

# **INNOVATIVE SEX OFFENDER MANAGEMENT: SEX OFFENSE COURT AND PROBATION COLLABORATION**



# Presenters



- Honorable John C. Rowley, Tompkins Sex Offense Court
- Senior Probation Officer Stephen Larsen, Suffolk County Probation Department
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- Gwen Wilkinson, Tompkins County District Attorney
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# Thanks to the SMART Office

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# Workshop Objectives



- Explain the Sex Offense Court model and place within the context of problem solving courts
- Examine the evidence based best practice strategies and their implementation into the sex offense court model
- Discuss the role of community stakeholders and the court in creating sex offender management innovations

# Problem-solving Courts

- Designed to change the behavior of defendants, prevent future offending and to make communities safer.
- Standard practice around the US, with over 1000 problem-solving courts nationwide.

# Examples of Problem-Solving Courts

Therapeutic or alternative to incarceration models:

- Drug Courts
- Community Courts
- Mental Health Courts
- Human Trafficking Intervention Courts

Accountability models:

- Sex Offense and Domestic Violence Courts

# The Reality of Sex Offender Management

- Many sex offenders spend little time in jail
- Sex offenses against children are the majority of the sex offense cases
- Sex offenders can appear to be compliant with traditional probation supervision
- Recent high profile cases have led to states enacting stricter laws and registration requirements
- Judges may be reluctant to impose special sex offender conditions of supervision

# This led us to ask...



Is there a way for the court to be involved in enhancing public safety?

Is there a way to increase uniformity in how sex offense cases are handled by the court?

Is there room for improvement in coordination and communication among interested agencies in sex offense cases?

# Mission

## **Sex Offense Courts promote justice by:**

- ▣ providing a comprehensive approach to case resolution,
- ▣ increasing sex offender accountability,
- ▣ enhancing community safety and
- ▣ ensuring victim safety while protecting the rights of all litigants.

# Key Principles

1. Judicial Leadership
2. Early Case Identification
3. Rigorous judicial compliance reviews and enhanced accountability
4. Coordination with sex offender treatment providers
5. Comprehensive Training
6. Stakeholder/Community Resources
7. Understanding and dedication to working with victim service providers
8. Commitment to evaluation and continuous quality improvement.

# Operational Sex Offense Courts

Since 2006 in New York State:

- Oswego
- Nassau
- Westchester
- Orange
- Suffolk
- Erie
- Tompkins
- Queens
- Manhattan Intimate Partner Sexual Assault

# Sex Offense Court Operations

- Identify eligible cases at arraignment
- Jurisdiction: felony level cases
- Case type: SORNA registerable offenses
- Case volume varies by jurisdiction
- Daily, weekly, once a month calendars
- As of July 2015: 4,869 cases handled by the Sex Offense Courts in New York State

# What Went Into Planning?



- Identifying the goal of the court
- Understanding everyone's role
- Documenting the planning process
- Training

The Safety and Accountability Project

# Implementing a Sex Offense Court or Enhanced Docket: A Step-By-Step Guide



# Planning Team



*"Legal advises finger-pointing."*

# Use of Evidence Based Best Practices

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- Assessment
- Treatment
- Deterrence
- Procedural fairness
- Collaboration

# Assessment: What Risk/Need Factors Matter?

- **General: “Central Eight” Criminogenic Factors:**
  1. History of criminal behavior (*STATIC*)
  2. Antisocial personality
  3. Criminal thinking (anti-social beliefs and attitudes)
  4. Antisocial peers
  5. Family or marital problems
  6. School or work problems
  7. Lack of pro-social leisure/recreational activities
  8. Substance abuse

# Assessment of Sex Offenders: Court Perspective

- judges report experiencing **more difficulty making disposition decisions** in adult- and juvenile-perpetrated sex offense cases than in other types of criminal or delinquency cases (Bumby & Maddox, 1999; Bumby, Talbot, West, & Darling, 2006)
- assessments are most appropriately used to **provide judges with an objective rationale for disposition orders**, such as probation with special conditions, a period of incarceration or residential placement, and/or specialized treatment ([www.csom.org](http://www.csom.org))
- recent evidence indicates that **applying RNR principles also yields better outcomes** with sex offenders (see, e.g., Gordon & Nicholaichuk, 1996; Hanson, 2006; Mailloux et al., 2003).

# Sex Offense Court Innovations: Assessment of Risk and Needs

## Key Implementation Strategies for Courts:

- Know who the sex offender treatment providers are and what screening tools they use to assess for sex offender offender risk of re-offense
- Understand use of polygraph and other risk management tools
- Use compliance calendar and probation to assess for sex offender needs (e.g., antisocial personality, borderline personality, anti-social peers, drug/alcohol abuse)

# Treatment

- Apply Risk-Need-Responsivity Principles when matching offenders to interventions
- Risk: Apply level of treatment to level of risk
- Needs: Employ treatment strategies that are cognitive-behavioral and risk reduction based

# Sex Offense Court Innovations: Treatment

- Vet your sex offender treatment providers
- Have treatment providers present information at planning meetings regarding treatment and programming so that all stakeholders are informed
- Use compliance calendaring and sanctions to leverage a sufficient program duration for those requiring intensive treatment
- Use treatment providers who use truly validated tools and have staff trained to use them correctly (even where assessments exist)

# Suffolk SOC Treatment

- Sex offense specific treatment **mandatory**
- ATSA approved providers
- Focus is Behavior Management not “Cure”
- Polygraph Testing: sexual history, instant offense, maintenance and monitoring
- Adolescent Social Skills Program
- Mental Health Unit supervision
- Probation officer co-facilitates treatment

# Deterrence

1. **Certainty** (consequence for every infraction)
  2. **Celerity** (imposed soon after the infraction)
  3. **Severity** (serious enough to be undesirable)
    - ▣ Most severe need not be the first sanction used
    - ▣ Sanctions should have credible deterrent effect
    - ▣ Escalating to truly severe sanctions should be credible
- **Implication:** Mixed/weak use of accountability also undermines reducing recidivism via deterrence

# Sex Offense Court Innovations: Deterrence

- “Judge Knows It All”
- Compliance Reports
- Courtroom Theater: scheduling of compliance calendar
- Creative Sanctioning to respond to the individual offender
- Role of Probation

# Judicial Monitoring: Accountability



- Mandatory court appearances
- Reporting Intervals
- Compliance Reports
- Judicial interaction with probationer
- Schedule flexibility
- Goal is a rapid response to emerging issues

# Compliance Reports

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- Status in SOTX
- Static 99
- Reporting to probation officer
- Employment/ student/ disabled
- Suitable housing
- GPS monitoring
- Drug or alcohol treatment/SCRAM
- Areas of concern
- Positive steps

**Suffolk County Sex Offense Court  
Sex Offender Compliance Report**

**Date of Report:**

**Name of Defendant:**

**Probation Officer:**

**Tel. No.:**

**Docket No.:**

**Probation Case No.:**

- 1.  **Sex Offender Treatment**  **ASSP**
  - Referred: Yes  No
  - Currently in Treatment: Yes  No
  - Compliance Level: Full  Marginal  Unsatisfactory
  - Completed:  Date:
- 2. **Substance Abuse Treatment Status**
  - Required: Yes  No
  - Referred to Treatment: Yes  No
  - Currently in Treatment: Yes  No
  - Compliance Level: Full  Marginal  Unsatisfactory
- 3. **Housing**
  - Suitable: Yes  No
  - Visited by Probation Officer: Yes  No
- 4. **Employment/School Status**
  - Employed Full Time  Employed Part Time
  - School Full Time  School Part Time
  - Unemployed  Disabled
  - Retired
- 5. **GPS Monitoring:** Yes  No   
Compliance Level: Full  Marginal  Unsatisfactory
- 6. **Reports to Probation as Directed:** Yes  No
- 7. **Static-99 Sex Offender Risk Assessment:** N/A  YO   
Low  Low Moderate  Moderate  Moderate High  High
- 8. **Overall Compliance With Conditions of Probation:**  
Full  Marginal  Unsatisfactory

9. **Additional Comments:**

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**J. Anthony Bidot, Jr.**  
Probation Officer Spanish Speaking

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**Laura M Conroy**  
Program Coordinator P.O.

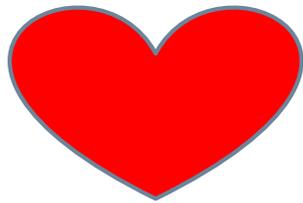
# Suffolk County: Use of Sanctions

- Judicial admonishment
- Imposition of GPS or SCRAM
- Computer conditions
- Increased reporting to court/probation
- Violation of Probation
  - ▣ restore
  - ▣ jail sanction and restore
  - ▣ re-sentencing

# Role of Resource Coordinator

- Liaison with probation department
- Maintains statistical data base
- Identification of available resources
- Training and networking with other agencies
- Supplies info from Family Court
- Programs for on-site visitors

# Post Conviction



of Sex Offense Court



Sentence of Probation

# Probation Comparisons

## Sex Offense Court

- 10 years
- Active judge involvement
- Regular court dates
- Specialized unit
- Restrictive conditions
- Resource Coordinator

## Other Felonies

- 5 years
- No monitoring
- Only with VOP
- General unit
- None
- No support staff

# Collaboration = Successful Supervision

- Judge well versed in computer forensics.
- Team approach in planning supervision strategies.
- Support.
- Familiarity with the offender and their behavior.

# SOC Probation: Supervision Tools

- Smaller caseloads
- Unannounced home visits
- Drug and alcohol testing
- Forensic exam of computers, cell phones
- Surveillance
- Residence and employment restrictions
- GPS
- SCRAM
- Computer Monitoring

# Focus on Victim Safety

- Protective orders
- Coordinate with Victim Services
- Evidence collection
- GPS
- Resource Coordinator identifies open family cases

# Sex Offense Court Victim Services

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## Victim Services

“Our increased presence in the courtroom allowed us faster access to information so that we could relay that to victims more quickly. Being in court also helped us understand the [court] process better.”—victim advocate on-site in a sex offense court

# Procedural Fairness

- Establish fair and consistent procedures and treat offenders respectfully
- Research shows that procedural fairness increases offender compliance with court orders
- Litigants who had unfavorable outcomes in court:
  - If they thought the process was fair 

More likely to say they would comply with court order

<http://www.proceduralfairness.org/~media/Microsites/Files/procedural-fairness/Tyler.ashx>

[http://www.mncourts.gov/Documents/4/Public/Research/Family\\_Court\\_Fairness\\_Report\\_Final\\_%282004%29.pdf](http://www.mncourts.gov/Documents/4/Public/Research/Family_Court_Fairness_Report_Final_%282004%29.pdf)

# Sex Offense Court Innovations: Procedural Justice

- Judicial Demeanor
- Full understanding of the case/defendant
- Defendant offered opportunity to be heard
- Compliance Hearing: Courtroom environment
- Victim Impact Statements
- Consistency

# Collaboration

- Obtain the buy-in and participation of multiple criminal justice agencies
- Research shows better implementation outcomes if line-staff buy in to the court
- Evaluation of programs for drug-addicted defendants found reduced recidivism when multi-disciplinary teams were involved in the planning of the program

--- Cissner, A.B. and Farole, D.J. (2009). *Avoiding Failures of Implementation: Lessons from Process Evaluations* and Carey, S.M., Macklin, J.R., and Finigan, M.W. (2012). *What Works? The Ten Key Components of Drug Court: Research-Based Best Practices*

# Sex Offense Court Innovations: Collaboration

- Coordination of victim services
- Multi-disciplinary planning team
- Staffing of open cases
- Planning meetings hosted by various team members
- On-going training and stakeholder meetings
- Comprehensive Assessment Protocol ([www.csom.org](http://www.csom.org)) and the Sex Offense Court Tool Kit (Center for Court Innovation)

# Thank You

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