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# 2019 NATIONAL SYMPOSIUM

on Sex Offender Management and Accountability

# Assessing and Managing the Risk Posed by Persons Under Supervision Convicted of Possession of Child Exploitation Materials

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“In 2018, the CyberTipline received more than 18.4 million reports, most of which related to: Apparent child sexual abuse images, online enticement, including ‘sextortion,’ child sex trafficking, child sexual molestation.”

— National Center for Missing & Exploited Children



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This session will look at the following areas regarding persons under supervision convicted of possession of child exploitation materials:

- Typologies
- Characteristics
- Risk factors
- Risk assessment
- Supervision techniques



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# Prevalence According to the U.S. Sentencing Commission, Federal Sentencing Statistics, Data Reports

## Sexual Abuse

- 428 Sexual Abuse Presentence Reports submitted in FY 2012 (0.5% of the total reports – 84,173)
- 1,067 in FY 2018 (1.5% of the total reports – 68,664).

## Child Pornography

- 2014 Child Pornography Presentence Reports submitted in FY 2012 (2.4% of the total reports – 84,173)
- 1,416 in FY 2018 (2.0% of the total reports – 68,664).



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# Typologies

- Access child pornography out of curiosity or impulse, without specific sexual interest in children.
- Access child pornography to satisfy sexual fantasies, but do not commit contact sex offenses.
- Create and distribute child pornography solely for financial gain.
- Use the internet to facilitate contact sex offenses.

Source: (Krone, 2004; Lanning, 2001)



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# Characteristics: Compared to General Population

- Young
- Caucasian
- Unemployed
- Substance use
- Higher report of physical and sexual abuse
- Never married



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# Characteristics: Compared to Sexual Abusers

- Young
- Caucasian
- Higher victim empathy
- Higher sexual deviance
- Reported less socially desirable responses
- Lower cognitive distortions
- Lower emotional identification with children

Source: (Babchishin, Hanson and Hermann, 2011)



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# Do Persons With Online Offenses Commit Sexual Abuse?

- 1 in 8 online offenders (12%) have an officially known contact sexual offense history at the time of their index offense.
- Approximately 1 in 2 (55%) online offenders admitted to a contact sexual offense in the six studies that had self-report data.
- 4.6% of online offenders committed a new sexual offense of some kind during a 1.5- to 6-year follow-up:
  - 2.0% committed a contact sexual offense
  - 3.4% committed a new child pornography offense

Source: (Seto, Hanson and Babchishin, 2011)



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## Percent of federal sex offenders with official record of contact sexual behavior

Instant sex offense at conviction	Number	Percent of offenders with —		
		Any official contact behavior	Static-99	Prior arrest for sex assault or exploitation
All sex offenders	7,416	49.5%	43.6%	25.0%
Child pornography	4,462	23.6%	18.6%	12.0%
Other-not classifiable <sup>a</sup>	250	54.4%	45.6%	28.4%
Sexual assault	1,030	90.6%	86.0%	28.9%
SORNA <sup>b</sup>	874	94.6%	82.0%	75.1%
Transportation for illegal sexual activity	800	90.9%	85.9%	36.0%

Note: Includes federal offenders placed on supervised release between fiscal years 2007 through 2013.

Source: Cohen and Spidell, 2016



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# Known Recidivism Rates

Three-year recidivism rates for federal sex offenders while under supervision, by instant conviction offense

Instant offense at conviction	Number	Recidivism outcomes				
		Any arrest	Major arrest <sup>a</sup>	Non-sexual violent arrest	Any sex arrest	Probation revocation
<b>All offenders</b>						
Non-sex offender	89,615	31.4%	23.0%	7.9%	0.5%	22.6%
Sex offender	3,909	17.5%	7.8%	1.8%	2.8%	19.2%
<b>Conviction sex offense</b>						
All child pornography	2,287	13.0%	4.9%	0.5%	2.6%	11.6%
No record of contact behavior	1,722	12.5%	4.3%	0.4%	2.2%	9.5%
Official record of contact behavior	565	14.7%	6.9%	0.7%	4.1%	18.2%
Sexual assault	605	23.1%	9.9%	3.6%	2.2%	38.5%
SORNA	299	41.8%	26.1%	8.0%	7.7%	47.2%
Transportation for illegal sexual activity	550	17.3%	7.8%	1.6%	2.4%	14.4%

Note: Sub-sample used for 3-year arrest rates is restricted to actively supervised TSR cases for which the offender was sentenced to at least 3 years of supervision.

Source: Cohen and Spidell, 2016



# USSC: Report to Congress on Child Pornography Offenses

- The sexual recidivism rate for all offenders was 7.4% (45 of the 610 cases).
- Of those 45 offenders —
  - 22 offenders (or 3.6% of all 610 cases) were arrested for or convicted of sexual “contact” offenses (e.g., rape or sexual assault of a child or adult);
  - 14 offenders (2.3% of the 610 cases) were arrested for or convicted of a subsequent child pornography offense; and
  - the remaining nine offenders (1.5% of the 610 offenders) were arrested for or convicted of a noncontact sex offense involving obscenity or commercial sex.



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# Risk Factors

- Static
- Dynamic
  - Stable
  - Acute



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# Static

- Prior sex offenses
- Prior non-sex offenses
- Prior noncontact sex offenses
- Prior treatment dropouts
- Any stranger victims
- Any boy victims
- Any unrelated victims
- Early age of onset
- Young age of the offender
- Minimal cohabitation history
- Childhood behavior problems
- Separation from parents as a child
- Antisocial personality disorder
- Prior violation of conditional release



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# Static Risk Assessments

- Minnesota Sex Offender Screening Tool-Revised (MnSOST-R)
- Rapid Risk Assessment for Sexual Offense Recidivism (RRASOR)
- Sex Offender Risk Appraisal Guide (SORAG)
- Static-99R
- Static 2002/R
- Vermont Assessment of Sex Offender Risk (VASOR)



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# Dynamic: Stable

- Deviant sexual arousal, preferences, or interests
- Pro-rape or pro-child-molester attitudes
- Sexually entitled attitudes
- Emotional loneliness
- Lifestyle impulsivity
- Ineffective problem solving
- Aggressive, hostile and suspicious attitude (or behavior)
- Antisocial attitudes, activities and peers
- Intimacy deficits and conflicts in intimate relationships
- Attitudes supportive of offending behavior



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# Dynamic Risk Assessments (examples)

- Stable 2007
- Sex Offender Treatment Intervention and Progress Scale (SOTIPS)
- Structured Risk Assessment (SRA)



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# Dynamic: Acute

- Victim access
- Substance abuse
- Emotional collapse
- Sexual preoccupations
- Hostility
- Collapsed social supports
- Lack of cooperation with supervision



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# Actuarial Risk Assessments With Internet Child Pornography Offenders

- Risk Matrix 2000 (Thornton et al., 2003)
- Static 99 (Hanson & Thornton, 2000)
  
- Base rates are low



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# Child Pornography Online Risk Tool (CPORT)

- Offender age at time of the index investigation
- Any prior criminal history
- Any contact sexual offending
- Any failure on conditional release
- Admission or diagnosis of sexual interest in children
- More boy than girl child pornography content
- More boy than girl other child-related content

Source: (Seto and Eke, 2015)



# The CASIC – As Part of the CPORT

- Never married
- Child pornography content – videos
- Child Pornography content – stories involving children under 18
- Interest in child pornography 2 or more years
- Volunteered in high access to children
- Engaged in online communication with a minor



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# Child Pornography Online Risk Tool (CPORT)

- 286 offenders, over a third (39%) had any new offense during the follow-up:
  - 4% committing a subsequent contact sex offense against a child
  - 12% a new child pornography offense
  - 16% any new sexual offense (contact or noncontact)
- Overall, 8% committed a violent reoffense, which included contact sexual offenses.

Source: (Seto and Eke, 2015)



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# Child Pornography Online Risk Tool (CPORT)

- 2019 study
- 80 men convicted of child pornography offense – 5-year follow-up
- 15% any new sexual offense
- 9% child pornography offense



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# Overall Risk Assessment

- General Risk
- Static
- Stable
- Acute



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The physical and psychological harm caused by sex offenses is particularly traumatic, and probation and pretrial services officers should give priority to minimizing the impact on victims and to preventing new sex crimes from occurring. Not all persons charged with or convicted of sex offenses are alike. Rather, they present a spectrum of criminogenic risk and therapeutic need. Officers' investigation and supervision techniques should vary accordingly.



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# Supervision Techniques

- General supervision practices
- Specialized sex offense specific practices



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# General Supervision Practices

- Substance abuse treatment
- Mental health treatment
- Employment restrictions
- Educational or vocational services



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# Specialized Sex Offense Specific Practices

- Search and seizure
- Restrictions on viewing sexually explicit material
- Location monitoring
- Sex offense specific assessment and treatment
- Physiological testing
- Polygraph testing
- Computer and internet monitoring



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# Search and Seizure

This condition allows the probation officer to promote public safety through effective oversight of higher-risk defendants and by assisting with rehabilitation efforts. The condition may also deter criminal conduct and permit a probation officer to intervene quickly when reasonable suspicion exists that a defendant has engaged in criminal conduct or otherwise violated a condition of supervision.



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# Restrictions on Viewing Sexually Explicit Material

Social science research suggests that viewing adult pornography may increase the probability of recidivism depending on the characteristics and offense history in individual cases. In some cases, such as when defendants test high on measures of sexual aggression but have no sexual interest in minors, viewing adult pornography may not be a risk factor that needs to be addressed. In other cases, such as when a defendant tests high for sexual interest in minors, viewing adult pornography is correlated with an increased probability of recidivism.



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# Location Monitoring

The purposes of location monitoring technology include verifying approved defendant locations at home or in the community; providing information about the defendant's movement in the community; managing or mitigating risks, including detecting behavioral patterns based on travel and location and addressing the risk a defendant may present to a specific person; and enforcing and monitoring other court-ordered conditions of supervision.



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# Sex Offense Specific Assessment and Treatment

The purposes of **sex offense-specific assessments** are to —

- assess a defendant's risk for reoffending and current amenability for treatment
- guide and direct specific recommendations for the defendant's conditions of treatment and supervision
- provide information that will help to identify the optimal setting, intensity of intervention and level of supervision; and
- assess the potential dangerousness of the defendant.



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# Sex Offense Specific Assessment and Treatment

The purposes of **sex offense-specific treatment** are to —

- help those who have committed sex offenses accept responsibility for sexually deviant thoughts and behavior;
- develop an increased level of recognition and focus on details of actual sexual behavior;
- and recognize the arousal patterns, fantasies, planning and rationalizations of their sexually deviant thoughts and behavior.



# Physiological Testing

Physiological testing including plethysmograph testing and visual reaction testing may be beneficial as an adjunct to sex offense-specific treatment and may allow the probation officer and the treatment provider to ascertain the arousal pattern of the defendant and to assess defendant progress in treatment.



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# Polygraph Testing

The polygraph examination is used to provide historical information about the defendant's past behaviors, which is used for assessing risks and targeting treatment interventions, and to increase disclosure of activities, which may serve as a deterrent to reoffending behavior during the supervision period.



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# Computer and Internet Monitoring

- This condition enables the probation officer to allow the defendant access to computers and internet-connected devices for a variety of reasons while monitoring and potentially deterring future violations of supervision.
- In the case of an identified victim, a monitoring condition allows the probation officer to monitor the defendant's internet access and be alerted to any attempts to locate the victim on the internet or attempts to contact the victim through the internet.



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“Our experience indicates that the number of images being collected and traded by offenders worldwide continues to expand exponentially, and these images include graphic and violent abuse and feature young children, including infants. Despite criminal and civil efforts to stem its tide, child sexual abuse material remains a pervasive and growing problem.”

Linda Krieg, NCMEC Acting CEO  
Letter to the Global Research Project



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A blue-tinted photograph of a city skyline, likely New York City, featuring several prominent skyscrapers and a large, curved, metallic structure in the foreground. The word "Questions?" is overlaid in white text in the center of the image.

Questions?

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**Thank you.**



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