

Supervision of Sexual Offenders

**A position paper of the
Probation Officers Association of Ontario**

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Preface

The purpose of this paper is identify best practices for Probation Officers in reference to supervising sexual offenders placed on community supervision. The Probation Officers Association of Ontario (POAO) has been involved in issues of professional interest to Probation Officers for over 50 years and POAO has continuously endeavoured to maintain the highest level of integrity in our profession through periods of significant change and evolution, which impact upon our work. The collective skills and expertise of Probation Officers enable us to adapt to changing times, integrate new knowledge and understanding into our work, in addition to contributing to the development and best practices in supervising this very difficult population of offenders.

Definitions

For the purpose of this paper a “sexual offender” will be defined as follows:

A sex offender is an adult or youth, bound by a supervision document who has ever been found guilty of an offence of a sexual nature where there is a victim, including the following Level 1 offences; Sexual Interference (*CCC 151*), Sexual Exploitation (*CCC 153*), Buggery or Bestiality (*CCC 160*), Sexual Assault (*CCC 271*), Sexual Assault with a Weapon (*CCC 272*), Aggravated Sexual Assault (*CCC 273*) and Incest (*CCC 155*).

Sex offenders also include offenders whose offence(s) was of a sexual nature but whose charge(s) was changed for the purposes of prosecution or to protect the victim.

Offences such as indecent exposure or consensual sex between individuals in a public place, are not meant to fall within this definition unless there are reasons to believe intensive supervision is warranted e.g., criminal history, escalating pattern of sexual incidents. (Probation, Parole & Conditional Sentence Policy & Procedures Manual, 2002)

Introduction

It is recognized that the supervision of sexual offenders within the community presents an unique challenge to Probation Officers. Sexual offenders are a diverse group, are highly heterogeneous in nature, with unique offending patterns and victim typologies.

Historically sexually offending has been unreported, resulting in the majority of sexual offences going undetected without any involvement of the criminal justice system. With improved victim services, more comprehensive laws, the education of justice members in respect to investigating sexual offences and the gradual reduction of the social stigma associated with being a victim of a sexual offence more sexual crimes are being prosecuted. Only recently victims are beginning to experience a sense of due process when reporting sexual victimization and have a forum in which to identify the harm caused by their victimization. However, inherent difficulties still exist in prosecuting

sexual offences, particularly historically based offences. Further, even with the progress made in respect to victim services, sexual offending remains arguably one of the most underreported and under prosecuted criminal offences

Increasingly, community supervision is utilized as a viable option for supervising those individuals convicted of sexually based offences. Community supervision allows offenders to access rehabilitative programming and community agencies. It provides for a structured environment through Probation Services which works towards reducing the recidivism rate of sexual offending. Since the majority of sexual offending occurs in the home it is paramount that sexual offenders are adequately supervised upon their release back into the community they offended in. Further, due to the nature of sexual offending and the social reprehension associated with sexual offending it is difficult to have sexual offenders openly admit to their deviant behaviours for fear of public backlash and personal judgement. As such, many sexual offenders present to probation services in denial of their offences and lacking the motivation to address the root causes that brought them to offend. This leaves the probation officer with the task of supervising a population of offenders who have the capacity to cause tremendous harm, are generally pre-contemplative and contemplative in nature and began to exhibit sexually deviant behaviors/thoughts/fantasies from early pubescences. Essentially, Probation Officers become the front line for supervising offenders, monitoring their progress in the community while looking for any potential relapse.

It is imperative that the policy surrounding the supervision of sexual offenders takes into consideration the plethora of issues associated with this dynamic population. Policy should reflect the most current understanding of specialized risk assessment instruments associated with sexual offending, as well as the integration of core principles such as reserving the highest level of supervision for the highest risk/multi need offenders. Sexual offenders are not homogenous in nature and the policy addressing the supervision of sexual offenders should not be homogenous in response.

Current Policy

The current policy outlined in the Probation, Parole and Conditional Sentence Policy and Procedures Manual stipulates the following:

- All adult sex offenders may be managed in either the individual, rehabilitative group or intensive supervision service streams, they are not to be managed in the Basic Service
- Sex offenders are exempt from administrative designation
- Sex offenders will be required to report a minimum of twice per month for the duration of their term of community supervision regardless of their risk level or stream placement, this is non-discretionary. Reporting shall be at least once per month in person to the case manager. The second reporting may be replaced with confirmed attendance at a sex offender treatment/rehabilitative program
- Supervision of sex offenders shall not be assigned to a volunteer

Evaluation

It is evident the current policy attempts to ensure that sex offenders are adequately supervised in order to preserve public safety. Unfortunately, the “twice-monthly” reporting criteria is not assessment driven, rather, it represents a reporting schedule that the Ministry believes will be sufficient to ensure proper supervision. It is the position of the POAO that this policy be amended to allow for assessment driven decisions to be made and that reporting schedules are reflective of the specific risk factor of each individual sexual offender versus an uniform approach.

Currently there are numerous risk-assessment instruments available that are specific to predicting recidivism rates for sexual offenders and that are considered to be validated tools in completing a comprehensive assessment. Specifically, the Static-99 is a risk assessment tool developed by Hanson and Thorton (1999) consisting of ten items that produce estimates of future risk based upon the number of risk factors present in any one individual. This tool can be easily administered on each sexual offender. It is recognized that this instrument should be used in conjunction with other risk assessment instruments, the use of collaborative sources to secure more information regarding the offender and through interviews with the offender themselves to best formulate the most comprehensive assessment possible.

By utilizing validated risk assessment tools that are specific to sex offenders, in combination with other risk assessment instruments such as the LSI-OR, Probation Officers are able to assess each sexual offender individually and ensure that the offender’s reporting schedule is reflective of the risk they present to sexually recidivate.

Historically, the level of risk of sexual recidivism as indicated by the LSI-OR, has been underrepresented as many sexual offenders demonstrate few identifiable criminogenic needs and are very functional in other aspects of their life such as maintaining employment, remaining out of the criminal justice system and fostering strong family relationships etc... Thus, to rely solely on the LSI-OR as the risk assessment tool and to have all sex offenders report twice monthly fails to recognize that each sexual offender presents at different risk levels for re-offending.

The POAO advocates that the current policy be amended to allow for Probation Officers, in discussion with their managers, to complete sex offender specific risk assessments, using such instruments as the Static-99, to better determine specific risk levels. Further, to combine this acquired information with anecdotal evidence, to set reporting schedules that best reflect the interests of public safety and effective case management of sexual offenders. By allowing Probation Officers to set reporting schedules intensive intervention can be reserved for those offenders that present the greatest risk and prevents the over supervision of offenders that have effectively addressed their core issues and moved through the stages of change.

Conclusion

When working with such a dynamic and unique population as sexual offenders the POAO believes that best practice would allow for Probation Officers to determine supervision levels and reporting intensities based on comprehensive, specific risk assessments. Probation Officers are working in a front line capacity with respect to sexual offenders and have the expertise to monitor such offenders according to how the offender is responding to their community supervision. To allow Probation Officers to set reporting schedules when supervising sexual offenders would help ensure that the highest level of intervention was reserved for the most “at risk” individuals and be a more effective use of the expertise of Probation Officers.

References

Dynamic Supervision Project Handbook (2001) Hanson, Karl and Andrew Harris

Probation, Parole and Conditional Sentence Policy and Procedures Manual, Ministry of Community Safety and Correctional Services

Sex Offender Relapse Prevention Program Manual (2003) Cox, Susan, Ministry of Community Safety and Correctional Services