



FEDERAL JUDICIAL CENTER

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# Sex Offenders Update

by Mark Sherman

what's  
**NEW**

According to the Statistics Division of the Administrative Office of the U.S. Courts (AO), the number of convicted sexual offenders under federal supervision (probation, supervised release, parole, or military parole) remains a small fraction of the total federal defendant/offender population. (In 2001, 1,546 sex offenders were under federal supervision out of a total of 105,751 offenders, or about 1.5%.) Because of the unique risk they present to the community, however, sex offenders require a disproportionate degree of attention from officers.

## Legal issues and recent case law

### *Sex offender treatment, polygraph examination, and the right against self-incrimination*

**Sex offender treatment.** Recent federal cases have dealt with the relationship between the privilege against self-incrimination and sex offender treatment programs offered to prison inmates. According to AO Associate General Counsel David Adair Jr., even though these cases involve the prison context rather than supervision in the community, they provide insight into how the courts are handling situations in which sex offenders invoke the privilege when they are given the option to participate in treatment programs. Treatment is often imposed as a special condition of post-conviction sex offender supervision, and offenders under supervision maintain the right against self-incrimination. Thus, officers should know how to respond if an offender invokes the privilege.

The U.S. Supreme Court case of *McKune v. Lile*, \_\_\_ U.S. \_\_\_, 122 S.Ct. 1017 (2002), stemmed from a state prisoner's ac-

tion against state prison officials alleging that the prison's sex offender treatment program violated the prisoner's Fifth Amendment privilege against self-incrimination. As part of treatment, the program required the prisoner to confront his past sexual offenses. Refusal to participate resulted in a reduction of the prisoner's privileges and transfer to a maximum-security unit. The Court held that adverse consequences imposed by the program were not so severe as to constitute compelled self-incrimination because, among other things, the prison environment necessarily involved certain loss of rights.

However, in *Ainsworth v. Risley*, 244 F.3d 209 (1<sup>st</sup> Cir. 2001), vacated and remanded sub nom., *Ainsworth v. Stanley*, \_\_\_ U.S. \_\_\_, 122 S.Ct. 2652 (2002), which involved facts and a holding similar to those in *McKune*, the U.S. Court of Appeals for the First Circuit suggested that the analysis might be different in a case where the offender invoking the privilege is involved in the same type of sex offender treatment program while on probation or supervised release. The *Ainsworth* court cited the U.S. Supreme Court case of *Minnesota v. Murphy*, 465 U.S. 420, 104 S.Ct. 1136 (1984), for the proposition that "if the state, either expressly or by implication, asserts

### **About Special Needs Offenders Close-up**

*Close-up* brings the field up to date on recent developments and district-based initiatives related to defendant and offender populations covered by the original Special Needs Offenders series. It includes population-specific news, information on the latest investigation and supervision approaches, job aids, information about training, and descriptions of practices and innovations developed by individual offices. This *Close-up* will be accompanied by a live FJTN broadcast and an audioconference for probation and pretrial services officers. For broadcast information, consult the *FJTN Bulletin*, which can be accessed through the Center's DCN site at <http://jnet.fjc.dcn>.

that invocation of the privilege would lead to revocation of probation, it would have created the classic penalty situation . . . and the probationer's answers would be deemed compelled and inadmissible in a criminal prosecution." On the other hand, a recent unreported decision by the U.S. Court of Appeals for the Tenth Circuit, *United States v. Morgan*, 44 Fed. Appx. 881 (10<sup>th</sup> Cir. 2002), cites *McKune* to uphold the condition requiring a supervised releasee to report any violation of supervised release and a condition providing for physiological testing in connection with sex offender treatment.

**Polygraph examination.** In a 1999 *Federal Probation* article, Adair noted that the one federal case in which the use of the polygraph in the context of probation supervision is discussed, *Owens v. Kelly*, 681 F.2d 1362 (11<sup>th</sup> Cir. 1982), "indicates that polygraph results should not be used for revocation purposes, but . . . that its use in supervision was not violative of an offender's Fifth Amendment privilege against self-incrimination." *Owens* involved a state probation condition requiring a defendant convicted of drug-related offenses to submit to a lie detector examination. Adair pointed out that, although the state case law on this issue is inconsistent, much of it supports the view of the *Owens* court. Still, polygraph testing used in sex offender treatment could, in some cases, lead to Fifth Amendment claims because results that suggest or identify criminal activity "can be further investigated by the probation officer or, particularly in the case of serious offenses, can be referred to the appropriate law enforcement agency."

### ***Pretrial assessment: the right against self-incrimination and the right to counsel***

According to Adair, the fact that most actuarial assessment instruments and clinical risk assessments require some admission of sexual history, including conduct that may be criminal, raises concerns in the pretrial context because of the importance of maintaining the presumption of innocence and the defendant's right against self-incrimination and right to counsel.

**Right against self-incrimination.** The right against self-incrimination is at issue if a defendant is compelled during the evaluation to provide testimonial evidence against himself on the crime alleged. The defendant also has a Fifth Amendment privilege regarding information that, upon conviction, could be used to enhance his sentence. (Presentence officers should note the latter concern, which can arise in situations where the officer requests an assessment of an of-

### ***Heads-up on the Fifth Amendment Privilege***

**Q:** What do I do if an offender I'm supervising asserts his right against self-incrimination as a response to questions asked in the course of supervision?

**A:** "Consider referring the matter to the court for resolution, particularly if there is any doubt about the supervisee's assertion that the question calls for incriminating information. While it is possible in this situation that the assertion of the right will be upheld, the issue should be determined by the court after argument by counsel, not determined by the officer."

—David Adair Jr., "Looking at the Law," *Federal Probation* (June 1999).

fender as part of the presentence investigation.)

**Right to counsel.** The Sixth Amendment right to counsel could be implicated if a court-ordered examination were established to be a critical stage of the proceedings at which the presence of counsel must be permitted. Though the primary purpose for the pretrial assessment may be for pretrial release, the possibility that the assessment could include offense information makes it extremely attractive for all parties to use for other purposes. Assessments might not only become the target of prosecution attempts to force disclosure of the information but could prompt arguments by defense counsel that the assessment was a critical stage requiring the assistance of counsel. Assessing risk without questions regarding offenses, if possible, might avoid some of the problems identified.

**Immunity.** In an April 2002 letter to Chief U.S. Pretrial Services Officer Robert Duncan (California Eastern) discussing self-incrimination in detail, Adair and U.S. Probation Officer/Counsel Joseph Hendrickson noted that "use of conditional immunity agreements to encourage offenders to be forthright in their treatment could be effective in the pretrial context. However, the decision to grant immunity is not within the discretion of the pretrial services officer or the court under the statute, as only the United States Attorney's Office may provide immunity in criminal proceedings."

## Quick Reference: Sex Offender Legal Issues, Case Law, and Analysis from the AO Office of General Counsel

The right against self-incrimination—sex offender treatment and the polygraph examination:

- ✓ *McKune v. Lile*, \_\_\_ U.S. \_\_\_, 122 S.Ct. 217 (2002)
- ✓ *Minnesota v. Murphy*, 465 U.S. 420, 104 S.Ct. 1136 (1984)
- ✓ *Ainsworth v. Risley*, 244 F.3d 209 (1<sup>st</sup> Cir. 2001)
- ✓ *Owens v. Kelly*, 681 F.2d 1362 (11<sup>th</sup> Cir. 1982)
- ✓ Adair, "Looking at the Law," *Federal Probation* (June 1999)
- ✓ Adair, Opinion Letter to Senior U.S. Probation Officer Jim Mitzel (May 2, 2001)
- ✓ Adair, Opinion Letter to Deputy Chief U.S. Probation Officer Robert Ryan (January 25, 1999)

Pretrial sex offender assessment—the right against self-incrimination and the right to counsel:

- ✓ Adair and Hendrickson, Opinion Letter to Chief U.S. Pretrial Services Officer Robert Duncan (April 16, 2002)

Special conditions—standards, sex offender treatment, "no pornography" and "no Internet" conditions, and condition packages:

- ✓ *United States v. Scott*, 270 F.3d 632 (8<sup>th</sup> Cir. 2001) (standards for conditions/condition package)
- ✓ *United States v. Peterson*, 248 F.3d 79 (2<sup>nd</sup> Cir. 2001) (treatment/no Internet)
- ✓ *United States v. White*, 244 F.3d 1199 (10<sup>th</sup> Cir. 2001) (treatment/no Internet)
- ✓ *United States v. Loy*, 237 F.3d 251 (3<sup>rd</sup> Cir. 2001) (no pornography)
- ✓ *United States v. Guagliardo*, 278 F.3d 868 (9<sup>th</sup> Cir. 2002) (no pornography)
- ✓ *United States v. Crandon*, 173 F.3d 122 (3<sup>rd</sup> Cir. 1999) (no Internet)
- ✓ *United States v. Paul*, 274 F.3d 155 (5<sup>th</sup> Cir. 2001) (no Internet)
- ✓ *United States v. Walser*, 275 F.3d 981 (10<sup>th</sup> Cir. 2001) (no Internet)
- ✓ *United States v. Sofsky*, 287 F.3d 122 (2<sup>nd</sup> Cir. 2002) (no Internet)
- ✓ *United States v. Andis*, 277 F.3d 984 (8<sup>th</sup> Cir. 2002) (condition package vacated and reargued Sept. 11, 2002; decision pending)

Third-party risk:

- Adair, Opinion Letter to Senior U.S. Probation Officer Nancy Kirk (January 11, 1999)

## Special conditions: standards, sex offender treatment, "no pornography" and "no Internet" conditions, and condition packages

**Standards for imposing conditions.** In *United States v. Scott*, 270 F.3d 632 (8<sup>th</sup> Cir. 2001), the United States Court of Appeals for the Eighth Circuit stated that "conditions must be especially fine-tuned if they restrict the freedom of persons on probation or supervised release." In *Scott*, the court remanded the case for resentencing upon determining that the offender's sex offender-related special conditions of supervised release bore no reasonable relationship to the nature of the offense of conviction (armed bank robbery). Rather, the conditions had been imposed as a result of an earlier, unrelated state conviction for forcible rape and sodomy. Because

the record contained no information indicating that the offender was likely to repeat the sex offense or that additional restrictions on his freedom were necessary to deter him from doing so, the sex offender-related special conditions ran afoul of 18 U.S.C. §3553. (See pp. 13–15 for information on steps that officers conducting presentence investigations can take to ensure that pertinent information about offenders' sexual behavior is included in presentence reports where sex offender-specific special conditions are recommended.)

**Treatment conditions.** As for special conditions requiring sex offender treatment, in *United States v. Peterson*, 248 F.3d 79 (2<sup>nd</sup> Cir. 2001), the defendant was convicted of passing bad checks but had a three-year-old state incest conviction. The conditions of his probation included sex offender treat-

## **Highlights of Recent Sex Offender-Related Amendments to the U.S. Sentencing Guidelines**

The U.S. Sentencing Commission has amended the U.S. Sentencing Guidelines in recent years to address congressional directives on sex offenses and new issues presented by sex offenders. The commission amended several guidelines in response to the Protection of Children from Sexual Predators Act of 1998.

A multipart amendment effective November 1, 2001, creates a new Chapter Four (Criminal History and Criminal Livelihood) guideline, §4B1.5 (Repeat and Dangerous Sex Offenses Against Minors). Similar to §4B1.1 (Career Offender), the guideline represents a tiered approach to punishing repeat child sex offenders. Conforming amendments were made to the criminal sexual abuse guidelines in Chapter Two, part A, subpart 3 to delete the upward departure provisions for prior sentences for similar conduct.

The amendment also codifies §5D1.2 (Term of Supervised Release) to provide that the recommended term of supervised release for a defendant convicted of a sex crime is the statutory maximum. Changes to §5B1.3 (Conditions of Probation) and §5D1.3 (Conditions of Supervised Release) effect the commission's intent that sex offenders receive appropriate treatment and monitoring.

In addition, the 2001 amendment provides for grouping of multiple counts of child pornography distribution, receipt, and possession by listing §§2G2.2 and 2G2.4 at §3D1.2(d). It also increases the offense levels for offenses under chapter 117 of Title 18 of the U.S. Code in §2A3.2 and §2A3.4 (Abusive Sexual Contact or Attempt to Commit Abusive Sexual Contact) and makes conforming changes to §2A3.2 to ensure that some chapter 117 offenses that do not include aggravating conduct receive the offense level applicable to statutory rape in its basic form.

A multipart amendment effective November 1, 2000, provides separate, cumulative two-level enhancements in the sexual abuse guidelines, §§2A3.2 (Criminal Sexual Abuse of a Minor Under the Age of Sixteen Years (Statutory Rape) or Attempt to Commit Such Acts), 2A3.3 (Criminal Sexual Abuse of a Ward), and 2A3.4 (Abusive Sexual Contact), and in §2G1.1 (Promoting Prostitution or Prohibited Sexual Conduct) for (1) the use of a computer or Internet-access device with the intent to persuade, induce, entice, coerce, or facilitate the transport of a minor to engage in any prohibit-

ed sexual conduct, and (2) misrepresentation of a criminally responsible person's identity with such an intent. The amendment treats offenses under §§2A3.1 (Criminal Sexual Abuse; Attempt to Commit Criminal Sexual Abuse) and 2G2.1 (Sexually Exploiting a Minor by Production of Sexually Explicit Visual or Printed Material) as alternative triggers for one enhancement.

The 2000 amendment also provides an enhancement for offenses under chapter 117 of Title 18 of the U.S. Code (transportation of minors for illegal sexual activity). In addition to the enhancements in §§2A3.2 and 2G1.1 for chapter 117 offenses involving misrepresentation of identity and use of a computer to facilitate such offenses, the amendment provides an alternative basis for a sentencing enhancement if a participant otherwise unduly influenced the victim to engage in prohibited sexual conduct. A rebuttable presumption was created that the offense involved undue influence if a participant was at least 10 years older than the victim. Further, in §2A3.2, an alternative base offense level of 18 is provided if the offense involves a violation of chapter 117, as is a three-level decrease if a defendant receives the higher base offense level of 18 and none of certain listed aggravating specific offense characteristics apply.

The 2000 amendment modifies the enhancements in §2G2.2 (Trafficking in Material Involving the Sexual Exploitation of a Minor) and §2G3.1 (Importing, Mailing, or Transporting Obscene Matter; Transferring Obscene Matter to a Minor) by (1) defining "distribution" to mean any act, including production, transportation, and possession with intent to distribute, related to the transfer of the material, regardless of whether it was for pecuniary gain, and (2) providing for varying levels of enhancement depending on the purpose and audience of the distribution.

In addition, the 2000 amendment clarifies the meaning of "item" in subsection (b)(2) of §2G2.4 (Possession of Materials Depicting a Minor Engaged in Sexually Explicit Conduct) by including computer files and invites an upward departure if the offense involves a large number of visual depictions of child pornography, regardless of the number of "items" involved.

Finally, the amendment addresses the new offense of transferring obscene matter to a minor (18 U.S.C. §1470) by referencing the offense in the Statutory Index to §2G3.1.

For details on these amendments, see Appendix C of the U.S. Sentencing Commission's *Guidelines Manual* (November 1, 2001), pages 1066–1083 and 1146–1155.



ment as determined by his probation officer. The court of appeals struck down the condition because the language did not make clear whether the probation officer had the authority to decide on treatment or not, which would be impermissible, or simply approve the type and place of treatment, which would be within the officer's discretion. Similarly, in *United States v. White*, 244 F.3d 1199 (10<sup>th</sup> Cir. 2001), the offender had been convicted of receiving child pornography. The conditions of supervised release also included sex offender treatment, which the court of appeals struck down because it gave the probation officer too much discretion. Both *Peterson* and *White* stand for the proposition that the treatment condition must be drafted in a way that makes clear just what the probation officer is allowed to determine. According to these cases, the officer may not determine whether treatment is required, only the type and intensity of treatment. (For an example of a well-crafted treatment condition that might help to prevent similar situations, see p. 12.)

**"No pornography" conditions.** A frequently recommended special condition in cases involving convicted sex offenders simply prohibits the offender to access pornography, to be defined in more detail by the probation officer. However, recent case law indicates that the courts are not permitting this approach.

In *United States v. Loy*, 237 F.3d 251 (3<sup>rd</sup> Cir. 2001), the offender was convicted of receiving child pornography, and the district court imposed a condition that prohibited the offender from possessing "all forms of pornography, including legal adult pornography." The court of appeals struck down the condition as too vague and indicated it gave too much discretion to the probation officer to determine what constituted pornography. Similarly, in *United States v. Guagliardo*, 278 F.3d 868 (9<sup>th</sup> Cir. 2002), the court of appeals relied upon *Loy* to invalidate a similar condition as violating the offender's due process right to know what behavior will result in a violation of supervision. The court of appeals did not accept the argument that the probation officer could assist the offender in defining what was prohibited by the condition. The term "pornography" was simply too subjective and would allow too much discretion and personal judgment to be exercised by the probation officer.

Adair notes that a condition prohibiting possession of material that depicts sexually explicit conduct involving children or adults might be deemed sufficiently comprehensible to survive a due process challenge. It would be even more certain to stand if "sexually explicit conduct" were defined,

perhaps as it is in 18 U.S.C. §2256(2), or if the condition referred to the statute. Adair also notes that it may also be possible to impose a condition that relies upon the treatment provider to define what the offender may and may not view—in essence, a condition requiring "treatment to include a prohibition on the viewing of sexually provocative material as determined by the treatment provider to be harmful in the offender's treatment." But even this condition might have to be supported by sufficient scientific justification, which the court should allude to in imposing the condition.

**"No Internet" conditions.** The courts have begun to deal with conditions that limit offenders' Internet access. In *United States v. Crandon*, 173 F.3d 122 (3<sup>rd</sup> Cir. 1999), a case involving an offender who had used the Internet to lure a minor to his home and then molest her, the district court imposed a condition in which the offender was not permitted to "possess, procure, purchase, or otherwise obtain access to any form of computer network, bulletin board, Internet, or exchange format involving computers." The court of appeals found that the condition was reasonably related to the goal of deterring the offender from engaging in further criminal conduct and in protecting the public.

Some courts have decided that searches are more protective of offenders' rights than Internet restrictions. In *United States v. Peterson*, 248 F.3d 79 (2<sup>nd</sup> Cir. 2001), the offender was convicted of passing bad checks but had a three-year-old state incest conviction. The conditions of his probation included barring access to the Internet except for employment purposes as approved by the probation officer, sex offender treatment, third-party notification of the offender's employers, and a prohibition on being in various places where children congregate. The court of appeals struck down the ban on Internet access since it was not reasonably related to the offense of conviction or the incest conviction and was not necessary to protect the public. In *United States v. Sofsky*, 287 F.3d 122 (2<sup>nd</sup> Cir. 2002), a case involving an offender convicted of receiving child pornography, the same court of appeals relied on *Peterson* to hold that a special condition that banned Internet access, even with a provision that the probation officer could grant permission, was too restrictive. It said that unannounced inspections or government sting operations could be used.

In *United States v. White*, 244 F.3d 1199 (10<sup>th</sup> Cir. 2001), the offender had been convicted of receiving child pornography and was barred from Internet access by a special condition. The court struck down this condition because of the impor-

tance of Internet access in daily communication. Instead, the court suggested the use of filtering software. Notably, the court upheld a search condition that had also been imposed by the district court. In a subsequent case, *United States v. Walser*, 275 F.3d 981 (10<sup>th</sup> Cir. 2001), the same court of appeals permitted a “no Internet” condition where the offender had been convicted of possessing child pornography. The court distinguished *White* because offender Walser was not completely banned from accessing the Internet. Rather, access was banned unless the offender received permission from his probation officer to do so.

In *United States v. Paul*, 274 F.3d 155 (5<sup>th</sup> Cir. 2001), the Fifth Circuit court of appeals relied on *Crandon* and disagreed with *White* in upholding a ban on Internet access for a person convicted of possessing child pornography.

**Condition packages.** There has been something of a trend toward subjecting sex offenders to condition “packages” or groups of special conditions, but some courts have looked askance at this approach. In *United States v. Andis*, 277 F.3d 984 (8<sup>th</sup> Cir. 2002), vacated and reh’g en banc granted, No.

01-1272, 2002 U.S. App. LEXIS 5944 (8<sup>th</sup> Cir. April 2, 2002) (re-argued September 2002, decision pending), where the offender was convicted of transporting a minor for illegal sexual activity in violation of 18 U.S.C. §2423(a), the court of appeals struck down a condition package because “the district court did not carefully consider whether the conditions of release were ‘fine tuned’ to the crime or the defendant’s individual situation.” Some of the conditions in the package appeared to the court of appeals “to have little or no relationship to the defendant.” In *United States v. Scott*, 270 F.3d 632 (8<sup>th</sup> Cir. 2001), the offender had been convicted of armed bank robbery but also had a 15-year-old sex offense conviction. The sentencing court imposed a number of sex offense-related special conditions, including treatment and a prohibition on association with minors. The court of appeals struck down these conditions as being too remote with no demonstration that the offender’s old sex offense indicated a continuing propensity to commit these kinds of crimes. (For guidance on how to develop and apply sex offender-specific special conditions, see pp. 12–13 and p. 15.)

## New Resources on Sex Offender Management

### General sex offender management

*Managing Sex Offenders in the Community: A Handbook to Guide Policy Makers and Practitioners Through a Planning and Implementation Process.* Silver Spring, Md.: Center for Sex Offender Management, 2002. Available online at <http://www.csom.org>.

This handbook describes how to establish a policy-level team to examine and improve the jurisdiction’s approach to sex offender management. Beginning with sex offender management basics, the text walks readers through creation of the policy making team, writing vision and mission statements, gathering data comparing national and local corrections policies, assessing the offender population, developing and implementing new policies, and tracking policy performance. The handbook is appropriate for community corrections agencies that (1) are just beginning to distinguish between management of sex offenders and other types of offenders or (2) intend to overhaul an outdated management model entirely. The handbook assumes that

users are relatively inexperienced with specialized sex offender management.

### Sex offender employment

*Time to Work: Managing the Employment of Sex Offenders Under Community Supervision.* Silver Spring, Md.: Center for Sex Offender Management, 2002. Available online at <http://www.csom.org>.

This monograph discusses the importance of steady employment in the management of sex offenders in the community. It covers the types of employment that are inappropriate for sex offenders and the issues officers should consider when supervising an offender who is seeking employment or a job change. The monograph also discusses the role of the supervision officer in developing a relationship with the offender’s employer to facilitate supervision.

### Sex offender registration and community notification

Title 18, §4042(c) of the United States Code requires the probation officer to notify state or local agencies responsible for the receipt of sex offender registration information

## Initiatives of the AO Office of Probation and Pretrial Services

The AO's Probation and Pretrial Services (AO/OPPS) has several initiatives underway that involve sex offender management. In 2000, AO/OPPS formed the Ad Hoc Sex Offender Management Working Group. The group's goals include developing national standards and procedures for managing sex offenders under federal supervision.

The group also has been identifying state-of-the-art information and research on theories, practices, and effective supervision and monitoring interventions with sex offenders and has been evaluating policies and practices in federal districts as well as state probation and parole systems to identify contemporary ways of identifying, assessing, and treating sex offenders in the community. This information has been used in the revision of Monograph 109, *Supervision of Federal Offenders*, and Monograph 111, *Supervision of Federal Defendants*, and in development of a resource manual on sex offender management.

AO/OPPS also maintains sex offender-related informa-

tion on its Mental Health and Substance Abuse Programs Web site at <http://jnet.ao.dcn/courtoperations/fcsd/html/mentalhealth/mhsaindex.htm>.

Since February 2002, the federal Bureau of Prisons (BOP) and AO/OPPS have been developing a framework for managing cases involving offenders who present mental health-related concerns that will guide the transition of these offenders from BOP custody to federal probation supervision.

With regard to sex offenders, these efforts have included providing pre-release information to probation and pretrial services offices about persons who have an instant sex offense, a history of sexual deviance, or institutional sexual misconduct. The BOP has begun providing to AO/OPPS a roster, by district, of sex offenders to be released within 150 days. The roster contains the inmate's name, register number, sex, projected release date, type of sex offense, release facility, unit housed, and participation in the Sex Offender Treatment Program at FCI Butner. Rosters can be downloaded by officers from the AO/OPPS Mental Health and Substance Abuse Programs Web site.

of any change of residence by the offender and to notify the offender of his or her obligation to register in any state in which the individual resides, is employed, carries on a vocation, or is a student. In addition to the job aid included in this *Close-up* on p. 19, officers may find the following resources useful in carrying out these duties.

*Sex Offender Registration and Community Notification: A "Megan's Law" Sourcebook*, by Elizabeth Rahmberg Walsh and Fred Cohen. Kingston, NJ: Civic Research Institute, 2000 (loose-leaf).

This volume offers a comprehensive view of federal and state sex offender registration and community notification laws. It analyzes the most common legal arguments used to attack sex offender legislation. Besides including the text of each state's notification and registration statute, the volume usefully summarizes relevant material in tabular format. It also includes comments on the topic's legislative history, with a short section devoted to the federal guidelines published by the Attorney General's office.

*Summary of State Sex Offender Registries, 2001 Fact Sheet*. Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics, 2001. Available at <http://www.ncjrs.org>.

An update of a 1999 publication, this guide surveys federal legislative changes; tracks states' registration systems, procedures, and statistics; and gives instructions on accessing registration information in each state. The guide mainly discusses notification.

### *Sex offender management training*

*Training Curriculum*. Center for Sex Offender Management, 2002. Available at <http://www.csom.org>.

CSOM's training curriculum is available at no cost in long, medium, and short versions. The long version (three days) is designed for line staff and their supervisors who have significant direct responsibility for the community supervision of sex offenders, and for other members of supervision teams (e.g., treatment providers, polygraph examiners, and law enforcement officers) who would benefit from a fuller understanding of supervision activities. The medium version (eight hours) is suitable for line staff in probation and parole agencies that may not be directly involved in sex offender management but should be acquainted with its various aspects. The short version (two hours) is designed for policy makers, judges, prosecutors, managers, and line staff who are not directly involved in sex offender

## Cutting-Edge Sex Offender Management Practices of U.S. Probation and Pretrial Services

In recent years, U.S. probation and pretrial services offices have developed and implemented sex offender management initiatives. These initiatives vary in sophistication, ranging from creation of sex offender specialist positions or designation of specific officers to handle presentence investigation or supervision of sex offenders, to development and implementation of detailed policies and procedures for managing sex offenders and creation of sex offender management teams. This section of *Close-up* summarizes some of these initiatives based on material and information provided by the districts. Each district's approach is a measured response to its sex offender caseload. Clearly, districts with fewer sex offenders tend to devote fewer resources to their management, while districts with more sex offenders tend to devote more resources.



management. It may also be used as a way to introduce the material to others who are not now involved in sex offender management but may work with this population in the future. CSOM also sponsors conferences and offers a large number of publications on sex offender management.

### Internet resources

Klaaskids Foundation, <http://www.klaaskids.org>.

KlaasKids Foundation is a private organization that gathers and makes available information on sex offender legislation. The Web site offers useful information about sex offender registration and notification laws by state.

American Polygraph Association, <http://www.polygraph.org>.

The American Polygraph Association can identify polygraphists by state who meet APA standards for post-conviction sex offender testing. It also offers information on traditional, voice stress, and other types of testing, as well as on legal challenges and rulings related to the use of polygraph tests.

## Specialists and Resource Officers

Some probation offices have created sex offender specialist positions. Specialists coordinate the management of sex offenders, often working with pretrial services, presentence and supervision officers, the district's contracting specialist, sex offender treatment providers, community law enforcement and social service agencies, and AO/OPPS mental health and substance abuse programs. Specialists also attend sex offender management training, conduct internal training, and, often, belong to sex offender management-related professional organizations. Probation offices that have created specialist positions include those in **Arizona**, **Washington Western**, **New Mexico**, and **Missouri Eastern**.

Some probation and pretrial services offices without sex offender specialist positions have emphasized sex offender management by the district's specialist in aftercare, mental health, intensive supervision, drug and alcohol treatment, special offenders, or contracting. Districts with this arrangement include **California Central** probation (mental health/aftercare), **South Dakota** combined (contracting), **Texas Western** probation (mental health), **Tennessee Eastern** probation (mental health), **Illinois Northern** probation (mental health), **Minnesota** combined (intensive supervision), **Montana** (special offenders), **Florida Middle** probation (drug and alcohol/mental health), **Michigan Eastern** combined (intensive supervision), **Oklahoma Northern** combined (treatment), and **Idaho** combined (drug and alcohol treatment).

Pretrial services offices in **Texas Northern**, **New York Southern**, and **Washington Western** have officers who serve as resources on cases involving defendants charged with or having histories of sex offenses.

## Policies and Procedures

Some districts have developed and implemented detailed procedures for managing sex offenders.

**Arizona** probation, which supervises the largest number of federally convicted sex offenders, has developed an extensive sex offender management program. The program consists of a sex offender manual, a chaperone program, a victim education program, a victim and family reunification group, and a Native American-specific program.

**Sex offender manual.** The purpose of the sex offender manual is to provide probation staff with strategies and techniques necessary to manage sex offenders, with the goal of preventing further victimization, protecting the community, and providing effective treatment and management of sex of-



## Developing a Sex Offender Management Manual: Things to Consider

For districts considering development of a sex offender management manual, **New Mexico** probation recommends the following procedure.

- ✓ Assess the district's need for the manual. Examine the caseload and discuss the situation with officers, articulating specific challenges.
- ✓ Examine standards for sex offender supervision in similar districts.
- ✓ Upon approval from management, establish a team of officers who possess some skill in sex offender supervision to develop the manual. Assign an officer to serve as liaison to district management, and maintain communication among team members and management during development.
- ✓ Develop a district sex offender management philosophy and enlist officers in as much sex offender training as possible before they begin writing.

Following completion of the manual, reconvene team members annually to evaluate its appropriateness and applicability. Consider including new team members as officers become more educated about the offender population.

- the duty to report new or potential child abuse
- special populations (cyber, parole military, developmentally disabled, Native American, female, juvenile)
- the FCI Butner Sex Offender Treatment Program
- case law
- resources (professional organizations, state agencies, polygraph examiners, sex offender treatment specialists)

The manual also contains a glossary and forms.

**Chaperone program.** Arizona's chaperone program permits sex offenders under supervision to nominate an adult who is familiar with his or her behavior, thinking patterns, and supervision conditions to serve as a chaperone. The chaperone, who must be approved by the district's multidiscipline treatment team (probation officer, treatment provider, polygraph examiner, etc.) must complete an application and undergo training provided by the treatment provider. The offender must complete a chaperone contract request. The chaperone supervises the offender's contacts with children listed in the chaperone contract and reports all violations by and suspicions about the offender to the probation officer.

**Victim education and family reunification.** The district's victim education program and its Victim and Family Reunification Group, conducted by the district's sex offender treatment provider, address the needs of family members who have been victimized by the offender and who may be reunified with him or her. The education program enables the victim to grapple with post-trauma issues in a supportive environment. The victim is encouraged to acknowledge the harm caused by the offender, while the offender (who is not present during the sessions) must accept full responsibility for the harm he or she caused and express support for the victim's treatment. Individual sessions are conducted until the therapist transitions the victim into the Victim and Family Reunification Group, whose goal is to increase family members' understanding of the offender's flawed belief system and thinking and to reestablish connections among immediate and extended family members.

For more information on these programs, contact Sr. USPO and Sex Offender Specialist Mark Geiger at [mark\\_geiger@azd.uscourts.gov](mailto:mark_geiger@azd.uscourts.gov).

**Tribal/Federal Effective Sex Offender Management task force (ESOM)** Designed specifically for Native American sex offenders residing in the district, ESOM is composed

fenders. As the manual makes clear, the district uses an integrated victim-centered and containment approach to sex offender management. The manual reviews sex offender characteristics and provides guidance on

- presentence investigation
- victim's rights
- psychosexual evaluation
- pre-release investigation
- supervision
- risk assessment
- sex offender-specific treatment
- state sex offender registration and community notification
- release of confidential information
- the district's multidiscipline approach to sex offender management

## ***Traditional Mental Health Treatment vs. Sex Offender Treatment***

Sex offender assessment and treatment should be conducted by a licensed psychiatrist, psychologist, or masters-level practitioner who meets the standards of practice established by his or her state's professional regulatory board and adheres to the standards of the Association for the Treatment of Sexual Abusers (ATSA). For more information, consult the ATSA Web site at <http://www.atsa.com> or call (503) 643-1023.

<b>Traditional Mental Health Treatment</b>	<b>Sex Offender Treatment</b>
Trust is granted.	Trust is never fully gained.
Individual is primary client.	Community is primary client.
Participation is voluntary.	Participation is court ordered.
Client is assumed to be honest.	Client is assumed to be dishonest.
Accountability of client is low.	Accountability of client is high.
Behaviors are recommended.	Behaviors must adhere to strict standards.
Confidentiality is assured.	Confidentiality is limited.
Client defines problem.	Treatment team defines problem.
There are few collateral contacts.	There are frequent collateral contacts.
Family involvement is often limited.	Family involvement is required.
Individual treatment is primary method.	Group treatment is primary method.
Liability of treatment provider is limited.	Liability of treatment provider is high.
There are no external controls or verification.	Polygraph, plethysmograph, or urine or breath analysis are used.

of tribal members who are judges, prosecutors, probation officers, law enforcement officials, victim-witness advocates, tribal council members, and therapists. The task force's first major project was sex offender notification on the Tohono O'odham Nation reservation. The Center for Sex Offender Management recently awarded ESOM a \$100,000

grant for, among other things, training of indigenous therapists to treat offenders and victims. (The two senior officers who developed the program received the 2002 AO Director's Award for Excellence in Court Operations.)

For more information on ESOM, contact Sr. USPO Adria Santa Anna at [adria\\_santa\\_anna@azd.uscourts.gov](mailto:adria_santa_anna@azd.uscourts.gov) or Sr. USPO Jennifer Sunshine at [jennifer\\_sunshine@azd.uscourts.gov](mailto:jennifer_sunshine@azd.uscourts.gov).

**New Mexico** probation has embarked on major initiatives in sex offender management: development of a sex offender manual and (in collaboration with Arizona probation), a polygraph response guide. The process the district used to develop its manual, which is similar to Arizona's, is instructive.

**Sex offender manual.** Prior to 2002, sex offenders in New Mexico were supervised district-wide just like other high-risk offenders. But the increasing numbers of sex offenders forced the district to realize that its supervision practices were inadequate for protecting the community and providing treatment: Offenders were not being contained. The district's intensive supervision specialist, whose caseload consisted primarily of sex offenders, began to scrutinize sex offender supervision standards in the neighboring districts of Arizona and Colorado.

In March 2001 a team of senior officers and supervisors began planning the sex offender manual. Team members realized that the district's officers lacked specialized training in sex offender supervision and were unfamiliar with current treatment practices. Consequently, seven officers were sent to a sex offender management training program offered by the state of Colorado's Division of Probation Services. All seven officers earned certification in sex offender supervision in September 2001.

The officers determined that their first tasks in writing a sex offender manual were to establish a district philosophy on sex offender supervision and treatment and to outline the district's specific needs. Each officer volunteered to research and draft a portion of the manual according to his or her expertise, contacting other districts and experts for advice. As each section was completed, it was reviewed and edited by the team. When all sections were complete, the team met for three days and compiled a draft. The district's management team conducted final editing of the manual and released it to the district court for review.

For more information, contact Sr. USPO and Sex Offender Specialist Nora Lujan at [nora\\_lujan@nmcourt.fed.us](mailto:nora_lujan@nmcourt.fed.us).

**Texas Western** probation has developed a sex offender management policy. Pursuant to 18 U.S.C. §4042(c), the policy informs officers of the requirements for sex offender registration with state law enforcement authorities, articulates district-approved special conditions for sex offenders, spells out the results of failure to comply with a registration condition, and outlines supervision procedures. Notably, the policy incorporates use of the Static 99 actuarial assessment tool for sex offenders by a trained probation officer. Forms to facilitate reporting change of address, notifying state law enforcement, and acknowledging receipt of registration information accompany the policy.

For more information, contact Sr. USPO and Mental Health Treatment Specialist Francisco Peralta at francisco\_peralta@txwp.uscourts.gov.

### *Sex offender management teams*

Coordinated by the district's sex offender specialist, **Washington Western** probation's team consists of a supervision officer from each division office, a presentence officer from each of the two offices in which the district court is located, a Washington Western pretrial services officer, a counselor from the federal halfway house, and an officer from the district's cyber crime/technology committee.

Minutes of the team's monthly meetings, which are open to other staff, are distributed to probation and pretrial services management. In one instance, a special condition recommended to an officer by the team was supported by the court, which took note of the team consultation.

Team members receive both internal and external continuing professional education. Internally, the team hosts speakers such as sex offender treatment providers, staff who have attended training on pertinent new sentencing guidelines, and police detectives with expertise on state registration and notification. Externally, team members have joined the state chapter of the Association for the Treatment of Sexual Abusers (ATSA) and have attended relevant training offered by other professional groups.

The team is currently developing a district policy that would encompass pretrial supervision, presentence investigation, post-conviction supervision, and halfway house placement.

For more information, contact Sex Offender Specialist Peggy Kellow at peggy\_kellow@wawp.uscourts.gov or USPSO Todd Skipworth at todd\_skipworth@wawpt.uscourts.gov.

As part of its sex offender management policy, **Arizona** probation has created a multidiscipline team to implement containment and oversee each sex offender's supervision. The team includes the supervision officer, treatment provider, and polygraph examiner. The probation officer is always team leader. (Additional team members may include a law enforcement officer, a victim advocate or therapist, a child protective services official, a medical specialist in child abuse, a substance abuse counselor, or an assistant U.S. attorney.) The team's goals are to improve communication among the agencies and individuals involved in sex offender supervision, to promote the exchange of expertise and of information about specific cases, and to foster unified, comprehensive case management, counteracting the divisive effects of sex offenders' secretiveness, manipulativeness, and denial.

For more information, contact Sr. USPO and Sex Offender Specialist Mark Geiger at mark\_geiger@azd.uscourts.gov.

**Montana** probation's approach to sex offender management emphasizes collaboration between the supervision officer and the district's sex offender treatment provider, ensuring congruence between special conditions and treatment policies. Supervision officers regard the community rather than the offender as the primary client and are considered to be part of the treatment team, while the treatment provider is considered to be engaged in supervision.

This collaboration is perhaps most evident in the weekly group therapy session conducted jointly by officers and treatment providers, with offenders sharing responsibility for supervision decisions. The joint approach to treatment allows the officer to assess risk on a weekly basis. Reportedly, offenders quickly begin to see the probation officer as part of the treatment team rather than someone whose primary purpose is to catch them making mistakes. Each offender is informed that the officer will not use statements made in therapy sessions as a means to recommend revocation, unless those statements indicate new criminal conduct.

The officer participates in the offender's treatment to the extent that he will confront the individual and provide instruction and direction just as a therapist would. Conversely, the officer must be open to confrontation and criticism from the offender, just as the therapist must. The collaborative approach also facilitates supervision by requiring the offender to explain his or her behavior to the supervision officer and the treatment provider at the same time, rather than in separate meetings.

Of course, this role places significant additional demands on the officer. For example, because sex offenders often see themselves as sexually inadequate, they worry about such things as the size of their penis or whether they will be able to satisfy a woman in an appropriate sexual relationship. Many offenders ask questions about basic sexual facts they never learned or sexual “truths” learned from friends on the street. The officer must be comfortable and skillful in discussing such issues. The collaborative role also places additional demands on the officer’s time, since group therapy often is conducted after the officer’s regular working hours.

For more information, contact USPO and Special Offender Specialist Carlos Jones at [carlos\\_jones@mtp.uscourts.gov](mailto:carlos_jones@mtp.uscourts.gov).

**Missouri Eastern** probation takes yet another approach. The district’s mental health/sex offender specialist drafts all presentence reports for sex offenders, while a single officer supervises them. The officers, both of whom are certified in the Abel Screening for Sexual Interest, work closely together and with the district’s contracting specialist in monitoring services provided to sex offenders and the mentally ill. The specialist is responsible for networking with community mental health programs to facilitate referral for offenders.

For more information, contact Sr. USPO and Mental Health/Sex Offender Specialist Judy Holt (presentence) at [judy\\_holt@mep.uscourts.gov](mailto:judy_holt@mep.uscourts.gov) or Sr. USPO Ken Fitzgerald (supervision) at [ken\\_fitzgerald@mep.uscourts.gov](mailto:ken_fitzgerald@mep.uscourts.gov).

### ***Sample “Package” of Sex Offender Conditions from the Central District of California Probation Office***

The following conditions must be reasonably necessary for the purposes set forth in 18 U.S.C. §3553(a)(2), which can be summarized as (1) punishment (in the case of a probation condition only), (2) deterrence, (3) public protection, and (4) rehabilitation. Furthermore, the conditions must be related to the nature and circumstances of the offense and the history and characteristics of the defendant. (18 U.S.C. §3553(a)(1); 18 U.S.C. §3563; 18 U.S.C. §3583; USSG §5B1.2 (guideline regarding factors to consider in sentencing), §5D1.1 and §5D1.3 (supervised release), and §5B1.3 (probation))

- The defendant shall register with any local and/or state sex offender registration agency in any state where the defendant resides, is being supervised, is employed, carries on a vocation, or is a student, as directed by the probation officer. The defendant shall provide proof of registration to the probation officer within \_\_\_\_ days of release from imprisonment/placement on probation.

Note: Period for providing proof of registration may vary but is not to exceed 72 hours. This is a mandatory condition of probation and supervised release for convictions listed in 18 U.S.C. §4042(c)(4) if the offense was committed on or after November 26, 1998.

- The defendant shall participate in psychological/psychiatric counseling and/or a sex offender treatment program, which may include inpatient treatment as approved and directed by the probation officer. The defendant shall abide by all rules, requirements, and con-

ditions of such program, including submission to risk assessment evaluation(s) and physiological testing, such as polygraph, plethysmograph, and Abel testing, and shall take all prescribed medication. As directed by the probation officer, the defendant shall pay all or part of the costs of treating the defendant’s drug dependency/alcohol dependency/psychiatric disorder to the aftercare contractor during the period of community supervision, pursuant to 18 U.S.C. §3672. The defendant shall provide payment and proof of payment as directed by the probation officer.

Note: Plethysmograph shall be recommended for male defendants only.

- The defendant shall grant a limited waiver of his/her right of confidentiality in any records of mental health treatment imposed as a consequence of this judgment to allow the treatment provider to provide information to the probation officer and sign all necessary releases to enable the probation officer to monitor the defendant’s progress. The probation officer shall disclose the presentence report and/or any previous sex offender or mental health evaluations to the treatment provider.

Note: This waiver allows the probation officer to share information with the treatment provider (including, but not limited to the presentence report) and to review the defendant’s course of treatment and progress with the treatment provider. Further, this communication is necessary for the purpose of treatment and assessment and addressing third-party risk.

- The defendant shall not possess any materials, including pictures, photographs, books, writings, drawings, videos, or video games, depicting and/or describing “sexually explicit conduct” as defined at 18 U.S.C. §2256(2).



## Presentence investigation issues and special condition packages

Presentence investigations, while requiring meticulous preparation generally, demand even greater attention for sex offenders, with whom denial is a central characteristic. The presentence report for a sex offender provides a unique opportunity to set a standard of truth that will make distancing himself or herself from the offense difficult for the offender and will help the BOP and supervision officer manage the individual.

At sentencing, sex offenders typically call attention to their status in the community, relying on expert testimony to show a lack of dangerousness and offering letters of support.

The effort to appear nonthreatening and trustworthy can be especially effective where there is no prior arrest history and the offender has an advanced degree and history of steady employment. The presentence officer's goal in investigation and report writing is to close the "responsibility gap" between the offender and his or her crime.

It is common for offenders to deny the pervasiveness and depth of their deviancy. In line with the model outlined by Georgia Cumming and Maureen Buell in *Supervision of the Sex Offender* (Safer Society Press, 1997), Sr. U.S. Probation Officer and Mental Health Treatment Specialist Francisco Peralta (Texas Western), a member of the AO/OPPS Ad Hoc Sex Offender Management Working Group, recom-

- The defendant shall not possess any materials, including pictures, photographs, books, writings, drawings, videos, or video games, depicting and/or describing child pornography as defined at 18 U.S.C. §2256(8).
- The defendant shall not own, use, or have access to the services of any commercial mail receiving agency, nor shall he/she open or maintain a post office box without the prior approval of the probation officer.

Note: Deters offenders from gaining undetected access to pornography and having undetected avenues of contacting victims, potential victims, and other sex offenders.

- The defendant shall not contact the victim, or \_\_\_\_\_ by any means, including in person, by mail or electronic means, or via third parties. Further, the defendant shall remain at least 100 yards from the victim(s) at all times. If any contact occurs, the defendant shall immediately leave the area of contact and report the contact to the probation officer.

Note: Use this condition if there is an identified victim; fill in the blank to include other identified parties, such as family, school, or employer.

- The defendant shall not frequent or loiter within 100 feet of school yards, parks, public swimming pools, playgrounds, youth centers, video arcade facilities, or other places primarily used by persons under the age of 18.

Note: Add location(s) if necessary.

- The defendant shall not associate or have verbal, written, telephone, or electronic communication with any person under the age of 18 except (1) in the presence of the parent or legal guardian of said minor and (2) on the condition that the defendant notifies said parent or

legal guardian of his/her conviction in the instant offense. This provision does not encompass persons under the age of 18, such as waiters, cashiers, ticket vendors, etc., with whom the defendant must deal in order to obtain ordinary and usual commercial services.

- The defendant shall not affiliate with, own, control, and/or be employed in any capacity by a business, organization, and/or volunteer activity that causes him/her to regularly contact persons under the age of 18.
- The defendant shall not affiliate with, own, control, and/or be employed in any capacity by a business whose principal product is the production and/or selling of materials depicting and/or describing "sexually explicit conduct" as defined at 18 U.S.C. §2256(2).
- The defendant's employment shall be approved by the probation officer, and any change in employment must be preapproved by the probation officer. The defendant shall submit the name and address of the proposed employer to the probation officer at least 10 days prior to any scheduled change.
- The defendant shall not reside within direct view of school yards, parks, public swimming pools, playgrounds, youth centers, video arcade facilities, or other places primarily used by persons under the age of 18. The defendant's residence shall be approved by the probation officer, and any change in residence must be preapproved by the probation officer. The defendant shall submit the address of the proposed residence to the probation officer at least 10 days prior to any scheduled move.

## Examples of Special Release Conditions

The Texas Northern pretrial services policy for managing defendants charged with sex-related offenses incorporates the following sample special conditions. The policy notes that conditions of release should be tailored on a case-by-case basis.

- Defendant must participate in mental health counseling that may include specialized sex offender treatment.
- Defendant may not possess any pornographic, sexually stimulating, or sexually oriented material and may not enter any location where pornography or erotica can be accessed, obtained, or viewed. (Note, however, recent case law in the Third and Ninth Circuits in which the courts of appeals struck down “no pornography” conditions that the district courts had ordered in the post-conviction context. See p. 5.)
- Defendant may not have contact with any victim or child under age 18 and may not loiter near school yards, playgrounds, swimming pools, arcades, or other places frequented by children.
- Defendant may not have contact with devices that communicate data via modem or dedicated connection and may not have access to the Internet.
- Defendant may not use or possess a computer.
- Defendant is required to adhere to a curfew as follows:

*Defendant shall participate in the Home Confinement*

*Program. During this time, defendant will be on [Voice Track System, electronic monitoring, home incarceration, or curfew] and will remain at defendant’s place of residence except for employment and other activities approved in advance by defendant’s U.S. pretrial services officer. Defendant will maintain a telephone without call forwarding, a modem, caller ID, and call waiting. Defendant may not maintain portable cordless telephones. At the direction of U.S. pretrial services, defendant shall wear an electronic monitoring device or pager and follow the home confinement procedures specified by defendant’s U.S. pretrial services officer. Defendant shall pay the cost of the monitoring services as determined by the U.S. pretrial services office.*

- Defendant’s employment and change of address must be approved by the officer.
- Defendant may not date women/men who have children.
- Defendant must maintain a driving log with details about mileage, routes traveled, and destinations.
- Defendant may not use sexually oriented telephone numbers or services.

If the officer determines that the defendant is subject to registration as a sex offender, the following condition should be recommended.

- Defendant shall register as a sex offender with the proper state and/or local agency or agencies in any state where defendant resides, is employed, carries on a vocation, or is a student, as directed by the pretrial services officer.

mends a three-phase approach to the investigation. In the preparatory phase prior to the interview, the officer reviews documentation to learn as much as possible about the offender and the crime. In child pornography cases, the officer must review the illicit images. In the next phase, the officer conducts Probation Form 1 and instant offense and sexual history interviews with the offender, followed by verification interviews with collateral sources and a home inspection with the offender and his or her family. If the investigation is conducted pursuant to a plea agreement and the agreement calls for a psychosexual evaluation, the officer should initiate

the referral. If the plea agreement does not call for a psychosexual evaluation, the officer can approach the court to request that an evaluation be ordered. The length of the evaluation process may necessitate requests for sentencing continuances. In the report writing and analysis phase, the officer assembles information uncovered by the investigation, including results from mental health or psychosexual evaluations and computations required by the U.S. sentencing guidelines, and makes a sentencing recommendation that includes sex offender-specific special conditions of probation or supervised release.

For more information, contact Sr. USPO and Mental Health Treatment Specialist Francisco Peralta at francisco\_peralta@txwp.uscourts.gov. For specific information on characteristics of sex offenders and conducting the presentence investigation, see *Special Needs Offenders Bulletin: Sex Offenders* pp. 10–13.

**Texas Western** probation, **California Central** probation, **Arizona** probation, and **Oklahoma Northern** (combined) have developed special condition packages for sex offenders. “Packaged” conditions must be formulated with an understanding of applicable federal statutes and case law and applied by the presentence officer on a case-by-case basis. Each condition must bear a reasonable relationship to the nature and circumstances of the offense or to the history and characteristics of the defendant—information that must be included in the presentence report.

The method by which **California Central** probation developed its conditions is instructive for districts contemplating a similar initiative. The district formed a special conditions committee to examine supervision challenges presented by sex offenders and determine what conditions might be appropriate. The committee began by asking officers about concerns that might merit sex offender-specific conditions. Among other things, officers cited access to pornography and to potential victims, treatment, employment, and residence location. Next, the committee looked at conditions used by other districts and examined sex offender cases decided by the Ninth Circuit and the district courts. Importantly, during the drafting process the committee also consulted relevant materials prepared by the AO Office of General Counsel.

The final version of the sex offense conditions consisted of a series of topics for case-by-case consideration. The district anticipated that the conditions addressing treatment, paying for treatment, and waiving confidentiality would be used in every case. (Sex offender registration and DNA sampling would be used in every case because they are statutorily required.) The balance of the conditions would not necessarily be used in each case, however.

For more information, contact USPO David Carter at david\_e\_carter@cacp.uscourts.gov.

## Pretrial services policies and procedures

Of course, pretrial services officers must also be aware of the potential danger to the community—in essence, further victimization—that can be presented by defendants charged

with sex offenses. In this regard, officers must be prepared to gather information and recommend a course of action to the court that will help reduce the risk of danger. Because defendants accused of sex-related offenses, like all defendants, are entitled to the presumption of innocence, confidentiality, and the least restrictive conditions of release, however, the role of the pretrial services officer is more circumscribed than that of the probation officer.

There is significant variation in district practices in terms of the degree of restriction that can be imposed upon defendants charged with sex offenses. Thus, a pretrial services office considering development of a policy to facilitate management of defendants charged with sex offenses must first understand the position of the district toward such defendants.

In 2000, **Texas Northern** pretrial services developed a policy for sex offense cases. The policy covers identification and classification of defendants, issues for consideration during the pretrial interview, special conditions, supervision, treatment, registration, and mental health concerns, such as suicide risk.

**Identification/classification.** The Texas Northern policy notes that the most common types of federal sex-related offenses in the district are “traveler” cases involving individuals accused of engaging in interstate travel for sex with a minor and “producer/distributor” cases in which the defendant is accused of producing or distributing child pornography.

**Issues for consideration during the pretrial interview.** In interviewing a defendant charged with a sex-related offense, the officer should consider whether the defendant lives with or near children; the defendant’s current family situation and history, including access to children and history of sexual abuse; the defendant’s employment and social activities, including whether the defendant has access to children at his or her job or while engaged in hobbies or other social activities; the defendant’s mental health, including a history of mental health issues; substance abuse by the defendant, including use of drugs or alcohol to minimize responsibility for behavior; the defendant’s criminal history, including whether the defendant has a history of sex-related offenses or offenses that might indicate sexual deviancy, as well as whether the defendant is (or should be) a registered sex offender.

**Special release conditions.** The different degrees to which districts restrict the activities of accused sex offenders can be seen in their wording of special release conditions. For

example, where a court in Texas Northern may impose a condition prohibiting the defendant from accessing any pornography, a court in another district may impose a condition only prohibiting access to child pornography.

**Supervision.** The Texas Northern sex offense policy states that because many sex offenders present themselves well and usually produce few case supervision problems, officers may fail to recognize the dangers that such individuals present to the community. “Sex offenders require constant monitoring, and supervision strategies should be intensive/intrusive to the point allowable by the pretrial confidentiality statutes,” the policy states. It advises officers

- to review the pretrial services report and charging document before the initial meeting with the defendant
- to review the defendant’s criminal history to see if he or she has prior convictions for sex-related offenses and, if so, confirm that the defendant is registered as a sex offender
- to maintain frequent face-to-face contact with the defendant
- to emphasize field contact at the defendant’s home and, when in the home, to walk through and look for evidence of the presence of children (if no children are living with the defendant), such as clothing, toys, photographs, etc.
- to observe, when in the defendant’s neighborhood or apartment complex, whether there is a playground or school nearby
- to monitor the defendant’s employment and social activities for access to children

The policy further advises officers to set firm limits with defendants, use collateral contacts, and use direct language when speaking with defendants about behavior.

**Assessment and treatment.** District practices for recommending and imposing treatment conditions at the pretrial stage vary. In districts that order sex offender assessments of defendants, confidentiality of assessment results is an issue. To ensure confidentiality, some courts seal the results, allowing access only by pretrial services and the court itself. If a treatment condition is imposed by the court, the assessment and treatment should be conducted by sex offender treatment providers approved by the pretrial services office. Sex offender treatment differs significantly from traditional mental health treatment, and providers are trained specifically to handle sex offenders (see box, p. 10).

The Texas Northern policy notes that a pretrial defendant

is to be referred to individual rather than group sex offender counseling because group counseling, though preferred in sex offender cases, is more intrusive for pre-convicted individuals. As the policy notes, “ineffective sex offender treatment is always worse than no sex offender treatment at all.” The policy goes on to advise officers to preview treatment goals and the number of counseling sessions the defendant is required to attend while on pretrial release. “These issues should be addressed at the initial and/or subsequent meetings with the defendant and should be recorded on paper for the defendant (and for the officer’s records),” the policy states.

If a treatment condition is imposed for a defendant who was in treatment prior to commencing supervision, the officer should try to obtain a release of information from the defendant pursuant to PSA Form 6B (Authorization to Release Confidential Information). The officer should also communicate often with the treatment provider, verifying his or her qualifications and, if the provider is unqualified, bringing this fact to the court’s attention.

**Registration.** If a defendant is subject to a state sex offender registration requirement due to a prior conviction, the pretrial services officer should determine if the individual is in fact registered. Nonregistration is a violation of the mandatory condition that the defendant not commit a federal, state, or local crime while on release (18 U.S.C. §3142(c)(1)(A)). If convicted, the defendant must register while awaiting sentencing or voluntary surrender.

**Mental health/suicide risk.** The Texas Northern policy notes that it is not uncommon for a defendant accused of a sex-related offense to become suicidal. “Although the defendant may have no . . . history of mental health issues or treatment, this area should be explored carefully both at the time of the bond interview and throughout any period of supervision,” the policy states.

For more information, contact USPSO Jennifer Coalson at [jennifer\\_coalson@txnp.uscourts.gov](mailto:jennifer_coalson@txnp.uscourts.gov), USPSO Todd Skipworth at [todd\\_skipworth@wawpt.uscourts.gov](mailto:todd_skipworth@wawpt.uscourts.gov), USPSO Jason Lerman at [jason\\_berman@nyspt.uscourts.gov](mailto:jason_berman@nyspt.uscourts.gov), or USPSO Eddie Santos at [eddie\\_santos@nyspt.uscourts.gov](mailto:eddie_santos@nyspt.uscourts.gov).

## Training

### *Internal training*

In 2000 and 2002 **California Central** probation mounted major in-district training programs on managing mentally ill



offenders and sex offenders. One goal of the effort has been to develop specialists. Officers who participated in the 2000 program were designated as mental health officers and, later, as specialists. These officers work closely with the district's contracting specialist regarding treatment vendors, supervision strategies, and procedures. The specialist officers meet at least four times a year for case sharing and training and serve as resources for their division offices and the district.

The support of the district's management team has been crucial to implementation of this training initiative. Managers are invited to participate in all in-house training and are provided with materials that officers attending outside training receive. During program development, staff prepared clear and concise recommendations for management approval and input.

The classroom component of the 2000 program consisted of five full days of training, one of which was dedicated to sex offender investigation and supervision. The 2002 presentation on sex offender treatment and supervision, delivered by a local sex offender treatment provider, discussed containment and use of the polygraph, plethysmograph, and Abel Screen for evaluation and treatment. Representatives from the district's federal defender and U.S. attorney offices also attended the presentation.

As part of the program, officers supervising mental health and sex offender cases met monthly to discuss casework and review videotapes of National Institute of Corrections and Federal Judicial Center training programs on sex offender management. Several officers attended training at FCI Butner to learn more about its Sex Offender Treatment Program. While the monthly sessions were primarily for supervision officers, presentence officers attended some as well.

The AO/OPPS Mental Health and Substance Abuse Programs office suggested reference materials for the program. Each mental health specialist received English, et. al's *Managing Adult Sex Offenders* (APPA, 1996) and Cumming and Buell's *Supervision of the Sex Offender* (Safer Society Press, 1997). The district also has several copies of the ATSA practice standards and guidelines for treatment providers.

Mental health specialists in the district continue their professional education by attending ATSA conferences and meetings arranged by local professional organizations concerned with sex offender management. Officers have been able to apply what they learned in reviewing treatment providers and dropping those found unqualified or inadequate.

The district now encourages presentence officers to con-

tact the mental health specialists in the field office where the offender will be supervised to make sure that all appropriate supervision and treatment conditions are added. In 2001, a presentence officer accompanied the district's mental health specialists to the annual ATSA conference, which led to the formation of the district's special conditions committee convened to develop packages of special conditions to address sex offenders and cyber crime offenders.

For more information, contact USPO and Aftercare Coordinator Helene Creager at [helene\\_creager@cacp.uscourts.gov](mailto:helene_creager@cacp.uscourts.gov). For more information on the containment approach to sex offender management, see *Special Needs Offenders Bulletin: Sex Offenders*, pp. 15–17.

### **External training**

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Following is a list of organizations offering training related to sex offender investigation and supervision.

#### **Center for Sex Offender Management (CSOM).**

<http://www.csom.org>. Training curriculum is available online (see box, p. 7).

**Association for the Treatment of Sexual Abusers (ATSA).** <http://www.atsa.com>. Each year ATSA sponsors a four-day conference for professionals involved in the assessment, treatment, supervision, or investigation of sex offenders. State chapters sponsor their own conferences as well. Publications available from ATSA include *Practice Standards and Guidelines for Members of the Association of the Treatment of Sexual Abusers* (2001) and *Risk Assessment Information Package* (2001).

**KB Solutions: Managing Sex Offenders' Computer Use.** <http://www.kbsolutions.com>. This two-day program, offered at the 2002 American Probation and Parole Association summer training institute, can be tailored to the needs of the district. Participants learn about sex-related information available on the Internet and the distinction between legal adult sites and those containing illicit material. The program explains how sex offenders access illicit material and recruit prospective victims on the Internet. It reviews computer monitoring software and provides assistance in choosing cyber supervision methods. Advanced supervision training includes using the structured sex offender treatment review and constructing computer contracts for offenders under supervision.

**Federal Judicial Center,** <http://jnet.fjc.dcn>. Printed program materials can be downloaded from the Center's DCN site. To obtain videos, officers should fax a request, in-

cluding their mailing address, to the Center's Media Library at 202-502-4077.

- *Special Needs Offenders: Sex Offenders* (bulletin) and *Overview of Sex Offenders in the Federal System* (video-tape of FJTN broadcast) (1998). <http://156.132.47.230:8081/newweb/jnetweb.nsf/pages/356>. This program describes sex offender characteristics and the risk- and case-management issues they pose. The video features ATSA Executive Member Steve Jensen, and Dr. Andres Hernandez, director of the Sex Offender Treatment Program (SOTP) at FCI Butner, describing sex offender behavioral characteristics, the role of treatment, treatment provider qualifications, and the SOTP. Three federal probation officers discuss supervision strategies, and AO Associate General Counsel David Adair Jr. addresses pertinent legal issues.
- *Special Needs Offenders: Pedophiles Who Use the Internet* (1998). <http://156.132.47.230:8081/newweb/jnetweb.nsf/pages/193>. Produced in cooperation with the FBI for probation and pretrial services officers, this program features a presentation from the FBI's undercover investigative unit Innocent Images and describes resources available to probation and pretrial services officers. Innocent Images Special Agent Rick Potocek conducts an online demonstration, and Special Agent Ken Lanning of the FBI's Child Abduction Serial Killers Unit profiles pedophiles.
- *Assessment of Sex Offenders for Sentencing, Supervision, and Treatment* (1999). <http://156.132.47.230:8081/newweb/jnetweb.nsf/pages/19>. Panelists in this three-hour FJTN program, produced by CSOM and the National Institute of Corrections (NIC), discuss available approaches and instruments for evaluating sex offenders and critical differences among assessment tools. The complementary roles of treatment provider and supervision officer and barriers to and benefits of collaboration are also examined.
- *Effective Supervision of Adult Sex Offenders in the Community* (2000). <http://156.132.47.230:8081/newweb/jnetweb.nsf/pages/8>. Also produced by NIC and CSOM, this three-hour FJTN program describes supervision methods that can help ensure community safety and prevent future victimization. Discussion covers emerging supervision practices and practical strategies for line officers and administrators.

- *Special Needs Offenders: FCI Butner Sex Offender Treatment Program* (2001). <http://156.132.47.230:8081/newweb/jnetweb.nsf/pages/131>. This program presents highlights of a question-and-answer session with nearly 100 probation and pretrial services officers during a seminar in June 2000. SOTP Director Dr. Andres Hernandez and FCI Butner Psychology Services staff discuss sex offender assessment and treatment standards, sex offender-specific presentence investigation, risk assessment, and offender supervision and management.
- *Handbook for Working with Mentally Disordered Defendants and Offenders* (1999). <http://156.132.47.230:8081/newweb/jnetweb.nsf/pages/360>. This handbook provides basic information on selected mental disorders, suggests strategies for identifying and supervising mentally ill defendants and offenders, defines frequently encountered terms, and lists national resource agencies. A chapter on child molesters is included.

**National Institute of Corrections.** <http://www.nicic.org>.

*Sex Offender Treatment Skills for Corrections Professionals* (2001). This course, which consists of six videotapes and two volumes of print materials, explores various topics concerning sex offender treatment. Primarily for practitioners in institutions, the content is also applicable to community settings. The course examines sex offender characteristics, staff issues, program design, legal and ethical issues, and action plans for agency change.

## Selected references

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- O'Connell, Michael A.; Leberg, Eric; and Donaldson, Craig R. *Working with Sex Offenders: Guidelines for Therapist Selection*. Thousand Oaks, Cal.: Sage Publications, 1990.
- Orlando, Dennise. *Special Needs Offenders Bulletin: Sex Offenders*. Washington, D.C.: Federal Judicial Center (September 1998).
- Walsh, Elizabeth R., and Cohen, Fred. *Sex Offender Registration and Community Notification: A "Megan's Law" Sourcebook*. Kingston, N.J.: Civic Research Institute, 2000 (loose-leaf).
- U.S. Department of Justice, Bureau of Justice Statistics. *Summary of State Sex Offender Registries, 2001 Fact Sheet*. Washington, D.C.: U.S. Department of Justice, 2001.

## Sex Offender Registration and Notification, by State

Federal law requires sex offenders under federal supervision to register with state authorities (18 U.S.C. §§3563(a)(8), 3583(d)). This job aid summarizes state sex offender registry information. The Internet sites listed are all state maintained, with the exception of New Hampshire's. The sites include offender information, registry requirements, and text of or links to state sex offender registry statutes. The KlaasKids Web site (<http://www.klaaskids.org>) lists some county sites with offender registry information. This aid does not include:

- *"triggering offenses"* that tell users the offense of which the individual must be convicted to be required to register under the statute. If the offender is convicted of a federal sex-related offense, it is advisable to cross-check the offense with the state statutory list. Federal supervision agencies should use the state's offense equivalent to determine if a federal offense triggers registration. For example, if a state statute requires registration upon conviction for "enticing a minor over the Internet" (see, e.g., Utah Code §76-4-401), then a federal conviction for "sexual exploitation of children" (see 18 USC §§2251 (2002)(a)) would be considered a registering offense because the two crimes are synonymous.
- *"conviction required,"* since in most states a conviction is required to warrant registry requirement
- *registry information.* Federal law requires offenders to register name, address, fingerprints, identifying factors, future residence, and offense history, but state requirements vary widely. The state registry agency can inform the officer and offender of state requirements.
- *prospective versus retroactive application.* Some states require retroactive application of the registry requirement to sex offenders either convicted and released, incarcerated, or under supervision. This aspect of the law is under constant judicial scrutiny and changes frequently, however. Therefore, it is advisable to contact the registering agency for more details.
- *registry requirements for change of address and annual verification.* Some states require that sex offenders re-register annually or after changes in residence.

State	Registering Agent	State Authority	Juvenile Registration*	Registration Deadline (days)	State Statute	Online Information
Alabama	County sheriff	Alabama Department of Public Safety, Bureau of Investigation, 334-260-1181	—	30	Ala. code §§ 13A-11-200 et seq.	<a href="http://www.gsiweb.net/index.html">www.gsiweb.net/index.html</a>
Alaska	State trooper or city police	Department of Public Safety, Division of Alaska State Troopers, Sex Offender Central Registry, 907-269-5511	A	1	Alaska Stat. §§ 12.63.010 et seq.	<a href="http://www.dps.state.ak.us/nsorcr/asp">www.dps.state.ak.us/nsorcr/asp</a>
Arizona	County sheriff	Arizona Department of Public Safety, Compliance Unit, 602-255-0611	—	10	Ariz. Rev. Stat. §§ 13-3821 et seq.	<a href="http://www.azsexoffender.com">www.azsexoffender.com</a>
Arkansas	Local law enforcement agency	Arkansas Crime Information Center, 501-682-2222	—	10	Ark. Code Ann. §§ 12-12-901 et seq.	<a href="http://www.acic.org/registration">www.acic.org/registration</a>
California	County sheriff, chief of police, campus police	Sex Offender Tracking Program, 916-227-3506	—	5	Cal. Penal Code § 290	<a href="http://caag.state.ca.us/megan/">http://caag.state.ca.us/megan/</a>
Colorado	County sheriff or chief of police	Colorado Bureau of Investigation, 303-239-4222	—	7	Colo. Rev. Stat. §§ 16-22-101 et seq.	<a href="http://www.sor.state.co.us">www.sor.state.co.us</a>
Connecticut	Commissioner of Public Safety	Connecticut Department of Public Safety, 860-685-8060	—	1	Conn. Gen. Stat. § 54-253	<a href="http://www.state.ct.us/dps/Sor.htm">www.state.ct.us/dps/Sor.htm</a>

\* It is important to contact a state official to confirm juvenile registration requirements. The absence of specific provisions requiring juvenile sex offenders to register does not necessarily mean that juveniles are excluded from registering. An "18+" (or "17+" or "15+") means that the individual must be at least 18 (or 17 or 15) years old to be classified as a sex offender.

State	Registering Agent	State Authority	Juvenile Registration*	Registration Deadline (days)	State Statute	Online Information
Delaware	State police	Delaware State Police, 302-739-5882	—	7	Del. Code Ann. §§ 4120 et seq.	<a href="http://www.state.de.us/dsp/sexoff/index.htm">www.state.de.us/dsp/sexoff/index.htm</a>
District of Columbia	Metropolitan police	Court Services and Offender Supervision Agency, 202-585-7487	—	<b>NS</b>	D.C. Code § 22-4001	<a href="http://www.mpdcc.dc.gov/serv/sor/sor.shtm">www.mpdcc.dc.gov/serv/sor/sor.shtm</a>
Florida	Department of Law Enforcement	Florida Department of Law Enforcement, Missing Children Information Clearinghouse and Sexual Offender/Predator Unit, 888-357-7332	—	2	Fla. Stat. § 943.0435	<a href="http://www.fdle.state.fl.us">www.fdle.state.fl.us</a>
Georgia	Superintendent of school district and county sheriff	Georgia Bureau of Investigation, 404-656-4747 or 404-656-4763	—	10	Ga. Code Ann. § 42-9-44.1	<a href="http://www.ganet.org/gbi/disclaim.html">www.ganet.org/gbi/disclaim.html</a>
Hawaii	Chief of county police	Department of the Attorney General, Criminal Justice Data Center, 808-587-3100	—	3	Haw. Rev. Stat. § 846E	<a href="http://www.state.hi.us/hcjdc/sexoffender.htm">www.state.hi.us/hcjdc/sexoffender.htm</a>
Idaho	County sheriff	Idaho State Police, Bureau of Criminal Identification, 208-884-7305	—	10	Idaho Code §§ 18-8301 et seq.	<a href="http://www.isp.state.id.us/identification/sex_offender/index.html">www.isp.state.id.us/identification/sex_offender/index.html</a>
Illinois	Local law enforcement	Illinois State Police, 217-557-1945 or 217-524-8229	17+	10	730 Ill. Comp. Stat. §§ 150/1 et seq.	<a href="http://samnet.isp.state.il.us/">samnet.isp.state.il.us/</a>
Indiana	Chief of police or county sheriff	Indiana Criminal Justice Institute, 317-232-1232	—	7	Ind. Code Ann. §§ 5-2-12 et seq.	<a href="http://www.in.gov/indcorrection/htmlODSdisclaim">www.in.gov/indcorrection/htmlODSdisclaim</a>
Iowa	County sheriff	Iowa Division of Criminal Investigation, Iowa Sex Offender Registry, 515-281-8104	—	10	Iowa Code § 692A	<a href="http://www.iowasexoffenders.com">www.iowasexoffenders.com</a>
Kansas	County sheriff	Kansas Bureau of Investigation, 785-296-8277	—	10	Kan. Stat. Ann. §§ 22-49-001 et seq.	<a href="http://www.ink.org/public/ksag/contents/sexoffenders/registration.htm">www.ink.org/public/ksag/contents/sexoffenders/registration.htm</a>
Kentucky	County probation or parole office	Kentucky State Police, Records Branch, 502-227-8781	—	10	Ky. Rev. Stat. Ann. §§ 17.500 et seq.	<a href="http://kpspsor.state.ky.us/">kpspsor.state.ky.us/</a>
Louisiana	Parish sheriff or local police	Louisiana State Police, 225-925-6100	—	30	La. Rev. Stat. Ann. §§ 15:540 et seq.	<a href="http://www.lasocpr.lsp.org/socpr">www.lasocpr.lsp.org/socpr</a>
Maine	Department of Public Safety, State Bureau of Investigation	State Bureau of Investigation, Maine State Police, 207-624-7100		5	Me. Rev. Stat. Ann. Title 34A, §§ 11201 et seq.	None
Maryland	Local law enforcement	Department of Public Safety and Correctional Services, Crimes Against Children and Sex Offender Registry Unit, 410-585-3649	—	7	Md. Code Ann. [criminal procedure] §§ 11-701 et seq.	<a href="http://www.dpsscs.state.md.us/sor">www.dpsscs.state.md.us/sor</a>
Massachusetts	Local police	Sex Offender Registry Board, 978-740-6506 or 978-740-6400	—	2	Mass. Ann. Laws Ch. 74, § 178C-178P	<a href="http://www.state.ma.us/sorb">www.state.ma.us/sorb</a>
Michigan	Local law enforcement	Michigan State Police, Criminal Justice Information Center, 517-322-4939	—	10	Mich. Comp. Laws §§ 28-721 et seq.; § 791.236	<a href="http://www.mipsor.state.mi.us">www.mipsor.state.mi.us</a>
Minnesota	Law enforcement agency	Minnesota Bureau of Criminal Apprehension, 651-642-0561	—	5	Minn. Stat. §§ 243.166 et seq.	<a href="http://www.dps.state.mn.us/bca/">www.dps.state.mn.us/bca/</a>
Mississippi	Department of public safety	Department of Public Safety, Criminal Information Center, 601-933-2600	<b>B</b>	3	Miss. Code Ann. §§ 45-33-1 et seq.	<a href="http://www.sor.mdps.state.ms.us">www.sor.mdps.state.ms.us</a>
Missouri	Highway patrol	Missouri State Highway Patrol, 573-526-6397	—	10	Mo. Rev. Stat. §§ 589.414 et seq.	None
Montana	Chief of police, county sheriff, or probation office	Department of Justice, Division of Criminal Investigation, 406-444-9479	—	10	Mont. Code Ann. §§ 46-23-501 et seq.	<a href="http://www.svor.doj.state.mt.us">www.svor.doj.state.mt.us</a>



State	Registering Agent	State Authority	Juvenile Registration*	Registration Deadline (days)	State Statute	Online Information
Nebraska	County sheriff	Nebraska State Patrol, Sex Offender Registry, 402-471-8647	—	5	Neb. Rev. Stat. §§ 29-4001 et seq.	<a href="http://www.nsp.state.ne.us/sor/index.cfm">www.nsp.state.ne.us/sor/index.cfm</a>
Nevada	Local law enforcement	Department of Public Safety, Records and Identification Bureau, 775-687-1600, ext. 238	—	2	Nev. Rev. Stat. §§ 179D.010 et seq.	<a href="http://ag.state.nv.us/sex_offenders/adult_offend.pdf">ag.state.nv.us/sex_offenders/adult_offend.pdf</a>
New Hampshire	Department of Public Safety division of state police	New Hampshire State Police, Special Investigation Unit, Sex Offender Registry, 603-271-6344	<b>C</b>	30	N.H. Rev. Stat. Ann. §§ 651-B:1 et seq.	<a href="http://www.theunionleader.com/articles_show.html?article=8404">www.theunionleader.com/articles_show.html?article=8404</a> (private site)
New Jersey	Chief city law enforcement officer, local police, or superintendent of state police	Division of State Police, 609-882-2000, ext. 2318	—	70	N.J. Stat. Ann. §§ 2C:7 et seq.	<a href="http://www.njsp.org/info/reg_sexoffend.html">www.njsp.org/info/reg_sexoffend.html</a>
New Mexico	County sheriff	Department of Public Safety, 505-827-9191	18+	10	N.M. Stat Ann. §§ 29-11A-1 et seq.	<a href="http://www.nmsexoffender.dps.state.nm.us">www.nmsexoffender.dps.state.nm.us</a>
New York	Division of Criminal Justice Services	Division of Criminal Justice Services, Sex Offender Registry, 518-457-3175	—	10	N.Y. Correc. Law. §§ 168 et seq.	<a href="http://criminaljustice.state.ny.us/nsor/index.htm">http://criminaljustice.state.ny.us/nsor/index.htm</a>
North Carolina	County sheriff	State Bureau of Investigation, Division of Criminal Information, 919-662-4500, ext. 6248	—	15	N.C. Gen. Stat. §§ 14-208.5 et seq.	<a href="http://sbi.jus.state.nc.us/DOJHAHT/SOR/Default.htm">sbi.jus.state.nc.us/DOJHAHT/SOR/Default.htm</a>
North Dakota	Attorney general	Bureau of Criminal Investigation, 701-328-5500	—	<b>NS</b>	N.D. Cent. Code §§ 12.1-32.15 et seq.	<a href="http://www.ndsexoffender.com/">www.ndsexoffender.com/</a>
Ohio	County sheriff	Bureau of Criminal Investigation and Identification, 740-845-2223	—	7	Ohio Revised Code Ann. §§ 2950.01 et seq.	<a href="http://www.ag.state.oh.us/bci/bciisum.htm">www.ag.state.oh.us/bci/bciisum.htm</a> (see section titled "SORN")
Oklahoma	Department of Corrections and chief of police or county sheriff	Oklahoma Department of Corrections, 405-228-2065	—	7	Okla. Stat. tit. 57, §§ 581 et seq.	By county
Oregon	Department of State Police and city police or county sheriff	Oregon State Police, 503-378-3720, ext. 4425	—	30	Or. Rev. Stat. §§ 181.594 et seq.	By county
Pennsylvania	Pennsylvania State Police and city police department or county sheriff	Pennsylvania State Police, 717-783-4363	—	1	42 Pa. Cons. Stat. §§ 9791 et seq.	<a href="http://www.psp.state.pa.us/psp/cwp/browse.asp?A=15&amp;BMDRN=2000&amp;BCOB=0&amp;C=33315">www.psp.state.pa.us/psp/cwp/browse.asp?A=15&amp;BMDRN=2000&amp;BCOB=0&amp;C=33315</a>
Rhode Island	Attorney general	Department of the Attorney General, 401-274-4400, ext. 2288	—	1	R.I. Gen. Laws §§ 11-37.1 et seq.	None
South Carolina	County sheriff	South Carolina Law Enforcement Department, 803-896-7164	—	60	S.C. Code Ann. §§ 23-3-400 et seq.	<a href="http://www.sled.state.sc.us/SLED/default.asp?Category=SCSO&amp;Service=SCSO_01">www.sled.state.sc.us/SLED/default.asp?Category=SCSO&amp;Service=SCSO_01</a>
South Dakota	Chief of police or county sheriff	South Dakota Office of the Attorney General, Division of Criminal Investigation, 605-773-3331	15+	10	S.D. Codified Laws §§ 22-22-31 et seq.	<a href="http://www.sddci.com/administration/id/sexoffender/about.htm">www.sddci.com/administration/id/sexoffender/about.htm</a>
Tennessee	Tennessee Bureau of Investigation	Tennessee Bureau of Investigation, 615-744-4320	—	10	Tenn. Code Ann. §§ 40-39-101 et seq.	<a href="http://www.ticic.state.tn.us/SEX_ofndr/search_short.asp">www.ticic.state.tn.us/SEX_ofndr/search_short.asp</a>
Texas	Local law enforcement agency and Department of Public Safety	Texas Department of Public Safety, AFIS/DJIS Bureau, Sex Offender Registration, 512-424-2279	—	1	Tex. Code Crim. P. art. 62.01 et seq.	<a href="http://records.txdps.state.tx.us/soSearch/default.cfm">records.txdps.state.tx.us/soSearch/default.cfm</a>

State	Registering Agent	State Authority	Juvenile Registration*	Registration Deadline (days)	State Statute	Online Information
Utah	Department of Corrections	Department of Corrections, 801-545-5904	—	1	Utah Code Ann. § 77-27-21.5	www.udc.state.ut.us/asp-bin/sexoffendersearchform.asp
Vermont	Department of Public Safety	Vermont Crime Information Center, 802-241-5400	<b>D</b> —	10	Vt. Stat. Ann. tit. 13, §§ 5401 et seq.	www.dps.state.vt.us/cjs/s_registry.htm
Virginia	Local law enforcement	Virginia Department of State Police, 804-323-2001	—	10	Va. Code Ann. §§ 19.2-298.1 et seq.	sex-offender.vsp.state.va.us/cool-ICE/
Washington	County sheriff	Washington State Patrol, Identification and Criminal History Section, 360-705-5105	—	1	Wash. Rev. Code § 9A.44.130	By county
West Virginia	State police	West Virginia State Police, 304-746-2133	—	1	W. Va. Code §§ 15-12-1 et seq.	www.wvstatepolice.com/sexoff/websearchform.cfm
Wisconsin	Department of Justice	Wisconsin Department of Corrections, 608-240-5822	—	10	Wis. Stat. §§ 301.45	www.widocoffenders.org
Wyoming	Division of Criminal Investigation	Wyoming Division of Criminal Investigation, 307-777-7181	—	40	Wyo. Stat. Ann. §§ 7-19-301 et seq.	attorneygeneral.state.wy.us/dci/so/so_registration.html
Guam	Guam Judicial Center	Superior Court of Guam, 671-475-3270	<b>NI</b>	<b>NI</b>	<b>NI</b>	None
Northern Mariana Islands	Department of Public Safety	Department of Public Safety, Office of Special Programs, 670-664-9120	<b>NI</b>	<b>NI</b>	<b>NI</b>	None
Puerto Rico	Criminal Justice Information Systems	Criminal Justice Information Systems, 787-729-2121	<b>NI</b>	<b>NI</b>	<b>NI</b>	None
U.S. Virgin Islands	Department of Justice	Virgin Islands Department of Justice, 340-774-5666	<b>NI</b>	<b>NI</b>	<b>NI</b>	None

## Legend

**A** If tried as an adult.

**B** Must be adjudicated twice before registration is required.

**C** No juvenile registration, but juvenile offender is required to submit a DNA sample.

**D** Except conduct that is criminal only because of the age of the victim, if the perpetrator is under 18.

**NS** State law does not specify a timeframe.

**NI** No information is available.