Minnesota Sex Offender Screening Tool Revised (MnSOST-R)

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general instructions

The MnSOST-R was developed on a population of adult, male, incarcerated sex offenders. Any use on other populations (i.e., juveniles, females, or offenders on probation) has not been validated. ☐ This instrument was designed to be scored based upon a file review. Please review the entire inmate file before beginning to score the MnSOST-R. Unless otherwise noted, use only officially documented data sources (Pre-Sentence Investigation, National Crime Information Center, Bureau of Criminal Apprehension, Federal Bureau of Investigation, and Department of Corrections Case Management Information System). Self-reported data may be included, when documented in the file and considered reliable, only on Items 2, 10, 11, and 12. ☐ Score all items unless there is no documented information and a reasonable approximation is not possible. If no information is available relating to an item, assume that it was not an issue. For example, if alcohol/drug abuse problems are not noted anywhere in the case file, it could reasonably be assumed that alcohol/ drug use was not a problem. In this case, item #11 (Drug and alcohol abuse history) would receive a score of -1, showing there is no evidence of abuse or disruption of functioning noted anywhere in the file. ☐ Sex or sex-related is defined as all sex offenses (felonies, gross misdemeanors, and juvenile offenses) by statute and any other offenses clearly of a sexual nature or with a clear sexual component (kidnapping, murder, burglary, etc., that involved elements of a sex offense). ☐ Item #1 measures sex/sex-related **convictions only**: Sex or sex-related felonies,

gross misdemeanors, or juvenile offenses that resulted in a legal conviction or adjudication. Include convictions for attempted sex offenses and conspiracy to

commit a sex offense.

general instructions

☐ Items #3-9 measure sex/sex-related offenses, **charged or convicted**: Include all sex/sex-related convictions plus sex/sex-related offenses that were charged but not convicted. Do not include charges that were withdrawn or dismissed for lack of evidence, or resulted in a finding of not guilty.

■ Include any of the following:

- All sex/sex-related convictions
- All sex/sex-related offenses that were charged but not convicted, where there is strong evidence that a sex offense did actually occur (i.e., a sex/sex-related offense that was dismissed, dropped, or reduced as part of a plea bargain, where the evidence supports that a sex offense was attempted or perpetrated).
- Felonies and gross misdemeanors (charged or convicted) that were later removed or reduced to a misdemeanor through successful completion of supervision, treatment, or statutory/legislative changes. Example: Offender originally convicted of a felony but receives a stay of imposition and, upon successful completion of supervision, offense is reduced to a misdemeanor.
- Attempted sex/sex related offenses and conspiracy to commit a sex/sex related offense.

■ Do not include any of the following:

- Sex/sex-related charges that were withdrawn or dismissed for lack of evidence, or resulted in a finding of not guilty.
- Sex/sex-related convictions that were later overturned on appeal.
- "Current incarceration" includes any period of time served in prison for the instant offense. This includes the initial period of incarceration plus any returns to prison for a release violation after the initial release.

ITEM 1

Number of sex/sex-related convictions (including current conviction):

One.			• • • • •	••••	••••	••••	• • • •	• • • • •	••••	 0
Two	or me	ore.								 +2

commentary

Item 1 measures the offender's history of sex offense convictions.

scoring criteria

Count the total number of separate legal convictions for all sex/sex-related offenses, including the current offense. Score all adult felony and gross misdemeanor convictions, and juvenile adjudications. Include convictions involving attempted sex offenses and conspiracy to commit a sex offense.

- The inmate has three felony convictions for First Degree Criminal Sex Conduct (CSC). *Count as three convictions, score as plus two.*
- The inmate previously was charged with a CSC and a non-sex related Burglary, was later acquitted of the CSC, but convicted of the Burglary. He was later convicted and incarcerated for a new CSC. *Count as one conviction, score as zero.*
- The inmate was charged with two CSC felonies, but pled guilty to one; the other was dismissed for lack of evidence. *Count as one conviction, score as zero.*
- The official version of the offense indicates the inmate committed a sex offense and was charged with CSC. As a result of a plea bargain, he later pled guilty to Burglary. *Count as one conviction, score as zero.*
- Information indicates the inmate has three counts of CSC from another state. *Explore further. Count only separate felony convictions.*

ITEM 2

enath	Ωf	Sex	offending	history:

Less than one year1
One to six years +3
More than six years

commentary

Item 2 is measures the length of the offender's sexual offending "career." The scoring of this item may appear to be counter-intuitive. However, consistent with criminal career research, our data show that offenders with very short offending histories reoffended at the lowest rate; offenders at the peak of their offending careers reoffended at the highest rate; and offenders with even longer histories reoffended at an average rate, perhaps due to the moderating effects of age and the cumulative interventions experienced by these offenders.

scoring criteria

Code the number of years the subject has been offending, from the date or approximate date of their first sex/sex-related offense to the date of the most recent offense. Self-reported offenses that are documented in the file and considered reliable should be considered along with charges and convictions. Consider only those self-reported events that would be defined as a sex or sex-related offense by statute.

If you cannot determine an exact date, choose the earliest reasonable approximation for the date of the offender's first sex/sex-related offense. For instance, if the file documents the offender's statements that he began to molest other children when he was between the ages of 13 and 16, calculate the length of his sex offending history by assuming that he committed his first offense at the age of 13.

- The inmate has two convictions for offenses that occurred in 1991 and 1994. No other offenses are documented in the file. Length of sex offending history is three years. *Score as plus three points*.
- The inmate has two convictions for offenses that occurred in 1991 and 1994. However, the PSI documents that he also committed a sex offense as a juvenile in 1981. Length of sex offending history is 13 years. *Score as zero points*.

ITEM 3

Was the offender under any form of supervision when they committed any sex offense for which they were eventually charged or convicted?

No		0
Yes	+	2

commentary

Item 3 identifies offenders who committed a sex offense while under some form of correctional or judicial supervision. These offenders are seen as ignoring external controls placed on them by the courts or corrections, suggesting a stronger drive toward sexual offending.

scoring criteria

Score "yes" for any sex/sex-related offense, resulting in a formal charge or conviction, which was committed while the offender was under some form of supervision in the community or in custody. Community supervision includes probation (formal or informal), parole, supervised release, work release, or being placed under a restraining order. Custody includes incarceration in a jail, prison, or other secure facility (including a state hospital), a halfway house, or any other required placement as a condition of probation or release.

- The inmate was placed on probation for a sex offense as a juvenile. His supervision expired when he turned 19. His most recent conviction involved a sex offense committed when he was 23. *Score as zero points*.
- A restraining order was issued against the offender ordering no contact with his exgirlfriend. He later broke into her house and raped her and was subsequently convicted. *Score as plus two points*.

ITEM 4

Was any sex offense (<u>charged or convicted</u>) committed in a public place?

No	 0
Yes	 +2

commentary

Item 4 may assess an offender's lack of impulse control and/or strength of sexual deviance reflected in the commission of a sex offense in a place where detection is more likely.

scoring criteria

Score "Yes" if <u>any sexual activity</u> associated with any sex/sex-related offense (charged or convicted) was committed in a public place. "Public place" is defined as an area maintained for or used by the people or community, or an area that is open to the scrutiny of others. Examples include parks, parking lots, and alleys; bars and restaurants; common areas in public or apartments buildings (laundry rooms, hallways, corridors).

Exception. Exclude sexual behavior occurring in vehicles in these areas.

- The inmate forcefully abducted a child from a park, brought her to his house, and sexually assaulted her. *Score as zero points*.
- The inmate raped a woman in the stairwell of her apartment building. *Scores as plus two points*.
- 3. The inmate sexually assaulted a woman in a public restroom. *Scores as plus two points*.
- 4. The inmate manipulated or lured a child from a parking lot to his apartment and sexually abused him. *Score as zero points*.
- 5. The inmate molested a child inside his own vehicle. *Score as zero points*.

ITEM 5

Was force or the threat of force ever used to achieve compliance in any sex offense (charged or convicted)?

No force in any offense	-3
Force present in	
at least one offense	Λ

No force in any offense

commentary

Item 5 is intended to measure the absence of force. An offender would score a -3 only if force (defined below) was **never** used in **any** of his offenses. Use of any force with any victim would result in a score of 0 on this item.

scoring criteria

Code "Yes" if any of the following was present in any offense (charged or convicted):

- ☐ Weapon used, displayed, or implied. A weapon is defined as any instrument that could be used to inflict substantial bodily harm. The implied presence of a weapon (e.g., "I have a gun in my pocket.") also is scored. Includes guns (loaded or unloaded), knives (open or closed), clubs, sticks, flammable liquids, acids, etc.
- Physical force/harm, threat of force/harm, or intimidation to accomplish the offense or to prevent disclosure.
- **Victim vulnerable** due to mental illness, mental retardation, physical disability, or intoxication.
- ☐ Any form of vaginal or anal penetration of a victim under the age of 13.
- ☐ Alcohol/drugs provided to victim to facilitate commission of the offense.

- The 19-year-old inmate was convicted of a sex offense which stemmed from his involvement in a "dating" relationship with a 14-year-old. The victim statement indicates that she did not want him prosecuted and wished to continue that relationship and that she consented to sexual intercourse with the offender. *Score as minus three points*.
- The inmate is a coach who engaged in sexual intercourse with a 16-year-old student. Although teacher/coach is a position of authority, there is no evidence of explicit force or coercion. *Score as minus three points*.
- 3 The inmate was seen fondling the 8-year-old daughter of his friend while she was asleep. *Score as minus three points*.
- The victim's statement indicates she was forced to perform oral sex. No other details about the offense are available. *Score as zero points*.

ITEM 6

Has any sex offense (charged or convicted) involved multiple acts on a single victim within any single contact event?

No1
Probable but not fully documented 0
Yes+1

commentary

Item 6 is intended to identify the number of sex acts committed against a single victim in a single contact event. The data indicate that offenders who commit more than one act in a single instance against a single victim are more likely to reoffend. This may reflect greater sexual deviance or compulsivity in their behavior.

scoring criteria

A single contact event is defined as an episode involving the continuous sexual assault and/or control of the victim. For example, score "Yes" if more than one of the following occurred during any single contact event of a sex offense (charged or convicted):

• penile-anal penetration

• digital-anal penetration

kissing

• foreign object inserted into anus

victim forced to masturbate self

- penile-vaginal penetration
- digital-vaginal penetration
- foreign object inserted into vagina
- offender fondled victim
- offender masturbated victim
- victim forced to masturbate/fondle offender
- victim forced to perform oral sex on offender
- offender performed oral sex on victim
- offender exposed himself (separate from disrobing to commit other sex acts)
- other sexual behavior (e.g., victim forced to perform sex with another person or an animal)

- The inmate sexually assaulted an adult female on one occasion. He forced her to perform oral sex on him and had vaginal intercourse with her. *Score as plus one point.*
- The inmate engaged in the sexual molestation of his stepdaughter over a period of three years. On most occasions, he performed only oral sex on her and on all other occasions engaged only in vaginal intercourse. *Score as minus one point.*
- The inmate offended against two children at a slumber party. He fondled one victim and digitally penetrated the second victim. *Score as minus one point.*
- The offender held an adult female against her will for two days. Over the course of that time, he digitally penetrated her vagina and had vaginal and anal intercourse with her. *Score as plus one point.*
- The offender engaged in the sexual molestation of his stepdaughter over a period of years. The record indicates that he mostly fondled her but digitally penetrated her vagina on several occasions and performed oral sex on her on several occasions. It is not explicitly documented that two or more of these behaviors occurred on the same occasion. *Score as 0 points*.

ITEM 7

Number of different age groups victimized across all sex/sex-related offenses (charged or convicted):

Age group of victims: (check all that apply)

- ☐ Age 6 or younger
- ☐ Age 7 to 12 years
- ☐ Age 13 to 15 and the offender is more than five years older than the victim
- ☐ Age 16 or older

No age groups or only one age group checked 0

Two or more age groups checked . +3

commentary

Item 7 measures the breadth of the offender's pool of potential victims. An offender whose victims span more than one age group may be at higher risk because of a broader deviant sexual preference (e.g., sexual attraction toward children **and** adolescents), resulting in a greater number of potential victims.

This item reflects the number of different age groups for all victims of sex/sex-related offenses. Score item only for direct victims of sexual assault; exclude witnesses who were not directly sexually assaulted.

Note: This item excludes instances in which the victim was 13 to 15 years old and the offender was not more than five years older than the victim.

scoring criteria

Check the age group that represents the age of the victim at the time of the sex offense (charged or convicted). If the inmate has multiple victims, check the age category for each victim. However, do not check any age category more than once.

In cases where the sexual assault of a victim occurred over an extended period of time (i.e., several years), check the age group which represents the age of the victim when the offense began. **Exception:** A sex or sex-related offense was followed by a formal intervention such as conviction or an order to complete treatment, and the offender later reoffended against the same victim who was in a different age range at the time of the reoffense. In this case, score both age groups.

- 1 The inmate offended against two victims, both age 8. *Check one age category, score as zero points.*
- 2 The inmate offended against one victim from age 5 until 13. *Check one age category, score as zero points.*
- The inmate molested his daughter at age 5, was convicted and sent to prison, and then reoffended against her after his release from prison when she was 14. *Check two age categories, score as plus three points.*

ITEM 8

Offended against a 13- to 15year-old victim <u>and</u> the offender was more than five years older than the victim at the time of the offense (charged or convicted):

No	 	• • • •	 ٠.	 	 		 	 ٠.	 	 -	 	٠.		. (0
Yes														+	2

commentary

Item 8 reflects a stronger tendency toward sexual reoffense among sex offenders who have 13- to 15-year-old victims, where the offender is significantly older than the victim.

scoring criteria

Code "Yes" if present for any sex offense (charged or convicted). In cases where the sexual assault of a victim occurred over an extended period of time (i.e., several years), code "yes" only if the victim was between age 13 and 15 when the offense began.

- The 25-year-old offender victimized a 14-year-old boy. *Score as plus two points*.
- The 18-year-old offender victimized a 15-year-old girl. *Score as zero points*.

ITEM 9

Was the victim of any sex/sex-
related offense (charged or
convicted) a stranger?

No victims were strangers
At least one victim was a stranger . +3
Neither of the above can be confirmed, due to missing data

commentary

Item 9 measures the increased risk for reoffense posed by offenders who have a history of attacking strangers.

scoring criteria

For any sex offense (charged or convicted), score "Yes" if *any* victim did not know the offender prior to the offense, had no real relationship with the offender, or is considered neither a friend, acquaintance, or family member of the victim.

- The inmate stalked the victim for several weeks before sexually assaulting her. She was not acquainted with him at all. *Score at plus three points*.
- The inmate met the victim in a bar, made small talk with her, then followed her home and assaulted her. *Score as plus three points*.
- The inmate has three sex offense convictions. The file indicates that these offenses involved his sister, his girlfriend, and a third victim with an unspecified relationship to the offender. No other information is available about his relationship to his third victim. *Score as zero points*.

No indication

ITEM 10

Is there evidence of	f adolescent
antisocial behavior	in the file?

No indication i
Some relatively isolated antisocial acts
Persistent, repetitive pattern +2

commentary

Item 10 assesses whether the offender had a patterned history of antisocial acts prior to adulthood.

scoring criteria

Score "Yes" if there is a repetitive and persistent pattern of a variety of conduct problems as an adolescent. These behaviors may involve violation of the basic rights of others or major societal norms or rules, and are usually present in a variety of settings, such as home, school, or the community. These antisocial activities may involve aggressive behavior, theft or destruction of property, serious rule violations, truancy, running away, early onset of sexual behavior, or the use of illegal substances or alcohol. Finally, this pattern was not simply the result of childhood abuse or neglect. For example, running away to avoid beatings or stealing food because it isn't available would not be scored. This is contrasted with stealing simply to steal or running away to avoid supervision by family or to enhance opportunities for illegal behavior. Self-report data may be used when documented in the file and considered reliable

- The inmate had a significant juvenile criminal history reflected in placements at several group homes and correctional facilities. *Score as plus two points*.
- The file documents drug abuse beginning at age 13, some truancy and fighting at school, and two arrests for shoplifting. *Score as plus two points*.
- The inmate has no indication of any antisocial behavior as an adolescent, even though records about his juvenile history are not complete. *Score as minus one point.*
- The offender was placed in a group home as a juvenile. However, details on the exact nature of the behavior that caused him to be placed there are not available. Score as minus one point unless or until further information indicates that antisocial behavior was the basis for the placement or that the group home is correctionally based..
- The offender regularly engaged in chemical abuse when he was a juvenile. There were no other instances of antisocial behavior. *Score as zero points*.

ITEM 11

Pattern of substantial drug or alcohol abuse during the most recent 12 months in the community (Generally, this will be the 12 months prior to arrest for the instant sex offense, but in some cases offenders will have been in the community for 12 or more months before being returned on a revocation or a new non-sex conviction):

No	-1
Yes	+1

commentary

Item 11 measures the increased risk potential of sex offenders with a significant pattern of drug and alcohol abuse. It may also be an index of the overall stability of the offender.

scoring criteria

Evaluate the most recent 12-month period in the community. Generally, this will be the 12 months immediately prior to the arrest for instant sex offense, but in some cases offenders will have been in the community for 12 or more months before being returned on a revocation or a new non-sex conviction. If the offender was in the community for less than 12 months before returning to prison on a revocation or new non-sex conviction, examine both periods of time and reflect the overall pattern during those periods (prior to instant sex offense and prior to return to prison). Assess the overall pattern of alcohol and drug abuse, including interference with family, work, social, interpersonal, physical, and mental functioning. Consider both official reports and self reports.

Score "Yes" if any of the following occurred in the 12 months prior to arrest:

- Diagnosis of chemical dependency
- Alcohol/drug use following chemical dependency treatment
- Pattern of frequent abuse of alcohol or drugs
- Evidence of serious disruption of functioning
- Alcohol or drug use that markedly interferes with employment or with usual social activities or relationships with others
- Symptoms of chemical dependency that have occurred over a long period of time.

Score "No" if:

- There is no history of use
- Use does not impact family, work, social, interpersonal, physical, and mental functioning
- Offender has completed chemical dependency treatment with no evidence of relapse
- Use has some negative impact on work/school performance, family relationships, and other attachments, but without serious disruption of functioning.

- The offender has a history of chemical dependency and has been in treatment several times. He used only once during the last year, but his use contributed to the sex offense for which he is currently incarcerated. *Score as plus one point.*
- Prior to his incarceration, the inmate had been a recovering alcoholic. After being released from prison for the instant offense, he was fired for being drunk on the job. He was subsequently returned to prison on a technical violation. *Score as plus one point.*
- Prior to his incarceration, the offender had been unable to keep a job due to his chemical use. He successfully completed treatment while in prison. After his release, he was able to maintain sobriety. He was returned to prison after 18 months for a technical violation unrelated to chemical use. *Score as minus one point.*

ITEM 12

Employment history during the most recent 12 months in the community (Generally, this will be the 12 months prior to arrest for the instant sex offense, but in some cases offenders will have been in the community for 12 or more months before being returned on a revocation or a new non-sex conviction):

longer prior to arrest2
Homemaker, retired, full-time student, or disabled/unable to work2
Part-time, seasonal, unstable employment 0
Unemployed or significant history of unemployment +1
File contains no information

commentary

Item 12 measures stability of employment, which may be another index of life stability.

Consider the offender's recent employment pattern, up to time of arrest for instant offense.

scoring criteria

Describe the employment pattern during the most recent 12-month period in the community. Generally, this will be the 12 months immediately prior to the arrest for instant sex offense, but in some cases offenders will have been in the community for 12 or more months before being returned on a revocation or a new non-sex conviction. If the offender was in the community for less than 12 months before returning to prison on a revocation or new non-sex conviction, examine both periods of time and reflect the overall pattern during those periods (prior to instant sex offense and prior to return to prison). Use information from any source in file, including self-report, to score this item.

Part-time, seasonal or unstable employment involves an employment history that is not secure or continuous (e.g., the offender moves from one job to another because of unreliability, poor work performance, or other work related issues).

A significant history of unemployment involves an extended period of time (months) during which the offender was eligible and/or capable of securing employment, but did not seek or accept employment.

- The offender has a fairly continuous work history, but with a variety of different employers. Information in file indicates that he changed jobs several times for a variety of performance-related reasons. *Score as zero points*.
- The file indicates that the inmate worked full-time or nearly full-time at a deli making slightly over minimum wage for 18 months. The file also indicates that he was also a part-time college student who owed \$2,500 on his car and had taken out \$2,000 in student loans. *Score as minus 2.*

ITEM 13

Discipline history while incarcerated (does not include discipline for failure to follow directives to successfully complete treatment):

No major discipline reports or infractions ()
One or more major discipline	1
reports +1	1

commentary

Item 13 measures the likelihood of the offender to violate rules, even when in a highly structured environment. It is also a more recent measure of antisocial behavior as compared to the offender's offense history or the early onset of antisocial behavior.

This item refers to the offender's current term of incarceration for the instant offense.

scoring criteria

Only major disciplinary infractions that occurred during the offender's incarceration for the instant offense should be considered. A major disciplinary infraction involves a formal disciplinary procedure for which a segregation sentence could be imposed. Do not count disciplinary infractions for failure to follow directives to successfully complete treatment.

ITEM 14

Chemical dependency treatment while incarcerated:

Treatment recommended and successfully completed or in program at time of release
No treatment recommended / Not enough time / No opportunity
Treatment recommended but offender refused, quit, or did not pursue+
Treatment recommended but terminated +-

commentary

Item 14 assesses the inmate's involvement or noninvolvement in chemical dependency programming while incarcerated. The ability to complete treatment generally reflects stability, motivation to improve oneself, and cooperation with authority. Termination from treatment generally reflects impulsivity, recent antisocial behavior, and general instability.

scoring criteria

This item refers to the offender's current term of incarceration for the instant offense. Any team recommendation (Program Review Team, Annual Review Team) for chemical dependency treatment is applicable.

Note: If the offender is terminated from or quits treatment during the initial period of incarceration for the instant offense, the score on this item should remain unchanged until the offender fully completes treatment. Significant progress in treatment, without actual completion, can be examined as a special consideration by review committees.

- The inmate has been terminated from chemical dependency treatment on two prior occasions. He enters treatment a third time and successfully completes. *Score as minus two points*.
- The inmate was terminated from treatment while in prison. He was subsequently released from prison with a score of +4. He was then returned to prison several months later for a technical violation. The length of incarceration for this release violation is too short for the offender to enter and successfully complete treatment. *Continue to score as plus four points.*
- The inmate is recommended for chemical dependency treatment. He expresses a willingness to enter treatment, but there is insufficient time on his sentence for him to complete treatment. He is therefore ineligible to complete treatment. *Score as zero points*.
- The inmate was terminated from treatment while in prison. He was released with as score of +4 on this item and later returned to serve time for a technical violation. While in prison during this period of reimprisonment, he has successfully completed treatment. *Score as minus two points*.

ITEM 15

Sex offender treatment while incarcerated:

Treatment recommended and successfully completed or in program at time of release1
No treatment recommended / Not enough time / No opportunity 0
Treatment recommended but offender refused, quit, or did not pursue 0
Treatment recommended but terminated+3

commentary

This item is designed to measure an offender's progress in reducing his risk by completing sex offender treatment while incarcerated. The ability to complete treatment generally reflects stability, motivation to improve oneself, and cooperation with authority. Termination from treatment generally reflects impulsivity, recent antisocial behavior, and general instability.

scoring criteria

This item refers to the offender's current term of incarceration for the instant offense. Any team recommendation (Program Review Team, Annual Review) for sex offender treatment is applicable.

Note: If the offender is terminated from or quits treatment during the initial period of incarceration for the instant offense, the score on this item should remain unchanged until the offender fully completes treatment. Significant progress in treatment, without actual completion, can be examined as a special consideration by review committees.

- The inmate has been terminated from sex offender treatment on two prior occasions. He enters treatment a third time and successfully completes. *Score as minus one point.*
- The inmate was terminated from treatment while in prison. He was subsequently released from prison with a score of +3. He was then returned to prison several months later for a technical violation. The length of incarceration for this release violation is too short for the offender to enter and successfully complete treatment. *Continue to score as plus three points.*
- The inmate is recommended for sex offender treatment. He expresses a willingness to enter treatment, but there is insufficient time on his sentence for him to complete treatment. He is therefore ineligible to complete treatment. *Score as zero points*.
- The inmate was terminated from treatment while in prison. He was released with as score of +3 on this item and later returned to serve time for a technical violation. While in prison during this period of reimprisonment, he has successfully completed treatment. *Score as minus one point.*

ITEM 16

Age	at	release	from	institution:
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Age 30 or younger	+1
Age 31 or older	1

commentary

This measures the increased risk for sexual reoffense posed by younger offenders.

scoring criteria

Use age at time of release from current incarceration for the instant offense in scoring this item.