

Federal Risk Assessment Tools for Sex Offenders

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When I started this program two years ago, graduation seemed lightyears away. But here I am, weeks away from earning my degree. Attending full-time classes while taking care of my family and three children was no easy feat. I certainly could not have managed this without the support and guidance of so many people in my life.

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Abstract

Statement of the Problem

In the 1970's, federal judiciary policies required probation officers to utilize risk assessment instruments to classify offenders into maximum, medium, and minimum supervision categories dependent on the nature and seriousness of the official offense, extent of prior criminal history, and social and personal background factors in the original case (Administrative Office of the United States Courts, 2011, p. 4).

As risk assessment tools adapted overtime, the Administrative Office of the United States Courts (AO) requested a tool that would target the Risk-Needs-Responsivity (RNR) model of intervention. (Administrative Office of the United States Courts, 2011, p. 4). This tool would also incorporate static and dynamic risk factors most associated with recidivism. To overcome the shortcomings of previous risk assessment tools, AO researchers constructed and validated the Post-Conviction Risk Assessment (PCRA), with the assistance of Christopher T. Lowenkamp, PhD, a nationally recognized expert in risk assessment and community corrections research (Administrative Office of the United States Courts, 2011, p. 8).

There are two sets of items included on the PCRA: scored and not scored. The first set of items are rated and scored and contribute to an officer's risk score. The second set of data elements are rated, but not scored and do not contribute to an offender's risk score. (Administrative Office of the United States Courts, 2011, p. 9)

A crucial aspect of PCRA is that officers do not have to supervise offenders according to their original PCRA risk designations. Specifically, judicial policy allows officers the option of departing from the PCRA risk classifications by changing the risk level originally assigned to the offender (Cohen, Pendergast, & VanBenschoten, 2016, p. 12).

In 2016, a study was conducted on overrides for federal offenders. Data for the study was obtained from 94 U.S. federal judicial districts and comprised of 58,524 initial PCRA assessments

conducted between August 31, 2012 and December 30, 2013 (Cohen et al., 2016, p. 13). The study concluded that the override rate was highest for sex offenders; over three-fourths of these offenders (77 percent) were placed into supervision levels that differed from their initial PCRA risk classifications (Cohen et al., 2016, p. 14).

The PCRA is utilized by federal probation officers and conducted on every federal offender. Because this helps determine an offender's risk, which influences how often a probation officer will meet with the offender, in addition to identifying dynamic risk factors, the validity of the assessment tool is extremely important. 77 percent of overrides are conducted on sex offenders; therefore, it does not appear that the PCRA is validated toward this class of offenders. More importantly, PCRA was not constructed to specifically measure an offender's sexual deviance or predict sexual recidivism (Cohen & Spidell, 2016, p. 22).

Methods of Approach

Data sources and data gathering methods will consist of secondary research. A primary source of research will consist of studies conducted by the Administrative Office of the U.S. Courts. Research conducted on sex offender specific assessment tools will be included. These tools include the Static-99R, the Sex Offender Treatment Intervention and Progress Scale (SOTIPS), and the Child Pornography Offender Risk Tool (CPORT).

Anticipated Outcomes

While the PCRA has been validated to predict general recidivism for offenders on federal supervision, it was not designed to predict sexual deviance or predict sexual recidivism. Utilizing the PCRA along with sex offender specific risk assessment tools will not only provide a better prediction for sexual recidivism, it will assist probation officers when working with offenders and creating a supervision plan. It will also help officers identify the offenders' needs and what responsibility factors to address during the term of supervision to aid in reintegration to the community, protect the community, and maintain long-term positive changes to their behaviors.

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I. INTRODUCTION

A. History of Federal Risk Assessment Tools

The Probation Act of 1925, signed by President Calvin Coolidge, provided for a probation system within the federal courts. It gave power to the courts to suspend sentencing and place offenders on probation with conditions that they deemed best for their success in the community. (United States Courts, n.d., p. 1) Initially, the Office of the Attorney General in the U.S. Department of Justice was responsible for the administration of federal probation; however, this changed in 1940 when general oversight was transferred to the Administrative Office of the U.S. Courts (United States Courts, n.d., p. 1). There are three main goals for federal probation: to assist the federal courts in the fair administration of justice; to protect the community; and to bring about long-term positive change in the individuals under supervision (United States Courts, n.d., p. 1).

In the 1970's, federal judiciary policies required probation officers to utilize risk assessment instruments to classify offenders into maximum, medium, and minimum supervision categories dependent on the nature and seriousness of the original offense, extent of prior criminal history, and social and personal background factors in the original case (Administrative Office of the United States Courts, 2011, p. 4). In 1991, the Judicial Conference Committee on Criminal Law asked that the Federal Judicial Center (FJC) develop a new risk assessment tool for the federal probation system out of concern that the instrument it was using at the time was losing predictive accuracy (Administrative Office of the United States Courts, 2011, p. 5). In response, the FJC developed the Risk Prediction Index (RPI). The RPI included information about the age at the start of supervision, number of prior arrests, whether a weapon was used in

the instant offense, employment status, history of drug and alcohol use, whether the person ever absconded from supervision, whether the person has a college degree, and whether the person was living with a spouse and/or children at the start of supervision (Administrative Office of the United States Courts, 2011, p. 6). In 1997, the Administrative Office required that the RPI be calculated for all offenders at the start of supervision (Administrative Office of the United States Courts, 2011, p. 6). One shortcoming of the RPI is that it factored static information and did not allow an officer to assess changes in risk by the offender (Administrative Office of the United States Courts, 2011, p. 7).

In an effort to overcome the shortcomings of the RPI, the Administrative Office employed Christopher T. Lowenkamp, Ph.D., a nationally recognized expert in risk assessment and community corrections research, to develop an instrument for the federal probation system (Administrative Office of the United States Courts, 2011, p. 8). The goal was to create a tool that targeted the Risk-Needs-Responsivity (RNR) model of intervention. Unlike the RPI, the new tool would incorporate static and dynamic factors most associated with recidivism (Administrative Office of the United States Courts, 2011, p. 8). Administrative Office researchers, with the assistance of Dr. Lowenkamp, constructed and validated the Post-Conviction Risk Assessment (PCRA) using data collected through the Probation/Pretrial Services Automated Case Tracking System (PACTS), existing risk assessments from pilot risk assessment programs, criminal history records, and presentence reports (Administrative Office of the United States Courts, 2011, p. 8).

B. The Post-Conviction Risk Assessment (PCRA)

The PCRA consists of two sections: officer assessment and self-report. It also includes scored items, which have shown to be statistically significant predictors of recidivism, and

unscored items, which have been shown by other empirical research to be predictors of recidivism, but have not been studied by the Administrative Office in federal cases due to lack of necessary data (Administrative Office of the United States Courts, 2011, p. 9). The PCRA includes information from the following seven domains: criminal history, education and employment, substance use, social networks, cognitions, housing/finances/recreation, and responsivity factors (Administrative Office of the United States Courts, 2011, p. 9). When working with offenders, officers check for potential responsivity factors, which may include intelligence, physical handicap, reading and writing limitations, mental health issues, no desire to change/participate in programs, homelessness, transportation, child care, language, ethnic or cultural barriers, history of abuse/neglect, and interpersonal anxiety (Administrative Office of the United States Courts, 2011, p. 9).

The offender self-assessment section is based on the Psychological Inventory of Criminal Thinking Styles (PICTS), which is an instrument that provides a reliable and valid method to assess criminal thinking styles (Administrative Office of the United States Courts, 2011, p. 11). This portion of the assessment consists of 80 questions that assess the following eight criminal thinking styles: mollification, cutoff, entitlement, power orientation, sentimentality, super optimism, cognitive indolence, and discontinuity (Administrative Office of the United States Courts, 2011, p. 11-12).

Mollification is the propensity to project blame for criminal conduct on external factors, such as family upbringing or poverty. Those with cutoff tendencies are frequently impulsive and use phrases like “screw it” to eliminate common deterrents to crime, such as alcohol and drugs. Individuals with entitlement thinking styles often grant themselves permission to commit crimes due to a sense of ownership and privilege. Those with power orientation will attempt to employ

maximum control over external environments at the expense of personal or internal control. Further, they may put another person down to feel better about themselves when they don't feel in control. Sentimentality is the belief that performing good deeds will eliminate the harm the person has inflicted on others. Those who are super optimistic feel they can avoid or postpone negative consequences to their behavior, such as injury or incarceration, for an indefinite period of time. Individuals with cognitive indolence thinking styles will look for the short-cut or easy way around a problem, and may be described as lazy and irresponsible. Lastly, discontinuity is the tendency to be easily sidetracked and lose track of one's goals. These individuals may be described by others as flighty and unpredictable. (Administrative Office of the United States Courts, 2011, p. 11-12)

Information from PICTS is extracted into the PCRA cognitions domain and then used to provide officers with information on whether the offender has elevated general criminal thinking, proactive criminal thinking, reactive criminal thinking, and/or any of the eight criminal thinking styles mentioned above (Cohen, Lowenkamp, & Robinson, 2017, p. 84)

After the officer portion and offender self-assessment are completed, an output age is produced, which identifies one of the four risk categories, dynamic risk factors, and responsivity factors (Administrative Office of the United States Courts, 2011, p. 13). Dynamic risk factors, or criminogenic needs, highlight whether the offender evidences any crime-driving factors that should be addressable during the term of supervision (Cohen et al., 2017, p. 85). Hierarchical rules driven by theory and research are used by the PCRA to rank these needs by the following orders of importance: criminal thinking, social networks, substance abuse, and job placement or educational attainment (Cohen et al., 2017, p. 85). The decision to employ the ranking method was driven by theories emphasizing the necessity of focusing on those needs that were

empirically shown to be strongly correlated with criminal conduct, such as criminal thinking over other criminogenic drivers, including education and employment, that generally have a weaker relationship with the outcome (Cohen et al., 2017, p. 85). The output page further provides officers with information on the presence of responsivity factors that should be addressed for the purpose of ensuring the efficacy of an offenders' treatment regime (Cohen et al., 2017, p. 85).

In order to construct and validate the PCRA, the researchers devised three sample groups. A construction group was created for the construction of the instrument, and two validation groups were created for validation of the instrument (Johnson, Lowenkamp, VanBenschoten, & Robinson, 2011, p. 18). The groups were created using an existing analysis file from PACTS data that contained 185,297 offenders on probation or supervised release, while the construction group was created from data obtained from the initial case plan (Johnson et al., 2011, p. 18-19). With a near 50/50 split, data from the first case plan was divided into two sample groups; one became the construction sample and the other became the first validation group. One validation group (Validation) was taken from the initial case plan the offender receives during his or her term of supervision, and the second group was taken from subsequent case plans (Subsequent Case Plan). (Johnson et al., 2011, p. 19) Both construction and validation groups comprised offenders who started a term of supervision on or after October 1, 2005. The subsequent case plan group comprised 193,586 case plan periods. (Johnson et al., 2011, p. 19)

The overall results of the study indicate that PCRA provides adequate predictive validity in the short term (6 – 12 months) as well as in longer follow-up periods (up to 48 months) (Johnson et al., 2011, p. 22). A multivariate analysis of proposed predictors revealed that 15 factors were significantly related to the outcome of new arrest (Johnson et al., 2011, p. 22).

One analysis conducted in the study was related to the dynamic nature of the PCRA. Changes in actual failure rates were associated with change in risk category from the initial assessment to the last assessment. (Johnson et al., 2011, p. 23) This is important, as it provides the opportunity to track meaningful changes in risk that occur throughout the supervision process. Further, the PCRA identifies and measures dynamic risk factors that, when changed throughout supervision, services, or some other unmeasured process, lead to commensurate reductions in actual failure rates (Johnson et al., 2011, p. 23). Because PCRA is dynamic in nature, it adds to the usefulness in developing case plans throughout the life of the supervision term (Johnson et al., 2011, p. 23).

Research has been conducted to examine whether changes in offender risk influence recidivism outcomes. Because the PCRA is a dynamic risk tool, researchers can explore whether risk levels and overall risk scores of offenders under federal supervision are changing and the relationship between these changes and an offender's reoffending behavior (Cohen, Lowenkamp, & VanBenschaten, 2016, p. 265). To measure change, it is important to assess whether certain criminogenic needs, such as employment, are more amenable to change than others, such as social networks. Further, are changes in risk related to an offender's reoffending behavior, and which reduced PCRA risk domains are significantly associated with the likelihood of rearrest. (Cohen et al., 2016, p. 265)

A 2015 study conducted by Lowenkamp, Holsinger, and Cohen examined PCRA assessments conducted by federal probation officers on 113,281 offenders during the period between November 2009 and April 2013. Their research showed that PCRA successfully distinguished offenders at various risk levels and predicted the likelihood of arrest for those offenders based on risk level. (Cohen & Spidell, 2016, p. 266)

In 2014, Wooditch, Tang, and Taxman used multiple assessments to measure whether change in antisocial associates, antisocial cognitions, substance use, employment, family/marital relations, and leisure/recreation time were correlated with criminal offending for 251 offenders participating in a randomized trial of probation referral services in Maryland (Cohen et al., 2016, p. 268). The researchers found that over a 12-month period, significant changes in an offender's criminogenic needs can occur, with most changes taking place after six months (Cohen et al., 2016, p. 268). Additionally, they found that recidivism could be reduced through decreases in an offender's substance abuse and family criminal networks (Cohen et al., 2016, p. 268).

For this study, data was collected for all offenders within the federal probation system who received their first PCRA assessment between August 1, 2010 and October 15, 2012. From the initial group of 107,754 offenders, 64,716 received at least two PCRA assessments during the time period. (Cohen et al., 2016, p. 269-70) The assessments and reassessments were conducted as part of the supervision duties of federal probation officers. On average, approximately nine months separated the first from the second PCRA assessment (Cohen et al., 2016, p. 270).

The PCRA assesses an offender's risk to reoffend through a process by which federal probation officers score offenders on 15 static and dynamic risk predictors. Of the 15 scored risk predictors, 13 are assigned values of one (if present) or zero (if not present). Scoring information is obtained through interviews, document reviews, and presentence reports. (Cohen et al., 2016, p. 272) Offenders can receive a combined PCRA score ranging from 0 to 18. The score correlates with the following risk categories: low (0-5 points), low/moderate (6-9 points), moderate (10-12 points), and high (13 or more points) (Cohen et al., 2016, p. 272).

For purposes of this study, recidivism, which was the outcome measure, was defined as a new misdemeanor or felony arrest within one year after the PCRA assessment date. (Cohen et

al., 2016, p. 273). Only offenders whose arrest behavior that could be observed for 12 months or more after the second PCRA assessment were included; therefore, the study population was reduced from 64,716 to 32,647 (Cohen et al., 2016, p. 273).

Overall, the study found many high-risk offenders improve by moving to a lower risk level in a subsequent assessment. Among offenders initially classified as high, 38 percent had moved to a lower risk level in their second assessment (Cohen et al., 2016, p. 274). Further, 27 percent of moderate risk offenders were reclassified into a lower risk group at their second assessment. (Cohen et al., 2016, p. 274) Only 8 percent to 9 percent of low or low/moderate risk offenders saw an increase in their classification (Cohen et al., 2016, p. 275).

In regard to PCRA scores, they changed the least for low/moderate and low risk offenders, while 33 percent of high-risk offenders recorded no changes in their overall scores (Cohen et al., 2016, p. 275). For high risk offenders, the domains of education/employment and substance abuse were more susceptible to change than domains of social networks and supervision attitudes (Cohen et al., 2016, p. 277). Similarly, moderate risk offenders had the greatest reduction in their education/employment scores; approximately a 30 percent decrease (Cohen et al., 2016, p. 277).

The third part of the study addressed whether offenders with decreased risk classifications were arrested after their second assessment less frequently than those whose risk classification remained the same or increased. The findings showed that lowering of risk correlates with a reduction in rearrests (Cohen et al., 2016, p. 278). For example, high risk offenders who remained in the same risk category were 1.5 times more likely to be arrested for a felony or misdemeanor compared with high risk offenders with decreased risk classifications (Cohen et al., 2016, p. 278). Additionally, low-risk offenders were almost four times as likely to

be arrested if they were reclassified into a higher risk level compared with those with no changes between assessments (Cohen et al., 2016, p. 278).

Overall, the study concluded that changes in offender risk were associated with changes in the likelihood of arrest (Cohen et al., 2016, p. 286). Specifically, high, moderate, and low/moderate risk offenders with decreases in either their risk classifications or overall PCRA scores were less likely to recidivate compared to those whose risk levels remained unchanged or increased (Cohen et al., 2016, p. 288). Further, increase in offender risk were associated with higher rates of rearrests, whether the increase in risk involved a move to a higher risk category or an increase in the overall PCRA score (Cohen et al., 2016, p. 288). The study found that risk levels and overall scores for many federal offenders improve between assessments and these improvements were associated with recidivism in subsequent rearrests (Cohen et al., 2016, p. 288). This information is consistent with other studies focusing on changes in the risk of recidivism over multiple time periods (Cohen et al., 2016, p. 288).

A crucial aspect of PCRA is that officers do not have to supervise offenders according to their original PCRA designations. Specifically, judicial policy allows officers the option of departing from the PCRA risk classification by changing the risk level originally assigned to the offender (Cohen, Pendergast, & VanBenschoten, 2016, p. 12). For example, if an officer upon reviewing the offender's profile, feels that in his or her professional judgment that PCRA score underrepresents the offender's risk to reoffend, the officer can submit an override to a higher risk level for supervision purposes (Cohen et al., 2016, p. 12). This component of "professional discretion" is a major principle of effective evidence-based supervision practices (Cohen et al., 2016, p. 12).

Judicial policy also allows for overrides if the offender meets the following specified criteria: sex offender, persistently violent, mental health issues, or serious youthful offender. Any other overrides are labeled as “discretionary.” (Cohen et al., 2016, p. 12) According to Volume 8E, §440, of the Guide to Judiciary Policy, overrides should be relatively rare and officers should use overrides for only certain case types (policy overrides) or supply rationales for employing overrides (discretionary overrides) (Cohen et al., 2016, p. 13).

C. Purpose of the Research

Risk-Needs-Responsivity Model of Supervision

Research over the past decades has shown that effective interventions in community corrections should focus on the principles of risk, needs, and responsivity (RNR), and address all three components: whom to target for correctional intervention, what needs to address, and how to remove barriers to successful implementation of a supervision and treatment plan (Administrative Office of the United States Courts, 2011, p. 3)

The risk principle states that the level of correctional intervention should match the offender’s risk of recidivism. Therefore, higher-risk individuals need more intensive services in order to reduce reoffending, while lower-risk individuals need less intervention. Risk level is determined by the presence or absence of criminogenic needs, which are personal characteristics and circumstances that are associated with an increased change of recidivism. (Administrative Office of the United States Courts, 2011, p. 3)

The need principle states that correctional intervention should target “known and changeable” predictors of recidivism, or criminogenic needs (Administrative Office of the United States Courts, 2011, p. 3). When the needs are changed, they are associated with changes in the probability of recidivism. Needs most associated with criminal activity include antisocial

attitudes, antisocial associates, impulsivity, substance abuse, and deficits in educational, vocational, and employment skills (Administrative Office of the United States Courts, 2011, p. 3).

The responsivity principle states interventions should involve the treatment most capable of changing the criminogenic needs (Administrative Office of the United States Courts, 2011, p. 3). According to research, the most effective way to influence change is through cognitive behavioral strategies. This includes altering thinking patterns by replacing negative thoughts, role playing to give offenders skill practice, and pro-social modeling and proper use of authority by probation officers and treatment providers. (Administrative Office of the United States Courts, 2011, p. 3) In order for offenders to gain from these strategies, interventions must be delivered in a style that best suits their individual needs. Barriers to learning, such as intelligence, levels of anxiety, and mental health disorders may lead officers to respond better to some techniques than others. (Administrative Office of the United States Courts, 2011, p. 3)

Significance of Research

In 2016, a study was conducted on overrides for federal offenders. Data for the study was obtained from 94 U.S. federal judicial districts and comprised of 58,524 initial PCRA assessments conducted between August 31, 2012 and December 30, 2013 (Cohen et al., 2016, p. 13). According to the PCRA, 75 percent of offenders assessed within the study period were initially classified as low (35 percent) or low/moderate (40 percent), while the remaining 25 percent fell into the moderate (19 percent) or high risk (6 percent) categories (Cohen et al., 2016, p. 13). After accounting for override adjustments, the percentage of offenders classified as low risk decreased to 31 percent, while the percentage placed in the highest risk category increased to 11 percent (Cohen et al., 2016, p. 13).

The study used descriptive statistics to explore overrides for offenders on federal supervision. It examined the frequency of override and investigated the types of overrides, either policy or discretionary. The research further analyzed whether recidivism rates for offenders with overrides are comparable to those offenders classified at their original or adjusted risk level. (Cohen et al., 2016, p. 14)

The study found that 9 percent of the 58,524 offenders in the study received supervision overrides (Cohen et al., 2016, p. 14). Among those with overrides, two-thirds were for policy reasons, while discretionary overrides accounted for the remainder of supervision adjustments. (Cohen et al., 2016, p. 14) Overrides occurred more frequently for low- than for high-risk offenders. For example, 13 percent of low risk offenders were overridden to another risk level compared to 9 percent of low/moderate and 8 percent of moderate-risk offenders. (Cohen et al., 2016, p. 14) Less than 1 percent of offenders initially classified in the high-risk category were overridden to a lower supervision level (Cohen et al., 2016, p. 14). The override rate was highest for sex offenders; over three-fourths of these offenders (77 percent) were placed into supervision levels that differed from their initial PCRA risk classifications (Cohen et al., 2016, p. 14).

The study also focused on the relationship between supervision overrides and recidivism. Specifically, the study examined whether low-risk offenders, for example, placed into the high-risk category exhibited reoffending behavior similar to that of their initial or adjusted risk classification (Cohen et al., 2016, p. 18). The study found that offenders with upward overrides reoffended at rates comparable to their original rather than adjusted risk levels. Further, offenders with downward overrides reoffended at rates nearly equivalent to their adjusted rather than initial risk levels. (Cohen et al., 2016, p. 18)

Overall, the study concluded that officers use override options infrequently, with almost 10 percent of the 58,500 PCRA assessments in the study population being overridden (Cohen et al., 2016, p. 20). Two-thirds of adjustments involved policy rather than discretionary overrides, and nearly three-fourths were because the offender was a sex offender (Cohen et al., 2016, p. 20). The most common discretionary rationales cited involved issues related to substance abuse problems, evidence of noncompliant behavior, location monitoring, employment issues, substantial criminal history, and financial penalties (Cohen et al., 2016, p. 20). Almost all overrides were an upward adjustment, with sex offenders being placed in the highest risk levels irrespective of their initial risk designation (Cohen et al., 2016, p. 20).

The goal of federal probation is to assist the courts in the fair administration of justice, to protect the community, and to bring about long-term positive change for offenders under supervision. For officers to be successful in meeting these goals, it is crucial for offenders to be appropriately classified into a risk level. The PCRA actuarial assessment tool has been validated in appropriately classifying offenders based on both static and dynamic risk factors, as well as identifying which criminogenic needs require the most attention to promote behavior change, and any barriers to learning or thinking styles that may limit change. The RNR model of intervention has been shown to positively influence recidivism rates. The utilization of both policy and discretionary overrides further assists officers in maintaining the overall goals of federal supervision. However, because some offenders' initial PCRA score does not correlate with their risk, specifically with sex offenders, further research should examine if PCRA should continue to be utilized for these offenders, or if there are alternative risk assessment tools, specific to sex offenders, that should be utilized in combination with the PCRA.

II. WHY ARE SEX OFFENDERS DIFFERENT FROM OTHER OFFENDERS?

A. Definition of Sex Offender

A “sex offender” is an individual who was convicted of sex offense (Ed, 2006, p. 591). Sex offenses include a criminal offense that has an element involving a sexual act or sexual contact with another; a criminal offense that is a specified offense against a minor; a Federal offense under section 591, or Chapter 109A, 110, or 117 of title 18, United States Code; a military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119; or an attempt to conspiracy to commit an offense described in clauses (i) through (iv) (Ed, 2006, p. 6). Within the federal probation system, the definition of the term “sex offender” emphasizes the word “conviction” (Baerga-Buffler & Johnson, n.d., p. 2)

B. Laws Specific to Sex Offenders

Megan’s Law

In 1994, seven-year-old Megan Kanka was raped and murdered by Jesse Timmendequas, a convicted sex offender who had been released after serving a maximum sentence.

Timmendequas was a registered sex offender when he moved across the street from Megan and her family. The Kanka family was unaware that their neighbor was a threat to their safety.

Timmendequas lured Megan into his house by offering to show her a puppy. Once inside, he raped her and strangled her to death, then moved her body to a wooden toy chest and dumped it in a nearby park. The next day he confessed to the offense and led police to the site.

Timmendequas was sentenced to death, and the sentence was upheld by the New Jersey Supreme Court on appeal. (“Megan’s Law,” n.d., p. 1)

In response to this event and other sex crimes, community members lobbied for the enactment of a law requiring sex offender registration and public notification that a sex offender

is living and working in the community ("About Megan," 2009, p. 1). Since the mid-1990's, all 50 states and the District of Columbia have passed similar legislation, collectively known as "Megan's Law" ("About Megan," 2009, p. 1). The belief behind these laws is that public notification allows citizens to take protective measures against potentially dangerous sex offenders who live nearby. ("About Megan," 2009, p. 1) The law is not intended to punish the registrant and specifically prohibits using the information to harass or commit any crime against a registrant ("Megan's Law," n.d., p. 1).

Adam Walsh Act

By the late 1990's, every state had enacted some kind of sex offender registration procedure to comply with the requirements of legislation, including "Megan's Law" public notification provisions (McPherson, 2007, p. 1). The Adam Walsh Child Protection and Safety Act of 2006, also known as the Sex Offender Registration and Notification Act (SORNA) was signed into law on July 27, 2006 (McPherson, 2007, p. 1).

The Adam Walsh Act gave the U.S. Attorney General authority to create a national registry of convicted sex offenders, authorized federal civil commitment for those certified as sexually dangerous, and permitted the imposition of search conditions for sex offenders sentenced to federal probation or supervised release (Cohen & Spidell, 2016, p. 21).

Generally speaking, SORNA established three tiers of sex offenders based on the severity of the offense for which the offender was convicted (McPherson, 2007, p. 2). Each tier of offense has its own registration and public notification requirements.

Tier 2 sex offenders, convicted of the "least serious" offenses are required to register for 15 years, renewing their registration once annually (McPherson, 2007, p. 2). This is the least serious classification and essentially a "catch-all" category for sex offense which do not fall under

Tier II or Tier III (McPherson, 2007, p. 2). Tier I includes misdemeanor and felony offenses, which meet the definition of “sex offense” in 18 U.S.C. § 16911, that do not qualify for a higher tier classification (McPherson, 2007, p. 2).

Tier II sex offenders are required to register for 25 years, renewing their registration every six months (McPherson, 2007, p. 2). An offender previously convicted of a Tier I sex offense who is later convicted of a felony sex offense, regardless of its tier, will be classified as at least a Tier II sex offender (McPherson, 2007, p. 2). For those with no prior sex offense convictions, Tier II offenses will generally cover the following felony crimes: offenses involving the use of minors in prostitution; offenses against minors involving sexual contact; offenses involving the use of a minor in a sexual performance; and offenses involving the production or distribution of child pornography. (McPherson, 2007, p. 2)

Tier III sex offenders are required to register for life, renewing their registration every three months (McPherson, 2007, p. 2). Similar to that of Tier II offenders, an offender who was previously convicted of a Tier II offense and is subsequently convicted of a felony sex offense, regardless of its tier, will be classified as a Tier III sex offender. Tier III sex offenses are those punishable by more than one year incarceration and are include the following categories of crimes: sexual acts with another by force or threat; engaging in a sex act with another who has been rendered unconscious or involuntarily drugged, or who is otherwise incapable of apprising the nature of the conduct or declining to participate; sexual acts with a child under the age of 12; and non-parental kidnapping of a minor. (McPherson, 2007, p. 2)

Offenders in each tier level are required to submit the following information: name, social security number, home, work, and school addresses, and license plate and vehicle description. They must also submit any nicknames, pseudonyms, actual and purported dates of

birth, purported social security numbers, e-mail addresses, IM “handles,” passport number and immigration document information, cell phone numbers, and land line phone numbers.

(McPherson, 2007, p. 2) For offenders who are homeless, transient, or who have no fixed address, SORNA requires that they provide a “more or less specific description” of the place or places where they normally reside (McPherson, 2007, p. 2).

In addition to providing identifying information, offenders in each tier level are required to register, and maintain their registration as required, in the jurisdiction where they live, work, and attend school. They must also register in the jurisdiction where they were convicted prior to their release from custody, or within three days of conviction if they are not incarcerated.

(McPherson, 2007, p. 2).

Jurisdictions in which a sex offender resides will have to maintain the following information: the offender’s criminal history, fingerprints, palm prints, DNA sample, and a copy of the violated law which requires their registration (McPherson, 2007, p. 2).

In regard to public notification, a great deal of the above mentioned registry information will be made available on a publicly-accessible online database. Exceptions of available information include data containing the victim’s identity, offender’s social security number, passport and immigration documents, and arrests that did not result in a conviction. (McPherson, 2007, p. 2)

Removal of an offender from the sex offender registry and/or public notification database can occur; however, the wait is very lengthy. Tier I offenders must wait ten years, and Tier III sex offenders who were required to register on the basis of a juvenile delinquency adjudication must wait 25 years. There are no other means by which a sex offender may remove his or her name from the registry. (McPherson, 2007, p. 2)

SORNA requires that certain juveniles register as sex offenders. This applies to juveniles convicted as adults and juveniles adjudicated delinquent in juvenile court, as long as the juvenile is 14 years of age or older and is convicted of an offense similar to or more serious than the federal aggravated sexual assault statute, 18 U.S.C. § 2241. (McPherson, 2007, p. 2-3) Juveniles adjudicated delinquent of offenses which subject them to SORNA's requirements will be classified as Tier III sex offenders and will be subject to lifetime registration (McPherson, 2007, p. 3).

Section 2250 of Title 18, United States Code, makes it a federal offense for sex offenders required to register pursuant SORNA, to knowingly fail to register or update a registration as required (Justice.Gov website, 2015, p. 1). State convicted sex offenders may also be prosecuted under this statute if the sex offender knowingly fails to register or update a registration as required, and engages in interstate travel, foreign travel, or enters, leaves, or resides on an Indian reservation (Justice.Gov website, 2015, p. 1). A sex offender who fails to properly register may face fines and up to ten years in prison. Additionally, if a sex offender knowingly fails to update or register as a required and commits a violent federal crime, he or she may face up to 30 years in prison under this statute. (Justice.Gov website, 2015, p. 1)

C. Recidivism Rates

Sex crimes provoke serious public concern, especially the growing exploitation of children by online sex offenders who use the Internet and digital technology to possess, distribute, or produce child pornography or contact children for sexual purposes (Cohen & Spidell, 2016, p. 21).

The federal response to the problem of sex offenders, especially Internet child pornographers, manifests though increased resources directed at law enforcement efforts and

enhanced sentencing provisions (Cohen & Spidell, 2016, p. 21). One legislative response aimed at sex offenders was the Adam Walsh Act, as mentioned above.

As a result of legislative changes, the number of sex offenders prosecuted, incarcerated, and placed under federal post-conviction supervision rose exponentially since the mid-1990's (Cohen & Spidell, 2016, p. 21). Faust and Motivans reported a nearly 1,400 percent increase in the number of sex offenders on post-conviction federal supervision, from 321 offenders in 1994 to 4,714 offenders in 2013 (Cohen & Spidell, 2016, p. 21). Much of this increase is attributed to the prosecution of offenders charged with possession, receipt, distribution, or production of child pornography. Additionally, federal sex offenders are being sentenced to lengthy post-conviction supervision terms. (Cohen & Spidell, 2016, p. 21) In fiscal year 2010, the United States Sentencing Commission (USSC) reported the average term of supervised release sentenced imposed ranged from 220 months for offenders convicted of child pornography possession to 323 months for offenders convicted of child pornography production (Cohen & Spidell, 2016, p. 21). The average term of supervised release imposed on federal offenders in 2010 was approximately 43 months (Cohen & Spidell, 2016, p. 21).

While the number of sex offenders under federal post-conviction supervision has increased, specifically online child pornographers, so have the concerns regarding whether these offenders have histories of, or are likely to engage in, offline contact sexual behavior with children (Cohen & Spidell, 2016, p. 22). A meta-study of child pornography offenders conducted by Seto et al. found that approximately 12 percent of child pornography offenders had an official arrest or conviction record of contact sexual behavior; however, 55 percent disclosed this through self-reporting conducted through treatment programs, background investigations, or polygraphs (Cohen & Spidell, 2016, p. 22). A study conducted by the USSC found that 33 percent of federal

child pornography offenders engaged in some prior form of criminally sexually dangerous behavior (Cohen & Spidell, 2016, p. 22).

In 2012, the USSC published a report to the U.S. Congress on the prosecution, sentencing, incarceration, and supervision of offenders convicted of federal non-production child pornography offenses (Cohen & Spidell, 2016, p. 22). Part of the report examined the rearrest rates for 610 offenders sentenced to non-production child pornography offenses in 1999 and 2000. The offenders were tracked for eight and a half years and counted as recidivists if they were arrested for any felony or misdemeanor offenses or had a technical violation leading to an arrest or revocation. (Cohen & Spidell, 2016, p. 22). The USSC reported a general recidivism rate of 30 percent and a sexual recidivism rate of 7 percent during the follow-up period (Cohen & Spidell, 2016, p. 22). Through presentence reports, the USSC found that approximately 33 percent of these offenders had a history of engaging in criminal sexually dangerous behavior. (Cohen & Spidell, 2016, p. 22).

A separate study conducted by Faust et al. compared 428 offenders convicted of non-contact child pornography offenses to 210 offenders convicted of contact sex offenses involving children on several risk and recidivism-related factors (Cohen & Spidell, 2016, p. 22). The study found that child pornography offenders had less substantial criminal histories and lower substance abuse rates than contact sex offenders (Cohen & Spidell, 2016, p. 22). Child pornography offenders also tended to have a higher rate of pre-incarceration employment and education levels than offenders convicted of child-related contact sex offenses. (Cohen & Spidell, 2016, p. 22-23) Faust et al. reported overall arrest rates nearly three times higher for the contact (25.7 percent) compared to the child pornography (9.1 percent) offenders (Cohen & Spidell, 2016, p. 23).

A study conducted by Cohen and Spidell utilized data obtained from 94 federal judicial districts and comprised 7,416 male sex offenders released from federal prison and placed on supervision during fiscal years 2007 through 2013 (Cohen & Spidell, 2016, p. 23).

The study categorized 7,400 federal sex offenders by their instant conviction offenses, assessed how many had an official record of contact sexual behavior, details of their demographic profiles, and described their risk characteristics as measured by the Probation and Pretrial Services Automated Case Tracking System (PACTS), the case management system used by federal probation and pretrial officers (Cohen & Spidell, 2016, p. 24). Researchers then examined recidivism and revocation rates within the fixed period while under post-conviction supervision. Additionally, the 7,416 male sex offenders were compared with a group of 179,812 male non-sex offenders placed on post-conviction supervision during the same time period. (Cohen & Spidell, 2016, p. 24)

Sex offenders were identified and placed into broader categories by using the title and section of the U.S. Criminal Code associated with their instant offense conviction (Cohen & Spidell, 2016, p. 23). The U.S. Criminal Codes were extracted from the Probation and Pretrial Services Automated Case Tracking System (PACTS), the case management system used by federal probation and pretrial officers. Through this process, Cohen and Spidell were able to categorize the 7,400 sex offenders into the following four groups of sexual offenses involving either children or nonconsenting adult victims: child pornography, transportation for illegal sexual activity, sexual abuse or assault, and sex offense registration and notification act (SORNA). (Cohen & Spidell, 2016, p. 23)

Child pornography offenses consisted of 4,462 offenders and included transfer of obscene material to minors (18 U.S.C. § 1470); sexual exploitation of children (18 U.S.C. § 2251); selling

or buying of children (18 U.S.C. § 2251A(a)(b)); certain activities relating to material involving the sexual exploitation of minors (18 U.S.C. § 2252); certain activities relating to material constituting or containing child pornography (18 U.S.C. § 2252A); and production of sexually explicit depictions of a minor for importation into the United States (18 U.S.C. § 2260(a)(b) (Cohen & Spidell, 2016, p. 23).

Transportation for illegal sexual activity offenses consisted of 800 offenders and included sex trafficking of children or by force, fraud, or coercion (18 U.S.C. § 1591); coercion and enticement (18 U.S.C. § 2422); transportation of minors (18 U.S.C. § 2423(a) (b); and use of interstate facilities to transmit information about a child relating to illicit sexual activity (18 U.S.C. § 2425) (Cohen & Spidell, 2016, p. 23).

Sexual abuse or assault offenses consisted of 1,030 offenders and included aggravated sexual abuse (18 U.S.C. § 2241); sexual abuse (18 U.S.C. § 2422); sexual abuse of a minor or ward (18 U.S.C. § 2243); abusive sexual contact (18 U.S.C. § 2244); and sexual abuse resulting in death (18 U.S.C. § 2245) (Cohen & Spidell, 2016, p. 23).

SORNA offenses consisted of 874 offenders and included failure to register as a sex offender, in violation of 18 U.S.C. § 2250 (Cohen & Spidell, 2016, p. 23).

250 sex offenders were labeled as “other sex” offenses in PACTS, and were therefore excluded from the analyses comparing sex offender conviction types (Cohen & Spidell, 2016, p. 23).

Offenders convicted of child pornography were further categorized by whether they had any official arrest or conviction record of contact sexual behavior prior to or concomitantly with their current offense (Cohen & Spidell, 2016, p. 23). Having an official record of contact sexual behavior means the offender was either arrested for or convicted for an offense involving contact

sexual offenses, such as sexual assault, child molestation, child pornography production, and child trafficking, before or for the current offense (Cohen & Spidell, 2016, p. 23). Measuring contact sexual behavior is especially important when examining child pornography offenders because research shows that offenders who commit child pornography and contact sex crimes tend to have higher risk levels and recidivism rates committed to child pornography only offenders (Cohen & Spidell, 2016, p. 23).

To identify offenders with past or present evidence of contact criminal sexual behavior, Cohen and Spidell used a combination of Static-99 data from the Federal Bureau of Prisons (BOP) and arrest history data (Cohen & Spidell, 2016, p. 23). The Static-99 is an actuarial risk prediction instrument that estimates the probability of sexual and/or violent reconviction for adult males who have already been charged with or convicted of at least one contact sexual offense against a child or non-consenting adult (Cohen & Spidell, 2016, p. 23). The instrument is scored on all sex offenders incarcerated within the U.S. federal prison system with an official current or prior arrest or conviction record of contact sexual offending (Cohen & Spidell, 2016, p. 23). The Static-99's scoring rules allowed the researchers to deduce that, if the offender was scored on the instrument, they had an official arrest or conviction record of contact sexual behavior (Cohen & Spidell, 2016, p. 23). In addition to the Static-99, any offender whose criminal history indicates a prior arrest for sexual assault or sexual exploitation was classified as having an official record of contact sexual behavior. (Cohen & Spidell, 2016, p. 23) For purposes of this study, female sex offenders and offenders sentenced to probation-only sentences were excluded, as neither of the groups would be scored on the Static-99 by the BOP (Cohen & Spidell, 2016, p. 23).

Cohen and Spidell defined recidivism as “any arrest for new crimes, excluding arrests for technical violations of the conditions of supervision, that took place between the offender’s release from federal custody date and the last date these arrest data were assembled” (Cohen & Spidell, 2016, p. 24). New arrest included the following major offense categories: arrest for any felony or misdemeanor offenses; arrests for violent nonsexual offenses (homicide, kidnapping, robbery, assault); and arrests for any sexual offense violent or nonviolent (child pornography, sexual assault, and sexual exploitation) (Cohen & Spidell, 2016, p. 24). Rates at which offenders were revoked during their term of supervised release were also examined. Revocation information was retrieved from PACTS and included any revocation that took place from the start of active supervision until the last day of revocation information retrieval (Cohen & Spidell, 2016, p. 24).

Results of the study indicate that offenders convicted of possession, receipt, distribution, or production of online child pornography accounted for the largest number of sex offenders under post-conviction supervision between fiscal years 2007 through 2013 (Cohen & Spidell, 2016, p. 24). 60 percent of the 7,416 sex offenders had an instant offense conviction for online child pornography offenses, while the remainder were convicted of sexual abuse or assault (14 percent), SORNA violations (12 percent), or transporting minors for illegal sexual activity (11 percent) (Cohen & Spidell, 2016, p. 24).

With the use of Static-99 scores and criminal history data, researchers determined that half of the sex offenders under post-conviction supervision had an official record of engaging in contact sexual behavior (Cohen & Spidell, 2016, p. 24). Over 90 percent of offenders convicted of sexual assault (91 percent), illegal transportation (91 percent), or SORNA (95 percent) offenses evidenced an official record of contact sexual behavior (Cohen & Spidell, 2016, p. 24).

24 percent of online child pornography offenders had been arrested for or convicted of contact sexual offenses (Cohen & Spidell, 2016, p. 24).

Some caution should be taken when interpreting the results on contact sexual behavior, as “any evidence of contact offending” is based on an official record and does not include self-reported behavior (Cohen & Spidell, 2016, p. 25). Previous research has found that approximately one-half of online child pornography offenders admitted to some form of prior sexual contact with children (Cohen & Spidell, 2016, p. 25).

The researchers found that, in general, sex offenders, with the exception of those convicted of sexual assault and SORNA laws, had lower risk levels than the non-sex offender population (Cohen & Spidell, 2016, p. 25). 12 percent of the sex offenders with PCRA assessments were classified as either moderate or high risk, while 26 percent of the non-sex offenders were grouped into the moderate – or high-risk categories (Cohen & Spidell, 2016, p. 25). Child pornography offenders were especially likely to be considered low risk, with nearly all (97 percent) of these offenders initially being assessed in the low or low/moderate risk categories (Cohen & Spidell, 2016, p. 25). Child pornography offenders with official records of contact sexual behavior generated a moderate or high-risk PCRA classification (8 percent), compared to child pornography offenders without contact histories (2 percent) (Cohen & Spidell, 2016, p. 25). Among offenders convicted of non-child pornography offenses, almost half of the SORNA (47 percent) and about one-fourth of those convicted of sexual assault (27 percent) were classified by PCRA as moderate or high risk (Cohen & Spidell, 2016, p. 25).

PCRA domain scores in the categories of criminal history, education/employment, substance abuse, social networks, and supervision attitudes were compared for sex offenders and non-sex offenders (Cohen & Spidell, 2016, p. 25). On average, sex offenders scored lower in the

areas of criminal history, education/employment, and substance abuse (Cohen & Spidell, 2016, p. 25). However, they scored higher in the areas of social networks and supervision attitudes (Cohen & Spidell, 2016, p. 25). Offenders convicted of child pornography scored consistently lower in most of the PCRA domains than the sexual assault or SORNA offenders (Cohen & Spidell, 2016, p. 25). Child pornography offenders with contact sexual history received higher PCRA criminal history scores than child pornography offenders without contact records. (Cohen & Spidell, 2016, p. 25)

The researchers identified three-year recidivism rates for sex offenders during their post-conviction supervision term. To be included in this portion of the study, the offender's recidivism event had to be observable for a minimum of three years and their court-ordered supervision term had to be three years or more (Cohen & Spidell, 2016, p. 27). Recidivism included a new arrest or revocation during at any time during the three years in which they were sentenced to supervised release (Cohen & Spidell, 2016, p. 27).

Offenders convicted of sex offenses were arrested or revoked less frequently than those convicted of non-sex offenses (Cohen & Spidell, 2016, p. 27). However, sex offenders were three times more likely to be arrested for sexual offenses than non-sex offenders (Cohen & Spidell, 2016, p. 27). Offenders under supervision for SORNA or sexual assault were arrested or revoked at the highest rates, while those on supervision for child pornography offense had lower recidivism rates (Cohen & Spidell, 2016, p. 27). 42 percent of SORNA and 23 percent of sexual assault offenders were arrested for any offense within three years of their supervision start dates, compared to 13 percent of child pornography offenders (Cohen & Spidell, 2016, p. 27). The percentage of offenders arrested for non-sexual violent offenses was also higher for SORNA (8 percent) and sexual assault (4 percent) than for offenders on supervised release for child

pornography (1 percent) (Cohen & Spidell, 2016, p. 27-28). For offenders convicted of child pornography offenses, having an official record of contact sexual behavior was generally not associated with significantly higher recidivism rates (Cohen & Spidell, 2016, p. 28).

D. Supervision of Sex Offenders

The Containment Model

Sex offenders, as a group, are generally different from many non-sex offenders in several ways. Sex offenders can be manipulative and deceitful. The harm that victims experience from sexual victimization can be extremely high. The dangers that certain sex offenders pose for society, particularly unsupervised sex offenders, may be significant. (Payne & DeMichele, n.d., p. 5) Motivation for sex offenders differs from motivation for other types of offenses, as many sex offenders are motivated by gaining power over their victims (Payne & DeMichele, n.d., p. 5). Many sex offenders do not act spontaneously and often conduct extensive planning of their offenses to prevent detection through secrecy and manipulation (Payne & DeMichele, n.d., p. 5).

Because of differences between sex offenders and non-sex offenders, the way that probation officers supervise sex offenders is different from the way that probation officers would supervise other offenders. (Payne & DeMichele, n.d., p. 5) One difference is that sex offenders are generally sentenced to longer periods of supervision. This may lead to a personal connection between the officer and offender. Second, sex offenders are highly manipulative and seek to groom and befriend those around them. They may attempt to groom and manipulative those in supervisory roles and potential victims. Lastly, sex offenders are often able to conceal their behaviors for extended periods of time. Because of this, it is important for officers and treatment providers to track the sex offender's internalization of impulsive controls and acceptance of

treatment. (Payne & DeMichele, n.d., p. 5) Probation officers can supervise sex offenders more effectively by understanding and recognizing these differences.

One way in which probation officers can more effectively supervise sex offenders is by utilizing the Containment Model of supervision. The goals of this model of supervision are to prevent future abuse and protect the community through an integrated, multi-agency approach that includes treatment, surveillance, and enforcement (Payne & DeMichele, n.d., p. 6). To achieve these goals, professionals from the fields of specialized mental health treatment, certified post-conviction polygraphers, and specially trained probation officers work together to “contain” the offender’s behavior while in the community (Cota, 2014, p. 1)

When working with offenders, the first step the probation officer must take is to determine what type of offender they are working with. The officer will review police reports, criminal history, previous assessments, and the presentence investigation report. Reviewing supervision conditions imposed by the court will also give the officer the court’s interpretation of events. (Cota, 2014, p. 1)

Treatment can work for sex offenders and reduce the risk of re-offending. However, it is important to note that sexual offending is a lifelong behavioral disorder with no cure. Structured sex offender treatment programs are utilized in 39 states and include cognitive behavioral therapy (CBT), with a focus on relapse prevention. (Cota, 2014, p. 2) CBT utilizes three concepts: recognize, avoid, and cope (Cota, 2014, p. 2). During treatment, the offender is taught how to recognize situations and thoughts that may lead to reoffending based on their past habits, patterns, and fantasies. The offender will also develop strategies to help avoid situations that may place him at risk. (Cota, 2014, p. 2) Therapists will assist offenders in identifying triggers and other circumstances that led to their sexual offense. Once the risk factors are identified, the

treatment provider will notify the probation officer so the officer can look for triggers or high-risk behaviors during the course of the offender's supervision. (SOURCE 9, pg 2)

Using the Containment Model, the probation officer and therapist have a way to verify thoughts and behaviors disclosed by the offender in treatment and unveil hidden behaviors – the polygraph (Cota, 2014, p. 2). The purpose of the polygraph is to increase disclosure of behavior problems, deter high risk behavior through the certainty that the behavior will be discovered, and detect problem behavior that may lead to reoffending (Cota, 2014, p. 2). A sex history polygraph, typically completed within the first six months of supervision, can reveal behaviors, thoughts, and fantasies not previously known to the officer or treatment provider (Cota, 2014, p. 2). A maintenance polygraph is completed once every four to six months and may uncover behaviors or attitudes that have gone undetected and therefore have not been addressed. (Cota, 2014, p. 2). Stopping these behaviors or fantasies before a new offender occurs is critical. Offenders may avoid high risk behaviors to prevent consequences by simply knowing they will be subject to a polygraph. (Cota, 2014, p. 2) However, research on the perceived impact of the polygraph by sex offenders themselves is extremely limited (Lobanov-Rostovsky, 2017, p. 10). One study that examined this was conducted by Kokish, Levenson, and Blasingame in 2005. The study surveyed 95 sexual offenders and found that 72 percent of those surveyed rated the polygraph as helpful, while 11 percent said the polygraph was harmful (Lobanov-Rostovsky, 2017, p. 10).

Results of multiple research studies across various jurisdictions indicate that using polygraphs with sex offenders leads to additional disclosures (Lobanov-Rostovsky, 2017, p. 8). Reported increases in offender disclosure based on polygraph include the number of victims; offenses and offense categories; high-risk behaviors; and the age of onset, duration of offending and frequency (Lobanov-Rostovsky, 2017, p. 8). One study, conducted in the Netherlands, where

child pornography offenders received polygraph testing, yielded disclosures of high-risk behavior during treatment in the areas of masturbation to fantasies of sexual contact with children and masturbation while manipulating children into posing nude during webcam contact (Lobanov-Rostovsky, 2017, p. 8). Additional disclosures included cruising in public places for children, taking children's pictures, and having scripted scenarios to be used to sexually victimize a child if there were an opportunity to do so (Lobanov-Rostovsky, 2017, p. 8).

Probation officers must understand that every offender is a risk for reoffending; however, some are at higher risk than others. Risk levels can change daily or weekly based on the circumstances in each offender's life. (Cota, 2014, p. 4) One risk factor for re-offending is not complying with treatment and/or conditions of supervision. The single most important way the officer fulfills their role in the Containment Model is through the detection of violations of these rules (Cota, 2014, p. 4). When a violation is discovered, it is likely there are other high-risk behaviors that have not been detected. This behavior needs to be addressed, proactively, before any reoffending occurs. (Cota, 2014, p. 4). The motivation for a proactive response to behaviors is not punishment. For behaviors that warrant incarceration, or revocation of supervision, it is simply the officer hitting the "reset" button on the offender's behavior. The offender has a period of reflection while in custody, and then returns to the community to continue with treatment. During each step of this process, the officer is protecting the community, preventing a new victim, and keeps treatment in balance with supervision. (Cota, 2014, p. 4)

One of the most important actions an officer can take is a surprise home contact and search (Cota, 2014, p. 4). If the offender has knowledge that the officer will be conducting a home contact, this allows time to hide pornography, internet use, or provide explanations for various items of concern in their home. Violations of supervision are most likely to be

discovered on electronic media, including smartphones, tablets, and computers (Cota, 2014, p. 4). Therefore, supervision officers must have knowledge on how to use different electronic devices, as well as receive specialized training on how to utilize computer and phone monitoring equipment. Frequent, and unannounced searches of the residence, vehicle, storage space, and collateral addresses are essential. (Cota, 2014, p. 4) Results of searches should be relayed to the treatment provider to help guide or alter treatment goals, and then discussed with the polygrapher so questions can be formulated to elicit even more information (Cota, 2014, p. 4).

III. SEX OFFENDER SPECIFIC RISK ASSESSMENT TOOLS

A. Static-99/R

That Static-99 is the most commonly used actuarial scale used for evaluating sex offenders and incorporates static risk factors, which are historical markers that cannot be changed by an intervention (Brouillette-Alarie & Proulx, 2013, p. 312). The predictive validity of the Static-99 for sexual recidivism is among the best in the field of sexual aggression (Brouillette-Alarie & Proulx, 2013, p. 312).

The Static-99R is the newest version of the Static-99, which was developed by R. Karl Hanson and David Thornton (Brouillette-Alarie & Proulx, 2013, p. 315). It combines the RRASOR and the Structured Anchored Clinical Judgement scale (SACJ), two actuarial scales developed previously by the Static-99's authors (Brouillette-Alarie & Proulx, 2013, p. 315).

The Static-99 is a 10-item, 12-point scale; nine risk factors are worth one point and one risk factor is worth 3 points. Higher scores indicate a higher recidivism risk. (Brouillette-Alarie & Proulx, 2013, p. 315) The only difference between the Static-99 and the latest version, the Static-99R, is that the latter uses a more refined age scale. With this update, the Static-99R takes

into account the vast literature on age and crime, which shows that recidivism decreases with age. (Brouillette-Alarie & Proulx, 2013, p. 315)

Brouillette-Alarie and Proulx conducted a study to conduct a new factor analysis of the Static-99R's items and to test the predictive validity of the Static-99R and its dimensions (Brouillette-Alarie & Proulx, 2013, p. 314). The study used a database of 711 adult male sex offenders, drawn from two institutions: the Philippe-Pinel Institute and the Regional Reception Center, both located in Quebec, Canada (Brouillette-Alarie & Proulx, 2013, p. 314).

Among the 711 sex offenders, there were 352 sexual aggressors of children, 251 sexual aggressors of women, 90 mixed offenders (with boy juvenile and adult victims) and 18 offenders of unknown subtype (missing victim data) (Brouillette-Alarie & Proulx, 2013, p. 314-315). Sex offender classification was based on victim information: offenders with victims aged less than 14 years were considered sexual aggressors of children; offenders with adult victims were classified as sexual aggressors of women; offenders with teenage victims between the ages of 14 and 17 years were classified as sexual aggressors of children if their victims were related to the offender, and sexual aggressors of women if the victims were unrelated (Brouillette-Alarie & Proulx, 2013, p. 315). Offenders with both adult and child victims were classified based on their predominant victim choice (if possible) or were designated as mixed offenders (Brouillette-Alarie & Proulx, 2013, p. 315). All of the offenders had at least one hands-on sexual offense and were aged 18 to 77 years old at the time of their release (Brouillette-Alarie & Proulx, 2013, p. 315).

The factor analysis of the study extracted three dimensions from the instrument: sexual criminality, detachment, and general criminality. These dimensions were very similar to those obtained by Roberts et al. (2002). (Brouillette-Alarie & Proulx, 2013, p. 323) The sexual

criminality dimension included prior sex offenses, convictions for hands-on sex offenses, and sexual abuse of male victims (Brouillette-Alarie & Proulx, 2013, p. 323).

The detachment dimension comprised young age, absence of long-term cohabitation with an intimate partner, and sexual abuse of an unrelated/stranger victim (Brouillette-Alarie & Proulx, 2013, p. 323). This was also very similar to that of Roberts et al. (2002). Both Roberts et al. and the current study encompassed young age, cohabitation/relationship status, and the sexual abuse of extrafamilial and stranger victims. The only difference was that in Robert et al.'s study, index non-sexual violence loaded onto the detachment factor, while it did not load onto any dimension in the current study. (Brouillette-Alarie & Proulx, 2013, p. 323) In Barbaree et al.'s 2006 study, the two items related to victim characteristics formed a single factor that was labeled "detachment predatory behavior" (Brouillette-Alarie & Proulx, 2013, p. 323).

It is possible that the pairing of the two items simply reflects the effects of age. Younger sex offenders are unlikely to be in long-term intimate relationships, to have children, and therefore to have access to intrafamilial victims (Brouillette-Alarie & Proulx, 2013, p. 323). This severely increases their chances of having extrafamilial or stranger victims, due to their limited access of intrafamilial victims (Brouillette-Alarie & Proulx, 2013, p. 323). Conversely, older sex offenders who have had long-term relationships are more likely to have access to such victims (Brouillette-Alarie & Proulx, 2013, p. 323). The pattern described by the items of the detachment dimension could simply be a by-product of age, instead of an indicator of emotional involvement with others (Brouillette-Alarie & Proulx, 2013, p. 323).

There have been some findings that support the existence of a clinically meaningful detachment dimension (Brouillette-Alarie & Proulx, 2013, p. 324). Smallbone and Dadds (2000) found that insecure attachment was associated with the development of sexually coercive

behavior; this association remained significant even after antisocial lifestyle and aggression had been controlled statistically (Brouillette-Alarie & Proulx, 2013, p. 324). Butz-Whittaker and Strassberg (2001) conducted a study of 287 halfway house and outpatient sex offenders and found a third factor (in addition to antisocial lifestyle and sexual deviance) that they labeled “immaturity” (Brouillette-Alarie & Proulx, 2013, p. 324). The immaturity factor included the variables of no marital history, younger than 25 years, history of failure to complete mandated treatment, and poor employment history (Brouillette-Alarie & Proulx, 2013, p. 324). Both sides of the debate are present; the detachment dimension could be a statistical artifact or a relevant clinical entity (Brouillette-Alarie & Proulx, 2013, p. 324).

The third dimension, general criminality, includes prior non-sexual violent offenses and prior sentencing dates (Brouillette-Alarie & Proulx, 2013, p. 324). The factor structure of the Static-99R in the present study was consistent with the existing literature on the topic (Brouillette-Alarie & Proulx, 2013, p. 324).

The factor analysis in the current study revealed that the “index non-sexual violence” item did not load on any factor (Brouillette-Alarie & Proulx, 2013, p. 324). Concerns about this item have been raised by Helmus and Thornton (2012), who found that this was the only Static-99R item that did not predict sexual recidivism. If further research corroborates these findings, the removal of the “index non-sexual violence” item should be considered. (Brouillette-Alarie & Proulx, 2013, p. 324)

Cox regression analyses were used to test the predictive validity of the Static-99R’s dimensions. The sexual criminality dimension was able to predict sexual recidivism (Brouillette-Alarie & Proulx, 2013, p. 324). For the entire sample and sexual aggressors of women, sexual criminality was the best predictor of sexual recidivism (Brouillette-Alarie & Proulx, 2013, p.

324). The current study found that sexual criminality was unable to predict non-sexual violent and non-sexual recidivism, which is consistent with previous studies conducted on the topic (Brouillette-Alarie & Proulx, 2013, p. 324). With the entire sample, a high score on the sexual criminality dimension was associated with a reduction of the odds of non-sexual recidivism. This result is not surprising, as highly sexually deviant sex offenders tend to have a psychological profile that does not favor a general criminogenic lifestyle. (Brouillette-Alarie & Proulx, 2013, p. 324)

The predictive validity profile of the general criminality dimension was opposite to that of sexual criminality. General criminality did not predict sexual recidivism, even with sexual aggressors of women. (Brouillette-Alarie & Proulx, 2013) It is possible that the general criminality dimension in the current study was a poor stand-in for “real” general criminality/antisocial lifestyle, as it contained only two items (prior non-sexual violence and prior sentencing dates) (Brouillette-Alarie & Proulx, 2013). While criminal-career items figure in a broader construct of antisocial lifestyle, they do not account for more dynamic aspects, including non-criminal rule violations, employment instability, impulsive behavior, poor problem-solving, and substance abuse (Brouillette-Alarie & Proulx, 2013, p. 325).

The detachment dimension did not demonstrate predictive validity. It was the best predictor of sexual recidivism with sexual aggressors of children, but was not even able to predict sexual recidivism with sexual aggressors of women. (Brouillette-Alarie & Proulx, 2013, p. 325) With sexual aggressors of children, it predicted non-sexual violent recidivism, but not non-sexual non-violent recidivism (Brouillette-Alarie & Proulx, 2013, p. 325). With sexual aggressors of women, it predicted neither (Brouillette-Alarie & Proulx, 2013, p. 325).

ROC curve analyses validated the predictive value of the latest revision of the Static-99; in nearly all cases, the Static-99R outperformed the Static-99 (Brouillette-Alarie & Proulx, 2013, p. 325). In the current study, the Static-99R was always a good predictor of sexual recidivism and, more often than not, of non-sexual non-violent recidivism, even though the study was not designed for that purpose (Brouillette-Alarie & Proulx, 2013, p. 325). In the current study, the Static-99R was as effective with sexual aggressors of women as with sexual aggressors of children (Brouillette-Alarie & Proulx, 2013, p. 325). The previous version, the Static-99, was less effective with sexual aggressors of women than with sexual aggressors of children (Brouillette-Alarie & Proulx, 2013, p. 325). The adjusted age item seems to have improved the scale's predictive validity significantly, correcting one of its major limitations (Brouillette-Alarie & Proulx, 2013, p. 325). The new age items also improved the prediction of all the non-sexual types of recidivism. This is not surprising, considering the strong link between age and crime. (Brouillette-Alarie & Proulx, 2013, p. 325)

Overall, the current study revealed the presence of three dimensions in the Static-99R: sexual criminality, general criminality, and detachment (Brouillette-Alarie & Proulx, 2013, p. 326). The findings were consistent with previous studies conducted by Roberts et al. Sexual criminality predicted sexual recidivism, but not non-sexual violent recidivism or non-sexual non-violent recidivism (Brouillette-Alarie & Proulx, 2013, p. 326). General criminality did not predict sexual recidivism, but was generally a good predictor of non-sexual violent and non-sexual non-violent recidivism (Brouillette-Alarie & Proulx, 2013, p. 326). The last dimension, detachment, had a more inconsistent predictive validity profile and lacked face validity, unlike other dimensions (Brouillette-Alarie & Proulx, 2013, p. 326).

B. The Sex Offender Treatment Intervention and Progress Scale (SOTIPS)

The Sex Offender Treatment Intervention and Progress Scale (SOTIPS) is a 16-item statistically derived dynamic measurement designed to aid clinicians, correctional caseworkers, and probation/parole officers in assess risk, treatment and supervision needs, and progress among adult male sex offenders (McGrath, Cumming, & Lascher, 2013, p. 1). It is administered to offenders at the time of intake, either upon placement to supervision or release from prison, and re-administered thereafter, as often as every six months (McGrath et al., 2013, p. 1).

The SOTIPS can serve as a useful guide for assessing adult males who are known to have committed sex offenses. It should be used in combination with either the VASOR 2 or Static-99R and with an offender population that is comparable to the SOTIPS development sample (McGrath et al., 2013, p. 1). The development sample was composed of adult males who had been convicted of one or more qualifying sex offenses and committed at least one of these sex offenses on or after their his 18th birthday (McGrath et al., 2013, p. 1). Qualifying offenses are called Category “A” sex offenses. Individuals who committed other types of sex offenses, called Category “B” sex offenses, were included in the SOTIPS development sample, but only if the offender also had a conviction for a Category “A” offense (McGrath et al., 2013, p. 1).

Category “A” offenses are convictions for illegal sexual behavior committed against an identifiable child or non-consenting adult victim. Convictions for offenses that involved illegal sexual behavior that resulted in “non-sexual” convictions, or involved non-sexual behaviors that had sexual motives, count as qualifying offenses. (McGrath et al., 2013, p. 1) Category “A” offenses include contact sex offenses such as sexual assault, attempted sexual assault, and child molestation; and non-contact sex offenses such as exhibitionism, voyeurism, and Internet luring (McGrath et al., 2013, p. 1).

Category “B” offenses are convictions for sexual behavior that was illegal, but the parties were consenting or no identifiable victim was involved (McGrath et al., 2013, p. 1). These offenses include consenting sex with an adult in a public place and soliciting a prostitute; possessing child pornography; statutory rape where the offender and victim age difference was less than three years (McGrath et al., 2013, p. 1).

The SOTIPS may be used alone or in combination with a static risk instrument such as the VASOR-2 or Static-99R. If the SOTIPS is used alone, recommended need categories and cut-off scores are shown in Table 1.

Table 1. SOTIPS Need Category by Score

Category	Score
Low	0 to 10
Moderate	11 to 20
High	21 to 48

(McGrath et al., 2013, p. 3)

It is recommended, however, that the SOTIPS be used in combination with a static risk instrument, such as the Static-99R. Table 2 shows recommended risk/need categories for combined Static-99R and SOTIPS scores.

Table 2. Combined Static-99R and SOTIPS Risk/Need Categories

Static-99R Risk Category	Static-99R by Score	Need	SOTIPS by Score	
			Moderate (11 to 20)	High (21 to 48)
Low	(-3 to 1)	Low	Low	Moderate-Low
Moderate-Low	(2 to 3)	Low	Moderate-Low	Moderate-High
Moderate-High	(4 to 5)	Moderate-Low	High	High
High	(6 to 12)	Moderate-High	High	High

(McGrath et al., 2013, p. 3)

The risk/need categories shown in Table 2 are relative rankings. These risk/need relative ranking categories may be useful for allocating community treatment and supervision resources. (McGrath et al., 2013, p. 3) Following the principles of effective correctional practices, more intensive treatment and supervision services should be reserved for sex offenders with a higher risk to reoffend (risk principle) and should target offenders' need areas that are casually linked to sexual reoffending (need principle). (McGrath et al., 2013, p. 4)

The 16 SOTIPS items can be divided into three factors sexual deviance, criminality, and social stability (Lasher & McGrath, 2016, p. 6). Sexual deviance items include offense responsibility, sexual behavior, sexual attitudes, sexual interests, risk management, and state of change (Lasher & McGrath, 2016, p. 6). Criminality items include criminal and rule-breaking behavior, criminal and rule-breaking attitudes, cooperation with treatment, cooperation with supervision, and impulsivity (Lasher & McGrath, 2016, p. 6). Social stability items are emotion management, problem solving, employment, residence, and social influences (Lasher & McGrath, 2016, p. 6).

Lasher and McGrath (2016) examined change patterns of 563 child sexual abusers' scores on the SOTIPS at three points of time over two years. Individuals who did versus did not commit a new serious offense, defined as a new sexual or other violent offense, at five-year follow-up were contrasted. (Lasher & McGrath, 2016, p. 1) The SOTIPS development study established that persisters had relatively stable scores and desisters showed significant reductions in scores, Lasher and McGrath hypothesized that, overall, there would be a larger effect size in overall changes for desisters in comparison with persisters (Lasher & McGrath, 2016, p. 4). Beyond the hypothesis, the goal of the study was to examine what offenders' dynamic risk

factors changed over time and when changes were observed, but not the possible reason for change (Lasher & McGrath, 2016, p. 4).

Participants were all adult male child sex offenders contained in the SOTIPS development sample and consisted of incest offenders (individuals who sexually abused their biological children or stepchildren) and extrafamilial child molesters (individuals who committed contact sexual offenses against children age 15 and younger) (Lasher & McGrath, 2016, p. 4-5). Sixteen treatment providers scored each participant on the Static-99R, VASOR-2, and SOTIPS risk assessments at intake and on the SOTIPS every six months thereafter (Lasher & McGrath, 2016, p. 5).

Participants were divided among those individuals who did not commit a new serious offense (desisters) and those who did commit new serious offense (persisters) during the five-year follow-up period (Lasher & McGrath, 2016, p. 5). A serious offense was defined as a new charge for a sexual or other violent offense; other violent offenses included offenses such as assault, arson, forcible confinement, kidnapping, violation of a domestic violence order, and wounding (Lasher & McGrath, 2016, p. 5).

Data analysis consisted of three main areas. First, desisters' and persisters' demographic characteristics were contrasted to establish differences between these two groups (Lasher & McGrath, 2016, p. 8). Second, mean SOTIPS scores were compiled for desisters and persisters at three approximate time periods: intake (within three months of beginning treatment); one year in treatment (+- 3 months), and two years in treatment (+- 3 months). Typical length of stay in treatment for individuals in this sample was 24 months. (Lasher & McGrath, 2016, p. 8). Lastly, analyses further examined the change scores of desisters and persisters. Intake scores of those persisters who reoffended during the first year of treatment and those who reoffended after their

first year in treatment were examined. A second set of scores examined differences of remaining persisters after the first year in treatment between those who reoffend within the second year in treatment and those who reoffend after the second year. (Lasher & McGrath, 2016, p. 8)

Results indicate that desisters were significantly older at the time of community placement; had significantly more education; and more often committed offenses against family members (Lasher & McGrath, 2016, p. 8-9). At intake, desisters scored lower on the SOTIPS than persisters, as well as on the Static-99R (Lasher & McGrath, 2016, p. 9).

During the first year of treatment, desisters showed reductions in SOTIPS item and factors scores, and the total scores. The sexual deviance factor showed a medium degree of change, whereas the criminality and social stability factors changed to a small degree. Total SOTIPS scores showed a moderate degree of change. (Lasher & McGrath, 2016, p. 9)

During the second year of treatment, desisters continued to show decrease among all measured categories (Lasher & McGrath, 2016, p. 9). The sexual deviance score factor showed a small degree of change, whereas no significant changes were seen among criminality and social stability. Total SOTIPS scores showed a small reduction. (Lasher & McGrath, 2016, p. 10)

Overall, across the three time periods, desisters scores represented a medium degree of change (Lasher & McGrath, 2016, p. 10). The sexual deviance factor showed a large degree of overall change, the social stability factor showed a moderate degree of change, and the criminality factor showed a small degree of change (Lasher & McGrath, 2016, p. 10). Total SOTIPS scores showed a large degree of overall change. (Lasher & McGrath, 2016, p. 10)

Persisters showed, on average, a small decrease in individual items during the first year in treatment (Lasher & McGrath, 2016, p. 10). Changes were evident on the sexual deviance factor;

however, no significant changes were evident among the criminality factor and social stability factor (Lasher & McGrath, 2016, p. 10).

During the second year in treatment, persisters continued to show small reductions across individual items. The sexual deviance factor showed a moderate degree of change, while a small degree of change was present among the criminality factor, social stability factor, and total SOTIPS scores. (Lasher & McGrath, 2016, p. 10)

The study showed that intake SOTIPS scores of persisters who reoffended in the first year of treatment did not differ from those who reoffended after the first year; and SOTIPS scores of persisters who reoffended in the second year of treatment did not differ from those who reoffended after the second year. (Lasher & McGrath, 2016, p. 11). Lastly, stepwise logistic regression shows that changes in social stability factor scores is the only factor during the first year in treatment which significantly differentiated between persisters and desisters (Lasher & McGrath, 2016, p. 11).

Overall, the study examined change patterns of child sexual abusers' scores on the SOTIPS at three points of time over the course of two years in sex offender treatment (Lasher & McGrath, 2016, p. 11). Consistent with the original SOTIPS analyses, offenders who do not commit further sexual or other violent crimes showed greater degree of change during their first year in treatment than those offenders who did commit further offenses (Lasher & McGrath, 2016, p. 11). The degree of change desisters made during their first year in treatment is about double the amount of changes made in the second year (Lasher & McGrath, 2016, p. 11). In contrast, persisters made small changes during their first year in treatment, with the majority of their progress being made during their second year (Lasher & McGrath, 2016, p. 11).

For both desisters and persisters, overall, changes in sexual deviance factor scores were quite similar (Lasher & McGrath, 2016, p. 11). Surprisingly, persisters showed improvement in this area despite committing further offenses. This finding shows that desistance may require addressing more factors other than sexual deviance. (Lasher & McGrath, 2016, p. 11)

Additionally, desisters showed small positive changes in employment needs, whereas persisters did not. This could be due to persisters having more difficulty securing and maintaining employment. (Lasher & McGrath, 2016, p. 11-12) Previous research and literature on sex offenders has established the need for social integration and a prosocial identity and environment for sex offenders (Lasher & McGrath, 2016, p. 12). Therefore, a child sexual abuser who desists from sexual and violent offending behavior may first develop or reinforce prosocial attitudes and behaviors, and second, secure a stable and prosocial living environment, and third, solidify these gains within the first year of treatment (Lasher & McGrath, 2016, p. 12).

Best practices in sex offender treatment suggests that outcomes are improved when the amount of treatment services is matched to the level of offenders' risk and needs (Lasher & McGrath, 2016, p. 12). Among individuals who commit sexual and other crimes, recommended treatment doses are approximately 100 hours or less for lower risk individuals, 200 hours for moderate risk individuals, and 300 or more for those at high risk (Lasher & McGrath, 2016, p. 12). In the present study, participants averaged approximately 160 hours of community treatment over a two-year period. This was a reasonable treatment dose for moderate risk offenders in the sample but not high-risk offenders. (Lasher & McGrath, 2016, p. 12-13)

C. Child Pornography Offender Risk Tool (CPORT)

Seto and Eke conducted a study to identify risk factors for recidivism among child pornography offenders. The registry included age and criminal history; the present data set

included information from arrest reports, police interviews, child pornography collections, and records obtained by police investigators such as interviews with family members and any previous assessment reports. (Seto & Eke, 2015, p. 2)

To conduct the study, the researchers coded data from the investigation files of convicted child pornography offenders. They hypothesized that child pornography offenders who scored higher on variables reflecting antisociality (specifically, criminal history, conditional release failure, and substance use), pedophilia or other paraphilic interests (specifically, self-report sexual interest in children and child pornography content depicting prepubescent children rather than pubescent or adolescent minors), or opportunity (specifically, residing or working with children and having specific contact information about children) would be more likely to sexually reoffend (Seto & Eke, 2015, p. 2). The researchers then examined whether predictors of sexual recidivism could be combined in a structured checklist for clinical and criminal justice decision makers (Seto & Eke, 2015, p. 2).

The initial sample study consisted of 301 child pornography case files provided by ten Ontario, Canada, police services (Seto & Eke, 2015, p. 2). Cases were brought to the attention of police in a variety of ways, including third-party reporting, victim complaints, and offender activity online (Seto & Eke, 2015, p. 2). Police cases were included if they involved a man, age 18 or older, who was subsequently convicted of a child pornography offense that was either not appealed or not successfully appealed (Seto & Eke, 2015, p. 2).

Child pornography offenders with contact sexual offenses were included, even though these offenders could have their own risk to reoffend assessed using an established measure, such as the Static-99R (Seto & Eke, 2015, p. 3). Following a previous study conducted by Eke et al., the researchers distinguished child pornography offenders according to their criminal

histories, dividing them into those who only had child pornography offenses, those who also had committed non-violent or non-sexually violent offenses, and those who had committed contact sexual offenses (Seto & Eke, 2015, p. 3).

The police investigations took place between 1993 and 2006, with 91 percent of the investigations occurring from 2000 onward (Seto & Eke, 2015, p. 3). Some offenders were removed from the study due to deportation, moving, or death, resulting in a follow-up sample of 286 child pornography offenders (Seto & Eke, 2015, p. 3). Of the follow-up sample, 72 cases had one child pornography charge at index; 120 cases had multiple child pornography charges; 36 cases had charges for other sexual offenses; and 58 cases had charges for nonsexual offenses (Seto & Eke, 2015, p. 3). Almost all offenders had at least one index charge for possession; over a third for distribution, a fifth for making, and another fifth for accessing child pornography (Seto & Eke, 2015, p. 3). The sample later reduced to 266 offenders, as those who did not have a five-year follow-up available were removed from the study (Seto & Eke, 2015, p. 3).

The researchers' analytic strategy started with a statistical description of the sample and then planned comparisons on the study variables across three groups based on criminal history: child pornography offenses only, child pornography plus any nonviolent or non-sexually violent offenses, and dual offenses) child pornography plus contact sexual offending) (Seto & Eke, 2015, p. 5). Next, the researchers searched for univariate predictors of recidivism using the 266 offenders at risk for five years (Seto & Eke, 2015, p. 5). Lastly, the researchers combined predictors across domains to evaluate their predictive accuracy in a structured checklist, the Child Pornography Offender Risk Tool (CPORT) (Seto & Eke, 2015, p. 5). Using logistic regression, the researchers then examined observed and predicted recidivism probabilities for CPORT scores (Seto & Eke, 2015, p. 5).

For the full sample of 286 offenders, over third (39 percent) had any new offense during the follow-up, with 4 percent committing a subsequent contact sex offense against a child, 12 percent a new child pornography offense, and 16 percent any new sex offense (contact or non-contact) (Seto & Eke, 2015, p. 7). Overall, 8 percent committed a violent re-offense, which included contact sexual offenses (Seto & Eke, 2015, p. 7). 4

Using the five-year fixed follow-up analysis comprising 266 offenders, the researchers created the CPORT by initially examining variables that were conceptually similar to established risk measure items from the Static-99 and the Sex Offender Risk Appraisal Guide, as well as those based on previous research with child pornography offenders (Seto & Eke, 2015, p. 8).

The scoring was kept simple for ease of use: offender age at time of the index investigation, coded as higher risk if age 35 or younger; any prior criminal history, coded as higher risk if yes; any prior or index contact sexual offense history, coded as higher risk if yes; any prior or index failure on conditional release, coded as higher risk if yes; indication of pedophilic or hebephiliac interests, coded as higher risk if yes; ratio of boy to girl content in child pornography, coded as higher risk if there was more content depicting boys; and ratio of boy to girl content in nudity and other child content, codes as higher risk if there was more content depicting boys (Seto & Eke, 2015, p. 8).

Each of the seven CPORT items was summed, with total scores ranging from 0 to 7 (Seto & Eke, 2015, p. 8). For the full five-year fixed sample, the mean CPORT score was 1.94 (Seto & Eke, 2015, p. 8). CPORT score was a significant predictor of any recidivism, any sexual recidivism, and specifically contact sexual recidivism (Seto & Eke, 2015, p. 8). The observed and predicted risk percentages across CPORT scores for the fixed five-year follow-up are provided in Table 3. The CPORT did not significantly predict sexual recidivism in the subgroup

of offenders with only child pornography offenses, but did significantly predict sexual recidivism among child pornography offenders with other offending (but no contact sexual offending) in their history, or with contact sexual offending in their history (Seto & Eke, 2015, p. 8, 11)

Table 3. Observed and Predicted Recidivism Probabilities for the CPORT on the Basis of Cases with No Missing Items

CPORT score	Percentage and number of scores in sample		Observed Recidivism rate		Predicted recidivism rate (probability estimate) on the basis of logistic regression	
	%	n	Risk (%)	n	Risk (%)	n
	0	16	43	2	1	2
1	27	72	4	3	5	3
2	24	63	11	7	9	5
3	13	35	11	4	15	5
4	9	24	21	5	26	6
≥5	6	17	47	8	40	7

Note. N = 254. CPORT = Child Pornography Offender Risk Tool. (Seto & Eke, 2015, p.11)

The researchers found differences among child pornography offenders when they were classified according to their criminal history (Seto & Eke, 2015, p. 12). In regard to their child pornography offending, dual offenders were more likely to have been charged with production offenses and more likely to have content depicting boys; they did not differ in the apparent ages of children depicted in their collections (Seto & Eke, 2015, p. 12). Child pornography only offenders did not differ in the likelihood of residing or working with children, but they were less likely to have specific contact information about children or to have solicited children online (Seto & Eke, 2015, p. 12).

In an average follow-up time of 8.3 years, the researchers observed a 16 percent sexual recidivism rate in the follow-up sample of 286 offenders, comprising new contact sexual offenses against a child (4%) or new child pornography offenses (12%) (Seto & Eke, 2015, p. 12). In the fixed five-year follow-up of 266 offenders, the researchers identified seven significant predictors of any sexual recidivism: offender age at time of the index investigation; any prior

criminal history; any contact sexual offending; any failure on conditional release; admission or diagnosis of sexual interest in children; more boy than girl child pornography content; and more boy than girl other child-related content (Seto & Eke, 2015, p. 12).

By combining seven significant predictors of sexual recidivism, the researchers were able to create a structured checklist that significantly predicted any sexual recidivism, or specifically contact sexual recidivism, at a level similar to the accuracies obtained by risk scales developed for contact sex offenders, such as the Static-99 (Seto & Eke, 2015, p. 12). Though more work is needed to cross-validate risk factors identified in the current study to examine other risk factor candidates not included in the current study, the researchers believe CPORT can be useful in the structured risk assessment of adult male child pornography offenders as a preferable alternative to unstructured risk judgments (Seto & Eke, 2015, p. 12). Actuarial use of the CPORT involving application of the recidivism probabilities reported in the study is not recommended without further cross-validation (Seto & Eke, 2015, p. 12). Future research examining the CPORT could evaluate the generalizability of the findings and determine whether other variables can add to its predictive validity (Seto & Eke, 2015, p. 13).

IV. RECOMMENDATIONS

A. COMBINING PCRA WITH ADDITIONAL RISK ASSESSMENT TOOLS

Research has shown that the PCRA has been validated in appropriately classifying offenders based on both static and dynamic risk factors and predicted the likelihood of arrest for those offenders based on risk level. However, it was not constructed to predict sexual recidivism. The Static-99/R is a sex-offender specific risk assessment tool and its predictive validity is among the best in the field of sexual aggression. Additional sex offender risk assessment tools, including the SOTIPS and CPORT, are best when combined with the Static-99/R.

The combination of the PCRA and sex offender specific risk assessment tools will assist officers in predicting general criminal re-arrest and recidivism rates, in addition to sexual recidivism rates. This combination is crucial for officers to address the three main goals of federal supervision: to assist the federal courts in the fair administration of justice; to protect the community; and to bring about long-term positive change in the individuals under supervision.

V. SUMMARY AND CONCLUSIONS

Risk assessment is a critical task in the effective management of sex offenders. Risk assessments inform decisions on sentencing, community registration and notification, treatment, supervision, release from detention, and discharge from services (McGrath, Lasher, & Cumming, 2012, p. 432).

The effectiveness of risk-assessment methods has improved dramatically over the past two decades, though room for improvement still exists (McGrath et al., 2012, p. 432). First-generation risk-assessment approaches rest on unstructured professional judgment. Critics of this approach believe that it is subjective, inconsistent, biased, and not as reliable or accurate as structured, empirically based risk-assessment methods. (McGrath et al., 2012, p. 432)

In the sex offender treatment field, second-generation risk-assessment instruments began emerging in the late 1990's (McGrath et al., 2012, p. 432). These structured measures were composed primarily of static risk factors, or unchangeable aspects of an individual's past, such as criminal history and victim characteristics (McGrath et al., 2012, p. 432). One example of a second-generation assessment is the Static-99R.

Contemporary research has increasingly focused on developing third-generation instruments which combine static and relatively inclusive collections of dynamic risk predictions in a single risk-need instrument or "set" of instruments (McGrath et al., 2012, p. 432). Adding

multiple dynamic factors in the risk-assessment equation leads to more comprehensive evaluations and has the potential to incrementally increase the long-term predictive accuracy of static instruments (McGrath et al., 2012, p. 432).

Risk assessment tools specific to sex offenders will not only help better predict risk of recidivism and sexual deviance, it will assist probation officers when working with offenders and creating a supervision plan. Additionally, it will help officers identify the offenders' needs and what responsivity factors to address during the term of supervision to aid in reintegration to the community and maintain long-term positive changes to their behaviors.

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