



## BI-ANNUAL NEWSLETTER

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### Should Sex Offenders have Access to the Internet?

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Over the last couple of years, after reading several articles and attending many presentations there seems to be a common theme developing that we should not allow sex offenders, especially those where the underlining offense involves a computer, access to the Internet. In a field where we commonly use the terms evidenced based practices and best practices, we are encouraging our colleagues to re-examine their position and start an educated debate on what should be "best practices". Even though there may be some research related to outlying factors, there is unfortunately very limited research specific to this issue.

A Zero Tolerance approach is an easy argument. The reality is that technology, including both hardware *continued on page 3*

### 6<sup>th</sup> Annual MARATSA Conference Guest Speaker Paul Martin Andrews

Paul Martin Andrews (born 1959) is a kidnap and rape survivor and an advocate for rape survivors.

Paul Martin Andrews was thirteen when a seasoned and convicted pedophile used a common lure to convince the boy to get into his van on January 10, 1973. A heavy snowfall had let students out of school early the day before, while low temperatures overnight had caused icy conditions on the roads and given the students yet another snow day. A man, later identified as Richard Ausley, asked Andrews if he would help move furniture for him and his brother. If he did, he would earn three dollars. The simple lure of money is all it took for Andrew to hop in the van.

Then Ausley drove down a dirt road and stopped in the woods. Ausley and Andrew walked through the woody area for a distance until the man kicked aside some dirt and leaves and pulled open a metal door over a wooden box in the ground. In the ground was a deer box which was four feet deep, four feet wide, and eight feet long. This box became Andrews home for the next seven days.

Andrews was lured into the box in the ground and

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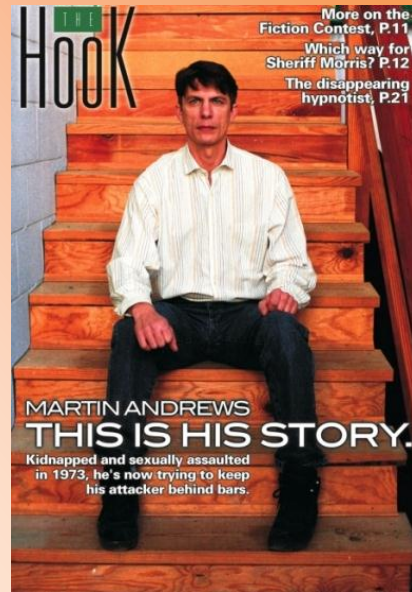
quickly attacked by his captor, threatened, physically attacked and raped. Ausley kept Andrews in the box for a week, during which he sexually abused him several times a day and physically assaulted him on many occasions. Between the beatings and sexual abuse, Ausley would tell him about other children he had tortured. On the eighth day, his captor raped him one last time before he shackled one ankle and left him to die.

January 19th, a pickup truck drove by the box that might have become the boy's coffin had he not been able to lift the door slightly to see out. When Andrew saw the pickup truck, he screamed as loud as he could until it stopped. The hunters opened the door to the box in the ground to find the thirteen-year-old boy bruised, missing teeth, and dirty. They immediately called police.

Andrews identified his abductor from police photos. Richard "Pee-wee" Ausley surrendered on his own accord to law enforcement four days after Paul Andrew Martins identified him in police photos. Richard Ausley was a career pedophile and felon. He served 10 years prison time for child sexual abuse and kidnapping on another child before kidnapping Martin Andrews. Ironically, the day he lured Andrews into his blue van, Ausley should have been in court facing yet another charge of child molestation.

Ausley received a prison sentence of 41 years for the kidnapping and rape of Paul Martin Andrews. In 2002, Ausley was up for parole, and Andrews knew he had to speak up in front of the parole board to prevent Ausley from getting out and harming more children. The parole board was the first time he told his story. Thirty years after his ordeal, he went public with his story and became an activist for bolstering Virginia law with additional funding for continued civil commitments for sex offenders after their criminal sentences end.

The world is a safer place today. There is no way Ausley will ever hurt another child. Richard Ausley died in prison Jan. 13, 2004. He was 64 years old. Ausley's cell mate, who has a history of childhood abuse, strangled him. Andrews is now speaking for



victims of abuse. He realizes now that he must share his story to help keep other children from falling into the dangers of pedophiles lurking in neighborhoods across the United States.

## **THE 6<sup>TH</sup> ANNUAL MARATSA CONFERENCE**

LEARNING TOGETHER WORKING TOGETHER

**MAY 8<sup>TH</sup> AND 9<sup>TH</sup>, 2014**

**ATLANTIC SANDS HOTEL**

101 NORTH BOARDWALK,  
REHOBOTH BEACH, DELAWARE

**FOR REGISTRATION INFORMATION  
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and software, is advancing by the minutes. It seems that every day another product is released which provides easy access to the Internet or gives offenders another option to hide their online activities. Even though there are tools that allow us to search or monitor some of these devices, there are still many for which we have limited resources to effectively manage their usage.

Additionally community supervision staff members are challenged with staying on top of the latest and greatest technologies as they roll out, not to mention the difficulties faced by those of us who are electronically challenged. An equally strong argument is that probation and parole departments are already maxed out on resources. Many of the searching and monitoring programs are very time consuming and staff do not have the extra time to attend the related training and to conduct the searches or analysis of the data resulting from the searching or monitoring software. Staff safety is also a concern. Even though there are searching and monitoring software that allow you to remotely access the device, there are many instances where the staff must conduct the search onsite. Staff often find themselves alone with their focus on the media device. The offender knows what is on the media and the consequences if something is found, which creates a potentially dangerous situation.



The final argument is that this group is often dishonest, sneaky and has already shown that they are unable to manage their Internet usage. Only a zero tolerance approach can ensure that they do not offend while under supervision and provide the proper technical violation to incarcerate the offender prior to him re-offending.

We would argue that even though the above arguments have merit, we feel that a zero tolerance approach could possibly increase recidivism while also hampering long term behavioral change. Both factors are counter intuitive to most, if not all, of our mission statements.

We are proposing that many offenders, based on risk, should be given access to the Internet. Even though there are currently no validated instruments to assess the risk of “cyber” sex offenders, there is now a body of literature and research that can guide us in determining the general risk that an offender will re-offend online or with a contact offense. Even though popular belief is otherwise, the reality is that cyber-sex offender’s recidivate at an extremely low rate (Seto 2013). Offenders classified as low or medium and who are engaged in treatment are

excellent candidates for access to the Internet. We would further argue that the level and extent of external controls (blocking, filtering, monitoring, searching, etc.) should be driven by the level of risk.

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*A zero tolerance approach could possibly increase recidivism while also hampering long term behavioral change.*

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We are also suggesting that the decision to allow access and the level of access to the Internet be made in conjunction with the treatment provider. There should be an ongoing dialogue between the staff and the treatment provider before and during the supervision. This will allow the offender to have graduated exposure to the computer and the Internet. The reality is that the offender will have unfettered access to the computer and the Internet when they reach their expiration of supervision. This allows the offender to access the Internet and to develop responsible behaviors while under supervision and in treatment. We can help the offender develop an understanding of their own risk factors/ triggers and provide them with tools to help them navigate high risk situations. We can also teach pro-social ways that they can utilize the Internet. This would be an example of “skill practice” that we often see highlighted as evidenced based practices with other offender populations.

There are also numerous problems associated with a zero tolerance approach to the Internet. The Internet has become an essential part of our society and the lack of access can lead to social isolation/rejection; difficulties with obtaining or maintaining employment; restrictions on educational opportunities; disconnect from the world; and inability to manage stress or boredom. These can all be dynamic risk factors that can lead to recidivism.

We are also concerned because we feel that a zero tolerance approach encourages secret keeping. The offenders are still going to use the Internet they are just doing it “underground”. For those of us that work with sex offenders, we all recognize the dangerousness of secrecy.

The Appellate Courts in many jurisdictions have indicated that a complete ban of the Internet inflicts greater deprivation on liberty than is reasonably necessary. They recognize that the Internet has become an integral part of our society and that “a defendant might use the telephone to commit fraud, but this would not justify a condition of probation that includes an absolute bar on the use of telephones” (United States vs. Sofsky (2001) 2nd Circuit).

We hope that this article can stimulate some educated discussions on how agencies manage sex offender’s Internet use and, more importantly, show a need for further research in the area.

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AN APPLICATION

MID ATLANTIC REGION CHAPTER



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