number of departments sharing such information may be higher due to failure to include the information in the narrative. Hamilton County Probation Department's survey response was not included in this specific analysis.

From the table above, it appears that probation departments in New York are meeting some of the elements of the Comprehensive Approach. All departments are meeting the requirement of Sex Offender Registration, most are using drug testing, and providing for victims services. However, cross-system collaboration tends to be limited to law enforcement partnerships, and treatment resources seem to be in demand. While departments are reporting specialized conditions of probation, more departments need to reinforce those conditions with regular surveillance and computer searches. Finally, as borne out by analysis of the survey data, polygraph access and use is quite limited.

Summary

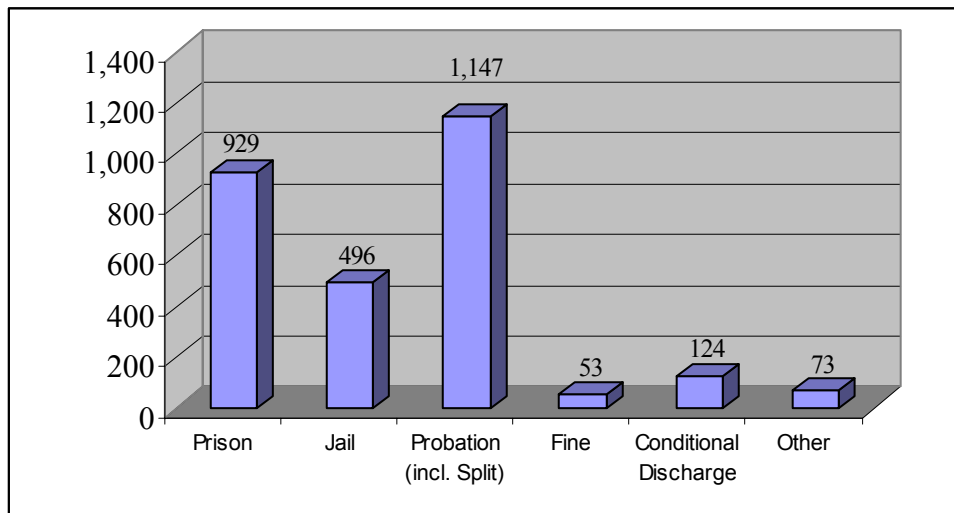
The Comprehensive Approach to Sex Offender Management is an evidence-based approach that fosters more effective management of sex offenders in the community. As indicated in table one, probation departments have adapted some of the elements of the comprehensive approach to sex offender management, but more work remains to be done. To some extent, available resources undoubtedly impact the capacity of probation departments to adopt the entirety of effective practices. The Survey administered by DPCA has provided a large amount of data that will shed light on local sex offender management practice and guide policy decisions for the future. The next section provides more detailed analyses of the survey results, and the final section contains recommendations for the improvement of the management of sex offenders on probation in New York State.

Part II: Survey Results

Sex Offender Populations

The first step in assessing sex offender management was to identify the characteristics of the statewide population of sex offenders under probation supervision. The New York State Division of Criminal Justice Services reported that 1,147 offenders requiring registration under the Sex Offender Registration Act (SORA) were sentenced to probation in 2005. As Figure Two indicates, probation is the most frequent sanction for this group. Of the 2,822 offenders sentenced, 40.6% received a sentence to probation. Sentences to the Department of Correctional Services (DOCS) were second, with 32.9%; and local jails third, with 17.6%.

Figure Two: Sentences Requiring SORA Registration, 2005



Source: New York State Division of Criminal Justice Services, Computerized Criminal History Database, 10/2006.

Data from the DPCA Survey revealed a much larger pool of probationers who were being supervised as sex offenders than by examining the offenders listed on the Sex Offender Registry (SOR) alone. In addition to a group identified due to their current conviction and subsequent SOR requirement, the survey asked about probationers who are: a) on the SOR due to a *prior* conviction but are *currently* on probation for a non-sex offense; b) being supervised as a sex offender due to the nature of the crime or initial charges rather than the actual conviction charge; or c) not required to register due to youthful offender status.

Departments reported supervising as sex offenders 3,671 SOR probationers, including 328 probationers who are on the SOR from a prior conviction and on probation supervision for a new, non-sexual offense. Cases that do not require registration were also reported: 389 juveniles⁷; 1,033 probationers who are not required to register, but whose offense was sexual in

⁷ Including 26 non-adjudicated JD offenders, 334 adjudicated JD offenders, 8 non-adjudicated PINS cases, and 21 adjudicated PINS cases. JD=Juvenile Delinquent, governed by Article 3 of the Family Court Act; PINS=Person in Need of Supervision.

nature; and 548 Youthful Offenders (including Juvenile Offenders) whose adjudication does not require or permit SORA Registration.⁸ These 1,970 offenders constitute a probation population 35% over the SOR population, totaling 5,641 probationers that require enhanced supervision and management services as sex offenders. Probation officers appropriately determine supervision and management based on the interests of community safety.

The Role of Probation in Sex Offender Management

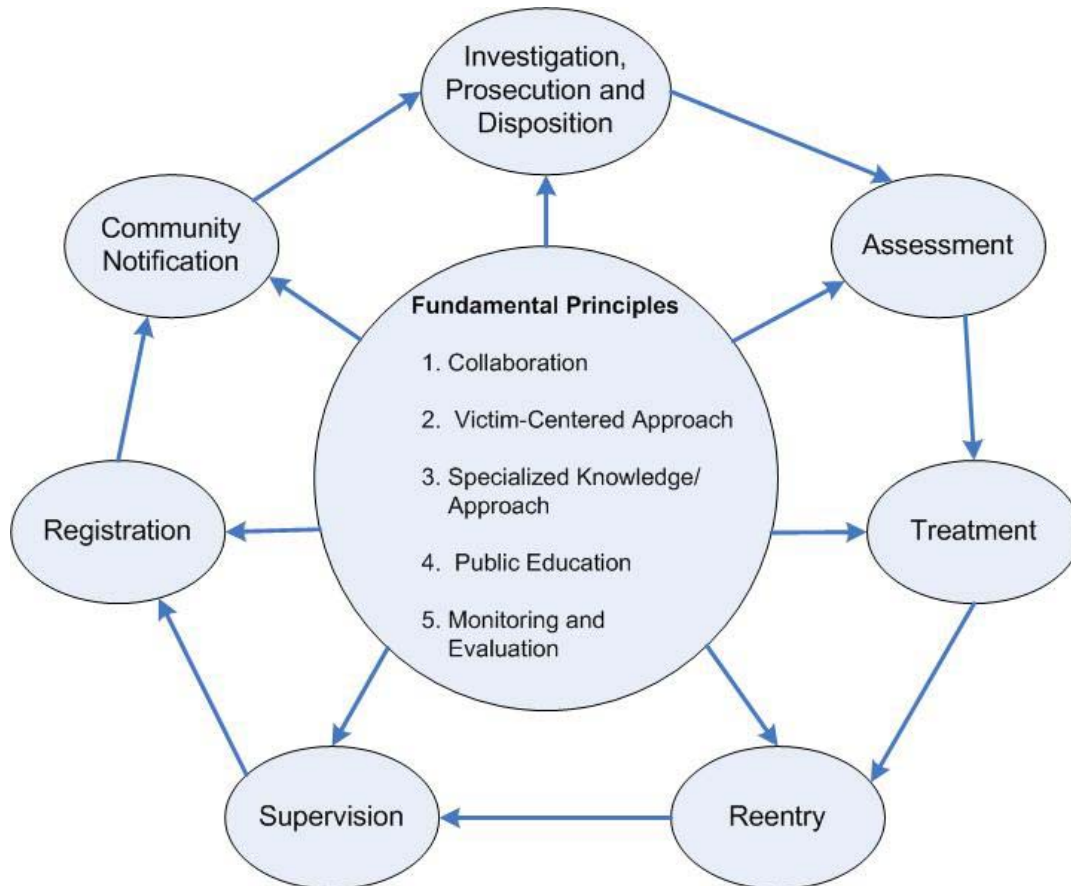
Effective supervision of offenders is collaborative, as illustrated by Figure Three, which depicts the Comprehensive Approach to sex offender management. The role that probation plays in this collaborative effort spans the entire criminal justice system. Starting with *Investigation, Prosecution and Disposition*,⁹ probation officers make pre-trial release recommendations, perform pre-plea/sentence and pre-dispositional investigations (PPI/PSI/PDI), and provide interim probation supervision where appropriate.¹⁰ At the *Investigation* stage, officers may perform actuarial risk *Assessments* and refer offenders to qualified clinicians for evaluation. The PSI is one of the most important documents produced by probation because it is the basis for sentencing decisions (probation or incarceration) and provides information for classification and case planning for both inmates and parolees. It is very much a synopsis of the life circumstances of the offender, his or her criminal history, and a summary of the current crime that follows him or her throughout the system.

The role of probation in *Treatment* is diverse, including referrals, monitoring, co-facilitating groups, case conferencing (planning), and discharge determinations. Generally speaking, probation's role in *Community Notification* is limited to ensuring that probationer addresses are correct for the SOR and filing the requisite 48-hour notification forms. Its role in *Reentry* from state prison is largely limited to the preparation of the pre-plea/sentence investigation—the essential document that will accompany the offender to state prison and parole.

⁸ Juvenile Offenders are defined as a person charged with certain serious felonies alleged to have been committed when the person was at least 13 years old and less than 16 years old and processed in Criminal Court. In contrast, Youthful Offender adjudication is a status conferred on offenders between 14 and 19 which allows the criminal record to be sealed and does not disqualify a person from public employment or licensing. Youthful Offenders *are not* required to register; Juvenile Offenders without Youthful Offender status *are* required to register.

⁹ Twenty-nine departments report that their Office of the District Attorney has prosecutors who specialize in sex offense cases; twenty of those departments report that the prosecutor handles the case in the event that a violation of probation is filed. Eight departments report that their court uses post-sentence return appearances to monitor sex offenders progress on probation.

¹⁰ Interim probation supervision is governed by §390.30(6) of the Criminal Procedure Law and states, in part, that when a defendant is eligible for a sentence of probation, the judge may adjourn the sentencing date for up to one year and place the offender on interim probation supervision, and may impose any and all conditions listed in §65.10 of the Penal Law.

Figure Three: The Role of Probation in Sex Offender Management

Source: Center for Sex Offender Management, “Effective Management of Sex Offenders in the Community,” American Probation and Parole Association (APPA) Summer Training Institute, 2005.

In addition to the pre-sentence investigation, *Supervision* of sex offenders is arguably the most important function that probation provides in this cycle. Duties include those covered in *Assessment* and *Treatment*, as well as making sure that the offender is *Registered* on the SOR, that the address is current and the probationer actually resides at the registered address.

Effective Supervision

The next sections will discuss in detail the data generated from the Survey. It starts with pre-trial release and moves through supervision, violations and discharge from probation. Various supervision activities will be detailed, including case assignment, assessment, field work and the use of technology. Data on where sex offenders live and their work status will be included. Treatment and use of the polygraph will be outlined, and short sections on juvenile offenders and victim issues will be presented. In conclusion, the strengths of probation departments in the management of sex offenders and areas for improvement, with specific suggestions, will be offered.

Pre-Trial Release and Interim Probation Supervision

Nine departments reported having specific policies for sex offenders who are released pending trial; and 17 report the same for sex offenders placed on interim probation supervision. The general theme for both is that they are supervised the same as convicted sex offenders: placed on specialized caseloads or assigned to specialized officers, including the Intensive Supervision Program (ISP) or supervised more intensively. Sex offender conditions are requested from the court, electronic monitoring may be used, and weekly reporting and home visits are common.

Enhanced Pre-Sentence Investigations

A thorough pre-sentence investigation (PSI) is important because it lays the foundation for sentencing recommendations, potential orders and conditions to be enforced during supervision, and is used in case planning by both Probation and the Department of Correctional Services should the offender be sentenced to prison. The Division of Parole also uses the PSI in reentry planning. The PSI may also be given to treatment providers to assist in planning when a court order provides for it.

Part 350 of Title 9, Subtitle H of the New York Code of Rules and Regulations governs the pre-sentence investigation¹¹ definitions, rules, investigative procedures and report format. The objective of the pre-sentence investigation and report is to "...provide the court with relevant and reliable information, in a succinct, analytical presentation for decision-making...to provide dispositional and regulatory agencies that are entitled access with information for immediate and future decision-making purposes with respect to placement/incarceration, services and program delivery." (§350.3). In Criminal (Adult) Court, the PSI must be ordered by a judge at either the pre-plea or pre-sentence stages. Areas of investigation include the current offense and legal history, social circumstances of the offender, information on the victim (including but not limited to the victim impact statement), placement/incarceration history, and sentencing recommendations.

Just over half of the departments (37) report to have probation officers who specialize in sex offender pre-sentence investigations (PSI). Nineteen of those departments reported the number of investigations completed monthly ranged from one to ten per month, and averaged four. Another 32 departments who do not have specialized officers to conduct PSIs reported far fewer investigations, ranging from less than one to ten, with an average of 2.3 investigations. It may be argued that since these departments are not required to conduct as many PSIs, a specialized officer is not necessary. However, enhanced PSIs for sex offenders are considered a best practice in probation because sentencing, orders and conditions of probation, and case planning all depend on information contained in the PSI -- information that is generally not known to the court and corrections officers without the aid of the investigation and report. As such, the PSI functions to protect the public by discerning which offenders should be incarcerated and which may remain in the community. In so doing, the PSI lays the foundation for supervision and case planning.

¹¹ Text of the NYCRR that relate to probation can be found on the Division's web site at: <http://www.dpca.state.ny.us/regs.htm>

The survey inquired about PSI enhancements such as reviewing sexual history, assessment of the offender's amenability to treatment, checking with the local Child Protective Services (CPS) agency for open and closed cases, a psychosexual evaluation, and results of risk and needs assessments.

| Table Two: Percentage of PSI Reports Including Common Enhancements by Number of Departments | | | | | | |
|--|-----------------|------------------|-------------------|-------------------|--------------------|---------------------------|
| None | 1 to 20% | 21 to 40% | 41 to 60 % | 61 to 80 % | 81 to 100 % | PSI Enhancement |
| 4 | 7 | 2 | 5 | 5 | 35 | Sexual History |
| 3 | 5 | 2 | 1 | 6 | 41 | Amenability to Treatment |
| 5 | 9 | 11 | 9 | 10 | 14 | Child Protective Services |
| 11 | 12 | 5 | 8 | 5 | 17 | Psychosexual Evaluation |
| 22 | 10 | 3 | 4 | 3 | 16 | Risk Assessment |
| 25 | 6 | 4 | 6 | 1 | 16 | Needs Assessment |
| 8 | 2 | 0 | 1 | 11 | 36 | BESO* |
| 51 | 0 | 1 | 0 | 1 | 5 | Other |

*Information relevant to the Board of Examiners of Sex Offenders classification instrument.

Table Two includes the number of departments reporting several enhancements to the investigative process. The most common is Amenability to Treatment, with 41 departments including it in greater than 80% of their PSI reports. Following closely, are information relevant to the Board of Examiners of Sex Offenders classification tool, and sexual history information. Very few departments use a risk or needs assessment tool at the PSI stage. DPCA has identified this an essential need and will provide guidance to probation departments on the use of specialized risk and need assessments for use with the sex offender population. The variation in the number of departments reporting checking with CPS is likely due to the number of cases where there may or may not be child victims. In other words, if the offender is not known to have victimized a child, checking with CPS may be a low priority.

In the narrative section on expanded pre-sentence investigations, ten departments indicated making extra effort to contact the victim and his or her family to include the victim's viewpoint. The second most commonly cited enhancement was a more detailed description of the present offense and/or sex offense history (8 departments). More collateral contacts and risk assessment were mentioned by three departments. Also mentioned were the results of a polygraph exam, referrals to specific treatment providers, police reports, discussion of the level of disclosure or denial, and crime victims board referrals. Also discussed was information relevant to sex offender registration such as a home visit or an evaluation of the current or proposed living situation, a photo, motor vehicle make and model, and computer information (e.g. type, number of units, internet provider and method, etc).

Conditions of Probation

| Sex Offender-Specific Orders and Conditions | |
|--|------------------------------|
| <u>No.</u> | <u>Depts. Condition</u> |
| 58 | Participation in Treatment |
| 58 | Prohibit Contact with Victim |
| 57 | Prohibit Contact with Minors |
| 52 | Prohibit Pornography |
| 50 | Limit Internet Access |
| 47 | Prohibit Alcohol Consumption |
| 46 | Residential Restrictions |
| 45 | Computer Monitoring |
| 45 | Employment Restrictions |
| 44 | Confidentiality Waiver |
| 41 | Restriction of Movement |
| 24 | Polygraph |
| 11 | Other |

Conditions of probation are recommended by probation officers and accepted, rejected or modified by the court (NY Penal Law §65.10). All offenders sentenced to probation are required by law to report to a probation officer and allow the officer to visit the offender’s home or work, remain within the jurisdiction of the court unless permission is granted to leave, and answer all reasonable inquiries by the probation officer (NY Penal Law §65.10(3)). Commonly recommended conditions include submitting to drug and alcohol testing, participation in substance abuse screening and/or treatment, maintaining employment, and electronic monitoring where appropriate.

The only sex offender-specific orders and conditions reported by *all* departments were participation in treatment and prohibiting contact with the victim as conditions of probation. All but one department include prohibiting contact with minors. Restriction of movement includes electronic monitoring or GPS tracking, being required to request permission for non-routine travel or travel out of the county, a requirement to check in with local law enforcement, and maintaining daily travel logs. Three departments submitted a form letter that is to be presented to law enforcement in the jurisdiction in which the offender is traveling to or staying in. This letter is also to be signed by a law enforcement officer in the destination jurisdiction and returned to the probation department.

Other conditions mentioned by a small number of departments include: submitting copies of phone bills, allowing searches of electronic equipment beyond computers such as cell phones, no overnight stays other than in their own home, no babysitting, prohibiting firearms possession, no picking up hitchhikers, and no possession of cameras or video equipment. One department stated that they require of all defenders disclosure of the offender’s sexual history to significant others, landlords, employers and persons within their support system (this was indicated in several of the standardized orders and conditions, conditions that may be modified or rejected by the court).

| Assessments Completed by Probation Departments |
|--|
| <ul style="list-style-type: none"> • Clinical Assessments – 9 • Static 99 – 16 • (RRASOR) Rapid Risk Assessment for Sexual Offense Recidivism – 4 • (MN-SOST) Minnesota Sex Offender Screening Tool – 2 • (SONAR) Sex Offender Needs Assessment Rating – 1 • (VASOR) Vermont Assessment of Sex Offender Risk – 2 • (VRAG) Violence Risk Assessment Guide – 1 • Matrix 2000 – 1 • Abel Screen – 12 (by referral) |

Risk and Needs Assessment

Sex offenders frequently score low on traditional (general) correctional risk assessment instruments for several reasons: the instruments do

not address sex offense-specific predictors of recidivism, which differ from general reoffending; sex offenders are less likely to have a reoffense rise to the level of arrest, which is the common outcome measured by the instruments; and sex offenders are less likely to be rearrested within the time frame included in the validation process for these instruments, which is typically two years. Therefore, specialized sex offender risk assessment tools are an important part of sex offender management.¹²

Sixteen probation departments reported using an actuarial risk assessment tool.¹³ The most common was the Static 99, followed by the Rapid Risk Assessment for Sexual Offense Recidivism (RRASOR) at four departments. Nine departments have qualified clinicians on staff who provide assessment results to probation officers. Five departments report using a risk assessment tool to enhance the pre-sentence investigation or recommend conditions of probation. However, three of those departments in a later question failed to indicate which tool they used, likely because they are using a general assessment tool rather than one designed for sex offenders or the actuarial assessment may be completed through referral to a clinical assessment that was not captured in the survey. The remaining two that reported using tools used the Static-99; and one used a combination of clinical assessments, the Rapid Risk Assessment of Sex Offender Recidivism (RRASOR) and the Static-99.¹⁴ Probation officers were most likely to conduct the assessments themselves. Other departments reported to refer offenders to treatment providers (19).¹⁵

The survey asked departments to report what types of actuarial assessment tools are used by the department or a treatment provider, and at what stage of adjudication and supervision. Data are presented in Table Three. Many departments report they use no assessments: 21 at the pre-plea investigation; 31 at pre-trial supervision; and 24 during supervision. At all stages, departments were most likely to use structured interviews and request information on sexual histories than to use an actuarial instrument. Treatment providers were most likely to use clinical and psychosexual interviews, along with information on the offender's sexual history.

At the pre-trial stage, more than half (31) of the departments reported using no interviews or assessment tools. Departments that did conduct assessments were likely to use structured interviews at the pre-sentence investigation stage (29); but treatment providers used psychosexual (29) or clinical interviews (32) and sexual history information (34) at the same stage. During post-sentence supervision, departments tend to rely on treatment providers who use structured (34) and clinical (40) interviews, along with sexual history information (36).

¹² DPCA supports the use of the Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) in local probation departments. The instrument evaluates rearrest, community non-compliance, violence and failure to appear. Like other actuarial instruments, it is not valid for use in evaluating the risk of sexual reoffending.

¹³ On December 13, 2006, the Capital District Center for Sex Offender Management sponsored training in use of the Static-99, which was conducted by Dr. Richard Hamill. Thirteen probation departments were represented, so usage has likely increased.

¹⁴ The RRASOR is a brief version of the Static-99 and may be used when the information necessary to code the Static-99 is not available.

¹⁵ The data provided on training sources (vendor, in-house, video/DVD, self-education, and other) are suspect because departments reported training on generalized risk instruments supported by DPCA including the YASI and COMPAS. It is impossible to know, for example, what type of training departments received in using the Static-99. Therefore, the data are not reported here.

Table Three: Use of Actuarial Tools, Interviews, and the Polygraph by Departments and Treatment Providers

| | None | | Actuarial Tools | | Interviews | | | | | | | | Sexual History | | Polygraph | |
|----------------------------------|------|-------|-----------------|-------|------------|-------|---------------|-------|----------|-------|-------------|-------|----------------|-------|-----------|-------|
| | | | | | Structured | | Psycho-sexual | | Clinical | | Psychiatric | | | | | |
| Pre-Plea Investigation | No. | % | No. | % | No. | % | No. | % | No. | % | No. | % | No. | % | No. | % |
| Department | 21 | 36.2% | 5 | 8.6% | 21 | 36.2% | 1 | 1.7% | 0 | 0.0% | 0 | 0.0% | 21 | 36.2% | 1 | 1.7% |
| Treatment | 11 | 19.0% | 8 | 13.8% | 16 | 27.6% | 21 | 36.2% | 22 | 37.9% | 13 | 22.4% | 24 | 41.4% | 4 | 6.9% |
| Pre-Trial Supervision | | | | | | | | | | | | | | | | |
| Department | 31 | 53.4% | 2 | 3.4% | 8 | 13.8% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% | 2 | 3.4% | 0 | 0.0% |
| Treatment | 24 | 41.4% | 1 | 1.7% | 5 | 8.6% | 4 | 6.9% | 3 | 5.2% | 3 | 5.2% | 4 | 6.9% | 1 | 1.7% |
| PSI/PDI Investigation | | | | | | | | | | | | | | | | |
| Department | 11 | 19.0% | 16 | 27.6% | 29 | 50.0% | 6 | 10.3% | 1 | 1.7% | 2 | 3.4% | 26 | 44.8% | 2 | 3.4% |
| Treatment | 7 | 12.1% | 15 | 25.9% | 21 | 36.2% | 29 | 50.0% | 32 | 55.2% | 20 | 34.5% | 34 | 58.6% | 6 | 10.3% |
| Interim Supervision | | | | | | | | | | | | | | | | |
| Department | 24 | 41.4% | 5 | 8.6% | 13 | 22.4% | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% | 11 | 19.0% | 2 | 3.4% |
| Treatment | 19 | 32.8% | 9 | 15.5% | 12 | 20.7% | 16 | 27.6% | 15 | 25.9% | 10 | 17.2% | 16 | 27.6% | 8 | 13.8% |
| Post-Sentence Supervision | | | | | | | | | | | | | | | | |
| Department | 13 | 22.4% | 10 | 17.2% | 24 | 41.4% | 4 | 6.9% | 2 | 3.4% | 3 | 5.2% | 16 | 27.6% | 7 | 12.1% |
| Treatment | 1 | 1.7% | 19 | 32.8% | 34 | 58.6% | 37 | 63.8% | 40 | 69.0% | 22 | 37.9% | 36 | 62.1% | 20 | 34.5% |
| Reclassification | | | | | | | | | | | | | | | | |
| Department | 17 | 29.3% | 16 | 27.6% | 17 | 29.3% | 3 | 5.2% | 2 | 3.4% | 2 | 3.4% | 13 | 22.4% | 0 | 0.0% |
| Treatment | 13 | 22.4% | 8 | 13.8% | 13 | 22.4% | 13 | 22.4% | 13 | 22.4% | 8 | 13.8% | 13 | 22.4% | 6 | 10.3% |
| High Risk Situations | | | | | | | | | | | | | | | | |
| Department | 15 | 25.9% | 11 | 19.0% | 16 | 27.6% | 3 | 5.2% | 4 | 6.9% | 4 | 6.9% | 9 | 15.5% | 3 | 5.2% |
| Treatment | 18 | 31.0% | 10 | 17.2% | 16 | 27.6% | 15 | 25.9% | 19 | 32.8% | 14 | 24.1% | 13 | 22.4% | 11 | 19.0% |

Actuarial tools and structured interviews were not used with great frequency at either the re-classification stage by departments (16 and 17, respectively), and only six departments reported using polygraph information from the treatment provider at this stage. Overall, the polygraph was most widely used at post-sentence by treatment providers (20). When faced with a high risk situation in which a sex offender may be engaging in the precursors to relapse or has relapsed, clinical interviews by treatment providers was the most common assessment option (19), followed by structured interviews by both the treatment provider and the department (16 each).

Differential Supervision, Classification and Reclassification

Differential supervision is the practice of assigning a level of supervision based on the likelihood of successful completion of probation and risk to the community, with corresponding contact requirements. Supervision of probationers is governed by NYCRR Part 351. Cases must be assigned to a probation officer within three business days of notification by the court of the disposition and seen for an initial interview within seven business days (§351.2). Within 30 business days, offenders must be classified, a needs assessment must be conducted and an initial supervision plan must be completed (§351.3).

Table Four: Current Supervision Contact Requirements (NYCRR § 351.4)

| Supervision Level | Monthly Required Personal Contacts | Collateral Contacts |
|--|--|----------------------------|
| One (highest) | Four or more; one must be a home visit. | Six per quarter. |
| Two | Two or more; one may be a home visit. | Two per quarter. |
| Three | One or more, may be through an automated system. | One per quarter. |
| Four ¹⁶ (Administrative) | One or more, may be through an automated system or conducted by auxiliary personnel. | One per quarter. |

Note: Procedures vary for juveniles, PINS and Intensive Supervision Program cases.

In assigning sex offender cases to supervision levels, probation departments tend to use mixed models in both the utilization of specialized and non-specialized probation officers and differential supervision methods. The latter will be addressed first.

More than half of departments (34) assign sex offenders to Level I¹⁷ supervision at the start of the probation sentence; five report to keep the offender on Level I for the duration of his

¹⁶ Level Four Supervision status is generally limited to persons who have been recommended for an early discharge, absconders, intrastate transfer cases and interstate transfer cases pending processing, outstanding restitution, or cases of terminal illness.

¹⁷ Differential Supervision levels run counter to Sex Offender Registration levels. In supervision, the highest level is 1 and the lowest level is 4, which is also referred to as administrative caseloads. In contrast, SORA Level 3 offenders are the highest risk and require the most stringent registration requirements including community notification, while SORA Level 1 offenders are considered lower risk.

or her probation sentence. The most common method is to assign sex offenders to Level I supervision with subsequent reductions for compliance with the orders and conditions and/or a reduction of risk factors (29). Of those, four departments base reductions on compliance alone, the remaining 25 departments base reductions on both risk and needs assessment and compliance.

The second most common model is to assign offenders to an initial supervision level based on risk and/or needs, and thus may be assigned to Level II or III supervision at any time during the probation sentence, as opposed to being assigned to Level I for the duration (24). A small number of these departments reported that sex offenders are either prohibited from being assigned to Level III or an administrative caseload, or only certain types of offenders or those meeting certain conditions will be assigned to Level III supervision. Probationers whose sex offenses were statutory in nature, or offenders who have completed a substantial portion of their probation sentence, are in full compliance, and have successfully completed treatment may be assigned to Level III supervision. Thirty-nine departments have an Intensive Supervision Program (ISP), but only ten of those departments with ISP report that sex offenders are routinely assigned to an ISP officer.

A closer examination of the 53 departments in which sex offenders are not kept on Level I supervision for the duration of their sentence reveals that only sixteen are using actuarial risk assessment tools. Ten of twenty-nine departments who assign sex offenders to Level I supervision and six of 24 who assign supervision level based on risk and needs use a sex offender-specific actuarial instrument. Four of the five departments who reportedly keep sex offenders on Level I supervision for the duration of their sentence also do not use sex offender-specific risk and needs assessment tools. Departments may believe that keeping offenders on Level I supervision for the duration of their sentence may obviate the need to use a risk instrument.

Among the ten departments that use a sex offender-specific instrument and classify offenders at Level I with the possibility of a subsequent reduction, five use the Static 99 alone. The other departments use a combination of instruments, including the Static 99.¹⁸ The Static 99 alone was used in three departments that initially assign supervision level based on risk and/or needs; and the remaining two used combinations of instruments.¹⁹ An additional two departments rely solely on clinical assessments. Therefore, about one third (30.2%) of departments who reduce the supervision level of sex offenders have the relevant actuarial information on their level of risk.

Offenders whose offense was sexual in nature but were not convicted of a registerable sex offense (non-SOR), and those on probation for a non-sex offense but are on the SOR for a prior conviction, may be supervised as sex offenders at the discretion of the departments. For non-SOR offenders, 20 departments report *always* supervising them as a sex offender, and 18

¹⁸ Those combinations are: Matrix 2000 and Static 99 (1); RRASOR and Static 99 (2); MNSOST (Minnesota Sex Offender Screening Tool), Static 99 and VASOR (Vermont Assessment of Sex Offender Risk) (1); and SONAR (Sex Offender Needs Assessment Rating, now known as the Acute and Stable), Static 99, VASOR and VRAG (Violence Risk Assessment Guide) (1).

¹⁹ Those combinations are: RRASOR and Static 99 (1); and MNSOST, RRASOR and Static 99 (2).

consider it on a case-by-case basis. For those offenders on the SOR from a prior conviction but are on probation for a non-sex offense, nine departments report to always supervise them as sex offenders while 20 consider it on a case-by-case basis. Of the fifteen reporting under the non-SOR convictions as “non-applicable”, twelve reported that they had those types of offenders on their caseloads but no specialized POs; two have specialized POs but none of those cases, and one has three cases and three POs but does not put the non-SOR offender on the specialized caseload. Similarly, for the SOR cases from a prior conviction, none of the sixteen departments who reported “not applicable” had specialized POs; the survey did not differentiate this population from the other SOR cases in these particular questions, so no further information is available.

Table Five: Supervision of Other Sex Offender Populations

| Supervised on a specialized sex offender caseload or unit? | Non-SOR Conviction | SOR from Prior Conviction |
|--|--------------------|---------------------------|
| Always | 20 | 9 |
| Depends on the Case | 18 | 20 |
| No | 4 | 12 |
| Not Applicable | 15 | 16 |

In the non-SOR conviction category, Endangering the Welfare of a Child was the most commonly reported offense (626 probationers). Following were Sexual Misconduct (56), Forcible Touching (40), Public Lewdness (30), Sexual Abuse (17), and Stalking (11). While some of these offenses may currently require registration, these offenders were either convicted before the offenses were added to the list of registerable offenses, or were convicted of an offense that does not require registration (e.g. some B Misdemeanors, or registration only if the victim was under eighteen).

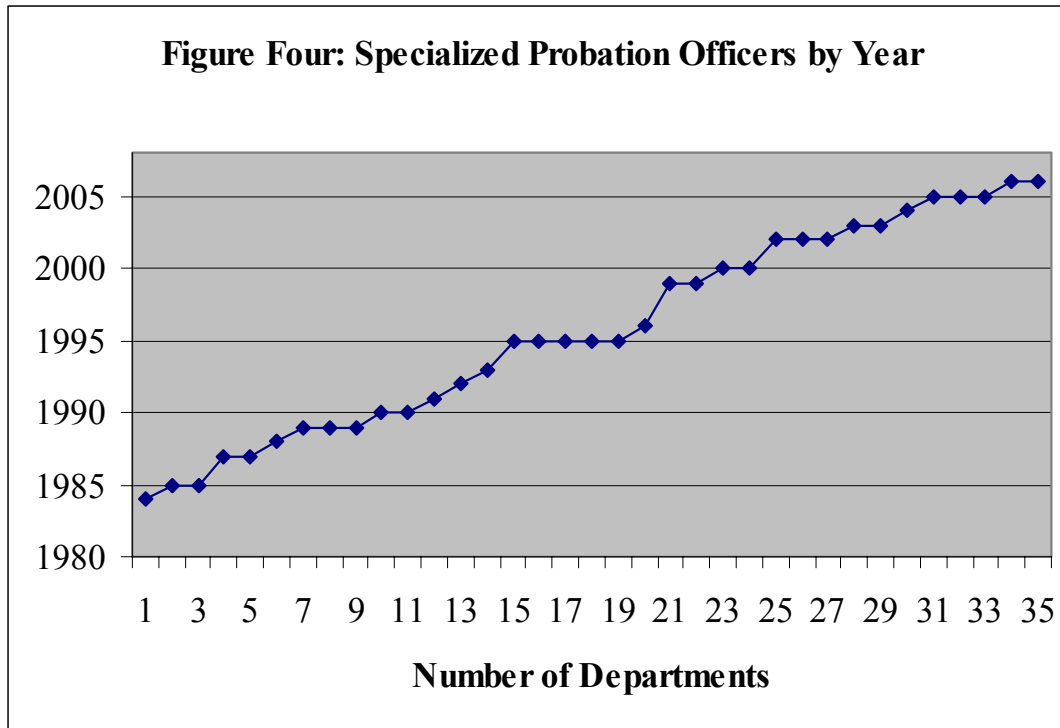
Specialized Probation Officers and Units

Specialized caseloads consisting of only sex offenders are a common probation practice; and other offender types may be assigned to specialized caseloads including domestic violence, driving while intoxicated and others deemed to be at a high risk of reoffending, such as gang-involved probationers and those participating in drug courts. Generally, the probation officer assigned to these caseloads has received specialized training on best practices in supervising the specific type(s) of offenders on their caseloads. Larger departments are often able to create specialized units in which the specialized probation officers work.

Research indicates that specialized sex offender probation officers are three times more likely to seek a violation of probation (VOP) due to non-compliance with treatment than probation officers supervising sex offenders on a non-specialized (general) caseload. In seeking a VOP, specialized probation officers are more likely to consider factors empirically linked to recidivism, and judges were more likely to revoke the probation sentence based on the violation than the non-specialized caseloads. Decisions on whether to file a violation were also more predictable with the specialized officers as compared to those assigned to non-specialized caseloads (Stalans, Juergens, Seng and Lavery, 2004). One could argue that while the likelihood

of a judge deferring to a specialized probation officer’s recommendations is due to their specialized status, one could also argue that some of the results may be due to the specialized training more than the presence of a specialized caseload or supervision unit. Therefore, the benefit of training may provide similar revocation results in departments that are unable to provide for specialized sex offender units for financial or logistical reasons.

More than half (37) of the departments report that probation officers specialize in sex offender pre-sentence and pre-dispositional investigations. Fewer departments (29) reported specialization in sex offender supervision.²⁰



The most common practices for case assignment is to disperse sex offender probationers among non-specialized caseloads (17) or to place them on a specialized caseload (15). A small number also place offenders in a specialized unit (3). These 35 departments did not indicate other methods of case assignment. The remaining 22 departments use a combination of assignment methods. Of the departments that utilized more than one method, nine assigned offenders to both specialized officers and units; while all of the 10 departments that assigned sex offenders to ISP caseloads also used multiple types of case assignment. This is likely due to the required reduction in supervision caseload that is built into the ISP model. Twenty-five departments reported assigning sex offenders to probation officers based on geography, ten of which also

²⁰ The survey indicates that 61 officers specialize in sex offender pre-sentence investigations; and 80.5 specialize in sex offender supervision. However, due to the way the survey questions were worded, it is not clear how many of those officers conduct both ;PSIs *and* supervise adult sex offenders. It is also not clear how many of those probation officers *also* perform pre-dispositional investigations *and* supervise Family Court sex offender cases. Readers are cautioned to not add the figures together and assume that 141.5 separate Probation Officers conduct PSIs and supervise adult sex offenders. Furthermore, sex offenders may be assigned to probation officers who also supervise other cases. It is not clear whether respondents chose to count these officers as specialized or not.

have specialized sex offender probation officers or units (ranging from two to nine officers per unit).

Flexibility is a cornerstone of probation work, and there were as many different ways of assigning cases to probation officers as departments who responded to the survey. While many departments reported specialized probation officers, not all sex offenders are assigned to those officers or units. For example, a department may choose to place statutory rape cases or offenders who have been in compliance for an extended period of time on non-specialized caseloads so that caseload size of the specialized officer remains manageable. Of the 39 departments with an Intensive Supervision Program (ISP), only 10 supervise sex offenders in this way.

Removal from specialized supervision may be based on several factors: completion of sex offender treatment and the discharge summary/recommendations on likelihood of reoffending, the probation officer must agree and the court must remove sex offender conditions, the offender must be functioning well in the community, and/or according to ISP guidelines and successful completion of the program. One department places them on a “semi-specialized caseload of no more than 25% sex offenders, with the remainder of their caseloads comprised of general supervision cases.” Another department stated that their policy permits removal from specialized caseloads due to resource limitations, but fortunately it has not happened yet. Additionally, statutory cases where force was not used may be placed on the general caseload.

Departments were asked to describe any special requirements of sex offenders when they report for office visits. Of the fourteen who responded as having special requirements, the most common requirement cited was weekly visits (7). One department requires bi-weekly visits. Five require sex offenders to report to the main office only, due to security concerns, logistics (e.g. specialized caseloads, one report day per week, etc.) or treatment groups are held there. One department separates juveniles from adults by which floor they report to. This is difficult for most departments logistically; 53 report that there are places where an offender may come into contact with potential victims. Many departments have only one waiting room or are located in county office buildings that also house courts and other service agencies.

Eleven departments expressed a desire to add specialized probation officers to conduct pre-sentence investigations and supervise sex offenders; six of which stated that they need funding to do so. Two commented that their departments are too small and the county is geographically too large. One commented that no probation officers desire to supervise sex offenders only. One respondent stated, “we are creating a workforce of specialists that are ignorant of the big picture. When these specialists confront a problem outside of their specialization, they have no idea of the resources available to address the new problem even when those resources may be located within their own department.” However, the ability to effectively supervise this type of population requires an understanding of a variety of factors including theories behind sex offending behavior, how recidivism varies by type of offender, use of specialized assessment tools, the most effective and appropriate treatment and supervision methodologies, community resources, triggers and common pre-relapse behaviors, and the ability to work with others within the community to maximize coverage and access to information.

When considering specialization, departments must consider the tradeoff in not specializing. Public safety may be compromised when probation officers do not have up-to-date information on effective management of sex offenders and instead focus on a “one size fits all supervision method.” It is clear that the size of the department and its sex offender population, geography and funding are important issues to consider on a case-by-case basis when a department is considering specialization. However, specialization need not be an all-or-nothing proposition. An officer may receive specialized training *and* supervise a limited number of sex offenders along with a general caseload. In fact, that type of supervision assignment may help to minimize secondary trauma and burn-out among officers who specialize in sex offender supervision.

When asked if specific experience or qualifications were required in selecting probation officers to supervise sex offenders, 31 departments reported in the affirmative. Experience was specifically cited by 15 departments. Another four stated that the probation officer must reach senior status, implying that experience is critical. Training is also an important issue, with 20 departments citing it as a requirement for either consideration in assignment or after the probation officer is assigned to the specialized unit or caseload.

Other requirements include a desire to work with sex offenders, a “proven ability to hold offenders accountable and willingness to adopt proven sex offender supervision practices,” “ability to routinely discuss sexually graphic material without discomfort...ability to guard against secondary trauma...committed to a team approach to community management of sex offenders,” exhibit good judgment, and a willingness to work nights and weekends.

The majority (49) of departments do not have a caseload cap on sex offenders. In the five departments that reported a cap it ranged from 35 to 50 cases, with New York City’s Special Offender Unit capped at 65. The officers in this unit also supervise domestic violence and gang offenders, and high profile cases. In the 24 departments with dedicated caseloads, the average size was 43 and ranged from 24 to 78; non-dedicated caseloads averaged 73, with a range of 35 to 147 (45 departments; twelve use both dedicated and non-dedicated caseloads). Ten departments reported average caseload sizes of 100 or more.²¹

Most departments (52) prohibit placement of sex offenders on administrative caseloads, which allow offenders to report via phone, mail, email, or kiosk. A few that place sex offenders on administrative caseloads explained that it is used for absconders and transfers or statutory rape cases where the victim and offender were very close in age.

Field Work

Field work is a critical function of probation because it provides the opportunity to assess an offender’s living and work situation, detect non-compliance through searches and the element of a surprise home visit, and verify residency at the address provided to the SOR. DPCA Rules

²¹ New York does not have a statutory caseload cap nor has DPCA made recommendations on the subject. It is currently under consideration, however. The American Probation and Parole Association (APPA) recommends 20:1 for intensive cases, 50:1 for moderate risk cases, and 200:1 for low risk cases (adult offenders). A copy of the position paper can be found at http://www.appa-net.org/c/headlines/docs/Caseload_Standards_PP_0906.pdf

and Regulations found in the The New York Code of Rules and Regulations (NYCRR) set the minimum required for home visits and collateral contacts, as illustrated previously in Table Four. All departments report that they meet the requirements, and 27 report that they exceed the requirements for home visits and/or collateral contacts.

Probation officers undertake a variety of activities in the field, including visiting the employment location of sex offenders (29); conducting surveillance (29); visiting treatment providers (50); and visiting educational or training facilities (41). Other locations cited for field visits were residential treatment programs, public places where children may congregate (malls, parks, fairs), homes of the victim or relatives of the offender, and local jails. Probation officers may conduct field work alone (39), with a partner (51) or as part of a team (25). Most departments employed multiple methods, but four reported that the probation officers conduct field work alone. Team members tended to be local law enforcement officers, including Immigration and Customs Enforcement officers, Department of Social Services workers, Parole Officers, school resource officers, members of a Special Victims' Squad, and mental health practitioners.

To quote one respondent, home visits are the “cornerstone of community supervision” and promote public safety. Simply put, the rationale behind home visits is that “the living environment contains information that is not available in only an office visit,” and “to meet them on their own ‘turf’ and observe what is going on in their environment.” Home visits may be conducted announced or unannounced. One department noted that an unannounced home visit is conducted by an officer on every new sex offender case, and another stated that all home visits on sex offenders are unannounced.

Home visits serve a multitude of functions aside from address verification and searching for contraband. Other purposes include:

- To check for proximity to places where children may congregate, such as schools, parks and playgrounds.
- To assess the type of environment in which the offender lives, to identify family members, and whether children or other visitors are present in the home in violation of the orders and conditions.
- To reassure the community that the offender is under supervision.
- To familiarize themselves with the neighbors, who frequently serve as a secondary source of information.
- To assess the offender to see if he is isolating himself, seems depressed, or is showing indifference to himself and the home.
- To allow for the input of family members who live with the probationer.

Curfew can be imposed as a condition of probation or programmed into an electronic monitoring system. Other methods reported include telephone calls to the residence (18), and in person (26). Two departments cited Halloween as one day where curfew is imposed on all sex offenders. But 28 departments reported that they do not conduct curfew checks in any manner, except if an offender is on electronic monitoring and it is done automatically.

Items Carried by Probation Officers During Field Work with Sex Offenders

- Firearms – 24
- Defensive spray, such as pepper – 39
- Baton – 8
- Electrical immobilization device – 0
- Handcuffs – 29
- Radio – 27
- Cell phone – 47
- Other – 9

In the interest of both public and probation officer safety, survey respondents were asked what the officers took with them when conducting home visits on sex offenders. In the “other” category several items were reported: body armor, flashlights, gloves, property receipts, breathalyzer units, camera, drug testing kits, and computer search software.

Field work can be more effective when it is conducted during non-office hours, when the probationer may be more likely to engage

in behavior that is either criminal or constitutes the precursors to reoffending, or violates the orders and conditions of their probation. Most probation departments either require officers to work alternate hours (13) or if not required, provide the flexibility to officers to do so (36) in order to conduct home visits and other collateral work such as bar checks. Only two departments reported seeing sex offenders only during business hours. Several departments noted that the ability for probation officers to work overtime or nights and weekends is restricted due to contractual bargaining agreements.

When conducting home visits, only 29 departments report routinely searching for contraband, but another 27 report that searches are conducted when a situation warrants. Only one department reported that searches are not conducted.

All New York State Probation Departments verify the address of every registered sex offender quarterly, regardless of the SOR level, and report the results to DPCA. However, many departments conduct home visits more frequently, 27 departments reported exceeding the minimum number of home visits required by regulation. In addition to visiting the home of the probationer to verify the address, other methods include examination of paycheck receipts, utility bills, rent receipts, collateral contacts, checking with the Department of Motor Vehicles, and checking with neighbors or treatment providers. The results of the quarterly address verification are presented in Table Six.

The number of addresses checked has increased over the past two years. The 3,969 addresses checked in the fourth quarter of 2006 reflect a 16.89% increase over the first quarter of 2005. The address confirmation initiative reflects a fairly high rate of accountability and consistency.

When the addresses were verified in the first quarter of 2005, 85% of sex offender probationers were confirmed to be residing at the address registered. Change of address forms were filed and new addresses were registered for an additional 9% of offenders, thereby confirming the addresses of 94% of sex offender probationers on the SOR.

Similarly, when addresses were verified in the last quarter of 2006, 86% of sex offenders were confirmed to be residing at the address registered. Change of address forms were filed on

an additional 7% of sex offenders, thereby confirming the addresses of 93% of sex offender probationers listed on the SOR. Warrants are requested/obtained for all probationer absconders.

The number of probationer absconders as a proportionate share of those listed on the SOR and whose addresses were checked for the first quarter of 2005 and last quarter of 2006, has remained fairly steady at 6% and 7%, respectively.

Table Six: Sex Offender Address Verification, 2005 to 2006.

| Question | 2005 | | | | 2006 | | | |
|---|-------|-------|-------|-------|-------|-------|-------|-------|
| | 1st | 2nd | 3rd | 4th | 1st | 2nd | 3rd | 4th |
| Number of probationers' addresses checked during period. | 3,399 | 3,459 | 3,421 | 3,420 | 3,529 | 3,675 | 3,863 | 3,969 |
| Number at recorded address reported by SOR | 2,872 | 2,920 | 2,846 | 3,005 | 3,084 | 3,175 | 3,371 | 3,421 |
| Number not at address reported by SOR | 527 | 539 | 575 | 415 | 444 | 518 | 492 | 548 |
| Number where a change of address has been submitted | * | * | 207 | 89 | 66 | 63 | 56 | 50 |
| Number on whom a 48 hour notification has been submitted. | 315 | 320 | 135 | 85 | 124 | 182 | 162 | 208 |
| Number not verifiable / not located / considered absconders | 212 | 219 | 233 | 240 | 253 | 273 | 274 | 290 |
| Number from category above for whom warrant was obtained. | 206 | 219 | 233 | 238 | 252 | 273 | 274 | 290 |
| * In the first 2 quarters of 2005, change of address forms submitted and 48 Hour forms submitted were counted together. | | | | | | | | |

Use of Technology

Several different types of technology can be used to enhance supervision. In addition to traditional house-arrest types of electronic monitoring, thirteen departments are using Global Positioning Systems (GPS) to track offenders. Geographic Information System (GIS) mapping is starting to be used by departments, with three departments using GIS software and five using a GIS program imbedded into a GPS program. Two departments use both types of systems; and one department reported that their Sheriff's Office provides GIS mapping via the internet in conjunction with the Sex Offender Registry. Mapping is most frequently used to determine whether the offender's residence is in close proximity to where children congregate.

Table Seven: Technology Initiatives

| | Criminal Court | Family Court |
|------------------|----------------|--------------|
| Passive GPS | 4 | 0 |
| Active GPS | 10 | 2 |
| EM | 27 | 12 |
| Remote Reporting | 1 | 2 |

A second area of technology involves computers that offenders may access. Twenty-eight departments report that they have the ability to search the computers of sex offenders; 26 search home computers and 11 search work computers (four search both). Two departments indicated that they search but did not check the box for home or work. In seven departments, probation staff conducts the searches without the assistance of law enforcement;

nine departments use both probation officers and local law enforcement, and ten rely solely on local law enforcement. Of the 30 departments that do not have the capability to search computers, six report that local law enforcement can perform the searches when necessary.

The types of forensic searches consists of: conducting computer intakes where prohibited images are detected and deleted (7), installing monitoring software to determine usage between searches (2), installing remote computer monitoring software that allows for real time viewing of an offender's internet usage (3), conducting forensic sweeps to detect prohibited images (19), conducting forensic sweeps to search for words or phrases (19), and deletion software that renders recovery of deleted items impossible (3). Twenty departments use more than one method to search computers. Some departments that rely on law enforcement to conduct the searches were not sure what types of searches were conducted.

Finally, most departments photograph adult sex offenders under supervision (54); fewer photograph juvenile sex offenders (25). Of the 54 departments who photograph offenders, 39 store the images digitally. The photos are mainly used for identification and forwarded to the sex offender registry. Some cited that they are used for investigation and surveillance, or shared with police departments who are searching for absconders; or are used in warrant execution and violation proceedings; and on transfer cases to positively identify the offender. They assist other probation officers who may be temporarily handling a case to verify that the offender reporting is actually the one on probation. The photos are useful to identify sex offenders who have gone into a prohibited area, such as a park, and to identify offenders who may be suspected of having unauthorized contact with potential victims. One department that photographs juveniles stated that it only occurs with parental permission, and the photos are only used for runaway or missing child reports.

Violations of Probation

A probationer can violate his or her probation in several different ways. When an offender absconds or violates the orders and conditions of the court, it is considered a technical violation. When an offender is re-arrested, a violation is likely to be filed against him or her, either before or after conviction on a new charge.

Just under half of the departments stated that they have no special policies or procedures for sex offenders who violate their probation compared to other probationers (26). Highlights of the narrative responses are:

- A few departments indicated that they will request an arrest warrant for sex offenders immediately upon filing the violation.
- One department requests electronic home monitoring or jail pending the violation hearing.
- Failure to comply with sex offender registration requirements may result in a filing if not immediately rectified.
- Non-compliance either triggers an immediate filing, depending on the type of non-compliance, or cases are reviewed on a case-by-case basis and graduated sanctions are applied in an effort to gain compliance.

- Several departments mentioned that non-compliance with the order to not have contact with minors will warrant an immediate filing.
- One department seeks to have the violation hearing date set more quickly than for other probationers.
- Three report “zero tolerance” for non-compliance and will immediately file a violation for any non-compliance.

From the forty-five departments reporting violation data on 3,578 adult and juvenile sex offenders under supervision in 2005, 534 adult and 23 juvenile probationers were subjected to violations (15.6%). In the 477 cases where the outcome was reported, probation was more likely to be revoked than continued (64.6% for adults and 59.1% for juveniles, outcomes were not available in 57 cases). A small number of violations were filed due to a new conviction, only 15 cases, and they were also more likely to be revoked. As indicated in Table Eight, if the violation involved a new offense, it was unlikely that the new offense was sexual in nature (15 of 133 new offenses, or 11.3%).

Table Eight: Violations of Probation

| | Filed | Continued on Probation | Revoked |
|--|--------------|-----------------------------------|----------------|
| Technical | | | |
| Adult | 418 | 136 | 238 |
| Juvenile | 21 | 9 | 11 |
| New Conviction (any) | | | |
| Adult | 116 | 33 | 70 |
| Juvenile | 2 | 0 | 2 |
| New Conviction (sex) | | | |
| Adult | 14 | 3 | 8 |
| Juvenile | 1 | 0 | 1 |
| Total Violations Filed | | | |
| Adult | 534 | 169 | 308 |
| Juvenile | 23 | 9 | 13 |
| *Departments were omitted if they did not provide the baseline number of sex offenders on probation; or the number of violations filed. Departments missing data: Cattaraugus, Chautauqua, Chenango, Genesee, Hamilton, Livingston, New York City, Niagara, Oneida, Oswego, Otsego, Suffolk, and Washington. | | | |

Early Discharge

Criminal Procedure Law §410.90 allows for early termination of a sentence to probation, at the discretion of the sentencing judge. There is no statutorily-based exclusion for sex offenders to receive an early discharge even though New York Penal Law §65.00(3) doubles the length of probation for persons convicted of designated sex offenses (six years for a misdemeanor and 10 for a felony sex offense). The majority (43) of departments report that they will not seek an early

termination on a sex offense. Another fourteen indicate that they will seek early termination, but two of them will do so only in rare instances. Nine departments consider the SOR level in seeking an early termination; either no registered offenders or only on SOR Level 1 offenders, may the department seek early discharge.

Only fifteen departments have developed a formal policy (written or universally understood) governing early discharges, and 27 report that it was developed through practice. When asked what factors are considered in seeking an early discharge, departments report that the offender must have completed half of the sentence, be in compliance with the orders and conditions of probation, probation officers will seek consultation with treatment providers on potential risk of reoffending, the offense was statutory in nature, and the potential for community reintegration. Three departments cited risk: one depends on a clinician to determine risk, another uses the Static-99, and the third uses the Violence Risk Assessment Guide (VRAG).²²

Multi-Agency Collaboration

Collaboration with other criminal justice agencies is a cornerstone of the Comprehensive Approach to Sex Offender Management. Although several departments reported some type of collaboration, not as many are involved in true cross-systems collaboration. The most common collaborative effort reported was with law enforcement agencies to conduct home visits (47), searches (41) warrant execution (32) and curfew checks (22).

More than half of the departments (63.1%) reported some collaborative efforts. Data coded from the narrative requesting a description of any existing community partnerships indicated that 24 departments have some type of cross-system collaboration that goes beyond working with law enforcement only, and nine report collaborating with law enforcement only. Of the 24 multi-agency partnerships, fourteen departments were involved with a formal, identifiable cross-system task force or work group focused on sex offender management issues, several of which were multi-county initiatives. Two respondents indicated that they were the lead or co-chair of their group.

Several departments reported involvement in Sex Offender Courts: Nassau, Oswego, and Westchester. Several others report Sex Offender Court is under consideration in their counties: Cayuga, Lewis, Orange and Suffolk. The Office of Court Administration's web site offers a short description:

“The Sex Offense Court hears cases involving felony sex offense charges, promoting a comprehensive approach to the disposition of these sensitive cases. For maximal continuity and accountability, one judge handles all the cases, tracking them through to disposition, including probation supervision if appropriate. The judge is assisted by a specially trained team of prosecutors, defense attorneys, victim agencies, probation officers, treatment providers and court personnel who undergo a comprehensive training program and participate in

²² Quinsey, Harris, Rice and Cormier. (1999). Violent offenders: Appraising and managing risk. Washington DC: American Psychological Association. The VRAG is a clinical assessment.

regular interagency meetings to ensure best practices in timely case resolution, victim safety, post-conviction accountability and public safety.”²³

Only five departments specifically mentioned the involvement of victim advocates or service providers, or victim safety in their narrative. However, most narratives did not include specific identification of participants in cross-system groups so it is likely that victim advocates or service providers are more involved in these groups than the survey indicates. Other agencies mentioned include Child Protective Services, District Attorneys, the Division of Parole, County Mental Health service providers, and law enforcement.

Training Resources

Just over half of the departments (31) report that specific knowledge or experience is required to supervise sex offenders, and 51 report that specialized training opportunities are available. The training was provided through the following resources: the American Probation and Parole Association (27), the Association for the Treatment of Sexual Abusers (33), the Center for Sex Offender Management (29) and local resources (33). Treatment providers were cited most frequently as a local resource (12), followed by in-house training by experienced officers or those who attend training elsewhere (7). Departments of Mental Health (7) and Social Services (3) were also cited. Victim advocates provided training for four departments, and other groups cited were Sex Offender Alliances, Child Advocacy Centers, Violence Intervention Project, and the annual conference held by the New York State Probation Officers’ Association.

DPCA provides a brief overview of sex offender issues in the mandatory and comprehensive training for new probation officers, the Fundamentals of Probation Practice (FPP). Subjects included are registration requirements and procedures, types of offenders, appropriate types of employment, triggers to reoffending, and home visits.

²³ http://www.courts.state.ny.us/press/pr2006_05.shtml

Sex Offender Living Arrangements and Work Status

Living Arrangements

Adult sex offenders were more likely to rent their residences (56.6%) than own their own home (25.1%). They were also more likely to live alone (24.9%) or with their parents (23.8%) than with a spouse (23.8%). Juvenile sex offenders were more likely to live with their parents (86.5%) who either rented (42.3%) or owned their own home (29.7%). Six departments were missing data.

Table Nine: Sex Offender Living Arrangements

| | Adult | Juvenile | | | Adult | Juvenile |
|--------------------------------|-------|----------|--|-----------------|-------|----------|
| Own | | | | Parents | | |
| Number | 759 | 94 | | Number | 698 | 199 |
| % of Total | 25.1% | 42.3% | | % of Total | 23.8% | 88.4% |
| Rent | | | | Spouse | | |
| Number | 1,714 | 66 | | Number | 634 | 0 |
| % of Total | 56.6% | 29.7% | | % of Total | 21.6% | 0.0% |
| Custody | | | | Children | | |
| Number | 133 | 2 | | Number | 124 | 2 |
| % of Total | 4.4% | 0.9% | | % of Total | 4.2% | 0.0% |
| Designated SO Residence | | | | Friends | | |
| Number | 21 | 0 | | Number | 293 | 2 |
| % of Total | 0.7% | 0.0% | | % of Total | 10.0% | 0.8% |
| In-Patient Treatment | | | | Alone | | |
| Number | 33 | 2 | | Number | 730 | 0 |
| % of Total | 1.1% | 0.9% | | % of Total | 24.9% | 0.0% |
| Shelter | | | | Other | | |
| Number | 17 | 0 | | Number | 457 | 22 |
| % of Total | 0.6% | 0.0% | | % of Total | 15.6% | 9.7% |
| Undomiciled | | | | Total | 2,936 | 225 |
| Number | 6 | 0 | | | | |
| % of Total | 0.2% | 0.0% | | | | |
| Other | | | | | | |
| Number | 344 | 58 | | | | |
| % of Total | 11.4% | 26.1% | | | | |
| Total | 3,027 | 222 | | | | |

*Data were not reported by six departments (Chautauqua, New York City, St. Lawrence, Suffolk, Madison and Washington). It required case file review and were not readily available.

Employment

Adult offenders were more likely to work full-time (54.1%) than part-time (13.5%), but appear to have a higher than average unemployment rate (13.6%), with only a small number being considered out of the workforce (1.1%). Respondents were asked to categorize juveniles based on whether they were in school and/or working full-time, and most (59.2%) were working. Seven departments were missing data, the effect of which is unknown.

Sex Offender Treatment

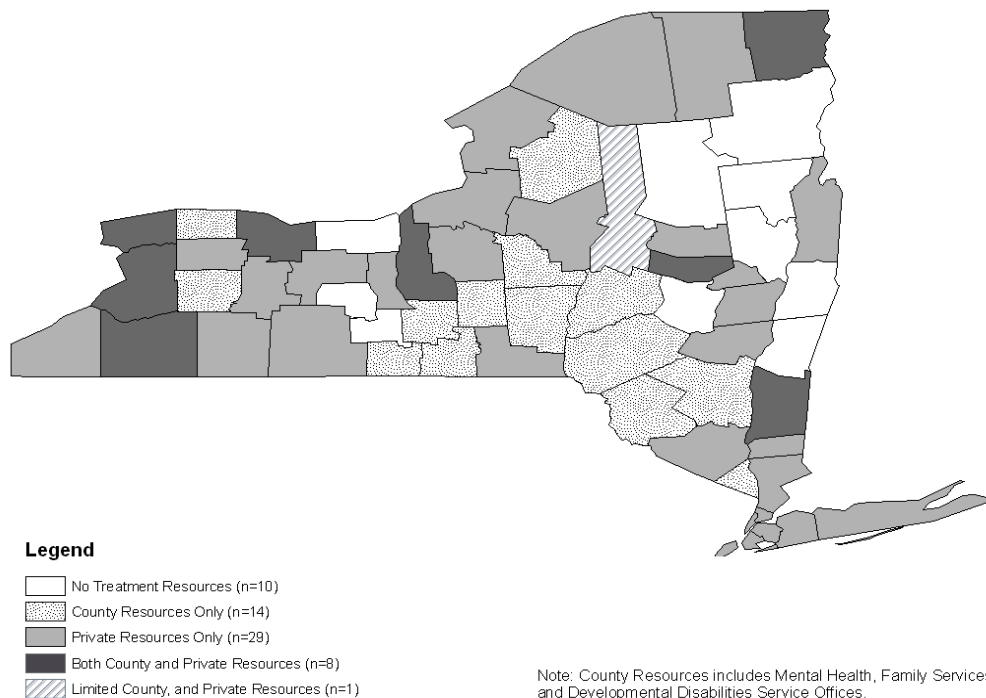
Availability and Resources

Very little treatment is provided in-house at probation departments. Ten departments report in-house treatment, eight of which are co-facilitated by a probation officer and qualified staff external to the department (clinician or social worker). One reports to have qualified probation staff to conduct groups. A second reports that treatment is provided by qualified non-probation staff in-house. Eight departments co-facilitate groups in-house, and nine co-facilitate off-site with probation staff and qualified non-probation staff. Treatment conducted off-site was far more common, 49 departments refer offenders to qualified non-probation staff only.

Table Ten: Employment

| | Adult | Juvenile |
|-------------------------|--------------|------------|
| Full-Time | | |
| Number | 1,569 | 125 |
| % of Total | 54.1% | 59.2% |
| Part-Time | | |
| Number | 395 | 9 |
| % of Total | 13.5% | 3.9% |
| Unemployed | | |
| Number | 399 | 13 |
| % of Total | 13.6% | 5.7% |
| Out of Workforce | | |
| Number | 33 | 35 |
| % of Total | 1.1% | 15.2% |
| Other | | |
| Number | 203 | 29 |
| % of Total | 6.9% | 12.6% |
| Total | 2,899 | 211 |

Figure Five: Treatment Resources Within County



As illustrated in Figure Five, the majority of local probation departments use private treatment providers. All departments report having access to treatment, but ten departments are forced to refer offenders to neighboring counties for treatment. Fourteen departments use the treatment resources offered by their local Department of Mental Health. A small number report the local Developmental Disability Service Office or Family Services Office as a resource.

One narrative illustrates the difficulties faced in some departments in accessing treatment or attempting to provide it through the county mental health department:

“When I became Director in 2003, there was no treatment available in [our] County for adult sex offenders. We had to refer all offenders out to neighboring counties. Our offenders were placed on waiting lists and were spending up to 18 months waiting to be evaluated and accepted for treatment after they were sentenced. After we had a sex offender max off probation (pled down to a B Misdemeanor and thus a 1 year sentence) without receiving any treatment. In October of 2003, I went to the County Legislature and advised we had a serious safety risk in the county. I requested that the County Mental Health Clinic be directed to develop a treatment program to treat adult offenders. The clinic began with offering sex offender evaluations in January of 2004. They then began offering group treatment for adult sex offenders in September of 2004. As of June 2006 the clinic has 4 adult treatment groups operating and is thinking of starting a 5th.”

Payment for Treatment

The most common payment method for treatment reported was self-pay (53), with 24 departments reporting that as the *only* payment method, and four use a sliding-fee scale for adult treatment. An additional 20 reported insurance and 16 reported that Medicaid funds pay for treatment. Seven reported that the Department of Social Services (DSS) or preventive service funds pay for juvenile sex offender treatment.

Ten respondents reported that either the probation and/or the county mental health department bore the cost of treatment. In fact, one department that contracts with county mental health has a position on staff and states “This system really benefits everybody. We do not have to worry about problems with payment or those who can’t pay. No delay or interruption in service based on fees.”

It should be noted that failure to seek and complete treatment is often a condition of probation for which an offender can be revoked and sent to local jail or state prison for non-compliance. In the narrative, one department reported having a waiting list of years for treatment. Seven departments cited cost as an issue and funding is needed to provide treatment for offenders with limited income. Another four departments stated that there is a shortage of treatment providers in their area. These figures are likely higher since the survey did not directly ask about funding and coverage issues, so those that cited it in the narrative did on their own volition.

It is clear that difficulties exist in many departments in accessing and paying for treatment. There is a shortage of private treatment providers relative to demand, probationers may be forced to travel great distances to seek treatment or they will not be in compliance with the orders and conditions of their probation sentence. Some County Mental Health Departments have declined to develop programs and barriers exist to the offender's ability to pay for treatment.

Polygraph Examinations of Sex Offenders

As discussed earlier in this report, the use of polygraph examinations to detect deception in sex offenders is one of the core elements of the Colorado Division of Criminal Justice's *Containment Approach*, and subsequently part of CSOM's *Comprehensive Strategy*. The Association for the Treatment of Sexual Abusers (ATSA) *Practitioners Handbook*²⁴ also recommends the polygraph examination of sex offenders as a means of cutting through any deception that may be presented by a sex offender in self-report of his or her sexual history, number of victims and behavior constituting the precursors to offending. Information learned through a polygraph examination is then used to create or modify treatment and supervision plans consistent with the sex offender's areas of risk and need. Managing risk in this manner is an important public safety consideration. The exams further demonstrate to the offenders that they are expected to be honest with supervision and treatment staff.

Research that examined the profiles of sex offenders before and after post conviction sex offender testing demonstrates the importance of polygraph examinations in sex offender management. The polygraph examinations revealed that the offenders committed more types of offenses, perpetrated more types of victims, and were less likely to claim that they had been the victims of sexual abuse than admitted in self-report alone (Hindman and Peters, 2001). Furthermore, sex offenders in one treatment program indicated anecdotally that the polygraph helped them be more motivated to succeed in treatment and stick to their relapse prevention plan (Grubin, Madsen, Parsons, Sosnowski and Warberg, 2004). This information is crucial to developing appropriate sex offender supervision and treatment plans.²⁵

DPCA's Sex Offender Management Survey contained questions regarding the departments' practices of using polygraph with sex offending probationers. In addition to the survey, DPCA conducted telephone interviews with staff from 23 county probation departments, a US Probation Officer, a NYS Parole Officer, and four sex offender treatment providers. The following narrative will report the responses to the survey questions regarding polygraph examinations, as well as information gained via the telephone interviews where applicable.

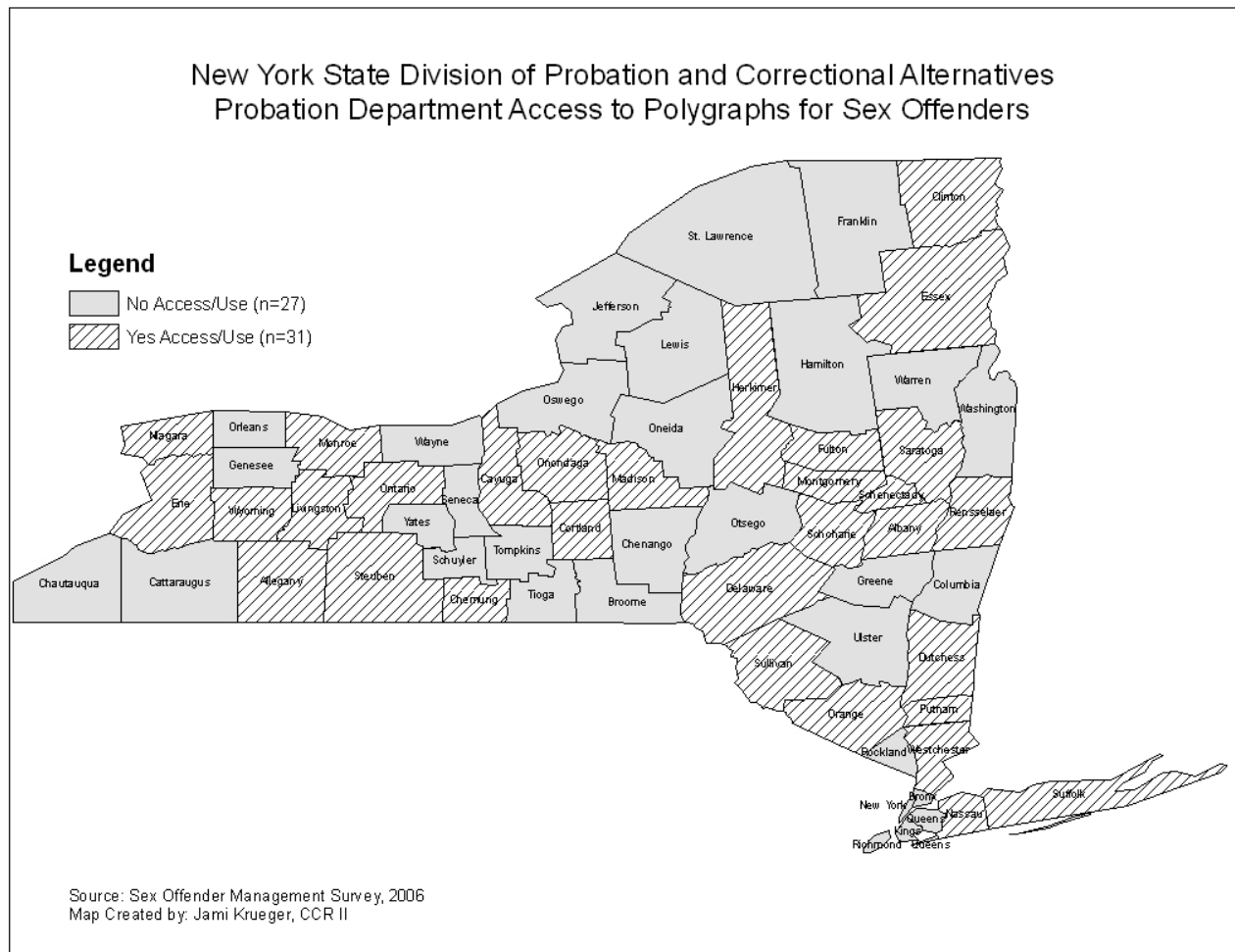
Based on responses offered to the survey, it was determined that probationers under the supervision of 31 of 58 probation departments in New York may be subject to polygraph examination. Polygraph examinations most commonly are conducted on probationers by third

²⁴ The ATSA Practice Standards and Guidelines for the evaluation, treatment and management of adult male sexual abusers (2004) can be obtained by filling out an order form at <http://www.atsa.com/pdfs/StandardsOrder.PDF>; and their Code of Ethics may be downloaded from <http://www.atsa.com/pdfs/COE.pdf>

²⁵ *The Value of Polygraph Testing in Sex Offender Management Research Report Submitted to the National Institute of Justice*, <http://www.ncjrs.gov/pdffiles1/nij/grants/199673.pdf> p 31-32 (December 2000).

party contractors to a sex offense treatment provider, or by a contractor to a probation department. One department had trained probation staff as polygraph examiners. However, it has since moved away from that model and now utilizes contractors for that service, which is consistent with the American Polygraph Association’s *Standards of Practice*.²⁶ Departments that reported the access/use of polygraph examinations for sex offending probationers are reported in Figure Six.

Polygraphs are most commonly conducted post-sentence, at the supervision stage. Of the 25 departments that utilize the polygraph post-conviction, 18 reported the examination to be coordinated by a treatment provider, 5 reported the exams to be primarily coordinated by the probation department, and 2 selected both the treatment and probation department options. Two additional departments did not check “Post-Sentence Supervision” in response to the question; one indicated that polygraph exams are coordinated by treatment in high risk situations; and the other reported that polygraph exams may be coordinated by treatment providers at the PSI and Interim supervision stages. The remaining four departments responded that polygraphs are conducted, but failed to indicate at what stage they occur.



²⁶ <http://www.polygraph.org/standards.htm>

Although 54% of departments indicated that polygraph examination of sex offenders was possible, the frequency and consistency of the administration of these tests varies greatly by county. Comments regarding the frequency of polygraph examination are categorized in table eleven:

Table Eleven: Frequency of Polygraph Administration

| | |
|-------------------------------------|---|
| As determined by Treatment provider | 9 |
| More frequent than annually | 6 |
| Annually | 6 |
| Infrequent/occasional | 6 |
| Only one probationer is polygraphed | 2 |
| Unknown | 2 |

Per the survey response, and telephone interviews with probation departments, polygraph examiners charge from \$150 to \$500 per exam. Most commonly, the probationer pays for the polygraph exams out of pocket. Eight departments reported having some funding through their budgets or via grants to offset polygraph examination expenses. The result of this funding varies from slight reductions in cost to fully funded exams. In at least one department with such funding, when deception is indicated in an exam, the subsequent polygraph is commonly not subsidized, requiring the probationer to pay the full fee.

Probation departments in New York frequently utilize the services of polygraph examiners from other areas of the state, or even from out of state. Under that model, a probation department or sex offense treatment provider schedules a cluster of exams over the course of a day or two, and brings the polygrapher into the area to conduct the tests during that time period. During the telephone interviews several departments reported using the services of the same examiners.

Telephone contacts with some sex offender treatment providers emphasized the importance of polygraph exams in sex offender management. In regard to exams conducted due to denial of the present offense, Dr. Richard Hamill of Forensic Mental Health Associates (Albany) offered anecdotally that 80% of the offenders evaluated at his program admit to the present offense upon interview. Another 10% admit to the present offense upon learning that a polygraph will be conducted. The remaining 10% are subjected to a polygraph examination to address their continued denial. According to Dr. Hamill, the results of the exams for the 10% in denial indicate deception in the majority of cases. Thus, it is estimated that one half of one percent of all offenders evaluated by his program deny the present offense, but do not indicate deception on the polygraph.²⁷ The results are then considered in making any recommendation regarding the offender. Sharon Doane of RISC (Relapse Interventions for Sex Crimes) reports that 90% of sexual history polygraph exams reveal information that was previously not offered via the offender's self report, or in their criminal history. Specifically, she stated that the exams reveal greater numbers of victims per offender, and a wider variety of sex offenses committed

²⁷ Telephone interview of Dr. Richard Hamill by Gary Govel, DPCA Community Correction Representative II, August 2006

per offender.²⁸ Dr. Bud Ballinger summarized the other providers support of polygraph exams, stating “I would not provide sex offender treatment if the offenders weren’t polygraphed.”²⁹

A few departments have embraced polygraph examinations as part of their sex offender management plans. Several other departments acknowledge the importance of the technology, but have been able to implement the polygraph plans only sporadically due to financial limitations, and the limited supply of examiners specifically trained in post-conviction polygraph exams for sex offenders within the context of treatment. Still other departments reported polygraph examinations to be unavailable to them as a tool for sex offender management. This important area should be further explored for the possible dedication of future funding and resources.

Juvenile Sex Offenders

The focus of the Sex Offender Management Survey was on adult offenders who make up the bulk of sex offenders on probation. Although not all sex offenders are alike, juvenile sex offending is more complex to manage because, among other factors, the etiology, recidivism rates and amenability to treatment are different than for adults. This issue is beyond the scope of this survey or report, but deserves thorough consideration. However, questions were asked about enhanced pre-dispositional investigation and supervision, caseload assignment, living situation, victim policy and specialized prosecutors. Populations were discussed in the first part of this section.

Defining the juvenile sex offender population within the context of New York State Law is complex because there is jurisdictional overlap between the Family and Criminal Courts³⁰ and laws governing younger offenders. Generally speaking, a Juvenile Delinquent (JD) is a person between the ages of 7 and 16, who commits an act which if had been committed by an adult, would have been a crime; and is seen in *Family Court*. A Juvenile Offender (JO) is a person charged with certain serious felonies alleged to have been committed when the person was at least 13 years old and less than 16 years old and is processed in *Criminal Court*. In order to provide younger offenders with a second chance, New York has created Youthful Offender (YO) Status, whereby certain offenders between the ages of 14 and 19 may have the criminal record sealed, and as a result are not disqualified from public employment or licensing, nor are they required to register as a sex offender.

The limited number of questions on juvenile sex offenders reveal that pre-dispositional reports on sex offenders are enhanced in 31 departments. The items mentioned mirrored the enhanced PSI discussed at the beginning of this report: more detailed description of the offense, extra effort to get victim input or statement, clinical evaluations and assessments, amenability to treatment, level of denial/responsibility taken by offender, sexual history, sex offender conditions

²⁸ Telephone interview of Sharon Doane by Gary Govel, DPCA Community Correction Representative II, August 2006

²⁹ Telephone interview of Dr. Bud Ballinger by Gary Govel, DPCA Community Correction Representative II, August 2006

³⁰ The definition of a juvenile in this report is consistent with the Family Court Act, Article 3 § 301.2(1) as being “...a person over seven and less than sixteen years of age...” Thus, offenders age sixteen and over are seen in Criminal Court..

are requested, increased home visits, family input, and information necessary for classification by the Board of Examiners of Sexual Offenders.

Only a handful of departments (12) have special provisions to monitor juvenile sex offenders on pre-dispositional release. The most comprehensive program requires electronic monitoring, increased home/school visits and collateral contacts, and they are required to begin treatment at that time. Most departments stated that the offender would be supervised by a specialized officer. Several mentioned that sex offender orders and conditions would be requested. One department has a contract with a local not-for-profit provider for juvenile pre-dispositional supervision, to which sex offenders would be referred.

Case assignment varies, much like it does with adult sex offenders. Of the 52 departments providing data, 28 report that juvenile sex offenders are dispersed among the general caseloads. A dozen assign them to a specialized probation officer, one to a specialized unit, and one to the Juvenile Intensive Supervision Program (JISP) program only. Ten used mixed models, and seven of the ten departments who have a JISP program assign sex offenders to it, among other methods. Only seventeen departments report to keep juvenile sex offenders on a specialized or intensive caseload for the entire duration of their probation sentence.

Eleven departments reported dedicated staff to investigation and supervision of juvenile offenders.³¹ Investigation volume and caseload sizes varied greatly. Investigations for dedicated officers averaged .95 per month (range of less than one to 2) and for non-dedicated officers averaged .98 (range from less than one to three). Dedicated caseloads in family court averaged 13.5 (range 1 to 40), but non-dedicated caseloads averaged 27.9 (range 3 to 89). The workload of juvenile sex offenders appears to be lower in volume than adult sex offenders. It is not clear whether the investigation and supervision duties of juvenile sex offenders varies from adults.

More than half of the departments reported specialized treatment tracks for juvenile offenders (37). When asked about policy for when a current probationer is identified as the victim of a sex offense, 32 departments indicated that they have some type of policy at the pre-disposition level 18 at intake and 14 at post-disposition supervision.

Very few departments reported that their County Attorney's Office has a special prosecutor for offenses in Family Court: ten have a special county attorney assigned, and in seven that prosecutor follows through on any violations filed.

³¹ The survey indicates that 42.5 officers specialize in sex offender pre-disposition investigations; and 19 that specialize in juvenile sex offender supervision. However, due to the way the survey questions were worded, it is not clear how many of those officers both conduct PDIs *and* supervise juvenile sex offenders. It is also not clear how many of those probation officers *also* perform pre-sentence investigations *and* supervise Criminal Court (adult) sex offender cases. Readers are cautioned to not add the figures together and assume that 61.5 separate Probation Officers conduct PSIs and supervise juvenile sex offenders.

Victims

As previously discussed, some departments make extra effort to work with victims at the pre-sentence investigation stage to ensure that their viewpoint is heard, refer them to victims advocates or treatment providers to deal with trauma issues, and submit an enhanced victim impact statement with the pre-sentence investigation report. This section will review areas not covered previously, including family issues, working with local victim services providers, and identifying probationers who have been victimized.

Family Reunification and Visitation

Approximately half of the departments stated that they have policies regarding family reunification (27) and visitation (28), though none submitted formal written policies. Several departments stated that this is due to deference to Family Court Judges or the Department of Social Services, who typically control the removal and reunification of children in such situations, or a local treatment team who make such determinations collectively.

Anecdotally, departments reported several factors that influence the decision to allow visitation or reunify the family. Two departments report that they prohibit both visitation and reunification while the offender is under supervision. If overlooked at sentencing, departments will frequently return to court to request a modification of the conditions to prohibit contact. Another stated that offenders must continue to pass their polygraph exams to be approved for supervised visits by a probation supervisor (rather than the probation officer assigned to supervise the case), is required to sign a document outlining the specifics of the visit, and the parent/guardian involved must also sign a document that they understand the offense and agree to the supervised visit.

One respondent sums it up: “Offenders must be engaged in treatment, be considered a low risk to reoffend, there must be no orders preventing reunification, the victim must be ready, and the family environment must be supportive of the victim’s needs over the offenders desires.”

The survey inquired about how departments manage cases where a convicted sex offender continues to reside with the victim(s) of the offense and not in violation of any court order, or lives in a residence where children are present. For example, a father convicted of sexually abusing his own child may be reunified before the term of probation expires, or a mother may allow a boyfriend to move in who has a history of sexual offending. Many departments noted that they would try to make sure that it does not happen, and those that have inter-agency cooperation note that it is unlikely and would require the approval of the Family Court and Department of Social Services. They also stated that they would try to get the orders and conditions modified to prohibit the arrangement and force the offender to leave the residence. Recall that some departments and treatment providers require sex offenders to disclose their history to intimate partners.

Among the supervision practices cited to manage cases where an offender lives with children who have been or are potential victims are increasing contacts and prompt filing of

violations with a recommendation that the residence be restricted or the offender be incarcerated if a violation is found. Supervision practices cited by various departments are: increased contact with the victim, development of safety plans, continuance or an increase in treatment, requiring the offender to notify the members of the household of his prior convictions, increased home visits and collateral contacts, requiring a second adult be present if the offender is in the company of children, notification of Child Protective Services of the living situation, increased contact with treatment providers, more frequent polygraph examinations, providing for confidential contact by non-offending adults to the probation department if they have concerns or witness behavior, notification of school and police of the situation, chaperone programs, use of the child abuse hotline if the non-offending adult is not vigilant, and referral to a non-offending spouse program if available.

Victim Policies

Most departments (41) indicated that they have victim-specific policies in place at the PSI stage but fewer at the supervision stage (29). When asked to describe the policies, the victim impact statement was mentioned most frequently (19). Those departments reported either providing a confidential or enhanced impact statement or increased efforts to assist the victim in completing the statement. Five mentioned involving the victim at the PSI stage, presumably in an interview regarding the offense, its impact, and sentencing issues. Also cited were referrals to the victims' advocate, or a local assistance program.

Working With Local Victim Service Advocates

A large number of probation departments (40) indicated that they maintain affiliations or partnerships with not-for-profit and/or local service providers or advocates for victims of sexual abuse or assault, including those affiliated with the district attorney's office or multi-system teams. Seventeen of the departments identified more than one victim service provider. Child Advocacy Centers were cited by only four departments though 32 exist statewide and most other counties have some type of organization that functions similarly to a Child Advocacy Center.³²

³² <http://www.nyscarcc.org/> Child Advocacy Centers are a multidisciplinary team that works to "promote and enhance multidisciplinary responses to child sexual abuse, severe child physical abuse, and child fatality reviews." The program started in 1996 with a grant to the NYS Office of Children and Family Services.

Figure Seven: Child Advocacy Center Sites



Source: <http://www.nyscarcc.org/directory/map.php>

Identifying Probationers Who Have Been Victimized

Generally speaking, few departments had policies on how to identify probationers who have been victimized other than self-identification. When that occurs, referrals are made to the appropriate agencies. One department summed it up as follows:

“The identification of probationers as past or present victims is a multifaceted process in [our] County. The initial opportunity for identification presents during the PSI interview process when a sexual history is explored. Additional opportunities occur over time as a rapport is established between probationer and probation officer. Disclosure of victimization is usually done in pieces over time as the relationship develops between offender and officer. When they are identified, they are referred to appropriate counseling services which are available in the community.”

It appears that most of the respondents focused on females sentenced to probation for a sex-related crime. However, prior sexual abuse has been shown to be related to general adult female offending (Siegel and Williams, 2003), so probation officers may be able to treat and

manage female offenders better if they are able to identify a history of abuse so that appropriate treatment referrals may be made.

Sex Offender Policy

Number of Departments who Submitted Formal Policy

- Change of Residence (1)
- Collateral Contacts (0)
- Computer Usage and Monitoring (3)
- Confidentiality Waivers (3)
- Contact with Victim and/or Minors (4)
- Early Discharge from Probation (6):
- Electronic Monitoring (4)
- Employment Restrictions (1)
- Evidence Handling/Confiscated Contraband (0)
- General Supervision (2)
- Home Visits or Field Work (2)
- Initial Classification (2)
- Inter- or Intra-State Transfer (3)
- Interim Supervision (0)
- Movement/Travel (5)
- Orders and Conditions (14)
- Pre-Sentence or Pre-Dispositional Investigations (7)
- Pre-Trial Release (2)
- Reclassification of Supervision Level (3)
- Residency Restrictions Risk or Needs Assessment (0)
- Search and Seizure (2)
- Sex Offender Treatment Referrals and Monitoring (3)
- Victim Services (1)
- Violations of Probation (4)

Departments were asked to submit any formal polices in existence. Overall, eighteen departments provided some type of policy, five of which submitted what appeared to be a comprehensive policy. The majority were limited to sex offender orders and conditions. This indicates the need for a statewide model policy that would assist departments.

The most developed area of policy is in orders and conditions of supervision, with 14 departments reporting policy. Seven reported having policy on pre-sentence or pre-dispositional investigations; six on early discharge (formal, written); five on travel; and four on contact with minors, electronic monitoring, and violations of probation.

Orders and Conditions

- Requiring offenders to inform persons with whom they have a significant relationship of their sex offending history, with guidance by the probation officer on who should be informed. One department extends this to "...landlord, employer and school administration where you may attend and the officer in charge of any group in which you are a participant for social, recreational, religious, business or economic purposes, the nature of the crime or crimes for which you stand convicted of and the nature of your conditions of probation."
- Prohibit living ("date, socialize or enter into a sexual relationship") with anyone who has children under the age of eighteen; notify the probation officer of any new significant relationships.
- Provide any and all business records upon request.
- Computer related issues: identify all computers used, agree to searches, equipment may be confiscated to complete a search, prior permission is necessary to access electronic bulletin boards or the internet, etc.
- Must not have passengers in their automobiles unless the officer is informed of the passenger's name, address and phone number and provides approval.
- Offender will keep a driving log (mileage, times of departure and arrival, routes traveled and with whom); travel only to and from home, work and treatment unless otherwise approved by the probation officer.
- No use of telephone chat lines or sexually explicit telephone services; do not be in the company of someone who is.
- No possession or use of drugs for erectile dysfunction or to enhance sexual performance without permission of the court.
- No possession of children's clothing, toys, games or videos without permission. No pet ownership without approval.
- No rental of post office boxes without approval.
- Keep a daily log of activities, thoughts and feelings.
- Write an apology letter to the victim and his or her family.
- "Shall remain fully clothed and appropriately dressed when the potential for public viewing exists."

- Pay for his or her treatment and any sought by the victim.
- “Shall not operate, be employed on or dispense goods for sale at retail on a motor vehicle engaged in retail sale of frozen desserts.”
- Waiver of extradition from any jurisdiction to which the offender may abscond.

Other policies

- Travel permit or letter to be presented to police in the location where the offender is traveling to; responsibilities of the offender when he or she travels.
- Immediate referral to a treatment provider upon sentencing, especially if there is a waiting list.
- On offenders whose offense is of a sexual nature but were not convicted of a registerable sex offense, when a psychological evaluation or counseling is ordered, they may see only a therapist who specializes in sex offenses rather than a general therapist.
- Pre-sentence investigation checklist that includes enhanced victim information, potential for victimization in their living situation, photos, and information from the Department of Motor Vehicles, internet provider, information for the Board of Examiners of Sex Offenders.
- A two-page list of terms and conditions for computer use that requires the signature of the offender.
- A notice to report to the local police department to complete sex offender registration, which is copied to the police department.
- Treatment agreement form that discusses program conditions, assignments, attendance, acceptable behaviors within and outside of treatment, and the consequences for violating the agreement.
- A responsibility statement for approved chaperones where the chaperone acknowledges the history of sex offending, is informed of the offender’s treatment and probation rules, that the offender is not to be alone with children, specific prohibited behaviors, and the signatures of the chaperone and offender.
- Release of information/confidentiality waivers.
- Policy on “attendance at functions or places where children and youth may congregate” that includes a safety plan (religious services, shopping, school functions, and social/family/community functions) and a support person.

Departmental Goals

One of the final questions on the survey inquired about the future goals of the department in regards to sex offender management. The narrative provided by 50 of the 55 departments who responded to this question offered insight into what issues may be most urgent:

- Computer Monitoring (16): The most frequently cited effort ranged from acquiring forensic search software and training probation officers, to developing policy, to hiring a computer specialist.
- Polygraph (12): Initiatives include locating qualified polygraphers, increasing funding or the number of polygraphs administered.
- GPS/Electronic Monitoring (12): This issue arose in relation to local mandates to implement GPS or departmental initiative to more effectively monitor offenders, but several departments reported a desire to increase its use.
- Improve Supervision and Management (10): Many departments mentioned learning about evidence-based practice or identifying new methods to more effectively manage this population, including issues with reduction in level of supervision.
- Improve Cross-System Collaboration (9): Several departments mentioned either reconstituting a dormant group, creating a new one or just meeting more often would help them to more effectively manage offenders in the community.
- Improve Treatment (8): Access to treatment is an important issue in many departments, as well as better monitoring and collaboration with treatment providers.
- Assessment (7): Five departments mentioned implementing an assessment tool, two stated a desire to start using the Abel Screen, and one mentioned implementing the Static-99.
- Specialize or Increase Officers (8): Several departments mentioned hiring specialized officers, managing caseload size, and providing training for officers who already supervise sex offenders.
- Improve Orders and Conditions (5): Specific focus on standardizing and identifying the most appropriate orders and conditions for sex offenders continues to be an issue, as well as judicial understanding and acceptance of those orders and conditions.
- Training (4): Specific training on sex offender management was cited as a goal.
- Collaboration with Law Enforcement (4): Increasing collaboration with local law enforcement was also important.
- Policy (4): The need to develop policy was mentioned by some departments.
- Address Housing Issues (2): One department is exploring the possibility of using an old jail facility for housing; and another plans to study the issue.
- Implement a Chaperone Program (1).
- Draft Family Reunification Guidelines (1).

Part III: Conclusion and Recommendations

Strengths of the Current System

The survey results identify many strengths within the current probation sex offender management system.

- The majority of the departments report enhanced pre-sentence investigations and request sex offender-specific orders and conditions from the court prior to sentencing.
- About half of the departments report having staff that specialize in pre-sentence investigations and/or supervision of sex offenders.
- More than half (60.3%) report some type of specialized supervision of sex offenders through assignment to trained probation officers, specialized units or the Intensive Supervision Program.
- One-hundred percent (100%) of the departments meet (48.3%) or exceed (51.7%) the home visit and collateral contacts required by regulations, and those contacts often include collaboration with law enforcement on home visits.
- More than half of the probation departments indicate policy in the critical areas of change of residence, inter- and intra-state transfer of offenders, and travel for work or pleasure.
- A high number of probation departments (74.1%) have a policy against seeking an early discharge from probation for sex offenders. Those that do reported stringent compliance requirements and input from other interested parties prior to seeking a discharge.
- Multiple probation departments have developed initiatives through funding provided by the Center for Sex Offender Management that have been beneficial to their localities across systems.

These strengths provide a good foundation upon which to build model policy for sex offender management in New York State.

Issues to be Resolved

While the current system has many strengths, several issues have been identified that if resolved, could significantly improve sex offender management practices in probation.

- Sixteen (27.5%) of 58 departments report using a sex offender-specific assessment tool. Collaboration between Probation and other entities on the local level has not reached its full potential.
- Comprehensive policy has yet to be developed in critical areas of sex offender management.
- There is both a shortage of available polygraph administrators and funds to pay for examinations in conjunction with post-conviction sex offender treatment.
- Most departments do not have a caseload cap on sex offenders (84.5%) although many strive to keep the caseloads at a manageable level.
- Computer searches are conducted by a small number of departments on a regular basis.

- Approximately half of the probation departments indicate having staff who specialize in pre-sentence investigations and supervision of sex offenders, but access to training is limited.
- Some counties do not have access to sex offender-specific treatment within their county, and the nature and quality of current treatment providers is unknown.

DPCA Leadership and Collaboration

DPCA, local probation departments, and other agencies involved in sex offender management, can work collaboratively to address these unresolved issues, and thereby improve practice and enhance public safety. To achieve these goals several actions are recommended that are derived from the findings of this survey. The recommendations are to:

- develop policy guidance and a comprehensive sex offender management policy that meets the needs of probation departments, consistent with their varying need and disparate resources
- develop guidance on the strengths and weaknesses of available assessment instruments,
- devise strategies to encourage and facilitate cross-system collaborative efforts in sex offender management,
- explore options for increasing the use of polygraph,
- consider the development of workload standards for high risk offenders based on a validated assessment tool and structured professional judgment,
- explore options to facilitate the use of computer searches,
- develop training opportunities to foster evidence-based practice in sex offender management,
- explore options to increase the quality and availability of sex offender treatment to localities, and
- ensure the victim-centered approach is pervasive throughout the sex offender management process.

The survey results identify strengths and issues where DPCA may provide assistance to the Departments.

Issues and Action Plan

| Issue | Action Plan |
|---|---|
| <p>Assessment: Sixteen (27.5%) of 58 departments report using a sex offender-specific assessment tool.</p> | <p>1) Develop and disseminate guidance to departments on the strengths and weaknesses of available instruments, information on how such instruments can be obtained, and facilitate training opportunities.</p> <p>2) DPCA will facilitate statewide training on assessment instruments.</p> |
| <p>Collaboration: Collaboration between Probation and other entities on the local level has not reached its full potential.</p> | <p>1) Working with probation departments who have created successful collaborative groups will assist DPCA to devise strategies to encourage and facilitate cross-system collaborative efforts in sex offender management.</p> <p>2) Facilitate collaboration by providing technical assistance to localities to create and maintain collaborative groups</p> |
| <p>Policy: Comprehensive policy developed in critical areas of sex offender management that meets the needs of departments with varying resources.</p> | <p>1) A work group of practitioners may be convened to develop and deliver comprehensive policy.</p> <p>2) Technical assistance to probation directors is an important function that will facilitate implementation.</p> |
| <p>Polygraph: There is both a shortage of available polygraph administrators and funds to pay for examinations in conjunction with post-conviction sex offender treatment.</p> | <p>1) Explore options for increasing polygraph availability.</p> |
| <p>Supervision: Most departments do not have a caseload cap on sex offenders (84.5%) although many strive to keep the caseloads at a manageable level.</p> <p>Computer searches are not conducted by a small number of departments on a regular basis.</p> | <p>1) Develop workload standards for high risk offenders based on a validated assessment tool <i>and</i> structured professional judgment.</p> <p>2) Explore options to disseminate software, locate resources and training for departments to facilitate the use of computer searches.</p> |

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|---|--|
| <p>Training: Approximately half of the probation departments indicate having staff who specialize in pre-sentence investigations and supervision of sex offender, but access to training is limited.</p> | <ol style="list-style-type: none"> 1) Seek funds to develop and deliver training at regional locations across the state. 2) Seek out and publicize training events held by other agencies. 3) To foster evidence-based practice, draft and disseminate a series of research summaries in key areas of sex offender management to specialized probation staff: pre-sentence investigation (protocol, tools, interview schedules); risk management and reduction (assessment, treatment, relapse prevention, and recidivism); technology (polygraph, GPS, voice stress analysis); computers (use, restriction and searches); juvenile sex offenders. Continue to advise the Executive and Legislative Branches on policy issues affecting sex offenders on probation (lifetime probation; residency restrictions, GPS, family reunification). |
| <p>Treatment: Some counties do not have access to sex offender-specific treatment within their county, and the nature and quality of current treatment providers is unknown.</p> | <ol style="list-style-type: none"> 1) Work with the State’s Office of Mental Health and local service providers to assess the nature and quality of sex offender treatment available in county mental health departments, and explore options to increase availability through those departments. |
| <p>Victims: The victim-centered approach is essential to ensuring the safety of previous victims and preventing future victimization.</p> | <ol style="list-style-type: none"> 1) Include the victim-centered approach in activities DPCA may undertake to develop training and policy. Address this subject in the DPCA Victims Workgroup. 2) Work with appropriate agencies and advocates to foster inclusion of the victim-centered approach in local cross-systems collaboration. |

Through the hard work of staff within probation departments, this comprehensive survey has provided rich information to DPCA that can be shared with all probation departments, other law enforcement agencies and other policy makers on current practice and directions for the future to strengthen the management of sex offenders on probation, assist victims, and protect the public. With this information, DPCA is now in a position to develop and provide targeted, effective assistance to probation departments on sex offender management issues. Furthermore, numerous areas have been identified where DPCA, probation departments and other practitioners, such as victim advocates and the mental health community, could benefit from collaboration. The skill and dedication of Probation Officers, Supervisors and Directors is notable. The next step is for DPCA collaborate with probation representatives and relevant practitioners to strengthen existing practice, improve access to various interventions that have been proven to be effective, and delineate the future of effective sex offender management in the community.

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Web Sites:

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- American Probation and Parole Association: <http://www.appa-net.org>
- Association for the Treatment of Sexual Abusers: <http://www.atsa.com>
- Capital District Coalition for Sex Offender Management: <http://www.cdcsom.com>
- Center for Sex Offender Management: <http://www.csom.org>
- New York State Division of Probation and Correctional Alternatives:
<http://www.dpca.state.ny.us>
- New York State Child Advocacy and Resource and Consultation Center:
<http://www.nyscarcc.org>