

DCJS - OPCA

New York State Probation Juvenile
Sex Offender Management
Practitioner Guidance

NYSATSA & NYSASOSP Conference
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Presentation Goals

- Review Population of Juveniles Who Sexually Offend
- Review & Discuss Summary of Research
- Distribute and Review NYS Probation Juvenile Sex Offender Management Practitioner Guidance

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New York State Survey – Juveniles Who Sexually Offend

- October 2010 – Probation Departments Surveyed
- Departments reported:
 - Total number of youth on probation supervision caseloads for sexually related offenses
 - Youth were defined as probationers between the ages of 7 and 18 with sexually related offenses as the basis for their probation sentence

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Survey Results - Total

- Total Number of Youth Age 7 -18 with Sexually Related Offenses:

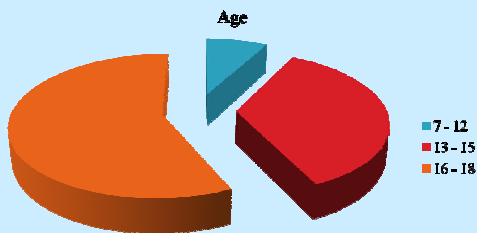
611

(588 male, 23 female)

(OPCA Data as of 10/20/10)

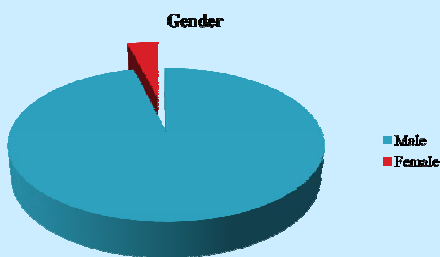
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Survey Results - Total



(OPCA Data as of 10/20/10)

Survey Results - Total



(OPCA Data as of 10/20/10)

Survey Results – Youthful Offenders

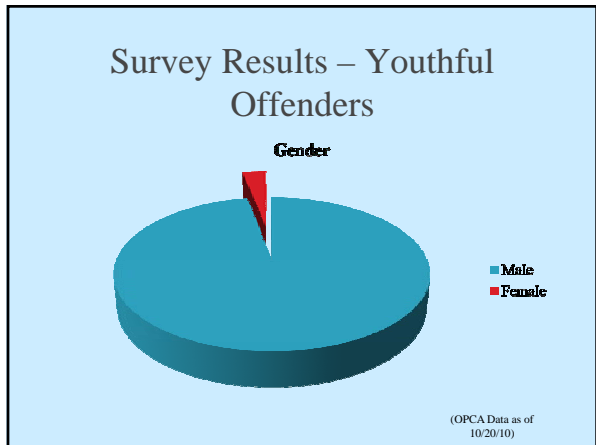
- Total Number of Youthful Offenders (ages 16 up to 19) with Sexually Related Offenses

248

(241 male, 7 female)

(OPCA Data as of 10/20/10)

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Survey Results – SORA Registered

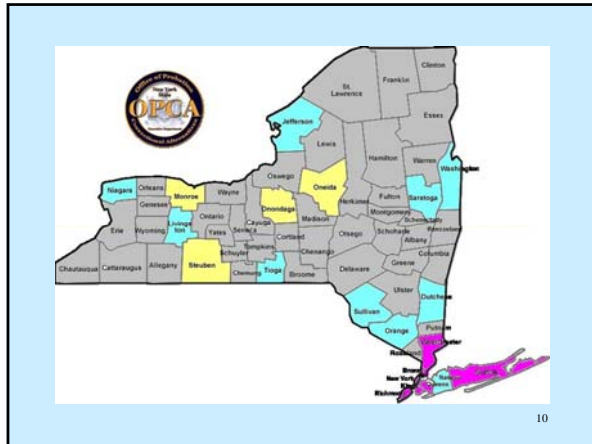
- Total Number of Youth Ages 7 – 18 who are SORA Registered Offenders

18

(17 male, 1 female)

(OPCA Data as of 10/20/10)

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Diversity of Juveniles Who Sexually Offend

- Age
- Gender
- Race
- Socioeconomic Status
- Intellectual Level
- Developmental Level
- School Functioning
- Personality Types
- Emotional & Psychological Development
- Family Situations
- Peers
- Social Supports
- Risk Levels
- Needs

(see, e.g., Borum & Verhaagen, 2006; Grisso et al., Heilbrun et al., 2005)

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Summary of Recidivism Findings for Juveniles Who Sexually Offend

- Low sexual recidivism rates are observed
- Non-sexual recidivism more likely
- Rates of non-sexual recidivism similar to other justice-involved youth
- Rates of sexual recidivism lower than adult sex offenders

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Recidivism Risk Factors: Juvenile Sex Offenders

- Family instability
- Poor parent-child relations
- Association with delinquent peers
- Social isolation
- Psychopathy or pervasive antisocial orientation
- Substance abuse
- Deviant sexual arousal
- Sexual preoccupation and compulsivity
- Stranger victims
- Pro-offending attitudes
- Impulsivity
- Treatment non-compliance
- Termination

(see, e.g., Worling & Langstrom, 2009)

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What Doesn't Work ?

- One size fits all
- Trailing, nailing and jailing
- Punishing away bad behavior
- Using simple solutions to address this complex problem
- Being a lone ranger

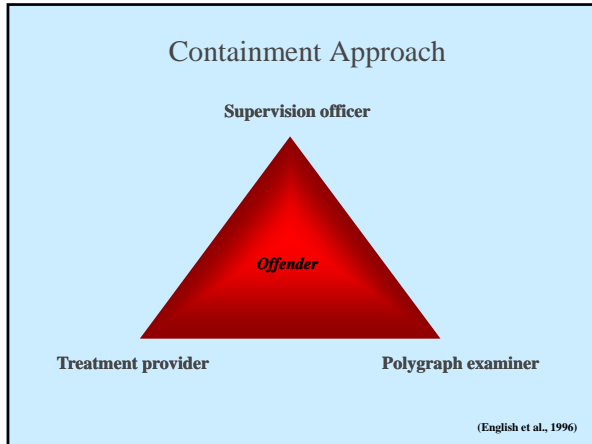
(Courtesy of CSOM)

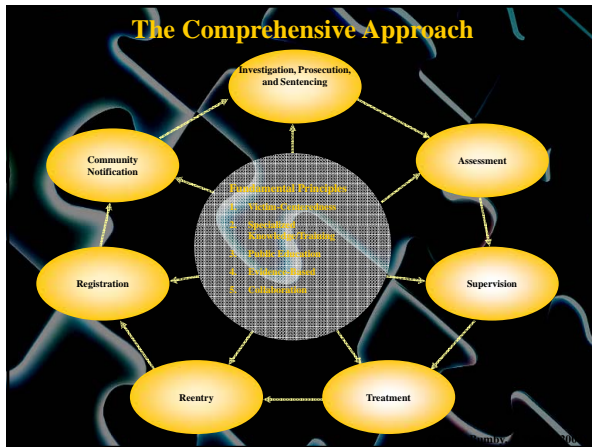
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What Does Seem to Work?

- Integrated & Collaborative Approaches
- Containment Approach
- Comprehensive Approach

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- ### High Quality Treatment
- Developmentally Appropriate - (Language Content & Structure)
 - Holistic
 - Multiple Modalities – (Individual, Group, Family)
 - Collaborative, Information Sharing
 - Least Restrictive Environment
 - Implications of aggregating delinquent peers
 - Continuum of Care, Risk-Need Driven
 - Assessment Driven, individualized
 - Treatment planning
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Research-Supported Models

- Cognitive-Behavioral Treatment
 - Sex offender-specific
 - Employed across placement settings
 - Longstanding, most common approach
 - Evidence of Impact (McGrath, Cumming & Burchard, 2003)

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Research-Supported Models
(cont.)

- Multisystemic Therapy (MST)
 - Home, family and community-based
 - Longstanding evidence-based strategy with chronic delinquent youth
 - Growing application to juvenile sex offenders(Saldana, Swenson, & Letourneau, 2006)

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Balanced Approach

Surveillance, Monitoring, Enforcement &
Punishment

&

Social Casework

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Balanced Approach

Surveillance, Monitoring, Enforcement & Punishment

- Officers are viewed as enforcers of supervision/release conditions
- Monitoring occurs primarily to identify compliance and need for sanctions
- Contacts are driven by adherence to standards set forth in policy: Focus on **number** of contacts
- Emphasis is in punishment for non-compliance and problem behaviors
- Referrals to programs & services are secondary
- Officers react after problems arise

Balanced Approach - Focus on Accountability & Success

- Officers are viewed as agents of change in lives of youth and families: "An Intervention"
- Monitoring occurs to assess progress, goal attainment, and compliance
- Contacts are driven by problem-solving and change-promoting interests: Focus on **nature** of contacts
- Emphasis is on reinforcers to promote positive behavioral change; sanctioning when warranted
- Advocacy and brokerage for evidence-based programs are central

(Adapted from CEPP, 2007)

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Assessment Driven Case Planning

- To make sense of the diversity of youth, and promote individualized strategies
 - Initial & Ongoing
- To ensure thorough and careful exploration of critical variables
 - Risk Level/Needs
 - Strengths & Protective Factors
- To enhance and inform decision making
 - Consistency
 - Objectivity
 - Effectiveness

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Ideal Approach

- Two key principles:

Risk & Need

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Risk Principle

- Assess youth's risk
 - Research-supported tools
- Match intensity of response to risk
 - Placement (community vs. residential)
 - Level of supervision
- Prioritize more resources for higher risk youth
- Avoid over-intervention with low risk youth

(Andrews & Bonta, 2007; Borum, 2003; Borum & Verhaagen, 2006)

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Consequences of Not Following the Risk Principle

- Administering intensive monitoring and supervision on low risk youth is impractical and wastes resources
 - Difficult to reduce the “risk” of already low risk youngsters
- Sending low risk youth to residential facilities may increase the likelihood of recidivism and compromise community safety

(see, e.g., Borum & Verhaagen, 2006; Gifford-Smith et al., 2005; Puffin et al., 2001)

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Need Principle

- Identify changeable, crime-producing risk factors
- Target through supervision practices and risk-reducing treatment programs

(Andrews & Bonta, 2007; Borum, 2003; Borum & Verhaagen, 2006)

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New York State Probation
Juvenile Sex Offender
Management Practitioner
Guidance
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CASOM Grant Summary

- Goal: To assess, enhance and implement best practices in the community supervision of juveniles who sexually offend
 - Objective #1: Assess and examine existing practices
 - Objective #2: Develop the New York State Juvenile Sex Offender Management Practitioner Guidance
 - Objective #3: Provide juvenile sex offender management skills training to probation officers across the state

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Practitioner Guidance vs. Rule/Regulation

- Each jurisdiction has specific needs and practices based on:
 - Locally available resources,
 - Local Judicial practices,
 - Local prosecutorial and defense practices,
 - Local laws and ordinances.

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Probation Juvenile Sex Offender Management
Practitioner Guidance

Section I: Introduction & Overview
Section II: Juveniles Who Sexually Offend
Section III: Sex Offender Management Approaches
Section IV: Probation Intake – New York State
Section V: Pre-Disposition Investigation & Reports
Section VI: Supervision
Section VII: Treatment
Section VIII: Special Considerations for Young Adult Offenders

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Introduction & Overview

- Serves as a reference for probation officers who investigate, supervise and manage juveniles who sexually offend
- Assists Probation Departments in implementing, expanding and refining practices and policies
- Supports Probation Officers and Administrators in discussions with Judiciary, Legislators, funding sources and other decision makers

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Introduction & Overview

- Population covered by the document includes juveniles who are over the age of 7 and under the age of 16
- Unless otherwise noted the document makes recommendations for working with juveniles under the jurisdiction of Family Court
- A special section at the end of the document addresses young adults between the ages of 16 and 19 and may include Youthful Offenders under the jurisdiction of criminal court

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Introduction & Overview

- This provides developmentally appropriate practices for working with juveniles, adolescents and young adults who sexually offend
- Youth who come to the attention of the juvenile and criminal justice systems must be assessed, treated and supervised individually
- Engaging families and caregivers is essential
- Intervening effectively with juveniles and adolescents who sexually offend offers the opportunity to treat inappropriate and predatory behavior and effectuate change

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Juveniles Who Sexually Offend

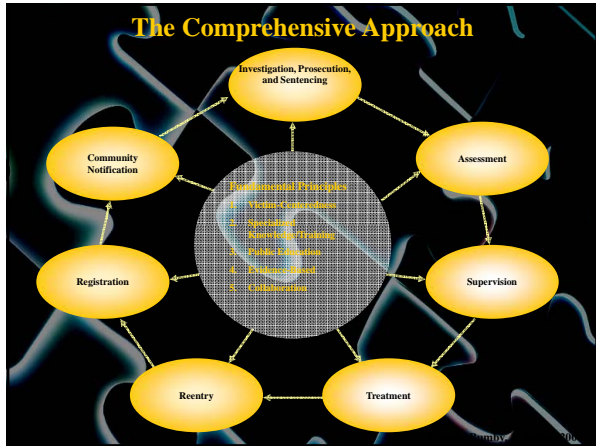
- Juveniles who sexually offend represent a diverse population that includes children under the age of 12 and adolescents up to the age of 19
- It is essential to consider each offender individually in order to best assess, supervise and treat them in a community setting
- Juvenile sexual offending represents a serious national concern which may be best addressed by a balanced approach involving a strong rehabilitative focus, as well as criminal justice sanctions when warranted (ATSA, 2000)

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Sex Offender Management Approaches

- The Comprehensive Approach
 - Recognizes the complex nature of adult and juvenile sex offending and the need for key system stakeholders to facilitate accountability, rehabilitation, and victim and community safety throughout all phases of the justice system

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Probation Intake

- Probation intake is the juvenile's first point of contact with the probation department
- Families may be in denial about the behavior or concerned about the stigma
- It is important to conduct an initial assessment to try and determine if the behavior may be "acting out" or if it is indicative of a more serious problem

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Probation Intake

- Recommendations:
 - The YASI pre-screening assessment should be done
 - Whenever possible, officers with specialized training should conduct the intake
 - Juveniles who display sexual aggression should be referred for psychosexual evaluations whenever possible. If not, the case should be immediately referred to court

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Probation Intake

- Recommendations:
 - Specialized juvenile sex offender risk assessment instruments should be used by trained professionals whenever practicable
 - J-SOAP-II, ERASOR and CANS-SD may be utilized
 - Supervisors and officers with specialized training should whenever possible determine whether the case is sent directly to court or if diversion/adjustment attempts should be made

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Pre-Disposition Investigations & Reports

- The PDI phase is an excellent time to establish the collaborative network that will work together to provide supervision, treatment and monitoring

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Pre-Disposition Investigations & Reports

- Comprehensive investigations should include the following:
 - Document Review
 - Respondent Interviews
 - Collateral Contacts
 - Home Visits
 - Assessments/Evaluations
 - Specialized Orders & Conditions of Probations

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Document Review

- Accusatory Instrument
- Police Affidavit
- Juvenile’s Statement
- Victim Statement
- Psychosexual Report (if available)
- Probation Record
- Family Court Running Record

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Respondent Interviews

- Criminal/Delinquency History
- Sexual Attitudes
- Physical Health
- Mental Health & Developmental Disabilities
- Family History
- Alcohol/Substance Abuse History
- Education
- Computer/Internet Usage
- Residence Information
- Activities/Hobbies
- Victim Impact Statement
- Description of Present Offense

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Collateral Contacts/Collaborative Networks

- Household Members
- Family Members
- Treatment Providers/Support Groups
- Employers
- Schools
- Caseworkers
- Clergy
- Victim(s)

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Home Visits

- Inventory of computers/electronics
- Presence of children in the household
- Proximity to vulnerable populations
- Presence of toys/children's clothing
- Window coverings/locks on doors
- Presence of pornographic materials
- Presence of drugs or alcohol

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Assessments/Evaluations

- Youth who sexually offend should be referred whenever possible to a provider who follows the protocols of ATSA for a formal psychosexual evaluation
- A YASI full assessment should be completed if not previously done at intake

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Specialized Risk & Needs Assessments

- The youth should be assessed by a trained probation officer or treatment provider using a risk assessment instrument that is research-based
- This may include the (J-SOAP-II, ERASOR, or (CANS-SD)

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Specialized Orders & Conditions

- Conditions should be chosen to match individual youth and may include the following:
 - No baby-sitting under any circumstances
 - No access to young children or potential victims without direct supervision by a responsible adult who is aware of the problem
 - No authority or supervisory role over young children
 - No possession or use of sexually explicit material
 - Limited or no access to the internet or social networking sites

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Supervision

- Specialization:
 - Sex offender supervision should be assigned whenever possible to an experienced officer or unit
 - Officers should receive specialized training

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Supervision

- Case Management & Planning:
 - Development of case plan based on YASI
 - Specialized risk and need assessment conducted at onset and on-going
 - Classification (intensive at the onset)
 - Caseload Size (smaller as cases more intensive)
 - Workload Duties (regular contact with collaterals)
 - Confidentiality & Waivers
 - Home Visits (more frequent than general caseload)

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Supervision

- Strategies & Tools
 - Collateral Contacts/Collaborative Networks
 - Modifications of Orders & Conditions
 - Family Reunification & Chaperones
 - School – **Safety Plans**
 - Transfers, Travel & Movement
 - Field Work (Searches & Forensic Searches)
 - Evidence/Contraband
 - Electronic Monitoring/GPS

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Supervision

- Strategies & Tools
 - Polygraph Usage – **NOT** recommended with juveniles
 - Computers/Internet Usage/Other Electronics
 - Joint Field Operations
 - Early Discharge
 - Response to Non-Compliant Behavior (Graduated Sanctions)
 - Incentives & Rewards

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Treatment

- It may be very difficult to distinguish inappropriate behavior from sexual offending behavior in juveniles and adolescents.
- It is essential to work with the treatment provider to obtain a sexual behavior evaluation early in the case and to obtain additional information about the child and the family from child protective services when applicable.

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Treatment

- Whenever possible youth should receive a psycho-sexual evaluation from an ATSA compliant service provider that meets the New York State Division of Criminal Justice Services, Office of Sex Offender Management requirements and participate in recommended treatment
- Juveniles and adolescents should participate in treatment with an ATSA compliant treatment provider whenever possible

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Treatment

- Supervising probation officers must be in regular contact with the treatment provider
- Case conferences between probation, treatment provider and victim advocates should be held monthly when possible
- Probationers and parents/guardians/caretakers should be required to sign a release of information that allows open share of information

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Treatment

- Youth who sexually offend must be referred to juvenile specific sex offender treatment, whenever possible and where they exist
- Youth should never be placed in treatment groups with adults. If in groups treatment, juveniles should be with juveniles and adolescents should be with adolescents

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Treatment

- Decisions about youth remaining in the home should involve input from child protective services where applicable and treatment providers whenever possible
- Probation should maintain on-going open communication with the family, treatment provider, child protective services and schools as required

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Treatment

- Some juveniles and adolescents may be appropriate for consideration for early termination; these considerations should be made on a case-by-case basis, in consultation with the family, treatment providers, child protective services, schools and the courts
- When available, departments should work with treatment providers who offer Multi-Systemic Therapy for juveniles and adolescents who sexually offend

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Treatment

- Parents/caregivers should be encouraged to participate in appropriate treatment and counseling programs with the juvenile and/or adolescent whenever possible. This may include group, family and/or individual counseling

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Training

- J-SOAP-II Training with Dr. Sue Righthand
 - Six Sessions
 - Orange County - completed
 - Albany County - completed
 - Onondaga County - completed
 - Monroe County - completed
 - New York City – Tuesday, June 14, 2011
 - Suffolk County – Wednesday, June 15, 2011

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CASOM Grant

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