

Establishing a Model Court: A Case Study of the Oswego Sex Offense Court

Overview:

Sex offense cases present numerous challenges to the criminal justice system. Contrary to public perception, many sex offenders spend little time in jail. The majority of sex offenders in the United States are placed on probation or other community supervision, rather than serving substantial prison sentences. The Center for Court Innovation spent several years examining the issues presented by sex offense cases. In partnership with the **New York State Office of Court Administration** [<http://www.courts.state.ny.us/home.htm>], the Center for Court Innovation helped design the specialized sex offense court model that brings together not only police, probation, parole, corrections and other criminal justice personnel and judges, but also treatment providers, lawyers and victim services providers to enhance the oversight of offenders and the provision of services to victims.

The Oswego Sex Offense Court

In 2003, the Oswego County Probation Department received a grant from the Bureau of Justice Assistance to enhance its sex offender management system. The Department, recognizing the critical role of the court and the potential for collaboration, contacted the local judge and court administration. Efforts were then made to enlist the assistance of the Center for Court Innovation to create a model project to address sex offenses and sex offender management. The goal of this project was to increase offender accountability and enhance victim safety.

The result of this comprehensive assessment and planning process is the Oswego Sex Offense Court. The court regularly hears sex offense cases and has a weekly compliance calendar to ensure that all sex offenders on community supervision are complying with their conditions of probation and that they have properly registered with the New York State Sex Offender Registry.

Key Components of the Oswego Sex Offense Court include:

The Court

The Oswego Sex Offense Court is presided over by Judge James McCarthy who ensures that all cases, including violent cases in which pleas are not offered, will be heard and adjudicated fairly and consistently. Clear and objective criteria determine which cases are adjudicated by the court. These include all felony-level cases that upon finding a defendant guilty would require him or her to register with the New York State Sex Offense Registry (SORA registerable offenses). In addition, all sex offense cases involving pleas and all sex offenders transferring their community supervision to Oswego County are sent to the Sex Offense Court for on-going monitoring and

imposition of specialized conditions. Thanks to dedicated and specially trained court staff, appropriate cases are identified at the earliest possible stage and are immediately adjourned to the Sex Offense Court. This not only cuts down on extra court dates, but allows for early intervention with defendants and complaining witnesses so both can receive appropriate assessment, services and information.

The Planning Team

From the outset, the district attorney's office, defense bar, organizations working with sex offenders, victim advocacy agencies and community supervision agencies were included in planning meetings. This team did an initial assessment of their system as a way to evaluate how they could improve their own work with victims, offenders and the community.

Stakeholders include:

- A designated Sex Offense Assistant District Attorney who handles all SORA-registerable sex offense cases;
- A dedicated, court-based victim advocate from a private non-profit who provides confidential services and counseling;
- A designated defense bar representative who is in court for every compliance hearing to ensure that defendants have representation and an attorney to whom they can direct questions and finally;
- A dedicated team of probation officers who work with sex offenders and report on to the designated court at every compliance date.

Training

The judge, court staff and partners all received initial training and input from the Office of Court Administration and the Center for Court Innovation about emerging best practices in the field of sex offender management. In addition, the staff is encouraged to attend additional specialized training on sex offenders, treatment options, evidence-based interventions, special conditions and crossover offending behaviors.

Compliance

Defendants who take a plea or are convicted of an offense appear for updates on their compliance with court-ordered conditions. In addition, defendants released on bail or released on their own recognizance regularly appear before the Sex Offense Court judge for updates on screening and plea agreements or to address ongoing issues while the case is pending. Detained defendants also return to court on a regular basis for judicial monitoring as well as case processing. When circumstances dictate, convicted offenders can be ordered to return to court between scheduled appearances in response to infractions, such as failing to find proper housing, proper employment or failing to register with the Sex Offender Registry. In a procedure unique to the Oswego Sex Offense Court, virtually all probationers are required to return to court weekly, bi-

weekly or monthly on a graduated schedule in addition to their frequent visits to and from the designated probation officers. Finally, offenders wishing to move to Oswego County must transfer their community supervision to the designated Oswego County Probation Officers who are assigned to the Sex Offense Court. These offenders are given regular court dates to help ensure their understanding and compliance with the required specialized probation conditions.

Results

From January 2006 through May 2007, the Oswego County Sex Offense Court handled 105 cases. Of those cases, zero cases were dismissed, 68 defendants are on probation, 44 are in jail and 21 are in prison. No defendants appearing in the Oswego Sex Offense Court from arraignment through disposition and community supervision have been arrested for new charges. According to the Oswego County Probation Department, the Sex Offense Court has shown the value of consistent sex offense probation conditions. By increasing communication between probation and the court, the sex offense court made it possible for the judge to respond immediately to non-compliance. In addition, as a result of the planning process, the Office of the Oswego County District Attorney placed an advocate from a victim advocacy agency within its office to provide enhanced victim services, increasing victim access to information about case status, safety planning, housing, counseling and other social services. The model also enhanced the likelihood that reforms such as victim impact statements and remote testimony for vulnerable populations would be employed.

Following the successful implementation of the model in Oswego, the New York State Unified Court System adapted the sex offense court model in four other jurisdictions: Nassau, Orange, Suffolk and Westchester Counties. Plans to initiate courts in Kings County and Erie County are currently underway. The Unified Court System and the Center for Court Innovation provide annual training to planning teams. Important principles include: frequent defendant monitoring, consistent response to defendant failures to comply, the importance of community supervision and specialized conditions of probation, linking victims to services and, community collaboration and education.

In addition to the efforts to expand the model, the Office of Court Administration with support from the Center for Court Innovation, is dedicated to documenting the results of new initiatives. The Office of Court Administration developed a customized technology system, the Sex Offense Court Application, to provide the sex offense courts with a mechanism for tracking charges and dispositions, monitoring defendants and promoting victim safety. The application tracks conditions of probation and specialized information about the defendant as well as the status of the case and actions on calendar days. It also allows the court to print calendars and report statistics for grant funding. Using the information collected in the Sex Offense Court Application, there is on-going research being conducted to evaluate the effectiveness of the sex offense court model. This research will provide invaluable insight on where the model is meeting its goals, where improvements are needed, and important areas for future research.