

THE ALLIANCE

THE ALLIANCE is a Quarterly publication of the New York State Alliance of Sex Offender Service Providers (NYSASOSP) and the New York State Chapter of the Association for the Treatment of Sexual Abusers (NYSATSA.)

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Alliance and NYSATSA Present Awards

The eleventh annual Alliance and NYSATSA conference was held in Corning on May 11 and 12. There were over 180 attendees this year. Many representatives from different fields and different organizations were present. Professionals from mental health, law enforcement, victim advocacy and attorneys attended sessions that covered a variety of topics in the field. The keynote speakers were well received. Andrew Harris, Ph.D., C.Psych. was the plenary speaker on the opening day. Dr. Harris presented his opening day keynote address on, "Risk Assessment: Static, Stable and Acute for Release, Treatment and Community Management," and provided additional training on the administration and scoring of the Static-99. On Friday, May 12, David Prescott, LICSW presented the conference's second keynote address, "Risk Registration and Notification: What's Best for Youth and Their Communities?" Mr. Prescott, a National ATSA Board Member also provided additional training on "Understanding Truth and Deception." Many opportunities for helpful networking occurred during a Thursday evening wine and cheese reception, and throughout the different conference presentations.

The conference luncheon is highlighted annually by the presentation of awards to individual and agency service providers in the field. The Fay Honey Knopp Award is named after one of the national pioneers of in the field of sexual offender treatment. The Dutchess County Sex Offender Management Program won the award this year for innovative approaches and strong collaborative efforts with various agencies in the area to assure effective provision of services to offenders and the community served. The Marilyn Etcheverry Award is presented to those individuals and agencies that provide innovative and state of the art services to sex offenders. The individual winner this year is Ann Liske, Executive Director of the New York State Coalition Against Sexual Assault. Ann directs an agency been supporting victim advocate organizations throughout the state. Ann herself has taken a very strong role in this regard, lobbied for appropriate legislation concerning victims and perpetrators of sexual abuse, while building strong collaborative relationships with sex offender service providers in the field. NYSATSA and NYASOSP would like the membership to contribute to the nominating process for these awards. In January, 2007, letters will be sent to members soliciting their nominations for these awards.

Confronting Sexual Abuse in the 21st Century

Notes from the President

Dear Colleague:

The first six months of 2006 has seen a great deal of publicity related to the issues of sexual abuse. On one hand, research appears to indicate that the number of children being sexually molested has declined over the years. This is difficult to believe as so much of the media attention is focused on this topic and barely a day goes by that you do not read or see a news headline related to this topic. There have been more sex offender laws passed in the last ten years related to this topic than in the previous fifty years. Recently, Governor Pataki signed into law the new expanded community notification law. The Civil Commitment bill did not pass but will most likely be revisited in the future. Are these efforts by our state representatives the most effective way to protect children or are there efforts that would do more to reduce victimization at the same time as being more cost effective? Most of the national and state efforts are focused on the old theories of "stranger danger". In reality, research continues to indicate that most victims of sexual abuse are molested by someone they know and trust. So are these recent efforts politically motivated, or are the law makers really interested in reducing victimization? If they are, why are many of the laws being pushed through Congress and the New York State Legislature without any prior research on what would be the most effective way to protect our children? Public policy and education should focus on prevention and effective treatment because that has shown to be the most effective way to reduce recidivism. There has been no research to support community notifi-

cation as an effective way to reduce risk. In addition, with all three level sex offenders now being subject to some aspect of community notification, it is even more important to support research to determine if this is the most effective way to reduce future victimization. It is also time to review the tools used to assess future risk. It has been clear that the present assessment tools used in NYS are not the most reliable tools in determining future risk.

I would like to take the opportunity to thank Candice Cleveland and her committee for organizing and running a great conference this past May in Corning, New York. Those in attendance were treated to stimulating presentations from Andrew Harris, Ph.D. and David Prescott, LICSW. The feedback from the participants related to the keynote speakers and workshops was excellent. We had over 175 professionals attend the two day conference. We look forward to seeing more of you at the 2007 conference which will be held in the Mid-Hudson region next May. In the months ahead, the challenge for NYSATSA will be maintaining active communication between the members of both NYSATSA and Alliance. It is critical that we all stay abreast of the issues facing us. I hope as the new president of ATSA, I can provide such leadership. If I can be of help and support at any time, please feel free to contact me at klau@fordham.edu or call me at (914) 366-5367.

Hope everyone is planning to go to the National Conference this September in Chicago. Hope to see you there.

Best wishes,
Kenneth J. Lau, LCSW

Considerations for Supervision of Sex Offenders

By James Potter, LCSW; Potter Counseling and Evaluation Service, PC

Issues of supervising and managing sex offenders in the community have taken on an amplified urgency with increased media reports of sexual offenders re-offending in the community. Sex crimes and murders by repeat offenders have been well publicized and there have been strong, angry reactions to the prospect that sex offenders released on parole are being housed in our communities. There is a sense among many people that all sex offenders, once they have crossed the line and committed the crime, continue to present a significant danger to us and our children; treatment doesn't work and public feelings reflect anger and frustration. Letters to the editor often refer to castration or throwing away the key after locking up convicted sex offenders. Civil commitment has more recently become a more rational and practical representation of those feelings, based on the prospect that an offender who has been legally committed to an institution can no longer prey on the public. It is a simple and direct solution. And, indeed, there are some offenders who warrant commitment to an institution because they have personality or significant emotional problems that prevent them from exercising prosocial self-control, and when deviant sexual interests are present, they present with very high risk for recidivism. But the number of people eligible for civil commitment is expected to be a relatively small number of all sexual offenders. For instance, in Hennepin County, Minnesota, where there is in place a civil commitment law, there were 1220 sex offenders on probation or supervised release at the time Dru Sjodin was murdered by a known sex offender in November 2003. In the year following the crime, more than 100 level 3 sex offenders were referred for civil commitment but only 5 were civilly committed of the 26 petitions accepted for review (Hennepin County Criminal Justice Coordinating Committee, 2004). The problem is that we could well ignore or neglect the issue that the vast majority of sexual offenders will be living in our communities, some benign, others at greater risk for recidivism. The stark reality, despite fears of the public and imprecations to lock them up and throw away the key, is that we are going to have to supervise and deal with the vast majority of offenders in our communities while on probation or when released on parole after

It is clear that not all sex offenders re-offend. A recent Federal Bureau of Prison's study found that the recidivism rate for 9691 sex offenders released from federal prisons was 5.3% after 3 years (U.S. Dept. of Justice, 2003). A study by Hanson and Harris (Hanson, Harris, 2004), which examined follow up studies of recidivism involving some 4700 offenders, found that 73% had not been convicted or charged with a sexual offense after 15 years; that represents a gross recidivism rate of 27% over 15 years. A previous study by Hanson (Hanson, Busière, 1998) found that the overall recidivism rate was 13.4% for more than 23,000 sex offenders in a 5-year follow up. * Alexander (Alexander 1999) in a meta-analysis of 79 sex offender treatment programs, involving 10,988 sexual offenders, both in treatment and treatment failures, found that treatment has a positive impact on recidivism rates and there were some obvious characteristics of the crime which influence recidivism estimates. For instance, offenders who engaged in incestuous behavior and who were treated had a 4% recidivism rate; those untreated were at 12.5%. Child molesters who offended against male children had recidivism rates of 18.2% for those who were treated; the untreated rate of recidivism for the same group was 34.1%. It is clear that there are factors that give us some indication of who presents with high and low recidivism rates and that treatment helps to lower the recidivism rate.

It is noteworthy as well to contrast the recidivism rate for sex offenders with other types of criminals. A Federal Study (U. S. Dept of Justice, 2002) citing figures for release in 1994 of 272,111 of state prison inmates from 15 states who were followed for 3 years, found that the recidivism rate for rearrest for a new offense was 67.5% and 46.9% were reconvicted for a new crime. Rearrest rates for robbers, burglars, larcenists, car thieves, sale of stolen property were 70% or greater; rearrest for sexual crimes: rape: 46.0% and sexual assault: 41.4. It can also be noted that a study following 1983 releases of much the same population found similar figures, with a 62.5% overall rearrest rate. Although we don't have figures for more recent releases, it provides some indication

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for more recent releases, it provides some indication that sex offender's recidivate at a lower rate than general criminals. Perhaps that's not much comfort, given the impact of a single sex crime, but it does have some leveling effect to put the problem of sex offender recidivism in broader perspective in terms of public policy.

Perhaps even more startling is the recent finding by Finkelhor (Finkelhor, Jones, 2004) that the number of sexual abuse cases substantiated by Child Protective Services throughout the country has declined a remarkable 40% in the period 1992 through 2000. There are numerous explanations for the decline, examined in some detail by Dr. Finkelhor, but the tentative conclusion is that the decline is real; that is, it is not due to statistical anomalies. More complex are the possible reasons for the decline, from greater attention focused on the problem generally to greater rates of incarceration. And perhaps even treatment has had a positive impact.

Not all sexual offenders re-offend but those that do present a significant public safety threat. And those are the people departments of probation and parole, with assistance from local law enforcement, will have to supervise and monitor; it's a daunting task at best. Given that departments of probation and parole have limited resources, there is a need to identify those offenders at higher risk so that supervision resources can be more effectively applied to them in the community.

We have a risk identification system in the State that was developed to coincide with Megan's Law, but it is a static instrument that has used data for risk assessment that has not been shown to be currently associated to recidivism. It uses a checklist and numerical system to rate recidivism risk for sex offenders, and many of the items do not reference current factors associated with recidivism risk. It is clear that the numerical system now used in New York has not been able to keep up with the growth of research focused on sex offender recidivism. The current system cannot assess whether or not a given offender has a deviant sexual interest in underage persons, which has been established is the most influential factor predicting recidivism (Hanson, 2000),

nor can it assess personality factors that inhibit individual self-control. And we cannot tell how flawed or accurate the current system is. Although we know the number of offenders in each of the 3 risk categories by county of residence, at any given time, (NYS DCJS, 2005), we do not keep statistics reflecting actual recidivism of sexual offenders in the state.

Instead of attempting to revamp the current numerical system of sex offender risk assessment, which would lead to stagnation as recidivism research develops and tests new factors, I would suggest putting evaluation of sex offenders in the hands of local clinicians in each jurisdiction who can be certified based on experience, training and academic qualifications, and who have experience treating and evaluating offenders and can make well supported recommendations to the courts. Individual evaluators would be required to keep up with current standards and methods of estimating recidivism risk. In that way the system has an opportunity to grow as research develops. There are many clinicians in local areas who have been treating and evaluating sex offenders for a number of years, and it is highly likely we now have a good professional base on which to establish such a plan. Although it has been shown that, when applied alone, expert clinical judgment of risk assessment is little better than chance in accurately assessing sex offender recidivism risk (Hanson, Busière, 1998), there is every reason to expect that knowledgeable, well trained clinicians can apply the risk assessment tools developed through research to actual cases in local areas. As the field of recidivism research grows and more tools become available, experienced individual clinicians using actuarial and well researched risk factors, as well as other methods (VRT, Pleythesmograph), present the prospect of making well informed recommendations to supervising agencies and the courts; courts will still make the decision about risk level but judges will be significantly better informed than they are at this time. [Cont'd page 6](#)

* It is noteworthy that the 3 studies increase in percentage of recidivism incidence as the timeline for follow up increases, supporting the concept of lifetime probation or parole for a significant number of sexual offenders.

JSORRAT II

By Dominic A. Dispenza, LCSWR

Actuarial risk assessment for adult sexual offenders has been available for several years (Hanson, 2004.) To date, there have been empirical and research based assessment guides for juvenile sex offenders, such as the ERASOR and the JSOAP II, but no actuarial guides have been developed. That may change relatively soon. With the development of the *Juvenile Sexual Offense Risk Assessment Tool-II*, (JSORRAT-II) multi-state clinical validation studies are now underway to determine whether this will be the actuarial assessment tool for juveniles that we in the field have long been waiting for. *Actuarial Risk Assessment with Juveniles Who Offend Sexually: Development of the Juvenile Sexual Offense Recidivism Risk Assessment Tool-II*, is written by: Douglas L. Epperson, Ph.D., Christopher A. Ralston, M.S., David Fowers, LCSW, John DeWitt, Ph.D., Kathleen S. Gore, M.S. Dr. Epperson's name may be familiar to many readers of this newsletter as he was also the primary author in the development the *Minnesota Sex Offender Screening Tool – Revised* (MnSost-R.) The manuscript for the development of the JSORRAT-II will appear as a chapter in a book edited by David Prescott entitled, *Risk Assessment of Youth Who Have Sexually Abused: Theory, Controversy, and Emerging Strategies*. (Oklahoma City, OK: Woods 'N' Barnes.)

This paper begins with a thorough discussion of the meanings of risk, risk management, and risk reduction as they pertain to re-offending and community safety. The authors postulate that once the risk to the community is calculated, investment of community resources can be more effectively spent for the reduction of offending behaviors. The authors also give a description of adult actuarial assessment tools and how they have greater consistency and accuracy in predicting sex offender risk to re-offend. The authors then review the

state of juvenile sex offender risk assessment guides, including those named above. The J-SORRAT was developed through sophisticated statistical analyses of data contained in the archived files of 636 youths aged 11-18 who had been found guilty of committing sexual offenses from 1990 to 1992. (Four individuals were 11 years old and 10 were 18 years old at the time of their intakes.) This was an "exhaustive" sample that reviewed all known juvenile records from that time period. This population was followed as a group through 2003. The authors found that 13.2 percent of these juveniles were arrested prior to age 18 for a new sexual offense. The overall rate of offending by this population was almost 20 percent through 2003. Fifty-eight individuals from this sample sexually offended as adults.

There is identification of "Item selection analyses" and the five steps involved in selecting items for risk assessment. Sophisticated statistical analysis that tests variables and formulates results is also discussed. The "Scoring Guidelines" provide instructions and examples for each variable on the scale. The "General Instructions" state the need for review of the entire case record, using only documented information, and that the sexual offense in Item 1 is an adjudicated offense. For example, the first item requires a score of zero if there is one adjudicated offense, a score of one for two adjudicated offenses, etc. There are eleven other items to be scored on this assessment.

The authors conclude that the JSORRAT-II appears to have met their goals for developing an "actuarial risk assessment tool for juvenile sexual recidivism that was relatively brief, based primarily on behaviorally anchored information that was routinely available for most juvenile sexual offenders, and relatively simple and intuitive to use." J-SORRAT-2 is in the public domain. Until it is validated, however, it may be used only on an exploratory basis with the authors' permission.

Western Region News Briefs

Denis Lates, a long term member of the Alliance, has recently retired from the New York State Division of Parole. Denis had a long career of supervising sexual offenders who had been released from prison to the community. Denis showed a great deal of commitment to community protection and encouraging offenders to participate in treatment. At his retirement party, Denis was heralded for the many awards he received throughout his career for bravery in the line of duty. Denis was lauded by his coworkers, Sheriff Gallivan and future Sheriff Howard. All of us who know Denis wish him a happy and healthy retirement.

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In the field of sex offender research and treatment we have seen, particularly over the past 8 or 10 years, a significant effort among research and treatment professionals to establish what factors contribute to higher risk in a given offender. As previously referenced, Hanson (2000) has developed 12 factors, based on actuarial data that are associated with recidivism risk. And we are better able to gain access to that information about a given offender, using methods such as VRT, Pleythesmograph, personality tests and evaluations, risk assessment protocols and several other instruments. Using methods currently available in the field, individual clinicians can now better sort out those offenders who present with higher risk. In short, focusing on indicators of sexual deviancy, sexual history and personality/emotional issues that have impact on self-control, we can take into consideration objective, actuarial and dynamic factors to see more clearly who is at greater risk and warrants closer supervision and intervention. And we can also see more clearly those offenders who have made admissions, are able to participate positively in treatment, have no objectively measured deviant interests and have no chronic problems related to self-control. While there is no "golden rule" or measurement that can predict reoffense to a certainty, or to assure that a given offender will not reoffend, the tools and knowledge to make better assessments have increased significantly our ability to sort out those offenders who present with the highest risk from those who present with lower risk and can positively participate in treatment. Additionally, a major advantage of using individual clinicians to perform the risk assessments is that the system will have the potential to grow as the knowledge and procedures grow; driven by research and innovative practice in the field, individual evaluators have an incentive to grow as well, to incorporate and employ new measures and procedures as they are developed. And with significant attention now being focused on risk assessment of sex offenders in the field, it is expected growth will be rapid over the next 10 years.

Once high risk offenders have been identified, based on an evaluation of both sexual and emotional/personality problems, evaluations can be shared with the courts and also become a more dynamic part of a local probation department's or regional parole office practical planning for supervision.

Some offenders may warrant lifetime probation or parole, given their high risk status, but that will require legislative action and it is not open to us now. More precise and systematic supervision plans can be established out of the box and focused more sharply on higher risk offenders. For instance, offenders identified with compulsive sexual disorders can be monitored for medication compliance; those with antisocial characteristics may need surveillance or early morning visits by law enforcement; sexual history, instant offense and compliance polygraphs as well as increased reporting and drug and alcohol testing can be implemented for the high risk offender. Other measures, such as GPS monitoring or other electronic monitoring may be useful as well. It does not mean that lower risk offenders are not subjected to polygraphs, drug tests and home visits, but that high risk offenders would be subject to those measures with greater frequency and comprehensiveness. Such targeting, it is hoped, will enable the supervising agencies to deploy their resources more efficiently and effectively if the system is working.

And, given that most of the supervision of sexual offenders will be done in the communities by probation and parole, it is essential that we know whether or not the efforts are working. That means we have to measure statistically the recidivism rate of offenders in the state as a means to know whether or not our efforts are effective. A prime example is Maricopa County, Arizona. In 1993 they formally instituted lifetime probation for sexual offenders, using changes in the State law, and they were subject to statistical track of recidivism rates. According to the Arizona Republic, (Villa, J., Arizona Republic, 2005) 15% of 2,967 sex offenders released from Arizona State prisons generally were rearrested for sexual crimes. However, in Maricopa County, where offenders were subjected to lifetime probation, fewer than 2% of 2,344 supervised sexual offenders committed a new sex crime. And now, some 12 years after lifetime probation was established in Maricopa, they are beginning to see that some sex offenders have been rehabilitated, represent a very low risk and are allowed to petition the court for release from supervision.

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It is not known what is the percentage of those who have been allowed to petition the court for release, and while it appears to be a relatively small number, the overall effort provides some indication that some sex offenders can be rehabilitated and live prosocial lives in the community.

It remains an important task to sort out those sex offenders who can be rehabilitated and present a lower risk from those who continue to present a danger, are resistant to treatment and, where the individual offender can't exercise adequate self-control, may have to be subjected to external controls as a means to protect public safety. While very few may be civilly committed in the process, most of that work will fall to local agencies

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United States V. Johnson: NY State Case Raises Supervision Issues

By Dominic A. Dispenza, LCSWR

According to an article by the Associated Press, the use of the polygraph for testing compliance to sex offender conditions of probation has been upheld upon appeal in a Federal Appeals Court. Furthermore, the Court ruled that banning Internet use as a condition of Probation is allowable, but "a careful and sensitive individualized assessment is always required before such a ban is imposed."

The case was brought before the Court because Jeffrey A. Johnson appealed his condition of probation that mandated polygraph testing on the grounds that this violated his Fifth Amendment rights against self-incrimination. The Court ruled that the polygraph questions must be limited in scope to information that is necessary for supervision and treatment, but ruled against Johnson's challenge.

Although the Court ruled against the comprehensive ban of all sex offenders from using the Internet, the door was left open for such restrictions to be imposed on an individualized basis. In this case, it was ruled that Johnson had the ability to "circumvent" the software normally used by law enforcement and supervision agencies to monitor Internet use. The Court further found that Johnson demonstrated "deficient internal controls" and that these factors allowed for the probation conditions to prohibit his use of the internet. Johnson was sentenced to seven years in prison and three years probation for his use of the Internet to have sexually explicit discussions with minors, luring children to meetings with him, hands on offending against 2 minors and arranging to have sex with another child.

If you would like to present news about your region, please be sure to contact Dominic Dispenza, at dadcon1959@yahoo.com.

The editor will be happy to report on events and news items from all areas of the state.

**New York State Alliance of
Sex Offender Service Providers**

**New York State Association for the
Treatment of Sexual Offenders**

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**Alliance/NYSATSA Annual
Conference 2007**

Next year's Alliance/NYSATSA Conference is already in the planning stages and will be hosted in the Dutchess County region. The 2008 conference will be hosted by the Western Region in Niagara Falls followed by the 2009 conference scheduled for Albany.

Please plan ahead for this special event!

And please encourage your colleagues in the field to join the Alliance!

**ATSA's 25th Annual
Conference**

**September 27-30, 2006
Chicago, Illinois**

Conference Program Co-Chairs:
Steven Sawyer, M.S.S.W.
Robin Goldman, M.A.

ATSA Headquarters hotel for the conference is the:
Hyatt Regency Chicago
151 East Wacker Drive
Chicago, IL

For more information

See: <http://www.atsa.com/conf.html>

**NY State Rehabilitation
Association—Leadership
Training Summit
September 18-20,
2006**

The topics and workshops offered at this Leadership Training Summit have been designed to meet the needs of Senior Executives and Administrators; Human Resource Managers; Middle Managers; Service Coordinators; Program Managers and Supervisors; Employment Specialists; Clinicians, Nurses; Direct Support Professionals and others

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