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Examining Sex Offenders Under Federal Post-Conviction Supervision

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Sex offenses are among the crimes that provoke serious public concern (Hanson & Morton-Bourgon, 2005, 2009). An especially acute concern involves the growing exploitation of children by online sex offenders who use the Internet and related digital technologies to possess, distribute, or produce child pornography or contact children for sexual purposes (Seto, Hanson, & Babchishin, 2011).

The federal prosecution of sex offenses, especially those involving Internet child pornographers, has resulted in an exponential increase in the number of sex offenders on federal post-conviction supervision. However, relatively few studies have explored their risk characteristics and recidivism rates.

Current research, published in the [September 2016 issue of *Federal Probation*](#) (see Cohen & Spidell, 2016), attempted to broaden our understanding of federal sex offenders by examining the contact sexual arrest and conviction records, general risk characteristics, and recidivism rates of 7,416 male sex offenders placed on post-conviction supervision for the following offenses:

- Child pornography.
- Transporting minors for illegal sexual activities.
- Sexual assault.
- Violation of the Sex Offender Registration and Notification Act (SORNA).

This article provides a synopsis of key findings from that study.¹

This study produced several key findings about persons convicted of sex offenses under federal post-conviction supervision. First, those convicted of child pornography offenses account for the majority of sex offenses (60 percent), with the other offense types of sexual assault, illegal transportation, and SORNA accounting for 36 percent of federally supervised sex offenders. An examination of the official contact sexual backgrounds of these offenders shows that more than 9 out of 10 of the non-child pornography offenders have an official conviction for, or arrest history of, engaging in contact sexual offenses. About a fourth of those convicted of child pornography offenses had an official record of contact sexual offenses (see table 1).

¹ For more details, see Cohen, T. H., & Spidell, M. C. (2016). How Dangerous Are They? An Analysis of Sex Offenders Under Federal Post-Conviction Supervision. *Federal Probation*, 80(2), 21-32.

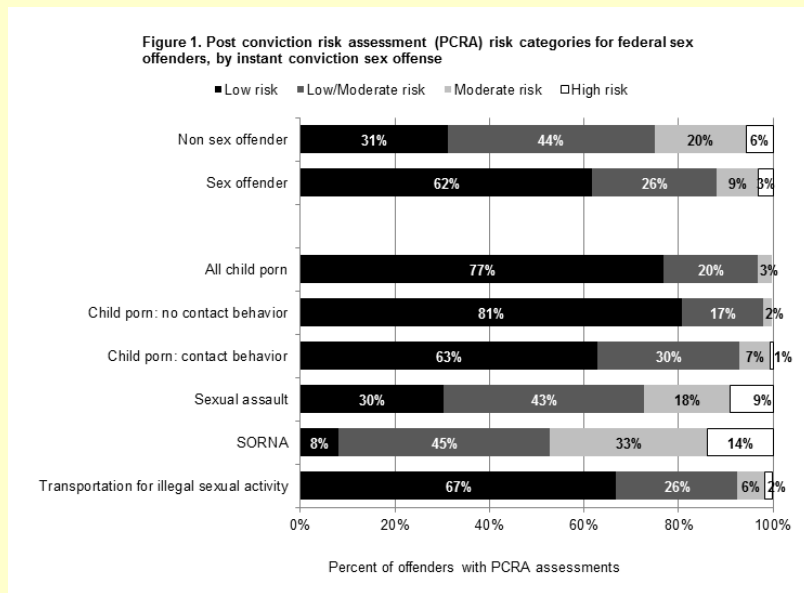
Table 1. Percent of federal sex offenders with official record of contact sexual behavior

Instant sex offense at conviction	Number	Percent of offenders with --		
		Any official contact behavior	Static-99	Prior arrest for sex assault or exploitation
All sex offenders	7,416	49.5%	43.6%	25.0%
Child pornography	4,462	23.6%	18.6%	12.0%
Other-not classifiable/a	250	54.4%	45.6%	28.4%
Sexual assault	1,030	90.6%	86.0%	28.9%
SORNA/b	874	94.6%	82.0%	75.1%
Transportation for illegal sexual activity	800	90.9%	85.9%	36.0%

Note: Includes federal offenders placed on supervised release between fiscal years 2007 through 2013.
 a/The non-classifiable sex offenders excluded from subsequent analyses as a specific offense category but included in totals.
 b/Includes offenders convicted of violating the Sexual Offender Registration and Notification (SORNA) act.

While those convicted of sex offenses in general scored lower on the Post Conviction Risk Assessment (PCRA) and recidivated less frequently than those convicted of non-sex offenses, there was substantial heterogeneity in the recidivism rates and PCRA risk measures among the instant sex offense types. Specifically, sex offenders—with the exception of those convicted of sexual assault and SORNA offenses—had lower risk levels than the non-sex offender population.

For example, as shown in figure 1 below, 12 percent of the sex offenders with PCRA assessments were classified as either moderate or high risk. In comparison, 26 percent of the non-sex offenders were grouped into the moderate- or high-risk categories. 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. Among offenders convicted of non-child pornography offenses, the PCRA classified almost half of the SORNA (47 percent) and about a fourth of those convicted of sexual assault (27 percent) as moderate- or high-risk offenders.



Similar to the PCRA analysis, the recidivism patterns also varied across the conviction types. Generally, persons convicted of sex offenses were arrested or their supervision was revoked less frequently than those convicted of non-sex offenses. For example, nearly a fifth (18 percent) of sex offenders were arrested for any offense during their first 3 years of supervision, while about a third (31 percent) of non-sex offenders had any arrest during the same time period (see table 2 below).

Among the sex offense types, offenders under supervision for SORNA or sexual assault were arrested or their supervision was revoked at the highest rates, while those under supervision for child pornography offenses had lower recidivism rates. For example, 42 percent of the SORNA and 23 percent of the sexual assault offenders were arrested for any offense within 3 years of their supervision start dates, compared to 13 percent of child pornography offenders. The percentage of offenders arrested for non-sexual violent offenses was also higher for SORNA (8 percent) and sexual assault (4 percent) offenders than for offenders on supervised release for child pornography (1 percent). For the sexual recidivism outcome, however, there was less variation in arrest rates by conviction offense. Last, in a finding mirroring other studies, our analysis showed sex offenders being rearrested more frequently for non-sexual than sexual offenses (Hanson & Morton-Bourgon, 2009).

Table 2. Three year recidivism rates for federal sex offenders while under supervision, by instant conviction offense

Instant offense at conviction	Any arrest	Recidivism outcomes		
		Non-sexual violent arrest	Any sex arrest	Probation revocation
All offenders				
Non-sex offender	31.4%	7.9%	0.5%	22.6%
Sex offender	17.5%	1.8%	2.8%	19.2%
Conviction sex offense				
All child pornography	13.0%	0.5%	2.6%	11.6%
No record of contact behavior	12.5%	0.4%	2.2%	9.5%
Official record of contact behavior	14.7%	0.7%	4.1%	18.2%
Sexual assault	23.1%	3.6%	2.2%	38.5%
SORNA	41.8%	8.0%	7.7%	47.2%
Transportation for illegal sexual activity	17.3%	1.6%	2.4%	14.4%

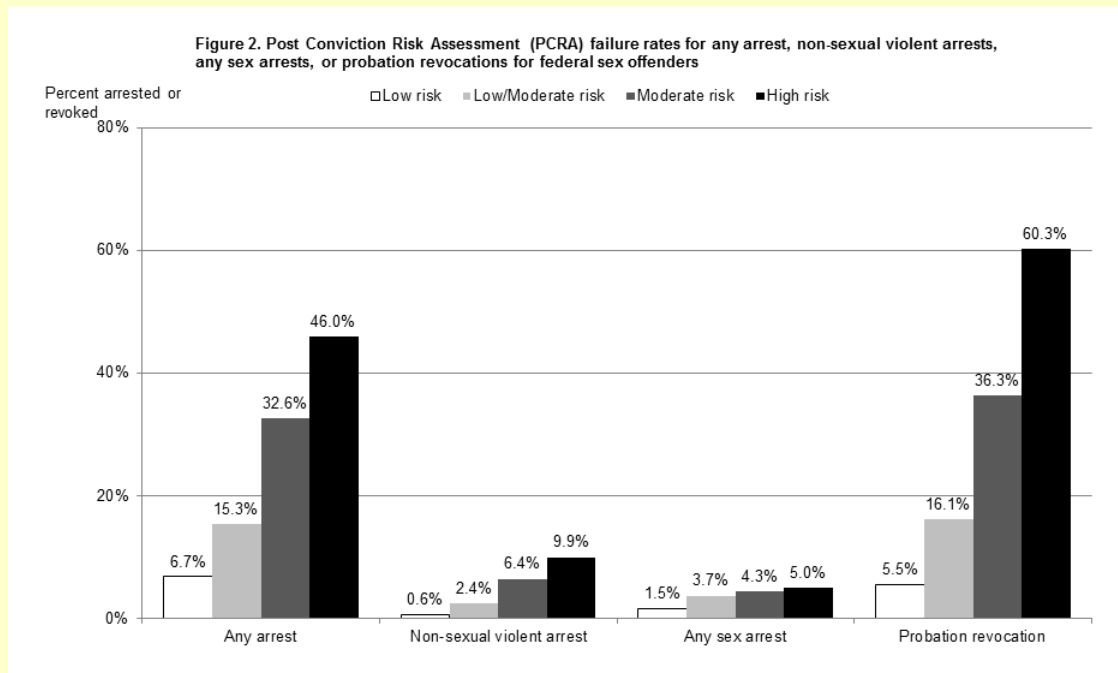
Note: Sub-sample used for 3 year arrest rates is restricted to actively supervised TSR cases for which the offender was sentenced to at least 3 years of supervision.

This study also explored the PCRA's effectiveness at predicting subsequent recidivism for federal sex offenders on post-conviction supervision. An analysis of arrest patterns shows that the PCRA accurately predicted recidivism outcomes involving arrests for any felony or misdemeanor offenses, violent offenses, and supervision revocations for the federal sex offender population.

Among these non-sexual recidivism outcomes, the failure rates followed the anticipated pattern of increasing incrementally by each PCRA risk category. The recidivism rates for any arrest activity, for example, increased from 7 percent for low-risk offenders to 15 percent for low/moderate-, 33 percent for moderate-, and 46 percent for high-risk offenders (see figure 2 below). Similar patterns of monotonically increasing failure rates also occurred for recidivism outcomes involving probation revocations and non-sexual violent arrests. The sexual recidivism outcome, however, manifested a weaker relationship with the PCRA risk groupings.

The percentage of offenders rearrested for sexual offenses did not differ significantly between the low/moderate (4 percent), moderate (4 percent), and high (5 percent) PCRA risk categories. This finding,

however, was not too surprising because the PCRA was never constructed to predict sexual recidivism. Nor was it designed to measure sexual deviance.



This research supports the procedural guidance that advises officers to use the PCRA to assess the risk of general recidivism and criminogenic needs for sex offenders and then augment this generalized risk picture with information pertaining to an offender's sexually deviant characteristics through an extensive investigation involving polygraphs, interviews, and discussions with treatment personnel. Moreover, to further understand an offender's propensities toward sexual deviance, research advises officers to use risk instruments, such as the Static-99/2002 or Stable & Acute 2007, which are constructed to predict sexual recidivism. The importance of supplementing the PCRA is supported by this research, which shows that the PCRA does not specifically assess an offender's risk of sexual recidivism or target behaviors that are related to sexual deviance.

This research also highlights areas for further examination and potential enhancements in federal sex offender policies. Currently, federal policy recommends that all sex offenders begin supervision at the "highest" risk levels and then recommends that supervision intensity be adjusted downward if and when an investigation of the offender's background indicates that he or she is not at risk of committing contact sex offenses. Using the Static-99, and supplementing it with information gleaned from polygraphs and other sources, may provide officers with the details required to thoroughly understand offenders' risk to sexually recidivate and classify them into appropriate supervision levels.

Last, this research further supports federal policy that not all sex offenders have the same risk of recidivism generally and sexual offending specifically. Among the sex offender types, offenders under supervision for SORNA or sexual assault were arrested or their supervision was revoked at the highest rates, while child pornography offenders exhibited lower recidivism rates. Hence, this research suggests that offenders who commit a sexual assault—particularly SORNA offenders—are of high concern for federal probation officers. Officers should consider assessing SORNA offenders more closely beginning with their entrance into the criminal justice system, as they evidence higher rates of general and violent recidivism compared to child pornography offenders.

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Sex Offense Management Program Offered at Eight BOP Institutions

The Federal Bureau of Prisons' (BOP) Sex Offender Management Program (SOMP) is a multi-component program that includes treatment, assessment, specialized correctional management, and population management at eight of its institutions:

- Federal Correctional Institution (FCI) Marianna (medium risk)
- Federal Medical Center (FMC) Devens
- FCI Petersburg (medium risk)
- U.S. Penitentiary (USP) Tucson (high risk)
- FCI Seagoville (low risk)
- USP Marion (medium risk)
- FCI Englewood (low risk)
- FCI Elkton (low risk)

The Bureau also has a program for female sexual offenders at FMC Carswell.

The SOMP is stratified into two program levels as follows:

- **Residential Sex Offender Treatment Program (SOTP-R)** - A high-intensity program for high-risk sexual offenders (ordinarily, inmates with multiple sex offenses or a history of contact sex offenses). The SOTP-R is offered at two facilities: FMC Devens, Massachusetts, and USP Marion, Illinois. Program capacity varies. FMC Devens has a capacity of 96 participants, and USP Marion has a capacity of 72 participants. They are always full, but the Bureau has no difficulty accommodating referrals to this program. The SOTP-R is almost always 18 months in duration and requires a minimum sentence of 27 months.
- **Non-Residential Sex Offender Treatment Program (SOTP-NR)** - A moderate-intensity program for low- to moderate-risk sex offenders. Most of the inmates in the SOTP-NR are first-time offenders serving a sentence for an Internet sex crime. All institutions with an SOMP offer the SOTP-NR. Unlike the SOTP-R, the SOTP-NR does not have a program capacity. It accommodates referrals based on the inmate's release date. The SOTP-NR ordinarily runs 12 months in duration and requires a minimum sentence of 24 months.

All treatment programs are provided at the end of the inmate's sentence, and all are voluntary. Most inmates with judicial treatment recommendations decline to participate in treatment once they are in Bureau custody.

The Bureau decides which program is most appropriate for each inmate based on the inmate's offense history. The SOTP-R is reserved for cases that are deemed to be the highest risk for re-offense.

Inmates with no known history of contact crimes usually go to the SOTP-NR. At least 40 percent of the inmates in the general population at SOMP institutions have a history of committing a sexual offense. SOMP institutions may accommodate referrals of inmates who cannot remain in the general population due to their sexual offense.

The Bureau does not automatically place all inmates with no known history of contact crimes in SOMP institutions. These inmates are usually transferred to SOMP institutions as they near the end of their sentence, but only if they have volunteered for treatment.

Sex Offender Management Resources

- [Association for the Treatment of Sexual Abusers \(ATSA\)](#) - ATSA is an international, multi-disciplinary organization that is dedicated to making society safer by preventing sexual abuse. ATSA promotes sound research, effective evidence-based practices, informed public policy, and collaborative community strategies that lead to the effective assessment, treatment, and management of persons who have sexually abused or are at risk to abuse. ATSA will host the [36th Annual Research and Treatment Conference](#) October 25-28, 2017, at the [Sheraton Kansas City Hotel at Crown Center](#) in Kansas City, Missouri.
- [Center for Sex Offender Management \(CSOM\)](#) - CSOM is a national clearinghouse and technical assistance center that supports state and local jurisdictions in the effective management of sex offenders. CSOM aims to provide those responsible for managing sex offenders with ready access to the most current knowledge by synthesizing and disseminating research and effective practices to the field and by offering specialized training and technical assistance on a wide variety of issues related to sex offender management.
- [Internet Crimes Against Children Task Force](#) - The Internet Crimes Against Children Task Force is a national network of 61 coordinated task forces representing over 3,500 federal, state, and local law enforcement and prosecutorial agencies. These agencies are continually engaged in proactive and reactive investigations and prosecutions of persons involved in child abuse and exploitation involving the Internet.
- [National Sexual Violence Resource Center \(NSVRC\)](#) - The NSVRC's mission is to provide leadership in preventing and responding to sexual violence through collaboration, sharing and creating resources, and promoting research.
- [Office of Justice Programs' Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Training \(SMART\)](#) - The SMART office was authorized in the Adam Walsh Child Protection and Safety Act of 2006. The office—
 - Provides jurisdictions with guidance regarding the implementation of the Adam Walsh Act.
 - Provides technical assistance to states, territories, Indian tribes, local governments, and public and private organizations.
 - Tracks important legislative and legal developments related to sex offenders and administers grant programs related to the registration, notification, and management of sex offenders.
- [SMART Office's Sex Offender Management Assessment and Planning Initiative \(SOMAPI\)](#) - Recognizing the important role that scientific evidence plays, the SMART Office developed the SOMAPI, a project designed to assess the state of research and practice in sex offender management.
- [Supporting Heroes in Mental Health Foundational Training \(S.H.I.F.T.\)](#) - An online resource for all law enforcement personnel who work to combat child pornography.

Additional Resources

- [FBI - Child ID App](#) - The FBI's Child ID app provides a convenient place to electronically store photos and vital information about your children so that it's available at your fingertips. You can show the pictures and provide physical identifiers, such as height and weight, to security or police officers on the spot. Using a special tab on the app, you can also quickly and easily e-mail the information to authorities with a few clicks. The app also includes tips on keeping children safe as well as specific guidance on what to do in those first few crucial hours after a child goes missing.
- [National Center for Missing and Exploited Children \(NCMEC\)](#) - The NCMEC is a nonprofit 501(c)(3) corporation whose mission is to help find missing children, reduce child sexual exploitation, and prevent child victimization. Since 1984, the NCMEC has served as the national clearinghouse and resource center for families, victims, private organizations, law enforcement, and the public on issues relating to missing and sexually exploited children.
- [NetSmartz Workshop](#) - NetSmartz Workshop is an interactive, educational program of the National Center for Missing & Exploited Children® (NCMEC) that provides age-appropriate resources to help teach children how to be safer online and off-line. The program is designed for children ages 5-17, parents and guardians, educators, and law enforcement. With resources such as videos, games, activity cards, and presentations, NetSmartz entertains while it educates.

Myths and Facts

From the Center for Sex Offender Management (CSOM)

Myth: Strangers commit most sexual assaults.

Fact: Most sexual assaults are committed by someone the victim or the victim's family knows, regardless of whether the victim is a child or an adult.

Myth: Most sexual offenders are caught, convicted, and in prison.

Fact: Only a fraction of those who commit a sexual assault are apprehended and convicted for their crimes. Most convicted sex offenders eventually are released to the community under probation or parole supervision.

Myth: Most sexual offenders reoffend.

Fact: Data suggests that this is not the case. Further, re-offense rates vary among different types of sex offenders and are related to specific characteristics of the offender and the offense.

Myth: Sexual offense rates are higher than ever and continue to climb.

Fact: Despite the increase in publicity about sexual crimes, the actual rate of reported sexual assault has decreased slightly in recent years.

Myth: All sexual offenders are male.

Fact: The vast majority of sex offenders are male. However, females also commit sexual crimes.

Myth: Sex offenders commit sexual crimes because they are under the influence of alcohol.

Fact: It is unlikely that a person who otherwise would not commit a sexual assault would do so as a direct result of excessive drinking.

Myth: Children who are sexually assaulted will sexually assault others when they grow up.

Fact: Most sex offenders were not sexually assaulted as children, and most who are sexually assaulted do not sexually assault others.

Myth: Youths do not commit sexual offenses.

Fact: Adolescents are responsible for a significant number of rape and child molestation cases each year.

Myth: Juvenile sex offenders typically are victims of child sexual abuse and grow up to be adult sex offenders.

Fact: Multiple factors—not just sexual victimization as a child—are associated with the development of sexually offending behavior in youth.

Myth: Treatment for sex offenders is ineffective.

Fact: Treatment programs can contribute to community safety because those who participate in treatment and cooperate with program conditions are less likely to reoffend than those who reject intervention.

Myth: The cost of treating and managing sex offenders in the community is too high. They belong behind bars.

Fact: One year of intensive supervision and treatment in the community can cost between \$5,000 and \$15,000 per offender, depending on treatment modality. The average cost for incarcerating an offender is significantly higher—approximately \$22,000 per year, excluding treatment costs.

Sex Offender Management News

On March 27-30, 2017, Deputy Chief Pretrial Services Officer [Jon Muller](#) (New Jersey), Supervisory Pretrial Services Officers [Norma Aranda](#) (Texas Western) and [Shane Johnson](#) (New Mexico), Supervisory Probation Officer [Amber Lupkes](#) (Iowa Northern), and Senior Probation Officer [Michael Primeau](#) (Rhode Island) met at the Administrative Office of the U.S. Courts to develop proposed updates to the *Sex Offender Management Procedures Manual* and the National Treatment Services Statement of Work as they apply to defendants and offenders who are charged with, or convicted of, sex offenses.

The updates to the procedures manual focus on assigning supervision levels, while the changes to the Treatment Services Statement of Work are enhancements based on the Association of the Treatment of Sexual Abusers' updated "Practice Standards and Guidelines." The group met with John Fitzgerald, chief of the Probation and Pretrial Services Office's (PPSO) criminal law policy staff, regarding third-party risk, and with consultants from the American Polygraph Association regarding the use of such devices in the supervision context.

For more information, please contact [Michelle Spidell](#), PPSO, or Senior Probation Officer [Stacy Merolla](#) (Michigan Eastern).

PPSO to Host Sex Offender Management Training

On July 31 – August 4 and September 18-22, the Probation and Pretrial Services Office (PPSO) will host two sex offender management training sessions. These sessions are for officers who supervise defendants or offenders

who have been charged with or convicted of sex offenses and for those who oversee the sex offender management program. The sessions will offer—

- Information on static risk factors and stable and acute dynamic risk factors related to sexual offending.
- Research and information on sexual deviances and interventions.
- Guest speakers.
- Information on PCRA 2.0 sex offense-related enhancements.
- Breakout sessions that will focus on pretrial and post-conviction supervision.
- A breakout session for managers who oversee the sex offender management program.

PPSO will fund these training sessions. Districts will be notified regarding the number of participants they may send. These sessions are separate and apart from the upcoming High-Risk for Violence Symposium in Los Angeles, California, on August 15-17, 2017.

For more information about these sessions, please contact [Michelle Spidell](#), PPSO, or Senior Probation Officer [Stacy Merolla](#) (Michigan Eastern). For more information about the High Risk for Violence Symposium, please contact [Renard Brown](#) or [Paul Brennan](#), PPSO.

Robert McGrath Speaks at Sex Offender Management Training

During sex offender management training in fiscal year 2017, participants heard Robert McGrath present on the Supervision of Sex Offenders: Targeting Dynamic Risk – [Part 1](#), [Part 2](#), and [Part 3](#). McGrath spoke about static risk factors and stable and acute dynamic risk factors related to sexual re-offending, research, and information on sexual deviances and interventions. Mr. McGrath is the lead developer of the Sex Offender Treatment Intervention and Progress Scale (SOTIPS), a dynamic measure used to assess risk, treatment, and supervision needs as well as progress among adult male sexual offenders. He is the former clinical director of the Vermont Department of Corrections integrated network of prison and community sex offender treatment programs and past president of the Safer Society Foundation Board of Directors.

Mr. McGrath has more than 30 years of experience in providing clinical, consulting, training, administration, and research focused on the assessment, treatment, and management of persons who have committed sexual offenses. He has provided training and consultation services to mental health, criminal justice, and victim advocacy groups in more than 40 states and throughout Canada, Europe, and Asia.

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