Module 3

Accountability

Synopsis

The goal of this module is to provide participants with a basic understanding of tools of accountability and how those tools relate to monitoring sex offenders in the community – including employment, drug testing, electronic monitoring, computer forensics, and sex offender registries.

Learning Objectives

After completing this module, participants should be able to:

1. Understand continuum of response to level or pattern of non-compliance.
2. Identify two types of EM and their applicability to sex offender populations.
3. Understand that tools are not quick fix, but rather provide a web of surveillance and enforcement that feeds into treatment to maintain supervision structure.
4. Identify two types of computer forensics software and their advantages and disadvantages.
5. Identify how registry can help and hinder supervision.

Participant's Materials

Participant Manual
Handouts

Facilitating the Module

LCD projector and Laptop

Handouts

Handout C1 Supervising Offender Employment: Key Steps
Handout C2 Electronic Monitoring
Handout C3 Computer Monitoring and Forensics
Handout C4 Case Study: Promoting Accountability

Resources

Tanner, J. (2005) "Rethinking Computer Management of Sex Offenders Under Community Supervision." http://www.kbsolutions.com/rcm.pdf

Time Frame

Total 1 hour

Module 3 At A Glance

Time	Description
5 minutes	Goal and Objectives
10 minutes	Creating External Structures for Offender Supervision
10 minutes	Offender Boundaries and Violations
20 minutes	Monitoring Accountability
15 minutes	Case Study

TABLE OF CONTENTS

Module Three

Accountability: Community Based Supervision

References..... 3-4

Trainer's Notes..... 3-5

Learning Objectives..... 3-5

Creating External Structures for Offender Supervision..... 3-6
- Supervising Offender Employment..... 3-6

Offender Boundaries and Violations..... 3-8
- Continuum of Response..... 3-8

Monitoring Accountability..... 3-9
- Electronic Monitoring..... 3-9
- Drug Testing..... 3-11
- Computer Forensics..... 3-12
- Offender Registries..... 3-13

REFERENCES

Center For Sex Offender Management. (January 2002). *Time to Work: Managing the Employment of Sex Offenders Under Community Supervision*. http://www.csom.org/pubs/timetowork.pdf

Clark, M. D., S. Walters, R. Gingerich, M. Meltzer. (2006). Motivational Interviewing: Tipping the Balance Toward Change. *Federal Probation*. 70(1).

Hanson, R.K., and A. Harris (1998). *Dynamic Predictors of Sexual Recidivism*. Cat. no. JS42-82/1998-01E. Ottawa: Department of the Solicitor General of Canada.

Hughes, T. 2002. The crayon and considerations surrounding Megan's Law: The D.A. can't get no relief. Pp. 135-142 in Ronald M. Holmes and Stephen T. Holmes, *Current Perspectives on Sex Crimes*. Thousand Oaks, CA: Sage.

Kruttschnitt, C., C. Uggen, and K. Shelton. (2000). Predictors of Desistance Among Sex Offenders: The Interaction of Formal and Informal Social Controls. *Justice Quarterly*. 17(1): 61-88.

Lieb, R. 1996. Community notification laws. *Journal of Interpersonal Violence, 11*(2): 298-300.

National Law Enforcement and Corrections Technology Center. (Winter, 2005). 'Monitoring' the Sex Offender. Tech B.e.a.t. http://www.nlectc.org/techbeat/winter2005/MonitorSexOffender.pdf

Padgett, K.G., W.D. Bales, T.G. Blomberg. (2006). Under Surveillance: An Empirical Test of the Effectiveness and Consequences of Electronic Monitoring. *Criminology and Public Policy*. 5(1): 61-91.

Payne, B.K. and R.R. Gainey. (2000). Electronic Monitoring: Philosophical, Systemic, and Political Issues. *Journal of Offender Rehabilitation* 31 (3/4): 93-111.

Tanner, J. (2005) Rethinking Computer Management of Sex Offenders Under Community Supervision. http://www.kbsolutions.com/rcm.pdf

Taxman, F. (September, 2006). Assessment with a Flair: Offender Accountability in Supervision Plans. *Federal Probation*. 70(2).

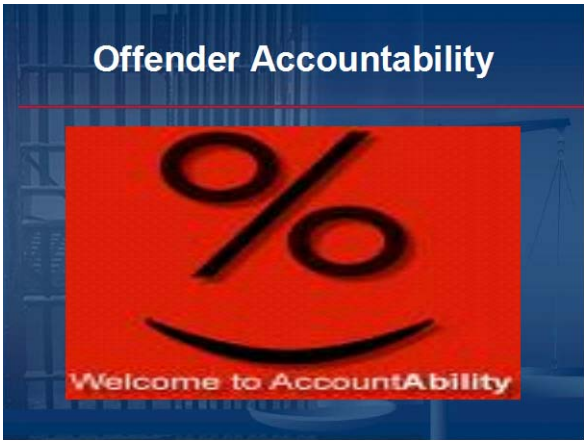
Tewksbury, R. (2006). Sex Offender Registries as a Tool for Public Safety: Views from Registered Offenders. *Western Criminology Review* 7(1): 1-8.

Uggen, C. and J. Staff. (2001). Work as a Turning Point for Criminal Offenders. *Corrections Management Quarterly*. 5(4): 1-16.

Walker, J.T., S. Madden, B.E. Vasquez, A.C. VanHouten, G. Ervin-McLarty. The Influence of Sex Offender Registration and Notification Laws in the United States. http://www.acic.org/statistics/Research/SO_Report_Final.pdf#search=%22Walker%2C%20J.T.%20AND%20sex%20offender%20registration%22

Offender Accountability

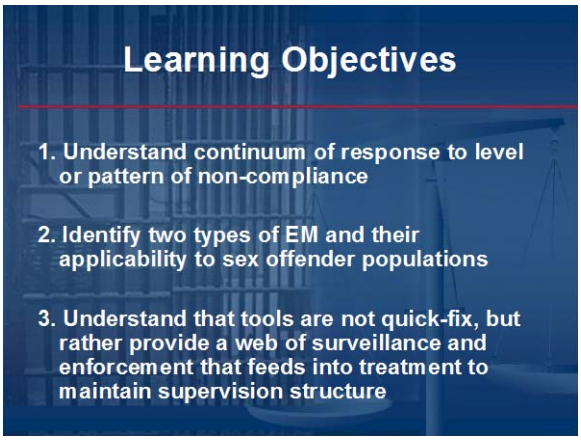
Display slide #3-1



Trainer says about:
Welcome participants back from break and make an introductory statement that this module focuses on holding offenders accountable. Explain that this module will discuss how accountability tools such as employment, drug testing, electronic monitoring, computer forensics, and registries, can be used to create a web of surveillance for sex offender management.

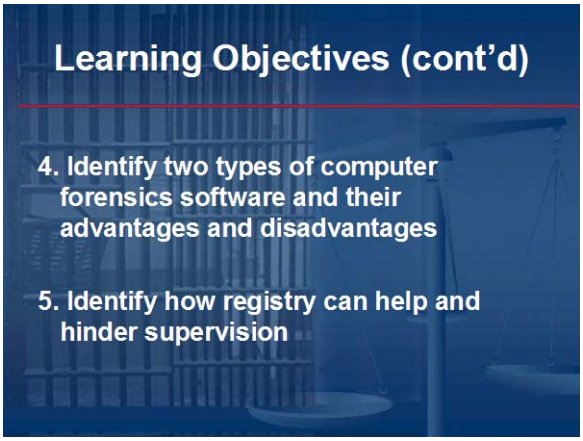
Learning Objectives

Display slide #3-2



Trainer says about:
After completing this section trainees should be able to:

1. Understand continuum of response to level or pattern of non-compliance
2. Identify two types of EM and their applicability to sex offender populations
3. Understand that tools are not quick fix, but rather provide a web of surveillance and enforcement that feeds into treatment to maintain supervision structure



Learning Objectives (cont'd)

Display slide #3-3

Trainer says about:

4. Identify two types of computer forensics software and their advantages and disadvantages
5. Identify how registry can help and hinder supervision

Creating External Structures for Offender Supervision

Display with slide #3-4

Trainer says about:

We will begin this section by talking a bit about how employment, by creating an external structure for offenders while controlling and limiting leisure time, can be used as a tool of supervision for community corrections professionals. There is a great deal of research and theory suggesting that employment can have a positive effect on desistence of or slowing criminal behavior generally. Employment is both a way to structure an offender's time in the community (as another tool of supervision) and a tool to help invest an offender in his/her own normal behaviors. Research suggests that the positive impact of employment is related to the quality of work an offender obtains, as well as how invested that offender is in the labor market; thus, these studies have suggested that employment tends to have a more positive effect on older offenders than on younger offenders, as older offenders have a stronger vested interest in the labor market (Uggen and Staff, 2001).

Although most offenders who are under community supervision are required to find and maintain work, there are significant hurdles facing offenders in regard to finding quality employment, and as we can all imagine, sex offenders face even more challenging obstacles in the employment realm than other offenders.

Supervising Offender Employment

Display with slide #3-5

Trainer says about:

A recent discussion of the role of employment and sex offender supervision by the Center for Sex Offender Management cites two studies that address the issue of employment and sex offenders. One study focusing on dynamic factors and recidivism of 400 sex offenders found that offenders who recidivated with new sex offenses were more likely to be unemployed than those who did not recidivate (Hanson and Harris, 1998 in CSOM, January 2002). Another study found that the *only* factors associated with reduced offending were the combination of stable employment and sex offender specific treatment (something which will be discussed in an upcoming module). This study found that offenders who had stable employment at the time they

were sentenced were 37 percent less likely to reoffend than offenders with less stable employment histories (Kruttschnitt, Uggen and Shelton, 2000).

CSOM (January 2002) provides a particularly nice overview of the key steps associated with supervising the employment of sex offenders. Refer participants to Handout C1 (Supervising Offender Employment: Key Steps) for a checklist of keys to employment supervision.

1. In addition to training and education, type of offense and victimization patterns should be a part of the employment assessment of sex offenders.
2. Job search plans for sex offenders should include commuting considerations, given that there may be special conditions placed on sex offenders.
3. Job search plans should include identifying potential employers, contact with said employers, and interviews.
4. When a sex offender is offered a job, suitability should be assessed by the probation or parole officer, and consideration given to special issues such as employer education and assessment of any access to victims the job may provide the offender.
5. Another consideration for some offenders may be whether or not the potential job would provide the offender with internet access.
6. After a job is approved a special consideration in regard to sex offenders is to ensure that the employer is aware of the treatment obligations the sex offender has (remember, as mentioned before, one study of desistence in regard to sex offenders found that the combination of employment and treatment to have a positive effect on recidivism).
7. It is particularly important for probation or parole personnel to build and maintain a close relationship with the employer and to engage in monitoring and follow-up activities.

Some questions that a supervising officer should ask about potential employment are: (1) whether or not the location of the job would put the offender at risk of reoffending – for example, if the location of the job is near a playground; (2) whether or not the offender would have access to the internet, cameras, etc. that might increase the risk of reoffending; and (3) whether or not there is enough supervision on the job that would allow the employer to note risky behaviors or situations – for example, if the offender is required to travel in the community, whether or not there would be adequate supervision to ensure community safety.

As we discussed earlier, it can be hard for many offenders to find suitable and stable employment while under community supervision, and the stigma associated with sex offenders can be a particularly high hurdle to overcome. While sex offenders tend to be more educated and have more stable employment histories than other types of offenders, it is very important for supervising officers to build and maintain relationships with potential employers. Employers may be more likely to “take a chance” on a sex offender if they know that they have the support of the probation or parole officer.

Offender Boundaries and Violations

Display with slide #3-6

Trainer says about:
While established boundaries are important for the supervision of all offenders, not establishing boundaries with sex offenders can be particularly harmful and may in fact facilitate offender deceit and manipulation.

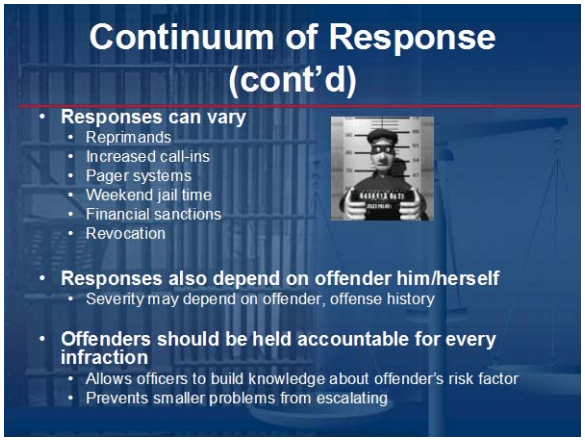
Conditions of probation or parole for sex offenders are an important means of controlling risky behaviors and situations. The conditions must be clearly explained, should be transparent, and must be rigidly enforced. The consequences of unclear conditions that are not explicitly illuminated and enforced can have dire consequences to past victims and the community at large.

Continuum of Response

Display with slide #3-7

Trainer says about:
All violations of conditions by sex offenders should be addressed in some manner. But it is also as important to hold an offender accountable for pro-social behavior through positive reinforcement as it is to hold the offender accountable for violations via sanctions. While it can be especially important for the community that all infractions be addressed by the probation/parole officer, there should be a continuum of response to any non-compliance on the part of the offender by the officer and/or court. This does not necessarily mean that a sex offender should be revoked for every infraction. The officer's response should be based upon the level of non-compliance, the severity of the offense, and risk to victims and society. It is especially important to identify and react appropriately to a pattern of non-compliant behavior.

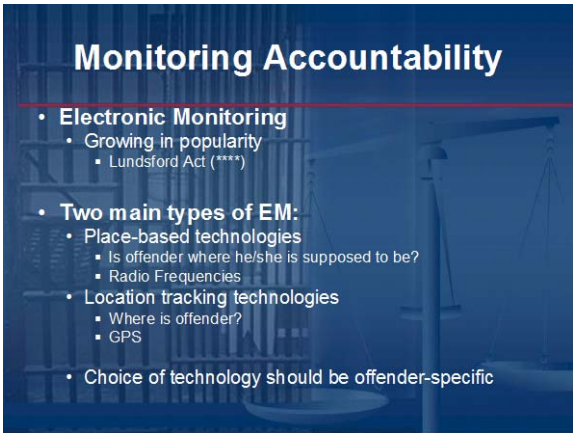
Continuum of Response (cont'd)



Display with slide #3-8

Trainer says about:
The continuum of officer response can include reprimands, increased call-ins and day reporting, pager systems, weekend in jail, financial sanctions, and other responses including revocation. Again, the key is to address the problem at hand and to hold the offender accountable for all infractions while maintaining a balance with community safety and ensuring that an infraction does not lead to a pattern of non-compliance. Depending on an offender's risk behaviors, some infractions for particular offenders may be more serious than for others. Holding sex offenders accountable for every infraction can allow an officer to build knowledge about an offender's risk factors as well as to prevent small problems from turning into larger ones. While we often focus on holding offenders accountable for non-compliance, let's remember again that when we talk about accountability we are talking about holding an offender accountable for non-compliance through a continuum of sanctions, but just as important, we are talking about holding offenders accountable for positive behaviors through affirmation and reinforcement.

Monitoring Accountability



Display slide #3-9

Trainer says about:
There are a number of methods in the toolkit of sex offender management for monitoring accountability, all of which can provide varying levels of surveillance. We'll talk about several of these now.

Electronic Monitoring

Electronic monitoring as a tool for community supervision professionals has been growing in popularity, and there has been a particular public and political interest in this technology as a tool of supervision for sex offenders. For example, after the sexual assault and murder of Jessica Lunsford in 2005 in Florida, the ensuing Jessica Lunsford Act was passed unanimously, requiring that offenders convicted of child molestation wear satellite tracking devices for the rest of their lives. There is no question that, given the public and political reaction to sex offenders, and the particular concerns over "location" of these offenders (for example, where they live,

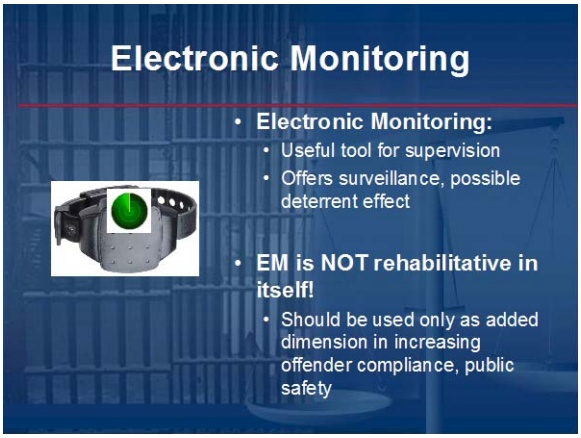
work, etc.), electronic monitoring will be a tool that anyone supervising a sex offender should be aware of.

There are two main types of electronic monitoring: place-based technologies and location tracking technologies. Place-based technologies use radio frequencies to identify if an offender either present or absent from a specific place he or she is supposed to be. Electronic monitoring such as GPS (a tool that that uses location tracking) can actually pinpoint the location of an offender rather than solely determining whether or not he/she is or is not where he/she is supposed to be. Furthermore, and of specific concern to sex offenders, GPS technologies can utilize zones of exclusion so that a victim can be notified by pager or text message if an offender is within a certain range.

Regarding the efficacy of electronic monitoring, a study in Florida (Padgett, Bales and Blomberg 2006) found that radio-frequency and GPS monitoring significantly reduced the likelihood of technical violations, reoffending, and absconding for serious offenders.

The large electronic monitoring study in Florida found that radio-frequency monitoring was just as effective in reducing offender absconding and revocation for a new offense as GPS monitoring, and more effective than GPS in reducing the likelihood of a technical violation. Therefore, for many offenders, it may be more cost-efficient to use radio-frequency monitoring than it would be to use GPS monitoring, especially considering that the per day cost of GPS monitoring is about 4.5 times that of radio-frequency monitoring. In Florida for example, the per day cost of GPS monitoring is $8.97 versus $1.97 for radio-frequency. However, we have to consider again that there may be peculiar concerns regarding sex offenders that may make GPS technologies more attractive regardless of cost.

Display with slide #3-10



Trainer says about:
It is important to understand that while electronic monitoring can used as tool of supervision, these technologies are not a panacea. Electronic monitoring offers surveillance and may have deterrent effect, but there is no evidence that these technologies are rehabilitative in and of themselves. However, because electronic monitoring can reduce the likelihood of an offender absconding, being revoked for a new offense, and engaging in technical violations, electronic monitoring does have the potential to add a level of surveillance for community safety as well as providing a way to keep offenders in compliance with conditions of probation or parole. Given the importance of treatment for the sex offender population, electronic monitoring may act as another tool to keep the offender on track so that treatment and supervision may have a better chance of success.

It is also important for officers to inform victims of what electronic monitoring can and cannot do.

Refer participants to Handout C2 (Electronic Monitoring). Explain that this is an example of the guidelines for placing offenders on EM in Iowa. If time permits you may want to facilitate a short discussion among participants concerning resources for EM in their jurisdictions and what resource constraints they may face or what experiences they have had with its use in their organization.

Drug Testing

Display with slide #3-11

Trainer says about:
Drug testing has become a ubiquitous part of community supervision. I'm sure that most of you are fairly well versed in the ins and outs of drug testing. We will talk here just a bit about how drug testing can relate specifically to sex offenders as an accountability tool.

It is important for officers to understand and identify if and how drugs are involved in a particular sex offender's patterns of offending. Drugs may be used to intoxicate a victim, or may be used by the offender himself as disinhibitor. Drug testing may improve supervision for sex offenders by, for example, identifying how substance abuse played into offense patterns and monitoring the offender for substance use as a way to identify such use as a trigger or a precursor to future offending.

Trainer says about:
Drug testing is an important part of sex offender accountability, but it is important to avoid scheduling conflicts with drug testing and the offender's employment. Every effort should be made to not have drug testing interfere with employment since employment is an important tool to promote pro-social behavior in sex offenders and since employment can be difficult for offenders to acquire.

Computer Forensics

Display with slide #3-12

Trainer says about:
Technology can provide some particular pitfalls for sex offender management. Computers are everywhere, which, since the internet can be an especially wide area of risk for sex offenders, creates special monitoring concerns for supervising professionals.

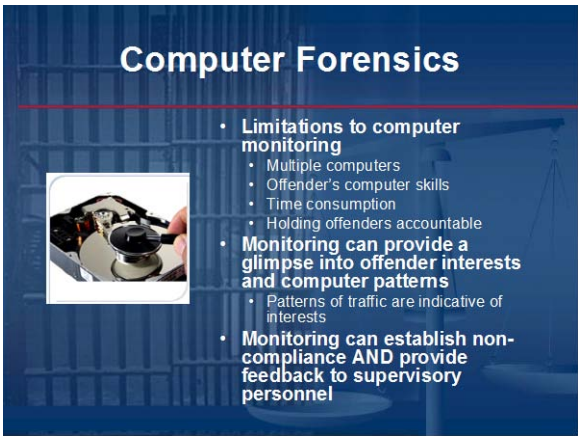
Some popular monitoring software are shown here. Refer participants to Handout C3 (Computer Monitoring and Forensics) for some examples of different types of software available.

Spector Professional (for PC and MAC) is available by download or CD and can monitor websites visited, Myspace activity, chat and IM activity, and can also take screen snapshots at certain intervals from seconds to minutes or if you so direct it to, when a new window is opened or website is visited. You can also provide keywords or phrases and anytime that phrase or word is typed or contained on a website visited on the computer and the monitoring software will send you an immediate alert.

E-Blaster is another monitoring device and it distinguishes itself by capturing incoming and outgoing emails, chats, and instant messages and then immediately forwards you an exact copy to your email address in addition to recording downloads, keystrokes, etc like other spyware.

Other popular monitoring software makers are Impulse Control, Cyber Sentinel, True Active, and Desktop Surveillance. Decisions of what software to use must include cost as well as features.

Display with slide #3-13



Trainer says about:
One of the major limitations of accountability measures and computer forensics is that offenders may use an alternative computer or find internet access in a variety of different ways. The ubiquitous nature of computers and the internet means that it can be difficult to monitor the total computer use of offenders. It is also important to note that sex offenders are often more skilled and more educated than other offenders, and they may have fairly sophisticated computer skills, so this should always be an area of significant attention

for anyone monitoring sex offenders.

Computer forensics can be quite time consuming. According to one source, with retroactive investigation of a computer, copying a drive as small as 20 gigabytes can take hours, and larger drives can take significantly longer which means a time commitment for both the offender's computer and the forensic examiner. It can take hours to examine one drive, and for a thorough examination, it may take a time commitment of a couple of days for the forensic examiner (Tanner, 2005). For the purposes of sex offender management, monitoring software may be more efficient.

There are a number of limitations associated with computer forensics and holding offenders accountable. One expert in this area has noted that computer forensics has traditionally provided a better fit on the prosecution rather than the monitoring side of the sex offender equation (Tanner, 2005). Still, monitoring software technology has blossomed in part through the market for parents who want to control or monitor their children's computer use, as well as the market for companies who are monitoring employee computer use. These markets have opened up easily obtained, low-cost, and easy to use monitoring software that can translate to supervision of sex offenders in the community.

While the limitations of computer forensics should be considered, it can be an essential tool of accountability for managing some sex offenders and will most certainly become increasingly so as technology develops. I think we have demonstrated thus far that the key to sex offender management is to have a diverse toolbox from which to draw; strong management results from the combined impact of multiple tools, each enhancing the supervision structure and elevating external controls.
Computer forensics can be an important method of providing a glimpse of offender interests and grooming patterns. Internet traffic patterns are indicative of individual interests and those patterns can provide important insight into an offender's interests. For example, for sex offenders may not be looking for pornography on the computer, but visits to child-dominant sites such as Nickelodeon or Disney should be considered windows of illicit activity that need to be monitored.

Information obtained by monitoring software may be used to establish non-compliance and may assist with court sanctions, but just as importantly it can be used as a feedback to the treatment provider and supervision team concerning risk behaviors.

Sex Offender Registries

Display with slide #3-14

Trainer says about:
Just as with any offender prone to elusive recidivism, it's important that the probation/parole professional employ unique and offense-specific tools for supervision in the community; of much

discussion in this particular field is the sex offender registry. Allow me, at this point, to make a distinction: when we discuss offender registries, we've got to understand some differences in method of use and desired goals. To make these distinctions more salient, let's take a look at the way sex offender registries are used in the state of Michigan.

The state of Michigan actually uses two forms of sex offender registry: the Sex Offender Registry, or SOR, which contains detailed public *and* non-public offender information (available only to law enforcement officials), and the Public Sex Offender Registry, or PSOR, which contains only public information about an offender and is available to the public via the worldwide web. This division of the two registry types is important, as it highlights the difference between the registry as a tool for supervision and enforcement, and as a tool for public notification and protection.

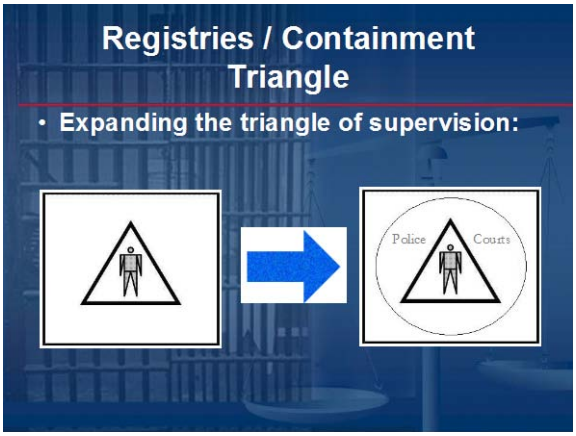
When examining the limited research regarding sex offender registries, the above distinction proves particularly poignant. If we think of registries solely as a method of informing the public and reducing risk in the community by way of public notification, we'll have a difficult time finding supporting studies; in fact, a growing body of research (including a recent notification-specific works by Lieb; as well as a broad meta analysis by Walker et al) has highlighted the low efficacy of sex offender registries in terms of preventing recidivism (Lieb, 1996; Walker, et al). In fact, by using public notification methodology towards an end of preventing recidivism, the harms presented to both the offender and the community at large may well outweigh any potential benefits. However, when used by supervisory professionals as an additional containment tool, the offender registry may indeed prove valuable.

Display with slide #3-15

Trainer says about:
As a tool used specifically for supervision and enforcement of offenders in the community, registries can be a useful and effective tool for use in informing and expanding an offender's containment triangle. When we think of the "ideal" sex offender registry, we can imagine a sort of clearing house of information about an offender, available to the actors and organizations involved in offender supervision. The registry, which contains detailed information about an offender, can be used as a bridge between the triangle of supervision (probation/parole, polygraph, treatment) and enforcement agencies, acting as a kind of bounded circle of informal involvement.

Registries/Containment Triangle

Display with slide #3-16



Trainer says about:
Take a look at our triangle here; if we add this circle around the containment triangle, not only does it provide for informal involvement and communication with other systemic agencies, but it also provides another dimension of professional supervision for offenders.

Sex Offender Registries (cont'd)

Display with slide #3-17

Trainer says about:
As you can see, when we think of sex offender registries, we should think of them as supervisory tools geared specifically towards offender containment by professional actors. As previously mentioned, when registries are used as public notification tools towards preventing recidivism, research has shown little in terms of efficacy towards public safety through community notification. In fact, not only does public notification have little effect on containing offender behavior, but it has also shown a potential for harm, both towards the offender and the community; this manifests as problems in community reintegration. Public notification techniques have been shown to lead to problems for offenders in obtaining employment and housing, as well as with public anxiety and community acceptance generally (Tewskbury, 2006); of course, these daily social and personal stressors may in fact lead to increased risk for recidivism, as low employment/socioeconomic class and lower levels of effective community reintegration are prime predictors of increased risk of reoffending.

Display with slide #3-18

Trainer says about:
To ensure the effectiveness of offender registries as tools of supervision, the registry should be used in a consistent and complete fashion. Research by Tewksbury (2006) found that, to date, offender information contained within registry databases is often incorrect or missing entirely. Because the actors involved in the supervision of the sex offender rely on accurate, up-to-date information on a specific offender, it is important that professionals work to maintain the information listed on offender registries. As Tewksbury notes, a major roadblock in registry maintenance is a registrant's willingness to provide updates; the parole/probation professional is able to address this concern by both maintaining involvement in registry updates and by deterring an offender from withholding information. Probation/parole professionals should be responsible for regular home contacts to ensure accurate reporting, and should consider this a standard part of sex offender supervision.

Sex Offender Registries: Expanding Supervision

Display with slide #3-19

Trainer says about:
The importance of communication has been stressed throughout this narrative. Because they are able bridge the interagency "gap" between criminal justice system entities, sex offender registries may be seen as a tool for promoting the flow of information between probation/parole professionals and enforcement agencies. This is particularly true of police agencies, which rely on information for effective enforcement in the community. Take a look again at our supervisory triangle and circle; as you can see, the offender registry provides a clearing house of information for law enforcement, allowing the triangle's participants to communicate with police agencies and adding a new dimension of supervision to the containment structure.

Of course, laws regarding offender registries vary from state to state. Because the use (and abuse) of registries tends to promote a polarizing debate over issues of punishment and constitutionality, changes regarding offender registries and registry access are likely to occur over time, particularly concerning public notifications. When offender registries are used as community notification tools, issues of extended punitive measures may arise; as mentioned, the

harms an offender may experience in terms of community reintegration can certainly be considered punishments in themselves. When registries are used as supervisory tools for professional actors, such issues may be avoided in part; however, they may still arise in any legal discussion of the tool itself (Hughes, 2002; Tewksbury, 2006). As such, the professional must be aware of laws regarding registrations in his/her respective state.

The probation/parole professional must also familiarize him/herself with local agencies' use of sex offender registries. By understanding the ways in which local enforcement entities use the information provided by registries, the actors in the containment triangle are better able to inform the registry, providing valuable information for communication within the supervisory group.

Training Activity:
Ask participants to retrieve Handout C4 (Case Study: Promoting Accountability). Divide participants into groups of three or four. Tell participants to review the case description and answer the questions on the handout. Give them ten minutes to answer the questions. After ten minutes, have the entire group answer the questions for five minutes.

Summary

Say:

In this module we have considered strategies to make sure that offenders are held accountable. Accountability is central to the containment model. Within this model, it is important to consider ways that officers are able to communicate effectively with sex offenders. We will discuss communication in the next model. First, let's break for lunch.