

## **An Assessment On The Impact Of The Current Economic Crisis And Its Effect On The Protection Of Our Children From Sexual Predators: A Case Study Of The State Of Nevada<sup>1</sup>**

Robert Kenneth Aberle, Professor of Criminal Justice, College of Southern Nevada

The current economic crisis has reached global proportions. There has been much discussion and debate concerning the impact on banking, housing, and employment, together with a host of other issues. What has gone unexamined is the effect this crisis is having on the protection and safety of our children, in particular, from sexual predators. This paper will examine the economic crisis and its impact on the ability of government to properly manage and supervise the tens of thousands of known sexual predators who live within our communities. The State of Nevada has over 13,000 known sex offenders within its borders. The focus of this assessment will be to analyze the ability of the state to continue effective supervision and monitoring of these offenders in light of the hiring freezes, departmental cutbacks, prison closings, and training limitations which have been placed on the Department of Corrections and the Division of Parole and Probation.

The economic crisis, while global in its magnitude, has been particularly impactful on individual states. According to Nevada Governor Jim Gibbons, there will be a \$2.3 billion budget shortfall for the next biennium<sup>2</sup>. This equates to a 36% cut in expenditures for state agencies over the next two years (July 1, 2009 to June 30, 2011). Public Safety, which includes both the Nevada Division of Parole and Probation and the Nevada Department of Corrections, is projected to lose 11%, over \$100 million, in funding over the next biennium.

The aforementioned figures do not reflect the cuts which have already been implemented over the past year. The State of Nevada has already cut over 14% from the budgets of state agencies. There is currently a hiring freeze in Nevada for all but essential positions. This has resulted in 62 vacant officer positions statewide within the Nevada Division of Parole and Probation<sup>3</sup>. The cuts have necessitated many changes in the policies and procedures that the Division uses to regulate how offenders are supervised. In turn, these regulations directly affect the degree to which our children are being protected from sexual predators.

### **The Scope Of The Problem**

Any attempt to analyze the extent of the sexual predator problem in the United States is severally restricted because there is only partial data available to study. It is known there are 664,731

---

<sup>1</sup> The views expressed in this paper are not necessarily those of the Nevada Department of Corrections or the Nevada Division of Parole and Probation. The author wishes to thank Lt. Tom Ely and the entire Sex Offender Unit of the Nevada Division of Parole and Probation Southern Command in Las Vegas and the Headquarters Office in Carson City for their assistance and support for this project.

<sup>2</sup> State of the State address delivered on January 15, 2009.

<sup>3</sup> The implications of this will be discussed in detail in a later section.

registered sex offenders in the United States (239 per 100,000 population)<sup>4</sup>. This figure only represents those offenders who are required to register and does not include those offenders who are incarcerated in state and federal prisons and jails that are first time (sexual) offenders and are not yet required to register. Additionally, there were approximately 153,800 sex offenders serving a sentence of more than one year in prisons throughout the United States at yearend 2004 (Sabol, Couture, & Harrison, 2007). These figures include offenders who have been convicted of all categories of sex offenses. It is difficult to separate the actual numbers of sex crimes against children due to plea bargaining, jurisdictional variances in the definitions of sex crimes, and reporting procedures.

The State of Nevada Sex Offender Registry currently tracks 13,450 sex offenders of which 6431 are active cases<sup>5</sup>. There are also 2,159 sex offenders serving one year or more in the Nevada Department of Corrections which represents approximately 16% of the prison population<sup>6</sup>. These offenders, like those counted nationally, are not categorized by sex offense making it difficult to get accurate numbers of child sexual predators even on the state level.

The issue which complicates this analysis more than any other is the significant under – reporting of sex crimes, particularly those involving the sexual abuse of children (APA, 1999). Studies indicate only about one-third of actual child victimizations are reported and ultimately become a component of the available statistical data (Zgoba, Witt, Dalessandro, & Veysey, 2008; Goldman & Padayachi, 2000; APA, 1999). This is important because only those sexual predators that have been previously identified may be managed and supervised in a proactive manner that effectively protects children from them.

### **The Role Of Parole & Probation**

The focus of this paper is to address the economic effect on the management of those sexual predators who have been convicted and identified in the State of Nevada. While other agencies have a definite role in the protection of children from sexual predators, the Nevada Department of Public Safety Division of Parole & Probation is the most visible and is directly tasked with this responsibility. The mission of NPP is officially stated as:

“The primary mission of the Department of Public Safety Division of Parole and Probation (Division) is to protect the community and to reduce crime. The Division is very unique in that it accomplishes its mission through two distinct strategies: (1) Traditional law enforcement, such as sanctioning offender noncompliance and misconduct, search and surveillance, and arrest; and (2) community correctional services, such as drug testing and counseling, mental health services, employment and educational placement, and encouraging and supporting the offender’s positive efforts to become a productive, law-

---

<sup>4</sup> An analysis prepared by the Special Analysis Unit of the National Center for Missing & Exploited Children (September 23, 2008).

<sup>5</sup> 193 Tier 1; 2223 Tier 2; 1926 Tier 1; 1712 Tier 0 (see Appendix A for Nevada’s definitions pertaining to each Tier Level).

<sup>6</sup> Data obtained from the Statistics and Planning Division of the Nevada Department of Corrections.

abiding citizen. The Division is also sensitive to and supportive of victim's rights. The Division has thirteen offices located throughout the state, with its Headquarters, Administration and Specialized Units in Carson City. The Division is divided into two regional areas – the Northern Command and Southern Command. Reno and Las Vegas, account for 80% of the workload. The rural offices, while accounting for only 20% of the workload, are responsible for coverage of 87,699 square miles, or 75% of the state's geography.<sup>7</sup>

Unlike states which have separated the functions of parole and probation into separate agencies<sup>8</sup>, Nevada has combined the two into one agency that is a division of the Nevada Department of Public Safety. The NPP officers are sworn law enforcement officers who have been given state-wide authority and carry firearms in the course of their duties. The division assesses offenders and assigns them to a general supervision caseload or one of several specialized caseloads<sup>9</sup> based upon their crime and/or their assessed risk and needs.

The Nevada Division of Parole & Probation supervises 18,984 adult offenders. There are 435 sworn NPP officers statewide<sup>10</sup> (this includes line officers, supervisors, and command staff) to supervise these offenders. The current manpower reflects a shortage of 62 officers. This shortage, due entirely to the economic conditions, has been steadily increasing over the past 12 months due to a statewide hiring freeze. The increasing shortage of officers puts a burden on effective supervision because officer caseload numbers are increasing making it difficult to effectively supervise offenders and meet departmental guidelines for contacts and supervision objectives. The American Probation and Parole Association (APPA) has historically struggled with the question of ideal caseload size (APPA, 1991), however, they have (although apparently very reluctantly) recently established caseload standards based upon case type (APPA, 2006). Table 1 shows the APPA recommendations for caseload ratios based upon risk assessment criteria established by local jurisdictions.

---

<sup>7</sup> This overview is taken from the official website of the Division of Parole & Probation:  
<http://dps.nv.gov/npp/index.shtml>

<sup>8</sup> Many states place probation under county jurisdiction and parole under state jurisdiction.

<sup>9</sup> The specialized caseloads include: House Arrest, Intensive Supervision, Gang, Spanish, Drug Court, and Sex Offender.

<sup>10</sup> As of February 1, 2009

**Table 1. Standard Caseloads as Recommended by the American Probation and Parole Association Based Upon Risk Assessment**

Case Type	Cases to Staff Ratio
Intensive	20:1
Moderate to High Risk	50:1
Low Risk	200:1
Administrative	No Limit? 1,000?

The NPP policy for general supervision calls for caseloads of 75:1 which falls within the recommended guidelines of the APPA because a general caseload is made up of a combination of low, medium, and high risk offenders. The officer shortage has caused these caseloads to increase to an average of almost 100:1 at the present time<sup>11</sup>. This increase in general supervision ratios has resulted in a reassessment (and consequently a lowering) of supervision contact guidelines. The reduced levels of supervision requirements for general caseloads are not the focus of this paper other than to point out that economics has significantly affected the ability of NPP to supervise offenders and provide an effective level of safety to the community.

**Sex Offender Unit**

The Nevada Division of Parole & Probation established their first dedicated sex offender units in 1997<sup>12</sup>. These units were organized in order to place all known offenders who were on probation and parole for sex offenses into one unit, however, at its inception, the units did not function any differently from the other regular supervision units within the NPP. There were no additional contact requirements imposed on the offenders placed in the unit and the officers who were initially assigned to these units were not specifically trained in sexual abuse or sex offender management. Furthermore, the caseload ratio for the sex offender unit in District IV (the largest district) was 95:1 and there were only 5 officers (and 1 supervisor) assigned to the unit.

Commencing in 1999, the NPP formed a statewide committee to establish policies and procedures for the sex offender units. The committee followed the guidelines established by the American Probation and Parole Association (English, Pullen, & Jones, 1996) and modified them to conform to the specific needs of Nevada. Although many of the policies and procedures were implemented at the beginning of 2000, the final draft of the Nevada Division of Parole and

<sup>11</sup> Based upon interviews with NPP supervisors in December 2008 and January 2009 conducted at the Division of Parole & Probation. It should also be noted that some (non-administrative) caseloads are in excess of 125:1.

<sup>12</sup> These units were established in the two largest districts (Reno; District 2 and Las Vegas; District 4). In 1999, NPP was divided into four statewide districts: District 1 (Carson City and surrounding area), District 2 (Reno and surrounding area), District 3 (Rural Nevada), and District 4 (which included Las Vegas and Clark County). NPP has since reorganized into two Commands. The Southern Command includes Las Vegas and Clark County and the Northern Command includes the remainder of the State.

Probation Sex Offender Manual was not completed until May, 2000<sup>13</sup>. The manual set forth the policies and procedures for the enhanced supervision of sex offenders. The policies included:

- Defining which offenders were to be assigned to the units.
- Officer caseload ratios (45:1).
- Assessment and reassessment protocol.
- Determining sex offender typology.
- Intake procedures.
- Minimum monthly contact guidelines.
- Home contact procedures.
- Travel restrictions.
- Polygraph guidelines.
- Surveillance requirements.
- Sex offender tracking investigations.
- Family reunification procedures.

In addition to the enhanced contact guidelines, all officers assigned to the unit received over 40 hours of sexual abuse and sex offender management training which began in 1999 and continued until 2001. The unit became fully functional under the new guidelines in June, 2000. One of the immediate effects of this implementation was the adding of additional officers who allowed for a drastic reduction of caseload ratios from a high of 95:1 (October 1999) to 45:1.

### **The Current Study**

The current study examines the impact of the economic crisis and its effect on the protection of our children from sexual predators. The study focuses primarily on the Nevada Division of Parole and Probation since it is the agency tasked with the responsibility of supervising and monitoring the known sex offenders in the state. The only known statistical analysis conducted on the sex offender unit for NPP was completed in 2001<sup>14</sup>. Since that report only included data for the sex offender unit in District IV, in order to make valid comparisons, this paper confines itself to the same geographical area<sup>15</sup>. The study looks at this problem in three ways. First, reduced budgets have had a direct impact on the ability of NPP (and other involved agencies) to supervise the sex offenders who fall under their jurisdiction. The changes that have occurred will be detailed. Second, a comparative analysis was conducted examining the revocation rates for the sex offender units in the years 1999, 2000, and 2008. These years are appropriate for evaluation for several reasons including the important fact that there is sufficient data collected to do an analysis. In 1999, the sex offender units operated in name only. As previously mentioned,

---

<sup>13</sup> The author of this paper was on the committee serving as the Operations Supervisor of the Sex Offender Unit in District IV and authored the final draft of the manual.

<sup>14</sup> This was an unpublished report conducted by this author in May, 2001.

<sup>15</sup> In 2001, NPP District IV consisted of Clark County, Nevada. The Division has since been restructured into two Commands. The Southern Command, which is the focus of this study for comparative purposes, consists of the same geographical area (Clark County, Nevada). The remainder of the State of Nevada is now the Northern Command.

the officers had received no special sexual abuse training and there were no enhanced contact requirements. The first year that the sex offender units were implemented under the new training and contact guidelines was in 2000. The year 2008 was selected because this was the year the budget cuts were initiated which changed the way the units supervised the sex offenders assigned to them. Revocation rates were chosen as the unit of analysis for measuring recidivism among the selected offender population<sup>16</sup>. The concerns related to using revocation rates when analyzing recidivism will be discussed later. Third, the NPP data which has been collected (offender characteristics and revocation rates) will be compared with a review of the current sex offender recidivism studies. This data is interpolated to estimate the impact the economic downturn has had on the ability of NPP to effectively supervise sex offenders and protect (Nevada) society in general, and our children specifically, from sexual predators.

**The Economic Impact On The Sex Offender Unit**

The State of Nevada currently supervises 1,192 sex offenders<sup>17</sup> who are classified into four Tier Levels<sup>18</sup>. Table 2 shows the tier level distribution of the sex offenders being supervised in the State of Nevada.

**Table 2. Tier Level Distribution of Nevada Sex Offenders**

<b>TIER LEVEL</b>	<b># OF OFFENDERS</b>
Tier 0	120
Tier I	394
Tier II	585
Tier III	45
Other <sup>19</sup>	48

The Southern Command Sex Offender Unit is comprised of 16 supervising officers, three sergeants, and one lieutenant who supervise 697 (58%) of these offenders. Broken down by category, the unit supervises: 505 offenders who had child victims, 82 offenders who had adult victims, 59 statutory sexual assault offenders, and 51 offenders who have been convicted of other sexual offenses (including open and gross lewdness, public indecency, and other sexual offenses not included in the other categories)<sup>20</sup>.

<sup>16</sup> The population is all sex offenders currently being supervised by the sex offender unit of the Southern Command of NPP.

<sup>17</sup> These include offenders on probation, parole, and lifetime supervision. Lifetime supervision is a provision given to offenders who are convicted of many of the more serious sex crimes including Lewdness with a Minor under 14 and sexual assault.

<sup>18</sup> See Appendix A

<sup>19</sup> Other includes those offenders who have not yet been classified and those for which no classification data was available.

<sup>20</sup> This information was obtained by extensive interviews with each of the officers assigned to the Southern Command Sex Offender Unit by this author and two student research assistants over a two month period of time.

The reduced funding to NPP has had a dramatic effect on the sex offender units' ability to effectively supervise the convicted sex offenders in its charge. The study looks at five specific areas that have been affected by the current economic conditions:

1. Mileage restrictions on state vehicles.
2. Reduced contact requirements.
3. Limited swing shift work.
4. Lack of funding for training.
5. Lack of funding to continue the GPS monitoring program.

One of the primary and effective ways that officers are able to monitor the offenders on their caseloads is to make random, unannounced visits to their homes and places of employment. In order to accomplish this mission, officers are issued state vehicles they are allowed to take home with them. Taking home these vehicles is justified primarily because officers are subject to call-outs at any time. In the past, the officers were allowed more than sufficient mileage to carry out their assigned duties. In 2008, mileage restrictions were placed on the state vehicles and officers were restricted to 700 miles per month<sup>21</sup>. The economic basis of the new restrictions was first and foremost due to the increased fuel costs. Officers are required to make home visits on offenders on a regular basis, the frequency of which is dictated by the assessed risk of the individual offender. The purpose of making random home visits is to enable the officer to look for signs that the offender may be engaging in prohibited behavior (English, Pullen, & Jones, 1996). In order to conserve miles, officers have been forced to make appointments with offenders in order to conduct their home visits and meet the contact guideline requirements imposed by the agency. There is not much to be accomplished, and it defeats the purpose of a home visit, by notifying the offender in advance that his officer is coming. With this advance notice, even an offender who is actively participating in prohibited behavior has more than ample opportunity to remove or hide any evidence.

In part because of the mileage restrictions, officers have not been able to meet the minimum contact requirements which were set forth in the Nevada Division of Parole and Probation Sex Offender Manual that was adopted in 2000. The original manual required officers have a minimum of two in-person contacts (one of which had to be a home contact) with all offenders assigned to the sex offender unit. The two contact minimum was for those offenders who were assessed at the lowest risk level. The monthly contact requirements were higher for those assessed at higher levels<sup>22</sup>. Primarily due to mileage constraints, officers were having a difficult time meeting these contact guidelines. The contact requirements have since been changed to reflect a work standard that is more compatible with the recent financial restraints. Officers are

---

<sup>21</sup> Clark County is the 15<sup>th</sup> largest county in the United States (7,910 square miles) with a population of two million (70% of the Nevada's population). The 700 miles included commuting to and from work, travel to court, assisted other officers, and any other travel required by the agency.

<sup>22</sup> Officers were required to make home visits on some offenders as often as 1X per week in addition to other collateral contacts (employment, counseling, etc.). It should also be noted that some offenders are assigned to house arrest (as are some are today) where they are confined to their residence except for authorized absences (i.e. employment and counseling).

now only required to make home visits on lower risk sex offenders once every 3 months instead of monthly. Additional contact reductions have also taken place on each of the other risk levels.

Under the original policy and procedure guidelines, sex offender officers were required to work a minimum of one swing shift<sup>23</sup> per week and one weekend day (or evening) per month. These shifts allow officers to make home visits when most offenders who are employed are at home. It also enables officers to visit and attend group counseling sessions that their offenders are required to attend. When officers work a swing shift, they are paid a shift differential fee. Because of the budget reductions, the agency no longer pays this differential and therefore cannot require the officers to work these shifts<sup>24</sup>. The inability of officers to work these shifts means some offenders are not seen in their homes on any kind of regular basis without an appointment.

Training is the most critical component to a successful sex offender unit. Sex offenders are a unique population to manage, and officers face two significant challenges: large caseloads and lack of training regarding sex offenders (Terry, 2006, p. 171). The Center for Sex Offender Management states that regular probation practices are insufficient when managing sex offenders (CSOM, 2000, January). Sex offender officers need to be extensively trained to understand those factors and behaviors which might indicate an offender is participating in deviant activity (Terry, 2006, p. 173). The officers also must understand and be able to recognize the cycle of sexual abuse and the common triggering factors, such as loneliness, stress, anger, inadequacy, boredom, resentment, and depression (Valarie, 1997; McKibben, Proulx, & Lusigan, 1994; Pithers, Beal, Armstrong, & Petty, 1989) that can lead to reoffending. It is also essential officers gain knowledge of sex offender typologies so they can better understand the motivations and behavioral patterns of the offenders under their supervision. The training budget of NPP has been curtailed to the point that as of December, 2008, only two of the sixteen supervising officers in the sex offender unit have received any sexual abuse training at all<sup>25</sup>.

One of the most effective ways of supervising sex offenders who are on probation and parole is through the use of Global Positioning Satellite (GPS) monitoring systems. The International Association of Chiefs of Police states “When offenders are released into the community, the criminal justice system has less control over their actions than during incarceration. GPS monitoring tightly structures an offender’s life and increases accountability by providing information on an offender’s whereabouts at all times.” (IACP, 2008). In 2007, NPP applied for and was awarded a federal grant to put 20 of the highest risk sex offenders on GPS monitoring. The program ran from October, 2007 until September, 2008. The program was implemented in the Southern Command and supervised by one officer who was assigned to the sex offender unit. The officer’s caseload was limited to the 20 offenders who were placed on

---

<sup>23</sup> A swing shift is an evening shift that ended at 10:00 pm.

<sup>24</sup> Those officers that do work swing shifts must complete their assignments by 9:00 pm so the differential rate does not apply.

<sup>25</sup> It should be noted that the entire sex offender unit in the Southern Command received 8 hours of sexual abuse and sex offender management training in January, 2009 that was sponsored by the College of Southern Nevada.

the program<sup>26</sup>. The reduced caseload was necessary because of the constant monitoring that is required while supervising a person on this type of program. The officer was given a laptop computer that all of the offenders monitoring equipment are linked to. The officer is able to pinpoint the actual location of any offender at any time. The officer was also able to program, geographically, areas and specific locations within the jurisdiction that the offender is not authorized to enter (i.e. victim's homes, schools, areas frequented by children, etc.). If the offender enters one of these areas, an alarm is activated and the officer is contacted by cell phone and can immediately get in contact with the offender or physically respond to the location. It is important to point out that there was not a single (known) technical violation or new crime committed by any of the offenders who were monitored while on the program<sup>27</sup>. The program was hailed as a success<sup>28</sup>, however, because of the costs involved, it was discontinued when the grant money ran out<sup>29</sup>.

One additional economic issue needs to be mentioned at this point. The Adam Walsh Child Protection and Safety Act of 2006 could have a significant monetary impact on NPP and other agencies. Title I of the Adam Walsh Act is known as the Sex Offender Registration and Notification Act (SORNA) and mandates that all states comply with its provisions no later than July 27, 2009. SORNA changes the way that jurisdictions will be required to assess sex offenders and classify them within the Tier Level system (McPherson, 2007; U.S. Department of Justice, 2008). The actual cost to implement this program has not yet been determined; however, a study conducted by the State of New Jersey found that the yearly expenditures for complying with the original provisions of SORNA are almost \$4 million (Zgoba K. , Witt, Dalessandro, & Veysey, 2008). The costs to comply with the new SORNA regulations are expected to be considerably higher.

### **Comparative Analysis Of Revocation Rates**

There has been much controversy over what is the best way to measure recidivism rates, particularly when dealing with sex offenders. The Center for Sex Offender Management identifies three valid measures of recidivism: subsequent arrests, subsequent convictions, and subsequent incarceration (CSOM, May, 2001). These same criteria have been identified in numerous other studies (Langan, Schmitt, & Durose, November, 2003; Langevin, et al., October, 2004; Hanson & Bussiere, 1998; Mears, Wang, Hay, & Bales, May, 2008). While there is much

---

<sup>26</sup> The offenders selected for the program were all assessed as Tier III and high risk Tier II offenders.

<sup>27</sup> Two of the offenders on the program told their supervising officer that the only reason they did not re-offend was because they knew that they were being "watched" at all times. Within one month after the program ended, two of the participants violated the conditions of their supervision and were brought up on revocation proceedings and one of those was revoked and sent to prison.

<sup>28</sup> This assessment is based upon interviews with the officer (and his supervisor) that monitored the program.

<sup>29</sup> The monitoring service charges \$11.00 per day per unit. The units themselves cost \$1,200 each which includes both the ankle bracelet and the GPS unit itself. It is also important to note that one officer can only effectively monitor 20 offenders at one time. If all sex offenders in the Southern Command were placed on GPS monitoring, it would require doubling the number of officers from 16 to 32 which would be a prohibitive cost considering the current economic situation.

argument, the literature and research does not point toward one measurement being more valid than another.

The current study uses revocation<sup>30</sup> rates as the basis for recidivism but is taking a non-traditional view of the subsequent results. The conventional approach to the analysis of recidivism data would look at a decline in revocations over a period of time as being a positive indicator of improvement. This study takes an opposite view given the negative variables that have influenced the results. These negative variables include all of the economic sanctions which have reduced the ability of NPP to effectively supervise and monitor the sex offenders under their control (as detailed in the prior section).

The comparative analysis in this study looks at the revocation rates for the Southern Command<sup>31</sup> in the years 1999, 2000, and 2008<sup>32</sup>. In 1999, the sex offender unit consisted of five supervising officers and one supervisor. In December 1999, the unit supervised 425 sex offenders which resulted in an average caseload ratio of 85:1. In 2000, the unit had ten supervising officers and one supervisor. In December 2000, the unit supervised 464 sex offenders with an average caseload ratio of 46:1. In 2008, the unit had 16 supervising officers, three sergeants, and one lieutenant. In December 2008, the unit supervised 697 sex offenders with an average caseload ratio of 44:1. Table 3 shows the numbers of offenders and the caseload ratios for the three years under study.

**Table 3. Comparison of the Number of Supervised Sex Offenders and Officer Caseload Ratios for the Selected Years Being Studied**

<b>YEAR</b>	<b># of Sex Offenders</b>	<b>Caseload Ratio</b>
1999	425	85:1
2000	464	46:1
2008	697	44:1

The actual number of revocations for the three years under analysis is reflected in Table 4 and the percentage of revocations in relation to total caseload is shown in Table 5.

<sup>30</sup> Revocation, for purposes of this study, includes arrests for both technical violations of the terms and conditions of the probation/parole agreement where the offender was found guilty of the offense at a revocation hearing (court or parole board) and put in jail or prison.

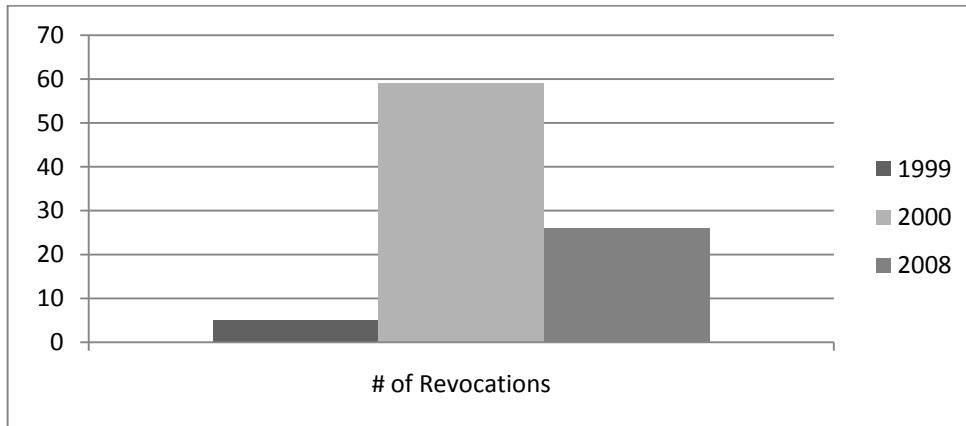
<sup>31</sup> The Southern Command was formally District IV in 1999 and 2000.

<sup>32</sup> 1999 – no training and no enhanced contact requirements

2000 – first year of full implementation of enhanced contact requirements and all officers were trained

2008 – first year of budget restrictions. Also only two of the supervising officers had been trained.

**Table 4. Actual Number of Revocations for the Years 1999, 2000, and 2008**



**Table 5. Percentage of Revocations in Relation to Total Caseload**

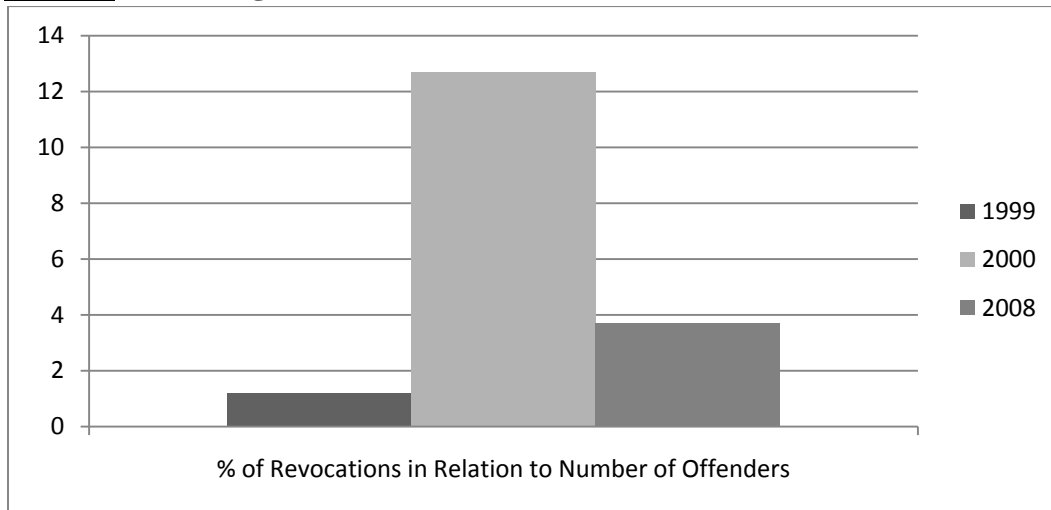


Table 4 shows that there were only 5 revocations in 1999. The number of revocations rose significantly in 2000 to a total of 59 (an increase of almost 85%). The number went down again in 2008 to less than half of the 2000 total even though there was an increase of 233 sex offenders being supervised by the unit<sup>33</sup>. Table 5 demonstrates dramatically the reduced percentage of revocations in 2008 in relation to caseload size. In 1999, 1.2% of the sex offenders being supervised were revoked. This increased to 12.7% in 2000 and was reduced to 3.7% in 2008.

<sup>33</sup> In 1999 there were 35 sex offenders brought up on revocation proceedings with 5 revoked. In 2000, there were 94 sex offenders brought up on revocation charges with 59 revoked, and in 2008, there were 48 sex offenders brought up on revocation charges with 26 revoked. The offenders who were not revoked were either reinstated to probation/parole with no sanctions, had their probation/parole agreements modified with new conditions, were given a dishonorable discharge from probation/parole, or, when offenders were being supervised under Interstate Compact (sex offenders from another state who moved to Nevada with prior permission and are supervised by the sex offender unit), the cases were closed out and the offender sent back to their home state.

### **Analysis Of The Data**

In order to put the revocation data in perspective, an analysis of sex offender recidivism rates needs to be analyzed. A meta-analytic review shows that there is a wide range of rates depending on the study being reviewed. One important review found that recidivism rates from 42 studies varied from 0% to 88% (Furby, Weinrott, & Blackshaw, 1989). Another study, that included data from self-reports, found a recidivism rate of 170% (Barbaree & Marshall, 1988). Other studies show rates of 13% (Hanson & Bussiere, 1998), 10% (Grunfeld & Noreik, 1986), 4% (Gibbons, Soothill, & Way, 1978), and a range of 12 to 24% (CSOM, 2008).

Interpolating the revocation data with a moderately conservative recidivism rate of 10% reveals that, statistically, there should have been approximately 70 offenders under the supervision of NPP committing new sexual crimes during 2008. When this is compared to the actual number of revocations during that year, we find that 44 offenders committed new sex offenses that went undetected. By extrapolating the 505 child sex offenders (73%) from the total offender population of 697 who were under supervision in 2008, it can be concluded that 32 children were put in harm's way. When applying the same recidivism rate of 10% to the 2000 data, the results are significantly different. Statistically, the revocation rate of 12.7% in 2000 exceeds the expected numbers of offenders who would recidivate. There are many obvious variables that are not being taken into account with this type of analysis, however, it seems safe to hypothesize that less children were at risk during 2000 than in 2008.

### **Conclusion**

This study focused on the impact of the current economic crisis in Nevada and how it has affected the ability of government agencies to protect our children from the pain and suffering of being victims of sexual predators. The state agency that has been tasked with the primary responsibility of protecting its citizens from these predators is the Nevada Division of Parole and Probation. NPP currently supervises 1192 offenders who have been convicted of sexual crimes and are currently serving terms of probation, parole, or lifetime supervision. The sex offender unit of the Southern Command of NPP supervises 697 of these offenders. The effects of the budget reductions in the state on NPP were detailed and it was shown that critical components of an effective sex offender unit have been reduced or eliminated. Specifically, the funding for training has been all but eliminated and rising fuel costs have curtailed the effective technique of unannounced home visits. The consequence of these reductions becomes vividly evident when the revocation rates of 2000 and 2008 are compared. In 2000 the officers assigned to the sex offender unit were fully trained in the areas of sexual abuse, sex offender typologies, and the management of sex offenders. The sex offender unit also operated under a mandate of enhanced enforcement guidelines and policies which called for a substantial contact with offenders. In 2008, only two of the supervising officers had any of the aforementioned training and the budget reductions appreciably reduced the required contacts with offenders.

The results of the budgetary cutbacks have made a considerable impact on the enforcement capabilities of the sex offender unit. The differences in the revocation rates between 2000 and 2008 are striking. While it is possible that other variables may well play a role in the differences, it is felt that the two most significant factors responsible for the decline in enforcement is the lack of suitable sex offender specific training and the inability to make unannounced contact with offenders. Officers who are not trained in sexual abuse lack the ability (through no fault of their own) to observe and analyze behavior and conduct that could indicate ongoing or impending illegal sexual activity. The importance of making unannounced home and collateral visits on offenders has previously been discussed.

In conclusion, the budget crisis has been shown to be putting our children at risk of being victims of sexual predators. This study has only focused on a very small percentage of the overall problem. Government (at all levels) can only be expected to protect society from those sex offenders who are being supervised by it.

## APPENDIX A

### STATE OF NEVADA TIER LEVELS

#### Definitions and Explanations

Pursuant to the State of Nevada Community Notification Risk Assessment and Rating Manual prepared by the Community Notification Advisory Council, the purpose of a risk assessment scale is to provide a standard for notification to the public so as to address the public safety concerns of the community regarding the location of convicted sex offenders who pose a risk of committing further offenses.

The Criminal History Repository conducts the risk assessments. These assessments are based upon a lengthy formula, which considers the seriousness of the offense, the number of instances, the factors of violence, etc. The following notifications are assessed to the appropriate tier categories:

##### **Tier 0** (No assessment required)

Convicted sex offenders who are required to register; however, they are convicted of a misdemeanor, gross misdemeanor, or crime against a child, and are not subject to community notification. **These offenders are not subject to a risk assessment and therefore the identities of these offenders will not be posted to this Website because their offense is not listed under [NRS 179D.620](#).**

##### **Tier 1** (Low risk)

A convicted sex offender who is assessed as posing a possible risk of recidivism and threat to public safety. Notification shall be provided only to persons authorized to receive criminal history record information. Typically, this includes law enforcement, prosecutors and courts. **Assessment information is not intended for the general public therefore the identities of these offenders will not be posted to this Website.**

##### **Tier 2** (Moderate risk)

A convicted sex offender who is assessed as posing a probable risk of recidivism and threat to public safety. Requires notification to law enforcement and organizations in the community, including schools, religious and youth organizations, as well as prosecutors and courts. Nevada state law ([NRS 179B.250](#)) permits the Nevada Sex Offender Registry to release certain information about all Tier 2 Level offenders. The information shared with the general public, if available, is on this Website and includes the following:

- The offender's name, including any aliases
- Tier Level
- Year(s) of birth used by the offender
- Physical description
- Residential address, block number of the address of the employer, and block number of the address of the school of the offender
- Name offender convicted under
- City / County / Township of conviction

- Description of conviction
- Statute
- Penal Institution / hospital committed for sexual offense
- The offense for which the offender was convicted
- The date and location of each conviction
- A photographic image of the offender, if available

**All Tier 2 offenders are listed on this Website.**

**Tier 3 (High risk)**

A convicted sex offender who is assessed as posing a substantial risk of recidivism and threat to public safety. Requires notification to law enforcement, organizations in the community, including schools, religious and youth organizations, prosecutors and courts and general community notification. The same information listed under Tier 2 is also available to the public on Tier 3 offenders. **All Tier 3 offenders are listed on this Website.**

**There are three status categories of convicted sex offenders:**

**Active status:** The convicted sex offender who has registered with local law enforcement and has complied with [NRS 179D.230](#) through [NRS 179D.290](#) and [NRS 179D.450](#) through [NRS 179D.490](#).

**Inactive status:** The convicted sex offender who has:

- (1) moved out of state
- (2) been incarcerated
- (3) been deported by INS
- (4) been hospitalized for an indefinite period
- (5) been a visitor
- (6) failed to initially register

**Non-compliant status:** Convicted sex offenders who fail to initially register or fail to comply with an annual verification or fail to update personal information; i.e., residential address, employment information, school information, pursuant to [NRS 179D.250](#) and [NRS 179D.470](#).

## References

- APA. (1999). *Dangerous Sexual Offenders: A Task Force Report of the American Psychiatric Association*. Washington, DC: American Psychiatric Association.
- APPA. (1991). *Issue Paper on Caseload Standards*. Lexington: American Probation and Parole Association.
- APPA. (2006). *Issue Paper on Caseload Standards for Probation and Parole*. Lexington: American Probation and Parole Association.
- Barbaree, H. E., & Marshall, W. L. (1988). Deviant Sexual Arousal, Offense History, and Demographic Variables as Predictors of Reoffense Among Child Molesters. *Behavioral Sciences & Law* , 6: 267-280.
- CSOM. (2000, January). *Community Supervision of the Sex Offender: An Overview Of Current and Promising Practices*. Available at <http://www.csom.org/pubs/supervision2.html>: Center for Sex Offender Management.
- CSOM. (2008). *Fact Sheet: What You Need to Know About Sex Offenders*. Center for Sex Offender Management.
- CSOM. (May, 2001). *Recidivism of Sex Offenders*. Silver Springs: Center for Sex Offender Management.
- English, K., Pullen, S., & Jones, L. (1996). *Managing Adult Sex Offenders on Probation and Parole: A Containment Approach*. Denver: American Probation and Parole Association.
- Furby, L., Weinrott, M. R., & Blackshaw, L. (1989). Sex Offender Recidivism: A Review. *Psychological Bulletin* , 3-30.
- Gibbons, T., Soothill, K. L., & Way, C. K. (1978). Sibling and Parent-Child Incest Offenders. *British Journal of Criminology* , 18: 40-52.
- Goldman, J. D., & Padayachi, U. K. (2000). Some Methodological Problems in Estimating Incidence and Prevalence in Child Sexual Abuse Research. *The Journal of Sex Research* , 305-314.
- Grunfeld, B., & Noreik, K. (1986). Recidivism Among Sex Offenders: A Follow-up Study of 541 Norwegian Sex Offenders. *Intentional Journal of Law and Psychiatry* , 95-102.
- Hanson, K., & Bussiere, M. T. (1998). Predicting Relapse: A Meta-Analysis of Sexual Offender Recidivism Studies. *Journal of Consulting and Clinical Psychology* , 348-349.
- IACP. (2008). *Tracking Sex Offenders with Electronic Monitoring Technology: Implications and Practical Uses for Law Enforcement*. Washington, D.C.: U.S. Department of Justice.
- Langan, P. A., Schmitt, E. L., & Durose, M. R. (November, 2003). *Recidivism of Sex Offenders Released from Prison in 1994*. Washington D.C.: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

Langevin, R., Curnoe, S., Fedoroff, P., Bennett, R., Langevin, M., Peever, C., et al. (October, 2004). Lifetime Sex Offender Recidivism: A 25-Year Follow-Up Study. *Canadian Journal of Criminology & Criminal Justice*, 532-536.

McKibben, A., Proulx, J., & Lusigan, R. (1994). Relationship Between Conflict, Affect, and Deviant Behaviors in Pedophiles and Rapists. *Behavior Research and Therapy*, 32: 571-575.

McPherson, L. (2007). *Practitioner's Guide to the Adam Walsh Act*. Alexandria: American Prosecutors Research Institute's National Center for Prosecution of Child Abuse.

Mears, D. P., Wang, X., Hay, C., & Bales, W. D. (May, 2008). Social Ecology and Recidivism: Implications for Prisoner Reentry. *Criminology*, 312-313.

Pithers, W., Beal, S., Armstrong, J., & Petty, J. (1989). Identification of Risk Factors Through Clinical Interviews and Analysis of Records. In D. R. Lewis, *Relapse Prevention with Sex Offenders*. New York: Guilford.

Sabol, W. J., Couture, H., & Harrison, P. M. (2007). *Prisoners in 2006*. Washington, DC: U.S. Department of Justice, Office of Justice Programs.

Terry, K. J. (2006). *Sexual Offenses and Offenders: Theory, Practice, and Policy*. Belmont: Thomson Wadsworth.

U.S. Department of Justice. (2008). *The National Guidelines for Sex Offender Registration and Notification*. Washington D.C.: U.S. Department of Justice, Office of the Attorney General.

Valarie, V. (1997). Relationships Between Alcohol, Expectations and Sexual Offenses in Convicted Offenders. In *The Sex Offender*. Kingston: Civic Research Institute.

Zgoba, K., Witt, P., Dalessandro, M., & Veysey, B. (2008). *Megan's Law: Assessing the Practical and Monetary Efficacy*. Washington, DC: National Institute of Justice.

Zgoba, K., Witt, P., Dalessandro, M., & Veysey, B. (2008). *Megan's Law: Assessing the Practical and Monetary Efficacy*. Trenton: The Research & Evaluation Unit, Office of Policy and Planning, New Jersey Department of Corrections.

Published by the Forum on Public Policy  
Copyright © The Forum on Public Policy. All Rights Reserved. 2009.