

**STATIC-99R**

**HANSON & THORNTON,  
1999**

# STATIC DEVELOPMENT TEAM



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# SEX OFFENDER RISK ASSESSMENT

## BASIS FOR STATIC-99R

STATIC (unchangeable) factors

- prior sex offenses
- age
- any extra-familial victims
- any male victims

# EMPIRICAL ACTUARIAL RISK SCALES FOR SEX OFFENDERS

- Empirically derived factors
- Explicit rules for combining risk factors
- Probability tables
  - Static-99R/Static-2002R
  - MnSOST-R (Epperson et al., 1998)
  - VRS-SO (Olver et al., 2007)
  - Risk Matrix – 2000 (Thornton et al., 2003)

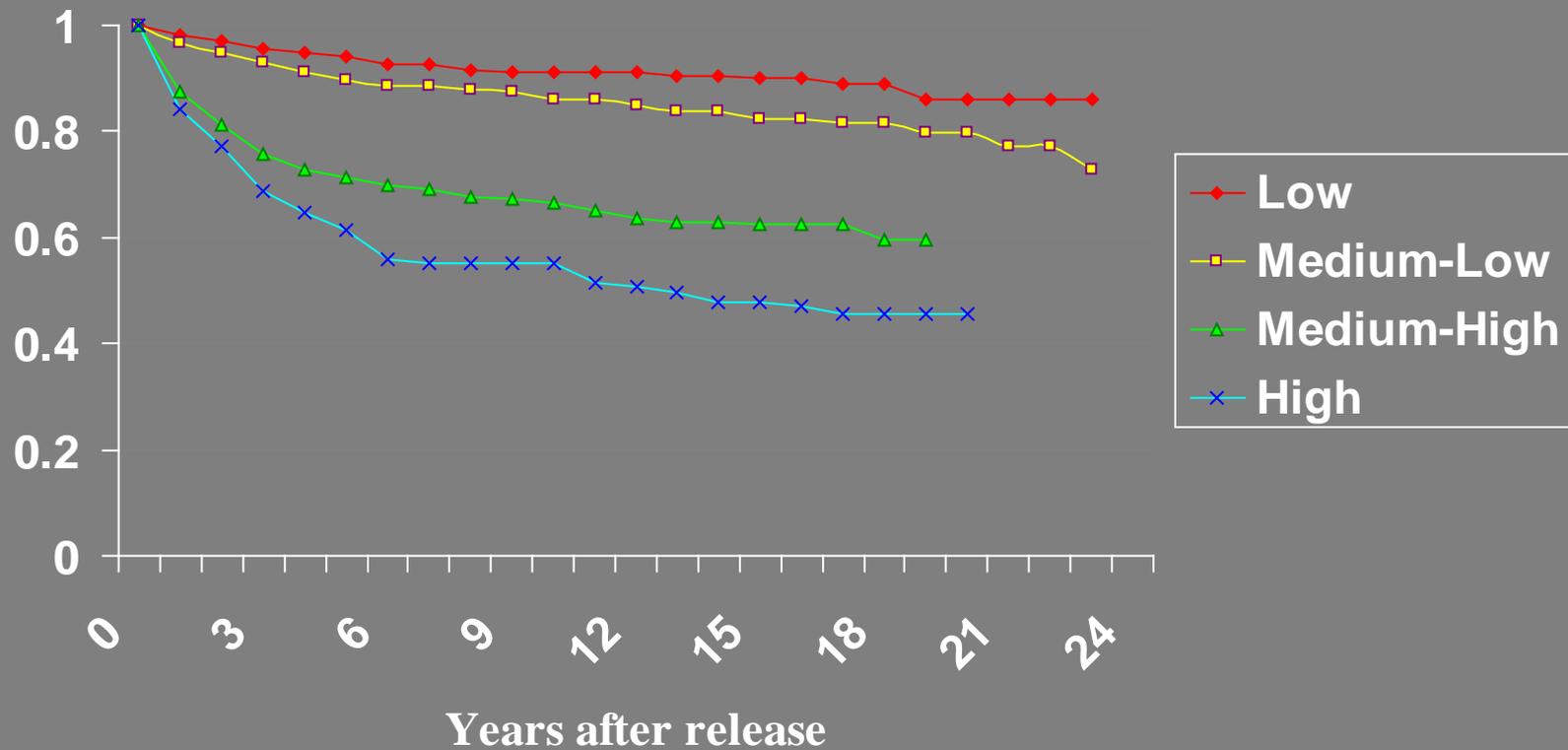
# SEXUAL RECIDIVISM RATES (%)

	5 years	10 years	15 years
Rapists	14	21	24
Incest offenders	6	9	13
Girl victim child molesters	9		16
Boy victim child molesters	23	28	35

# SEXUAL RECIDIVISM RATES (%)

	5 years	10 years	15 years
No prior sex offenses	10	15	19
Any prior sex offenses	25	32	37

# STATIC-99 SEXUAL RECONVICTION RATES



# JÄSENTYNYT RISKIARVIO – 99.02

## JRA/STAATTINEN 99

Riskitekijä	Pisteet			
	0	1	2	3
1) Aikaisemmat seksuaalirikokset	0	1	2	3
2) Tuntematon		0	1	
3) Ei-sukslainen		0	1	
4) Miespuolinen uhri		0	1	
5) Ilman kosketusta		0	1	
6) Yksinäinen/naimaton		0	1	
7) 18-24 vuoden ikäinen vapautuessa		0	1	
8) Ei-seksuaalinen väkivalta laskentatuomiossa		0	1	
9) Ei-seksuaalinen väkivalta aiemmissa		0	1	
10) Yli neljä tuomiota		0	1	8

附錄三 靜態因素九九評估表(Static-99)

1. 以前性犯罪次數 (不包含其他犯行; 若判刑確定與指控分屬不同分數, 則以高分為準) [ ]
    - 沒被判刑確定; 也沒被指控過 0
    - 1-2次判刑確定; 1次被指控 1
    - 3-5次判刑確定; 2-3次被指控 2
    - 6次(或以上)判刑確定; 4次(或以上)被指控 3
  2. 以前所被判刑確定之任何犯罪行為之次數 3個或以下 0 [ ]
    - 4個或以上 1
  3. 有無曾有「未身體接觸之性犯罪」(如暴露狂、戀物癖、打猥褻電話、窺淫狂、持有色情出版品。注意, 不含自我承認之次數) 而被判刑確定者 [ ]
    - 沒有 0
    - 有 1
  4. 性犯行中有無曾有「非性之暴力行為」(如謀殺、傷害、搶劫、縱火、恐嚇、持刀槍威脅等) [ ]
    - 沒有 0
    - 有 1
  5. 以前是否曾有「非性之暴力行為」 [ ]
    - 沒有 0
    - 有 1
  6. 性侵害受害者中是否曾有具親戚關係者 [ ]
    - 沒有 0
    - 有 1
  7. 性侵害受害者中是否曾有陌生人 (不認識或認識未超過二十四小時之被害人即屬陌生人) [ ]
    - 沒有 0
    - 有 1
  8. 性侵害受害者中是否曾有男性 [ ]
    - 沒有 0
    - 有 1
  9. 所預測的年齡是否低於二十五歲 [ ]
    - 不是 0
    - 是 1
  10. 曾否與所愛過之人同居超過二年以上 [ ]
    - 沒有 1
    - 有 0
- 總分 ( )

Static-99 之再犯評估危險各得分群之再犯率

	危險等級	再犯性犯罪			再犯其他之暴力犯罪		
		5年	10年	15年	5年	10年	15年
0分	低危險	.05	.11	.13	.06	.12	.15
1分		.06	.07	.07	.11	.17	.18
2分	中低危險	.09	.13	.16	.17	.25	.30
3分		.12	.14	.19	.22	.27	.34
4分	中高危險	.26	.31	.36	.36	.44	.52
5分		.33	.38	.40	.42	.48	.52
6分(及以上)	高危險	.39	.45	.52	.44	.51	.59
(平均 3.2)		.18	.22	.26	.25	.32	.37

註：本評估表之評分與性犯罪之再犯率之相關係數為0.33；本表之性罪犯再犯基線設定為五年18%，十年22%及十五年26%。

# SOTAP STATIC-99R CODING FORM



Microsoft Word  
Document

# THE EVOLUTION OF STATIC-99R/STATIC-2002R

- **STEP 1: Identify Static Risk factors**
  - (Hanson & Bussière, 1996, 1998)
- **STEP 2: Combine Risk Factors**
  - RRASOR (Hanson, 1997)
- **STEP 3: Add More Risk Factors**
  - STATIC-99 (Hanson & Thornton, 1999, 2000)
- **STEP 4: Revise Age Weights**
  - STATIC-99R
  - (Helmus, Thornton, Hanson, & Babchishin, 2010)

# GENERAL RESEARCH SUPPORT FOR STATIC-99R

- The factors are related to recidivism
  - Numerous replications across diverse samples for both individual items (meta-analyses) and total scores

# INTER-RATER RELIABILITY

- To what extent do different evaluators arrive at the same score?

# INTER-RATER RELIABILITY – STATIC-99

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Study	Size	Statistic	Reliability
Barbaree et al. (2001)	30	Pearson r – total scores	.90
Hanson (2001b)	55	% agreement-items	.91
	55	Kappa- items	.80
	55	Intra-class r – total score	.87
Sjöstedt & Långström (2001)	20	Kappa – items	.90
Harris et al. (2003)	10	Intra-class r - total scores	.87

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# GENERALIZABILITY

- Stability of findings across settings and samples
- Finding from Static-99R meta-analysis (23 samples; Helmus et al., 2011)
  - Relative risk is stable (no significant variability) across diverse samples/settings
  - Absolute risk varies significantly across samples

# STATIC-99 REPLICATIONS

Authors	Country	Sample	n	d
Sjöstedt & Långström (2001)	Sweden	Prison	1,303	0.95
Hood et al. (2002)	England	Prison	162	1.11
Beech et al. (2002)	United Kingdom	Community	53	1.05
Nunes et al. (2002)	Canada	Community Pre-trial	258	0.74
Harris et al. (2003)	Canada	Mental Health & Prison	396	0.43
McGrath et al. (2003)	U.S.A.	Prison	172	0.74

# STATIC-99 REPLICATIONS

Authors	Country	Sample	n	d
Bartosh et al. (2003)	U.S.A.	Prison	186	0.49
Langton (2004)	Canada	Prison	468	0.47
Thomas et al. (2004)	Canada	Community	899	1.00
Ducro et al. (2004)	Belgium	Mental Health	147	0.58
De Vogel et al. (2004)	Netherlands	Mental Health	121	0.78
Rettenberger & Eher (2006)	Austria	Mixed	81	0.91

# STATIC-99 REPLICATIONS

Authors	Country	Sample	n	d
Watanabe et al. (2007)	Japan	Child rapists	402	0.44
Endrass et al. (2007)	Switzerland	Prison	69	0.99
Allan et al. (2007)	New Zealand	Prison child molesters	495	0.82
Bengtson & Långström	Denmark	Mental Health	336	0.40
Marghem (2007)	Belgium	Prison	103	0.62
Hill et al. (2008)	Germany	Sexual Homicide	90	0.53

# PREDICTING RECIDIVISM RATES

- STATIC-99R ranks relative risk consistently across samples
- Observed recidivism rates vary based on sample type
  - Routine correctional samples
  - High risk/need
- Use the recidivism norms from the sample most relevant to your case (see template for reporting Static-99R scores)

# STRENGTHS

- Valid risk factors
- Explicit rules for combining factors
- Explicit probability estimates
- Relative risk robust across settings & samples
- Easily scored

# WEAKNESSES

- Only moderate predictive accuracy
  - We always want to do better!
- Deceptively simple
  - You need to pay attention to coding rules
- Base rate variation complicates interpretation
- Neglects important factors
  - Sexual Deviance (Phallometrics)
  - All Dynamic Factors

# STATIC-99R

## Section # “2”

### “Scoring the STATIC-99R”

# APPROPRIATE POPULATIONS

- Adult male sexual offenders
  - 18 years or older at time of release
  - Charged or convicted for an offense that is known to have a sexual motivation/component
- Victims
  - Children
  - Non consenting adults
  - Other (corpses, animals)
- Recent sex offense conviction/release
- Must have a Category A sex offense (current or prior)

# INAPPROPRIATE POPULATIONS

- Females
- Juveniles
- Consenting sex between similar age peers
- Offenders with 10+ years sex offense-free in the community (after release from index)
- Not for making statements about possible guilt

# WHO CAN I USE THIS STUFF WITH?

Population	STATIC-99R
Adult Male Sexual Offenders	✓
Adult offenders with 2 to 10 years offense-free in the community	✓
Juvenile offenders aged 16 & 17	With Caution
Juvenile offenders less than 16 years	✗
Adult female offenders	Research use only

# STATIC-99R APPROPRIATE POPULATIONS

- All offender types (e.g., rapist, child molester, non-contact)
  - Dynamic Supervision Project – low accuracy with incest offenders, but only 3/180 recidivated
- Can be used with offenders who are developmentally delayed (Dynamic Supervision Project: AUC = .80)
- Can be used with mentally disordered offenders (Dynamic Supervision Project: AUC = .72)
- Predicts equally well for Native American and non-Native American offenders (from 5 Canadian studies; Babchishin et al., in press).

# RISK FOR FEMALE SEXUAL OFFENDERS

- Low Sexual Recidivism Rates
  - Cortoni, Hanson, & Coache (2011) found recidivism rates less than 3% (10 studies,  $n = 2,490$ )
- Recidivism Risk Factors are Unknown
  - We recommend that you use a risk scale designed for general or violent recidivism that has been validated on female offenders (e.g., LS/CMI, Andrews & Wormith, 2004)

# STATIC-99R

- Category “A”
  - Identifiable victim
  
- Category “B”
  - No identifiable victim
  - Indecency without sexual intention
    - (e.g. urinating in public)
  - Prostitution offenses
  - Lewd Acts
  - Pornography offenses

# THE ORIGIN OF THE CODING RULES

- Extrapolations (what we would have scored if we had encountered such cases)
  - Different legal systems
  - Rare events
  - New sex crimes (e.g., deception concerning HIV)
  - Promoting prostitution

# **CODING THE STATIC-99R**

- **Demographic**
  - age at assessment/release; relationship history
- **Official criminal history**
  - prior sex offenses; index non-sexual violence; prior non-sexual violence; prior sentencing occasions; convictions for non-contact sex offenses
- **All credible information** (except polygraph)
  - any unrelated victims; any stranger victims; any male victims

# CODING THE STATIC-99R

- 1 = Yes, problem
- 0 = No, O.K.
  
- Except
  - Prior Sex offenses (0, 1, 2, 3)
  - Age at release (-3, -1, 0, 1)

# DEMOGRAPHIC YOUNG #1

- Age
  - age when released (i.e., placed at risk) from index sex offense
  - age at release if already in the community
  - A future date, if assessment concerns future decisions
  - If at-risk date is not known or not relevant, use current age (e.g., intake assessments)
    - “if he were to be released today, his risk would be. . .”

# ITEM #1: AGE AT RELEASE (-3 TO 1 POINT)

- 1 = 18 to 34.9
- 0 = 35 to 39.9
- -1 = 40 to 59.9
- -3 = 60 +

# DEMOGRAPHIC EVER LIVED WITH #2

- Ever lived with an intimate partner for 2 continuous years?
  - must be continuous
  - prison marriages/partners don't count
- 1 point for having never lived for 2 years with the same lover

# WHO CAN YOU HAVE LIVED WITH???

## 25) EVER LIVED WITH ...#2

- Legal marriages of < 2 years do not count
- Prison marriages (while guy incarcerated) do not count
  - If relationship still there > 2 years after he gets out - does count
- Non-human species – do not count
- Priests and other celibates – no exemption
- Must be a relationship that is legal
- Must be age to consent to relationship
  - Child “vics” do not count – even if “consensual”

# BIG BAD BART

Today is the first day of November. You have been sent by the Parole Board to do a risk assessment on Bart for possible release about the middle of February. From your reading of the file you know that Bart is 34 years old at the moment and you know that he was born on Christmas day. You know that Bart and Becky lived together as “man and wife” for three years before Bart went to prison. However, it was Becky that made the complaint to the police after he beat her up just one too many times. Becky was 16 years old when she finally turned him in. The file indicates that Bart has never lived long-term with any other woman.

# BIG BAD BART

Question Number	Risk Factor	Codes	Score
1	Age at release	Aged 18 to 34.9 Aged 35 to 39.9 Aged 40 to 59.9 Aged 60 or older	1 0 -1 -3
2	Ever Lived With	Ever lived with lover for at least two years? Yes No	0 1

# BIG BAD BART

Question Number	Risk Factor	Codes	Score
1	Age at release	Aged 18 to 34.9 <u>Aged 35 to 39.9</u> Aged 40 to 59.9 Aged 60 or older	0
2	Ever Lived With	Ever lived with lover for at least two years? Yes <u>No</u>	1

# SEXUAL OFFENSE

- Category A - (The Behavior )
  - Rape, Child Molestation, Assault with Sexual Motivation
  - Rape 2, Unlawful Imprisonment, furnishing liquor to a minor, attempted child molestation, exhibitionism, voyeurism, sexual exploitation of a minor
- Category B - (The Behavior )
  - No Specific Victim
  - prostitution, lewd acts, pornography

# SEXUAL OFFENSE

**Remember** Any “A’s” mean all “B’s” count (pg 14 - 15)

- Charges for urinating in public, public nudity, or the like, associated with mental/psychological impairment, are counted as “B’s”
- Giving Alcohol, Drugs, Noxious Substance, or other Stupeficient (p 38 & 40)
  - Can count as a sexual offense if given with the intention of making the sexual offense easier
  - May also score as NSV (Either Item #3 or #4)

# INDEX SEX OFFENSE

- Most recent sex offense
  - conviction, charge, arrest, breach, prison misconduct for sexual crime.
- May include multiple victims/offenses
- Pseudo-recidivism counts as part of index
  - did the offender re-offend after the first index offense was detected?

# IDENTIFY THE INDEX OFFENSE(S)

Behavior	Date	Conviction	Date	Sentence
1. Exposes self in public	July, 1990			
		1. Indecent Exposure	Oct, 1990	2 years probation
2. Touches Suzie	Jan, 1992			
3. Internet porn	1998- 2000			
		2. Child Molest 3 (child)	May, 2000	18 months
		3. Child Pornography	May, 2000	18 months
4. Drinking	Sept, 2001			
		4 Parole Violation	Sept, 2001	Recommitted

# IDENTIFY THE INDEX OFFENSE(S)

Behavior	Date	Conviction	Date	Sentence
1. Sex assault Jill	Aug, 1995			
2. Sex assault Joan	Sept, 1996			
3. Sex assault Sue	Dec, 1996			
		3. Rape 2 (Sue)	March, 1997	3 years
		1. Rape 2 (Jill)	Sept, 1998	2 years concurrent
		2. Rape 2 (Joan)	Jan, 2000	3 years probation

# SEXUAL VERSUS NON-SEXUAL VIOLENCE

## Sexual offense

- Sexual motivation
- Name of the offense does not matter
- Charges, convictions

## Non-sexual violent offense

- Motivation does not matter
  - Sexual or non-sexual motivation
- Name of the offense indicates violence, but does not necessarily indicate sex
- Convictions only

# INDEX NON-SEXUAL VIOLENCE

## #3

- Look at the **Name of the offense**
- Count only convictions
- Victim can be the same as victim for sexual offense or different
- Be aware of pseudo-recidivistic violence
- 1 point for Index Non-sexual violence

# **PRIOR NON-SEXUAL VIOLENCE**

## **#4**

- Look at the **Name of the Offense (pg. 27-28)**
- Prior to Index offense
- Count only convictions
- Victim can be the same as victim for sexual offense or different
- 1 point for Prior Non-sexual violence

## #4

### OFFENSES THAT COUNT FOR BOTH “PRIOR” AND “INDEX”

- Convictions Only – Adult and Juvenile
- Assault 1 and 2, Arson, Assault, Unlawful imprisonment, Murder, Robbery, Felony Harassment, Unlawful Possession of Firearm 2.
- Note: Weapons offenses would not count unless the weapon was used in the commission of a violent or sexual offense.
- Note: Do not include – Driving Accidents or Negligence causing injury or death
- Note: A separate Non-sexual violence conviction is required for coding Non-sexual Violence

# NON-SEXUAL VIOLENCE

## #3 & #4

- If the behavior was sexual, but the offender was convicted of non-sexual violence, the same conviction counts as both a sexual offense and a non-sexual violent offense. Hence, convictions for Rape 2 and Unlawful Imprisonment are coded as two sexual offenses and one Non-sexual Violent offense

# **NON-SEXUAL VIOLENCE**

## **#3 & #4**

<b>Date</b>	<b>Charge</b>	<b>Conviction</b>	<b>Sentence</b>
<b>July 1999</b>	<b>Unlawful Imprisonment</b>	<b>Unlawful Imprisonment</b>	<b>20 Months &amp; 3 Yrs. Prob.</b>

If you know that the behavior was sexual – this can count as: One Sexual offense (Either for “Priors” or an “Index”) and One Non-sexual Violence

# NON-SEXUAL VIOLENCE

## #3 & #4

Date	Charge	Conviction	Sentence
July 1999	1) Unlawful Imprisonment 2) Rape 2	1) Unlawful Imprisonment 2) Rape 2	20 Months & 3 Yrs. Prob.

As long as you know that the Unlawful Imprisonment was part of the sexual offense this situation would count as: Two Sexual offenses and One Non-sexual Violence (Either for “Priors” or an “Index”)

# NON-SEXUAL VIOLENCE #3 & #4 OFFENSES THAT DO NOT COUNT

- Rape 2
- Rape 2 with Weapons Enhancement
- Rape 1
- Assault 4 with sexual motivation
  
- Score these just as sexual offenses

# PRIOR SEX OFFENSES

# #5

- Look at the **behavior** – Can be pled down and still count as a sex offense (Underwear stealing)
- Exclude Index offense(s) – Prior to Index
- Count all charges and convictions (“counts count”)
- Arrests/Prison misconducts/Parole violations count as one charge
- If change (e.g., plea bargain), count the charges that go to court

# PRIOR SEX OFFENSES

# #5

- Probation/Parole Violations for sexual misbehavior's count as "one charge"
  - Multiples at the same time = "one charge" (p 36)
  - Separate occasions – "one charge" per incident (p 36)
- Acquittals – count as "one charge" (p 37)
- Not Guilty – count as "one charge" (p 40)
- Arrests for Sexual offenses - count as "one charge" (p 37)

# PRIOR SEX OFFENSES

## #5

Charges	Convictions	Item Final Score
None	None	0
1 - 2	1	1
3 - 5	2-3	2
6 plus	4 plus	3

# CODE PRIOR SEX OFFENSES

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1. Exposes self in public	July, 1990			
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		2. Rape 2 (Joan)	Jan, 2000	3 years probation <sup>56</sup>

# CODE PRIOR SEX OFFENSES

<b>Date</b>	<b>Charge</b>	<b>Conviction</b>	<b>Sentence</b>
<b>July 1999</b>	<b>Unlawful Imprisonment Rape 2 (2 counts)</b>	<b>Unlawful Imprisonment</b>	<b>20 Months &amp; 3 Yrs. Prob.</b>
<b>Feb, 2003</b>	<b>Child Molestation Indecent liberties</b>	<b>Indecent liberties</b>	<b>18 months</b>

# PRIOR SENTENCING DATES #6

- An appearance in court where the offender receives a sentence for a crime or cluster of crimes
- The crime must be sufficiently serious that incarceration or community supervision are possible sentencing options
- The actual punishment could be minor
  - fines, conditional sentence

# PRIOR SENTENCING DATES

## These things count:

- Findings of “Not guilty by reason of insanity” count as a sentencing date
- Juvenile offenses count (if known)
- Juvenile moved to a more secure placement as the result of a sexual or violent incident
- Suspended Sentences count
- Military Court Martial Judgments for criminal behavior that includes a sanction
  - Purely “Military” charges (Failure of Duty, Not following a Lawful Order) Do Not Count

# PRIOR SENTENCING DATES

# #6

- Do not count the index offense
- Prior to the Index offense
- Do not count charges or acquittals
- Do not count prison misconducts or parole violations (unless offender has a life sentence)
- NGRI (not guilty by reason of insanity) does count
- Juvenile offenses count
- Same type of charges within one month considered part of same spree (one occasion)

# PRIOR SENTENCING DATES

# #6

## Do Not Count,

- Overturned on Appeal
- Not Guilty
- Where fine only possible sanction
- Historical offenses (Pseudo-recidivism)
- Post-Index offenses
- Fail to Appear (only count the date on which a sentence is received)
- Where Juvenile detention is extended without a new crime/charges

# PRIOR SENTENCING DATES

# #6

## On Conditional Release – Returned to Custody

- Indeterminate Sentence - “Lifers” – SVP– Offenders with already imposed indeterminate sentences - Guys get “Yanked”
- Returns to custody count as a Sentencing Date
- This requires a high standard of certainty – You have to be sure that, were the offender not already under criminal justice sanction, that they would be charged with a new criminal offense
- Needs to be a new criminal offense
- Returns to custody based on “Technicals” do not count - (“Drinking”, “Failure to Report”, “Presence of Minors” “Association with Known Felons”)

# CONVICTIONS FOR NON-CONTACT SEX OFFENSES #7

- Behavior - Not the name of the offense  
(Gross Indecency - exposure to anal sex)
  - Only count convictions
  - Exhibitionism, voyeurism, obscene phone calls, possession of child pornography, using the Internet for sexual purposes, stealing underwear/shoes for sexual purposes
  - Attempted contact offenses are not counted (e.g., invitation to sexual touching)
  - Do not count soliciting/prostitution
  - None = 0      Any convictions = 1

# CONVICTIONS FOR NON-CONTACT SEX OFFENSES #7

- “EVER” (Prior or Index)
- “POST” (Creates new Index offense)
- “Lewd Conduct ” & Voyeurism
- “Disorderly Conduct” for “mooning” may count – you consider the motivation for the behavior
- Plea Bargains – If “Pled Down” from a contact offense – treat as a contact offense
- “Sexual Flavor” is important to remember

# CONVICTIONS FOR NON-CONTACT SEX OFFENSES #7

- Internet Crimes
  - Is this a new form of crime?
  - Or, a modern expression of older crimes?
  - We see this as a modern expression of older crimes – like obscene telephone calls – Hence, these are scored as Non-contact sexual offenses.

# BIG BAD BART'S CRIMINAL RECORD

Date	Charges	Convictions	Disposition
Aug. 1993	Lewd Conduct (Voyeurism)	Lewd Conduct (Voyeurism)	1 Yr Probation
May 1994	Felony Harassment (Non-sexual)	Felony Harassment (Non-sexual)	1 Yr Probation
Jan. 1996	Rape 2	Rape 2	18 Months & 2 Yrs Probation
June 1998	Poss. Stolen Property	Poss. Stolen Property	90 Days & 1 Yr Probation
Nov. 1999	Rape 2 Assault 2	Rape 2 Assault 2	6 Years
			66

# SCORE BIG BAD BART

3	Index non-sexual violence - Any Convictions	No	0
		Yes	1
4	Prior non-sexual violence - Any Convictions	No	0
		Yes	1
5	Prior Sex offenses	<u>Charges</u>	<u>Convictions</u>
		0	0
		1,2	1
		3-5	2,3
		6+	4+
6	Prior sentencing dates (excluding index)	3 or less	0
		4 or more	1
7	Any convictions for non-contact sex offenses	No	0
		Yes	1

# SCORE BIG BAD BART

3	Index non-sexual violence - Any Convictions	No <u>Yes</u>	1										
4	Prior non-sexual violence - Any Convictions	No <u>Yes</u>	1										
5	Prior Sex offenses	<table border="1"> <thead> <tr> <th><u>Charges</u></th> <th><u>Convictions</u></th> </tr> </thead> <tbody> <tr> <td>0</td> <td>0</td> </tr> <tr> <td>1,<u>2</u></td> <td>1</td> </tr> <tr> <td>3-5</td> <td><u>2</u>,3</td> </tr> <tr> <td>6+</td> <td>4+</td> </tr> </tbody> </table>	<u>Charges</u>	<u>Convictions</u>	0	0	1, <u>2</u>	1	3-5	<u>2</u> ,3	6+	4+	2
<u>Charges</u>	<u>Convictions</u>												
0	0												
1, <u>2</u>	1												
3-5	<u>2</u> ,3												
6+	4+												
6	Prior sentencing dates (excluding index)	3 or less <u>4 or more</u>	1										
7	Any convictions for non-contact sex offenses	No <u>Yes</u>	1										

# THE THREE VICTIM QUESTIONS ITEMS #8, #9, & #10

- Victims from Sex offenses Only
- You need to know the degree of pre-offense association between the Perpetrator and the Victim
- Animals – Do not count as victims
- “Accidental” victims - Do not count
  - Citizens who happen upon
  - Officers or workers in the performance of their duties
  - Story of 4-year-old boy
    - – Rape – Lewd and Lascivious Act on a Minor

# THE THREE VICTIM QUESTIONS ITEMS #8, #9, & #10

- Not Guilty/Acquitted – You may score victims based upon “Balance of Probabilities” (Soothill et al., 1980)
- Conviction – But No Victim - Consensual – but prohibited by statute
  - “Statutory Rape” cases where the contact was consensual

# THE THREE VICTIM QUESTIONS ITEMS #8, #9, & #10 (P 49)

- Children Represented In Pornography - not victims
  - Do not count photographic or digital victims
  - Real “live” children used to produce pornography are victims
  - You may refer to assumed preferences shown by pornography in another section of your report

# THE THREE VICTIM QUESTIONS

## ITEMS #8, #9, & #10

- Exhibitionism
  - If mixed group assume only females unless you have evidence males were being targeted
  - Psychotic homeless person– fountain shower – No Victims – Use judgment

# THE THREE VICTIM QUESTIONS ITEMS #8, #9, & #10

- The offenders' perception of the victim is important
  - Transvestite – if the offender thought his victim was a female, then score as “female”
- Internet “Stings”
  - The Intent of the communication is important
    - If he thinks he's sending it to a 13 year old boy – he is – even if it's a cop on the other end – you have an identifiable victim
    - If he thinks he's sending it to another adult but it turns out to be a child posing as an adult on the internet there is no victim

# THE THREE VICTIM QUESTIONS

## ITEMS #8, #9, & #10

- Voyeurism (p 50)
  - Even if male in home – assume female victims only unless you have reason to believe offender was watching the male
- Victim Not At Home (p 51)
  - Masturbate on the bed, Steal underwear and masturbate
  - Assume female victims only unless you have reason to believe offender was attracted to the male
- Sex with Dead Bodies (p 50)
  - Victim information counts
  - Assess level of pre-offense victim – perpetrator relationship<sup>74</sup>

# **POLYGRAPH ITEMS #8, #9, & #10**

- Polygraph information was not included in the original scoring of the STATIC-99 because that data was not available for the samples of origin
- Never use polygraph information alone to score the STATIC-99R
- Information obtained through disclosure polygraphs that is then corroborated by outside sources can be used to score victim questions
- Information obtained through disclosure polygraphs may be used if the information is sufficient to support a new criminal investigation

# ANY UNRELATED VICTIMS

#8

- Are they too close to marry?
- Step-relatives - more than 2 years
- Wives count as related
- Common-law - more than 2 years = related
- Do not count Category “B” victims
- Do not count “accidental victims” such as a police officer or someone who observes the offense (Pg. 52-53)

# ANY UNRELATED VICTIMS

#8

- See “The List” in the coding manual
- Step-relations
  - Consider length (two-year rule) and nature of the pre-offense degree of relationship
  - fraternal/paternal/family
- Becoming Unrelated
  - Mother and child separated at birth
  - Perpetrator has no knowledge he is offending against a family member

# EXAMPLES OF RELATIONSHIPS THAT WOULD NOT BE CONSIDERED “RELATED” FOR STATIC-99R SCORING

- Step-relations lasting less than 2 years
- Nephew’s wife
- Second cousins
- Wife’s aunt

If in doubt, consider the psychological relationship prior to the assault  
– the offender must have a “family” type relationship of at least two  
years duration

# ANY STRANGER VICTIMS

## #9

- Has the offender ever committed a sexual offense against a stranger? (24 hour rule)
  - Victim did not know the offender 24 hours prior to offense (and/or the reverse)
  - Do not count “accidental” victims
  - 1 point for having a stranger victim
- 
- Note: If stranger - also code unrelated !!

# ANY STRANGER VICTIMS

#9

- It does not take much to be “known” and not a stranger any more – but does take some interaction (p 54)
- Where is the Line? At the Corner Store
  - The woman who works the register, has sold the perpetrator cigarettes on three or four occasions and has spoken to him slightly **would not be a stranger**
  - The woman who stocks the shelves, has seen the perpetrator in the store on three or four occasions but has not spoken to him **would be a stranger**

# ANY STRANGER VICTIMS

#9

- The Internet, telephone and e-mail (p 54)
  - The “24 Hour” rule applies
  - If the victim and the perpetrator first make contact at 8 p.m. on a Wednesday the offense must happen or the first face-to-face meeting must take place by 8 p.m. on Thursday
  - If they chat back and forth for more than 24 hours they are no longer strangers
- Becoming a “Stranger Again”
  - Victim forgotten completely (over years) Perpetrator thinks he is assaulting a complete stranger – Score this person as a stranger victim (p 54)

# ANY MALE VICTIMS #10

- Do not count
  - Pornography offenses
  - Exposure to a mixed group of children (unless targeting the males)
  - Do not count “accidental” victims
- 1 point for having a male victim

# ANY MALE VICTIMS #10

- Assault of a Transvestite/Transexual
  - If the perpetrator assumed he was assaulting a female do not score male victim (p 56)
- Makes male watch or forces him to take part in the sexual offense
  - Score the male as a victim
  - If just confines the male – No male victim (p 56)

# BIG BAD BART'S VICTIMS

During the summer of 1993 Bart was caught several times trying to peek in the bedroom or bathroom window of a pretty girl that went to the same high school. After repeated warnings he was finally charged with Lewd Conduct .

At a 1995 New Year's Eve party Bart asked a woman he did not know to dance, she declined. Later, after loudly discussing the snobby nature of women with several other inebriated males he reached over the woman's shoulder from behind and fondled her breasts while pulling her body against him.

Bart met Becky in Toronto, Becky was 13. As Bart got further into selling drugs he got an apartment where Becky would stay and hand over drugs to people he sent over. He beat Becky badly and raped her after she used too much and told Bart not to touch her. Becky's doctor convinced her to talk to police while recovering<sup>84</sup> in hospital.

# SCORE BIG BAD BART

8	Any Unrelated Victims	No Yes	0 1
9	Any Stranger Victims	No Yes	0 1
10	Any Male Victims	No Yes	0 1

# SCORE BIG BAD BART

8	Any Unrelated Victims	No <u>Yes</u>	1
9	Any Stranger Victims	No <u>Yes</u>	1
10	Any Male Victims	<u>No</u> Yes	0

# STATIC-99R TOTAL SCORE

- The STATIC-99R total score is the sum of the 10 items.
- Scores range from -3 to 12.
- Routine correctional samples:  $M = 2.3$  ( $SD = 2.5$ )
- Interpretive ranges (estimated percentiles for routine Canadian sexual offenders)
  - -3 to 1 = low (40%)
  - 2-3 = low-moderate (34%)
  - 4-5 = moderate-high (18%)
  - 6+ = high (8%)

# PRESENTING STATIC-99R SCORES

- STATIC-99R as part of a complete assessment
- Consideration of factors external to STATIC-99R
  - Poor health
  - Criminogenic needs/stable dynamic risk factors
  - Completion of credible treatment program
  - Stated intentions to reoffend
- Data “Over-ride” caution

# YEARS OFFENSE-FREE IN THE COMMUNITY

- If offenders are able to remain in the community two to ten years without another serious offense, their chances of sexual recidivism decreases substantially
- offense free:
  - no new sexual or non-sexual violent offenses
  - no offenses that result in long periods of incarceration
- New tables coming

# PRESENTING STATIC-99R SCORES

- Standard Paragraphs Background/origin of scale
  - Description of normative data
  - Results for offender (score and risk category)
  - Results for relative risk (percentile and risk ratio)
  - Summary of research on recidivism estimates and moderator variables

# PRESENTING STATIC-99R SCORES

- Standard Paragraphs: Recidivism rates
  - Default: use estimates from routine correctional samples
  - Using estimates from other samples (preselected treatment need, preselected high risk/need, or non-routine) requires justifying that the routine norms do not apply
    - Can justify by looking at psychologically meaningful risk factors external to Static-99R, or by looking at how the offender has been preselected

# JUSTIFYING NORMS OTHER THAN ROUTINE

- Indicators
  - Thorough assessments using a credible measure of psychological risk factors

# ROUTINE CORRECTIONAL SAMPLES

- Relatively random (i.e., unselected) samples from correctional system
- Roughly representative of all adjudicated sex offenders
- Some would be subsequently screened for treatment or special measures, but this is the complete sample prior to any screening
- Hypothetical average of all offenders

# PRESELECTED HIGH RISK/NEEDS

- Examples
  - SVPs, Long-term offenders, indeterminate treatment orders
  - Intensive treatment reserved for minority of highest risk offenders (not a typical treatment program)
  
- \*Need to determine that the preselection was credible and included external risk factors

# DIFFERENTIATING BASED ON PSYCHOLOGICAL RISK FACTORS

- Low on psychological risk factors (empirically related to recidivism)
  - use routine norms
- Moderate (i.e., sufficient needs that you would want to refer this offender to treatment)
  - Present routine but note that it may be an underestimate – could be as high as non-routine
- High (i.e., concerning level of needs such that offender is among minority of higher risk offenders)
  - use high risk/needs

# INTERPRETING THE STATIC-99R

- You **MAY NOT** say in your report that “research has shown that Mr. *X*’s estimated recidivism potential over the next *Y* years is ?? to ?? percent.”
- You **MAY** say in your report that “research has shown that groups of men demonstrating the same empirical risk factors as Mr. *X* have been seen to recidivate at ?? to ?? percent over *Y* years.”